

MINUTES OF THE  
MAUI COUNTY CHARTER COMMISSION

DATE: August 22, 1963

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 1:30 p.m.

PRESIDING: Masaru Yokouchi, Chairman

MEMBERS PRESENT: Masaru Yokouchi, Chairman  
Emil Balthazar  
C. H. Burnett, Jr.  
William F. Crockett, Vice-Chairman  
Cornwell Friel (Molokai)  
Shiro Hokama (Lanai)  
Nadao Honda  
Harry Kobayashi  
Keith Tester

MEMBERS EXCUSED: Richard Caldito  
Thomas Yagi

OTHERS PRESENT: Transportation Control Committee:  
  
Sakae Mukai, Chairman  
Hunio Okimoto, Executive Secretary  
  
Civil Defense Agency:  
  
Manuel Oishi, Administrator  
  
Safety:  
  
Tatsuo Murayama, Safety Coordinator  
  
Economic Research and Development Commission:  
  
Donald Tokunaga, Chairman  
Ricki R. Yasui, Executive Secretary  
  
Kase Higa, First Deputy County Attorney  
Robert Johnson, Advertiser Reporter  
Charles C. Young, Star-Bulletin Reporter



ROLL CALL:

There were 9 members present and 2 excused at the regular meeting of the Maui County Charter Commission on August 22, 1963.

MINUTES:

The minutes of the previous meeting held on August 15, 1963 were distributed to the members and approval of said minutes was deferred until the next meeting. Minutes of the meeting of August 8, 1963 were approved as circulated.

LITERATURE:

Copies of "Information for Charter Commission" and Organizational Charts of the Transportation Control Committee, Civil Defense Agency, Safety Department, and Economic Research and Development Commission were circulated to the members of the Charter Commission. The agenda for the forthcoming seminar in Hilo was also circulated to the members of the Charter Commission.

COMMUNICATIONS:

Letter dated August 13, 1963, was received from Dr. Kaoru Noda, Chairman of the Hawaii County Charter Commission and of the forthcoming seminar to be held in Hilo, requesting list of names of Maui members who will attend the seminar, and also date and time of arrival.

In connection with this communication, the Chairman requested that the members planning to attend this seminar let him know when they expect to leave Maui in order that we can so inform Dr. Noda of our flight schedule.

GENERAL DISCUSSION:

Transportation Control Committee:

Messrs. Sakae Mukai and Humio Okimoto, Chairman and Executive Secretary, respectively, of the Transportation Control Committee were introduced to the members of the Charter Commission.

Inasmuch as they have already submitted their answers in the "Information for Charter Commission", Mr. Okimoto mentioned that it would be more appropriate if the members would ask him questions in order for him to help them out.

Following is the opening remark and the question-and-answer discussion which transpired:

Mr. Okimoto: The sections of the Revised Laws of Hawaii applicable to the operations of the department gave the County Board of Supervisors the authority to regulate motor vehicle common carriers by ordinance and under that provision, the Transportation Control Committee has been created under Ordinance 264 of the County of Maui.

Mr. Tester: How often does your committee meet and are matters brought up by the committee itself?



Mr. Okimoto: By ordinance the committee meets once a month and acts on recommendation of the Executive Secretary as business arises and as investigations and reports are made. The committee is the determining body and processes school contracts and makes recommendations to the Board of Supervisors. I am directly under the committee.

In the field of common carrier transportation there is a limited amount of business to handle. To handle this limited amount, this committee first determines whether it is actually necessary to have such a business. If it is necessary, then it issues a certificate to allow a certain carrier to operate in a certain vicinity at a specified rate. This has to do with common carriers who deal with vehicles that operate a scheduled service which is not a taxi type of service.

Mr. Tester: Could the Executive Secretary get along without the Committee? Could the duties of the Committee be operated under the Chairman of the County?

Mr. Mukai: I believe a committee is necessary because the Executive Secretary cannot come to a definite decision as to why a certain rate should be given or why a certain schedule should be given to a common carrier. Most of his time is spent on investigation of complaints and inspection on safety measures. Complaints come in from parents on overloading, behavior of students, and late arrival, and it is his duty to make a report to the committee which will then discuss the pros and cons. The Police Department takes care of the overloading since they regulate the seating capacity of the bus.

