

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: May 19, 1966

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 7:16 P.M.

PRESIDING: Douglas Sodetani, Chairman

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

MEMBERS EXCUSED: Nadao Honda
Harry Kobayashi

OTHERS PRESENT: Legislators:
Senator James F. Fleming
Representative Mamoru Yamasaki

Others:
Kase Higa, County Attorney
Arthur B. Fernandez, Federal Programs
Coordinator
Jack Stephens, Maui News Reporter
Robert Johnson, Advertiser Reporter

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ROLL CALL:

There were 8 members present and two excused at the regular meeting of the Maui County Charter Commission on May 19, 1966.

MINUTES:

It was moved by George Kondo and seconded by Shiro Hokama that the minutes of April 28, 29, and May 5, 1966, be accepted as circulated. Motion was carried.

COMMUNICATIONS:

The following were received and are on file for interested members to read:

1. Minutes of the Hawaii and Kauai Charter Commission.
2. Letter from Keith B. Tester, President of the Lahaina Restoration Foundation.
3. Letter from Dean Wheeler, Chairman, Molokai-Lanai District Committee of the Republican Party of Hawaii.
4. Letter from Reverend Dan Higashi, Pastor of the Wailuku Baptist Church.

NEW BUSINESS:

A resolution of condolence in memory of Commissioner Stanley Cornwell Friel was read by William F. Crockett. It was moved by William F. Crockett and seconded by George Kondo that the Charter Commission adopt said resolution and that a copy of said resolution be sent to his widow, Mrs. Pearl Friel. A minute of silence was observed by Charter Commission members in memory of Stanley Cornwell Friel.

The Chair informed the Charter Commission of the following meeting dates:

June 9, 1966, at 7:30 P.M., Public Hearing, at the Kahului Library.

June 16, 1966, at 7:00 P.M., in the Board Chambers.

June 27, 1966, at 7:30 P.M. (Kahului Library), with Mr. Herman Doi, Dr. Norman Meller and Dr. Richard Takasaki.

June 30, 1966, at 7:30 P.M. (Kahului Library), with Councilman Herman Lemke and Mr. Hiromu Suzawa, Deputy Corporation Counsel.

It was suggested by William Crockett that advance notice be given to invite the public so that they would have the opportunity to hear these people.

The Chair informed the Charter Commission of the Budget for July 1, 1966 to December 31, 1966. It was moved by William Crockett and seconded by Emil Balthazar that the Budget be approved as circulated. Motion was carried.

GENERAL DISCUSSION:

The Chair called on Mamoru Yamasaki, Representative of the State Legislature.

Mr. Yamasaki stated that he believed the charter should provide language or contain provisions that will make the county agencies that would be set up in the charter a part of the Administrative Procedure Act of 1961. The Administrative Procedure Act of 1961 provides for the procedures in appearing before public agencies, which covers State and political agencies. Mr. Yamasaki thought that law was a good one. He was informed that the County agencies are not yet complying with the Administrative Procedure Act, such as the Liquor Commission, in which the Executive Secretary appeared before the Charter Commission stating that such a provision be included in the charter.

Mr. Yamasaki felt that the businessman and taxpayer appearing before the public body should be given a fair hearing and only by complying with the Administrative Procedure Act, can they be given this fair type of hearing.

Mr. Kondo asked Mr. Yamasaki to brief the Charter Commission on Act 97 and how it was progressing. Mr. Yamasaki stated that Act 97 was enacted because of the other actions which the Legislature took in relation to the excise tax. Because of that action, they felt that some of the functions outlined in the Constitution, such as schools, should come under the State. They also felt that the schools should be part of the State administration of the Department of Education and that the construction of facilities should come under the State. The Legislature also acted in the area of hospitals, where the health of the people is the concern of the State to provide equal health facilities to all people. The other area was the district courts. They felt that it was proper that the district courts should become part of the judiciary of the State. Mr. Yamasaki felt that financially, the counties has more to gain with this transfer of functions. In education, he stated that they emphasized equal opportunity in education for every child no matter where the child was located.

When questioned by Mr. Balthazar as to whether Act 97 will make any change in the appointing procedure of the Hospital Board, Mr. Yamasaki said so far they have not made any changes. The Legislature was called to a meeting with the Hospital Board of Trustees and the trustees expressed a desire to remain in existence.

Mr. Balthazar asked whether there was any implied intention to eliminate the Board of Trustees. To that, Mr. Yamasaki stated that he believes no change was intended.

No changes were made and it was decided to keep the contractual system between the counties and the State. They felt that the Governor wanted more time.

