

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: July 10, 1966

PLACE: Helene Hall, Hana, Maui

CALL TO ORDER: 2:00 P.M.

PRESIDING: Douglas Sodetani, Chairman

MEMBERS PRESENT: Douglas Sodetani, Chairman
Emil Balthazar
William F. Crockett
George Kondo
James Ushijima
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Shiro Hokama
Harry Kobayashi
Paul Pladera
Keith Tester
Nadao Honda

OTHERS PRESENT: Howard Cooper
Reverend A. H. Elshoff
Dr. and Mrs. Milton M. Howell
Mr. and Mrs. John Hanchett
Roland Chang
Charles J. Cooper
Shoichi Tanaka
John Kaiwi
Robert Butterfield
Mr. and Mrs. Frank Howlett, Jr.
Leslie W. Eade
Benny M. Perry
Mrs. Peter Konohia
Mabel E. Daniels
Mrs. Mary Pinho
Lloyd Sodetani

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The Chair opened the hearing by introducing the commissioners of the Maui County Charter Commission to the audience. The Chair then gave a brief background of the Charter Commission. The floor was then opened for discussion.

Rev. Elshoff: Do you have a printed copy of the proposed charter now?

Mr. Sodetani: No, we don't have. We don't even have a proposed charter. All we have is the proposed charter of 1964, which failed to receive the majority vote of the electorate.

Rev. Elshoff: Are you starting from scratch?

Mr. Sodehani: Our intention is not necessarily to start from scratch, but we'd like to use the proposed charter of 1964 as a basis because we feel there has been considerable amount of work done. A lot of money has been spent into it, so we'd like to use that as a basis. There's a lot of good points in that charter there that I personally feel would be beneficial to the people of the County of Maui.

Mr. Cooper: What has the reaction been on other islands with regard to adopting the charter?

Mr. Balthazar: On the islands of Kauai and Hawaii, the Chairmen appointed their Commission much earlier than the Chairman of the County of Maui appointed this commission. I believe the reason for that was Mr. Tam long ago announced that he would primarily appoint the same commission as we had the last time. Whereas, Kauai and Hawaii voted pretty much a new commission on both islands. They had quite a head start on us. Both of them had their final draft and are holding public hearings on it, and I believe that their tentative schedule to have a special election this summer--this August, so they're quite a bit ahead of us. What the reaction of the people has been on their charter, I couldn't tell you.

Mr. Hanchett: Could you tell me if there has been any amendments to the Oahu Charter?

Mr. Crockett: I don't think there has been any amendments. They're talking about amending the charter now because they have a problem. The prime problem is the Honolulu Charter provides for district representation--a form of district representation. They're talking about amending that. They're also talking about amending the code of ethics.

Rev. Elshoff: I'm not quite clear of what the County of Maui consists of. Is everything outside the municipality? Is the municipality included in it, or do you have a separate city government like Kahului and Wailuku and so on?

Mr. Sodehani: Well, the municipality is the County of Maui, and there is no incorporated town or city other than the County of Maui. In other words, for the State of Hawaii, there are only four counties plus the County of Kalawao. The City and County of Honolulu is considered a city government.

Dr. Howell: I'd like to speak to a point that's very close to me, and I think it's appropriate and relevant as I speak to the Charter Commission on this matter. I don't want anyone to think what I have to say as being political because the situation has been handled by both the republicans and democrats in the past and has been developed by both parties. I speak about the hospital situation here in the County of Maui. Historically, the hospitals in the County of Maui was run by the local board and I might say very well so, and I might say by a board that was represented by all segments of the population.

