

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: June 16, 1975
PLACE: Council Committee Room, County Building, Wailuku, Maui, Hawaii
CALL TO ORDER: 2:30 p.m.
PRESIDING: Monsignor Charles Kekumano, Chairman
MEMBERS PRESENT: Monsignor Charles Kekumano, Chairman
Paul Mancini, Attorney for Commission
Joseph Souki
Lloyd Sodetani
Catalino Agliam
Stephen Petro
Margaret Cameron
Ralph Murakami
Edwina Bright
Hideo Abe
Allan Sparks

OTHERS PRESENT: Members of the Council
Lanny Morisaki, Council Chairman
Joseph Bulgo
Barney Tokunaga
Goro Hokama, Lanai
Harry Kobayashi
Doris Yamaguchi
Toshi Ansai
Lei Cockett, Council Secretary
David Slocum, Press

Minutes

The Approval of the minutes of the Charter Commission meetings of June 2 and June 10, 1975 were delayed until the June 23rd meeting.

Msgr. Kekumano introduced the Council members to the Commissioners and briefly described the work that the Commission has pursued during the past few months. Monsignor Kekumano then asked the Council to proceed with their presentation to the Commission.

Budget and Capital Program: Notice and Hearing, Sec. 9-4

Mr. Hokama asked the Commission to review Article 9, Section 9-4 of the Charter with consideration toward amending the provision to delete its time requirements. Mr. Hokama indicated that because the Charter requires a public hearing on the budget within three weeks after its submission and two weeks of notice prior to the public hearing, the Council then only has one week to deliberate on the budget before it is published. He also recommended that Section 9-4 include a provision to allow the Council to publish its recommendations with regard to the budget as well as the administration's recommendations. The Charter presently provides that the administration's budget shall be published.

Mr. Ansai supported Mr. Hokama's recommendation.

County Council, Article 3-Section 3-1, Composition

Mr. Kobayashi stated that he would like to see the Commission review Section 3-1 of the Charter to either provide for single member district representation or pure at-large representation for the entire County. He indicated that the current at-large representation lacked equity in that Molokai and Lanai were granted preferences even though their population base was quite small. Mr. Kobayashi gave his opinion that no more than seven Councilmen were needed for the County of Maui. He felt that nine Councilmen were excessive to the needs of Maui.

A discussion on the merits of at-large and district representation followed:

Mr. Hokama commented that the Territorial Legislature passed a bill in 1953 to insure seats on the County Council to both Molokai and Lanai. This bill resulted from conclusive evidence indicating the need for representation by these islands. Mr. Hokama indicated his support for at-large representation claiming that district representation would inevitably lead to provincialism.

Mr. Ansai stated his preference for district representation and explained the current inequities in the existing system. He saw no provincialism resulting from a districting scheme and emphasized the need for Councilmen to be close to the electorate.

Mr. Bulgo indicated that the electoral system must be simple. He suggested that the Chairman of the Council assign districts to specific Council members as a means of bringing the legislators closer to the voters.

Mr. Morisaki questioned why districting was such a sensitive issue.

Monsignor Kekumano responded that residents of Lanai, Molokai, and Hana had indicated a need to elect their own representatives.

Mr. Morisaki commented that the Council has made it a current practice to hold its meetings in various districts. He stated that the turnout is poor and questioned the real desires of the electorate for district representation.

Mr. Sodemani suggested that Molokai and Lanai be released from the County and to establish their own County Government. He stated that this would rectify the existing problem.

Mr. Kobayashi commented that the Counties are a creature of the legislature and thus separate Counties for Molokai and Lanai was a legislative issue and not a Charter issue.

Mrs. Yamaguchi stated that district representation was childish in that she received requests from all areas of the County and represented each equally.

Mr. Mancini suggested that evidence existed to indicate that a districting scheme would lead to log rolling but asked whether the Commission should present the issue to the voters if significant support existed for it in public hearings.

Mr. Bulgo answered in the affirmative.

Mr. Kobayashi asked if he could proceed with recommendations on other sections of the Charter.

Terms-Section 3-2

Mr. Kobayashi recommended that the term of office of Councilmen be two years with a limitation of two terms.

Mr. Ansai supported a four year term of office indicating that it took at least one year to learn the role of a Councilman.

Mr. Bulgo also supported a four year term of office stating that it is costly to both the candidate and the taxpayer to maintain a two year term. He recommended a limit of ten years in office.

Terms-Section 3-2

Mr. Hokama stated that Commissions and Boards are appointive not elected. He further suggested that a limitation on terms denies the voters the right to exercise their vote.

Mr. Sparks questioned the term of office for the Mayor.

Mr. Ansai stated that it should be limited to two terms.

Vacancy in Office--Section 3-4

Mr. Kobayashi stated that the Council had recently amended their rules of procedure to restrict Section 3-4 by providing that in the case of a vacancy, the candidate in the last election with the highest vote of the same political party as the person he succeeds would fill the vacancy.

Mr. Kobayashi stated that Section 3-4 should be amended to have a clear provision on the issue of succession.

Mr. Ansai suggested that the requirement necessitating the successor be of the same political party as his predecessor be deleted. He saw no logic for this provision.

Mr. Morisaki stated that Section 3-4 provided minimal guidelines and should be retained.

Rules and Regulations--Section 13-10

Mr. Hokama asked the Commission to consider an amendment to Section 13-10 in order to provide that rules and regulations that have the force and effect of law be treated the same as our ordinance. This would authorize the Council to override the Mayor's veto with a two thirds vote. Currently the Mayor's decision is veto proof.

Mr. Sparks questioned the logic of the existing provision.

Mr. Mancini stated that the probable basis for the section was to give the Mayor some control over independent Commissions and Boards.

Prodedure; Meetings--Section 3-6-2

Mr. Kobayashi recommended that Section 3-6 be amended to require that the Council meet at least once every week. He stated that the Council business is of such a continuous and lengthy nature that weekly meetings are necessary.

Budget: Council Action--Section 9-5

Mr. Kobayashi recommended that Section 9-5 be amended to provide that if the Council does not pass the Mayor's budget that the previous years budget be enacted rather than the Mayor's budget being automatically adopted. He indicated that a supplemental budget could be drafted to rectify any discrepancies.

Mr. Morisaki stated that the Council has plenty of time to review and act upon the budget and if it fails to do so, it is the Council's responsibility. He suggested that Section 9-5 remain as it is.

It being close to adjournment, Mr. Bulgo asked if the Council could draft written suggestions for the Commissions deliberation.

Mr. Mancini suggested that he draft the major issues before the Commission for presentation to the Council. The Council could then call for another meeting or respond in writing.

Mr. Ansai suggested that another meeting take place.

The Council concurred with Mr. Mancini's suggestion.

There being no further business before the Commission, the meeting adjourned at
4:32 p.m.

Respectfully submitted,
Leonora Balidoy, Secretary