

MINUTES

of the

MAUI COUNTY CHARTER COMMISSION

DATE: June 28, 1963

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 7:30 P.M.

PRESIDING: Masaru Yokouchi, Chairman

PURPOSE: Organizational Set-up

MEMBERS PRESENT: Masaru Yokouchi, Chairman
Richard Caldito
Emil Balthazar
C. H. Burnett, Jr.
Thomas Yagi
Nadao Honda
William F. Crockett
Keith Tester (7:40 P.M.)
Harry Kobayashi (7:45 P.M.)
Shiro Hokama (Lanai)

MEMBERS EXCUSED: Cornwall Friel (Molokai)

OTHERS PRESENT: Kase Higa, First Deputy County Attorney
Shigeru Sano, Deputy County Engineer
Lanny Morisaki, Board Supervisor
Earl Tanaka, Maui News
Ted Yoshizawa, Maui News Photographer
Mrs. J. Van Zwahlenburg
Miss Ahia Davison
Mr. & Mrs. Edward Condon

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INTRODUCTIONS:

The first meeting of the Maui County Charter Commission was held on June 28, 1963, with Chairman Masaru Yokouchi presiding. All Commission members present were introduced, as well as others present. The Chairman informed that Kase Higa, First Deputy Attorney; and Mrs. Marjorie K. Wilhelm, Secretary to the Board of Supervisors, had been assigned to assist the commission on a temporary basis.

ACT 73, SLH 1963:

Mr. Higa was requested to explain the general provisions of Act 73, SLH 1963, "Relating to the Framing and Adoption of Charters of the Counties". This was done by referring to each section of Act 73, which are hereinafter listed by title, with pertinent comments made thereto outlined in brief:

Sec. 1 - APPLICABILITY. All Counties of the State may create a Charter Commission, as provided in said Act.

Sec. 2 - DEFINITIONS. (Self-explanatory).

Sec. 3 - CHARTER COMMISSIONS. The County Chairman may appoint a Charter Commission consisting of 11 members, one of whom shall be appointed as Chairman. At least one member shall be appointed for each State Representative District within the County. If the County Chairman has not appointed the Commission members within 30 days of the Act's effective date, the Board of Supervisors may appoint the members and select the Commission Chairman.

Sec. 4 - QUALIFICATIONS OF COMMISSION MEMBERS. Elected officials cannot serve; those serving on other Boards or Commissions must resign. The law is not applicable to Advisory Committees.

Sec. 5 - COMMISSION ORGANIZATION AND PROCEDURES. No later than 15 days after appointment, the Commission shall hold its first meeting and adopt Rules & Regulations. The majority of commission members shall constitute a quorum.

Sec. 6 - DUTIES AND FUNCTIONS OF COMMISSIONS. The Commission shall study and analyze the existing governmental structure of the County; if the commission decides that no changes are necessary, it shall so report to the Board of Supervisors and disband.

Sec. 7 - POWERS OF THE COMMISSION. The commission shall hold public hearings and generally provide for the widest possible public information regarding the purpose and progress of its work. The commission may appoint staff members and consultants with the approval of the Board of Supervisors.

Sec. 8 - SUBMISSION OF PROPOSED CHARTER TO LEGISLATIVE BODY OF THE COUNTY. The commission shall submit a written report and a draft of the proposed charter to the Board of Supervisors within one year of its appointment. (Commission members appointed June 21, 1963). The Board may propose alternatives which the commission may accept or reject.

Sec. 9 - SUBMISSION OF PROPOSED CHARTER TO COUNTY CLERK. If no alternatives are proposed by the Board, the proposed draft shall be submitted to the County Clerk within 30 days. If alternatives are proposed by the Board and submitted to the commission; then the commission shall accept or reject such alternatives and submit the proposed charter, together with any alternatives which have been rejected, to the County Clerk within 30 days.

