

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: November 7, 1963

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 1:35 P.M.

PRESIDING: Masaru Yokouchi, Chairman

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

OTHERS PRESENT: Planning and Traffic Commission:
Robert Ohata, Planning Director
Kazuo Kage, Vice-Chairman

Others:
Kase Higa, Deputy County Attorney
Tatsuo Asari, Chairman, Kauai Charter Commission
Dr. Kaoru Noda, Chairman, Hawaii Charter Commission
Robert Johnson, Advertiser Reporter
Mrs. J. Van Zwalenburg

ROLL CALL:

There were 11 members present at the regular meeting of the Maui County Charter Commission on November 7, 1963.

MINUTES:

The minutes of the previous meeting held on October 31, 1963 were distributed to the members and approval of said minutes was deferred until the next meeting. Minutes of the meeting held on October 24, 1963 were approved as circulated.

LITERATURE:

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

1. Information gathered by Charles C. Young, Research Assistant:
 - a. Information regarding purchases for the year 1962 from the Office of the Chairman and Executive Officer, County Treasurer's Office and Department of Parks, Playgrounds and Recreation.
 - b. Reprint from the Honolulu Star-Bulletin on the activities of the Hawaii County Charter Commission.

LITERATURE: (Cont'd.)

2. Information from the Planning and Traffic Commission:
 - a. Information for Charter Commission
 - b. Table of Organization
 - c. Recommendations of the Planning Commission
3. Ordinance No. 1781 of the City and County of Honolulu.

COMMUNICATIONS:

Minutes of the Hawaii County Charter Commission were received and are on file for interested members to read.

BUDGET COMMITTEE REPORT:

The Budget Committee, comprised of Messrs. Caldito, Honda and Tester recommended the following budget for the year 1964:

Compensation, Commissioners	\$ 4,400.00
Senior Clerk-Stenographer (7 months)	2,688.00
Research Assistant (7 months)	1,400.00
Travel Expenses (Molokai-Lanai Commissioners) ... (10 months)	1,850.00
Travel Expenses	1,200.00
(3 trips to Lanai and Molokai)	
Other Travel Expenses (All Commissioners)	1,000.00
Travel Expenses (Consultants)	1,500.00
Printing:	
Newspaper	\$ 600.00
Charter	<u>2,000.00</u>
	2,600.00
Office Supplies	<u>600.00</u>
TOTAL REQUEST	<u>\$17,238.00</u>

Motion: Mr. Caldito moved for adoption of the budget.

Seconded: By Mr. Honda.

Vote: Passed unanimously.

GENERAL DISCUSSION:

Planning and Traffic Commission:

Mr. Kazuo Kage, Vice-Chairman, read and explained the recommendations of the Planning and Traffic Commission as circulated to the members of the Charter Commission.

Mr. Kage: At the present time our commission is called the Planning and Traffic Commission. The recommendation of the commission is that we do away with the traffic portion and call our commission the Planning and Renewal Commission.

- Mr. Caldito: Why is the recommended term of office of the commissioners 4 years instead of 5?
- Mr. Kage: At the present time we are appointed for 4 years. The majority of the commissions throughout the State go on four-year terms.
- Mr. Yagi: At the present time how many members do you have on the commission?
- Mr. Kage: 7 official members and 4 ex-officio members.
- As far as the organization, the only difference is that the Chairman of the Planning and Traffic Commission is elected by the Chairman of the County of Maui and the Vice-Chairman is elected by the Commission.
- Mr. Yokouchi: You recommend that one member shall be a registered engineer or architect. At the present time is there a registered engineer or architect serving on your commission?
- Mr. Ohata: Yes, Mr. Eller is the engineer.
- Mr. Yagi: Why do you have the District Engineer of the State Department of Transportation, Chief of Police, Manager and Chief Engineer of the Water Board, and County Engineer on your commission?
- Mr. Kage: We need those people as resource people. Our four ex-officio members have been attending our meetings faithfully and if they cannot make it, they always send a deputy.
- Mr. Tester: Regarding registered engineer, aren't you limiting the possibility of who might be on the commission when you say registered? What type of engineer are you looking for. You should specify whether you want a civil engineer or some other engineer.
- Mr. Kage: We are talking about a civil engineer. The phraseology we have here is something we took out of Ordinance 246, the County ordinance creating this Planning and Traffic Commission.
- Mr. Yagi: I do not know the present setup of the so-called Planning and Traffic Commission and going into recommendations without knowing their functions confuses me. Please give the present setup and functions and then go into recommendations. That would be giving more light on it.
- Mr. Crockett: It would be very helpful if we could have an outline of the present functions this commission administers and also the different types of activities it is concerned with. Then we could look at the proposed changes you are recommending with the background in our hands. I am thinking of the different types of laws, subdivision zoning ordinances and also the State statutes. I think it would be helpful for everybody if you briefly orient us on just how you come in on the picture. What is your relationship with the Board of Supervisors in regard to subdivision requests?

