

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: December 12, 1963

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 7:20 P.M.

PRESIDING: Masaru Yokouchi, Chairman

MEMBERS PRESENT: Masaru Yokouchi, Chairman
Emil Balthazar
Richard Caldito
William F. Crockett, Vice-Chairman
Shiro Hokama
Nadao Honda
Harry Kobayashi
Keith Tester
Thomas Yagi
Charles C. Young, Research Assistant

MEMBERS EXCUSED: C. H. Burnett, Jr.
Cornwell Friel

OTHERS PRESENT: Kase Higa, Deputy County Attorney
Richard Kibe, Administrative Assistant
Supervisor Lanny Morisaki
Shigeru Sano, Deputy County Engineer
Albert Carvalho, UPW Business Agent
Mrs. Rachael Jio
Robert Johnson, Advertiser Reporter
Jack Stephens, Maui News Reporter
Shigeto Murayama, County Treasurer

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ROLL CALL:

There were 9 members present and 2 excused at the regular meeting of the Maui County Charter Commission on December 12, 1963.

MINUTES:

The minutes of the regular meeting held on December 5, 1963 were distributed to the members of the Charter Commission. Minutes of the meeting held on November 21, 1963 were approved as circulated.

COMMUNICATIONS:

1. Minutes of the Hawaii and Kauai Charter Commissions were received and are on file for interested members to read.
2. Letter of acknowledgment from the County Clerk re receipt of Preliminary Report by the Maui County Charter Commission to the Board of Supervisors.
3. Letter of thanks from Dr. Kaoru Noda, Chairman, Hawaii County Charter Commission.

GENERAL DISCUSSION:

The members of the Charter Commission made tentative decisions and alternative proposals to be submitted to the public for consideration on some of the questions posed by the Chair.

1. What officials should be elected?

Mr. Caldito: I would like to move that the mayor and council members be elected. Seconded by Mr. Balthazar.

Mr. Crockett: I suggest that, instead of calling them council members, call them supervisors. It would be better to call them Board of Supervisors and refer to them as supervisors.

Mr. Yokouchi suggested that they refer to the mayor and council members as chief executive officer and legislative body in their discussion. There were no objections.

The motion (the executive officer and legislative body be elected) was carried unanimously.

Mr. Caldito: I will leave the attorney aside but the auditor, clerk and treasurer shall be appointed by whom-ever is elected as mayor, with confirmation of the council.

Mr. Yagi: Do you want it to be incumbent on the mayor to appoint the people who sit in office as auditor or treasurer automatically?

Mr. Yokouchi: Is your motion to appoint incumbents? Not just to appoint the office of the auditor, clerk or treasurer, but also the incumbents?

Mr. Caldito: Yes.

There were no seconds to the motion.

Mr. Crockett: I am not ready to decide on the attorney until we decide the next question. I suggest we defer this matter.

(Action on this matter was deferred)

2. How many members should there be on the council or board of supervisors?

Mr. Balthazar: I find it difficult to decide on the number of the members on the council without deciding whether they be elected at large or by district representation.

3. Should council or board members be elected at large? By districts? As they are now? - One each from Molokai and Lanai running at large?

Mr. Yagi: I would like to see a 9-member council or board, two from Molokai and Lanai and additional seven from Maui.