The County does not furnish free transportation beyond the eighth grade; beyond the eighth grade the students pay for their transportation.

Mr. Okimoto: This committee has a dual purpose. The ordinance under which it operates is a common carrier ordinance. The ordinance also specifies that these vehicles operating on contracts must have a certificate of Public Convenience. With the school contracts under its jurisdiction, it regulates the school contracts and the common carriers. It recommends the rates to the Board of Supervisors which are then adopted.

Mr. Crockett: Does the committee have jurisdiction over the taxis operated in the County of Maui?

Mr. Okimoto: No.

Mr. Crockett: Is there a County ordinance which regulates the taxi rates in the County of Maui?



- Mr. Okimoto: I have no idea on that. Anything that has to do with taxis are referred to the Police Department. Taxis would be covered under the PUC with the exception of metered taxis. The school busses are not covered under the Motor Vehicle Common Carrier Act insofar as economic regulations are concerned. Safety regulations on busses will have to conform with the PUC. Those carriers who derive their principal source of income from school transportation do not come under the economic regulations of the PUC.
- Mr. Balthazar: Wouldn't it be more practical to have the entire jurisdiction under the Transportation Control Committee?
- Mr. Okimoto: It would seem to be more practical.
- Mr. Kobayashi: I wonder whether some of the basic things that pertain to transportation should be inserted in the charter and thereafter put in ordinance form. Seems to me that the boundary limit for free transportation is subject to change quite often and that is where the work of the Transportation Control Committee becomes quite involved and confused. Could we put into charter form where basic mileage of qualification will be 3 miles and thereafter, say 50% of the cost of transportation should be borne by the person given the free ride? What is your highest cost per person?
- Mr. Okimoto: It fluctuates each year depending on the number of children. For this past year, for example, it cost approximately \$2,000 per student on an isolated route.
- Mr. Kobayashi: I think that this burden should not be borne entirely by the taxpayers; it should be also borne by the person given the free ride. I think that we should set a percentage of paying so that we do not have too many people coming to ask for free rides when they see that they have to pay. It doesn't cost a person \$2,000 to send a child to school. Do you have any recommendations that you would like to make - any provisions if we assume that this committee should be changed?
- Mr. Mukai: We have as few as two students in some areas and yet these bus drivers transport these students. If the schools are consolidated or forced to, then I don't think the parents should be penalized.
- Mr. Burnett: Where the County has responsibility for the schools, they also have the responsibility for the transportation.
- Mr. Crockett: What about shifting the entire responsibility for the school transportation to the Department of Education? It is being done in most states. What is your recommendation?



- Mr. Okimoto: I think the operation should be conducted locally. The State could assist in the cost of providing this transportation. This assistance could be provided on a per-child formula set up by the legislature or on some reimbursable schedule established by the legislature. Should this be done, it should be made applicable on a State-wide level. The administration or the actual operation of the system within the County should be done by the County.
- Mr. Burnett: How much work will you have with this committee as Executive Secretary if the school contracts were eliminated in the picture?
- Mr. Okimoto: Very little - practically none.
- Mr. Crockett: Do you have any direct coordination with the PUC?
- Mr. Okimoto: There is no official tie-in but we do work very closely together. We keep the bus owners apprised of all applicable Rules and Regulations of the PUC and assist them in whatever way possible. Furthermore, when the PUC inspection team comes to Maui to inspect vehicles, I go with them to locate and inspect all busses. They will never find them otherwise.
- Mr. Crockett: As Mr. Burnett stated earlier, what do you think of the possibility of transferring your functions to the PUC? Speaking with reference to taxi operators, tour operators, etc., do you think we should have a single enforcing agency or should the agency be with the County or should it be with the State? Which would you prefer based on the interest of the people?
- Mr. Okimoto: I think administratively the operation should be conducted on the County basis. Perhaps it is because we already have the personnel. I personally think that the Motor Carrier Act is a very good act, but it is just another law on the books because the PUC does not have the personnel to carry out the program. Eventually it may work out that they will get their staff. When the time comes, I think they can take over the uniform safety portion.
- Mr. Tester: What is the status of school transportation on Molokai and Lanai?
- Mr. Okimoto: We have County contracts there. Actually on Lanai there is only one. On Molokai we have 6 contracts.
- Mr. Yokouchi: Do you meet with the District Superintendent of schools in your scheduling of routes? For instance, when a school is consolidated, do they consult you or do you have meetings with them?



