

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: March 25, 1964

PLACE: Lanai School Cafetorium, Lanai City, Hawaii

CALL TO ORDER: 7:40 P. M.

PRESIDING: Masaru Yokouchi, Chairman

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

MEMBERS EXCUSED: Cornwell Friel  
Keith Tester

OTHERS PRESENT: Kase Higa, County Attorney

John Del Rosario  
Duane Black  
Kazuichi Hashimoto  
Mrs. Setsuko Hashimoto  
Yukio Matsumoto  
Mrs. Matsuko Matsumoto  
Miss Rufina Rabbon  
Dionisio Rabbon  
Hideo Niibu  
Pedro Agliam  
Donald Matsui  
Tamotsu Mitsunaga  
Yasu Nagamine  
Paul Sink  
Choyu Yara  
Lammy Ching  
William Ige

RECORDING: Miyono Niibu

Mr. Yokouchi:

The purpose of this meeting tonight is, first, as a hearing, and also we would like to call it a meeting. What you have here is a tentative draft (distributed to audience) by the Charter Commission of the County of Maui. All of the decisions made in this charter are tentative. We are in the midst of holding six hearings with the whole county and we want to get the people's ideas and incorporate them and find out how you feel about our proposals. I'll call on Kase Higa to explain the purposes.

Mr. Higa:

The reason why these commissioners are here tonight is that a provision has been made under HB 18, Act 73, for the various counties to, first of all, study the present form of government and then report to the Board of Supervisors whether, after investigation, there is a need for a revised form of government or not. The Charter Commission felt there was a need for a new charter. In June of this year the Charter Commission will turn in to the Board of Supervisors the new charter, and the Board will study it and make suggestions and/or amendments. If accepted, fine; if not, it will be put on general ballot, and at the general election it will be rejected or accepted. If accepted, at the next session the Clerk of the County will submit it to the Legislature. If ratified by the Legislature, it will become the Charter for Maui. This will become effective in 1966 as far as election of officers goes and will be put into effect in 1967.

Mr. Yokouchi:

We would like to keep this meeting as informal as possible. Some comparisons of our present form of government with the proposed Charter are:

(The Chairman gave the basic make-up of the proposed council and the differences in duties and powers of the Council and Mayor as compared to the present Board of Supervisors.)

Mr. Black:

What is the thinking behind having the Molokai and Lanai supervisors elected at large rather than elected from their district?

Mr. Balthazar:

The reason is that I believe that Molokai and Lanai deserve a Board member just as they should be nominated from their districts, but elected at large because the Board member from Lanai should vote on problems in other areas. If he is representing only Lanai and not elected by Maui, he would be negligent in areas concerning other districts.

Mr. Del Rosario:

Why isn't the County of Maui divided into districts?

Mr. Crockett:

I think there are a number of reasons why district representation would be a poor form of representing the County. I think that when you elect people from a district they tend to look at things from their own district's point of view, and basically we want and need people

sitting on the council looking at the problems of the County from the point of view of the County as a whole and not only in the interest of their particular district. In appropriating money, it could be appropriated in terms of maneuvering in a particular district, gang up and allocate money and leave other districts in the cold. This has happened in other districts. The money will not be appropriated on a logical basis. Money should be based on need and availability and, if on a district basis, results in terms of money being divided into districts. Another problem in chopping up into districts, Wailuku and Kahului area has more people than other districts.

