

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: March 31, 1966

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 1:37 P.M.

PRESIDING: Emil Balthazar

MEMBERS PRESENT: Emil Balthazar
Cornwell Friel
Shiro Hokama
Nadao Honda
George Kondo
Harry Kobayashi
Paul Pladera
Keith Tester
James Ushijima
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Douglas Sodetani
William F. Crockett

OTHERS PRESENT: G. N. Toshi Enomoto, County Clerk
Shigeto Murayama, County Treasurer
Kase Higa, County Attorney

Others:
Ronald Vaught, K-NUI Radio Station
Announcer

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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 31, 1966.

MINUTES:

The minutes of the regular meetings held on February 21, 1966 and March 3, 1966, were distributed to the members of the Charter Commission, and approval of said minutes were deferred until the next meeting.

COMMUNICATIONS:

1. Minutes of the Kauai Charter Commission were received and are on file for interested members to read.
2. Letter of acknowledgment regarding our letter of inquiry from Ray L. Faisst, Special Agent in Charge, Federal Bureau of Investigation.

LITERATURE:

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

1. Reprints from the Honolulu Star Bulletin and Honolulu Advertiser on the activities of the Hawaii and Kauai Charter Commissions.
2. Maui County Charter Commission 1964 Comparison of Present and Proposed Form of Government.

OLD AND NEW BUSINESS:

There being no old or new business to be acted on, the Chair called upon Mr. G. N. Toshi Enomoto, County Clerk.

GENERAL DISCUSSION:

Mr. Enomoto circulated copies of the Biennial Report (1963 & 1964) of the County Clerk's Office. A brief summary of the functions of his department was also circulated to the members of the commission.

In brief, Mr. Enomoto stated that the County Clerk's office provides clerical assistance to the Board, which involves recording and reporting. The duties of his department are provided for in the Revised Laws of Hawaii Statutes, Section 144-54. There are 10 different functions to perform under the statutes as compared to the proposed provisions of the 1964 charter presented to the people in the general election of 1964.

The County Clerk's office not only serves as a recorder of regular and special meetings of the Board of Supervisors, but they also follow up on the decisions taken or made at such board meetings. Correspondence is also included. Matters pertaining to contracts (architectural, construction and land), all official actions, and bonding to all agencies are among the functions. Also, all ordinances in such matters. The pamphlet circulated also contains all the work the County Clerk's office has done in equivalent facts.

The County Clerk's office has three types of pension boards which they are secretary to, namely, Municipal and County Pension Board, Pension Fund for Policemen, Firemen, and Bandsmen, and Legislative Pension.

The Municipal and County Pension Board, created by Section 237, Session Laws of 1937, is still in existence, empowered to create pension to former county employees and widows of such employees who are ineligible for pensions under the State Employees' Retirement System.

The Board of Trustees of the Pension Fund for policemen, firemen, and Maui County Band (there used to be a band) created by Session Laws of 1917, was amended continually, and still is in force under the Revised Laws of Hawaii 1955. This Board is empowered to grant pension to employees of the police department, fire department, and Maui County Band. Allowances are granted for the support of minor children of such employees until they reach age 16. It also authorizes the payment of \$100 for funeral expenses of employees of said department. The members of the State Employees' Retirement System are not eligible for benefits from this pension fund, neither are those who are in the retirement system we have today.

There haven't been any legislative pensions for quite sometime. The Legislature stopped giving pensions for 16 years.

The County Clerk's office is also responsible for all elections, whether state, special, county, or otherwise. Registration, election and voting procedures are covered in the Biennial Report circulated.

During the question and answer period, Mr. Pladera asked what his opinion was as to the County Clerk being appointed by the chairman of the council. Mr. Enomoto stated that in the 1964 proposed charter, the only difference he noticed was the matter of appointment by the council. He mentioned that it seemed to be a very important change and that it was up to the people if they decided that they wanted a change. His personal opinion at that time was that he would go along with whatever the people decided on. He could not understand at that time what was wrong with the system we had and the system we have now. He felt that being elected, he is responsible to the people and because of the responsibility of the position, to work with the legislative branch called the Board of Supervisors. He felt that the main thing is that the elected officials for the respective departments be responsible to the people.

Mr. Pladera also asked whether it would be difficult to be appointed, under the provision of the 1964 charter, despite his 18 years of service. Mr. Enomoto stated that under the circumstances it may be so since this is a Democratic administration and he is a Republican. He felt that the situation today is different. The matter of political experience would be taken into consideration.

In answer to Mr. Tester, as to how it would be if the Clerk was appointed by the mayor and confirmed by the council, Mr. Enomoto stated that he had no comments. Whatever the people wanted, he would go along. He felt that no improvements would take place simply because the office becomes elective or appointive. The improvement rests upon whomever is sitting in that office.

When questioned by Mr. Honda as to how he felt about the four year term in the proposed charter of 1964, Mr. Enomoto stated he didn't give it much thought. He also stated that in talking with people, he came up with two conclusions. The two year term will be a good term for the person holding that position, but as a candidate who is looking at the expenses of campaigns, it would cost less if the term was for four years.

