

MINUTES OF THE  
MAUI COUNTY CHARTER COMMISSION

DATE: January 22, 1964

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 7:45 P.M.

PRESIDING: Masaru Yokouchi, Chairman

MEMBERS PRESENT: Masaru Yokouchi, Chairman  
Emil Balthazar  
C. H. Burnett, Jr.  
Richard Caldito  
William F. Crockett, Vice-Chairman  
Cornwell Friel  
Shiro Hokama  
Nadao Honda  
Keith Tester  
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Harry Kobayashi  
Thomas Yagi

OTHERS PRESENT: Mr. & Mrs. L. Gillin  
Mrs. J. Van Zwalenburg  
Mrs. Cecelia Soule  
Mrs. William Haling  
John Arisumi  
Baldwin High School Students  
Robert Johnson, Advertiser Reporter  
Jack Stephens, Maui News Reporter

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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 January 22, 1964.

MINUTES:

The minutes of the meetings held on January 15 and 16, 1964 were distributed to the members of the Charter Commission. Minutes of the meeting held on January 9, 1964 were approved as circulated.

TENTATIVE DRAFT OF CHARTER:

Pages 31 to 41 of the tentative draft of the charter were circulated to the members of the Charter Commission.

COMMUNICATIONS:

1. Minutes of the Hawaii County Charter Commission.
2. Letter dated January 10, 1964 from Mr. Tatsuo Asari, Chairman of the Kauai Charter Commission, inviting Mr. Yokouchi to come to Kauai to determine the proposals to be submitted to the legislature by the charter commissions.

OLD BUSINESS:

What officials should be elected?

Mr. Yokouchi informed the members that, as far as this matter is concerned, they have only decided that the mayor and councilmen shall be elected. As to the other officials, no definite decision was made.

It was moved by Mr. Crockett and seconded by Mr. Caldito that the offices of the Treasurer and Auditor be combined into a finance department, that the finance director be appointed by the mayor and the clerk be appointed by the council. Motion was carried unanimously.

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

It was moved by Mr. Tester that, on the assumption that we do have these commissions, no commission or board member shall be paid. Seconded by Mr. Friel and carried unanimously.

Messrs. Burnett and Crockett expressed that these commissions should be abolished.

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

Action on this matter was deferred since some of the members felt that the Planning Commission should be abolished.

Should the Fire and Police Departments be consolidated?

It was moved by Mr. Caldito and seconded by Mr. Honda that these departments be kept separate. Motion was carried unanimously.

Should school construction and maintenance and bus transportation be turned over to the State?

Mr. Burnett felt that the education system, which includes transportation as well as maintenance and construction, should be handled by the State; however, knowing how the legislators feel about this matter, it was moved by Mr. Burnett that the present system be continued. There was no second to the motion. Action on this matter was deferred.

DISCUSSION ON PROPOSED CHARTER:

Section 3-1. Composition of Council

Mr. Crockett: It should be spelled out in the charter that the council members be elected at large. I think it is important because it could be argued that the people from Molokai and Lanai were not elected at large. If a councilman from Molokai or Lanai leaves the island and takes up residency in Lahaina, he no longer represents that particular island.

Section 3-2. Terms

Mr. Burnett: Moved that the terms of office of councilmen shall be for two years. Seconded by Mr. Crockett. Motion was defeated - 3 ayes (Burnett, Crockett, and Tester) and 5 noes (Balthazar, Caldito, Friel, Hokama, and Honda).

Mr. Balthazar: Moved that the terms of office of councilmen shall be for four years. Seconded by Mr. Honda and carried - 5 ayes (Balthazar, Caldito, Friel, Hokama, and Honda) and 3 noes (Burnett, Crockett, and Tester).

Mr. Burnett: A person holding a four-year term will not be responsible.

Mr. Caldito: The elected officials have to be responsible.

Mr. Crockett: There are two things that the legislators said we were to look at when framing the charter: (1) to make the government more responsive and (2) to make the government more efficient. There is no question if we extend the terms from two to four years, we are making government less responsive. I cannot see why we are going to have a more efficient government. The people should benefit from the charter, not the elected officials.

Mr. Tester: Isn't there a feeling that the mayor should be elected for a longer term than the councilmen?

Mr. Balthazar: Why?

Mr. Tester: For continuity.

Mr. Balthazar: I think continuity is more in line with your recommendation for staggered terms.

Section 3-4. Vacancy in Office

Mr. Crockett: Isn't there some varied arguments that the vacancy should be filled by the person receiving the next highest votes?

Mr. Caldito: Should the next highest in line be a Republican, the majority changes.

