

MINUTES OF THE MAUI COUNTY
CHARTER COMMISSION

DATE: August 18, 1975
PLACE: Cameron Center, Conference Room, Wailuku, Maui, Hawaii, 96793
CALL TO ORDER: 2:00 p.m.
PRESIDING: Vice-Chairwoman, Edwina Bright
MEMBERS PRESENT: Edwina Bright, Vice-Chairwoman
Paul Mancini, Commission Attorney
Margaret Cameron
Hideo Abe
Catalino Agliam
Ralph Murakami
Stephen Petro
Lloyd Sodetani
Joseph Souki
MEMBERS EXCUSED: Monsignor Charles Kekumano, Chairman
Allan Sparks
Sanae Moikeha
OTHERS PRESENT: Paul Devens, former Managing Director for the City and County of
Honolulu, now an attorney in private practice
Wilma Stegmuller, Secretary for the Napili-Honokowai Taxpayers' Union
David Slocum, Press
Carl Longo, Press

Minutes

Approval of the minutes of the commissions meetings during the period of July 28, 1975 through August 11, 1975 was deferred until the August 25, 1975 meeting.

Materials Distributed

The following materials were distributed to the Commissioners:

- a) Comprehensive Planning, An Impossible Ideal; Alan Altshuler
- b) The Mayor and the Planning Agency; V.O. Key
- c) Planning Battle; Honolulu Advertiser, editorial, August 11, 1975
- d) Why a Few Communities abandoned Council-Manager Plan; National Municipal League
- e) Zoning Success Comes From Knowing Political Process; Joseph Ash
- f) Hawaii Revised Statutes; Chapter 12, Section 12-1-12-42 (Primary Elections)
- g) Overstaffed, Overpaid; E.S. Savas
- h) The Effects of the Reform Ideal on Policy; Robert L. Lineberry and Edmund P. Fowler

Mr. Mancini gave a brief summary of each of the articles distributed and responded to questions on the materials.

Schedule of Speakers

Mr. Mancini announced that the director of counsel services had not yet taken his position with the council. By consensus it was decided that it would be impractical to request the new director to speak before the commission on this position.

Mr. Paul Devens

Mr. Devens introduced his remarks by giving a brief description of his past positions with the City and County of Honolulu. He stated that in his position as corporation counsel

Mr. Paul Devens

he was chief legal advisor to all governmental branches within the City and County of Honolulu. In such a position he related it was inevitable that he would be subject to criticism from all sectors of government. It was a position where ones professional integrity was constantly on the line. It was a rewarding position in that as a lawyer you provided a final product which could give much satisfaction.

As managing director he was chief administrative aide to the Mayor. Here his roles included coordinating all aspects of departmental activity; overseeing the implementation of all projects and policy; measuring the performance and judging the success and failure of the various programs and projects and handling all of the administrative work that the Mayor can not perform. Mr. Devens went into a lengthy discussion on the role of the managing director in controlling the time utilization of the Mayor.

Mr. Sodemani asked why some departments were not under the managing director in the city's table of organization.

Mr. Devens responded that departments that were clearly policy oriented had a direct path to the Mayor under the city's table of organization. However, in practice all department heads reported to the managing director except the planning director.

Mr. Sodemani asked why the prosecuting attorney reported to the managing director.

Mr. Devens answered that the prosecutor's department was identified as a line department and consequently fell under the managing director. He also stated that the managing director had little to do with the prosecutor and merely reviewed the organizational structure of the department for efficiency purposes.

Mr. Mancini asked whether the line and staff functions of departments were of any significance to the managing director's office.

Mr. Devens responded in the negative commenting that the budget is the major policy document in government.

Mr. Souki questioned the importance of a chartered position for the managing director, indicated that such might limit the flexibility of the Mayor.

Mr. Devens stated that by putting the position in the charter the spotlight tends to focus on the slot and consequently it maintains greater substance.

Mrs. Cameron asked whether the departments which do not report to the managing director under the city's table of organization get evaluated.

Mr. Devens indicated that all departments get performance evaluations under the managing directors office.

