

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: April 16, 1964

PLACE: Board Chambers, Wailuku, Maui, Hawaii

CALL TO ORDER: 7:45 P.M.

PRESIDING: Masaru Yokouchi, Chairman

MEMBERS PRESENT: Masaru Yokouchi, Chairman
Emil Balthazar
C. H. Burnett, Jr.
Richard Caldito
Shiro Hokama
Keith Tester
Thomas Yagi
Charles C. Young, Research Assistant

MEMBERS EXCUSED: William F. Crockett
Cornwell Friel
Nadao Honda
Harry Kobayashi

OTHERS PRESENT: Kase Higa, County Attorney

Police Department:

Jean R. Lane, Chief of Police
Sam Uyeki, Vice-Chairman, Police Commission

Board of Water Supply:

Koichi Hamada, Manager and Chief Engineer
Kiyoshi Hotta, Waterworks Fiscal Officer
David Nobriga, Vice-Chairman
Haruki Nakamura, Member
Masao Sone, Ex-Officio Member

Mrs. Jay Van Zwalenburg
Jack Stephens, Maui News Reporter

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ROLL CALL:

There were 7 members present and 4 excused at the regular meeting of the Maui County Charter Commission on Thursday, April 16, 1964.

LITERATURE:

The following were circulated to the members of the Charter Commission:

1. A charter proposal from the Police Department on Chapter 8 referring to the Police Department.
2. "Recommended Technical Changes on the First Draft of the Charter of the County of Maui" from Kase Higa, County Attorney.

BOARD OF WATER SUPPLY:

- Mr. Yokouchi: Under the Board of Water Supply the only basic change is on the qualification requirement of the head of the Board. We have deleted "Chief Engineer" from the title. It was requested by many at the public hearings that the present title be retained. Previously the Board of Water Supply did not object to our proposal, and they did not testify at our hearings.
- Mr. Nobriga: The Board of Water Supply at the last meeting before the public hearings, accepted the proposal in the charter--that the head of the Board of Water Supply shall be the manager of the Board of Water Supply. The members of the Board accepted your proposal.
- Mr. Tester: It is very nice to have at least one department that is in favor of the proposal of the Charter Commission. However, I would like to ask whether in Section 8-7.1, Organization, they will prefer an addition which would state that at least one member of the staff shall be a registered licensed engineer.
- Mr. Nobriga: We have an engineering division, and the head of the engineering division is a licensed engineer.
- Mr. Tester: This would answer anybody's question that would object to the manager not being specifically an engineer. It would designate at least one person on the staff to be a registered licensed engineer in spite of the fact that you would have, may have and should have a registered licensed engineer on the engineering staff.
- Mr. Yokouchi: Should the county consolidate the engineering staffs and create an engineering department someday, can you still operate?
- Mr. Hamada: The manager is actually in full charge of the whole department, and to be in charge of the department you must be in charge of the whole department especially projects. In order to take charge of projects, you must have a license. Government is actually different from private business.
- Mr. Burnett: I don't think an administrator has to be an engineer to run a department. I know nothing about KRR's engineering, and I think there are other people who can handle these things.
- Mr. Nobriga: If the title remains just "manager", we could hire a good manager. We have no intentions of getting rid of Mr. Hamada. It is his profession and he is trying to argue.
- Mr. Yokouchi: Another question is whether this person should have some administrative experience.
- Mr. Nobriga: We talked about the possibility of drafting a policy when this charter was passed. I am sure that the people sitting on the Board of Water Supply would have common sense not to pick anybody to run this department.

- Mr. Yokouchi: The reason why I raised this question is that we have not provided for any qualification requirements in the proposed charter. The opponents of this idea said we could put in any Tom, Dick and Harry--what he means is that anyone can be hired politically.
- Mr. Tester: The county attorney has recommended in his proposed changes that there be some qualification requirements for the manager of the Board of Water Supply. I think we intend to place in there certain qualification requirements.
- Mr. Sone: The Board of Water Supply is an organization which requires a lot of engineering. There is a portion in the statutes which states that anything dealing with health requires engineering. Any project that is done by any organization must be signed by a professional engineer who is the one that approves the plan. The Board of Water Supply is only a specialized section of public works. You must have an engineer to run a public works department because public works involves construction and maintenance.
- Mr. Hamada: The manager must be fully responsible for the whole department. This might conflict with the State law. In governmental service the person who is really in charge is the department head.
- Mr. Burnett: It is the same in any other normal department.
- Mr. Yokouchi: I gather that the members of the Board of Water Supply approve our idea that the manager need not be an engineer.

