

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: June 9, 1964

PLACE: Iao School Cafetorium, Wailuku, Maui, Hawaii

CALL TO ORDER: 7:45 P.M.

PRESIDING: Masaru Yokouchi, Chairman

MEMBERS PRESENT: Masaru Yokouchi, Chairman
C. H. Burnett, Jr.
Richard Caldito
William F. Crockett
Shiro Hokama
Nadao Honda
Keith Tester
Thomas Yagi
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Emil Balthazar
Cornwell Friel
Harry Kobayashi

OTHERS PRESENT: Kase Higa, County Attorney
Soon Oak Lee, Acting Chairman and Executive Officer
Thomas Noda, Deputy Fire Chief
Mrs. Jay Van Zwalenburg, President
Maui Citizen's Association for Good Government
Albert S. Carvalho, UPW Business Agent
Marquis Calmes
Joseph Souki
Yoneto Yamaguchi

Robert Johnson, Advertiser Reporter
Jack Stephens, Maui News Reporter

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The Chair opened the hearing by introducing the members and staff of the Maui County Charter Commission to the audience.

Mr. Yokouchi: We have made a few changes from our first draft. Some of the major changes are as follows:

1. The function of continuous verification of receipts and expenditures of all agencies of the county is transferred from the council to the finance department.
2. The head of the department of public works need not be a registered engineer.
3. The members of the police commission shall be appointed by the mayor without the necessity of approval by the council. The police chief shall be appointed and may be removed by the police commission.

4. The hospital department shall consist of two separate boards--the board of trustees of the Maui Community Hospitals, comprised of eleven members, and the managing committee of Kula Sanatorium, comprised of five members. The members of the board of trustees and the managing committee shall be appointed by the mayor without necessity of approval by the council.
5. The ordinances of the County of Maui must be codified and published within two years after the effective date of the charter and at intervals of ten years thereafter.
6. The mayor shall appoint a new charter commission ten years after the effective date of the charter and at intervals of ten years thereafter.
7. Any vacancy in the office of the councilmen shall be filled by the person getting the next highest votes. However, on Lanai and Molokai the council will select the successor. We have amended that section so that the council will appoint the successor to these vacancies, provided the vacancy is for a period not longer than one year. If the vacancy is for a period of more than one year, then the charter calls for a special election.

Mr. Calmes: Mr. Chairman, I speak as an individual citizen of Kahului and as a prospective candidate for public office. This group has done an outstanding job in drawing up this charter.

I would like to point out Section 3-2, Terms of Office of Councilmen, to you. I note that you have the terms of office of both the councilmen and the mayor expiring at the same time. This has great weaknesses to it. Even in the U.S. Congress the tenure of office is only two years. The House of Representatives in Hawaii has only two-year terms.

I would like to protect this particular phase of your proposal and suggest that change be made to two years.

Mr. Tester: Mr. Calmes, I would like to ask you whether you feel that four year staggered terms would be better.

Mr. Calmes: Probably more desirable.

Mrs. Van Zwahlenburg: In the statement made by the Maui Citizen's Association at the public hearing held in April, we approved the proposed charter in principle. Our approval was given with some reservations and in the knowledge that very few people would like or approve every provision of every section of the draft. The revisions in the charter made since the public hearings have quieted our worst qualms, and now we feel we can solidly back the charter in its final draft.

Here is an instrument that can be used to make Maui a better place. This is a beginning in clearing up and simplifying the tortuous and confused structure of government that we have lived with and added to for 60 years. It is a good beginning and we hope that it is only a beginning and a foundation.

As an individual, I agree with Mr. Calmes that two years is preferred to the four-year term for the councilmen. I do not agree with the staggered terms.

Regarding the oath of office, was that taken out of the State Constitution? The wording is not the same as that in the State Constitution.

Mr. Higa: This was taken from the Revised Laws of Hawaii. This is the existing law as far as the counties are concerned.

This Charter Commission is to submit a final draft of the charter to the Board of Supervisors. The Board of Supervisors will have a period of one month in which to review the charter, and at the end of the month the Board of Supervisors can recommend any alternative provisions to the provisions which are already in the charter. The Charter Commission can either accept or reject the proposals of the Board of Supervisors. The Board may propose that the term of office of the councilmen be for two years instead of four years. The Charter Commission can accept the proposal of two-year terms and insert that in the charter. On the other hand, the Charter Commission can reject the proposals made by the Board. If the Charter Commission rejects the proposals made by the Board of Supervisors, such proposals will be placed on the alternative ballot at the general election.

