

MAUI COUNTY CHARTER COMMISSION

M I N U T E S

November 11, 1975

The meeting of the Charter Commission, Msgr Charles A. Kekumano, Chairman presiding convened at 3:30 PM Nov 11, 1975 at the Cameron Center, Wailuku.

Commissioners present:

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| 1. Mrs. Edwina Bright, Vice Chairman | |
| 2. Hideo Abe | Absent and Excused: |
| 3. Catalino Agliam, Lanai | Dr. Sanae Moikeha |
| 4. Mrs. Margaret Cameron | |
| 5. Ralph Murakami | |
| 6. Stephen Petro, Molokai | |
| 7. Lloyd Sodetani | |
| 8. Joseph M. Souki | |
| 9. Allan Sparks | Staff: C. T. Marciel |

Others Present: Press - Hnl Advertiser, Maui News, Star Bulletin.

Chairman Kekumano called upon Commissioner Edwina Bright who presented some proposed amendments to Article 11 - INITIATIVE AND REFERENDUM. There was much discussion on the matter of exemptions - it was the consensus that too many exemptions causes administrative havoc.

The following amendments were proposed: (REFER TO ATTACHMENT)

- Sec. 11-3.1. - Number of Signatures
 - 4. - Time for Filing Referendum Petitions.
- Sec. 11-6.1. - Action by Council
- Sec. 11-8 - Publication: Repeal and Amendment

There were no proposals to change Article 12. RECALL.

Regarding Article 13. GENERAL PROVISIONS - the following were proposed:

- Sec. 13-2.3. NEW - (REFER TO ATTACHMENT)
 - 4. Former #3 - Change in number only
 - 5. Former #4 - Change in number and add
 - 6. Former #5 - Change in number and add
 - 11. Former #10 - Change in number and add
 - 14. NEW

Sec. 13-4. Facsimile Signatures - NEW

ARTICLE 13. GENERAL PROVISIONS

Sec. 13-9. (Former Sec. 13-10) Rules and Regulations - Add.

Sec. 13-15 DELETE - REFER TO MANAGING DIRECTOR =

ARTICLE 8, CHAPTER 1 - NEW

Sec. 13-17 DELETE - PROSECUTING ATTORNEY - REFER NEW SECTION

CONSENSUS: Deferred - for revisions; further study; to Paul Devens for language and legality.

The Commission recessed at 6:00 PM for dinner.

Chairman Kekumano reconvened the meeting at 7:15 PM. and called upon Commissioner Stephen Petro, Molokai, who presented the following proposals relating to:

Chapter 9 - DEPARTMENT OF POLICE

Sec. 8-9.2. Police Commission

3. NEW - REFER TO ATTACHMENT

Sec. 8-9.3. Chief of Police - NEW - REFER TO ATTACHMENT

4. NEW - REFER TO ATTACHMENT

5. DELETE - STATE FUNCTION

6. REFER TO DEVENS

Sec. 8-9.4. Dismissal, Suspension or Demotion.

NEW - REFER TO DEVENS.

CONSENSUS: DEFERRED - for revisions; further study; to Paul Devens for language and legality.

CONCLUSION: After more lengthy discussion it was MOVED by Comm. Sparks, SECONDED by Comm. Petro that after referral to Attorney Devens for language and legality, ARTICLES 11, 12 and 13 as proposed and submitted by Commissioner Bright be approved. MOTION CARRIED UNANIMOUSLY.

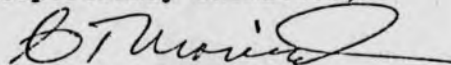
The Chairman announced that all Commissioners and their spouses are invited to attend a dinner meeting on Dec 3, 1975, 6:30 PM by the Jr. Chamber of Commerce at the Kahului Community Center; also that the topic of conversation would center around the Charter for the County of Maui.

There was nothing further - meeting adjourned 9:00 PM.

Next meeting Nov 18, 1975.

FOR THE COMMISSION:

Respectfully submitted,



Cecilia T. Marciel

Administrative Assistant

Attachments: 2

Sec. 11-1. Powers. No change. (Question raised on exemptions.)

Sec. 11-2. Petitioners' Committee. No change.

Sec. 11-3. Petitions.

1. Number of Signatures. Initiative and referendum petitions must be signed by not less than ten percent (10%) of the voters registered in the last general election.

2. Form and Content. No Change.

3. Affidavit of Circulator. No change.

4. Time for Filing Referendum Petitions. Referendum petitions must be filed within ninety (90) days after the effective date of the ordinance sought to be reconsidered.

Sec. 11-4. Procedure After Filing.

1. Certificate of Clerk; Amendment. No change.

2. Council Review. No change.

3. Court Review; New Petition. No change.

Sec. 11-5. Suspension of Ordinance. No change.