Mr. Ushijima asked whether, under the present form of government, the Chairman and Executive Officer can still order him to do certain things, or how to run his office in a certain manner. Mr. Enomoto said that the Chairman hasn't done it so far. He also added that he knows the statutes give him the authority to run his office, but the Chairman has not demanded anything of him at any time. He has always had a good association with the Chairman.

In reply to Mr. Kondo as to what his opinion was as to whether we should hold a special election on the charter (should the commission come up with one), Mr. Enomoto felt that holding a special election in September (as the Maui News article quoted) would confuse the issue, being that the closing date of the primary election in October would be prior to that month. Should a special election be held in September, the closing date of registration would be prior to September. He suggested that the commission work hand in hand with his office to prepare for this election, whether it is held at a special election or at the general election, taking into consideration the cost, closing of books and other matters.

Mr. Kondo felt that probably the timing of voting of the charter was wrong. If held at the general election, people would be campaigning for their respective candidates and would not take interest in the voting of the charter.

Mr. Enomoto felt that having a special election would not be fair. Only one third of the population turns out. The other two thirds either stayed home or didn't care. He also felt that voting of the charter should be held during the general election when most of the people will be coming out to vote.

Mr. Kobayashi felt that only those who want to vote have an idea as to what the charter is about.

Mr. Balthazar stated that the charter commission took no official position at the last meeting of the commission to hold a special election or to have the charter before general election. He felt that if it was held at the general election, it would cause confusion. His personal view in having a special election is to concentrate the public's interest solely on the charter because of its importance.

When questioned by Mr. Ushijima as to the cost of a special election, Mr. Enomoto stated that he estimated it would be somewhere between \$20,000 to \$25,000.

In answer to Mr. Kondo as to his opinion on the salary of the county clerk being fixed by the council, Mr. Enomoto stated he has no answer for that. He said why differentiate the setting by the council of the clerk's salary as against the council setting up the salary of the rest of the county employees.

Mr. Balthazar asked who sets the county clerk's salary. Mr. Enomoto said that his salary is set by the Board of Supervisors. Mr. Balthazar felt that the salary should not be set lower than any department head.

When questioned by Mr. Balthazar as to whether his deputy was under civil service, and if under such circumstances, would he continue as a deputy regardless of what happens to the clerk, Mr. Enomoto stated that as a civil service employee, he would continue as such.

After thanking Mr. Enomoto for his appearance before the commission, Mr. Balthazar called upon Mr. Shigeto Murayama, County Treasurer.

County Treasurer

Mr. Murayama stated that a charter properly written could pin point the administrative or executive body and legislative body and by combining certain functions have greater efficiency and economy. Combining the Treasurer and Auditor's office would mean cutting a number of personnel.

He felt that the Finance Director should be appointed with a suggested guide line. One of his primary duties would be to set up the finance department as such, and this would include operating procedures that all departments would follow. He also felt that combining the two departments (treasurer and auditor) is almost mandatory.

At present, payroll and other county expenditures are paid by the auditor's office, without any auditing or inspection.

Mr. Murayama stated that he was in favor of the proposed charter presented by the last commission. He honestly believes it would streamline the county government. He felt that one of the factors that helped defeat the proposed charter was that it offered no job protection for the large vote-getting officials. He also felt that the commission must recognize the fact that here on Maui everyone is so close to each other that they would have to have a tremendous force in order to have the charter passed. He had no suggestions to offer, but he recommended that the commission take that factor into consideration.

In answer to Mr. Tester as to whether the Treasurer and Auditor should be appointed or elected, Mr. Murayama stated that before that question can be asked, the charter commission has to decide what form of government they want first, whether it is strictly administrative or an appointive position under the mayor, which would pin point responsibilities.

Mr. Tester then asked if it were an appointed position, should it be confirmed by the council. Mr. Murayama answered that if you want a strong mayor, then he should be given the responsibility to appoint someone qualified who can do the job the way he wants it.

When questioned by Mr. Ushijima as to why a law was passed saying that we should have a charter commission, Mr. Murayama's personal opinion was that the reason this came about was a demand for home rule. He felt that when you place the forming of your own government in the hands of the voters, you are giving them a chance to form a charter. He stated that the law does not say you have to change the present form of government. The idea is to give the county a chance to write up its own type of government and have the people decide whether they want it or not. He also stated that the commission has a chance to propose some form of government, not whether they should change it. The question is whether the present government should be changed and how it should be changed.

In answer to Mr. Hokama as to how he felt if a special election was held on the charter itself, Mr. Murayama said that the people who come out to vote are those who are for or against the charter. Those who don't are those that don't care one way or the other. He also added that Mr. Enomoto presented a good point if a special election were to be held.

In reply to Mr. Tester as to whether the job now held by the auditor would affect the department of finance deputy, Mr. Murayama said no. He felt that he would be in a better position to answer when a department of finance is in existence.