POLICE DEPARTMENT:

- Mr. Yokouchi: We have here a proposed section prepared by the Police Department for the charter commissioners.
- I would like to have the chief explain this section. I think the main question is whether the chief of police should be appointed by the commission or by the mayor as proposed by the charter.
- Chief Lane: Mr. Ohigashi and I gave our points of view at the public hearing, and this outline is the same as our comments. As most of you recognize, this is practically word for word as the Honolulu charter.
- This in my estimation is the ideal setup. The main thing is that, if they want a career individual as a chief of police, his term of office should not be limited. I think it is more important than so-called security. I feel that if you want a career individual, it is necessary to eliminate any tenure of office.
- Mr. Yokouchi: Under the law, in 1965 the mayor with the approval of the Board, shall appoint the Commission. Under the strong mayor-council form of government, we are trying to have a clean line between the administrative and legislative functions.
- As far as your recommendations are concerned, the main thing is to have the commission run the department. Whether they are confirmed or not confirmed, it is immature.

Mr. Yokouchi: Your recommendation is as proposed by law effective 1965. If the mayor appoints the commission, do you have any reservations?

Chief Lane: I would say that would be my second choice over the recommendations if I can't get everything.

Mr. Yokouchi: Could you tell us why the first choice is better?

Chief Lane: It has to do with politics in government. You would have a check and balance, which you wouldn't have with only the mayor appointing. All I can say is from my experience under the present setup, it has been a good setup with the Governor appointing with Senate confirmation.

Mr. Uyeki: You want a strong mayor. As an individual--not speaking for the commission--in my opinion, to be a strong mayor, he should appoint the commission without confirmation.

Chief Lane: Personally, I don't think it would be good because the chief of police is left out completely.

Mr. Tester: Isn't it one way of divorcing it completely from politics with the exception that the commission is appointed by the mayor? He is not left out in the cold because he is appointed by the commission.

Mr. Burnett: The Charter Commission has decided on the strong mayor form of government and that is the point.

Mr. Uyeki: In that line, the purpose of the commission would be useless. The chief of police won't be responsible to the commission.

Mr. Burnett: I am perfectly willing to have the commission appoint the chief of police.

Mr. Yagi: Isn't it a fact that the chief of police has to cater to the commission? The chief has a certain responsibility to the commission and the responsibility is to play politics. That is natural.

In respect to appeals--if an officer is suspended, removed or dismissed, does the police commission have the final say as to who is correct?

Chief Lane: Right.

Mr. Yagi: Would there be any objections on the part of the police commission if appeals were made to the civil service commission?

Chief Lane: It was that way until an opinion of the Attorney General's Office ruling otherwise. My basis for the appeals going to the police commission would be that we have different types of dismissals in police service than in ordinary government.

- Mr. Yagi: If the police commission makes the rules and regulations but the appeals would go to the civil service commission, would there be any objections?
- Chief Lane: I personally think it would be much better to have a police commission hear the appeals. The police officers are pretty well educated and they are taught to stand on their own two feet.
- Mr. Tester: How would Chapter 13, Board of Appeals, fit in the appeals of the police officers? Would they be able to appeal to the Board of Appeals?
- Mr. Higa: I don't think that was the intent of the Board of Appeals. The police commission is acting like a civil service commission in hearing appeals, and the civil service commission is one of these boards that make judicial reviews of any appeals; therefore, this Board of Appeals would not apply in this case.

The Chair thanked Chief Lane and Mr. Uyeki for appearing before this commission and informed them that the Charter Commission will consider their recommendations.

A recess was called by the Chair at 8:50 P.M. The meeting was resumed at 9:00 P.M.

The Chair called upon Mr. Higa to explain some of the recommended changes on the first draft which were circulated to the members of the Charter Commission.

Mr. Higa explained that he had sent a copy of the proposed charter to Mr. Hiromu Suzawa, Deputy Corporation Counsel of the City and County of Honolulu, who was the counsel for the Honolulu Charter Commission, asking for his comments. Mr. Higa stated that some of his recommended technical changes are based on Mr. Suzawa's comments.

The commissioners agreed with most of Mr. Higa's recommendations, except for the following matters which were deferred: qualification requirements of the personnel director of the Department of Civil Service and the manager of the Board of Water Supply, Police Department (re appeals and whether police commission is only advisory), and Hospital Department (composition of the Board of Trustees, qualification requirements of the administrators, medical care for pensioners, and hiring of county physicians).

ADJOURNMENT:

Before the meeting was adjourned at 9:45 P.M., Mr. Burnett informed the members of the Charter Commission that he is leaving Maui on April 25 on a trip to the Orient and requested that he be excused from future meetings until his return.

Respectfully submitted,

Harriette E. Miyamoto

HARRIETTE E. MIYAMOTO
Secretary