Recently, there has been an act, known as Act 97, which took over the control of the hospitals under the State. Now

in return to that, the County was given some money and then second, the State signed the contract that the County would operate the hospitals. Now actually that isn't what has happened at all. Actually we have these same men, these capable men sitting on the hospital board. They don't know what their problems are or what the privileges are. Naturally, they have none when it gets down to it. The board is calling the cards for lack of direction and for lack of definition or their responsibility. When we try to do business with the administrator or administration, the hospital at Maui Memorial, we are told, well, we'll see what can be done. We see if we can get that amount in the 1967-68 budget, depending on what time it is, but it's at least 18 months in the future from the time you talked that you can expect delivery of an employee or a piece of equipment that has not been included in the past budget.

This is the mechanic of the operation of the State budget, and this is necessary as I understand it to the operation of a State organization in the State of Hawaii. It is not necessary to decide organizations that we have in the hospitals. This is slowly paralyzing our hospital operations. We have given up in return for cash a privilege of a selling which we have done in the past and turn this all over, not to the State Health Department, and this is where we fall in some area, too. Our hospital right now is run by the bookkeeper. It's run by the Budget Department under Mr. Marciel in the State government.

I don't know what the powers of the Charter Commission are in this matter, but I would like to urge you to advocate, influence, write, do anything you can to retain some privilege of running our own institutions here on Maui.

Mr. Crockett: Specifically, we have a problem on the Charter Commission with respect to the hospital and our problem is not quite your problem, but our problem is that the State statutes provide for the appointment of this governing body by the Chairman and by the Board of Supervisors.

At the present time, it's not very clear as to who's going to continue who's responsibility the power of appointing is, so we've asked the Attorney General to clarify this for us. Once we get this opinion, this will eliminate some of the bad moral, if you want to call it that. We hope the Attorney General will give us some sort of specific opinion as to who is actually going to be reappointing them from time to time. That's specifically what we have done.

The problem that you pointed out with respect to the hospital is a problem that exist in my mind with over all these operations in the State of Hawaii, the governmental operations, we've got a very high concentration of authority on the State level, and this probably has a historical basis for it, but that isn't the important thing. I think the important thing is that we've got to realize that all the departments in the State are concentrated in Honolulu.

We can't at the Charter Commission say we're going to take back the responsibility for the hospitals, or bring these functions back to the County, or we're going to bring back to the County the responsibilities for the school construction. This went under Act 97. What the changes are,

it's not our prerogative. I think it's important to realize that, in my opinion, one of the reasons why we have this high concentration of authority in Honolulu is because, generally speaking, there's a feeling on the part of the people as a whole, there's a feeling on the part of the politicians that local government isn't efficient and that local government simply doesn't produce.

You say you were producing with the hospital and the general feeling on the part of the people that local government just doesn't operate very well, so, therefore, let us give it to the State and they will get the job done. I don't think this actually happens. You say it didn't happen with respect to the hospitals, but it's one of the reasons why we have a Charter Commission, one of the reasons why we're spending so much time, and one of the reasons I was disappointed that the last charter didn't go through was because I realize that if we had a charter, perhaps we could make local government more efficient. We could organize these things in a better fashion in our local county level, and perhaps then the people would have more confidence in local government and there wouldn't be this continual urge whenever there is a problem to be solved to go ahead and have this problem solved in Honolulu. I only wish the people as a whole would see this relationship between the high concentration of authority that we have in Honolulu, which people are more and more becoming dissatisfied with on Maui and the job we're trying to do on the Charter Commission.

Dr. Howell: We spoke about this point the last time. The last time we prepared a statement taking the number of registered voters over the island and we had proposed for district representation. Sometimes one man one vote sounds good, but sometimes one man no vote, and if you don't happen to live in the right place. I still think this can be done constitutionally on the basis of population or registered voters or whatever you want to use that there should be a district in Hana, Maui, comprising of Hana, Nahiku, Keanae and as much of Makawao and Haiku as necessary to make up the representations fair to the rest of the population of Maui. I would still feel much happier if someone more responsive to this end of the island rather than responsible only to the central district.

Mr. Sodetani: Insofar as realizing this would be a big problem and some of the major problems come out insofar as to what extent are you going to divide. By population or by registered voters? Using what as a criteria? Would the people be satisfied by giving them one vote from the representation and lose eight votes? Up to now they have nine votes--eight plus the Chairman. With district representation, you'll have only one vote.

