

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: April 5, 1964

PLACE: Helene Hall, Hana, Maui

CALL TO ORDER: 2:00 P.M.

PRESIDING: Masao Yokouchi, Chairman

MEMBERS PRESENT: Masao Yokouchi, Chairman
Emil Balthazar
C. H. Burnett, Jr.
Richard Caldito
William F. Crockett
Cornwell Friel
Shiro Hokama
Keith Tester
Thomas Yagi
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Nadaso Honda
Harry Kobayashi

OTHERS PRESENT: Kase Higa, County Attorney
Mrs. C. H. Burnett, Jr.
Mrs. Cornwell Friel
Mrs. Jay Van Zwalenburg
Dr. Milton M. Howell
John Hanchett
Robert Butterfield
Howard Cooper
Ernest Gay
Ernest Gray
Leslie Medeiros

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The Chair opened the hearing by introducing the commissioners and staff of the Maui County Charter Commission to the audience. The Chair then called upon Mr. Higa to explain the creation of the Charter Commission as provided by Act 73, Session Laws of Hawaii 1963.

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.

The Chair then reviewed the basic provisions of the proposed strong mayor form of government.

Dr. Howell: Historically our government is based on a system of checks and balances. The argument that we here on this island have goes back to 1776; that is, should representatives be elected by a plurality of votes or should geography enter into the picture? We have senators and representatives largely based on population. In every state government the same thing holds true whether you call the man a commissioner or whether you call him a county supervisor. In our present situation we have a rather unusual thing--we have master of the two--and the new charter proposes to perpetuate the same situation we have right now in essence. Molokai and Lanai at the present time and under the new charter, will have a representative. Surely they are elected at large. I have asked people if they have business with the government, who do they go to see. They go to see the Chairman. I don't see how in the world this one county man can hold all the complaints and still handle all the business. This is how it is right now. Everybody goes to Chairman Tam. He should have a commission to talk to and listen to. We are isolated; Lanai is isolated and Molokai is isolated by water. Because of our location we have very little contact with Central Maui. This, Gentlemen, is what we are asking for. Certainly, I feel that Lahaina should be represented.

Mr. Burnett: Would you leave out Makawae?

Dr. Howell: I am not leaving out anybody. As a personal opinion, I think this island should be divided into districts so that everybody has representation. First, lay down the law of gerrymandering and second, lay down the law so that there will not be apportionment.

Mr. Yagi: Isn't it a fact that there is a Democratic and Republican form of government? Isn't it a fact that we have the Democratic and Republican parties to represent the people's choice as far as government is concerned? In that respect we can utilize parties.

Dr. Howell: Here is the way it will work out if you don't have district representation. If Hana votes Republican and everybody on the other side is a Democrat, then Hana will likely be left out in the cold. If we have two people from this district--one Democrat and one Republican--who are running for an office, I don't care if he is a Democrat or Republican, as long as he comes from our district.

Mr. Yagi: Say that the majority serving on the council are Democrats and you are a Republican, isn't it a fact that if you are trying to do something for your district, you will be outvoted because the majority will be one-sided?

Dr. Howell: This man will still be a representative to the people in this district no matter whether he is a Republican or Democrat. He will be bound to the welfare of his district. He will make sure that they get their share of what's coming.

Mr. Medeiros: It is better to get a man on the council than nobody at all.

Mr. Hanchett: A lot of that will depend on the qualification of the man we have.

Mr. Tester: I think all the people here will realize that the commission has discussed this matter of district representation pretty thoroughly. You all know, as well as the commission, that up to 1929 they had district representation, and thereafter it has been changed. In the district of Lahaina there wasn't good representation for a good many years. I feel that a lot of people in Lahaina feel, in spite of the fact that there was an overwhelming desire to have district representation, that they had not been for the fairness of the people who are interested in Maui as a whole.

I do feel that, by and large, the outlying districts have come along pretty well.

Another point is that maybe we are not very smart if we did not have Lanai and Molokai voted for at large, particularly the island of Molokai. It is Wailuku that gets the person from Molokai in.

Mr. Hanchett: Has the commission any opinion or feeling as a group on this matter? Have they ever considered Hana to have a representative? Has this been brought up in any of your deliberations?