- Mr. Crockett: Having a representative from Molokai and Lanai costs the County a lot of money. Could it be possible to have all of these supervisors represent all the islands?
- Mr. Yagi: The legislators - the minority (Republicans) were in favor of such a setup. They had introduced bills in the past. Because that issue had been very ticklish I think we will have problems in selling the charter on Molokai and Lanai. I would like to see, rather than go into that situation, a 9-member council or board, giving two to Molokai and Lanai and the other seven to Maui.
- Mr. Hokama: Should we make a change like that, we will face resistance from people on both islands because it has been sometime now that they have had representation and they know what can be had or gotten by having district representation and, if you try to take that away, you might face a lot of difficulty.
- Mr. Yagi: I move that we have 9 men, including the chairman. Seconded by Mr. Honda.
- Mr. Balthazar: All elected at large, one from Molokai and Lanai, with one additional for Maui.
- Mr. Tester: What is the idea for adding one?
- Mr. Yagi: For the following reasons:
1. It is impractical to have an 8-men council. You should have an odd number. At the previous meeting I proposed an 8-men council with the chairman sitting with no vote at all. It was pointed out to me that it would be impractical; that the chairman should have a vote. With a 9-men council, there will be no problem as far as balance of power is concerned.
 2. Because of the argument that would be raised by the people involved, especially on the Island of Maui, on the position where Lanai has 2,500 people, Molokai has 5,000 and Maui has 36,000. The arguments would hold strong for 9 council members.
 3. Island of Kauai with a population of 35,000 or 37,000 are considering a 7-men board. The reason for that is on the basis of the present setup, or with addition thereto.
 4. The Island of Hawaii is considering an increase on the basis of population.
- With 9 men I don't think there would be too much of a controversy in selling the charter.
- Mr. Tester: Was your decision that the chairman should have a vote? I can't see why there should be more, even supposing that the chairman would only have a vote in case of a tie.

- Mr. Balthazar: We assume that the chairman would have no vote. He would have only veto power.
- Mr. Caldito: At the last meeting I proposed 9 so that there will be no tie votes.
- Mr. Crockett: I think we should have 9. If we decrease the number on the board, we are automatically going to create hostility among the members of the board.
- Mr. Balthazar: I would still favor Tom's idea for a more proportional representation and I would also go on the suggestion of 9.

The motion (legislative body be composed of 9 members with at least one member from Molokai and Lanai, all elected at large) was carried unanimously.

4. Should the office of the prosecutor and county attorney's office be separated?

- Mr. Tester: There should be one office and the head appointed by the mayor.
- Mr. Kobayashi: The County Attorney's Office has four attorneys.
- Mr. Tester: They are classified as deputies, which is alright.
- Mr. Caldito: I favor the prosecuting attorney be elected due to the fact that the mayor will not be able to pressure him. Otherwise, the mayor will be pressured by the people and the mayor will then tell the attorney what to do.
- Mr. Balthazar: In opposition to that, I see no difference in the possibility of the elected prosecutor being pressured politically by the people than he be by the mayor. Would he not have just as much pressure by a group of citizens as the other way? I see no danger because as far as political pressure, it is involved both ways.

The Chair called for a recess at 8:00 P.M. Meeting was reconvened at 8:05 P.M.

- Mr. Crockett: After being reassured that the separation will probably not result in increase in cost, I feel that the office should be split, that the prosecutor should be elected, and the county attorney be appointed by the mayor subject to confirmation. I think the prosecutor's function is very important.

After some discussion, it was moved by Mr. Tester and seconded by Mr. Caldito that the County Attorney's Office draft the following three alternative proposals to be put before the public:

- (1) Prosecutor and legal counsel be appointed by the mayor with or without confirmation by the legislative body.

- (2) Legal counsel be appointed by the mayor with or without confirmation by the legislative body and prosecutor be elected by the people.
- (3) Legal counsel be appointed by the legislative body and prosecutor be appointed by the mayor without confirmation by the legislative body.

The motion that the three proposals be put before the public for consideration was carried unanimously.

5. What should be the terms of office of elected officials?
2 years? 4 years? Staggered?

Mr. Tester: I feel they should be elected for four-year terms and I feel they should be staggered for the council only and not for the mayor.

Mr. Balthazar: After discussing it with a number of people, it was pointed out to me that I was not being very consistent if I vote for the mayor for a four-year term in order that he could propose long range programs and vote for two-year terms for the councilmen because the balance of power would shift. To create a strong administration they should run together for four years. Therefore, I change my position on the council from two to four years.

Mr. Crockett: I am very definitely in favor for two year terms for the board. The mayor should be elected for four years. The fact that we have frequent campaigns stimulates interest in government among the people. I think you should try to get people more interested in government, whether they are individuals or whether they are groups. People should take more interest in the government.

