

CHARTER COMMISSION

MINUTES

March 8, 1976

The meeting of the Charter Commission, Vice Chairman Edwina U. Bright presiding, convened at 3:30 PM, Mar 8, 1976, Cameron Center.

Commissioners present:

1. Edwina U. Bright, V. Chairman
2. Catalino Agliam - Lanai
3. Hideo Abe
4. Margaret H. Cameron
5. Llloyd Sodetani
6. Joseph M. Souki
7. Allan R. Sparks

Absent and excused:

1. Msgr. C. Kekumano, Chairman
2. Dr. Sanae Moikeha
3. Ralph M. Murakami
4. Stephen Petro, Molokai

Guest: Mr. James Ushijima, County Clerk

Vice Chairman called the meeting to order and introduced Mr. James Ushijima, Maui County Clerk, who in turn elaborated on the following:

I. FEDERAL VOTING RIGHTS ACT of 1975:

A. Mr. Ushijima said that in compliance with this new law, the Charter must be translated into Ilocano and Japanese and made available to the electorate.

B. He went on to say he does have someone available to do the Japanese translation - James Araki, PHD, Univ. of Hawaii, School of Foreign Studies. When asked if there is someone qualified in Maui County, Ushijima said he knew of no one as qualified as Dr. Araki, and with his (Araki's) credentials. As to the Ilocano translation, he had no one in mind. Comm. Bright said these matters had been discussed by the Commission but nothing finalized. Comm. Souki asked Ushijima who would pay for the translations. Ushijima replied that that anything that goes on the ballot is the responsibility of the Clerk's ofc, including multi-lingual translations; consequently, all costs of translations will be borne by the ofc of the county clerk as this is a part of the electoral process.

C. Comm. Souki also said that Artemio Baxa, law student at UH would probably be able to do the Ilocano translation; that Baxa is a graduate of Santo Tomas Univ. in the Phillipines; that he is a former wirtner for an Ilocano newspaper. Also, that Baxa, if chosen to do the work, would not be available 'till after May 10, 1976. Souki also announced that he as requested Baxa to submit resume including his educational background and experiences. Comm Cameron asked if these projects would be subjected to ^{open} bidding - Ushijima said no - it is accomplished by appointment by the Clerk of the most qualified persons.

II. HRS (HAWAII REVISED STATUTES) 50-10 - PUBLICATION AND SUBMISSION TO ELECTORS.

Discussion followed on the matter of ballots. Clerk Ushijima requested the Commission to agree on wording of ballot forms. He presented and spoke on several specimens. It was agreed that HRS Chap 50-10 makes it mandatory for the Commission to prepare ballot wording for the county clerk. Ushijima stated he would like to have wording by Aug, 1976.

Vice Chairman Bright appointed the following to the Ballot Committee: Commissioners M. Cameron, Chairman; H. Abe, J. Souki, members.

GENERAL DISCUSSION:

Comm. Sodetani asked if any further changes could be made to the Charter. Souki said his understanding is that no more changes could be made, altho' he thought some reference could be made to Sec 13-18 - Separability, Pgs 57 and 58.

Ushijima felt that some things could be strengthened by invoking the "REPORT OF THE MAUI COUNTY CHARTER COMMISSION".

Comm. Cameron felt it would be helpful to hire someone to do some work in the area of PR, someone who would be an expert in this field. She suggested Ms Victoria Lawrence from the Maui Community College. Souki felt

it might be a good idea to inquire. Comm Bright said Commission should decide what it is going to do first.

Comm. Vice Chairman read Chapter 50-13, Pg 41 HRS re - COMPENSATION TO COMMISSIONERS: (copies distributed) -

The Statute relative to compensation in the amount of \$1000.00 each payable to all Commissioners for work and time devoted to the Charter was read.

Discussion:

Several points were raised -

Should the Commissioners be paid?

It was pointed out that the compensation is provided by law and as such should be paid -

That the "law" is a valid reason -

Sodetani felt compensation should not be accepted until after "presentation of the Charter to the public" -

Mrs. Cameron said that in discussing "Boards and Commissions we said they should not be paid".....and she feels this is inconsistent w/her feelings.

In further discussions, others felt enabling state legislation supersedes other actions -

Compensation is set by law, there is no other action to take. It was MOVED by COMM. SOUKI, duly SECONDED by COMM. AGLIAM that the matter of compensation to commissioners as contained in Chap. 50-13 HRS be persued and clarified. CARRIED UNANIMOUSLY.

Some discussion followed on the matter of ballots -

1. all seats at large - council;
2. residency or no residency -
3. candidates must declare -
4. electors vote for each seat -
5. existing system could have two or three from Lanai and Molokai -
6. may be confusing or possibly unfair to some.

The matter was deferred - there was nothing further - meeting adjourned at 5:30 PM. Next meeting Apr 6, 1976 - Cameron Center.

Respectfully submitted,


Cecilia T. Marciel
Administrative Coordinator.