Mr. Mancini asked whether this included the department of water supply.

Mr. Devens responded in the affirmative stating that the charter gives this power to the managing director.

Mr. Petro asked Mr. Deven's opinion concerning semi-autonomous agencies.

Mr. Devens indicated that all departments should come under the County's administration in order to provide clear accountability. The ballot box is the ultimate relief for a disgruntled public.

Mr. Petro asked whether a planning commission is a necessary entity.

Mr. Devens answered that lay people are necessary in planning in order to provide a different perspective to the professional planner. He indicated that professional planners tend to lose sight of every day needs and a planning commission helps to offset this.

Mrs. Cameron questioned the practicality of an office of council services indicating that she felt that little cooperation existed between the executive and legislative branch because of this.

Mr. Devens stated that cooperation exists 97% of the time but there is a natural antagonism between branches of government that always rears its head.

Mrs. Cameron further asked of the office of counsel services was necessary.

Mr. Devens indicated that the office was created in response to the council's request for additional help. The assistance would have been free if it came from the administration but the council didn't trust the administration; consequently costs have risen to an extreme extent.

Mr. Souki asked whether the council itself was necessary?

Mr. Devens gave a lengthy explanation in favor of home rule and provisions that keep government close to the people.

Mr. Petro asked Mr. Devens opinion concerning an elected versus an appointed prosecutor.

Mr. Devens stated that this was a difficult issue. On one hand the elected prosecutor may keep one eye on the polls rather than both eyes on justice and yet the appointed prosecutor could be subject to control by the chief executive.

He stated that the ultimate remedy is an educated electorate.

Mrs. Cameron asked whether it was best to provide a take it or leave it ballot for the charter rather than isolating controversial issues.

Mr. Devens stated that controversial issues should be singled out but all alternatives must be workable and acceptable.

Mr. Souki asked whether Mr. Devens had a preference concerning the district/at-large representation.

Mr. Devens stated that the political theorists advocate that districting is the worst system. He emphasized the log rolling aspect and the fact that the public does not get the best spending of dollars under this system.

He also indicated that a compromise was usually in order on this issue-either some districts and some at-large or possible a districting/residency requirement scheme where candidates ran at-large.

Mr. Abe asked whether neighborhood boards were a practical organization for the charter commission to consider.

Mr. Devens explained that the council was quite defensive about neighborhood boards. The boards were seen as positions from which to make a political start.

These boards were a reaction to the public's need to have a say in government. It is now

Mr. Devens

too early to measure their effectiveness, however, they do provide a legally recognized base from which the public can be heard.

Mr. Devens commented on the poor drafting in the Honolulu Charter with regard to this provision.

Mr. Murakami asked Mr. Devens opinion concerning the term of office of the council and Mayor.

Mr. Devens indicated that a four year term with a limitation of two consecutive terms is best for Mayor; however, the council need not be restricted by the two term limitation.

Mr. Devens commented on his proposal of a five year term to the past Honolulu Charter Commission.

Mr. Devens explained his position concerning the safeguards to our political system. He stated that the ballot box was our primary safeguard. He related that it was important for elected officials to know and feel that the electorate was providing close scrutiny to their action. He further commented that Hawaii had a good educated public and this was an essential safeguard to our system.

Mr. Mancini asked whether Mr. Devens favored a policy oriented general plan rather than a development oriented general plan.

Mr. Devens stated that pure physical planning was passe'. The general plan should be policy oriented. He related that a policy oriented general plan did not provide a finished product and thus the public and policy makers felt quite uneasy about it. By its nature it had to be a changing document and loose in language.

Mr. Mancini asked Mr. Devens his views on an ethics code and an ethics commission.

Mr. Devens responded that both were important and should be included in the charter. Drafting in this area, he indicated, was quite difficult and much thought and analysis must go into this provision.

There being no further questions and no further business before the commission the meeting adjourned at 4:00 p.m.

Next commission meeting will be August 25, 1975.

Respectfully submitted,
Leonora Balidoy, Secretary