Elected officials in the County of Maui would be closer to the people. I don't think the matters of the Board of Supervisors discussed are considered any more important than the matters discussed in any office. The Congressmen are elected for two years. I see no reason why we should make the terms of office for four years. The only argument in having them elected for two years is that elections are expensive.

Mr. Balthazar: I think that any man who would give his time to government would rather run for four years so that he won't have this constant problem of elections. More men would run for public office if it's for a four-year term.

Mr. Crockett: This is a very instance of democracy. That is how we are going to find out what people want. Basically, I don't see anything wrong in getting the people out to campaign. I think campaigning is very important in political life.

Mr. Tester: I favor four-year terms and staggered.

Mr. Caldito: I go along for four-year terms so that you can have long range programs.

Mr. Yagi: In view of the strong sentiments I move that we lay the two proposals before the public. Seconded by Mr. Caldito.

The motion that the two proposals (four years for the mayor and two years for the council members; four years for the mayor and four years for the council members) be put before the public was carried unanimously.

6. When should charter go into effect?

Mr. Balthazar: I see no reason for special election. I am for the election being held in 1966 and the new government take office on January 1, 1967.

Mr. Crockett: We shouldn't have the election for the county officials at the same time that we have the election for the State and Federal officials. The cost would be outweighed, but you would gain the effectiveness of the government. By having separate elections, the people should be able to focus on the local government. I think we can have better governments by having frequent elections.

Mr. Yokouchi: The point which you mention is very good; however, too frequent elections will tire the people.

Mr. Tester: I think that is one of the reasons that the present meetings prior to elections don't hold too many people.

Mr. Yokouchi: If everyone is elected on four-year terms, I think you have more active participation by the public.

Mr. Crockett: If you lump these elections, you are going to have a long ballot.

Mr. Balthazar: I feel that the State and County level of government work hand in hand. I do not favor "off-the-year" elections.

I would like to see the prestige and power of political parties grow. I think we sometimes tend to minimize their influence. I think that the State and the County should be together and should be taken up at the same time.

Mr. Caldito: I favor a regular election in 1966.

Mr. Balthazar: I move that the charter go into effect at the 1966 election with the elected officials taking office in January 1967. Seconded by Mr. Caldito and carried.

7. Should some departments, now under independent boards or commissions, come under the control of the Mayor or Council?

Mr. Crockett: We have three types of boards: operational, regulatory and advisory. I feel that the operational boards should be kept because they

primarily concern administration. It is not feasible to give that responsibility to the board.

We should abolish some of the regulatory boards and set up a new board for the county to hear all quasi-judicial matters.

We should say that the board has a power to have an advisory committee. The board shall not, under any circumstances, further delegate their power. The advisory committee will act only in an advisory capacity and not administrative.

- Mr. Yagi: The mayor should have the power to appoint the heads of the quasi-judicial departments - Waterworks, hospitals and police - and should make them a part of his cabinet. The boards and commissions should be appointed by the mayor without confirmation of the council.
- Mr. Balthazar: Do they still have quasi-judicial powers?
- Mr. Yagi: No, not necessarily. It is similar to the State where the Governor appoints the State Land Use Commission.
- Mr. Crockett: When you talk about quasi-judicial powers, we are not talking about the Board of Water Supply or Board of Trustees. They actually have administrative powers.
- Mr. Kobayashi: Where would you place the Civil Service Commission?
- Mr. Crockett: I think the Civil Service Commission has two functions: (1) They make rules and (2) hear appeals. I would have the second function transferred to the Board of Appeals. As for the rule making, I don't see why the board cannot make the rules.
- Mr. Yagi: I think we should pattern the county government to the State government. I think the State government is a strong government. For example, the Public Utilities Commission determine the rates, but the Governor appoints the people. So it is with the Land Use Commission.
- Mr. Balthazar: I think it would be difficult to have only one motion to cover all the boards and commissions. For example - the Water Board or Hospital Board of Trustees - I have some feelings as far as powers or limitations of those boards are concerned.

I can accept the idea of a regulatory body to set the rates in this county, but my basic idea is that the operation of these departments should be the responsibility of the mayor.

