

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: June 23, 1975
PLACE: Cameron Center, Conference Room, Wailuku, Maui, Hawaii
CALL TO ORDER: 4:00 p.m.
PRESIDING: Edwina Bright, Vice Chairman
MEMBERS PRESENT: Edwina Bright, Vice Chairman
Stephen Petro
Lloyd Sodemani
Joseph Souki
Catalino Agliam
Hideo Abe
Margaret Cameron
Paul Mancini, Commission Attorney
MEMBERS EXCUSED: Monsignor Charles Kekumano, Chairman
Allan Sparks
Ralph Murakami
OTHERS: Robert Dodge, Attorney, Guest Speaker
David Slocum, Press
Carl Longo, Press

Minutes

Approval of the minutes of the June 16, 1975 meeting of the Charter Commission was deferred until the June 30, 1975 meeting.

Ms. Bright introduced Mr. Robert Dodge to the Commission and gave a brief summary of Mr. Dodge's background with the Honolulu Charter Commission and the State Redistricting Commission.

Mr. Robert Dodge, Esq.

Honolulu Charter Commission: General Comments

Mr. Dodge related his experience as past Vice Chairperson of the Honolulu Charter Commissions of 1958 and 1972.

He suggested that the Maui Commission not be concerned with what exists in the present Charter but rather to look forward to determine what is the best form of government for Maui in the years ahead.

Mr. Dodge stated that the 1958 Honolulu Charter Commission provided some significant and drastic changes to the structure of government in the City and County of Honolulu. The Commission eliminated many elected positions and reorganized various branches of government. An elected sheriff, as well as an elected County Clerk and Auditor were changed to appointive positions. The Planning Commission's status was modified from its authoritative role to an advisory position. Also, the departments of Public Works and Parks and Recreation lost their administrative authority and took on an advisory role.

In reviewing the Charter for proposed amendments, the Honolulu Commission adhered to the following procedure:

- a) problem identification
- b) identification of functions
- c) identification of responsibilities
- d) administrative design with proper balance between policy functions and administrative functions

The Honolulu Charter Commission anticipated that there would be some negative response from the public concerning their recommendations and also anticipated a close vote at the

polls on the Charter. Neither of these reactions materialized. The vote was overwhelmingly in favor of the Charter and the "sacred cow" issues provoked little emotional reaction from the public.

Districting

Mr. Dodge expressed his opinion that single member or multi-member districts were not efficient electoral systems for government. He related that after Honolulu had adopted a single member district system at the first meeting of the Council, the Council agreed that each Councilman would have \$50,000.00 for a C.I.P. project allocation for his district. Log-rolling appears to be a natural result of a single member districting scheme. Priorities are not developed on a rational basis with such a scheme. The Honolulu Commission knew that this would happen but the electorate wanted single member districts; there was strong sentiment expressed at all public hearings and consequently, the Charter Commission by a very narrow vote decided upon a single member system.

Mr. Dodge stated that he studied various methods of electing Councilmen and cross referenced the methods with certain criteria to reflect the efficiency in administering City government, i.e. growth rate, tax burden, crime rate. In all instances, a districting system indicated a poorer rating than other systems.

Mr. Dodge made reference to the County of Hawaii where candidates run at-large but a portion of the Council are required to have a residency in certain districts---this, Mr. Dodge commented was a workable system.

A discussion followed as to whether a district Councilman would assist only those from his district. Many felt that this has shown itself to be a consistent pattern.

Non-partisan Elections

Mr. Dodge suggested that the Maui Charter Commission consider the issue of non-partisan elections. It was his opinion that municipal issues were not divided on a partisan basis. There is no republican or democratic way to run public works or the water department he stated.

Terms of Office

Mr. Dodge suggested that the Commission not limit the term of office of the Council or Mayor. He indicated that this would create problems that naturally results from a "lame duck" office holder.

It was also recommended by Mr. Dodge that the terms be increased to four years--he commented that it takes two years to understand government and therefore four years to do a competent job.

Planning Department/Water Department

With regard to the Planning Department, Mr. Dodge stated that planning is policy oriented and therefore elected representation should administer the function and not appointed officials. He related that under the past Honolulu Charter, the Council would need a two-thirds (2/3) vote to override the Planning Commission. Now the Commission is advisory.

