

CHARTER COMMISSION
MEETING MINUTES
SEPTEMBER 12, 1991
COUNCIL COMMITTEE ROOM

Present

James Cockett
Sherrilee Dodson (Vice Chair)
Dolores Fabrao
Robert Nakasone (Chair)
Allan Sparks
Anne Takabuki
Debbie Wright
Lloyd Yonenaka

Guests

Maile Luuwai
David DeLeon
Marylou Green

Excused

Annette Mondoy
Jamie Woodburn

Absent

Victor Reyes

I. CALL TO ORDER

Chairman Robert Nakasone called the meeting to order at 4:15 p.m., on September 12, 1991, in the Council Committee Room on the seventh floor of the County building. The chairman noted that a quorum was present.

II. APPROVAL OF AUGUST 15, 1991, MINUTES

The minutes of the August 15, 1991, meeting were approved as circulated.

III. PUBLIC TESTIMONY

There was no public testimony.

IV. COMMUNICATIONS

Communications 91-14 and 91-15 were accepted.

V. UNFINISHED BUSINESS (Agenda Item #VIII)

A. Report on clerical/legal support

Vice Chairman Sherrilee Dodson reported she had interviewed fifteen applicants for the clerical position. She narrowed it down to five candidates to be interviewed by the Commission on this day. One candidate was not able to attend this meeting due to a longstanding commitment. Because the interviews are of a personal nature, Chairman Nakasone advised, pursuant to Hawaii Revised Statutes, §92-4, that a motion would be required, with two-thirds of the majority present, in agreement, to go into executive session. Ms. Wright moved that the Commission go into Executive Session pursuant to H.R.S., §92-4, in order to interview applicants for the secretarial position. Vice Chairman Dodson seconded the motion and the motion was carried.

EXECUTIVE SESSION

Regular session was reconvened.

Anne Takabuki asked if Maile Luuwai would introduce herself to the Commission and she did so.

VI. COMMUNICATION 91-0, ARTICLE III (Agenda Item #V)

A. Communication 91-11

1. Representative

Lokelani Lindsay was the Vice Chairman of the Reapportionment Committee in 1984. She was originally scheduled to attend. She called to advise she was not able to attend because she was giving a eulogy at a funeral. She will plan on attending the next meeting.

VII. COMMUNICATION 91-0, ARTICLE VI (Agenda Item #VI)

A. Communication 91-10 (#5)

No representative from the council was able to attend.

VIII. COMMUNICATION 91-0, ARTICLE V (Agenda Item #VII)

Article V pertains to the County Clerk. Chairman Nakasone asked Mr. Daryl Yamamoto, the County Clerk for the County of Maui, to attend.

Mr. Yamamoto was asked if he had any comments pertaining to this Article. Mr. Yamamoto responded by saying he did not have any comments or recommendations to make at this time.

The Chair entertained any questions for Mr. Yamamoto.

Vice Chairman Dodson asked Mr. Yamamoto if any problems have come up regarding this section. Mr. Yamamoto advised no.

Chairman Nakasone asked Mr. Yamamoto what he thought about the County Clerk being elected. Mr. Yamamoto thought it would be difficult to run an election and run for office. Mr. Cockett asked if this was really a proposal. Vice-Chairman Dodson said it was not being proposed it was just a thought. Ms. Wright mentioned there are still a lot of places that elect their County Clerk and their District Clerk.

Allan Sparks asked Mr. Yamamoto how long records were kept. Mr. Yamamoto informed the Commission that the amount of time varies, depending on the type of record it is. Some records are required to be kept permanently, such as ordinances, resolutions, council minutes, etc.

Anne Takabuki inquired as to the length of time the elections procedure has been the duty and responsibility of the County Clerk. She stated she was curious as to why it was placed in the Clerk's office since it is a State function. Mr. Yamamoto replied it is a State function and on Oahu the Clerk's office is only responsible for voter registration and absentee voting, and the State is responsible for the other election responsibilities. On the neighboring islands, the Clerks' offices are responsible for everything, including voter registration, absentee voting, polling places, manning of precincts, etc. Ms. Takabuki asked if the State financially supported all those functions. Mr. Yamamoto advised that by State law and by internal agreement, there are expenses which are the State's responsibility, expenses which are the County's responsibility, expenses that are shared 50/50, and others that are pro-rated.

