

MAUI COUNTY CHARTER COMMISSION

M I N U T E S

January 6, 1976

The meeting of the Charter Commission, Msgr. Charles A. Kekumano, Chairman presiding, convened at 3:30 PM at the Cameron Center Conference Room.

Commissioners present:

- 1. Mrs. Edwina Bright, Vice Chairman
  - 2. Hideo Abe
  - 3. Catalino Agliam, Lanai
  - 4. Mrs. Margaret Cameron
  - 5. Dr. Sanae Moikeha
  - 6. Ralph Murakami
  - 7. Stephen Petro, Molokai
  - 8. Lloyd Sodetani
  - 9. Joseph M. Souki
  - 10. Allan Sparks
- Paul Devens, Consultant,  
Attorney for the Commission
- Staff: Mrs. C. Marciel  
Adm. Assistant

Chairman Msgr. Kekumano called the meeting to order saying that the first draft of the Charter is now ready for scrutiny by the Commission. He then turned the meeting over to Attorney Paul Devens who proceeded to go thru' the Charter as proposed:

- PAGE 1:
- Preamble - No Change
  - Article 1. Incorporation and Geographical Limits - No Change
  - Article 2. Powers of the County - No Change
  - Article 3. County Council - (to read as follows:)

PAGE 2.        Sec. 3-1. COMPOSITION

There shall be a County Council composed of Nine members. Two members shall be elected at-large. Seven members shall be elected by districts, one from each of the seven districts hereinafter described:

CENTRAL MAUI .....	3
EAST MAUI .....	1
WEST MAUI .....	1
MOLOKAI .....	1
LANAI .....	1
AT-LARGE .....	<u>2</u>
TOTAL.....	9

(Note: Precise boundary descriptions would need to be provided for each district on Island of Maui.)

Sec. 3-2. (New) REAPPORTIONMENT - In tact - as shown on Page 2.

PAGE 3.        Sec. 3-1 COMPOSITION - to remain as shown.

PAGE 4.        Sec. 3-2 TERMS - to remain as shown.

Sec. 3-2 TERMS - OPTION - four year term.

Sec. 3-3 QUALIFICATIONS

It was the feeling that PROPOSALS A and B are not options and that both paragraphs should be incorporated into one. Commissioners also felt there may have to be a footnote in the Charter for clarification. Proposal A, Line 4, change word "district" to "resident".

PAGE 4(a)        To remain as shown.

PAGE 5. Sec. 3-4. VACANCY IN OFFICE - to remain as shown

Sec. 3-5. SALARIES OF COUNCILMEN - to remain as shown

There was lengthy discussion regarding this section - as to whether or not the second and third sentences should be deleted; the rationale being that the Cost of Government Commission should make recommendations concerning salaries of councilmen. It was MOVED by SOUKI, duly SECONDED by MRS. BRIGHT that the SECOND AND THIRD SENTENCES OF THIS PARAGRAPH (Sec. 3-5.) be deleted. MOTION FAILED.

<u>AYES - 5</u>	<u>NOES - 5</u>	<u>Abstained - 1</u>
Agliam	Cameron	Sodetani
Abe	Petro	
Bright	Moikeha	
Souki	Sparks	
Kekumano	Murakami	

PAGE 6. Sec. 3-6. - PROCEDURE; MEETINGS; RULES AND JOURNAL; VOTING  
PROPOSAL A. - to remain as shown - Page 5 and 6

PAGE 7. PROPOSAL B. - Strike - Bottom of Page 6; all of Page 7

Page 8. Sec. 3-7 - Remain as shown - POWERS OF COUNTY COUNCIL

Page 8. Sec. 3-8 - OFFICE OF COUNCIL SERVICES - Remain as shown

Page 9. Sec. 3-9. - INDEPENDENT AUDIT - Remain as shown except for semantics.

Sec. 3-10 - RESTRICTIONS ON COUNCIL AND COUNCIL MEMBERS - Same

Page 10. Article 4. ORDINANCES AND RESOLUTIONS -

Sec. 4-1. ACTIONS OF THE COUNCIL - remain as shown

Sec. 4-2. INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES  
AND RESOLUTIONS - Strike - Proposal A - Portion of  
Page 10, All of Page 11.

