

# CHARTER COMMISSION

COUNTY OF MAUI

2180 MAIN STREET (ROOM 24)

WAILUKU, MAUI, HAWAII 96793

## MINUTES

OF

October 5, 1976

A quorum being determined, the meeting of the Charter Commission was called to order by Chairman Edwina Bright at 3:30 PM, 10/5/76 at Maui Community College conference room.

### Present:

1. C. Agliam
2. H. Abe
3. M. Cameron
4. Dr. S. Moikeha
5. J. Souki
6. A. Sparks
7. Chairman Bright

### Absent;

1. S. Petro
2. L. Sodetani
3. R. Murakami

The Minutes of the previous meeting of Sept 28, 1976 were approved as circulated with the exception of one correction, to wit:

Item #2, Par 5, Page 1 -

....."that Bright and Murakami are sure of their reaction."

Should read:

....."that Bright and Murakami are Not sure of their reaction".

Msgr. Kekumano itinerary: Discussion followed the itinerary as follows:

10/19 Lv Ketchikan, Alaska 10:25 AM - Ar Seattle 12:00 Noon

Lv Seattle via NW 1:15 PM - Ar Hnl 5:15 PM

Lv Hnl 6:15 PM, Aloha; ar Kahului 6:40 PM - 10/19

11/4 Lv Kahului, Maui

(He will be at the Maui Beach Hotel).

Radio Spots - Sparks: Comm. Sparks presented 15 different narratives to be used on 30 - 60 second radio spots on KMVI during prime time and categorized as "informational" and "political" themes. Comm. Cameron said she could secure funds from Maui Land & Pine to conduct a positive campaign for the Charter.

Jaycees: Chairman Bright announced that she and Comm. Sparks would appear before the Jaycees group (original invitation from Pres. M. Davis included all Commissioners as guests of Jaycees to participate in question and answer program following the Mayor, a guest speaker). Comm. Souki stated that in his original presentation to the Jaycees, it was with the purpose of getting them interested to actively participate in government.

Comm. Sparks also elaborated on more news articles he is writing for publication in the Maui News.

Maui County Fair Promotion: Commissioners were reminded to take part in County Fair promotion by being present in the Commission booth #1, Better Living Bldg, at assigned times in order to boost the Charter.

R. Jamieson Associates: Mr. Jamieson appeared at the meeting to discuss Ad#4.

There was no further business - next meeting Oct 12, 1976.

Respectfully submitted,

*C. Marciel*  
Celia Marciel, Coordinator

Dear Cecilia,

As per our conversation of yesterday (10.11.76.) may I suggest to the commission that three salient points were brought out again and again re: the revisions:

1. Mayor's four year term and how do you get the rascal out?
2. The appointed prosecutor, and his allegiance to the mayor as a result?
3. the Appointment of the Dept. heads by the Mayor, making an appeal difficult.

I know the commission can find good answers to all these points and must if the voters are to be convinced. But it may be nec. to pound at them again and again. And it has to be done blatantly and subliminally so that pretty soon the voter is saying, "The Charter is a good Charter revision. I will vote for it."

I am only sorry I cannot be here for the fun.

I will do what I can to funnel some more funds into our special committee for the Charter... Call Sadami and ask her if I was successful and if I was, ~~as~~ tell her to whom the check should be made... i.e. "Committee for No Ka Oi County Government."

well, that's corny, but some name to make the check out to.

Aloha,

10.12.76

*Hogart*

*HLP*

*877.3861*

*Rec'd per delivery  
10/13/76  
BTM*

Letter to County w/ck of \$1500. from Honokawai-Napili Taxpayers Union, Inc.  
(dictated via telephone by Wilma Stegmuller) 10/13/76

...."We believe that the results of the work of the  
Maui County Charter Review Commission should be available to  
as many of our residents as possible. Therefore, as a public  
service we are pleased to enclose our check for \$1500 which we  
wish to give to Maui County for the express purpose for  
providing additional education of the public on this subject  
above and beyond the Commission's regular budget"

....over signature of George Apo, President.

Celia Marciel

**KNUI****RADIO • POST OFFICE BOX 35 • KAHULUI, HAWAII 96732 • TELEPHONE 877-5566**

Editorial - tre

12/1/72

During the week to come, we will be running a series of editorials enumerating the precise reasons why I believe the proposed new County Charter should be rejected. It is inevitable, I suppose, that there will be some who will construe my opposition to the new Charter as a criticism of the members of the Commission personally. Nothing could be further from the truth. Those eleven people have my unqualified respect and admiration. They have served well, and worked hard, and they have done it all without pay. They all deserve our sincere thanks...and, in fact, they have come up with several changes which would be valuable. The trouble is, the new charter will be on the ballot November 2nd as a whole. The choices will be "yes" or "no". We must either approve it all...or reject it. The Commission has done a fine job of making sure all of us know exactly what is in the new charter. However, the only way to completely understand what changes have been made is to get the old charter and the new charter together and go through them both, line by line. It's a long, boring task...and realistically nobody expects that many people will do it. We have done it...and what we have found has led me to decide that it would be better to turn down the new charter as a whole, and try to bring about the changes individually as amendments. But let me make clear...what we are talking about is issues...not people. The people of the Commission all deserve the sincere thanks of the entire County. However, the Charter is Maui County's most important legal document. It establishes the framework for everything that follows. For that reason, I feel we would be derelict in not commenting on it.