Mr. Yokouchi: We have here a petition from the residents in Hana. There are approximately 240 signatures. The petition reads as follows:

We, the undersigned residents of the District of Hana, County of Maui, State of Hawaii, do hereby petition the Honorable Chairman and Members of the Maui County Charter Commission and respectfully request that the said Commission consider providing in the Charter for the County of Maui, a Councilman from and for the District of Hana, similar to the present representation from the islands of Lanai and Molokai, in the Board of Supervisors of the County of Maui.

Mr. Calmes: I think there should be some continuity in the law so that there will be island representation. I suggest highly that you continue to think of Molokai and Lanai as separate islands because this exists in the existing law.

Mr. Tester: Mr. Calmes, is it your suggestion that Lanai and Molokai should elect their own representative?

Mr. Calmes: The islands of Molokai and Lanai are in the sixth representative district, and they alone elect the members of the sixth district. The other four are elected only from the island of Maui. Because of this it seems to me that we have established a pattern, and this pattern should be followed in the determination of councilmen.

Mr. Burnett: There were several people on the commission who felt that there should be representation from some districts--Lahaina, Hana, Makawao, etc., but those who are more experienced in politics than most of us on the commission definitely said it was impossible to put this over. I think this commission wants to present the very best charter that they can get by, and it certainly will not satisfy everybody in the county.

Marquis, you know more about politics than I do. I agree with you that if you are going to have a strong mayor, you should have two year terms, but I feel the politicians will not go along. I think there is too much power in this strong mayor charter.

This is the final hearing and this is all the people present. To me, the people who vote in the county don't care what they think. From my point of view, there hasn't been anything shown from the county. I would say there is no need for a change--nobody cares. I was disturbed and upset when over on Molokai they said "we expect you to turn out a good charter and we will most likely vote for it." Under those conditions I feel maybe we should keep what we have right now. We haven't got a really bad government.

All of us did not agree with everything you see on this proposed charter. Part of that was done by people who know about politics more than I know. I know nothing about politics and their peculiar ways. I just don't want to be in that position and that is why I have stated this--so that you will know why this has been done.

Mr. Calmes: I would like to thank Mr. Burnett for his point of view. The job of this commission is to propose a charter in the event you want a charter.

Mr. Burnett: The job of this commission is either to say "we don't need a charter" or to propose one. This commission could have said "no".

Mr. Caldito: I would like to state my position as to why I favor four-year terms. When you are elected to the Board for two years, the first year you are just learning. The second year you want to implement your program and when you start implementing your program, you cannot plan for

the third and fourth years because election is right around the corner. If the terms are for four years, you can plan your program within the four years. Another thing is that you suggested that six members of the Board of Supervisors be elected from the County of Maui and two members be elected from Lanai and Molokai.

Mr. Calmes: I have no definite proposals. I have no particular view as to whether the six members should be only from the island of Maui or whether these six people should be elected from at large. But I do think that Molokai should elect its own representative and Lanai should elect its own.

Mr. Crockett: It seems from reading what is in the newspaper that the City and County of Honolulu seems to have a lot of difficulties. One of the difficulties is from the representation they have on the council--ganging up in different districts.

If after reapportionment it is determined that the number voting from the County of Maui is relatively small, and if we should be entitled to two or three representatives, do you think that Lanai or Molokai would keep their representatives and on Maui we would have only one or two? I think it simply illustrates the difficulties when you start dividing into districts.

Mr. Souki: I am speaking as an individual. Article VIII, Agencies, Departments, Boards and Commissions, shows the full power of the strong mayor where he can appoint the heads of different agencies without any confirmation of the council. I think this gives the mayor too much strength. I would like some explanation as to how the mayor was given the extra power.

Mr. Crockett: From my personal point of view, we were trying to consolidate all the executive departments under the mayor. There are some agencies which are going to remain independent agencies of the county. We want to centralize the responsibilities of the county, and the only way we can do this is to make the mayor responsible for everything we have. We are not making the mayor responsible directly, but he is going to appoint the department heads.

I read in the newspapers regarding the charters of the three islands, but when they said that Maui County had the strongest strong mayor type of charter, they are thinking only of the power to appoint. I think one of the most important provisions that we have is the power on the part of the council to approve all the regulations which are enacted by all these commissions. In this draft that we have all these rules and regulations must be approved by the council.

The hearing was adjourned at 8:45 P.M.

Respectfully submitted,

Harriette E. Miyamoto
HARRIETTE E. MIYAMOTO
Secretary