Sec. 10 - PUBLICATION AND SUBMISSION TO ELECTORS. The County Clerk shall provide for submission of the proposed charter, with any alternatives, to the electorate at the next succeeding General Election (1964). The proposed charter shall be deemed approved if a majority votes for adoption of the charter.

Sec. 11 - RATIFICATION BY LEGISLATURE. Within 15 days after the election, the County Clerk shall forward the charter to the Lieutenant Governor, who shall submit same to the next regular or special session of the Legislature (1965). The charter shall be considered ratified when a bill is enacted into law approving same. The charter shall be considered rejected if not ratified by the Legislature in General Session. Upon ratification, the charter shall become the Organic Law of the County. (Mr. Higa further informed that the Legislature has the power to amend Act 73 to provide for preparation of a charter by the Legislature. Act 73 now provides for total acceptance or total rejection of the proposed charter by the Legislature.)

Sec. 12 - CHARTER AMENDMENT AND REVISION SUBJECT TO APPROVAL BY LEGISLATURE. Every charter shall provide the means by which same may be amended or revised.

Sec. 13 - TENURE OF COMMISSION. Terms of office shall expire the day after the election at which the proposed charter is voted on.

Sec. 14 - COMPENSATION OF COMMISSION MEMBERS. Members shall receive \$1,000 each, plus necessary expenses.

Sec. 15 - APPROPRIATIONS AND DISBURSEMENTS. The Board of Supervisors shall appropriate sufficient funds to cover compensation of commission members and operating expenses; including amounts necessary for hiring staff members and consultants.

Sec. 16 - RESERVED POWERS. The State Legislature reserves the power to enact all laws on matters of State concern and interest; and laws relating to fiscal powers of the Counties. (Mr. Higa stated that the commission should not interfere with administration. The proposed charter should suit the needs of the particular County.

Sec. 17 - SEVERABILITY PROVISIONS. (Self-explanatory).

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GENERAL DISCUSSION:

Mr. Higa informed that he had spoken to Governor Burns who indicated that the State is willing to assist and that consultant services may be obtained from the Legislative Reference Bureau without cost to the County. He also had spoken to Mr. Hiromu Suzawa, Corporation Counsel who assisted the Honolulu Charter Commission; and Mr. Nils Ueki, Executive Secretary. From their past experience, they informed that most of the duties of the Charter Commission during the first few months would involve the specific duties spelled out in Act 73. The actual drafting of the Charter would come later and activities should be scheduled so that a tentative draft would be ready by the end of the 8th month (February 1964).

It was suggested that the Commission Chairman use his discretion in the matter of obtaining copies of other County Charters, as well as charters in condensed form and a model charter, if available.

Copies of the City & County of Honolulu Charter and the Public Administration Service report entitled "State and Local Government Relationships in the State of Hawaii" were distributed to the members for reference purposes. With reference to the PAS Report, Mr. Higa informed that the Legislature neither accepted or rejected it; it does not have the effect of law. It only deals in generalities and has been criticized for not being in detail. However, it may help the commission with background information.

PROPOSED RULES OF PROCEDURE:

Mr. Higa had prepared "Proposed Rules of Procedure" which were discussed at this time:

Sec. 1 - OFFICERS. There is no provision in Act 73 for a Vice-Chairman; therefore, the proposed rules provide for election of same.

Sec. 2 - DUTIES AND POWERS OF CHAIRMAN. (Self-explanatory). Item (g) was added to this section, "authorizing purchase of materials and supplies by the Chairman".

Sec. 3 - DUTIES AND POWERS OF VICE CHAIRMAN. (Self-explanatory).

Sec. 4 - QUORUM. (6 members shall constitute a quorum).

Sec. 5 - VOTING. The Chairman votes also and no member shall refrain from voting unless excused by the Chairman.

Sec. 6 - ORDER OF BUSINESS. (Self-explanatory). This may be altered by the Chairman with the consent of the commission.