In answer to a question by Mr. Sodetani, Mr. Yamasaki stated that the main purpose of the Legislature creating the charter enabling act was to provide the people of the counties with a chance to change their form of government. That was part of the home rule because the City and County of Honolulu had already adopted theirs a long time ago. This Enabling Act was passed by the Legislature to provide the county with a procedure to establish the kind of government they would like.

Mr. Sodetani asked whether any act can supersede the provisions of the charter if the charter is adopted, passed and ratified by the electorates of the County of Maui. Mr. Yamasaki stated that there are some State laws which are statutory laws that govern the counties even though there is a charter. Mr. Higa stated that the counties are creatures of the Legislature. The Legislature can amend any charter that is adopted.

Mr. Tester asked whether he had any idea why the last charter failed. Mr. Yamasaki stated that he concurred with the provisions which the charter had, but he noticed that there was not very much confirmation power.

Mr. Tester asked whether the term of four years for the council had anything to do with it. To that, Mr. Yamasaki said he personally is for it, but perhaps the county is not ready for a change in this respect. Mr. Yamasaki also stated that he felt the four year term should be recommended since it not only save expenses for election, but permits time for a program.

In answer to Mr. Tester, as to whether all appointees of the mayor should be confirmed by the council, Mr. Yamasaki felt that all major appointments should be confirmed.

Mr. Tester asked whether the Chief of Police should be appointed by the mayor or the commission. To that, Mr. Yamasaki said by the mayor, because in the Administrative Procedure Act, the commission should be the rule making body. He felt that the commission should not be the body to charge anyone for violation and at the same time sit at the hearings and determine whether the charge was justified. The powers of rule making and adjudication of the case should be separated.

In answer to Mr. Tester, Mr. Yamasaki stated that the Planning Director should be appointed by the mayor.

Mr. Tester asked whether the Economic Development Coordinator should be placed under the Planning Department. To that, Mr. Yamasaki said he didn't think so.

Mr. Tester asked how he felt if the Treasurer and Auditor should be combined as a Finance Department. To that, Mr. Yamasaki said it could be combined.

Mr. Tester asked whether the County Clerk should be appointed by the mayor or by the council. To that, Mr. Yamasaki said he could be appointed by the mayor. He felt that the housekeeping functions of the county government should very well be an appointive person, but the other functions of rule making should be elected by the people.

Mr. Yamasaki stated in his closing remarks that maybe the Charter Commission should ask the organizations who had strong oppositions to the charter to appear before the Charter Commission and to take part in the construction of the charter. Mr. Sodemani stated that the Commission had sent letters to various organizations for their views and comments, which views and comments should be in by May 31, 1966.

There being no further questions, the Chair thanked Mr. Yamasaki for his presence and for enlightening the Charter Commission as to his views and recommendations.

The Chair called on Senator James Fleming who stated that the two year term gives the people a chance to meet their elected officials every two years. He stated that he doesn't know why the government should be changed.

Mr. Balthazar asked whether he had any personal views as to why the charter was defeated the last time. Mr. Fleming said he doesn't know why it was defeated. He recalled that the last charter proposed a four year term. He said he is strongly against it.

Mr. Ushijima asked whether all public officers should be on the two year term regardless of state, national or county level. To that, Mr. Fleming said there is inconsistency, but no harm if all should run for two years on the state and county level.

Mr. Tester asked how the Chief of Police should be appointed. To that, Mr. Fleming stated that if the Chief of Police is appointed by the Chairman or Mayor, then he felt the Board of Supervisors or Council should confirm the appointment. He felt that if the Police Commission is appointed, they can choose their own Chief of Police.

When questioned about the Planning Director, Mr. Fleming felt that the Planning Commission should be responsible for the Planning Director.

Mr. Kondo asked whether the appointments of the Chief of Police and Civil Service Director should be uniform. To that, Mr. Fleming said yes. Mr. Crockett stated that there is a difference between the different types of job relation to the rest of the government. Basically, it is a matter of judgment. There are certain different departments that are closer to the mayor.

Mr. Crockett asked what he thought about district representation in the County. Mr. Fleming said that all districts should be represented on the Board. He felt that each area should be represented.

There being no further questions, the Chair thanked Senator Fleming for his presentation.

ADJOURNMENT:

The meeting was adjourned at 9:20 P.M.

NEXT MEETING:

May 26, 1966, at 4:00 P.M., in the Board Chambers.