- Mr. Mukai: The normal procedure is that the Department of Education writes to the Board of Supervisors. If the Board goes along, then we establish the routes.
- Mr. Tester: How many actual students get free transportation?
- Mr. Okimoto: About a thousand students per day. County has about 10,000 students going to school.
- Mr. Crockett: There is a bid required on government contracts. How do you handle these school contracts?
- Mr. Okimoto: Whenever it is time for a contract to reopen, we take the matter up with the Board of Supervisors and ask if we bid or negotiate and based on their decision, we work accordingly. I have never handled a bid - it has all been negotiations.

Civil Defense Agency:

Mr. Manuel Oishi, Administrator, was introduced to the members of the Charter Commission. Following is the question-and-answer discussion which transpired:

- Mr. Yokouchi: Do you have any commission as far as your County organization is concerned?
- Mr. Oishi: In the Civil Defense Agency we have the County Chairman who is designated or appointed as the Deputy Director of Civil Defense. The appointing authority is the Director of Civil Defense in the State of Hawaii. The Deputy Director is authorized to appoint an administrator and any other staff as required in the operation of the agency. The Administrator works directly under the Chairman.

Most of our expenditures are reimbursed by the federal government. All of our salaries, social security, retirement system, and other related personnel expenses, as well as other administrative expenses, such as telephone rental and office supplies are all matched 50% by the federal government. Also, in certain operational areas like the siren system. The sirens were originally purchased and installed by the State with federal matching funds. The maintenance has been by the County and the federal government matched it.

The State administers the federal funds that are provided for the different types of programs that we have. The State furnishes guide lines for Civil Defense programs. Other than that, the State does not furnish funds for our operations, except for purchasing and installation of sirens and other major projects that the State considers a State project rather than County project. The Federal funds come to the State and are disbursed by the State. At the beginning of each fiscal year the federal government allocates funds State-wide and the State makes the final decision as to



how many percent each County should get. We have gone on a percentage basis. After a said amount is allocated by the federal government, the budget of the counties are considered percentage wise and the federal funds are distributed accordingly. Our agency submits a County budget, the Board approves the County budget, and later the federal government reimburses the County funds 50%. Unless the County obligates a certain amount, the federal government will not match the amount. As far as the federal people are concerned, they will provide funds to a limited amount but they feel that administration should be done locally.

- Mr. Tester: What does it actually cost the County to run the agency? - the County's share in dollars per year.
- Mr. Oishi: It cost approximately \$13,000 in 1962.
- Mr. Tester: Speaking of sirens, does the department have regular maintenance of sirens?
- Mr. Oishi: After the sirens were installed, the State expected the County to pay the cost of operation and maintenance. The County felt that the State should absorb the cost. About a month ago, the Board of Supervisors approved an appropriation of \$2,000 for maintenance and repair of sirens.
- Mr. Crockett: Is there any County ordinance that deals with succession of County officials in an emergency?
- Mr. Oishi: During my employment with the Civil Defense Agency I recall only one ordinance that establishes a line of succession for the County Chairman only, but not for other County officials. This ordinance is set up so that the senior member of the Board becomes the Chairman in case the Chairman is disabled. Civil Defense has unsuccessfully introduced legislation trying to get the State legislature to mandate each county as well as the State government to have a line of succession in practically every important agency and department.
- Mr. Balthazar: What is your relationship between your agency and the Police Department in carrying out emergency functions?
- Mr. Oishi: The Police Department is in charge of the Civil Defense Agency's warning system. We have the activating centers for the sirens at the police stations in addition to one at the Paha Fire Station. The reason why these activating centers are at the police stations is because of both physical and economic reasons. The telephone company cannot furnish activating lines for sirens located a great distance away. Also, whenever you ask for activating lines over great distances, the cost of line rental rises. The Police Department is a government agency with 24-hour personnel capable of receiving the emergency calls from the main activating center on Oahu.