- Mr. Del Rosario: You disagree then with the set-up in Honolulu?
- Mr. Crockett: There are problems peculiar to Honolulu and problems peculiar to Maui. We cannot transplant one into the other.
- Mr. Del Rosario: Majority of the people are on Maui. How can they give a true representation? Six for Maui, one each for Lanai and Molokai and the Chairman. Divide Maui into 5 parts and run 2 at large.
- Mr. Yagi: What disadvantage do we have now under the present set-up?
- Mr. Del Rosario: People don't have fair representation. What would you know at Wailuku, say about Hana or Kula?
- Mr. Crockett: I think the people in Kula have been well treated. For example, the Board of Supervisors treat people on a fair basis. People in Kula should pay higher rate, but the water is subsidized by Wailuku and Kahului. I disagree with the basic premises that Wailuku and Kahului are not adequately representing other districts.
- Mr. Del Rosario: What about other districts?
- Mr. Yokouchi: We can go into specifics later. What we are trying to look at is the County as a whole. An important part of government is developing an economic base. As you know, Maui is on the bottom. We expect to rise. Our idea is to have a council who would try to be more apt to consider the problem of the County as a whole and build up an economic base. For instance, look at the development at Lahaina. Because people are elected at-large they don't feel responsible only for the district they came from; they feel responsible for the whole County. New roads, water systems, school, etc., were constructed in the Lahaina area. We feel we are on the right track because of these actions--take care of areas that need the help first.
- Mr. Del Rosario: I believe there is poor representation.

- Mr. Balthazar: For instance, the Board of Supervisors appointed three men from the Makawao district and four from the Wailuku-Kahului district to form this Charter Commission.
- Mr. Hokama: Consider the cost of government with district representation. To be fair, you designate representatives on population size. Automatically cost of government will go up. If we want district representation, we must also admit that we are willing to pay more taxes.
- Mr. Crockett: You must be practical about district representation. Individual districts like Lanai could get lost in the shuffle. I would like to be shown how you would break down other districts besides Lanai and Molokai. If you give Wailuku-Kahului area four people, you only need one more from other areas.
- Mr. Burnett: I agree on district representation. However, as Kase Higa said, the Charter must go to the Board and finally go on to the Legislature. Politics is so formed at the present time that they are not easily going to give up the control that they have. If we put in this proposal about dividing into districts, it would be killed. My feeling is that there is no reason to go that route. That is the reason I voted along with the other members here to go along as we are because it could not be passed otherwise.
- Mr. Young: I go <sup>back</sup> ~~back~~ a few years ago. When I interviewed Mr. W. W. Aldrich, I asked him how he like the change in Lanai since they've had an elected member on the Board of Supervisors. Mr. Aldrich said that is the day Lanai became an American community--when they got their own representative. He did not specify whether the representative from Lanai should be elected at large or by district itself. I think that everybody will agree that we've gotten quite a few things since we got Lanai a representative--sidewalks, roads, etc.
- Mr. Matsui: The term for councilmen is four years?
- Mr. Niibu: I have a question pertaining to increase in councilmen. Comparing Maui and Oahu budget-wise and population-wise, Maui is way down. Yet the number of councilmen is the same. Why the increase of one man?
- Mr. Crockett: The Charter must be approved by the Board. If we cut down the number of Board members, there is a big question as to who would be left out in the next election.
- Mr. Black: We have to have an odd number?
- Mr. Crockett: Yes. Either 9 or 7.
- Mr. Yokouchi: Lanai and Molokai are guaranteed one each. Makawao says how come they have preferential treatment. Why is Molokai and Lanai guaranteed

one? Basically the person living on Maui can be aware of problems at Makawao but not on Lanai. Another thing is you have separation of water, limiting contact between Maui and Lanai. If you cut down the councilmen from 9 to 7, the proportion of representatives would be far out of line. Lanai has a far higher ratio population wise than Maui, but is justified by separation of water. Councilmen have to answer more to Maui than to Lanai or Molokai. They feel Lanai and Molokai are getting preferential treatment.