Respectfully submitted,

Ayako Ishikawa

Ayako Ishikawa, Secretary

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

May 19, 1966

A G E N D A

1. Roll Call
2. Minutes of prior meetings
3. Communications:
 - a. Minutes of Kauai and Hawaii Charter Commissions.
 - b. Letter from Keith B. Tester, President, Lahaina Restoration Foundation.
 - c. Letter from Dean Wheeler, Chairman, Molokai-Lanai District Committee of the Republican Party of Hawaii.
 - d. Letter from Reverend Dan Higashi, Pastor of the Wailuku Baptist Church.
4. Literature:
 - a. From Charles C. Young, Research Assistant:
 1. Reprints from the Honolulu Star-Bulletin and Honolulu Advertiser on the activities of the Hawaii and Kausi Charter Commissions and on the Code of Ethics of the Honolulu Charter.
5. Old Business
6. New Business
7. Meeting with the Legislators of the County of Maui.
8. Matters to be brought up by Charter Commission:
 - a. Set date for public hearing on whether we should have a charter or not.
 - b. Discuss matters for meeting of May 26, 1966.
 - c. Resolution of condolence for fellow member.
 - d. Proposed Budget for Charter Commission (July 1, 1966 to December 31, 1966).

PROPOSED BUDGET FOR CHARTER COMMISSION

(July 1, 1966 to December 31, 1966)

003.10A - SALARIES:

Commissioners (11 members).....	\$ 6,600.00
Stenographer.....	2,484.00
Research Assistant.....	1,200.00
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Total.....	\$10,284.00

003.10B - EXPENSES:

Lanai Commissioner.....	\$ 753.12
Molokai Commissioner.....	762.24
All Commissioners Travel & Mileage.....	1,500.00
Consultant Services & Travel.....	1,000.00
Office Supplies & Printing.....	6,000.00
Telephone.....	100.00
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Total.....	\$10,115.36

SCHEDULE OF MEETINGS WITH VARIOUS
DEPARTMENTS OR AGENCIES OF THE COUNTY OF MAUI

MARCH 24, 1966 - 7:00 P.M.

Planning Director - Planning and Traffic Commission

MARCH 25, 1966 - ^{9:00}8:30 A.M.

Members of the Planning and Traffic Commission

MARCH 31, 1966 - 1:30 P.M.

County Clerk's Office
County Treasurer's Office
County Attorney's Office

APRIL 14, 1966 - 7:00 P.M.

Chairman and Executive Officer of the County of Maui

APRIL 21, 1966 - 1:30 P.M.

- ✓ Safety Coordinator
- ~~Economic Development Coordinator~~
- ✓ Federal Programs Coordinator
- ✓ Information and Complaint Officer
- ✓ Transportation Control - Executive Secretary
- ~~Civil Defense Agency - Administrator~~

APRIL 28, 1966 - 7:00 P.M.

- ✓ Manager and Chief Engineer - Board of Water Supply
- ✓ Executive Secretary - Liquor Commission

APRIL 29, 1966 - ^{9:00}8:30 A.M.

- ✓ Members of the Board of Water Supply
- ✓ Members of the Liquor Commission

MAY 5, 1966 - 1:30 P.M.

Economic Development Coordinator
Superintendent of Parks, Playground and Recreation

Civil Defense Agency - Administrator

MAY 12, 1966 - 7:00 P.M.

Members of the Board of Supervisors

MAY 19, 1966 - 7:00 pm - legislators
MAY 26, 1966 - 4:00 pm - review to club Rules.

MAUI COUNTY CHARTER COMMISSION

BUDGET

February 10, 1966 to June 30, 1966

<u>ACCOUNT</u>	<u>AMOUNT ALLOTTED</u>	<u>AMOUNT SPENT (MARCH & APRIL)</u>	<u>BALANCE AS OF APRIL 30, 1966</u>
<u>003.10A - SALARIES:</u>			
Commissioners (11 members).....	\$ 4,400.00	\$2,200.00	\$2,200.00
Stenographer.....	1,656.00	756.00	900.00
Research Assistant.....	800.00	400.00	400.00
Total.....	\$ 6,856.00	\$3,356.00	\$3,500.00
 <u>003.10B - EXPENSES:</u>			
Lanai Commissioner.....	\$ 502.08	\$ 222.42	\$ 279.66
Molokai Commissioner.....	508.16	160.56	347.60
All Commissioners travel & mileage..	1,000.00	--	1,000.00
Consultant Services & Travel.....	1,200.00	25.00	1,175.00
Office Supplies & Printing.....	500.00	462.69	37.31
Telephone.....	100.00	44.70	55.30
Repair, Painting of Office.....	350.00	--	350.00
Total.....	\$ 4,160.24	\$ 915.37	\$3,244.87
 <u>003.10C - EQUIPMENT:</u>			
Desk, Chair, Typewriter, Filing Cabinet and other sundry equipment.....	\$ 750.00	\$ 339.58	\$ 410.42