

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: July 30, 1964

PLACE: Maui Electric Company Conference Room
Kahului, Maui, Hawaii

CALL TO ORDER: 1:40 P.M.

PRESIDING: Masaru Yokouchi, Chairman

MEMBERS PRESENT: Masaru Yokouchi, Chairman
Emil Balthazar
C. H. Burnett, Jr.
William F. Crockett
Cornwell Friel
Shiro Hokama
Harry Kobayashi
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Nadao Honda
Keith Tester
Thomas Yagi

OTHERS PRESENT: Kase Higa, County Attorney

Board of Supervisors:

Soon Oak Lee, Acting Chairman and Executive Officer
Joe Bulgo
Richard Caldito
Wendell F. Crockett
Goro Hokama
Marco Meyer
Manuel Molina
Lanny Morisaki

Mrs. Jay Van Zwalenburg, President
Maui Citizen's Association for Good Government
Robert Johnson, Advertiser Reporter
Jack Stephens, Maui News Reporter

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ROLL CALL:

There were 7 members present and 3 excused at the regular meeting of the Maui County Charter Commission on Thursday, July 30, 1964.

PURPOSE OF MEETING:

Members of the Charter Commission met with the Board of Supervisors to discuss some of the Board's proposed alternatives which were either rejected or deferred by the Charter Commission at its meeting on July 23, 1964.

The Chair briefly summarized the alternatives proposed by the Board of Supervisors, stating those which were either accepted, rejected or deferred.

DEFERRED MATTERS:

Section 3-4. Vacancy in Office:

The Chair called upon Mr. Higa to explain the suggested amendment on Section 3-4, Vacancy in Office. (There was a further revision to the suggested amendment which was circulated earlier to the members of the Board of Supervisors and to the members of the Charter Commission.)

Mr. Higa: The Charter Commission has accepted the Board of Supervisors suggestion as to the vacancy for less than one year. If you will look on the Suggested Amendment, a vacancy in the office of any councilman shall be filled in the following manner: (Read paragraph (1) of Suggested Amendment). We have changed the language to fit in the Molokai or Lanai councilman. The first paragraph of Section 3-4 is technically okay.

There are two paragraphs numbered (2) here, but after studying them, they both seem to have defects. I have revised it further to read: "If the unexpired term is one year or more, the vacancy shall be filled by special election of a person with requisite qualifications to be called by the mayor within ten (10) days and to be held within sixty (60) days after the occurrence of the vacancy. At such election the person receiving the highest number of votes shall be declared elected to fill the vacancy for the unexpired term. If any general election is to be held in the county after seventy (70) days and within one hundred eighty (180) days after the occurrence of the vacancy, such vacancy shall be filled for the unexpired term at such general election in accordance with the primary and general election laws of the State."

Mr. Yokouchi: In other words, the election of the council member does not necessarily have to be held in November?

Mr. Higa: No, only if the vacancy occurs seventy days before election.

Mr. Yokouchi: Then if the vacancy occurs more than seventy days before the general election, it will be filled by general election.

The members of the Charter Commission accepted the further revision to this section as explained by Mr. Higa.

There were 7 ayes and 1 no vote (Bulgo) by the members of the Board of Supervisors.

Composition of the Board of Trustees:

Mr. Yokouchi: We have accepted the Board's recommendation that the council member be eliminated from the makeup of the Board of Trustees. The question before your body is whether you are willing to replace the council member with an at-large representative on the Board of Trustees, or whether you want to eliminate this seat.

Mr. Higa: Let me explain the proposed setup of the Board of Trustees. Of the eleven members four will be elected at large; that is, not from any particular organization. The seven others will represent some organization, one of whom was to be the council member. By eliminating the council member, you reduce the number of members to ten. The Charter Commission has accepted your proposal, but at the same time they would like to add another member at large so that the makeup would remain at eleven, which I think is a sensible compromise.

Supvr. Crockett: I notice under Section 8-10.4 "Of the members appointed, one shall be from ..." In lieu of the decision of the supreme court, providing equal protection of the law, I was wondering if that is a valid provision and whether it is legally consistent with the law. You should eliminate "Of the members appointed, one shall be from the management staff of Alexander & Baldwin, Inc.,..." Is it right to include only certain groups of taxpayers?

