

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: March 20, 1964

PLACE: Molokai Community Center, Kaunakakai, Molokai

CALL TO ORDER: 7:45 P.M.

PRESIDING: Masaru Yokouchi, Chairman

MEMBERS PRESENT: Masaru Yokouchi, Chairman
Emil Balthazar
C. H. Burnett, Jr.
Richard Caldito
William F. Crockett, Vice-Chairman
Cornwell Friel
Shiro Hokama
Nadao Honda
Harry Kobayashi
Thomas Yagi
Charles C. Young, Research Assistant

MEMBER EXCUSED: Keith Tester

OTHERS PRESENT: Kase Higa, County Attorney
Robert Johnson, Advertiser Reporter from Maui
Jack Stephens, Maui News Reporter from Maui
18 citizens from Molokai, increased to 33 at adjournment

RECORDING: Harriet F. Cluney

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The Chairman opened the hearing by apologizing to the people in attendance in behalf of Molokai Supervisor Soon Oak Lee who was unable to attend the hearing due to transportation difficulties between Maui and Molokai. The Chair called upon Molokai Commissioner Cornwell Friel to introduce the Commissioners and Research Assistant to the audience.

Apologies were also extended by the Chair for the lack of publicity on the proposed charter, adding that it was called to his attention that the Maui News was not widely circulated on this island. (Copies of the Charter printed by the Maui News were distributed by the Research Assistant.) The purpose of the Commission was

stated by the Chair after which questions or statements were called for with each speaker asked to state his name and address. The Chair explained the various steps which must be taken by the Commission before the proposed Charter is finally submitted to the voters after which, if approved, will be submitted to the State Legislature in February 1965. If approved by the State Legislature, the Charter will go into effect in January 1967.

At the suggestion of the Chair, it was generally agreed that a brief explanation of the proposed Charter be made. The Chair explained the provisions of the proposed Strong Mayor-Council form of government.

Rev. David Petherbridge: I have a question to ask about the representative of Molokai. I wonder if you would discuss the reason for having everyone of Maui County elect the representative from Molokai. Why can't we elect our own representative? Why must the whole County elect our representative?

The Chair called upon Vice-Chairman Crockett to answer the question.

Mr. Crockett:

I was hoping the Chair would select someone from Molokai to answer the question. However, I will try to answer the question as I see it. The reason for having the man who represents Molokai on the Council elected at large is because we basically believe that everybody on the Council should be elected at large. The question then is why have we preserved the election-at-large for the entire County. The feeling is certainly mine; that if you have representation as such, you will likely have members think in terms of the County as a whole, especially when you discuss the appropriation of money. When you go into districts, there is a tendency of districts appropriating money for the particular district. Another question, and more important, is that particular district getting its accustomed share of money which is available. So far in the County of Maui, we don't have that particular problem and we have experienced the appropriations based on need. I realize that as we go out to each particular district, the people in that particular district will want more money and will feel like you do; that they should have representation from that particular district. Secondly, we face a great economic development. We think in order to maintain this momentum, if not to accelerate it, we have to think in terms of the County as a whole. For instance, if a particular project is needed in the Hana district, or Lahaina, or Makawao, and this particular project will produce a degree of economic development, then this particular district should receive the money for this particular project. The third reason is that when you start breaking your electorate up into districts, you must maintain uniformity.

A great deal of trouble about this has been experienced on the mainland, particularly in the urban areas where you have a large number of voters. We could be faced with the same situation. Obviously, in that situation the representatives from the urban areas would be responsive to the voters they represent. We don't think that's a situation we want to develop here in the County of Maui. Unless you maintain by frequent reapportionment some balance in the districts, the people in the urban areas have the right to have their vote count as equally as the member from a small area.

Mr. Friel:

As your Molokai Commissioner, I feel I owe it to the people of Molokai to explain my stand on this matter. I felt that if we were to elect the supervisor at large, all of them would be more respondent to us than having just one man respondent to us. Otherwise, we'd be nowhere.

