

MINUTES OF THE MAUI
COUNTY CHARTER COMMISSION

DATE: September 17, 1975
PLACE: Liquor Control Hearing Room, 6th Floor, Maui County Building, Wailuku
CALL TO ORDER: 3:15 p.m.
PRESIDING: Monsignor Charles Kekumano, Chairman
MEMBERS PRESENT: Monsignor Charles Kekumano, Chairman
Edwina Bright
Margaret Cameron
Catalino Agliam
Sanae Moikeha
Stephen Petro
Lloyd Sodetani
Joseph Souki
Allan Sparks
Ralph Murakami
MEMBERS EXCUSED: Hideo Abe
OTHERS PRESENT: Toshio Ishikawa, Planning Director
Zuke Matsui, Deputy Director for Planning
Kazuo Kage, Planning Commission Chairman
Charles Ota, Planning Commission
Helen Luuwai, Executive Director, Maui United Way

Minutes

The minutes of the meeting of September 9, 1975, September 17, 1975 were deferred until the September 23, 1975 meeting.

Boards and Commissions

Mr. Kage made a suggestion regarding all Boards and Commissions. He quoted from the Charter, Section 13-2-1 & 5 page 40 that the members of all boards or commissions shall serve for a term of five years and that no member of any board or commission shall be eligible for a second appointment.

Mr. Kage said that five years is too long a period to burden any individual to serve on any boards or commissions. He said that sometimes you come across a very dedicated member on any board or commission and in our American system of government we only help the bad and penalize the good. Mr. Kage said that if there is an opportunity for rewarding the good man than we should have a provision in the Charter stipulating a re-appointment of such. Mr. Kage made two suggestions regarding members of all boards and commissions:

1. Instead of five years, and he proves to be invaluable to that particular board or commission, split his term to three years and re-appoint him for another three years if he so desires.
2. Provide workmen's compensation for the members of all boards and commissions.

Mr. Kage said that it is very unfair to ask any individual member from the community to serve on boards or commissions and to have him come to meetings without any kind of protection for himself when he is in the line of duty.

Mr. Ota said he was in favor of five years. He said that it provides for continuity and it can do more for the commission as well as the individual and the community.

Mr. Ota also made a recommendation regarding the council and the Mayor that there be a provision in the Charter where the council and the Mayor serve a four year term. He said that this provides for checks and balances in programs.

Boards and Commissions

Mr. Sparks asked if there is anything to keep someone who should feel burdened by their services for five years from resigning?

Mr. Kage said that person can resign any time or be removed if his service does not prove valuable.

General Plan

Mr. Mancini said that the general plan in the way Honolulu is set up was instituted in the last Honolulu's Charter Commission: The general plan shall set forth policy for long range comprehensive fiscal development of the city, the plan shall include the map of the city, etc.

Mr. Mancini asked if the Planning Department would advocate such a provision in the Charter identifying the elements, adoption and amendments to the general plan. The general plan being a statement of broad policies of general, social, economic and environmental objectives and to provide that the Planning department encompass economic development responsibilities as well as long range planning.

Mr. Ishikawa said that the ordinance provides a flexibility on the section of the general plan and if there should be any changes it should be through ordinance and not in the Charter where it does not allow for any recourse. Mr. Ishikawa said he is satisfied with the present policy plan.

Mr. Souki said that the Charter pre-empts the ordinance; the Charter sets the general tone and then the ordinance would have to subscribe to the tone of the Charter. Mr. Souki said that there is nothing wrong to include in the Charter the general plan. He said this is a question of philosophy; where do we go in the next ten years? Do we wish to look at the plan in a much broader basis, a more human basis.

After Mr. Ishikawa presented his views on the general plan, Monsignor Kekumano asked what does the County wants of its planning? Do they want a planning department or its commission to see a long range view or to become bogged down with specific issues or only physical planning.

After Mr. Ota's comments, Monsignor Kekumano said that what the Commissioners want is a general guideline in the Charter, the functioning of the County. Monsignor Kekumano: What is the guideline for future planning?

After Monsignor Kekumano's question, Mr. Kage answered, to quote from the Charter, Section 8-6.2.5/Planning Commission:

"Have such other powers and duties as may be provided by law."

Quoting from the County ordinance:

"The purpose of the Planning Commission is to encourage the most appropriate use of land, conserve and stabilize the value of property, provide open space for light and air, prevent undue concentration of opposition, lessen congestion on streets and highways, promote health safely and general welfare."