Mr. Kobayashi: What about the bi-partisan representation on these boards and commissions?

Supvr. Crockett: I think that is very good. However, I see no reason why we should spell it out in the law that certain groups have preference rights. You are certainly discriminating in favor of one organization as against other organizations in the County of Maui.

Mr. Higa: All other boards are constituted in that manner, like the Board of Education, etc.

Mr. Yokouchi: We had a full discussion and all of that was determined by the history of the hospitals. We had quite a bit of discussion as to whether any group should be represented. The Charter Commission decided to have seven groups represented. Our question now is whether this seat shall be filled on an at-large basis. The rest of the composition remains the same.

Supvr. Meyer: Is it important that eleven members make up the Board of Trustees? Why can't there be nine members?

Mr. Yokouchi: As much as possible, we are trying to give more seats to the at-large positions out of the eleven. Because of past commitments the membership is kept to eleven. At least the ratio of at-large representatives would be greater.

Supvr. Bulgo: When you give preference to one organization, that is strict control of one man to run the whole show. It is more evident today. No elected official will have any type of say. That is my reason for voting against this charter.

Mr. Yokouchi: The county should abide by the moral obligation. I don't think there was any strong factor that has controlled our meetings.

Supvr. Bulgo: The county has been hiring retirees. These things do exist and they will be amplified if the strong mayor government goes into effect.

Supvr. Molina: Couldn't it be changed to any labor organization instead of specifying I.L.W.U.?

Mr. Yokouchi: H.C. & S. Co. involves the I.L.W.U. When the hospitals were merged, there was a financial agreement between the I.L.W.U. and the hospital. That is the only reason why we spelled it out. Otherwise, we would have kept it as a laboring group.

It was generally agreed by the members of the Board of Supervisors that another at-large representative be added to the composition of the Board of Trustees to replace the council member. (1 no--Bulgo)

Composition of the Board of Water Supply (elimination of the district engineer and the director of public works):

Mr. Crockett: The Charter Commission agreed in principle that these people should not be voting members of the Board of Water Supply, but some of them felt that they should be on the Board of Water Supply to lend their advice.

Supvr. Crockett: I appreciate the fact that their advice is available. However, a great many routine things are taken up at these meetings and those people are present at every meeting. We are losing \$100.00 a day when nothing requires their presence. If a question comes up in which they do need their advice, it is very easy to call them. This is just a matter of economizing and efficiency.

Supvr. Meyer: It is a matter of proper control and physical responsibility as a chief engineer in proportion to his men and materials in production. By having him go to the Water Board, I think we are taking an adverse position in our own productive ability towards the public works department.

Mr. Crockett: Moved to accept the Board of Supervisors recommendation to eliminate the district engineer and director of public works as members of the Board of Water Supply. Seconded by Mr. Balthazar and carried unanimously.

Planning Department:

Mr. Yokouchi: The Charter Commission has eliminated the Planning Commission. The Board of Supervisors has recommended that we retain the present Planning Commission.

Mr. Crockett: Speaking for myself, I felt that the Planning Commission should be eliminated because I wanted the power in the hands of the Board of Supervisors. A lot of administrative detail would no longer be the responsibility of the council. In Honolulu there is a separate Board of Appeals for the Planning Commission. I don't think this is necessary here because I thought that the council can do it themselves.

Mr. Balthazar: Our intention was that the council would set policies which the Planning Commission is doing now.

Mr. Yokouchi: Today the Planning Commission can make a determination. Many times they draw a path for the Board of Supervisors. Under our proposed charter the whole burden will rest with the council. Planning is so important that we feel the council should control it.

Today the Board of Supervisors have their respective responsibilities. But the charter clearly gives the duties to the mayor. You won't be involved with minute details. You will concentrate more on the legislative end. Today there is too much overlapping.

Supvr. Hokama: Moved to withdraw the proposed alternative and to retain the provisions in the charter. Seconded by Supervisor Molina and carried by the Board (1 no--Buigo).

REJECTED MATTERS:

Council Meetings:

Mr. Yokouchi: We feel that meeting twice a month is very reasonable.