- Mr. Mitsunaga: Why increased from 8 to 9?
- Mr. Crockett: Must have odd number.
- Mr. Balthazar: Must have odd number to avoid stalemate.
- Mr. Niibu: In that case, why can't mayor vote?
- Mr. Crockett: The concept that we go into is that the mayor is a separate office. Functions of the mayor are administrative; whereas, the council is the legislative body for the County.
- Mr. Rabbon: The length of office is four years for the councilmen. What's wrong with two years?
- Mr. Caldito: Speaking through experience, I have been a member of the Board of Supervisors for 16 years and I have found that you have a long-range program and with our 2-year term you cannot fight for your program that you have proposed on a long-term basis, because one year is spent studying and the next year running for re-election; whereas, in four years you can have a long-range program to follow through. In two years the program might die out if you do not follow through. That is why we have proposed four years.
- Mr. Crockett: Some on the Commission feel two years is a good thing.
- Mr. Burnett: We have stated that this study is the result of the wishes of the majority of the people. We have come forth with what they have in mind as a proposed charter. We have also said this is our first draft. Now we are coming before the people to find out what they want. It is the intention of this Commission to present to the people the very best form of government that they would like to have. What we are after at this point is to get your opinion of what we have put together.
- Mr. Nagamine: I would like a little clarification on no staggering. New people would be at a loss where to start.
- Mr. Matsui: It seems as though the Charter members came down with a definite plan. Did you come to a majority vote?
- Mr. Yokouchi: At least six people agreed.

Mr. Crockett: Why I think two-year terms is a good thing: I think it is good that the people on the council have to go back to the people and get re-elected. Four years is too long. I think it is right that the elected people go back and find out what the people want. By and large, politicians are good people, but only at election time will they trouble to find out what the people want. If four years, must less contact between people and government and politicians; it is important to have frequent contacts. With two-year intervals, people in government won't lost contact.

Mr. Niibu: On a two-year term, it could happen that a councilman for the first year elected will be conservative but following year might go into deficit spending.

Mr. Crockett: People in office meeting the people and responding to their needs is a good thing.

Mr. Niibu: We're not talking about the same thing.

Mr. Yagi: Bill is not a politician. The concept is that we would like to have a two-party system. As far as two political parties are concerned, the politician's job is to go to the people and explain their ideas. The two parties advise and counsel the politicians under the party system. Every election year the parties are re-activated to strengthen the party and advise the politicians and find the needs of people.

8:40 P.M. -- recess.

8:50 P.M. -- resumed.

(To proceed at a faster pace, Mr. Yokouchi read from the draft the remaining items still to be discussed.)

Mr. Ching: Why is the clerk appointed by the Chairman instead of the Mayor?

Mr. Caldito: The clerk will be serving the council members.

Mr. Ching: He also has other duties and responsibilities relative to referendum, etc., and will be taking over some so-called administrative duties.

Mr. Caldito: A great part of his time will be spent in recording the proceedings of the council.

Mr. Balthazar: Other duties are incidental.

Mr. Ching: County officers not elected should be appointed by the Mayor instead of by the Council.

Mr. Balthazar: We follow the procedure established by Honolulu.

Mr. Yara: Most of the work is with the Council, same as Board.

Mr. Yokouchi: Basically the clerk will record all the ordinances passed by the council, resolutions, etc., in legislative policies.

Mr. Black: Consolidation of the County Treasurer and County Auditor follows the pattern at Honolulu.

Mr. Yokouchi: Council will hire their own auditors, so there will be two auditors.

Mr. Mitsunaga: What happens to the Administrative Assistant?

Mr. Higa: This is an administrative matter and not in the picture. The duties of a Managing Director for the City and County of Honolulu are clearly defined. We discussed this and the Commission decided there was no need for a Managing Director. In answer to your question, it is up to the Mayor.

Mr. Crockett: A Managing Director is entirely different from an Administrative Assistant.

Mr. Yokouchi: In our form there is no provision for a Managing Director.

Mr. Crockett: In Honolulu the council type of government is blended in with a strong mayor type of government. The Managing Director is a professional in his line and has direct responsibility for about four departments. Under ours, the Administrative Assistant is a staff member only and not responsible for any department.

Mr. Matsui: Will the number of employees working for Public Works be retained?

Mr. Yokouchi: Yes, no one will be laid off. These things will be handled administratively and could be handled by attrition.

Miss Rabbon: Why is the head of the Water Board an Administrator and not necessarily an engineer?

Mr. Yokouchi: The main idea is this--When you require a person to be a department head and have an engineer's license, you limit the choice of administrators. The need is more administrative than engineering. Right now we have a hard time considering people. The Board will have an engineering staff.

