

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: March 23, 1964

PLACE: Makawao School Cafetorium, Makawao, Maui

CALL TO ORDER: 7:10 P.M.

PRESIDING: Masaru Yokouchi, Chairman

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

MEMBER EXCUSED: Cornwell Friel

OTHERS PRESENT: Kase Higa, County Attorney  
Jean R. Lane, Chief of Police  
Andrew S. Freitas, Deputy Chief of Police  
Edward K. Tam, Lieutenant, Police Department  
Robert Chigashi, Chairman, Police Commission  
Joseph Fevella, Jr., Member, Police Commission  
Alfred O. Souza  
Y. B. Chur  
Kazuma Okumura  
Edmund Furtado  
Ernest Rezents  
James F. Fleming, M. D.  
Col. Robert E. Doe, USA Ret.  
William Tavares, Principal, Makawao School  
Mrs. Rachel Jio  
Mrs. Jay Van Zwalenburg  
Earl Tanaka, Maui News Reporter  
Robert Johnson, Advertiser Reporter

The Chair called upon Commissioner Emil Balthazar to introduce the Commissioners and staff of the Maui County Charter Commission to the audience. The Chair then called upon Mr. Higa to give a brief explanation of the act creating the Charter Commission.

Mr. Higa explained the various steps which must be taken by the Commission prior to submitting the proposed charter to the electorate. If approved by the electorate, said charter will be submitted to the State Legislature at its general session in 1965. If the Legislature ratifies the charter, it will go into effect in January, 1967.

Mr. Yokouchi stated that the purpose of this hearing is to get the public's opinion on the proposed draft which the Commission has prepared.

Col. Robert E. Doe: (See attached copy of letter)

Mr. Y. B. Chur: I think the law enforcement area should be out of politics. The old way--appointment of the Police Commission by the State, the Liquor Commission by the State--would be better because they leave law enforcement with the key controlling body. I think big consideration should be given to that portion.

On your boards and commissions, you have some boards and commissions appointed with confirmation by the council and some boards and commissions appointed only by the mayor. I think if there is confirmation, all commissions should be with confirmation. I think the Police Commission is the most important body. Liquor Commission is secondary. You have lots of boards and commissions and you have not stated whether the boards and commissions are bi-partisans or not. I think the boards and commissions should be bi-partisan. If the mayor selects all his one party, then you have one party controlling, which makes the mayor dictatorial rather than a county official.

There are some cases where some of these commissions are licensing bodies. Each county has a licensing body. Each state agency has a licensing body. Anyone who passes from Maui County has to retake a license in Honolulu if he wants to work in Honolulu. I think it should be a state controlled board where once a person has a license, he should be able to practice wherever he wants in the state.

Another thing is council district representation. We should not have district representation because if I represent Lanai or Molokai, I am going to fight for Lanai or Molokai. We up country people feel we should have a person representing us. We want someone to represent us no matter where he comes from. If you add up the number of people, I think we have more people than Molokai and Lanai, but we don't have a representative. If you feel that Makawao doesn't need one, then Molokai and Lanai shouldn't have one.

Mr. Balthazar: (To Colonel Doe) Have you any objections to a Republican Chairman with a Democratic council to confirm all his appointments?

Col. Doe: My feeling is, as far as the county is concerned, that the prime business of a county government is upkeep within the county. Actually, I would prefer to see what many of the cities in the mainland have--a non-partisan government. By what

I have been able to gather from our county government, as far as the actual party differences on a local level, the prime job is local housekeeping. I feel I would have no objections to a mayor elected by a majority people with one party label and at the same time elect a board with a different party label. I see no reason why they should not be able to work.