Rev. Petherbridge:

Molokai is badly in need of a swimming pool as a demonstration. If this were an ordinary County where our people could go over there to use your swimming pool, there would be no problem. We don't have a decent place to swim on this island. If someone were elected from Molokai and he were really concerned about the needs, I think he would really work hard to see that we get what we need.

Mr. Yagi:

I would like to explain that in practical politics, if you have a person elected solely from this district, you will be faced with the problem as experienced in the Legislature where representatives are elected by districts. They work on the basis that they tried to bring something to the people but they were out-voted. We don't want to see that situation develop in the districts of Maui County. We want to see them responsible to all the people. We have the problem right there on Maui. The largest districts are in central Maui. People from the other districts would want representation also and central Maui would then receive all of the benefits. We want to avoid the problem of isolation.

Rev. Petherbridge:

But we're already isolated.

Mr. Crockett:

I don't want to talk about a swimming pool or road; that's not our purpose. I do want to point out that you are not isolated and you're not left out. You've got a preferred position. It's going to be difficult for us to explain to the people of Makawao, Hana or Lahaina districts that we have allowed you people representation. You are in a better position than the other districts in the County of Maui. If you insist to elect your own representative and confine your voting to the people of your district, you are going to have to give up the right to vote for the other eight people who are on the board. You do have a man who must specifically be from Molokai and that is a position which the other districts do not have.

Mr. Balthazar:

I am not against your position; I am for district representation. I hope we have the same for my district. But I feel if we do have a district election such as you propose, I certainly do not want anyone from here to legislate for Maui if Maui is not going to vote for him. You have a man who must be from Molokai, but he is elected at large. If you want your district to vote for him, I don't feel I would want him to legislate for us. Of course, I represent the complete minority on this.

Mr. Burnett:

He does not represent the complete minority. I am all for it, but I am for representation by districts at large. In a body of politics, a government is as constructive as its members. I've observed this for years . . . when you have certain groups in power, they'll hang on to it. I would like to have the feeling that when you have someone from your district, you can go to the person and put the bee on him if things aren't going right, but I'm for representation by districts at large.

The Chair continued to outline the composition and responsibilities outlined in the draft.

Mrs. Victoria Buchanan: How did you arrive at this Strong Mayor-Council form of government?

The Chair called upon anyone of the Commissioners who cared to comment. Mr. Balthazar stated that four types of government were studied, including a City-Manager form which was strongly favored by a group on Maui who claimed that this particular type was less involved in politics. This fact was disclaimed by Mr. Balthazar who stated that politics becomes a part in any type of government. The Strong Mayor-Council form was approved by the majority of the commissioners; that this type was not agreed upon without much study.

Mr. Yagi suggested that the County Attorney explain the enabling act under which the Commission was formed. Mr. Higa then reviewed the provisions of Act 73 and outlined the procedure mandated by the Act. Mr. Higa added that the people will have a chance to decide whether they accept the charter in the coming elections. He also stated that the platforms of both political parties have always provided for some measure of home rule.

Mr. Burnett:

It should be brought out that if these people do not want to change their form of government, they need not do so. I happen to be one of the people at this point who feel that the electorate are not taking an interest in this thing, and if they don't take an interest, then I think they are satisfied with what they have.

Mr. Crockett:

I would like to add to what Kase has already said. The purpose of these hearings is to get some explanation from you as to what you would like. We're trying to explain the charter as we have proposed, but it does not mean that these proposals will be as we have proposed. We've held hearings on Maui and have called in the various department heads and I've discovered that one of the problems in our existing government is that there is no sharp line distinguishing the executive branch from the legislative branch . . . that these two branches are mixed up. It would make for more efficient government if these two branches are separated. That's one of the reasons we are proposing this particular form of government.

Mr. Eligio Ocampo:

What do you think in the case of this council by election? You have the council will be elected as the County officers of Maui. Do you think by election they would give the benefit of the County of Maui? My experience by election you know what is going on but by appointment with the Mayor I think that man is elected in that office because he knows that man has the ability and knowledge and would be well qualified for the position. I think all council members should be appointed.