Mr. Ohata: One of the most important functions is the preparation of a Master Plan. This Master Plan is prepared by the Planning Commission and is recommended to the Board for adoption.

The second function is the preparation and administration of zoning ordinances. We prepare the zoning ordinance and recommend the ordinance to the Board for adoption. Once it is adopted, the Planning Commission administers the procedures - for instance, conditional permits.

Third is the preparation of a subdivision ordinance. The Planning Commission only prepares subdivision ordinances; we do not administer subdivision ordinances. The administration is done by the Public Works Department of the County of Maui.

The fourth function is traffic study and recommendations. This we have not done so much.

Mr. Crockett: At the present time aren't the requests for subdivisions channeled through your office?

Mr. Ohata: No. They are only referred to our office. All subdivisions must conform with County zoning and master planning laws so when it is referred to our office, we check with conformance to subdivisions and zoning ordinances and all State Land Use Laws. We make recommendations to the Public Works Committee. This Public Works Committee is a central committee which gets all the information from different organizations and makes recommendations to the Board of Supervisors. The Board grants final approval.

Mr. Caldito: Can the Board of Supervisors override the decision of the commissioners?

Mr. Ohata: Yes, they can in the case of certain variances. In the case of variance under the zoning ordinance the Planning Commission can grant zoning approval, but if the adjoining property owner would like to contest the granting, they can appeal to the Board within 15 days and the Board can override the Commission. If they do not appeal, the Planning Commission's action is final.

Mr. Tester: How are the members appointed? Are the Planning Commission members appointed by the Chairman with the confirmation of the Board of Supervisors?

Mr. Ohata: The Board of Supervisors creates the position and the Commission appoints the staff. The Planning Commission asks the Civil Service Department to prepare an eligible list and they select the employee from such list.

The fifth function is the preparation for capital improvement program.

The sixth function is that granted to the commission under the Land Use Law. Here our functions vary. First, the Land Use Commission uses the local agency as the police agency of the law. The local Planning Commission must enforce the State law. Secondly, when the Land Use Commission prepares their zoning maps, the original map, the final map, and amendments are referred to the Planning Commission for study and

recommendations. A recent amendment says that the local commission can now hold public hearings on a request for special permit and can deny such a request. Denial is final and appeal is to the Circuit Court.

- Mr. Crockett: In the City and County of Honolulu there is a Board of Zoning Appeals and also a Planning Commission. Which of this commission or board handles the new amendment to the Land Use Act?
- Mr. Ohata: The special permit is handled by the Board of Appeals. The Planning Commission recommends the boundary.
- Mr. Crockett: Was that spelled out in the Act?
- Mr. Ohata: Yes, it was specifically noted in Act 205, Session Laws of Hawaii 1963.
- Mr. Tester: Actually who is your boss - the Chairman of the Commission or do you report to the Mayor?
- Mr. Ohata: I report to the Planning Commission. The Commission reports to the Mayor.
- Mr. Tester: I noticed in your proposal, on Page 2, one of the functions of the Commission is to administer urban renewal. Don't we on Maui need some enabling legislation in order to get some urban renewal?
- Mr. Ohata: At the present time there is an enabling legislation in the book. The County of Maui so far has seen fit not to create such an agency.
- Mr. Yagi: Am I to understand that the Planning and Traffic Commission is an autonomous body created by law?
- Mr. Ohata: There is a State statute (Sec. 144-925) which is an enabling act which says that the County of Maui may create a Planning and Traffic Commission. The Board took this enabling act and passed Ordinance 246 which says that henceforth there will be a Planning and Traffic Commission.
- Mr. Kage: So far we have been fortunate that we have been able to get a director. The commission looked around and we recommended Mr. Ohata to the Chairman of the Board.
- Mr. Yagi: You seemed to make a distinguishment of your responsibility.
- Mr. Yokouchi: Does that hold only for you or does it include other employees, too?
- Mr. Ohata: I am just as much a staff member as the Draftsman or Secretary.
- Mr. Yagi: The Board of Water Supply and the hospital are autonomous bodies. They have the right to hire their own employees. The hospital has autonomous powers. The Board has no powers. Under this setup you have an ordinance which spells out that the Planning Commission has the authority to hire the employees. I would like to know the distinction.
- Mr. Ohata: Ordinance 246 says that the Commission may hire such experts as may be necessary.