Mr. Balthazar: We are also faced with this practical problem. Lanai has 829 voters at the last election. You must stop with Lanai's smallest unit because of this geographical set up. In order to give Lanai equal representation or any other districts you set up, which cannot be done on this largest unit against this smallest unit, then you'll have an unreality board. You have this problem in this changing population movement, and I think that's being pretty pronounced right now on the Island of Maui where we're going into this transitional change. You have to set up procedures whereby you probably have to revise your apportionment faster

than every ten years or faster than the sense that you allow.

Dr. Howell: I think the system of giving Lanai one representative is not bad. I agree with you on that. I don't propose a representative of every 800 people. I'm not proposing anything that is unreality. You can divide it up if the people feel it should be divided up. If you don't, it might be much easier to do it the other way and have everybody at large. There are advantages to both sides, but you say we have nine men responsive. It's better to have no man responsive, too, if we're small, and if you have one that is absolutely irresponsible for that area, that doesn't mean that nobody will come with him because this thing doesn't tie up that way too well. I think this district representation insists that you at least get one small part of the horse.

Mr. Sodehani: Well, these are various problems that I mentioned that comes up into play and certainly we'd like to satisfy the various districts and individuals, but what effect will it have insofar as the operation of the council

Mr. Cooper: Will this type of government be more expensive or less expensive than the type of government we now have?

Mr. Sodehani: According to the Enabling Act, we are suppose to make this government more efficient and more responsive to the people. In other words, whether it would be expensive or cheaper, it would be up to the electorate and the legislative and the administration whom you would elect. Our purpose of the Charter Commission is to make it more efficient and more responsive, so insofar as to whether it's going to cost more or cost less, it will be up to the legislative and administrative body, whom you and I will elect. The Charter Commission cannot determine in the charter whether it will be more expensive or less expensive.

Mr. Cooper: Cost is a very fundamental thing. Isn't it likely that this thing is going to be more expensive than what we now have and just as efficient or inefficient?

Mr. Sodehani: Cost is a very important matter, but yet it's a very dynamic and nebulous thing. Cost can be a very basic thing and yet it could be dynamic and ever changing and it's up to the person who controls it. So, as a charter, we cannot make this type of whether it's going to be more expensive or much cheaper, but I can see a consolidation of some of these various departments.

Dr. Howell: I think we ought to speak and draw parallel to what they think about the mayor's power of appointments because this has to come up and should be considered. One is whether he could appoint the chief of police and the other is with or without the approval of the council. We went on the strong mayor premise the last time. We gave them the privilege of appointing several men in the government, and I think this was one of the more lively issues at the time the election was held. At the last time I felt the strong mayor issue was a good one. I favored it.

Mr. Crockett: What about the term of office?

Dr. Howell: The term of office, I feel, should be no less than four years because it's extremely expensive to hold election every two years. It is extremely expensive to have these men on the road campaigning every two years.

Mr. Kondo: May I have your opinion as to why the last charter was defeated? Do you think the timing was wrong? We are thinking in terms of holding an election not at the general election--special election.

Dr. Howell: I think several things happened. One thing that happened is we got lost in the shuffle. We were voting on so many things at one time that many of the people didn't know what we were doing. I think it should be put separately, put clearly and voted on as such so as not to tie to any political party and not tie to a bunch of other things. I think the expense would be worthwhile. Now the special election could do this. On the other hand, I think that this business of strong mayor or weak mayor was an extremely important thing and was a very strong opposition. There may be other things I'm not aware of.

Mr. Balthazar: Do all of you agree with Dr. Howell on the four year term? Any of you favor retaining the present two year term?

Mr. Cooper: I feel four years is fine because there is a built in defensive mechanism in there to get rid of a person within the straight four years. As I understand, you have a defensive recall mechanism in there. It gives you protection. So, four years to spare the County the expense of two years is fine.