Sec. 7 - MINUTES. Verbatim minutes are not required, unless ordered. Public hearings may be tape recorded.

Sec. 8 - PARLIAMENTARY PRACTICE. (Self-explanatory).

Sec. 9 - TRAVELLING EXPENSES. (Self-explanatory). It was further suggested that the Molokai and Lanai commission members be granted \$15.00 per diem allowances for overnight stays on Maui.

Sec. 10 - STANDING COMMITTEES. For the present, only two committees were proposed (Program Committee & Style Committee). Other committees could be added later, if necessary.

Sec. 11 - (TO BE ADDED). Commission members shall be paid \$100.00 per month up to the maximum of \$1,000.00 each. In cases of resignation, death, etc., compensation payments would be pro-rated.

Sec. 12 - (TO BE ADDED). Majority of the membership may amend the Rules of Procedure from time to time.

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MOTION: By Mr. Yagi - to adopt the Proposed Rules of Procedure, as amended.

SECONDED: By Mr. Caldito.

VOTE: Passed unanimously.

ELECTION OF VICE-CHAIRMAN:

MOTION: By Mr. Yagi - to nominate Mr. Crockett as Vice-Chairman.

SECONDED: By Mr. Balthazar. (Nominations were then closed).

VOTE: Mr. Crockett was unanimously elected Vice-Chairman.

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PREPARATION OF BUDGET:

The commission was informed that they should submit a budget to the Board of Supervisors requesting the necessary appropriation of funds to operate. The following 6-months budget was presented by Mr. Higa for consideration:

Salaries (11 members).....	\$6,600.00
Plane fares for Molokai & Lanai members, based on 2 meetings per month.....	\$ 240.00
Per Diem expenses.....	\$ 500.00
Other Current Expenses.....	\$1,000.00
Consultant Services (including travel).....	\$1,000.00
<u>TOTAL SIX MONTHS BUDGET.....</u>	<u>\$9,340.00</u>

After discussion, it was felt that a budget should be set up for 3 months to begin with until actual expenses could be determined.

MOTION: By Mr. Caldito - to adopt a 3-months budget requesting the sum of \$3,300.00 for compensation to members; and \$870.00 for other current expenses.

SECONDED: By Mr. Yagi.

VOTE: Passed unanimously.

A letter was prepared for submission to the Board of Supervisors at its meeting held on July 5, 1963. However, this letter was withdrawn, inasmuch as the County Auditor had already prepared Resolution No. F-78, which was adopted by the Board, allotting the following sums:

Salaries (11 members for 6 months).....	\$6,600.00
Current expenses.....	\$1,000.00

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CONSULTANT SERVICES:

It was agreed that the Chairman should meet with the other Charter Commission Chairmen for the purpose of formulating a program whereby the 3 Counties of Maui, Hawaii and Kauai would share the costs of obtaining consultant services from the mainland and/or Honolulu.

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PERMANENT STAFF:

MOTION: By Mr. Crockett - to adopt a recommendation not to hire a permanent staff at this time.

SECONDED: By Mr. Yagi.

VOTE: Passed unanimously.

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MEETINGS:

Specific designation of regular meetings on a weekly or semi-weekly basis was deferred, pending appointment of the Program Committee. Hours for scheduling of special meetings was also deferred.

MOTION: By Mr. Balthazar - to hold the next Regular meeting on Thursday, July 11, 1963, commencing at 7:30 P.M. in the Board Chambers.

(This date was subsequently changed to July 10th).

SECONDED: By Mr. Caldito.

VOTE: Passed unanimously.

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NEW BUSINESS:

1. The Chairman was requested to appoint members to the Program Committee before the next regular meeting.
2. Mr. Yagi requested that he be excused from attending Charter Commission meetings for approximately 2 months while he is away on a trip to the Far East.

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ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:05 P.M.

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Respectfully submitted,

M. Wilhelm

MARJORIE K. WILHELM
Secretary Pro-tem.