Mr. Crockett: There were a couple of reasons why I agree with what Dr. Howell said, but you must look at the other side of the coin. We discussed it one or more meetings. It was the consensus that district representation would lead to pork barreling or log rolling.

Another reason why we think at-large representation would be best is when you have district representation, it would be dangerous that the people in the other districts would gang up. I think it would be dangerous for the outlying districts, like Lanai and Hana--the one man may be constantly outvoted. If you have fair type of representation, the bulk of the people will have to come from Wailuku or Kahului.

Mr. Hanchett: Is this affecting Lanai and Molokai today?

Mr. Crockett: Molokai and Lanai is presently elected at large. At the present time they do not have true representation. They are elected at large, which we carry through in the charter. There's got to be a person from Molokai and Lanai, but they are elected by everybody in the county. I think that the minority has a chance to sway their vote to use their votes as a balancing factor in a relatively close election and the politicians will appreciate this fact. For that reason they will not neglect the people in this district.

Dr. Howell: Why is it good for Molokai and Lanai and bad for everybody else?

Mr. Crockett: The rationale is that there is a body of water separating them. As a practical matter, we have more contact between the central area of Maui and Molokai and Lanai than we do with Hana.

Mr. Butterfield: There are two or three projects in Hana which we could not get because we did not have someone to speak for us. First, we needed improvement for the Hana School; second, our airport needs extension but we don't have the funds--Lanai has a representative so they received funds for their airport improvements; and third, we were promised street lights in the Wakiu area but so far we have not gotten them. If we could have someone to represent our interests, they would get some of these things for us.

Mr. Burnett: I agree on the general principle of district representation. As Mr. Tester said, they always didn't get what they wanted. I went along with the rest of the Commission because I knew that district representation wouldn't get through the Board and the Legislature. I am not including Lanai and Molokai. I suggest that we give Lanai and Molokai to Oahu because their association is closer to Oahu. What I am interested in is getting something better, which I am rather doubtful of. You must be practical about it.

There is some question in my mind whether the people here represent the body of politicians. Whether you are dedicated or not dedicated, you must have practical politicians. Get the best you can, and I think in this particular deal the Charter Commission feels that this is the best deal we can get pass the legislature and the Board of Supervisors. I fully appreciate the fact that you want to be represented. It just is not possible.

Mr. Cooper: We appreciate how many of you commissioners feel about our position. Taxation without representation is dirty. We are not going to give this thing up without a fight. This is an issue that is important. This is the logical time to be heard and so we are bringing it up and will continue to bring it up even if this charter is adopted.

Dr. Howell: I notice that there is a provision for the Board to offer alternatives. Would you not allow the voters to vote for district representation?

Mr. Burnett: I think there is such a possibility, but I don't think there is possibility that Hana would get a representative. If you don't like what we have done here, then you can leave it as is. The commission has agreed that it is good for you people to tell us what you want. When we come up with the final draft, you can vote it down. Again I say, just be practical.

Mr. Crockett: I want to point out that if you turn down the charter, you won't have district representation. The charter has liberal representation. It would be possible to put it out as an alternative. You still might have a chance.

Mr. Yokouchi: This has been one of the areas of concern of all the people we have met with--district representation. So you can be assured that we will go into this area again and we will discuss this more in the future.

- Mr. Balthazar: I would like to represent the minority side of this commission. I agree with these gentlemen that I think it will be almost impossible to get district representation, as Hana proposes. I tend to agree with the viewpoint of nominating the man by districts than elected at large.
- Dr. Howell: We are very, very strong and very concerned about the Police Department as proposed under the charter. We think that is the most important commission of the entire county that should be clear of any politics. We believe there should be some other control by the people or by the commission and not have outright appointment by the mayor, which would be very political.
- Mr. Tester: I would like to ask whether you have any concrete suggestion along this line because this is something that has come up at every meeting. I think that the general consensus of opinion of our group was that the council should approve the mayor's appointment of the Police Commission.
- Mr. Yagi: Is it your group's position that the commission shall be appointed by the mayor with council confirmation? What about the chief of police--appointed by the mayor?
- Mr. Gray: By the commission.
- Mr. Yagi: After January 1965 the Police Commission will be transferred from the State to the County. The Police Commission will be appointed by the mayor and confirmed by the Board of Supervisors. The Police Commission will then appoint the police chief. What we are proposing under the charter is that the commission shall be appointed by the mayor and the chief of police shall be appointed by the mayor.
- Mr. Gray: Still should be confirmed by the council.
- Mr. Hanchett: Does anyone know how the Police Department officials feel about this?
- Mr. Yokouchi: They advocate how it is today--that the commission appoint the chief of police.
- Mr. Hanchett: Do they oppose to the change?
- Mr. Yagi: They feel that the present setup--transfer from the State to the county--should be status quo because the commission will appoint the chief of police.
- Mr. Yokouchi: I gather from your proposal that the mayor with the approval of the council form the Police Commission and also hire the chief of police.
- Mr. Hanchett: Yes.
- Mr. Gay: I notice that the manager of the Board of Water Supply shall be appointed by the Board of Water Supply, but the chief administrative head need not be an engineer. It seems to us that this is a pretty important job that we should have an accredited engineer.