Mr. Balthazar: In your judgment would it not be possible to transfer your duties to the Police Department?

Mr. Oishi: The Chief of Police handled civil defense work before, but after international incidents like Berlin and Cuba, the volume of work increased to such an extent that he felt it was impossible for him to carry on the work. The warning system is one of the duties they handle. With a staff of three we are primarily an agency which coordinates work between different government departments and agencies.

Mr. Tester: Do you find it difficult to stir up work in civil defense?

Mr. Oishi: The activities which we are concerned with ties in with the international incidents. There is quite a bit of demand from the people to talk about the different aspects of nuclear war. Times like now when there is this limited ban treaty, there is very little demand for this type of work although we have other activities which are carried on on a continued basis. Whenever we have international incidents, the work increases considerably.

Mr. Balthazar: Is there any reason why your agency should not be part of the Police Department?

Mr. Oishi: Under the general supervision of the police, as a public safety agency, I would say that it could be integrated into the Police Department, but certain complications are involved as far as federal matching funds are concerned. The primary requirement is that any employee qualifying for federal funds must devote 100% of his working time to civil defense work. He may be hired only on half-day basis, but 100% of his work will have to be in civil defense in order to qualify for federal funds.

Mr. Balthazar: Would you have any objection, on a functional basis, to be a part of the Police Department?

Mr. Oishi: No, I would have no objection provided we do not lose our jobs.

Mr. Crockett: Do you have any supervision from the Chairman?

Mr. Oishi: We have very little supervision. In fact, we do all our own correspondence and administrative work. The only time we have relations with the Chairman is on major matters that require his action and signature as Deputy Director, such as in applying for federal matching funds as it requires the signature of the official head. In times like this we ask the Chairman. Other than that we have very little supervision.



- Mr. Crockett: The basic concept in the event of emergency - will the Chairman take over the Civil Defense Agency?
- Mr. Oishi: He would be the supervising authority but not in practice since he would designate a person to be the head of that emergency.
- Mr. Crockett: Under a charter type of government where you have both a mayor and manager, who do you think should take over civil defense in case of emergencies?
- Mr. Oishi: As far as I can determine, on the basis that the Deputy Director is primarily a figurehead position, the one that actually carries on the functions should take over. It makes very little difference whether the mayor or manager become Deputy Director.
- Mr. Yokouchi: Act 359 does not specify any specific person to be appointed Deputy Director. Can anyone be appointed Deputy Director?
- Mr. Oishi: Yes. I believe that in order to get some sort of uniformity they selected the County Chairman to be the Deputy Director.
- Mr. Higa: It was also because they found it was difficult for the Chief of Police as Deputy Director in the County to acquire materials or manpower. It is easier for the County Chairman to direct his Public Works Department or to deal with other departments. Also, to authorize expenditures during an emergency, the Chairman can go directly to the Board of Supervisors for funds.
- Mr. Crockett: There is a problem that people realize exist - that in the event of an emergency someone would have to exercise a great deal of police power. Wouldn't it be the responsibility of the Deputy Director?
- Mr. Oishi: That is correct. In the event of an emergency, he would have to step in and supervise or appoint somebody with authority.
- Mr. Yokouchi: In what capacity does Chief Lane serve Civil Defense?
- Mr. Oishi: Chief Lane, as the coordinator, is serving as an advisor to the County Chairman inasmuch as he is the most experienced in civil defense work at the County level and since he was the head for about 12 years prior to the full-time staff. Since the Chairman does not have the time to devote to this type of work, he is assisted by Chief Lane in an advisory capacity. At the State level, Chief Lane serves on the Advisory Council.



Mr. Young: Who has the authority to sound the sirens?

Mr. Oishi: The Deputy Director has the authority to sound the sirens. However, in cases where we do not have time to give the County Chairman advance notice, Chief Lane and I have jointly made decisions to sound the sirens without notifying the Deputy Director.

The Chair called for a recess at 2:50 p.m. Meeting was reconvened at 3:07 p.m.

