

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: February 14, 1964
PLACE: Board Chambers, Wailuku, Maui, Hawaii
CALL TO ORDER: 1:45 P.M.
PRESIDING: William F. Crockett, Vice-Chairman
MEMBERS PRESENT: Masaru Yokouchi, Chairman
Emil Balthazar
Richard Caldito
William F. Crockett
Cornwell Friel
Shiro Hokama
Nadao Honda
Harry Kobayashi
Keith Tester
Thomas Yagi
Charles C. Young, Research Assistant
MEMBER EXCUSED: C. H. Burnett, Jr.
OTHERS PRESENT: Kase Higa, County Attorney
Mrs. Jay Van Zwahlenburg

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ROLL CALL:

There were 10 members present and 1 excused at the regular meeting of the Maui County Charter Commission on February 14, 1964.

OLD BUSINESS:

Mr. Yagi moved that Section 5-612, the provision in the Honolulu Charter dealing with political activities, be inserted in the proposed charter of the County of Maui. Seconded by Mr. Hokama and carried unanimously.

DISCUSSION ON PROPOSED DRAFT:

Section 9-9. Deferred.

Section 9-12. Cross out "at two regular meetings of the council" since Section 4-2(1) provides that an ordinance shall be passed after two readings on separate days.

Section 9-15.

Mr. Crockett: How does this section tie in with the Board of Disposal?

Mr. Balthazar: The Board of Disposal should be with the Department of Finance since they take care of the inventory.

(it was agreed that No. 7 under Chapter 14 on page 31 be deleted.)

Section 9-16. Change the word "shall" to "may" in the first line of this section.

Section 9-18. Add "and public works contracts" after "personal services" in the last line of subsection 1.

Section 10-2. Non-Compliance

Mr. Crockett: I feel that having a provision for non-compliance is not going to be very effective unless there is a board to police it.

Mr. Balthazar: There should be an appeals board to hear all violations. I don't see why the Police Commission should have a separate appeals board.

Mr. Yagi: The appeals should go to the Civil Service Commission. There should be a grievance procedure. At the present time the hospital employees may go to the hospital Board of Trustees, but if there's anything to do with civil service, they go directly to the Civil Service Commission. For discharge purposes they go to the Civil Service Commission.

Mr. Young: The Civil Service Commission approves the grievance procedures of the Police Commission.

Mr. Yagi: Since the Police and Liquor Commissions will be turned over to the county, I don't think we will have any problems as far as appeals are concerned. The employees of those commissions will be appealing to the Civil Service Commission rather than to the Police and Liquor Commissions.

Mr. Balthazar: The Water Board appeals should go to the Civil Service Commission; they should not have a separate appeals board.

Mr. Yagi: At the present time the employees of the Police Department do not have the right to appeal to the Civil Service Commission.

Mr. Balthazar: That is their only legal reason why they have a separate appeals system.

(This matter was deferred pending Mr. Higa's further study and recommendation).

Section 12-6. Mr. Balthazar questioned the number of days within which such a recall election should be held. He felt that 40 days was not sufficient.

(It was agreed that the last sentence be changed to read "Any such election shall be held not less than sixty (60) nor more than ninety (90) days after the petition has been presented to the council, ..."

Section 13-7. Include "and with the chairman of the county council" after the last word in subsection 2.

Section 13-8.

Mr. Crockett: What is the necessity for this particular provision? When the mayor declares an emergency, what happens then?

Mr. Higa: He could possibly expend funds which may be available under civil defense.

Section 13-10. Change the word "prosecuting" to "county" in the second sentence in subsection 1.

Section 13-11. It was moved by Mr. Balthazar, seconded by Mr. Tester and carried unanimously that this section be deleted. Mr. Balthazar felt that these powers should be reserved for the council.

Section 13-12.

Mr. Higa: Under the present law, the outside island counties are to impose a fine of \$500.00 for violation of any ordinances. The provision we have in this section was taken from the City and County of Honolulu Charter.

(Cross out last two lines of this section.)

A recess was called by the Chair at 2:55 P.M. Meeting resumed at 3:05 P.M.

Section 13-9.

Mr. Crockett: I don't think we should suspend any provisions of the charter just to make it possible for the county to get federal money.

Mr. Higa: I can't think of any provision in the charter that has to be waived to obtain federal money, but this is a standard clause included whenever there are capital improvement projects by the State.

Section 13-21. Delete this section and insert the provision on page 68.

Section 14-2. On the second line on page 67 insert the words "for ratification" after the word "legislature".

Section 16-2. Change this section to read "The first county primary and general elections under this charter shall be held in the year 1966."

Section 16-4.

Mr. Kobayashi: I understand that the Transportation Control Committee is not a department. The executive secretary of this committee should be under the office of the Chairman and Executive Officer.

Mr. Caldito: I think it should be in the office of the mayor.

Mr. Kobayashi: He handles complaints from the various schools and all of these must go to the mayor's office. I would like to see this position placed directly under the mayor. As far as writing out the contracts and ordering of books--these should be taken care by the Finance Department. The administration of the contracts should be handled by the mayor.

Mr. Balthazar: If you leave this as a separate department, it would tend to grow. I think it should be in the Department of Finance.

Mr. Balthazar moved that the functions of the Transportation Control Committee be transferred to the Department of Finance. Seconded by Mr. Tester and carried. (2 noes--Caldito and Kobayashi)

- Mr. Yagi: Why transfer the functions of the safety coordinator to the Department of Public Works? He has to coordinate the entire county and public works is only one department of the county. If he is placed under the Department of Public Works, he would be the safety coordinator only for the Department of Public Works. I think he should be placed under the Department of Finance.
- Mr. Caldito: I agree that the safety coordinator should be placed either under the mayor or under the Department of Finance.
- Mr. Crockett: It should be the mayor's office.
- Mr. Balthazar: Will the safety coordinator be higher than the other department heads?
- Mr. Caldito: He will have more authority; he won't necessarily be higher.
- Mr. Crockett: From a legal terminology, this does not mean that he will be a department head. When it comes to clerical staff, they can use someone from the secretarial pool.
- Mr. Yagi: Moved that the safety coordinator shall be under the office of the mayor. Seconded by Mr. Hokama and carried unanimously.

Section 16-8.

- Mr. Balthazar: Moved that this section be deleted. Seconded by Mr. Crockett and carried unanimously.
- Mr. Yagi: Moved that there shall be a recommendation in the Charter Commission's report to the Board that the elected officials holding office immediately prior to the time that the charter takes full effect be given consideration. Seconded by Mr. Crockett and carried.

Section 9-9.

- Mr. Crockett: Moved that the first three lines in subsection (2) be deleted and that this section provide that the mayor with the approval of the council, by ordinance, may transfer funds within a department, office or agency or from one department office or agency to another. Seconded by Mr. Tester and carried.

TENTATIVE TABLE OF ORGANIZATION:

The Chair asked Mr. Young, Research Assistant, to prepare a tentative table of organization showing the departments, boards, commissions and officials under the proposed strong mayor-council form of government.

ADJOURNMENT:

The meeting was adjourned at 4:15 P.M.

Respectfully submitted,

Harriette E. Miyamoto

HARRIETTE E. MIYAMOTO
Secretary