- Mr. Yokouchi: One of the problems we have in the county is that whenever we are looking for a chief for the board of water supply, the field is so limited because we have to choose among the engineers. Usually the manager has a deputy who is a licensed engineer.
- Mr. Hanchett: You said the field is limited for a qualified engineer. Could you tell me how many engineers there are on Maui?
- Mr. Burnett: There are about 17. But none of them are qualified.
- Mr. Yokouchi: When I say engineer, I don't mean licensed engineer. Beyond the licensed engineer that person must have administrative experience.
- Dr. Howell: With respect to combining the Board of Trustees of the Maui Community Hospitals and the Managing Committee of the Kula Sanatorium, it's wrong-- two different types of operations are involved. As far as our being under the same board with Central Maui, we have worked very well. We would like to continue that way. However, if you throw the Kula Sanatorium Managing Committee into this volunteer corps which is working pretty hard, what it would end up with is a board which is less efficient. I think this is too much for one board. As far as Hana is concerned, we are happy and they have treated us very well.
- Mr. Yokouchi: Right now the Maui Community Hospital Board of Trustees is composed of 11 members and the Managing Committee has five members. Do you think if we increase this board to about 16 and have sub-committees there would be hardship?
- Dr. Howell: Any board with over 8 members becomes hard to manage. I would rather see a board of 11 cut down to 7.
- Mr. Yokouchi: You say it is a completely different picture with different problems and that the Board will be overloaded.
- Dr. Howell: They really are separate jobs.
- Mr. Crockett: As I understand it, at the present time one of the members of the Maui Community Hospitals Board of Trustees must be from Hana.
- Mr. Yagi: At the present time the Hana representative is appointed by the trustees. I might add that we have had good representatives.
- Mr. Young: Dr. Howell, what do you think of a strong mayor?
- Dr. Howell: I think it is a good provision.
- Mr. Tester: I would like to get back to the Water Board. I have been a supporter of the stand that the Charter Commission has taken on this. Maybe we could make it on the basis that the Water Board has civil licensed engineers. Maybe we could require that the manager has a licensed engineer on his staff. What do you think?
- Mr. Gay: I am sure that would cover up. I think there should be an engineer on the board.

- Mr. Cooper: Has this commission given any consideration to the cost of the proposed form of government, and if so, what is the difference?
- Mr. Crockett: What we are doing is only setting up the structure of the government. The difference depends on the type of people you elect. I don't think we are doing anything that is necessarily increasing or decreasing the cost of government. In my opinion we are trying to make government more efficient.
- Mr. Cooper: I notice there is an increase in the number of members on the council. There will be nine councilmen plus the mayor, whereas there are only eight members now. Also there is the possibility of the elected prosecutor's office.
- Mr. Caldito: However, we have consolidated the auditor's and treasurer's offices into a Department of Finance.
- Mr. Cooper: Do you think it would balance the cost?
- Mr. Caldito: Yes.
- Mr. Balthazar: According to Act 73, we are trying to make the government more responsive and more efficient. We have a provision in the proposed charter that no member of any board or commission shall be paid, and second, we combined the Parks Department with the Department of Public Works. We have also combined the auditor's and treasurer's offices into a Department of Finance.

The hearing was adjourned at 3:50 P.M.

Respectfully submitted,

Harriette E. Miyamoto

HARRIETTE E. MIYAMOTO
Secretary