

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: October 3, 1963

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 7:35 p.m.

PRESIDING: Masaru Yokouchi, Chairman

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

MEMBERS EXCUSED: Emil Balthazar
Cornwell Friel (Molokai)
Harry Kobayashi

OTHERS PRESENT: County Clerk's Office:
Toshi Enomoto, County Clerk

Office of the Chairman and Executive Officer:
Hon. Eddie F. Tam, Chairman and Executive Officer
Richard Kibe, Administrative Assistant
Robert Johnson, Advertiser Reporter
Mr. & Mrs. Ed Davis
Mrs. J. Van Zwahlenburg
Several students from Baldwin High School

- 2 -

ROLL CALL:

There were 8 members present and 3 excused at the regular meeting of the Maui County Charter Commission on October 3, 1963.

MINUTES:

The minutes of the previous meeting held on September 26, 1963 were distributed to the members and approval of said minutes was deferred until the next meeting. Minutes of the meeting held on September 19, 1963 were approved as circulated.

LITERATURE:

The following were distributed to the members of the Charter Commission:

1. Memorandums from Charles C. Young, Research Assistant:
 - a. Supplemental Information regarding the Office of the Chairman and Executive Officer (interior operations).

LITERATURE: (Cont'd.)

- b. List of Boards, Commissions and Committees under the Board of Supervisors, County of Maui, together with an explanation sheet.
 - c. Reprints from two issues of the Honolulu Star-Bulletin on what's doing with the Kauai County Charter Commission.
2. Recommendations by the Chairman and Executive Officer re: Charter.

COMMUNICATIONS:

The following communications were received since the last meeting:

- 1. Minutes of the Hawaii and Kauai Charter Commissions.
- 2. Rules of Procedure of the Hawaii Charter Commission.
- 3. Comparison of the present government structure of the County of Hawaii with that of the City and County of Honolulu.
- 4. "A Preliminary Report by the Hawaii County Charter Commission". (Copies will be duplicated and circulated to the members)

OLD AND NEW BUSINESS:

The Chairman deferred Old and New Business until after the meeting with the County Clerk and the Chairman and Executive Officer.

GENERAL DISCUSSION:

County Clerk's Office:

County Clerk G. N. Toshi Enomoto appeared before this Commission to explain the duties and responsibilities of his department.

Mr. Enomoto: The County Clerk's Office has, besides the County Clerk, four other employees. They are Boniface Espinda, 1st Deputy County Clerk; Isami Wakashige, Second Deputy County Clerk; Laurence Y. Emoto, Senior Clerk-Stenographer; and George F. de la Nux, Senior Clerk. The bonded personnel in our office are myself and the first deputy. During elections we have asked the Board for temporary help, and we have had Mrs. Tomiko Takakura and Miss Lou Ann Seabury this past year.

The functions of the Office of the Clerk are divided into three main sections. First is the clerical assistance to the Board of Supervisors; second is the registration of the voters; and third, the County Clerk is the ex-officio secretary to the County & Municipal Pension Board and the Pension Fund for Policemen, Firemen, and Bandsmen.

(Read Pages 4 to 6 of the 1961 & 1962 Biennial Report of the Office of the County Clerk.)

Referring to the Pension Board, Mr. Enomoto stated:

Eventually this Board will not be able to act on new applications because County employees are now members of the Retirement System. As long as any employee is a member of the Retirement System, he is ineligible for County pension. As time goes on those former employees who are now collecting pensions, will have died. The Retirement System got into being over 20 years ago, so a good number of the retirees are receiving their pensions through the Retirement System.

Mr. Tester: The widows collect, too?

Mr. Enomoto: The law grants them \$50.00.

Mr. Tester: Even if they are fully employed?

Mr. Enomoto: Yes, the fact that they are widows of the pensioners. That about covers the functions of the Clerk's Office.

Mr. Caldito: You have any idea how many people volunteer to register your voters?

Mr. Enomoto: Each election we have had more and more volunteers. We had about 40 volunteers 4 elections ago. Last year we had about 84 throughout the whole County, including Molokai and Lanai. We have volunteers from the ILWU, Republican Party, Democratic Party, etc.

Mr. Caldito: All districts are represented?

Mr. Enomoto: Yes.

Mr. Caldito: How do you go about getting your volunteers?

Mr. Enomoto: Either way. We had so many offers. We get together. We look through all applications and put aside only those with police record.