Since no decision could be reached on this question, the matter was deferred.

8. Should Personnel Director be appointed by the Civil Service Commission or by the Mayor?

Mr. Balthazar: I move that the Personnel Director be a cabinet member and be appointed by the mayor. Seconded by Mr. Tester and carried unanimously.

9. Should Chief of Police be appointed by the Police Commission or by the Mayor?

Mr. Tester: I move that the Police Chief be appointed by the Police Commission. Seconded by Mr. Caldito.

Mr. Crockett: There is a great deal of merit in saying that the Chief of Police should be appointed by the mayor. I think there should be some consideration of having the Chief of Police appointed by the mayor.

Mr. Yagi: I feel that the Chief of Police should be appointed by the mayor.

Mr. Yokouchi: Why do you say that the Chief of Police should be appointed by the Police Commission?

Mr. Tester: He will be completely out of politics.

Mr. Caldito: If the mayor appoints the Chief of Police, he will be the mayor and the police chief because he can tell the Chief of Police what to do. I am very much in favor of a strong mayor, but not that strong where he has the power of everything. He already has the power to appoint the Police Commission so let the Commission appoint the Chief of Police.

Mr. Balthazar: Is it logical to say that they are less subject to political influence?

Mr. Yokouchi: Why do you say you don't want the Chief of Police subject to political influence and not the other? For instance, the Personnel Director's job is to preserve the merit system. What is the difference between the Chief of Police and the Civil Service Director?

Mr. Caldito: The Civil Service Director does not have the same responsibility as the Chief of Police. That is why I go along with Mr. Tester's motion that the Commission appoint the Chief of Police.

Mr. Yokouchi: The Chief of Police is responsible to the whole County of Maui. The Civil Service Director is responsible to only the county employees.

Mr. Yagi: The Chief of Police will not be responsive to the people, but to the Commission.

Mr. Caldito: In the past the Commission has appointed the Chief of Police and we never did have any problem.

- Mr. Yagi: I rather see the Chief of Police responsive to the mayor. In the past we have had lots of discussion of what the Chief of Police is doing. He is not responsive to the people; he is responsive to the governor. They would like to see the Chief of Police responsive to the people.
- Mr. Tester: I don't think it is specific that they want to give it to the mayor. Basically, they want to give the individual counties home rule.
- Mr. Yagi: As far as the Liquor Commission is concerned, they are responsive to their appointing power. They have complete disregards in matters pertaining to the people. For example, the Liquor Commission, as a rule, dictate to businessmen who apply for licenses where to put the liquor, how the liquor should be sold, etc. They do not respond to the people.
- Mr. Balthazar: I would say one way to assure the people is to write a letter of written charges before the Chief of Police can be removed and he can appeal these charges to see whether he should be removed. Then there may be a little safeguard there.
- Mr. Crockett: Wouldn't it be feasible to have the mayor appoint the Chief of Police subject to confirmation of the board?
- Mr. Tester: We can have it appointed by the council with veto power by the mayor.
- Mr. Balthazar: I move that the Chief of Police be appointed by the mayor with confirmation of the legislative body and subject to removal with right of appeal. Seconded by Mr. Yagi and carried. (7 ayes, 2 noes - Caldito and Tester)
- Mr. Yagi: I move that the council has power to confirm and the Police Chief has a limited term of six years. He can be removed for cause before the term is up with right of appeal.
- Mr. Kobayashi: I don't see any need for confirmation by the council. He plays politics with one person and, if his appointment is confirmed by the board, he would be more involved in politics. Have the least amount of politics as possible in the Police Department. I go along that the Chief of Police be appointed by the mayor.
- Mr. Yagi: Is it the feeling of the commissioners that the Chief of Police will be a cabinet member, too?
- Mr. Kobayashi: Because there is a commission who is appointed by the mayor and because the commission is operational as well as regulatory, he does not have to be a cabinet member.
- Mr. Caldito: Since the mayor will appoint the Chief of Police, we don't have to have a commission.