Ms. Takabuki asked if there is a problem as far as the Clerk devoting so much time to elections that his Council duties get neglected. Mr. Yamamoto stated, realistically, some duties are put on the back-burner for a few months.

Ms. Takabuki asked if a separate elections arm was created during that period. Mr. Yamamoto advised there is one permanent election position, and, during elections, four temporary workers are hired for about six or seven months. They are looking into upgrading the elections position so it is comparable with the other counties and they have recently gotten an expansion position.

Chairman Nakasone asked if there was any justification for the Clerk's personnel being civil service and the Council personnel being exempt from civil service. Mr. Yamamoto said, from what he can recall, there was a state statute that exempted specific offices from being civil service and, because the office of the County Clerk was not specifically mentioned, they are civil service. He noted that the positions of Maui's County Clerk and deputy are not civil service. Other counties are similar in this respect; however, they may differ in the office of council services.

After no further questions, Mr. Yamamoto left the meeting.

IX. UNFINISHED BUSINESS (Agenda Item #VIII)

A. Spreadsheet

Pursuant to the Commission's request, Maile Luuwai handed out a spreadsheet comparing Article III of the different County charters. She prepared two versions using different formats. She noted, generally, the County charters are similar. There is a difference in council composition and a few other items. She noted the charters for Kauai and Maui are not very detailed. Oahu's is extremely detailed.

Ms. Luuwai noted that on Kauai all council seats are at-large.

Ms. Luuwai stated the Chairman had asked her if she could find out why the County of Hawaii reverted back to two year terms, after having four-year terms for a short time. She was not able to get an answer. Apparently there is no report. Vice-Chair Dodson asked if we could call anyone that was on the commission to find out. Chairman Nakasone stated he believed the chairman of the commission worked at Case and Lynch but could not remember his name.

Ms. Luuwai was asked by Chairman Nakasone to do a similar spreadsheet on Article VII which she will do.

The Chairman suggested that the commission members review the spreadsheets on Article III and all other information on Article III given thus far. At the next meeting members should be prepared to discuss Article III and advise if there are any proposed changes they would like to submit.

It was agreed to accept the two handouts from Ms. Luuwai as Communication 91-18 and Communication 91-19.

B. Report on clerical/legal support

A motion was made by James Cockett that Susan Nakano Ruidas be considered for the clerical position. Dolores Fabrao seconded the motion and the motion was carried.

Vice-Chair Dodson reported that she has had a few people approach her about the legal support position. She asked for feedback from the Commission on how they would like to handle this. Her suggestions were: (1) solicit three or four resumes and the entire commission make the decision, (2) put an ad in the paper or (3) take the one person who wants it right now. She has an appointment next Thursday with Paul Mancini who she has "heard through other people" has expressed an interest in the position.

Chairman Nakasone stated he did not have any objections to Mr. Mancini. Vice-Chair Dodson said she thought we should get a couple of applicants so there is no criticism later and Ms. Fabrao agreed.

Ms. Takabuki stated Mr. Mancini has worked for the County before and he is very bright.

Ms. Fabrao stated she felt since we had gone through the process of elimination with the secretaries we should do the same for the attorney position. Vice Chair Dodson agreed.

Ms. Sparks stated he had spoken to Mr. Mancini personally and Mr. Mancini also suggested that we look at two or three other people.

It was decided that an ad in the paper would not be necessary but resumes from interested attorneys would be solicited.

Chairman Nakasone proposed, since there are several attorneys on the Commission -- Ms. Wright, Ms. Takabuki, and Vice-Chair Dodson -- and Mr. Sparks being on the previous commission, that the four do the final screening and make a recommendation to the Commission. All were in agreement. It was decided that Vice-Chair Dodson would obtain resumes and the applicants would be interviewed by herself, Ms. Takabuki, Ms. Wright and Mr. Sparks. The subcommittee would then make the final recommendation to the commission with appropriate rationale for their choice.

X. NEXT MEETING DATE

The next meeting will be on Thursday, September 26, 1991, at 4:00 p.m., in the Council committee room.

XI. ADJOURNMENT

The meeting was adjourned at 6:10 p.m.

APPROVED:

Sherilee Dodson, Vice Chair 9/26/91
Robert Nakasone, Chairman Date meq