- Mr. Crockett: You said in your opinion government on the local level is non-partisan. Please comment on Mr. Chur's request that he would like the various commissions appointed on a bi-partisan basis.
- Col. Doe: As long as we have two party labels, I would agree with Mr. Chur.
- Mr. Crockett: I then ask "what about the independent voters?"
- Col. Doe: The independent voter is a lost soul. When there is no provision in the setup, I think it would be difficult to try to say you have to appoint someone who is a Democrat or Republican or Independent. As long as we do have a partisan label, I do agree with Mr. Chur.
- Mr. Tester: (To Mr. Chur) You mentioned the possibility of appointment of a Police Commission by the State. How would you handle that?
- Mr. Chur: As far as I am concerned, if the Police Commission is under the State, the Police Commission should appoint the Police Chief and leave it out of the politicians' hands.
- Mr. Crockett: I would like to ask Mr. Higa to give us his opinion as to whether, by the last law passed by the Legislature, we can give the appointing authority back to the State; whether he thinks we could take some action in unifying these law enforcing agencies.
- Mr. Higa: As far as unifying all these licensing agencies, it is a good idea. If you want to be a general contractor, you have to have a State license. These are all by law made county responsibilities. To me it would be difficult to accomplish what you are thinking.
- As far as turning the Liquor and Police Commissions back to the State--by law passed in 1963 the Police Commission and Liquor Commission will be appointed by the County Chairman subject to the approval of the Board of Supervisors. It is my opinion that we cannot turn it back to the State, but we can change the composition.
- Mr. Chur: I thought that the Charter Commission is doing something for the betterment of the county. Why do something the people think is no good? If it is good for Maui County, it should be good for Hawaii and it should be good for Kauai. They are formulating the same charter as we are doing.
- Mr. Burnett: I gather from what you have said that people feel the necessity for a change. That is what we are here to do. As I remember, when this Commission was formed, some of us agreed that maybe the present government wasn't bad. If the people want to keep the present form of government, they are in a position to do so. In our discussions with the government departments most of them wanted it as it is. The only outstanding person was the Treasurer, but everybody

else said "don't do anything to my department, but you can do what you want to the others". I am very pleased to see this many people turn out. We put together something for the people to take a look at and to tell us what they like and don't like. I am very happy to hear all these remarks as to how you feel about this change to a strong mayor form of government. Six members were in favor of this; otherwise, we wouldn't be here. Some of us did not vote. But if this is the kind of government you want, then keep it. If you feel the county government is bad, then tell us what you want or vote for what this commission will try to come up with.

- Mr. Edmund Furtado: To me the Water Board is o.k. as it is now. In your charter draft you do not mention engineering qualifications of the manager. In other words, he does not need engineering experience?
- Mr. Balthazar: Yes. The reason why we are not especially concerned about the manager having engineering qualifications is simply because we felt he would have the engineering staff under him to do the work. We feel that if he has some administrative requirements, he need not necessarily have to be an engineer, but he may be an engineer.
- Mr. Furtado: You are just putting another man to work. Only more wages. If a man is going to be an engineer, let him do the work.
- Mr. Balthazar: If you get a professional engineer, he is so busy doing the work, he won't have time to do his administrative work.
- Mr. Furtado: We want to see more people put to work instead of more engineers. Let us put it in a proper way. Elimination is bad.
- Mrs. Rachel Jio: In your commissions and boards you do not specify how many members are going to be appointed—for instance, the Police Commission.
- Mr. Yokouchi: Where we do not mention the number, the same thing applies as it is now. We have laws pertaining to such boards or commissions and we refer to those laws.
- Mrs. Jio: Another thing is district representation. If you could give us district representation in the primary and in the general the person run at large from both parties, I would think it would be right to have a guarantee that one person would be elected. In that way we would have some person representing the up country or Lahaina area.
- Mr. Alfred Souza: We are discussing the strong mayor form of government. What basis were used in selecting this?
- Mr. Balthazar: When we first got together to carry out the intent, I was mindful of Act 73. It directed us to make the government more responsive and more efficient. Our Commission went to the Island of Hawaii and met with the members of the other commissions. We had men from the University of Hawaii who spoke to us at a seminar in Hilo. The various forms of government were explained to us. The weak mayor form of government is the type of government we have now in that the Chairman and Executive Officer does not have too much power. The Board shares his powers. We feel

that this does not separate the executive and legislative branch of government. I strongly support the strong mayor form of government.