- Mr. Burnett: Before the Planning and Traffic Commission was created what did the Board do?
- Mr. Kage: Before the Planning Commission was created, all requests went to the Public Works Department and there was no restriction as far as zoning was concerned. Today because there is a Planning Commission, we have started on a Master Plan and we do regulate the type of zoning within an area.
- Mr. Yagi: When the Planning Commission does make a decision on zoning, does that come before the Board or do you have the authority to say "this is it"?
- Mr. Balthazar: You have no quasi-judicial powers on the Planning Commission at all?
- Mr. Kage: We have certain powers.
- Mr. Crockett: What percentage of the decisions for variance is made by you?
- Mr. Ohata: In the area of variance we make all decisions which do not involve the Master Plan as a whole.
- Mr. Balthazar: Who establishes the fee for variance?
- Mr. Ohata: There is no fee for variance. But if there is a variance in the State Land Use Law, there is a fee of \$25.00 to cover the cost of publication and hearing.
- Mr. Burnett: If they did away with the Planning Commission, then the County Fathers would be removed from that responsibility, from what I gather.
- Mr. Tester: You would never get zoning regulations because the Public Works Department would never do it.
- Mr. Friel: Under the Land Use Laws it is necessary to have a Planning Commission.
- Mr. Ohata: The law specifically gives the authority to the Planning Commission.
- Mr. Burnett: Could they give it to the Board of Supervisors?
- Mr. Kage: I think that question is for the Charter Commission to decide. As far as whether we should have a Planning Commission or not is a question for the Charter Commission to decide. If you cannot say whether we could function with or without it, I don't know who else could. I think with a Planning and Traffic Commission we have substantial growth whereas, before this commission was created, everything was hodgepodge.
- Mr. Tester: Could you function all right by reporting directly to the Mayor or the Board of Supervisors?
- Mr. Ohata: My personal opinion is that I would rather work with the commission. The reason is that it is very dangerous when one person like myself go out and make a study and recommend directly to the Mayor as the case may be.
- Mr. Yokouchi: Couldn't it be done by an advisory committee?
- Mr. Ohata: If this committee is purely advisory, the director may not put in as much work because the responsibility is less. If it is his plan that he recommends, he will work more.

- Mr. Crockett: In my limited study of zoning I found that most of these small rural and subdivision areas on the mainland do not have separate planning commissions administering zoning laws. The administration of zoning laws is held in the hands of the local body.
- Mr. Ohata: I think it is not fair to compare the local counties in the State of Hawaii with the rural areas on the mainland. You will find that urban centers have been removed and they have municipal governments. In Hawaii the county government is county function. We handle county functions and regulate functions. I feel that the local government is very important and should not be relegated.
- Mr. Yagi: In Honolulu the Planning Director does all the preparation which the Planning Commission advises on. Under the present setup do you prepare and the Planning Commission advise, or does the Planning Commission advise and you prepare?
- Mr. Ohata: If you want the Planning Director like in Honolulu, you want the Planning Commission here on Maui to do what the Planning Commission in Honolulu does.
- Mr. Crockett: All the functions which you have given of the Planning Commission are the very functions which are vested in the Planning Director of the City and County of Honolulu.
- Mr. Ohata: I am very familiar with the Planning Commission in Honolulu and I think it is very weak. The Planning Director in Honolulu submits his proposal directly to the Mayor and his proposal is not subject to preliminary review at any time until it goes to the public. Here what I prepare goes to the Planning Commission and they review. They give their ideas and finally the proposal goes to the Mayor.
- Mr. Yagi: Isn't it always a practice that the Planning Director makes and prepares the plans and, before giving to the Mayor, the Planning Commission makes its reviews?
- Mr. Kage: Here on Maui we go one step further on the commission level by holding public hearings. The Director's original plan may be revised before it gets to the Board of Supervisors.
- Mr. Yagi: The fact remains under this setup that the preparation is done by the commission. Are you proposing on that basis?
- Mr. Ohata: Yes, I think it is right.
- Mr. Yokouchi: Who is more qualified to prepare the plan - the Director or the Commission? I think the Commission's recommendations reflect more the thinking of the commission than the director.
- Mr. Kage: As members of the Planning Commission, we look to the Director for technical leadership.
- Mr. Crockett: Isn't it proper than when you have a subject so important as planning in the County that it should be the responsibility of the elected officials, such as the Mayor? In other words, when this plan is submitted to the Council, it gets all the prestige that the Mayor can give to the plan rather than coming from the Planning Commission.