Sec. 11-6. Action On Petitions.

1. Action by Council. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative without change in substance or fails to repeal the referred ordinance within sixty (60) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the county.

2. Submission to Voters. No Change.

3. Withdrawals of Petitions. No change.

Sec. 11-7. Results of Election.

1. Initiative. No change.

2. Referendum. No change.

Sec. 11-8. Publication: Repeal and Amendment.

Initiative and referendum ordinances adopted or approved by the voters shall be published and shall take effect as prescribed for ordinances generally. Such ordinances may be amended or repealed by the council.

A vote of two-third's (2/3) of the council shall be deemed necessary to effect this change.

Article 12. RECALL. No change.

Article 13. GENERAL PROVISIONS.

Sec. 13-1. Definitions. No change.

Sec. 13-2. Boards and Commissions.

1. No change.

2. No change. (Request made to come back to this issue.) *Question as to word - "one".*

3. New. District representation on all boards and commissions shall be provided wherever feasible. (Question raised on this issue.)

4. (old #3) Change in number only.

5. (old #4) Change in number. The members of the boards and commissions appointed by the mayor, with the approval of the council, may be removed for cause, including failure to satisfactorily fulfill his governmental obligations and duties, upon recommendation of such removal by the mayor and the approval of six members of the council. (Question raised re: wording and intent.)

6. (old #5) Change in number. No member of any board or commission shall be eligible for a second appointment to the same board or commission prior to the expiration of two years, provided that members of any board or commission initially appointed for a term of one year and two years shall be eligible to succeed themselves for an additional term.

No member of any board or commission shall serve beyond the time when his term expires unless he is specifically reappointed. A vacancy shall be automatically created upon the expiration of a member's term and this vacancy shall be filled within sixty (60) days by an appointment made by the mayor with the confirmation of the council. (Check on new wording.)

7. (old #6.) Change in number only.

8. (old #7.) Change in number only.

9. (old #8.) Change in number only.

10. (old #9.) Change in number only.

11. (old #10.) Change in number. All boards and commissions shall hold public hearing whenever necessary and shall provide a ten day notice to the public through the news media. (Check Sunshine Law.)

NOT less THAN 72 hrs

12. (old #11.) Change in number only.

13. (old #12.) Change in number only.

14. New. Workmen's Compensation shall be provided for the members of all boards and commissions. (Refer to Paul Devens.) ✓

15. (old #13.) Change in number only.

16. (old #14.) Change in number only.

Sec. 13-3. Title to Property. No change.

Sec. 13-4. Facsimile Signatures.

Whenever any person is required to sign negotiable instruments, multiple bonds, or certification of payrolls, the signatures may be a facsimile.

Sec. 13-5. Expenses. No change.

Sec. 13-6. Claims. No change.

Sec. 13-7. Annual Reports. No change.

Sec. 13-8. Acceptance of Gifts or Donations. No change.

Sec. 13-9. Records And Meetings Open To Public. Delete a/c Sunshine Law pre-emption. (Check Sunshine Law - leave provision in for now.) ✓

Article 13. GENERAL PROVISIONS

Sec. 13-9. (old Sec. 13-10.) Rules and Regulations. OK

All rules and regulations having the force and effect of law adopted by any board, commission or administrative head of a department must be approved by the mayor and filed with the County Clerk prior to going into effect, provided that service rates or fees, license fees and other charges established by boards and commissions need not so be approved.

Sec. 13-10. (old Sec. 13-11.) Penalties. Change in number only. OK

Sec. 13-11. (old Sec. 13-12.) County Elections. Change in number only. OK

Sec. 13-12. (old Sec. 13-13.) Oaths of Office. Change in number only. OK

Sec. 13-13. (old Sec. 13-14.) Impeachment of Officers. Change in number only. OK

Sec. 13-15. Delete a/c Managing Director's job description. OK.

Sec. 13-14. (old #13-16) Cooperation With Other Organizations. Change in number only. OK

Sec. 13-17. Prosecuting Attorney. Delete a/c new section. Delete

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Sec. 13-18. Public Defender. Delete a/c State pre-emption.

Sec. 13-15. (old #13-19) Provisions Of Charter Inoperative, When.
Change in number only.

Sec. 13-16. (old #13-20) Titles, Subtitles, Personal Pronouns;
Construction. Change in number only.

Sec. 13-17. (old #13-21) Separability. Change in number only.

**NOTE: Include reaffirmation of the application of the Hawaii
Administrative Procedures Act (HRS Chapter 91) to the operation of
County Departments, Boards, Commissions, etc. in our Preamble.

(Refer to Paul Devens as to how we can incorporate this.)

NOTE: Presented by Commissioner Edwina Bright at a duly scheduled
meeting of the Charter Commission Tuesday, November 11, 1975. ctm