Mr. Tester: Has the County Clerk always been elected?

Mr. Enomoto: Yes.

Mr. Burnett: Have you any history as to why he should be elected?

Mr. Enomoto: I wouldn't be able to answer that question.

Mr. Burnett: You feel you can perform the duties just as well under an appointive position?

Mr. Enomoto: I believe so. It can be done as far as performance of the work assigned to the department.

Mr. Burnett: Which would you prefer?

Mr. Enomoto: I am an incumbent.

Mr. Tester: How much work do you have to do to get elected?

Mr. Enomoto: As a citizen, I would like to repeat what I testified at the hearing calling for the enactment of this bill. It is so important. We contemplate that the people should be given all the chance to

say whether this position should be an elected or appointive one. My feeling at that time was status quo. Study it carefully. Oahu had just gotten its charter - is it showing that it is running nicely? People should be aware and they should be given an opportunity to express themselves before you can present your proposal.

Personally I would say this - whether you have a strong mayor type of government, the question remains whether that is necessary or not necessary as compared to what we have now. We have a well working Board of Supervisors; the Chairman, I think, has things under control; and the people have been put in there by election. Whether we should take that offer they have been using all this time is where we are going to have to do a lot of thinking. It is so important that people should be given every opportunity to express themselves long before you come up with your proposal.

Mr. Tester: One of the questions that always come up is whether the elected mayor or chairman should be given the opportunity to appoint his own people, like the County Clerk, the Auditor, and all other department heads.

Mr. Enomoto: The electors should be given an opportunity to express one way or another whether we should have it elected or appointed. The main thing is that the one who is doing the job must do a good job.

Mr. Crockett: If the County Clerk were appointed, who in your opinion should do the appointing - the Council or the Mayor?

Second question - you suggested that we get more public participation in the deliberation of this body, which I agree with. How can we go about it?

Mr. Enomoto: By press, radio, that media to ask them to appear and invite them to appear.

I think the Mayor should appoint the County Clerk. Under the City and County of Honolulu Charter, the Mayor appoints all other department heads, approved by the Council, but the Council appoints the Clerk. Personally, I think the Mayor should be the one to appoint the Clerk.

Mr. Crockett: Do you think the appointments of the department heads should be approved by the Council?

Mr. Enomoto: I think the Council should have the say in that, too, because they will be working together.

Mr. Burnett: You would prefer to remain status quo?

Mr. Enomoto: Yes.

If this Commission is to come out with many changes in their proposal, I would say the job is done; but if the changes are few major changes, then it could have been done by special legislation through the normal procedure of legislative actions, for instance, public hearings.

- Mr. Yokouchi: Does your office have any duplication of duties with other County departments?
- Mr. Enomoto: From my experience all these years, no.
- Mr. Yokouchi: Basically your duties are with the Board of Supervisors?
- Mr. Enomoto: That is constant, and elections come once in two years, but between elections we have preparation to go through. From January we have the election activities going.
- Mr. Yokouchi: Throughout the course of the year mostly your work is involved with the Board of Supervisors. As is under the Honolulu Charter, if it is going to be an appointed function, would it be more in line to appoint all department heads? Then the functions would be more with the Council than the Mayor.
- Mr. Enomoto: To be appointed by the Mayor with the approval of the Council. I agree with you that the Clerk is mainly concerned with the Council. Basically, I think that it is going to end up as a Mayor-Council type; otherwise, status quo.
- Mr. Young: Do you have copies of all County records since the time the County of Maui government was established in 1905?
- Mr. Enomoto: We have the minutes, contracts to purchase of land subdivisions, etc., and the voters' records. It is a cumbersome job, and we have the problem of space. Someday I presume we would go into full scale of microfilming. Until such time we find space for our present file, I am working hand in hand with the Parks Department and we are using the Kanaha concrete warehouse.
- Mr. Crockett: If we should, first of all, decide that we need a charter, and secondly, decide that a number of the now elected officials should be appointed by the Council or the Mayor, do you think the present incumbents might use their political ties with the community in the enactment of the charter?
- Mr. Enomoto: As an incumbent, if it comes out that way, I'll "cross the bridge" when I get there.
- Mr. Burnett: I am assuming that you consider yourself a socially good politician so that, regardless of who might go in as Mayor or whatever then happens to be, he might feel that he needs your help and he might put you in as a Clerk - do you think of that possibility?
- Mr. Enomoto: Again I'll say I'll "cross the bridge" when I get there. If he is so inclined, probably we will listen.
- Mr. Young: Do you favor using more voting machines in Maui County elections? What is the status of additional voting machines promised the County of Maui?
- Mr. Enomoto: I have gone on record at all conferences with the clerks with the Lt. Governor that we should work towards having voting machines for all the larger precincts, including ours. The Lt. Governor got