Mr. Crockett:

I voted in favor of the strong mayor form of government. In our examination of existing county government--we had department heads come in and they explained how they actually operate--we found one deterrent factor. We found the mingling of legislative and executive branch. In Honolulu where they have the strong mayor form of government, the administration or the members of the executive branch have a definite line of authority. What we are trying to do is to have the mayor responsible for the administration of the government and the council responsible for the budget and for policies. The department heads will be people working for the mayor; that is why we had these department heads not subject to council confirmation.

Mr. Alfred Souza:

At the present time you are recommending nine councilmen. How about the districts of Lahaina, Hana, and Makawao? I think the last census will have some justification that we need a representative. I suggest electing councilmen on staggered terms. What is the possibility of having four at one election and five at another so that it would be similar to how the State Senate is operating at the present time?

In relationship with the section concerning members of the School Board, I think in fairness to other districts they should have representation.

Mr. Yokouchi:

As far as the School Advisory Council is concerned, it is covered by general law. It belongs to the County; however, it is covered by general law.

Mr. Chur:

Mr. Crockett, in this strong mayor idea what check and balance is there? If he is a strong mayor, he is practically a dictator.

Mr. Crockett:

There are a number of checks. "Strong Mayor" is a phrase that is attached to a form of government, which is becoming more and more popular. As far as checks and balances, there are a number of ways in this charter. First, the budget must be approved by the council. Once the budget has been approved, the mayor does not have power to reallocate funds from one department to another or within one department for another purpose. The council will always enforce the law once anyone sets out of bounds. In addition, we have proposed an Appeals Board. One of the purposes of the Appeals Board is a check on the mayor. The power to enact ordinances is vested in the council, and it is a strong check on the mayor. If you will read through the charter completely, you will find many provisions. I don't think it is fair to say that under this type of government the mayor will become a dictator of the County of Maui.

Mr. Balthazar:

In our county government we have legislative and judicial powers. The mayor can very easily "pass the buck" to the supervisors. Under the strong mayor type of government the finger always points to the mayor.

Mr. Crockett:

We have the power of recall in the charter. I think that is an important check on the mayor's power, which we as citizens hold in our hands; and this is not in our hands now.

- Mr. Souza: There is no term listed for the department heads appointed by the mayor, but the Chief of Police is appointed for four years.
- Mr. Crockett: The reason was to give the Chief of Police additional protection.
- Mr. Burnett: I was opposed to four years. If you want a responsive government, you must have people come in the act. As far as I am concerned, I am in favor of two years. The only time the people can get out is election time.
- Dr. Fleming: I'd like to comment on Mr. Burnett's statement. I think it is an excellent idea. We can elect the people every two years. Otherwise, they can put them out with the recall provision.
- Mr. Furtado: Let's put him in for two years and I think everybody will have more chance.

The Chair called for a recess at 8:15 P.M.  
Hearing resumed at 8:22 P.M.

The Chair briefly explained some of the changes in the proposed strong mayor-council form of government as compared with the present Maui County government.

- Mr. William Franco: What is the term of office of the department heads?

- Mr. Balthazar: The reason why we did not especially set the term of office of the department heads is because the mayor could remove them when he wants. The reason why we have the term of the Chief of Police set for four years is because we want the Chief of Police to have some security.

Deputy Chief of Police Andrew S. Freitas explained the charts showing the present police system of the County of Maui, the police system effective January, 1965, and the police organization under the proposed charter of the County of Maui.

- Mr. Freitas: Under the proposed charter of the County of Maui the mayor will give the Chief of Police all the powers which the present Police Commission is doing. Then we are going to have a strong Mayor, a strong Chief of Police, and a dead Police Commission.