Mr. Kage said that it took two instruments to do that. Mr. Kage asked if this is what the Charter Commission is driving at.

General Plan

Mr. Mancini said if there is good direction, good change, then put it in the Charter, something concrete. He said it takes a long time to go through ordinance then through the Charter.

Land Use and Code

In answer to Mrs. Cameron, Mr. Ishikawa said that the requirements are spelled out by code, it is specific, it does not allow you interpretation of uses. He said that there is a gray area between that specific use and the general plan, general uses. Mr. Ishikawa said that Land Use is a ministerial, administrative function.

Mr. Sparks presented three alternatives for Land Use and Code:

1. Should it be independent.
2. Should it stay with Public Works. (presently, it is.)
3. Should it be under Planning and doing the general functions under Planning.

Mr. Ishikawa said that if the function of that division is administered to carry out the requirements of the code and is involved in long range planning, it doesn't matter if it belongs to the Planning department or not.

After a lengthy discussion of Land Use and Codes, Mr. Petro asked if the Planning Department would encompass the economic development responsibilities.

Mr. Ishikawa said that this area needs administrative guidance and is presently under the Mayor's office.

Mr. Sparks asked if it was a task for the Planning department to handle.

Mr. Ishikawa said that they do handle economic development on a day to day basis in some areas of planning.

Change through Ordinance

Mr. Kage commented that he doesn't anticipate any changes in the Charter; it is unnecessary. Mr. Kage said that the latest planning vogue is slow growth.

In answer to Mr. Petro's statement, Mr. Kage said that the Planning department would rather see changes go through ordinance than specifically stated in the Charter. Mr. Kage said that this is not planning technique but government organization technique. He said if it is spelled out in the Charter you maybe stuck for a long time, maybe ten years, etc.; whereas if it is permissible by ordinance, the change can probably be made in a month. Mr. Kage said that the philosophy of the Planning department is not to plan for permanency but plan for change.

Districting

Monsignor Kekumano asked about all boards and commissions, including the Planning Commission of having membership represented from different areas, restricting the Commission in districts.

Mr. Kage said right now representation is as follows:

Lanai-----1
Molokai-----1
Lahaina-----1
Up Country----2
Central Maui--2

Districing

Mr. Petro asked should the Charter Commission provide for districing in the Charter?

Mr. Matsui said, in his own opinion, that the Planning Commission should have representatives from:

Lanai-----1

Molokai-----1

Maui-----run at large

Mr. Kage said that the Charter provides that there be seven members appointed to the Commission but does not mention anything about districing.

Mr. Kage asked that if we should limit by districing, or are we becoming provincial?

Monsignor Kekumano said that he realizes that districing is a very sensitive issue and that is the reason for questions and there has been some controversy of some districts not being represented.

Mr. Souki said he was in favor of Mr. Ota's idea about planning on a broad island, county wide basis and checking out the respective districts for checks and balance if we should go the route of geographic representation.

Advisory--Planning Commission

Monsignor Kekumano presented another issue by asking if "all boards and commissions should be made advisory?"

Mr. Kage was strongly against it and responding to Mr. Sparks question, Mr. Kage said that it is incorrect to say that the Planning Commission is advisory.

Mr. Kage said that the Planning department is one of the most important department in the County or any government. The Planning Director should be free of any political influence.

Public Hearing

Mrs. Cameron asked if there should be any public hearing before the general plan is accepted. Should public hearing be worded in the Charter?

Mr. Ishikawa said that it is mandated in the ordinance.

Mr. Kage said that the ordinance gives flexibility and is not so sure that public hearing should be worded in the Charter.

Mr. Sparks asked who should appoint the Planning Director?

Mr. Kage said let the Planning Commission appoint the Director without the approval of the Council. Mr. Kage said he is very much in favor of the Commission shall appoint the Director without the confirmation of the Council.

In answer to Mr. Spark's question, Mr. Kage said that right now the Planning Director is responsible to the Commission not to the Mayor unless he was appointed by the Mayor.

Mr. Kage thanked the Charter Commission and praised them for their efforts and valuable study in drafting the Charter.

There being no further business, the meeting was adjourned at 4:50 p.m.

Next Commission meeting will be on September 23, 1975 at the Cameron Center at 3:30 p.m.

Respectfully submitted,

Leonora Balidoy, Secretary