- Mr. Ohata: I think we should recommend here what the Charter Commission were to decide. I think the Planning Commission thought it was a matter to be referred to the Council.
- Mr. Crockett: Do you think that perhaps the Mayor should have some direction there or not?
- Mr. Ohata: I think, yes.
- Mr. Crockett: How would it be worked out?
- Mr. Ohata: He has veto powers over all ordinances under strong mayor type of government. It could be that the Commission can refer all matters to the Mayor for submittal to the Council.
- Mr. Crockett: That would be discretionary, no doubt.
- Mr. Ohata: It would be discretionary.
- Mr. Crockett: That is the part we are afraid of. We feel that it should not be discretionary.
- Exactly what do you mean by Master Plan? Is it a conglomeration of the different zones you have? Why was it necessary to appoint a Historic Commission in Lahaina?
- Mr. Ohata: First, Master Plan is a wording we are trying to get away from. In the recommendation we are requesting you do away with the word and use General Plan to indicate the long range plan. Then those maps which would immediately affect acquisition of park sites would be called an official map. We are recommending that Master Plan be deleted completely.
- Mr. Crockett: What is the General Plan?
- Mr. Ohata: The General Plan is a 20-year long range plan and it should be quite general in nature - nothing specific to indicate long range goal or policy of the government. In other words, this map would tell the County where they are headed for so that they can make short-term decisions from the long range plans.
- Mr. Tester: Would the General Plan indicate where roads might be?
- Mr. Ohata: It would say we need an arterial highway, but it won't specifically say where we can locate it. The exact location would be shown on the official plan.
- Mr. Tester: Would the official plan be comprehensive?
- Mr. Ohata: Yes.
- Mr. Tester: What is the general term of the official plan?
- Mr. Ohata: I think it should be no more than six years to tie in with the capital improvement program.
- The Historic Commission was created to implement the restoration of Lahaina.
- Mr. Caldito: Are the members all from Lahaina?
- Mr. Ohata: No.

Mr. Kobayashi: We had to comply with zoning plans first before we administered this restriction. The Planning Commission recommended that this Historic Commission should come to the Planning Commission.

Mr. Crockett: The Planning Commission should be thinking of Maui County as a whole. Perhaps it would be wrong for such a commission to go into a specific area.

Why do you have to have separate bodies in different areas of Maui if you are going to take the General Plan?

Mr. Kobayashi: That is only for a limited area.

Mr. Crockett: Why this setup?

Mr. Kobayashi: Take the museum for instance. It is set aside as a museum area by the Planning Commission. That land is owned by Bishop Museum. If there is a change of occupancy, it should come back to the Commission, but in this case there are details involved in it. Therefore, we set aside the boundary and the Historic Commission goes ahead and administers the details.

Mr. Crockett: Are these areas specifically administered by these particular bodies?

Mr. Ohata: Some places it is, some places it is not. Here is another situation where people are involved.

Mr. Kage: At the present time the members of the Planning Commission are not receiving compensation. We reimburse the Lahaina and Paia members for travelling expenses. We are recommending that the Chairman of the Commission receive per diem compensation for each meeting.

Mr. Yagi: Why are you taking into consideration only the Chairman in this situation?

Mr. Kage: In this situation we took into consideration only the Chairman because he will have to get together with the Director and set up meetings and should people come from the outer islands, the Director would call the Chairman. Basically, the agenda has to be arranged for.

Mr. Young: As I interpret it, everytime the Chairman goes to confer with the Planning Director he would get per diem?

Mr. Kage: No, only for regular scheduled meetings.

Mr. Kobayashi: In your proposal why don't you be more specific and say the Chairman shall be compensated so much and the members so much?

Mr. Kage: The Commission feels very strongly that our Director be classified under civil service. If the Director is under the protection of civil service, he will be in a better position to bring in this long range problem. We strongly urge that the Director be under civil service.