Supvr. Hokama: Moved to accept the provision in the proposed charter. Carried.

Creation of Advisory Committees:

Mr. Yokouchi: Under the proposed charter the council shall not have power to appoint advisory committees.

Mr. Burnett: If the council wants to create advisory committees, why not let them do it? I would oppose to permanent advisory committees.

Mr. Higa: Recommended that the Charter Commission accept the proposed alternative of the Board and that the Charter Commission reverse its previous position.

Mr. Crockett: Recommended ad hoc advisory committees.

Mr. Balthazar: But not of a permanent nature.

The members of the Charter Commission agreed to the council's appointing ad hoc advisory committees not of a permanent nature.

Section 3-7(7). Powers of County Council:

Supvr. Crockett: Under Section 3-7, paragraph 7, I think it should read "To require periodic and special reports concerning their functions and operations from all county agencies; and ..."

The members of the Charter Commission and the members of the Board of Supervisors agreed to this suggestion.

Section 13-14. Impeachment of Officers:

Mr. Yokouchi: The Board of Supervisors has requested that the number of signatures required for the impeachment of officers be changed from "five percent" to "twenty percent". However, the Charter Commission has rejected your proposal. Unlike recall where automatically it would be left to the voters, impeachment is a little different. These people sought to be impeached will have to be proven guilty of the charges.

Supvr. Molina: Moved to accept the recommendation of the Charter Commission. Seconded by Supervisor Hokama and carried.

Confirmation of appointment of members to the various commissions:

Mr. Yokouchi: We would like to have your reasons for requiring confirmation.

Supvr. Meyer: My reason for wanting confirmation is primarily because under the strong mayor type of government you have proposed, the budget is submitted to the council and the council will work out the budget. I feel that some participation should be made by the council in the appointment of certain members. The hospital is one. On the matter of exchanging dollars and cents, it would help in recommending appointment of members.

Supvr. Hokama: Even if you have a strong mayor type of government, the arrangement of appointment is more or less clear. The mayor has to have a division as to how many members of the controlling party and how many members of the minority will be on each commission. If you disagree with the mayor on the appointment of the members, you lose the original intent. I go along with the Charter Commission on this.

Mr. Balthazar: This way, if one of the members does not do a good job, it is the mayor's responsibility.

Supvr. Crockett: My principle objection to that is there is a certain amount of administrative duties. You say the mayor is responsible for the administrative duties. These various commissions do not have administrative duties. They are going to be exercising judicial and legislative duties. The Board of Water Supply is going to have to establish rates and regulations which affect the public. These are matters of policies. The principle duty of the Hospital Department is to appoint the administrators,

but at the same time they are going to establish rates and rules and regulations. They are going to perform legislative duties rather than administrative duties. If you put that power of checks and balances in the mayor, especially when he is elected for four years, you may as well abolish the council.

Mr. Balthazar: It was our intention that all policies will be approved by the council. It is spelled out in the charter. I feel that as long as you control policies and funds, you have substantial control of the people of the county. I have always said there should be no independent board or commission.

Mr. Crockett: The Liquor Commission members require confirmation. I recognize that most of their duties are judicial; therefore, those people should be subject to confirmation. I recognize that their duties are substantially different from those of the Board of Water Supply. There is some degree of legislative duty with the Civil Service Commission. They are establishing regulations for the employees of the county. The Police Commission establishes rules and regulations of their people; the same thing with the Board of Water Supply.

As far as I see, you draw a line as far as the Civil Service Commission because the Board of Water Supply and the hospital boards are administering these departments. The rules and regulations must be approved by the council.

Supvr. Hokama: Moved that they accept the proposal of the Charter Commission. Seconded by Supervisor Morisaki and carried. (5 ayes and 3 noes-- Bulgo, Crockett and Meyer)

ADJOURNMENT:

On behalf of the Charter Commission, the Chair thanked the members of the Board of Supervisors for their amiability and for their past help. He expressed gratification in that there will not be any alternatives on the election ballot.

The meeting was adjourned at 3:00 P.M.

Respectfully submitted,

Harriette E. Miyamoto

HARRIETTE E. MIYAMOTO
Secretary