some funds two legislatures ago, and he went ahead and called for bids and was supposed to have purchased 50 new different types of machines. Disbursement has not taken place as yet. I don't think the machines have been delivered to him. We have four automatic machines now. My proposal at the last conference was that they have all the new machines and ship all the automatic types to the neighbor islands. No action was taken on that.

Mr. Young: How do you think the new State law requiring political parties to file a record of membership with the County Clerk is going to work out? Has anyone complied yet?

Mr. Enomoto: The Clerk is to act as depository. As of now neither of the two political parties have sent in any list of membership.

Mr. Testex: How long have you been County Clerk?

Mr. Enomoto: As long as Eddie Tam has been in office - since January 2, 1949.

The Chair called for a recess at 8:20 p.m. Meeting was reconvened at 8:30 p.m.

Office of the Chairman and Executive Officer:

Honorable Eddie F. Tam, Chairman and Executive Officer of the County of Maui, appeared before the members of the Charter Commission to explain his duties and responsibilities.

Chairman Tam: May I express my appreciation to the members of the Charter Commission for the work they are doing. You have been going from place to place and you have lent your time and efforts for the small pay that you get. I can see that you are pretty tired up, but at the completion of your efforts, the County of Maui will appreciate the many months of survey you have done to see how this County should be operated.

May I read what I have here? (Read Recommendations by the Chairman and Executive Officer re: Charter)

Chairman Tam corrected a portion of Page 2 of his recommendations. He stated that the Safety Coordinator is under civil service; the Economic Development Coordinator is not under civil service - he is serving at the pleasure of the Chairman; and the Executive Secretary of the Transportation Control Committee is appointed by the Transportation Control Committee.

Chairman Tam: The Council members should remain as nine and should be elected as is now. In Honolulu the supervisors elect the presiding chairman. The Mayor has veto powers. He has no voice in the Council. The strong mayor type like in Honolulu is closely related to what we might term as city management form of government. You do not elect the City Manager. You elect the people and they elect the City Manager. I think the strong mayor type is good. He shows a great deal of responsibility as to how he can satisfy the taxpayers and the general public.

- Mr. Young: How many members are there on the Board?
- Chairman Tam: Now there are 9 of us, including myself. If the counties go for a charter, you could make the Mayor preside and also have a vote.
- Mr. Tester: Suppose we have a strong mayor type of government, instead of having an administrative assistant, would you suggest we have a business manager or managing director?
- Chairman Tam: The title could be changed.
- Mr. Tester: He would be appointed by the Mayor?
- Chairman Tam: Yes.
- Mr. Tester: How many elected officials would you think there should be?
- Chairman Tam: Four - the Attorney, the Treasurer, Auditor and Clerk.
- Mr. Tester: Should they be elected or appointed?
- Chairman Tam: I think the four officials should be appointed also.
- Mr. Crockett: What do you think of district representation of the Council?
- Chairman Tam: Lanai always say they should be represented. On Molokai it is the same. As long as they have one member sitting on the Council they are satisfied. For the island of Maui I am divided as to whether or not there should be one from Hana. We are elected by the people to be responsible for your welfare. The law has provided good representation for the neighbor islands. For Maui I have no answer whether or not we should have it by districts.
- Mr. Honda: What about terms of office for the Council and the Mayor?
- Chairman Tam: I don't think this County should ask for six years when the other counties have four. Two years is ridiculous. You cannot carry on continuance for any sort of programs. If a new man is responsible to formulate his program for two years - let us say, from January 2nd - by the time he can get any action on his program, it would be about September or October. By the time he gets that thing going, it would be January of the next year. In the two-year term maybe he can get about 1/4 of the program going. Supposing the Chairman loses in the next election, another man is the new Chairman; and if he does not like the previously elected Chairman's program, he'll have to start all over. But if you have a four-year term, you can really have a good program. Not that Maui has not had any good programs. I think that Maui can say that we are really proud. I would say, in answer to you, the Mayor's term should be 4 years and on the members of the Council, at this point, I am not ready to answer. Maybe staggering terms might be good; maybe two-year terms might be better.