Unfortunately, in our recommendation we did not specify that the Director shall be under civil service classification.

- Mr. Yagi: The recommendation does not spell out the particular duties of the Director.
- Mr. Kage: We feel that the Commission and the Director work together to perform whatever powers given to the Commission. We do not specify what his detailed duties are.
- Mr. Crockett: If we want to have a strong mayor and if all the administrative heads are under civil service, where does that leave the Mayor? Your jobs will be frozen by civil service. How strong is the Mayor?
- Mr. Ohata: We believe in what you said. However, the Planning Director is one step removed from the Mayor. There is the Planning Commission in between. It is not like the County Engineer who is directly under the Mayor.
- Mr. Crockett: You have the Commission between the Mayor and the Planning Director. In addition, you make the Director a civil service person. The Mayor has no power over planning which I think is one of the most important functions of the county government.
- Mr. Kage: The Planning Commission took into consideration the difference between the County Engineer as opposed to the Planning Director because of the long range problem that has to go on. The recommendation has to be flavored more to the present condition.
- Mr. Ohata read the section relating to the General Plan.
- Mr. Ohata: Here in either textual or written form the Council will set this general plan as a guide. This is the portion I explained a while ago under the official plan. This includes the responsible public areas. The private areas will be controlled by the zoning maps.
- Mr. Yagi: How do you provide for the official plan?
- Mr. Ohata: This is a difficult process which must be worked out. The State plan is a five-year plan; the general plan is a 20-year plan. All the short-range plans would implement this long range plan. In other words, there would be one long range plan.
- Mr. Kage: The section on urban renewal is something new we have added. We are divorcing the traffic and adding the urban renewal.
- Under Council Action, at the present time the law is about the same. It does not require that we hold public hearings. At the present time we are holding our own public hearings.
- Mr. Crockett: Under the Honolulu charter, they have a Planning Commission and also a zoning Board of Appeals. This Board has all the quasi-judicial powers. They listen to variances, etc. Do you consider it necessary to have such an independent zoning appeals board? Why didn't you request one for this county?
- Mr. Kage: Our requests are not so numerous. We do not have the requests and decisions to make like Honolulu.

- Mr. Ohata: I think the fundamental difference is this. If we consider the plan is important enough, then the preparation of the plan is not sufficient. It must be administered. If one commission prepares the plan and administers it, then it would be a better setup.
- Mr. Crockett: Under our system of government we have one body administering law - legislative, judicial and procedural, and we have had trouble with that type of agency.
- Mr. Ohata: We have the Planning Commission, the Board of Supervisors and also the Circuit Court who will judge on it.
- Mr. Kage: Philosophically speaking, the Planning Commission's plan is not for permanency but for a change. We feel this Table of Organization suffices. We feel that for the next 20 years it will suffice.
- Mr. Young: In the Honolulu Charter one of the duties and functions of the Planning Director is that he administer subdivision regulations. Do you believe that it should remain as they are now or under the Public Works Department?
- Mr. Ohata: It is intended that the present system will not be changed; that it goes to the Public Works Committee.
- Mr. Young: Under the present system you do not administer?
- Mr. Ohata: We want it left alone.
- Mr. Balthazar: If the Master Plan calls for a road - for instance, if a person in Kahului requests subdivision of a particular property, apparently the County decides. You have nothing to do under your proposal? You should have something to do with it.
- Mr. Ohata: No, we will not unless it is a Master Plan.
- Mr. Young: Does a request for subdivision go to your office for signature?
- Mr. Ohata: Yes.
- Mr. Young: What do you approve?
- Mr. Ohata: I approve as to zoning and Master Plan requirements.
- Mr. Yagi: Does the Planning Commission have any relationship with the plan of moving the Board of Health building to the location of the Central Maui Memorial Hospital? As I understand the Board of Health wants the administrative office and the laboratory at the Central Maui Memorial Hospital.
- Mr. Kage: We feel that it is for the sake of each of the departments or for the convenience of the public. We are trying to centralize all the departments in one place. If you scatter the administrative offices of the various departments, people would have to go all over Maui.