Mr. Yokouchi: The motion is that the mayor shall appoint the Chief of Police with confirmation by the legislative body; he shall serve a term of six years; and he shall be removed by written charges with cause, subject to the approval of the legislative body and with right of appeal.

The motion was carried. (7 ayes, 2 noes - Caldito and Tester)

It was moved by Mr. Caldito, seconded by Mr. Tester and carried unanimously that the following two proposals be put before the public at a public hearing:

- (1) Mayor shall appoint the Chief of Police for a term of six years with confirmation of the legislative body and Chief of Police shall be subject to removal by the mayor with right of appeal.
- (2) Mayor shall appoint the Police Commission (with or without confirmation of the legislative body) and the Police Commission shall appoint the Chief of Police for a term of six years subject to removal and with right of appeal.

10. Should Manager of Board of Water Supply be appointed by the Board of Water Supply or by the Mayor?

Mr. Balthazar: I move that the Manager of the Board of Water Supply be appointed by the Mayor without confirmation by the council. Seconded by Mr. Tester.

The motion was carried (8 ayes, 1 no - Crockett)

11. Should the Administrator of the hospitals be appointed by the Board of Trustees or by the Mayor?

Mr. Tester: I move that the Administrator of the hospitals be appointed by the mayor without confirmation. Seconded by Mr. Balthazar.

The motion was carried (8 ayes, 1 no - Crockett)

12. Should Planning Director be appointed by the Mayor?

Mr. Yagi: If he is going to be a cabinet member, I move that the Planning Director be appointed by the mayor without confirmation. Seconded by Mr. Balthazar and carried unanimously.

13. Should Liquor and Civil Service Commission members be paid? Should the Chairman of the Planning Commission be paid?

(Action on this matter was deferred.)

14. Should there be a Traffic Commission apart from the Planning Commission?

(Action on this matter was deferred.)

Mr. Caldito: In order to be consistent, we should put another question in - Should the Parks Superintendent be appointed by the mayor?

Mr. Balthazar: There is some question in my mind whether there should be a Parks Superintendent.

Mr. Yagi: I believe that the Parks and Public Works Departments should be combined.

Mr. Balthazar: That is how I feel.

Mr. Yagi: I don't think there will be too much difference in the basic structure as far as the present setup is concerned.

Mr. Balthazar: It could be a section of the Public Works Department.

Mr. Kobayashi: Should we make the recreation division a separate department?

Mr. Balthazar: There is a question in my mind about government spending too much money for recreation.

Mr. Crockett: I move that we combine the Department of Parks, Playgrounds and Recreation with the Public Works Department. Seconded by Mr. Yagi.

Mr. Carvalho: The Parks Superintendent gets a salary of SR-27 and the Public Works Superintendent gets SR-25. If you combine the Parks Department with the Public Works Department, who would be in charge?

Mr. Yagi: What I am thinking is that the Parks Department would be a separate division under the Public Works Department. This Charter Commission has no classification authority.

Mr. Kobayashi: The funds are divided. We should do away with the Special School Fund.

Mr. Caldito: I believe we should have a Department of Parks and Recreation; however, the construction portion should be consolidated with the Public Works Department.

Mr. Crockett: As long as you have a separate department, it is going to build up.

Mr. Balthazar: I am afraid that separate departments tend to build empires.

The motion (Parks Department be consolidated with the Department of Public Works) was carried unanimously.

15. Should the functions of the Treasurer and the Auditor be combined into a single finance department?

Mr. Balthazar: I move that the functions of the Treasurer and Auditor be combined into a single finance department. Seconded by Mr. Yagi and carried unanimously.

Mr. Crockett: I move that we consolidate the Fire and Police Department. Seconded by Mr. Tester.