Safety Department:

Mr. Tatsuo Murayama, Safety Coordinator, was introduced to the members of the Charter Commission. Following is his opening remarks and the question-and-answer discussion which transpired:

Mr. Murayama: The Safety Department was started six years ago. Before that nothing was done about safety. This position was created to get safety under one department; until then each department kept their own records. Records have now been centralized and employees being injured have a place to come to ask questions. When they are involved in work practices that they think are not safe, they have an office to report to. Since this department was created, I personally think that the workers are very happy since something is being done, as eliminating dangerous practices, etc. As I mentioned in the report furnished you earlier, this is a one-man department; therefore, I handle the administrative, inspectional and clerical work.

Primarily this position covered only industrial safety, but little over a year ago, it has been my responsibility to check on County properties as parks and playgrounds, to see that they are maintained in a safe manner to eliminate any suits against the County.

Mr. Burnett: Do you have anything to do with sick leaves?

Mr. Murayama: Sick leaves only in relationship to injury. The County employees are allowed to charge their time to sick leave. The Public Works Department set up a policy whereby no injured person will be offered light duty work. You either stay at home or do your full share's work.

Mr. Balthazar: Is it necessary to have this separate department?

Mr. Murayama: In the County we have the Kula Sanatorium, Central Maui Memorial Hospital and Board of Water Supply. Every accident on the job is reported to me except the Board of Water Supply's. All doctors' charges are processed through me. I have been trying to include the Water Department but so far it has not been done. I think it is more the Auditor's policy. Their reports are processed by themselves. They pay their own medical bills.



- Mr. Burnett: What is your relationship on claims?
- Mr. Murayama: All claims are reported through me and turned over to the Labor Board. It cannot be filed directly with them. It is my job to see that the doctors' charges are correct.
- Mr. Yokouchi: Are you directly under the Chairman with the approval of the Board?
- Mr. Murayama: Yes.
- Mr. Yokouchi: Are all funds provided by the County General Fund?
- Mr. Murayama: Yes.
- Mr. Burnett: Do you have any estimate that you have saved since this outfit was created?
- Mr. Murayama: The average per year moneywise cannot be shown because the compensation laws were amended. Medical payments have gone up and salaries have gone up. The number of accidents have dropped. We average about 10 to 12 accidents per month. In 1957 total accidents were about 180 and now it's down to 140 to 160.
- Mr. Burnett: How many men come under your jurisdiction?
- Mr. Murayama: Total about 500, excluding office workers. 500 men likely to get hurt. Four to five men are laid off from work per month due to accidents. Twelve a month get hurt and stay on the job.

Economic Research and Development Commission:

Messrs. Donald Tokunaga and Ricki Yasui, Chairman and Executive Secretary, respectively, were introduced to the members of the Charter Commission. Following is the opening remark and the question-and-answer discussion which transpired:

- Mr. Tokunaga: This commission was established by County Resolution No. 26 in the spring of 1962 and the primary purpose why this commission was created was to try to get ourselves declared as a distressed area.
- From what little experience that the members of this commission have accumulated, we primarily act in an advisory capacity. We do not spend any of the money that is appropriated by the State; we just recommend to the Supervisors that the money be spent, as towards helping the economic condition of the County.
- Mr. Burnett: Your other function is to advise the Board in areas of improving the economic conditions?
- Mr. Tokunaga: Correct. The scope of activities is pretty broad - we haven't concentrated on any particular thing. The subcommittee has drawn up specific policies as to when we should use economic



development funds. This particular subcommittee has drawn up a pretty clear and concise report as far as financial condition of our department is concerned. Recommendation on the summer program was made only after our Executive Secretary was sent to Kauai to discuss with Kauai officials. It is their situation that the summer program had a terrific impact on Kauai and there is a possibility here on Maui. We have a logical place - Lahainaluna. The summer students brought home good news of Hawaii and had visitors return. We got that information from the Kauai Secretary. This last summer a considerable number of parents of these children came over. They average a pretty good expenditure in the two or three months they are here. \$2,000 was appropriated from the State for this program and the Board has approved it.

This should be a cooperative venture where you should have businessmen represented because the primary purpose of this commission is to try and induce new industries that might create new employment to come to Maui, and it is up to this commission to supply all the background information of Maui.

The members of this commission are non-paid. We meet once a month and at times we have special meetings. We have had several people come to talk to this commission. It was suggested that a member of our commission automatically be put on the State commission.