The past Honolulu Charter Commission provided for a department of land utilization. This was an attempt to separate line activities from staff activities within the Planning department. The line activities would be transferred to the new department of Land Utilization. This would have the Planning department with only planning as their respon-

Planning Department/Water Department

ability. Staff activities normally play second priority to line activities. This procedure was to avoid this problem. However, it was Mr. Dodge's opinion that the transfer never took place.

Police Department

The Honolulu Charter Commission attempted to keep the Department of Police under the administration of the Mayor. It was the Honolulu Commission's feeling that both the Water department and the Police department were emotional issues for the public and as such it would be difficult to change their roles. The Charter Commission gave the Police Commission the ability to review grievances against the police as well as to appoint the Chief of Police. Their intent was to keep the administration under the Mayor. Under the past Charter review the Water department kept its semi-autonomous status. Mr. Dodge stated that the public thinks that the Water department is doing a great job and feel it should be removed from politics. He stated that it was difficult to change this situation.

Mr. Souki asked whether an independent Water department might be in the better interests of the public in insulating it from political pressures.

Mr. Dodge responded that this was true but when the Water department was under the administration in Honolulu it was a more efficient system. Currently, there is no review and no accountability and this is bad in Mr. Dodge's opinion.

Mr. Dodge stated that semi-autonomous agencies should only be used with a new undertaking. This is true because new undertakings need constant review and changes for which the Council and administration is not geared. Mr. Dodge reflected upon the Planning Commissions in the early 1920's as practical since City Councils were not capable of dealing with the constant changes that were necessary.

Parks Department

Mr. Dodge indicated that proposals that sought to integrate the Parks department or the Water department into public works would tend to hide accountability. He suggested that clear lines of responsibility should be maintained.

Mr. Dodge recommended that the Commission not attempt to provide an administrative study of the departments and their functions. It was his opinion that the Commission should establish certain guidelines and identify in the Charter only those functions necessary for each department.

City Manager

In response to a question by Mrs. Cameron, Mr. Dodge stated that it was his opinion that the City Manager form of government is the most efficient. He further indicated that the City Manager form is most practical in communities with a small population and limited growth. The issue is whether there is a need for political leadership. If there is a need for a politician to lobby in Washington for a large number of citizens, then possibly the need for political leadership outweighs the resulting efficiencies of a City Manager form of government. Mr. Dodge stated that Maui doesn't have significant political pressures and therefore a City Manager should be considered.

Mr. Dodge noted that the Honolulu Charter Commission had compromised on the City Manager issue by providing for a Managing Director who was to supervise line departments. It was then Commissions hope that the Mayor would appoint an experienced professional administrator for the Managing Director post. However, this did not materialize and conse-

City Manager

quently, the appointees learned on the job.

Mr. Dodge related that an idea such as the City Manager must be generated by the Charter Commission and sold thoroughly to the public. He felt that the public would accept the concept if the Commission performed its work in selling the concept.

Prosecuting Attorney

Mr. Mancini asked Mr. Dodge why the Honolulu Charter Commission provided for an appointed prosecuting attorney rather than an elective position?

Mr. Dodge stated that the Commission believed that only the Mayor and Council should be elected. They felt that the prosecuting attorney functioned adequately under the administrative structure rather than independent of it.

A discussion followed questioning the concentration of power in the Mayor with an appointed prosecuting attorney.

Voter Registration as Basis for Districting

In response to a question from Mr. Mancini, Mr. Dodge explained his experience in representing the State Districting Commission in the Supreme Court of the United States. He reviewed the arguments made before the high court justifying a voter registration basis for districting rather than a population basis.

Charter Commission Mistakes

Mr. Mancini asked whether there was any obvious mistakes made by the past Honolulu Charter Commission?

Mr. Dodge replied that the Charter provision requiring two public hearings in planning issues seemed inappropriate. Also, the Charter provision prohibiting State or County workers from participating in County Boards and Commissions proved itself cumbersome regarding community participation in neighborhood districts.

Selling the Charter

Mr. Abe asked whether there was a concentrated effort by the Honolulu Commission to sell the Charter?

Mr. Dodge replied that the first Commission did form a "committee for the Charter" and instituted a formal public relations program; however, the second Commission merely published an eight page report in the newspaper.

Ms. Bright thanked Mr. Dodge for his time and effort in meeting with the Commission.

There being no further business before the Commission, the meeting adjourned at 6:05 p.m.

Next Commission meeting will be June 30, 1975 at 2:00 p.m. at the Cameron Center.

Respectfully submitted,
Leonora Balidoy, Secretary