- Mr. Yagi: It does not matter if it is two years or four years; if the program is good, the people will recognize it.
- Chairman Tam: From my experience, if it is a two-year term, he will have a hard time to get a program.
- Mr. Yagi: Would it be advantageous to you if this Commission would set it for two years?
- Chairman Tam: I don't think the legislature would be happy to have Hawaii and Kauai and Honolulu set for four years and Maui for two years. There must be a particular reason why you stipulate two years. I think the four-year term is very practical.
- Mr. Burnett: How do you feel about the school system? Should it go entirely to the State and let them carry all of the improvements?
- Chairman Tam: Judicially, it is partly in the hands of the State government and partly in the hands of the County. In answer to both questions, I would answer yes. I would say the school system should be borne by the State. Right now they pay the teachers' salaries, they raise the salaries, and they buy the lands. Maintaining the school is a big headache. We get blamed because everything is deteriorated. I would like to see the school system entirely to the State - transportation as well as everything else that has to do with schools.
- Mr. Tester: Who appoints the district judges?
- Chairman Tam: The Chief Justice, but we have to set aside for their salaries. The Governor appoints the Police Commission, but we are mandated to give \$900,000 to the Police Department and we are not even able to criticize what they are doing with it.
- Mr. Crockett: What do you think of the 3rd PAS report relating to highways? Should there be some intergration of personnel and equipment?
- Chairman Tam: If we say the State should take over all of the road system, then what have we got to take care of? I don't like the system that we have now. You got the State highway running along the road and then you come along the County road, which is not very good. I don't think the State should take over all highways. It would take a lot of time for liquidation. I won't answer that tonight. I don't want to go in that phase of subject now.
- Mr. Crockett: In your presentation you concentrated your attention on the power of the Mayor to appoint department heads. What do you think of the commissions that you have? Don't you think they should designate which ones we should keep and which we should give over to the mayor?
- Chairman Tam: I think in a community like this, even though I advocate strong mayorship, we should have certain commissions, as it is only to assist the mayor in an advisory capacity, because you find lots of citizens who are always willing to work to better the conditions of any community.

- Chairman Tam: For instance, I think you should have a Police Commission to govern and set up the policies for your Chief of Police and his staff.
- Mr. Tester: Who will appoint?
- Chairman Tam: The Mayor and the Council will appoint the Police Commission.
- Mr. Young: You will hire the Chief of Police?
- Chairman Tam: It all depends on how it is drawn in the charter. You may also have the Police Commission appointed by the Mayor and the appointment of the Chief of Police made by the Commission. If you want less politics, you should not have the confirmation of the Council.
- Mr. Yokouchi: What do you think of the Mayor appointing the Chief of Police without a Commission?
- Chairman Tam: It could work out all right.
- Mr. Yokouchi: The reason I brought it up is that the Honolulu Charter calls for the Mayor to appoint the Civil Service Director. What about the Board of Water Supply, Planning Commission and all other areas where the Commission or Board appoints the director or head of such commission or board? What is the criteria used? Are they exempt from being appointed by the Chairman?
- Chairman Tam: Unless you can have the law changed.
- Mr. Yokouchi: A lot of this is good to be in a form of recommendation.
- Under the strong mayor type of government, the mayor is to appoint the people who are elected today - like the Clerk, Treasurer, Auditor and Attorney. In Honolulu they are appointed by the Mayor. Why do they exempt the Water Board, Chief of Police, etc.?
- Chairman Tam: I don't think they should be exempt. I think I should appoint these commissions. Let us say, the Police Department - if I should appoint the Commission, before I appoint, I must have confidence in them. I must not have politics influence me. I think before they appoint the members they should consult me.
- Mr. Yokouchi: If you have direct authority to hire that person (Police Chief), you are solely responsible. Is it better than giving authority to the Commission?
- Chairman Tam: That is right.
- Why should the Governor appoint the Police Commission? Does he know local conditions better than the Mayor?
- Mr. Tester: No.
- Mr. Yokouchi: We will have more discussion later on in the area as to where we should draw the line.