- Mrs. Haling: I know that in 9 out of 10 cases it is not a matter of the party or of the individual's thinking of the party. Most people on Maui don't know whether they are Republicans or Democrats so they vote for the popularity of that man. Is it a government of the people, for the people or by the people? If you are looking for what the people want, you have to look for popularity of the person. If you are looking for the party, you have another question.
- Mr. Crockett: People have already expressed themselves at the last election. It should go to the person next in line at the last election.
- Mr. Yokouchi: I think one of the most important questions about election is whether we want personality type of election or whether what the party stands for. If there is a particular program you want, you must have someone who would do something for you, someone who would carry out the program for you. With elections it is not only the personality involved that would be the issue, but the party. I think it is important whether you want a Democrat or Republican controlled council. There may be a person better qualified than the person next in line.
- Mrs. Soule: If a Democrat dies, fill the vacancy with a Democrat with the next highest votes or if a Republican dies, fill the vacancy with a Republican with the next highest votes. Why spend the money for special elections? You still maintain party lines and it is economical.
- Mr. Hokama: I think no matter what we do, politics is involved. I think the language here in this draft is such that the party itself will exert its influence - "if the council cannot fill the vacancy, then the mayor will fill the vacancy". Then under (b) "it shall be filled by special election". As far as I am concerned, this fills in as far as the basic philosophy of this country. I think we just might as well face it.
- Mr. Honda: I agree with Mr. Hokama. Suppose the situation were vice versa -----
- Mr. Crockett: You don't feel that the person next in line should be in office?
- Mr. Honda: No.
- Mr. Crockett: Moved that the next highest vote getter fills the vacancy regardless of party, except in the case of a vacancy by a Molokai or Lanai councilman, that the person on Molokai or Lanai receiving the next highest votes will fill the vacancy and, furthermore, if there is no other person to fill such vacancy, there will be a special election. Seconded by Mr. Tester and carried (5 ayes, 2 noes - Hokama and Honda, 1 abstaining - Burnett

The Chair called for a recess at 9:30 P.M. Meeting was reconvened at 9:40 P.M.

Section 3-5. Salaries of Councilmen

Mr. Tester: Moved that we delete "except that the chairman shall receive an additional sum of \$600 per annum". There was no second to the motion.

Mr. Balthazar: I do feel that the chairman has more responsibilities, more problems, more time to see that the agenda is set up for, etc.

Section 3-6. Removal of Councilmen:

Mr. Crockett: There should be one provision for all elected officials. I don't see why there should be one for the mayor and one for the councilmen.

Suggestions:

1. There should be a provision in the charter that the petition itself should set forth the charges in detail.
2. There should be more than 100 qualified voters signing the petition for impeachment.
3. Once a petition has been filed, we should have a provision specifically providing that the prosecuting attorney will represent the petitioners. I think the cost should be borne by the government.

It should be spelled out that the man defending himself must use his own money. I don't think he should use government money for doing something wrong.

Mr. Crockett: Made the following motions:

1. That the petition for impeachment be signed by 5% of the registered voters of the county.
2. That there be a provision that the attorneys' fees and other costs incurred by the officials impeached and also by the petitioners be paid for by the respective parties.
3. That we eliminate the provision "The board of impeachment may appoint a master and invest him with power to investigate the charge and report thereon to the board".

Seconded by Mr. Balthazar and carried unanimously.

Section 3-7. Organization of Council; Officers; Rules; Employees

Mr. Crockett: We should leave a great deal to the council to enact rules and regulations.

The following comments were made by Mr. Crockett regarding this section (numbered according to subsection).

1. "the affirmative vote of a majority of the entire membership shall be necessary to take any action" - it's a rather strict requirement.

Mr. Yokouchi remarked that the chairman of the council could count the votes according to those present.

3. Too detailed.
6. Are these people going to be governed by civil service?
7. "other than the confirmation of appointees, shall be by open ballot". Revised Laws says that all meetings shall be open to the public.

Mr. Crockett: Moved that this section be deleted and Mr. Higa be instructed to follow Section 2.05 of the Model County Charter. Seconded by Mr. Burnett and carried unanimously.

#### Section 3-8. Duties of Council

Mr. Crockett: Re subsection (4) Audit, when we were in Hilo Richard Takasaki mentioned various types of audits. There are different scopes of audits.

(Direct the attention of Kase to take into consideration that the council will have the right to order whatever type of audit they want.)

#### Section 3-9. Powers of County Council

Mr. Crockett: This section gives all rights to the council and not to the mayor. If we have a strong mayor, he should have the power to do the reorganizing. The council, as policy making body for the county should appropriate money in terms of particular projects they want carried out but still they are going to have to work within the administration as the mayor sets up.

Mr. Burnett: Under the strong mayor type of government the mayor has the power to reshuffle the departments. After going through the Honolulu Charter or the Model County Charter I feel by their establishment that the mayor goes to the council for approval.

Mr. Balthazar: The mayor should have the power to administer the responsibilities as administrative officer of the county.

- Mr. Burnett: In order to create additional departments the mayor would have to go to the council for approval or disapproval, but I don't think the council should have anything to do with the reorganization of the departments.
- Mr. Crockett: If the council decides that "X" number of dollars will be spent on a particular project, the mayor should be obligated to do it.
- Mr. Burnett: Once a budget has been enacted the presumption is that the mayor will carry it through in the most efficient way.
- Mr. Tester: Is the appropriation broken down in terms of projects?
- Mr. Caldito: The amount is set in terms of projects. If \$5,000 is appropriated for five projects and if only four of the projects are completed, the money that is left goes back to the general fund.
- Mr. Crockett: There should be some expression to the effect that the mayor cannot let money lie around. He shouldn't use the money for whatever projects he wants.
- Mr. Yokouchi: The creation or abolishment of departments, boards or commissions should be vested with the council, unless of an advisory capacity. In gerrymandering of departments the manipulation of funds by the mayor should be approved by the council. This is one of the checks and balances on a strong mayor.

ADJOURNMENT:

The meeting was adjourned at 10:30 P.M.

NEXT MEETING:

Wednesday, January 29, 1964, at 7:30 P.M. in Board Chambers.  
(The meeting scheduled for Thursday, January 23, 1964 in the Parks Conference Room was canceled.)

Respectfully submitted,

*Harriette E. Miyamoto*

HARRIETTE E. MIYAMOTO  
Secretary