# KNUI

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Editorial - tre

11/11

Having supported the appointment of a Charter Review Commission two years ago, and in light of the tremendous amount of work the good citizens of the commission have done, it is with a touch of regret that I find I must recommend that you vote against the proposed new charter. Here is one of the reasons. The present Charter provides for a County Attorney who is appointed by the Mayor. The proposed new charter provides for two county attorneys...both of whom would be appointed by the Mayor. One would be called the Prosecuting Attorney and would handle criminal cases; the other would be called the Corporation Counsel and would give legal advice to the Mayor and his department heads. As the new charter sets it up, they would have separate sets of offices...separate secretarial staffs...separate telephone numbers and a separate receptionist. Two departments instead of one...and both department heads appointed by the Mayor. Recognizing the need for two kinds of attorneys in County government... it still seems to me as if it would be a great deal more efficient to have two divisions of a single department...in one set of offices...with a common secretarial staff...a single law library...in other words, one of all those things it takes to make a department. I also believe we would be better off with an elected County attorney, who could render legal opinions for anyone in County government without worrying about displeasing the man who appointed him. So, while the new charter recognizes the need for changes in the legal department...the changes it proposes create an inefficient, top-heavy system... while, in our opinion, it leaves out the most significant change of all.

Editorial - tre

The proposed new County Charter establishes several new departments for Maui County. We've already discussed the division of the legal department into two instead of one. The new charter also establishes an "Office of Council Services." However, it fails to describe this department's function, except that it is to "assist" the council. There is no description of its size or scope. Now the fact is, the County Council already has an office staff. It was created by ordinance, and it does assist the Council. Putting its existence into the Charter might be construed as giving it "official" recognition. But it also makes it permanent and fairly inflexible...and opens up a whole new area for political patronage jobs. The new charter also establishes a "Department of Human Concerns"...a title which is hard to oppose without sounding as if you're opposed to humans. However, here again...most of the matters which would fall into this department are already being accomplished. The essential difference is that the new charter provides for an appointed "commission of human concerns" and the employment of a "director of human concerns" with department-head status...and, of course, a department-head salary. And the possibilities for expansion are limitless, since practically everything is a "human concern." In these respects, it is my firm belief that the Charter Review Commission has frustrated its own goal of establishing a more efficient County Government. These are two more reasons why I recommend that you vote "no" on the new county charter November 2nd.

Editorial - tre

11/14/66

One of my objections to the proposed new County Charter is over one of the things it has failed to do. The old charter goes into great detail over the preparation of the budget. But it says almost nothing about the disbursement of the funds themselves, except to say that monies will be disbursed by the County Finance Director in a manner to be established by ordinance. And what does the new charter say? Exactly the same thing. Under the new charter, we would still be lacking an established method for paying County expenses. As it happens, there is an established method for the handling of taxpayers' money in use by most public bodies in the United States. It is called the appropriation method. It still requires a budget...which is simply a financial plan for the coming year. But it goes further than that. Before any money can be payed out for any purpose, it must be specifically appropriated... or authorized...or approved...by the legislative division; in our case, the County Council. Right now, our County Council only finds out about expenditures after they've been made. They receive periodic reports from the Director of Finance. Under the appropriation system, the Council must approve all payments before they can be made...which eliminates little surprises like the Mayor's purchase of Maunaolu College. The lack of such a system is, in my opinion, one of the most serious shortcomings of the old charter. And the new charter does nothing to change it. Another reason why I am urging you to vote against the proposed new county charter on November 2nd.

Editorial - tre

There have been some serious reservations expressed about the new method of electing councilmen described in the proposed new county charter. Here's how it would work: seven of the nine councilmen would have to be residents of certain districts; Molokai, Lanai, West Maui, Central Maui and <sup>East Maui</sup> The other two would run at large, which means they could reside anywhere. However, in spite of the residency requirements, all nine councilmen would stand for election in the entire county...which means everyone in the county would be able

to vote on all nine councilmen, no matter where they lived. The commission felt it had to do it that way in order to get around the Supreme Court's one-man, one-vote ruling...and quite probably they are right. However, it does set up one interesting possibility. It would be entirely possible for a candidate to place 15th in the voting and still be elected to the nine-man council...simply by being the top vote-getter who resided in a certain district. That situation exists today with two council places...the representatives from Molokai and Lanai. They do not have to place in the top nine...as long as they defeat/ all other residents of their own district. The new charter would expand the situation that applies to two of our councilmen so that it would apply to seven of them. By the same token, it would expand the number of substantial vote-getters who could be beaten by candidates with less votes...simply because they happened to reside in the wrong district.