

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: July 12, 1966

PLACE: Kula Elementary School, Waiakoa, Maui

CALL TO ORDER: 7:40 P.M.

PRESIDING: Douglas Sodetani, Chairman

MEMBERS PRESENT: Douglas Sodetani, Chairman  
Emil Balthazar  
William F. Crockett, Vice-President  
Shiro Hokama  
Nadao Honda  
George Kondo  
James Ushijima  
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Harry Kobayashi  
Paul Pladera  
Keith Tester

OTHERS PRESENT: Jack Stephens, Maui News Reporter  
Stephen Lee, Maui News Reporter  
Robert J. Fiddes  
David Carvalho  
Susumu Nishiyama  
Miss Satoe Kunioki

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After introducing the Commissioners of the Maui County Charter Commission to the audience, the Chair called upon William Crockett to give a background of the Charter Commission. The floor was then opened for suggestions, opinions or questions from the audience.

Mr. Fiddes: If this charter is approved, it won't be after this election, won't it? How soon after this election would it go before the public?

Mr. Sodetani: We'd like to have the charter ready for the electorate sometimes early next year.

Mr. Fiddes: Very good. I think you ought to "shoot" before March. Now, if this does go through, your head man in the County will be what? A city manager?

Mr. Sodetani: We're not sure.

Mr. Fiddes: The whole County organization will be somewhat changed, won't it?

Mr. Sodetani: We're not sure yet. This is why we are here to ask the people what they would like to see incorporated in the charter.

Mr. Fiddes: You don't have a rough draft of your charter?

Mr. Sodetani: We intend to use the previous charter because these men spent so much time on it. You must remember that these 11 men have spent 15 months making research, public hearings and all that. There are lot of good points in the charter. A good example is the code of ethics. Another example is the initiative, referendum and recall. So there are many good points and some of the procedures that was in the previous charter.

Mr. Sodetani: Mr. Carvalho, how do you feel about it?

Mr. Carvalho: I think the last charter was a pretty good charter. All of them each have a difference of opinion of the mayor having all that power.

Mr. Balthazar: You think we should require confirmation this round? Do you think the lack of confirmation power was an area of concern?

Mr. Carvalho: Evidently when they didn't vote for it, I guess some of them felt strongly on that point there.

Mr. Balthazar: What about the four verses two year term?

Mr. Carvalho: Well, I don't know. I think the four year term is a good thing.

Mr. Balthazar: (Asking Mr. Fiddes). How do you feel about the four year verses the two year term?

Mr. Fiddes: A four year term is all right, provided a man is doing a good job.

Mr. Balthazar: Do you feel that that was one of the areas of concern that help defeat the charter the last time?

Mr. Fiddes: That was one issue.

Mr. Balthazar: You know this is a farming country. Did you have any problems on the Water Board in respect to the field the Water Board might work better under the Board of Supervisors or as a separate semi-autonomous body as it is? Do you have any feelings about the Water Board? Leave it as it is or try to bring it back home?

Mr. Fiddes: The improvements in the last five years have been terrific. Another five years and this lower Kula line will be in operation, and I think the water situation will be solved.

Mr. Balthazar: I was telling one of our boys last night that tends to be afraid of the so-called strong mayor. I was pointing out to him the reason the Board of Water Supply has done a good job that they say they did was because of strong executive powers with very little interference. They might take that into consideration when they talk about fear of

strong executive. I never saw a weak executive over a large business firm or a plantation.

Mr. Crockett: I'd like to ask the other people on the Commission what they thought about that proposition they made last night and also made over in Hana about having people elected in the primary election by districts. I don't know what the legality is with respect to the reapportionment decision, but it sounds like a good idea, but then when you think about it, I don't know. Let's assume you have nine people elected to the council and let's assume we have one from Lahaina, one from Makawao, one from Kula, one from Hana and one from Molokai and Lanai just for the purpose of dividing, and then you have these people elected in the primary. Nine from each one of these different districts, whether republican party--nine elected or democratic party. I don't know how you're going to take care of a person who wants to run on a non partisan basis and then all nine will after that run at large. Is that the understanding that the other people had on that particular idea?

Mr. Balthazar: That's the way I understood it. There would be nine people brought out from each party but they would each represent the district they attended. Actually, there would be more people running from each district if nine were selected. I couldn't see why it couldn't work, but I could not figure out the advantage in my mind, except that the party would probably strengthen the precinct in the district because we would force them to go out and support these people who are nominated from the district and you would at least get wide representation in the council or Board of Supervisors.

Mr. Crockett: You could end up with four from Kahului on the republican and four from Kahului on the democrat to get elected.

Mr. Kondo: What are you going to use as a guide line to this district representation? Like the Chairman brought up the idea--you use Lanai as a basis. If that's the case, we'll come up with 18.

Mr. Balthazar: No, we wouldn't. We would assume we wouldn't necessarily have to use Lanai as a basis.

Mr. Crockett: I realize that's a problem, but I wanted to lay that particular problem aside for a minute and just think about this idea in having a primary. I'm just trying to clear in my own mind how this would work--the practicalities of the thing.

Mr. Sodetani: It could be the other way around, too. We could have two from Hana and nine from Kula.

Mr. Crockett: Assuming we re-enact the present system and put that in the charter like we did the last time without any changes basically and then should we go along with the suggestion that the County Attorney made that we have an alternative provision, what kind of alternative are we going to have? Are we going to then say everybody would be elected at large? Would the people from Molokai and Lanai go along with that, or would they force us to re-district the county?

Mr. Sodetani: Let the court decide whether what we're doing is the right thing or not.

Mr. Crockett: What I'm getting at is assuming that we accept the County Attorney's suggestion that we should write an alternative, what kind of alternative are the people thinking about?