Page 11.

Page 12. Proposal B - Remain as shown

Page 13. Sec. 4-3. SUBMISSION OF BILLS TO THE MAYOR - remain as shown

Page 14. Sec. 4-4. AMENDMENT, REVISION OR REPEAL; ADOPTION OF CODES  
BY REFERENCE - Remain as shown

Page 15. Sec. 4-5 CODIFICATION OF ORDINANCES  
Delete last sentence - Par. 1 only

Article 5. COUNTY CLERK - remain as shown

Page 16. Article 6. EXECUTIVE BRANCH - remain as shown

Page 17. Article 7. MAYOR

Sec. 7-1. ELECTION AND TERM OF OFFICE

It was MOVED by Comm. Abe, SECONDED by Comm. Sparks to reconsider  
Article 7-1. TERM OF OFFICE

AYES: Abe, Bright, Cameron, Moikeha, Murakami, Petro,  
Sodetani, Sparks = 8

NOES: Agliam, Souki, Kekumano = 3

MOTION CARRIED.

Page 17.

Comm. Murakami MOVED to provide an OPTION (relating to Sec. 7-1) proposing a two-year term for the office of mayor.  
During discussion, some felt determination of term of office should be responsibility of the candidate who runs for office, not this commission; that too many options would be confusing to the electorate; that the charter should not be "watered-down". Others felt under certain circumstances, options are necessary. MOTION DULY SECONDED by Comm. Petro.  
MOTION CARRIED.

<u>AYES: 8</u>	<u>NOES: 3</u>
Abe	Agliam
Bright	Souki
Cameron	Kekumano
Moikeha	
Murakami	
Petro	
Sodetani	
Sparks	

Sec. 7-2. QUALIFICATIONS - Remain as shown

Sec. 7-3. SALARY OF THE MAYOR - remain as shown

Page 18.

Sec. 7-4. POWERS, DUTIES AND FUNCTIONS - remain as shown

Page 19.

Sec. 7-5. VACANCY IN OFFICE - remain as shown

Page 20.

Article 8. COUNTY DEPARTMENTS - remain as shown - Managing Director

Page 21.

Chapter 2. DEPT OF CORPORATION COUNSEL

Sec. 8-2.1. ORGANIZATION - as shown

Sec. 8-2.2. CORPORATION COUNSEL - as shown

Sec 8-2.3. POWERS, DUTIES AND FUNCTIONS - as shown

Sec. 8-2.4. DEPUTY CORPORATION COUNSELS - as shown -(Devens quoted from

Sec. 8-2.5. SPECIAL COUNSEL - Hnl Charter)

Delete portion of first line -

....."upon recommendation by the corporation  
counsel and".....

Page 22.

Sec. 8.2.6. SERVICE OF LEGAL PROCESS - as shown

Chapter 3. DEPT OF PUBLIC PROSECUTOR

Sec. 8-3.1. ORGANIZATION - as shown

Sec. 8-3.2. PROSECUTING ATTORNEY - as shown

Page 23.

Sec. 8-3.3. POWERS, DUTIES AND FUNCTIONS - as shown

Page 24.

Chapter 4. DEPT OF FINANCE )

Page 25.

) All as shown

Page 26.

)

Page 27.

Chapter 5 DEPT OF PUBLIC WORKS )

Page 28.

) All as shown

Page 29.

)

Page 30.

Chapter 6 DEPT OF PARKS AND RECREATION - as shown

Page 31.

Chapter 7 DEPT OF FIRE CONTROL - as shown

Page 32.  
Page 33.  
Page 34.  
Page 35.  
Page 36.

Chapter 8. DEPT. OF PLANNING )  
                                          )  
                                          ) All as shown  
                                          )

Chapter 9. DEPT OF PERSONNEL SERVICES

Sec. 8-9.1. ORGANIZATION - as shown  
Sec. 8-9.2. CIVIL SERVICE COMMISSION - as shown  
Sec. 8-9.3. DIRECTOR OF THE DEPT OF PERSONNEL SERVICES

Comm. Bright MOVED to reconsider this Section, duly SECONDED  
by Comm. Souki. MOTION CARRIED.