As I understand it, if any other employee runs into conflict, his appeal is to the Civil Service Commission. Under the interpretation of existing law, if this happens to an employee of the Police Department, he appeals to the Police Commission. I would like to see it as is because the Police Department is semi-military.

- Mr. Crockett: Why do you feel the other employees of the County should have their appeals heard by the Civil Service Commission but the Police Department has to be heard by their own commission? Why shouldn't the Public Works Department set up their own agency so that anyone in the Road Department can appeal to their agency?

Lt. Edward Tam: The Police Department has special regulations. There would have to be some way in which the Civil Service Commission would act not only on their rules and regulations, but on the rules and regulations of the Police Commission. If it could be done, surely the Civil Service Commission should do that.

Mr. Balthazar: Couldn't the rules of the Police Commission be incorporated in the Civil Service Commission rules?

Lt. Tam: Could be.

Col. Doe: The Police Department is a semi-military organization. The function of the Police Department is very different from the function of an ordinary county department. Their function is to protect you and me and your property and my property from depravation. The Police Department is a protective agency. They should be handled differently. I hope we retain the same system. The Police Commission should be appointed by the Mayor and confirmed by the Council, and the Commission should have the entire operation of the department. The Chief of Police should be fully responsible to the Commission.

Mr. Furtado: I go along with that.

Mr. Burnett: In great many cities the Chief of Police is responsible to the Mayor.

Mr. Furtado: That is where you have corrupting government.

Mr. Freitas: It is not the desire of this Commission to change the duties and functions of the Police Commission. The only thing is the appointing authority of the Chief of Police.

Mr. Yagi: What we are most concerned with is where the Commission makes the rules and sets policies. The Commission will legislate and judge on it.

Mr. Balthazar: We are trying to take away the quasi-judicial powers of the commissions. The people you elect are responsible to you.

Col. Doe: (To Mr. Balthazar) I do not agree with you on this point. Regardless of the fact that they are appointed, they are nevertheless responsible to the people through the individuals who appoint them--the Chairman or the Mayor. I am strongly in favor of the charter in general. A good Police Chief is shown by the fact that he has shown himself to the Police Commission. We are not considered with protection of Chief Lane as an individual. We are concerned with a good Police Department, and an individual who is not good as a Chief of Police should be bounced out fast.

Chief Lane: (~~See attached copy of presentation~~)  
(Copies of presentation distributed to members)  
Mr. Yokouchi emphasized that the Police Commission would be asked to appear before the Charter Commission again.

- Mr. Ernest Rezens: Why couldn't we have the councilmen run by districts and have them elected at large? You would have better representation and more fairness in dealing with the entire county.
- Mr. Yokouchi: Economically we are on the bottom of the barrel and we feel that one of the most important things nowadays is economic development.
- Mr. Rezens: I don't think our county government is set for the economy of our county. This is not only for the economy of Maui. I still think we should have our councilmen elected from different districts. It is for the operation of Maui County and not for the economy of the county.
- Mr. Crockett: In advocating district representation how many voters would there be in one district? What districts would you establish and how would you pair them off to see that you have uniform representation for each district? What would be the allocation of taxes?
- Mr. Rezens: I feel we should recognize these districts.
- Mr. Yokouchi: If you go by true district representation, Wailuku would have four out of nine.
- Mr. Yagi: In district representation there will be a collaboration of the representation of districts and some of the districts might be left out. That is the danger and that is what we want to get away from. They collaborate and fight against other districts. That is what we want to point out to the people who want district representation.
- Mr. Yokouchi: Would district representation help to get better people to serve the County of Maui better?
- Mr. Chur: Whether district representation or whether elected at large, the good people will not run as long as politics is involved.

The hearing ended at 9:45 P.M.

Respectfully submitted,

*Harriette E. Miyamoto*

HARRIETTE E. MIYAMOTO  
Secretary