

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: March 11, 1966

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 8:32 A.M.

PRESIDING: Douglas Sodetani, Chairman

MEMBERS PRESENT: Douglas Sodetani, Chairman
Emil Balthazar
William F. Crockett, Vice-Chairman
Shiro Hokama
Harry Kobayashi
George Kondo
Paul Pladera
Keith Tester
James Ushijima
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Cornwell Friel
Nadao Honda

OTHERS PRESENT: Maui Police Commission

Alvin K. Silva, Chairman
Robert Y. Shimada
Lieutenant Edward K. Tam, Secretary
Charles H. Burnett, Jr.
Civil Service Commission

Masaru Omori
Eugene Bal

Others:

Kase Higa, County Attorney
Robert Johnson, Advertiser Reporter

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ROLL CALL:

There were 9 members present and two excused at the regular meeting of the Maui County Charter Commission on March 11, 1966.

COMMUNICATIONS:

Minutes of the Kauai County Charter Commission were received and are on file for interested members to read.

OLD AND NEW BUSINESS:

There being no old and new business to be acted on, the Chairman called upon the members of the Police Commission.

GENERAL DISCUSSION:

Maui Police Commission:

Present were Alvin K. Silva, Robert Y. Shimada, Charles H. Burnett, Jr., Members of the Maui Police Commission, and Lieutenant Edward K. Tam, Secretary.

- Silva: We think that the present system is about the best thing that could be obtained right now. We think that system is fine. Regarding dismissal or disciplinary action by Civil Service Commission. We take issue with that. We feel that if we ought to be appointed we should carry that provision of the law to make our responsibility to discipline as well as establish policy for the department. We don't feel that a policeman should be disciplined by any committee other than the Police Commission. Wrong to turn over to the Civil Service.
- Balthazar: Who are the members of the commission?
- Silva: Edwin T. Ige, Claro R. Capili, Charles H. Burnett, Jr., Robert Y. Shimada and myself, as Chairman for 1966. Chairman rotates each year. Commissioner whose term expire that year will be chairman. Chairmanship shall be rotated so that each commissioner shall be chairman one year during his term.
- Tester: How is the Police Chief selected?
- Silva: We appoint the Chief of Police.
- Tester: Does the appointment have to be confirmed by the Board of Supervisors?
- Silva: No. We can remove him by three votes--any three votes can get rid of the Chief of Police.

Balthazar: It was suggested by the Chief of Police that we put in a provision that the Police Chief be removed only for cause. What does the commission on Maui think? Should we insert a clause for removal?

Silva: "Cause" is so flexible.

Balthazar: What is the commission's position on the deputy of the Chief? Should he be fully under civil service? Should he retain his present status?

Silva: Yes, under Civil Service.

There was some discussion on whether Police Officers should be allowed to appeal to the Civil Service Commission in disciplinary actions.

Mr. Balthazar suggested an appeal to the Police Commission first and then an appeal to the Civil Service Commission should be permitted.

Mr. Crockett stated that he did not agree with the attorney general's opinion that disciplinary actions of police officers can only be appealed to the Police Commission.

Chairman Sodetani told the Police Commissioners that if they wanted they may submit a memorandum on this matter later on.

Chairman Sodetani asked whether there was a limit of the number of terms a person can serve on the Police Commission. Mr. Silva replied that Police Commissioners serve for a term of 5 years and can be reappointed by the Chairman, with the approval of the Board of Supervisors.

Chairman Sodetani commented that a person can serve only one term on the Civil Service Commission.

Mr. Ushijima asked if the Police Commission can select someone to be deputy chief of police who is not within the police department. Mr. Silva said that they have to call on Civil Service to fill vacancies.

Mr. Pladera questioned whether there was any advantage in not having the deputy chief of police under civil service.

In answer to a question by Mr. Crockett, Mr. Silva stated that the commission had never rejected a policy proposal by the chief nor has any proposal by the commission been rejected by the chief.

In answer to a question by Mr. Tester, Mr. Silva said that the members of the Police Commission should be appointed by the chairman, with the approval of the Board of Supervisors, and that the Chief of Police should be appointed by the Police Commission.

Mr. Tester asked whether members of the Police Commission should be confirmed or not.

Mr. Burnett stated that the Chief of Police should be appointed by the mayor without any confirmation. This is in line with the strong mayor concept.

Mr. Kondo suggested that the Police Commissioners get together and report again as to whether the commissioners should be appointed by the mayor with the approval of the council and whether the police chief should be appointed by the mayor or the police commission.

The meeting was recessed for five minutes and reconvened at 10:05 a.m.