Mr. Niibu: How often do they (Civil Service Commission) meet?

Mr. Yokouchi: Roughly, once a week.

Mr. Niibu: Why knock off the pay?

Mr. Yokouchi: Other commissions also deserve payment. We feel that there will be enough people willing to serve without pay, and we want to be consistent in not making payment.

Mr. Black: These are the only two not paid?

Mr. Matsui: Lanai or Molokai might have members on the commission.

Mr. Yokouchi: They would be paid expenses for transportation, meals, lodging.

Mr. Mitsunaga: Will expenses be on per diem?

Mr. Yokouchi: Actual cost.

Mr. Ching: What is the relationship of the Personnel Director to the Commission?

Mr. Balthazar: The Personnel Director is not subject to the Commission as there could be friction between the Director and the Commission.

Mr. Crockett: More friction if not appointed by the Mayor.

Mr. Matsui: What are the qualifications for the Police Chief?

Mr. Balthazar: Five years in police work and at least three in administration.

Mr. Niibu: Under item 2, am I correct in assuming that cause for release is within the four years?

Mr. Yokouchi: Yes.

Mr. Yara: It seems that the Mayor has unprecedented authority with liberty to appoint his own "cliques".

Mr. Yokouchi: Also with that power goes responsibility. Right now, if a department head is not doing a good job, there is no place to put responsibility except on the department head--no particular one to blame. But under the Mayor-Council form of government, the Mayor alone is responsible--he is to take responsibility for actions of his department heads.

Mr. Burnett: Would you prefer two or four years?

Mr. Yara: I haven't thought about that yet.

Mr. Niibu: Regarding Mr. Yara's question, impeachment procedures are not listed.

Mr. Yokouchi: That is provided for under the Board of Appeals. Before I go any further, I would like Bill Crockett to elaborate on the Board of Appeals.  
(Procedures explained by Mr. Crockett.)

Mr. Mtsui: How many terms (for Mayor)?

Mr. Yokouchi: Right now no limitations.

Mr. Matsui: Why not?

Mr. Yokouchi: We didn't think it important. But the question arose in several areas and we will reconsider.

Mr. Matsui: Impeaching people is difficult.

Mr. Yokouchi: Another leverage on the Mayor is the Board of Appeals.

Mr. Crockett: The Board of Appeals will take care of grievances by the public against employees of the County and also against officers. I think very often a person who gets into government tends to get arbitrary, and I think it's important that we have some sort of agency--like the Board of Appeals--to take care of such actions.

Mr. Mitsunaga: What will happen when we get into this Mayor-Council government insofar as subsidy is concerned?

Mr. Yokouchi: Same as the present form--they can or they don't have to.

Mr. Niibu: What is the Maui Community Hospitals?

Mr. Yokouchi: Right now there are two major committees. Under the Charter, there will be only one committee responsible for all hospitals under the County.

Mr. Crockett: In answer to your question about subsidy, I don't think we have eliminated any activity of the government. Our responsibility is to try to have the responsibilities in a more logical form, more efficient and more responsible to the people.

Miss Rabbon: The Board of Trustees--how is it presently chosen?

Mr. Yokouchi: The present Maui County Hospital Board has eleven members; all eleven are designated from specific areas. We don't want to earmark any particular organization unless it is vital. We think the eleven should be chosen by the administrative director.

Mr. Balthazar: Designation makes it difficult.

Mr. Young: I believe there has been a nurse appointed to sit on the Board of Trustees.

Mr. Matsui: Under referendum and recall, how many is 20%?

Mr. Yokouchi: 3,400 signatures to initiate referendum and recall.

Mr. Niibu: If the Mayor establishes a centralized purchasing department, how much is it authorized to buy?

Mr. Higa: Centralized purchasing has nothing to do with bids. We have State general laws covering anything over \$4,000. Those have to be put out on bid.

Mr. Yokouchi: Thank you for your suggestions. We will give them further consideration. This is only a tentative draft and we may make many more revisions. Our idea is to come up with a charter that you people feel you can live with. Please write if you have any further suggestions or questions.