Mr. Balthazar: You won't necessarily spare anybody savings in elections. You're still going to have your State election. When you bring in the State and County elections, it isn't that much more expensive to add another ballot. I think the important point to consider is whether we want people for four years or whether you want them for two years.

Mr. Cooper: Well, you can hardly expect a person to do very much in two years. He has been elected by the voting public to represent them, and if you don't like him, you have a recall.

Dr. Howell: I'd like to clarify this statement on four year term. I still feel there should be a four year term, but then it should be staggered terms every two years for a certain percentage of the group that comes up for re-election.

Mr. Chang: I want to go back to the question as to why the charter was defeated. I don't think it was the timing of the election. I think most of the people didn't know what it was about. Sure you came to all the districts, but I think most of the working people and the voters didn't even know what they were voting for. Most of them were told that the charter was not good, so they voted no. I think

as he suggested in having a special election, I think that would help.

Mr. Sodetani: I'd like to share with you some of my fears that I have insofar as the charter is concerned. I'm afraid that should the two neighbor island counties do not come up with a charter the next several years or in a year or so, it may be possible that the Legislature will give us a mandated charter. Now whether this suspicion or fear is ground or groundless, I'm not sure, but I have this fear. That's the reason I'd like to see that everyone have an opportunity to understand and vote upon it, whether he doesn't like it because of a certain provision or looking at the charter as a whole. There were provisions in the charter that will require a mandated revision. In other words, there will be a revision every so many years so that the people will have an opportunity to revise it to meet the changing, social, economic and different aspects of the County of Maui.

Mr. Chang: That would work in the case of a mandated charter?

Mr. Sodetani: On a mandated charter, I'm not sure.

Dr. Howell: Is it a statute that they can do this? They have the power to do this?

Mr. Balthazar: Yes.

Dr. Howell: I don't understand this district representation. First you say you don't believe in it. When I say something, you come back and deny it everytime. You either believe it or you don't believe it. Lanai is no exception no more than Hana is.

Mr. Sodetani: For us to put up an opinion right now insofar as we do or we don't, I think it would be unfair to the people of the County of Maui. I think we should be open minded and make our research and investigation so that we come up with some kind of decision for or against so that you'll know why we make this decision. It's only fair that if you don't agree with us whether for district or at large, you'll understand why we took this position. You're justified in asking why we made this decision. But for us to make a decision right now, I don't think it's fair to you or to the people of Lanai and Molokai, Wailuku, Kahului, or any place.

Mr. Crockett: I think there is a certain amount of classification in the situation that exists with respect to Lanai and Molokai because those are non-continuous areas.

Mr. Ushijima: Probably the best solution for this is the representation just like Lanai and Molokai has. You vote on the at large basis and still then you will be assured one supervisor or council member in the council we propose.

Mr. Young: I think, Howard, you were the first one that brought up what the cost of government will be.

Mr. Balthazar: There is nothing, Howard, that we are constantly doing to increase the cost of govern-

ment. We are merely rearranging and reorganizing what we have, hoping that we do set the climate for some efficiency. That would really depend on the people we elect.

Mr. Cooper: Except that now you have a table of organization.

Mr. Balthazar: No, we don't.

Mr. Howard: We have one now. You certainly must have some idea of what a comparable table of organization would be under a commission government. Now, what is the difference between what we have now and what is proposed? Is it more or less?

Mr. Crockett: I think you misunderstand the course of work we are engaged in. We are not setting up a table of organization for the charter. We are setting the frame work for the County government. Now the easiest way to reduce the cost of government would be simply to abolish the counties and to transfer all the functions that are now performed by the counties to the State. We simply eliminate County government. We couldn't do it, but the State could, and this will probably eliminate the cost of County government.

The hearing ended at 4:00 P.M.

Respectfully submitted,

Ayako Ishikawa

Ayako Ishikawa, Secretary