- Mr. Balthazar: I would like a little more time to study this matter to see how effectively they can be brought together. It seems a very good idea in that both are involved in public safety.
- Mr. Carvalho: These are separate functions and I don't see why they should be consolidated.
- Mr. Yokouchi: What is the difference between combining the Police Department and the Fire Department as against the Parks and Public Works Departments? The PAS report recommended they be combined with dual capacities.
- Mr. Crockett: It seems to me that both are military organizations. I notice that when we have fires, we have a lot of policemen to control the fire. I think this is how it should be. I think there would be better coordination. Both need radio equipment; both need centralized direction.
- Mr. Kobayashi: What about the Liquor Commission?
- Mr. Balthazar: My feeling is that the Liquor Commission should be abolished. I feel the Police Department could handle that. I would personally like to see that this be laid over for further study.
- Mr. Crockett: I move that we put this on the proposed draft as an alternative to be considered by the people at the public hearing. Seconded by Mr. Balthazar and carried unanimously.
- Mr. Balthazar: I move that the Water Department be consolidated with the Public Works Department, except for the rate establishing portion. My idea is to have one regulatory agency to set all the rates - this regulatory agency to consist of highly qualified technical men.
- Mr. Yagi: Don't you think it is very difficult if I would be sitting on the regulatory commission to regulate rates and let you do all the spending, and I do not have any say on your spending?
- Mr. Balthazar: I change my motion that we offer this proposal as an alternative to the public hearing - maintain water board as it is now or consolidate with the Public Works Department.
- Mr. Kobayashi: The accounting becomes more confused.
- Mr. Balthazar: I visualize the use of IBM.
- Mr. Murayama: You must take a second look at that. As far as governmental accounting, the Water Board is a special entity. They are supposed to be able to run with a profit. Other organizations do not profit. When we float revenue bonds, people purchase the bonds with the idea that this is a self-supporting agency. Before you take any definite action on this, some sort of study should be made.

Mr. Crockett: I agree with you, but the consensus was that manager be appointed by the mayor. The logic thing is that you are not going to make the Water Board a separate entity.

Mr. Balthazar: I withdraw my motion.

16. Should we abolish or preserve any of the boards or commissions?

Mr. Crockett: I would prefer to have the manager of the Board of Water Supply and the administrator of the hospitals appointed by the commissions and preserve this present setup, but if they are going to be appointed by the mayor, we should abolish them.

I move that we abolish the Board of Trustees, Board of Water Supply and the Police Commission and substitute an advisory committee for the hospital to be appointed by the mayor, which committee will have no administrative responsibilities thereon. Seconded by Mr. Balthazar and carried unanimously.

Mr. Yokouchi: I move that the present Board of Water Supply be preserved as an alternative to the other proposal. Seconded by Mr. Caldito.

Mr. Kobayashi: I would like to have the county attorney's office draft a model charter with a lot of blanks and we fill in the blanks.

Mr. Balthazar: I recommend it be laid on the table since these are important decisions.

Mr. Yagi: We are making tentative decisions based on the information that we have on hand. At the same time we are making alternatives to stimulate public interest. In view of the interest, we are agreeing on the basis of printing the alternatives and bringing it before the public.

Mr. Kobayashi: What we should do is to follow the Model Charter or the City and County of Honolulu Charter.

Mr. Crockett: Maybe the thing to do is not to have alternatives and "let the cards fall" and if the public say "this is not what we want", then we know that.

Mr. Kobayashi: Let's use the City and County of Honolulu Charter as a model because they tie in the loose ends. Prior to having a charter, they were under the same type of government as we have now.

Mr. Yokouchi: The County Attorney will set up the tentative draft. A lot of these things will gel as we go along.

Mr. Yagi: I think this will stimulate the public on the basis of alternatives and let them express what they would like to see. The final decision is

ours but we want to, by the enabling act, provide and give the people an opportunity to express themselves before we can say "this is it".

Mr. Kobayashi: When we adopted the additional rules, we said that all decisions will be tentative. We are not making any decisions. We are coming up with alternatives.

Mr. Yokouchi: I will withdraw my motion as far as having the Water Board as an independent board as it exists today. There will be only one proposal - that is, to have the manager of the Water Board appointed by the mayor with no independent Water Board.

ADJOURNMENT:

The meeting was adjourned at 10:50 P.M.

NEXT MEETING:

January 9, 1964 in the Board Chambers.

Respectfully submitted,

Harriette E. Miyamoto

HARRIETTE E. MIYAMOTO
Secretary