The question was raised for any objections to the proposed four-year term of office by Mr. Yagi

Mr. Benjamin Hussey: You have had discussions on Maui and you are now asking us a point-blank question. I'd like to raise a point of information. In your Table of Organization, your School Advisory Council, why is it you have only one member from Molokai-Lanai?

The Chair, in replying to Mr. Hussey's question, stated that the School Advisory Council was governed by State law and that the commissioners cannot amend it. Mr. Higa was called to make further explanations.

Mr. Higa referred to Act 73 and cited certain Reserved Powers contained therein and stated that the School Advisory Council is one of these laws concerned and that the commission could not change it.

Mr. Ocampo:

According to the election of Molokai and Lanai, will they be separate?

The Chair stated that there would be no change and continued with his explanations of the proposed charter by presenting the present setup and the proposals under the charter. The Chair continued into the area of the Police Department and explained the appointive powers of the Mayor in this area.

Mr. Jack Blalock: Why will it be done that way, without confirmation by the Council?

In replying to Mr. Blalock, the Chair stated that all the other department heads are to be appointed by the Mayor. In a department which has a commission to work with, the question is whether the power to appoint the Chief of Police should be left with the Mayor or with the Commission. The proposal is that the Chief be appointed by the Mayor.

Mr. James Lewis: I think the power is given too much to one man. That's not right. The commission should have something to say about it. The key man runs the whole works. It becomes a political idea. Today we're on a political level; we cannot be otherwise. We should have the say in who we want to run our government!

Mr. Friel: (Directed to Mr. Lewis) You are not in favor of a Strong Mayor type of government?

Mr. Lewis: No.

Mr. Yagi: In other words, you want the same setup as now?

Mr. Lewis: Yes, very much.

Mr. Ocampo: I think I'm with Mr. Lewis because when the Mayor going appoint the Chief of Police, I think that's not right. You see on Kauai, if Mr. Aki has the power, Mr. Crowell would be fired.

Mr. Balthazar: I am strongly for a Strong Mayor type. I don't think the present type is in keeping with a democratic government. The President of the United States does not make the laws; he sees that it's carried out. At present you have a Chairman who sits with the Board of Supervisors and helps them make the laws and then he sits with them to carry them out. I think that's wrong. If he's going to carry them out, he should not be in a position to make them.

Mr. Crockett: One of the reasons why I feel the Mayor should have the principal responsibility for the department heads is because he is going to have the department heads he can rely upon. We feel that the principal administrative lieutenants of the Mayor should be appointed by the Mayor. All down the line we have these people appointed by the Mayor. If these people are going to be carrying out the directives of the Mayor, then they should be appointed by the Mayor. When the people decide that the administration is no good, not only the Mayor should leave but all the principals should leave with him. The top-level administrators should leave government when the Mayor leaves government and you have this if you have these people appointed by the Mayor, and that's why throughout the proposed draft, with two exceptions, the Hospital and Water Board, we have left the appointive powers with the Mayor.

- Mr. Lewis: The running of the government today is more on a political idea in lots of cases. Any man appointed is supposed to function as directed by the executive officer. If he does not, he should be removed. As a rule, as I look at it, it's always best to have a mixed body of persons to run any kind of organization. By being a mixed group you have better government.
- Mr. Balthazar: You will be given that precaution in the proposed form of government. It won't be dictatorial.
- Mr. Lewis: What's going to be the cost of operation?
- The Chair replied that the commission has no idea; if anything, the government should be more streamlined.
- Mr. Blalock: We have a Chief of Police and a Fire Chief here. If this goes into effect, will they be appointed as the next Chief?
- The Chair replied in the negative, adding that that becomes an administrative matter. The Chair then proceeded into the area of the Liquor Commission.
- Mr. William Buchanan: In the area of the Liquor and Police, how come it's not written here that Molokai and Lanai have one man on the Commission? For years now we've never had one man appointed to any of those commissions and I'd like to know why.
- The Chair explained that the proposal is to increase the Liquor Commission from three members to five and that a person could be appointed from Molokai.
- Mr. Crockett: How about the other commissions? Would you want representation on the other commissions, too?
- Mr. Buchanan: Well, we have been watching these two (Police and Liquor) very closely.
- Mr. Yagi: But bear this in mind--that the other districts might ask the same things as you are asking now. I think you have the right to request it but at the same time you must think in terms of the other districts as well.
- Rev. Petherbridge: I think it would be alright if their island would be hooked on to ours but we're different. We're separated by water and feel that we're left out.
- The Chair reminded the speaker that Molokai is guaranteed one member but not limited to one member.
- Mr. Yagi: I am glad you raised that point because that's the same argument we propose to make in the other districts--that this island is separated by a body of water. The other districts will use this island as an example in wanting representation for their districts and we'll use that same argument when we go to the other districts.