<u>AYES: 7</u>	<u>NOES: 3</u>	<u>ABSTAINED: 1</u>
Agliam	Abe	Sodetani
Bright	Petro	
Cameron	Sparks	
Moikeha		
Murakami		
Souki		
Kekumano		

Discussion centered on the first line of Sec. 8-9.3., to wit:

"The director of the department of personnel services shall be appointed and may be removed by the mayor".\*

Commission requested Consultant/<sup>Devens</sup> to compare with State laws.

It was MOVED by Comm. Cameron, duly SECONDED by Comm. Agliam  
that the director of personnel services be appointed and  
removed by the mayor.

<u>AYES: 7</u>	<u>NOES: 4</u>
Agliam	Abe
Bright	Petro
Cameron	Sodetani
Moikeha	Sparks
Murakami	
Souki	
Kekumano	

Page 37.

Sec. 8-9.4. POSITIONS UNDER CIVIL SERVICE - as shown

Page 38.

Chapter 10. DEPT OF HUMAN CONCERNS - as shown

Consultant Devens referred Commission to Reference material:

"Nine Case Studies on Human Services, Planning in State, Regional, and Local Organizations; By Human Services Institute for Children and Families, Inc."

He specifically referred to Chattanooga, Tenn.

Page 39.

Sec. 8-10.4 SCOPE OF ACTIVITIES - as shown and add:

....."and evaluate".... second line after "ccordinate" and before "programs".

...."housing"....last line after "citizens".

\*Underscoring ours.

Chairman Kekumano announced that the second round of public hearings as planned would be held on Lanai, Molokai and Maui; but rather than have all Commissioners in one place at one time, he would prefer they go out into the community in pairs for such hearings. Commissioners agreed. Question raised: Perhaps hearing in Central Maui should have all Commissioners present? Sodetani volunteered to go to Lanai; Mrs. Bright - Molokai.

Commission recessed for dinner - 6:00 PM.

Commission reconvened at 7:20 PM.

Comm. Sodetani MOVED that Sec. 3-9. Independent Audit - Page 9, be deleted; that the matter/discussed when the Commission reaches Page 53 of this draft in conjunction with Sec. 9-12. AUDIT OF ACCOUNTS. Duly SECONDED by Comm. Murakami - MOTION CARRIED, UNANIMOUSLY.

Page 40. Chapter 11 - DEPT OF WATER SUPPLY )  
Page 41. ) as shown

Consultant Devens said he would clear the matter of the bonds, and revenues of the Dept of Water Supply, as it pertains to securities, etc. Bonds cannot be recalled or reissued due to 20-year obligations. Devens also said he would make the call regarding transition period.

Page 42. Chapter 12. DEPT OF POLICE - remain as shown; Add:  
Page 43.

Sec. 8-12.2. 3. POLICE COMMISSION: (Page 42)  
Add:  
after the word "Police"../.."for his disposition".

Page 44. Chapter 13. DEPT OF LIQUOR CONTROL )  
Page 45. ) Remain as shown

Page 46. Chapter 14. COST OF GOVERNMENT COMMISSION - As shown except for  
Sec. 8-14.1. DECLARATION OF POLICY -  
Secondline, after word...."while"... change  
"given" to "giving".

Page 47. After word ...."charter".....first line - Add:  
....."thereafter, the mayor shall appoint a new  
Cost of Government Commission eighteen months following  
the termination of the preceding Commission".

Delete: ..... "and at intervals of eighteen months thereafter".

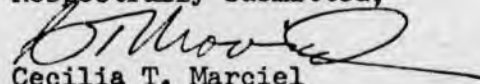
Page 48. Chapter 15. CIVIL DEFENSE AGENCY - remain as shown

Chairman Kekumano appointed Dr. Moikeha to write a Preamble to the Charter to be presented at next meeting of January 13, 1976.

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

FOR THE COMMISSION:

Respectfully submitted,

  
Cecilia T. Marciel  
Administrative Assistant