Mr. Tester felt that he believes the Treasurer's office and Auditor's Office are so compatible that there should be some way in which they can be combined--area where streamlining can be done.

In reference to the position of a budget director, Mr. Balthazar asked whether that position would be created by the mayor when the need for it arises. Mr. Balthazar felt that the Treasurer would be the logical person to prepare the budget for the mayor since he is the right-hand man, and because he is the right hand man, the budget director would have to go to the Treasurer for information. Mr. Balthazar then asked whether we are big enough to have a separate department in the charter.

Mr. Murayama stated that certain duties of the auditor's office at the present time can be carried out by a budget director. He would have a staff under him and this staff would do the auditing for him. This is separate from the Finance Director who has charge of the administration of the finance.

When questioned as to the auditing of the Treasurer's office, Mr. Murayama stated that there should be somebody to audit the books of the Treasurer's office. He also said that it is strictly business procedures whether somebody within the county does that or not.

Mr. Pladera suggested that the most effective way of getting an audit is to have an audit ordered by the council each year. Mr. Murayama said it is hard to spell out those things.

Mr. Young asked whether CPA audits his department. To that Mr. Murayama answered not yet.

There being no further questions, Mr. Balthazar thanked Mr. Murayama for his informative presentation and for his views and comments.

Mr. Balthazar suggested that a recess be called before calling upon Mr. Kase Higa, the County Attorney.

The meeting reconvened at 3:03 p.m.

County Attorney

Mr. Higa stated that there are three attorneys in the County Attorney's Office, including himself. They have been authorized to hire another attorney. Besides the three attorneys, there are three secretaries.

The budget for the County Attorney's office is \$70,000.

The members of the County Attorney's office attend all the district courts on Maui, including Wailuku, Makawao, Lahaina and Hana. Makawao and Hana are considered as one district. The Magistrate of the Makawao District Court also attends court sessions in Hana. Court sessions in Makawao are held once a week and in Hana, approximately once a month, sometimes less. Because of the infrequent trips to Hana, they hire a private plane to Hana and have it standby. The judge, clerk and one attorney go to the court sessions in Hana. Because of the fact that everyone goes at one trip, the plane trip has turned out to be cheaper than mileage.

Court sessions at the Wailuku District Court are held twice a week since there are enough criminal cases. Judge Wong is the Magistrate at the Wailuku District Court.

The Lahaina District Court Magistrate, who is Judge Hasegawa, also serves for the Island of Lanai. His presence at the Lahaina District Court is once a week and on Lanai, once a month.

Court sessions on Molokai are held approximately twice a month with District Magistrate Marybeth Maul presiding.

The County Attorney's office also appears at the Circuit Court, where the Grand Jury meets usually on the average of four times a year, possibly five, not less than 4, and not more than six.

Mr. Higa circulated copies of the functions of the County Attorney's office, which are outlined under Chapter 144 of the Revised Laws of Hawaii 1955, to the members of the commission and explained each function.

Mr. Higa stated that the difference between the County of Maui and the City and County of Honolulu is that they have a separate office for the corporation counsel

and a separate prosecutor's office. The corporation counsel handles civil suits, uniform reciprocal actions and acts as adviser to the Social Services Department. There is a complete division in the City and County of Honolulu. On Maui, there aren't enough criminal cases for a separate prosecutor's office. Mr. Higa also stated that in the 1964 proposed charter, there was a provision for an elected prosecutor when the need arose. He felt that there is no necessity for that.

As to whether the County Attorney should be appointed by the chairman and confirmed by the Board of Supervisors or whether the County Attorney should be appointed by the Chairman without confirmation, Mr. Higa stated that the theory of that is the County Attorney's office is legal adviser to the mayor, and also the legal adviser to the council.

Mr. Tester asked whether he believed in appointment by mayor without confirmation. Mr. Higa said the County Attorney should be confirmed. Mr. Higa said that the County Attorney should not be an elected official, whether it is confirmed or not. Mr. Higa also felt that in the 1964 proposed charter, the mayor was too strong.

Mr. Kondo stated that maybe the County Attorney should appoint the prosecutor instead of the mayor, solving the problem of getting three or four deputies. Mr. Higa stated that there would be a conflict of interest in that situation.

When questioned by Mr. Pladera as to whether or not the deputies are under civil service, Mr. Higa said no.

Mr. Pladera then asked what Mr. Higa's possibility was in being appointed by the mayor. Mr. Higa stated that all the attorneys have never been under civil service.

When questioned as to the possibility of setting up a prosecutor's office, Mr. Higa stated that there weren't enough criminal cases to create such a separate office.

There being no further questions, Mr. Balthazar thanked Mr. Higa for his informative presentation.

ADJOURNMENT:

The meeting was adjourned at 3:30 p.m.

NEXT MEETING:

April 14, 1966, at 7:00 p.m., in the Board Chambers,
with the Chairman and Executive Officer of the County of
Maui.

Respectfully submitted,

Ayako Ishikawa
Ayako Ishikawa, Secretary