The Chair continued with his explanation of the proposed charter. In commenting on the proposal of creating one Hospital Board, Mr. Yagi reminded the people that although Molokai is serviced by its own private hospital, the people have a responsibility and obligation to the Maui County hospitals by their tax dollars. The Chair then moved into other areas, covering the County Attorney's Office and the possible establishment of a Prosecutor's Office. The financial structure including the proposed change from a calendar to fiscal year basis, centralized purchasing which was a matter omitted for the reason that it was determined to be an administrative function, Code of Ethics developed for all County employees and officials, the elimination of the present Transportation Control Committee and its transfer to the Department of Finance, and the section dealing with Initiative, Referendum and Recall were explained. In commenting on the section dealing with Recall, the following question was raised:

Mr. Petherbridge: Would this apply to the appointed person?

The Chair replied that this would not apply to the appointed person, only the elected officials, explaining further that presently there is no way to remove an elected official until the next election. The Chair then called upon Mr. Crockett to explain the proposed Board of Appeals and its functions. At the conclusion of Mr. Crockett's explanation, the Chair called for questions from the floor.

Mrs. Harriet Cluney: In your Table of Organization it is noted that only the appointment of the Liquor Commissioners require Council confirmation. Is there any particular reason why there is this difference between the Liquor and Police Commissioners since both agencies have to deal with some measure of law enforcement?

The Chair called upon Mr. Higa to explain the fact that both agencies are covered by general laws of the State and that the type of activity was considered. Mr. Crockett added that the decision of the commission was that the Liquor Commission dealt with enforcement only, whereas the Police Commission dealt with administration and enforcement. Mr. Yagi added that there remained a question of legality from a layman's point of view.

Mr. Burnett: This does not mean that every member is in favor of what's in here. All proposals required the approval of six members so it does not mean that all these proposals were approved by all of us. Your commissioner from Molokai agreed with me a great many of the times and neither one of us are politicians.

Mr. Crockett: Perhaps the people have had more time now to think about the question raised by Mr. Yagi on the two-year or four-year terms of office.

Mr. Burnett:

I think where you have a Strong Mayor type of government, it should be for two-year terms. In four years, if some of these fellows are bad, it takes four years to throw them out. I prefer having the two-year term. I'm not concerned at all about the cost. My feeling is you have a more responsive government if you have an election every two years.

Mr. Lewis:

The bad thing about that is a man goes in for two years and he's just about getting along and knows what he's doing and two years come along and he's out.

The Chair called for more questions and turned to the members for statements. Mr. Balthazar stated he favored the four-year term and his reasons. Mr. Caldito stated that prior to being on the commission, the only form of government he was familiar with was the existing form; that after studying the various forms of government now in existence on the mainland, the commission recommends the Strong Mayor type. He added that it was important that the people participate. He concluded with the statement that even if the present type of government is to remain in effect the cost of government will always be a problem.

Mr. Lewis:

Will it cost us more to operate under this setup as compared to the present type of government? Our tax money is limited. If you can show me it's not going to be top heavy where we have to pay for it, then I'm for it.

There being no further questions raised, the Chair extended the appreciation of the commissioners to those in attendance and reminded them that this was a tentative draft, that the commission would welcome any ideas from the people.

Hearing concluded at 9:25 P.M.

/s/ Harriet F. Cluney

Harriet F. Cluney