Mr. Sodetani: The only alternative that I can personally see is to run at large.

Mr. Crockett: How would the people on Molokai and Lanai take that?

Mr. Hokama: As far as reapportionment is concerned and the way the whole thing is right now, I think everybody else is waiting for what the Court is going to decide. Personally, I wouldn't know how to work it out myself. I haven't had any good idea from anybody else either on this thing. We're probably going to run into the problem of a bulky council. As Emil said, chances are voters on Molokai and Lanai would resist very strongly if you are going to try to take away the representation that they got from the Legislature in trying to draw up a charter. I think the best bet will be to use the statusquo and whatever decision comes from the Court on reapportionment, you're going to be stuck with it. Whatever the decision of the Legislature, Constitution or Convention of the State, reapportionment is for the State and that would take care of itself.

Mr. Crockett: Let me read what I'm talking about.

Mr. Sodetani: If the audience doesn't have any questions, the Commission might as well have a meeting.

Mr. Balthazar: You see what the County Attorney told us essentially is this. In the event that the court do force a reapportionment, then we should probably provide an alternative plan in the charter to take care of that either to say everybody runs at large or put everybody on a one man one vote district basis.

Mr. Crockett: Shiro, this is the last sentence that Kase has in this thing. "A possible solution may be to adopt the present apportionment scheme and to provide an alternate apportionment scheme in the event that the present scheme is declared to be unconstitutional." He's talking about the same thing that I think Suzawa mentioned at the night we had the meeting. At that time it struck me as being better not to do it that way because then you'll encourage somebody to try to come in and knock number one out so you get number two.

Mr. Hokama: The difference that I see between the set up that we have as far as the representation from Molokai and Lanai on the Maui County Board and the City Council on Oahu is that as far as the three district representatives on the Island of Oahu, the voters of these districts can vote for seven members of the council, whereas, the voters from the City proper on Oahu votes for only six.

Mr. Crockett: It's different there.

Mr. Hokama: That's not the same situation we have on Maui. All the board members are voting at large. In other words, Lanai and Molokai, you don't vote for one extra council member. We vote for the same number of council members as anybody else in the County of Maui.

Mr. Crockett: I agree with you.

Mr. Hokama: Whether we're going to get that, nobody knows.

Mr. Crockett: Nobody knows. That's what they're saying here. He doesn't know whether it's legal or not. He's saying we draft a charter, you put in a provision and he's suggesting that we adopt the present scheme, which I say might be a good idea--I don't know. Nobody is committing himself, but assuming we do. Then the second half of his last sentence, he's saying now in addition to drafting up a charter, which includes the present arrangement, you put in an alternate so that if the present arrangement is thrown out by the court, then the alternate will take effect. My point is assuming that we go along with him, does anybody have any idea what this alternate provision would be because if we're going to start talking about an alternate, we got to start thinking ahead what type of alternate provision we want.

Mr. Hokama: If you're going to be thinking of an alternate, our problem is, as Douglas mentioned, to leave it up to what the court will say.

Mr. Crockett: But that's not an alternate.

Mr. Hokama: Either that, or we have to start working on how we're going to divide this County up.

Mr. Balthazar: Shiro, but do you feel if the people of Lanai lost by court decision the right to have a person with resident qualification to run for this now, then do you think they will say, fine, we will run by the old system--everybody run at large, and we may not get a representative at all, or do you think they'll say let's go into a pure and simple district representation so that we can be guaranteed representation--having had the taste of district representation all these years?

Mr. Crockett: If we're going to start talking about an alternate, then it would seem to me the alternate that we can have is either everybody go at large or by district representation.

Mr. Balthazar: We have only two ways to go.

Mr. Crockett: But we got to select one of those two.

Mr. Sodehani: I personally feel if we're going to select an alternate, we should wait.

Mr. Crockett: I'm not saying we're going to select an alternative right now. My tentative feeling is I don't want to get in this ramble mess by having this alternate because as you say there are two alternative forms. The people are going to say you either vote by straight district representation or you go everybody at large.

Mr. Sodehani: I thought about this idea by myself for quite sometime--whether it was practical or not. The budget provides for this, but I asked Chairman Tam what he thought of the idea of having some of the commissioners go to Kauai and some go to Hawaii to observe how the commissioners there are conducting their public hearings and how they're trying to sell their charter to the people and to talk to the commissioners of these islands to get some idea so that we can get some good points and find out some of their mistakes so that we don't make the same mistakes that they did. He thought it was a good idea. I called Bill Waters of Kauai and he thinks after the 20th of July would be a good idea for a group to go down and observe. I called Ralph Kiyosaki of Hawaii, and he's going to give me some breakdown insofar as to how they're going to try to sell the charter to the people.

Mr. Balthazar: Do they have their final draft ready to go to public hearings?

Mr. Sodehani: Both of them have their final draft.

Mr. Balthazar: They haven't started their public hearings on the final draft. So then the idea would be that the members would go and actually accompany the Commission on these public hearings.

Mr. Sodehani: Not all of them. How does the commissioners feel?

Mr. Balthazar: We can try it. It might be worthwhile.

Mr. Sodehani: The only request I have is that each commissioner come back and submit a report.

For our next meeting in Haiku, James Ushijima will make the opening remarks; Kihei, Paul Pladera; Paia, Harry Kobayashi; Kahului, George Kondo; Wailuku, Nadao Honda; Lahaina, Keith Tester; and Lanai, Shiro Hokama.

There being no further questions from the audience and no further business to be discussed by the Charter Commission, the Chair thanked the audience for their presence.

The hearing ended at 8:40 P.M.

Respectfully submitted,

*Ayako Ishikawa*  
Ayako Ishikawa, Secretary