Civil Service Commission:

The Chairman presented the members of the Civil Service Commission. Present were Masaru Omori and Eugene Bal.

Commissioner Masaru Omori read his statement, which was circulated to each Charter Commission member.

Mr. Balthazar asked if the members of the Civil Service Commission should be confirmed by the council.

Mr. Bal said that he has been connected with the county government for a long time. While he served as Personnel Director, he was never pressured by members of the Board of Supervisors. He favored appointment of members of the Civil Service Commission by the Chairman with confirmation by the Board of Supervisors.

Mr. Balthazar felt that the Civil Service Commission should have the right to appoint and remove the Personnel Director. This will take the system out of politics. If the Personnel Director is appointed by someone else, there will be no need for a Civil Service Commission.

There was some discussion on pressure on the Personnel Director.

Mr. Omori said that the Director can always appeal to the Civil Service Commission.

In answer to a question, Mr. Bal stated that the Civil Service Department has a budget of about \$80,000.

In answer to a question by Mr. Tester, Mr. Bal said if the Director is appointed by the Commission, it is not necessary to have the appointment ratified by the Board of Supervisors.

There was some discussion on the qualifications of the Personnel Director.

Mr. Bal stated that he thought some of the departments were overstaffed. The department head determines the number of personnel in his department.

On the appointment of the Personnel Director, Mr. Omori stated that according to the charter, which was proposed in 1964, the Mayor can appoint and remove the Personnel Director. He thought the power of dismissal should be given to the Civil Service Commission.

Mr. Bal stated that the Director has no free hand in setting policies. Setting policies rest in the commission.

There was some discussion about appeal procedures.

There being no further questions, Chairman Sodetani thanked Mr. Bal and Mr. Omori for their appearance and their informative presentation.

After some discussion, the meetings scheduled with the Kula Sanatorium and Maui Memorial Hospital were omitted from the list which was circulated to the members of the Commission. In place, the Charter Commission will meet with the Chairman and Executive Officer of the County of Maui.

ADJOURNMENT:

The meeting was adjourned at 11:45 A.M.

NEXT MEETING:

March 17, 1966, at 1:30 P.M., in the Board Chambers with the Department of Public Works and Fire Department.

Respectfully submitted,


Ayako Ishikawa, Secretary

To: Maui County Charter Commissioners

From: Charles C. Young, Research Assistant,
Maui County Charter Commission

Date: April 7, 1966

Subject: Follow-up on Commissioner William F. Crockett for the Research Assistant to research how the Federal Bureau of Investigation handles appeals to disciplinary action and dismissals. This is a follow-up of the letter received by the Research Assistant of March 23, 1966, from Ray L. Faisst, Special Agent in Charge, Honolulu District F.B.I.

Monday morning, April 4, 1966, I received a phone call from F.B.I. Special Agent Stanley Adams of the Honolulu District Office. He asked if he could talk to me alone about 10:50 a.m. We talked alone in the County Chairman Eddie Tam's Office.

He said on his trip to Maui that he would follow-up verbally on my written request to Special Agent Faisst.

Adams said Special Agents of the F.B.I. are not Federal Civil Service employees.

He said routine complaints against an agent or employee made from within the Bureau of a not very serious nature, the District Agent in Charge will sift the charges, then place them in writing.

If somebody outside of the Bureau makes the charges, they will be asked to put them in writing. Then with the statements of the agent charged and that of the accuser, the Agent in charge makes his recommendations to the Washington Headquarters of the Federal Bureau of Investigation where the Bureau Headquarters in Washington makes the final adjudication.

Adams said that in the minor items, the agent takes the suspension or other disciplinary action of the Washington Headquarters as a matter of course.

Then, if a more serious charge or allegation is made against an F.B.I. Agent or employee, even involving a dismissal, the same procedure is followed, except for the

serious charge involving dismissal, the Agent can appeal first to the Director of the F.B.I. in Washington. If the director should uphold the original decision, at this point the agrieved agent can appeal to the Federal Civil Service Commission, where the Agent, if he is a war veteran, has certain additional rights.

Adams said the dismissed agent still has recourse to the courts, I presume Federal Courts, if he still wishes to carry his appeal forward.

I believe this satisfactorily completes the request made of the research assistant on this subject.

Apparently, members of the Federal Bureau of Investigation have one more course of appeal than do members of the Maui Police Department, who under the present statutes can appeal only to the police commission and the courts.

In major matters, members of the F.B.I. can appeal to the Director's review of a dismissal and then if not satisfied can carry it on to the Federal Civil Service Commission and the courts.

Special Agent Adams told me Honolulu Special Agent in Charge Faisst would be mailing me some articles from their Law Enforcement Bulletins on the same subject.