Mr. Tester: One of the things that can be done is to encourage conventions to come to Maui. Like when the dentists came to Honolulu on their convention, they could come to Maui on a post-convention tour of Maui.

Mr. Tokunaga: In that connection, this commission has to be very careful - we do get into the premises of the Hawaii Visitors Bureau promotion.

Mr. Crockett: The problem that comes to my mind is why should there be this commission between the people and the Board? Why couldn't the work be handled by the Board itself?

Mr. Tokunaga: I grant that what little work we have can be accomplished by the Board members, but this is an area where maybe the board members are failing. If they were to do it, I don't know whether they would give the effort, time and trouble that the volunteers are giving.

Mr. Crockett: The problem which exists is whether these various commissions and committees should be retained or kept within the Board and the decisions made by the Board rather than having these different commissions and committees. I think the elected officials are shirking their responsibilities.



Mr. Tokunaga: I think there is a belief that people prefer going to a commission than to the Board.

Mr. Yasui: The makeup of our commission is non-political. The members who serve on this commission were selected on the basis of how much they can contribute to the overall program. They are making advisory decisions. Certainly if their decisions are meaningful, they are making decisions. This is not a pressing problem of this particular commission.

Under Act 270, Session Laws of Hawaii 1959, a grant of \$25,000 was made to the neighbor islands for the Economic Development Program. Under Act 18, SLH 1960, another grant of \$25,000 was made; Act 125, SLH 1961, another \$25,000 was made; Act 31, SLH 1962, made available another \$25,000 to the County. Last session, under Act 202, we got another \$12,500. The money was expended by the Board of Supervisors without having a commission formed. It is legal under the law.

Mr. Crockett: Don't you think it would be possible that the Board appoint a temporary committee to solve a particular problem and after that the committee could be dissolved?

Mr. Tokunaga: I would think that the federal legislature has a lot to say whether this commission would suffice or not. It had to be a permanent commission.

Mr. Crockett: I see no necessity to create a permanent commission. The actual legal agency the federal government would be dealing with would be the County of Maui.

Mr. Burnett: Your making decisions in a non-political way, don't you think when a decision is made, the Board may adopt your recommendation without thinking?

Mr. Tokunaga: I might say in that connection, that our decision is motivated in dollars and cents.

I agree with you that this is something that the Board members can do themselves. Inasmuch as the Board has created this commission to create new employment, as a businessman I gave my time and effort to try to call my attention to the Board. I want to do this type of work because if the Board were to do it, they won't give the time and emphasis that we do, and then the businessmen would suffer.

Mr. Crockett: This special issue of legislative taxes that we have - has any effort been made to carry through a development in the County on that basis since this commission has been in effect?



Mr. Tokunaga: Not that I know of. There was an area in discussion that came pretty close to what you said in the matter of legislative taxes, etc. It was felt that taxes and related matters could be handled better by the Chamber of Commerce. That has always come up in our discussion - the taxes prevailing in the County of Maui tends to form an image of whether it would induce people to come.

Mr. Crockett: Are you concerned with the general types of problems?

Mr. Tokunaga: Yes, definitely. Every effort should be expended to try to induce developers to come into the Matson area. Bringing the problem closer to home, some members were insistent that we go out and start a drugstore in Wailuku - those are some of the many related and broad subjects that had been discussed.

We try to coordinate the functions of the different agencies of the County of Maui that is necessary. Most of the inquiries that come in are inquiries for further information. They want to know how things are generally from our viewpoint.

Mr. Burnett: You feel that regardless of what happens that this commission should exist?

Mr. Yasui: For the good of the County of Maui. I would say that having these individuals here with the very background in the business world devote their time to a single objective, they can give their attention and help me especially to go into different lines - areas I may have to experiment.

Mr. Burnett: Can you give us the act that created the right that you serve on this commission?

Mr. Yasui: There is no act as far as the State is concerned.

ADJOURNMENT:

After thanking the members of the various departments for their time and information, the Chairman adjourned the meeting at 4:15 p.m.

NEXT MEETING:

September 19, 1963, commencing at 7:30 p.m., in the Board Chambers.

Respectfully submitted,

*Harriette E. Miyamoto*  
HARRIETTE E. MIYAMOTO  
Secretary