- Mr. Crockett: What do you think about the Personnel Director? I was surprised at the last meeting we had, they came up very strongly with the fact that the Civil Service Commission should appoint the Personnel Director. Don't you think that should be under the Mayor's Office?
- Chairman Tam: I appoint the Civil Service Commission. I am not the one to study about civil service rules and regulations; they are to study. They are to consider hiring of the Personnel Director.
- The law today is too flexible. The law has been amended that the Personnel Director does not need qualifications and does not have to take a test. I feel he must have the minimum qualifications and he must take a test. If an employee feels that he is overworked and he wants to be reclassified, he shouldn't come to the Mayor. He should present his request to the Personnel Director, and the Personnel Director will make an audit to see if he is qualified. I don't think that, because I appointed the Personnel Director, the employee should come to me.
- Mr. Crockett: In other words you don't want the responsibility to be yours?
- Chairman Tam: That commission is not supposed to play politics. And the Personnel Director cannot make justifications unless he can see how someone works. They do not have to come to the Mayor.
- Mr. Young: You mentioned that you had not made up your mind whether or not the councilmen should be elected by districts on the Island of Maui or at-large, and yet you mentioned that Molokai and Lanai should be represented. Under a charter do you think they should be elected from the County at-large?
- Chairman Tam: My opinion is that both Lanai and Molokai should be elected-at-large. Otherwise, they won't be interested in the other islands.
- Mr. Crockett: What do you think about having centralized purchasing?
- Chairman Tam: I have been for that for a long time. Greatest money saver - centralized purchasing, because we are always running short of money. I don't need a warehouse to store everything. You have a working agreement with the distributors. That is in the specifications.
- Mr. Yagi: As a practical politician, don't you think it is better, instead of centralized purchasing, to have a purchasing agent to distribute these materials? If you have an agency in the state, the merchants would not benefit by centralized purchasing.
- Chairman Tam: In that way the merchants that can afford it would naturally cut their prices way down. There are two ways to look at it.
- Mr. Yagi: Then the small merchants would go out of business?
- Chairman Tam: Yes.

- Mr. Yagi: From a political standpoint it is better to give business to all the merchants.
- Chairman Tam: I cannot give every merchant a business.
From a saving standpoint, if it is put out on bid, you would save a lot of money.
- Mr. Yagi: You would lose a lot of votes; then on the other hand, you must think of the economy of the County of Maui. You have to check and balance. This is a highly ticklish issue.
- Mr. Young: I notice in the County of Maui the Chairman appoints the Kula Sanatorium Managing Committee and the Central Maui Memorial Hospital Board of Trustees.
- Chairman Tam: The appointment of the Kula Sanatorium Managing Committee should be made by the Governor because the entire maintenance and support of the Kula Sanatorium is from State monies. Just because of the division of the General Hospital they have it made so that the Chairman appoints the Managing Committee. It isn't practical from my standpoint. Why should I bear the expenses for the five members? We are solely responsible for the Central Maui Memorial Hospital.
- Mr. Yokouchi: What about consolidation of departments?
- Chairman Tam: Consolidation - I think I will leave it up to the Charter Commission.
- Mr. Yagi: You mentioned in your report on Page 1 that "should the board, by majority, decide to do so, it could strip the Chairman of many powers. Is it by law, you have certain powers designated to you?"
- Mr. Yokouchi: Yes, in the Revised Laws of Hawaii 1955.
- Mr. Yagi: Can the Board hamper your powers?
- Chairman Tam: Yes. That is why politics is bad.
- Mr. Tester: You feel that the County Attorney should be appointed rather than elected?
- Chairman Tam: You wouldn't call it the County Attorney. It should be the Prosecutor. I think he should be appointed.
- Mr. Crockett: Under the Honolulu Charter, the Mayor appoints subject to the approval of the Council.
- Chairman Tam: I don't think it should be made subject to the approval of the Council. If I appoint him, he should take orders from me. If his appointment is subject to the approval of the Council and if I want to dismiss him, I will have to write in writing why I want to dismiss him.
- Mr. Burnett: You wouldn't be opposed if the counsel hires outside legal advise, if necessary?
- Chairman Tam: I wouldn't oppose.

ADJOURNMENT:

After thanking Mr. Enomoto and Chairman Tam for their presentations, the Chair adjourned the meeting at 9:45 p.m.

NEXT MEETING:

October 10, 1963, at 1:30 p.m., in the Board Chambers with the Department of Public Works,

Respectfully submitted,

Harriette E. Miyamoto
HARRIETTE E. MIYAMOTO
Secretary