CHARTER COMMISSION

MINUTES OF THE MEETING OF THE BOARD OF WATER SUPPLY - MARCH 29, 1976:

The meeting of the Board of Water Supply was held in the Conference Room of the water department in the County Bldg, Wailuku, 9:30 AM, Monday, March 29, 1976. Charter Commissioners Ralph Murakami and Joseph M. Souki, respectively, had been invited to attend and were present. Also present:

Board of Water Supply:

1. Don Rickard, Chairman
2. Joe Kawamura, V. Chairman
3. Miss H. Lopes, Member
4. Bud Nobriga, "
5. Ed Haole, "
6. Henry Koja, "
7. T. Arakaki, "

Bd of Water Supply - Staff

1. S. Murayama, Director
2. T. Imada, Deputy Director
3. Joe Borges, Fiscal Officer
4. E. Taomoto, Dep. Fiscal Officer
5. Mrs. F. Ueoka, Secretary
6. Boyd Mossman, Legal Counsel

Press: Maui News

Chairman Rickard in his opening remarks said that the purpose of the meeting of the Committee of the Whole is to know what the impact the proposed revised charter will have on the Board of Water Supply. He introduced Commissioners Murakami and Souki, and staffer Mrs. C. Marciel, who had been requested by Vice Chairman Bright to note the meeting.

The Board wanted to know the intent of the Commission in proposing the change of the Water Board from its present structure. Board member Nobriga emphasized that Maui County's change from the present semi-autonomous system will be the only "one of its kind across the nation".

Comm. Murakami stated that in its studies, research of charters of other communities, and in its deliberations, the Commission was most concerned over three recurring themes: (1) Accountability; (2) Responsiveness of public officials; (3) Maximizing efficiency of governmental operations. In looking at the present Charter, the Charter Commission felt that to incorporate and place these departments under the mayor, rather than to be run by boards and commissions, there would be greater accountability. Thusly, the electorate would have better "say" in the operations of these departments in that they could confirm or reject the mayor's programs through the ballot.

When asked why this system was not recommended for the police and/or fire departments, Comm. Souki replied that the Commission felt that these departments would function better under boards and commissions as they are quasi operations and need direct authority because of their somewhat military-like make-up.

Mr. Nobriga asked Comm Souki if he thought the Board was not now accountable to the people. Souki replied that was not the general over riding factor; he felt the present system is doing a good job in overall accountability; however, he said that in serving staggered terms, often times it is difficult for people to relate and/or reach members of boards and commissions. He continued....."that dissatisfaction amongs the people could be directed to the mayor and if their problems are not solved, the people could express their displeasure at the polls". Mr. Nobriga stated people have the prerogative to appeal now - and asked if its better to have "this under a political administration". Souki said that historically, boards are not always in concept with the feelings of the people, and the Commission felt the election process is a recourse.

Commissioner Murakami emphasized the Commission had several well-publicized hearings and no one appeared to present any testimony contrary to the proposed revisions. Nobriga remarked that probably if no one attended the hearings, this should be an indication that the public is satisfied with conditions. He also said that on the Island of Kauai, the system was changed back to a semi-autonomous scheme. Souki stated that in his observations while on Kauai to study that set up, it was emphatically noticeable that communications between departments and the administration was very strained and this may not necessarily be the "will of the people".

Discussion continued on the following:

- 1) incorporating the sewer dept. with the BWS -
- 2) operating expenses -
- 3) creation of a new department?
- 4) raising of rates was questioned.

Commissioners reiterated that rules and regulations provides for submission of a budget and operating expenses, and as such have the force and effect of law. It was also acknowledged that the Council cannot set rates; that the matter of raising rates would be initiated by the Board.

The question was asked - Can any changes be made to the proposed new charter as presented? Commissioners Murakami and Souki in turn, replied that the Council may submit amendments of its own through due process upon a vote of two-thirds of its members.

Nobriga said that "may be we neglected to do our homework.." and that maybe the BWS should be thinking of some other actions, that he does not think the public is against the present status of the water dept. He said that altho' the revenues of the dept has increased within the last 10 years, the Board has not hired any additional personnel.

Question: Does the Charter Commission really feel this is a good change?

Souki: Yes, for the purposes of accountability, responsiveness and efficiency, and this is not a reflection on this Board.

Comm. Murakami said the Board would still be responsible for the budget, CIP funds, use of contingency funds for emergency projects, maintain a self-sufficient operation including the floating of bonds already in existence.

Mr. Nobriga said he felt the Charter Commission came up "with excellent ideas except the change in the water department".

Boyd Mossman, Ass't County Attorney asked how the Charter's proposal of the BWS compared with the Hawaii Revised Statutes. Souki replied no conflict existed to his knowledge; also, that the Commission has been advised by its Consultant-Attorney Paul Devens of Honolulu throughout the entire process of revising the Charter and if any conflict existed, the Commission would have been so advised.

Director Murayama to Mossman: Because the statutes provide an independent water board for various counties, do you believe the Charter can change it?

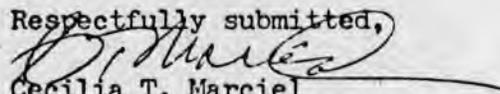
Mossman: There may be question there - I do not know - however, I have every confidence in Devens.

Souki: Under the APA, there are some regulations.

Nobriga: We should look into it.

Commissioners Murakami and Souki were thanked by the Board of Water Supply and left meeting at 10:30 AM.

Respectfully submitted,


Cecilia T. Marciel
Administrative Coordinator