- Mr. Yagi: Isn't it an argument of the Board of Health that they don't want to centralize all the health departments?
- Mr. Kage: That is correct.
- Mr. Yagi: Under your assumption, if the Planning Commission feels that is the situation, what about Honolulu?
- Mr. Kage: Because they are doing it in Honolulu and because of all the hardships, we don't want the same thing here.
- Mr. Yagi: Isn't it better for tax saving purposes to get this administrative office and laboratory at the hospital?
- Mr. Ohata: I think that is a question which the Department of Health should figure out; but we do recognize the fact that, if we split, there will be some inconvenience. It is more important to have all functions together.
- For instance, in order to get a building permit, a person would have to go to the Board of Health for sanitation requirements, Fire Chief to see that fire requirements are met, County Engineer to see it is an approved map, and to the Water Board. Then after he gets the approval of all these department heads, he has to go back to the Building Clerk.
- Mr. Yagi: Would you say that the Water Board should be located in the County building?
- Mr. Ohata: I think so.

ADJOURNMENT:

After reminding the members of the Charter Commission of their meeting with Dr. Cahill and Mr. Meriwether that night at 7:30 P.M., the Chair adjourned the meeting at 3:30 P.M.

Respectfully submitted,

Harriette E. Miyamoto
HARRIETTE E. MIYAMOTO
Secretary

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

November 7, 1963

EXCERPTS TAKEN FROM DISCUSSION OF DR. ROBERT CAHILL, ASSISTANT PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF HAWAII, AND MR. MICHAEL MERIWETHER, ASSISTANT RESEARCHER, LEGISLATIVE REFERENCE BUREAU

Dr. Cahill and Mr. Meriwether expressed their views on the role of the Charter Commissions and explained the advantages and disadvantages of the various forms of government.

Dr. Cahill: First of all, we would like to tell you how we view the role of the Charter Commissions and what sorts of things we think are probably at stake in the decisions which the Charter Commissions are going to make in the next two months - the decisions as to how local governments are to be structured.

The main thing about the citizens' government is that it must rest upon the kinds of things people want.

I see the Charter Commission's activities as political acts. The Charter Commission has been making political decisions. As political officials, which is what they are, they can define their role the way they want. They can look at their job in a way which is most agreeable with their conception of what is good for Maui so long as they think that their own conception of what their job is is consistent with what the legislature or any State constitution practices. The Charter Commission can do just about anything if they want to.

Act 73 is the enabling act on which the Charter Commission is based. The members are in a position to decide:

1. Whether charters are needed;
2. What form of government should be prescribed if such charters are needed;
3. What jurisdictional duties should be assigned to the counties.

They must decide what they think is best for Maui. They will take in the requests and needs of the people of Maui County. They must generate some political interest in the community. The Charter Commission has a fantastic job to do; therefore, they would have to depend on people like you.

Mr. Meriwether: I agree with Bob that the Charter Commissions are engaged in political acts. These decisions as to the form of government or how you are going to elect your officials or what functions your governments are going to perform are going to be advantageous to some people and disadvantageous to other people.

In terms of the limitations of the Charter Commissions, Act 73 does place a couple of restrictions - one of which is that you cannot mess around in fiscal areas. The State has control of taxation situations. In terms of limitations of the Charter Commissions, I would like to suggest another way to look at it. It is a job of selling.

Mr. Meriwether:

Don't mess around with something that might get some opposition. Test out your decision with the people or legislature. The other way is to "fly as wide and handsome" as you can and operate on the condition that you have no limitations on you.

Dr. Cahill:

The Charter Commissions are going to face two problems: first, they do have to decide what forms of government they think ought to be prescribed in the charter and, second, what jurisdictional responsibilities should lie in the county.

I think whether local government should have responsibility in some jurisdictional area is a kind of combination factor. People are concerned with developing programs - for example, highways - whether you want good highways or the right kind of highways. What kind of resources are available which can produce such an adequate program? How much control do you want to have over these resources? It takes careful organization and personnel for any kind of program to be put into effect. Chances are these things are to be concentrated. On the other hand, you do not have tremendous amount of control over the kind of policies you pursue. If you don't have any chance of having the State pursue any of the areas, it doesn't make any difference how much resources you have. Decisions involve balancing these factors. What is actually the best decision on this particular case is what kind of decision you want.

Next question is how you develop different forms of government - giving some particular jurisdiction or giving some prior decision regarding the kind of duty. Seems to me you have two alternative kinds of things at stake. One is that you want governments which are responsive, governments that people can bring influence to. You can make sure that these governments act. On the other hand, you may want governments that are efficient in the sense that once they decide on some kind of goal, they do not waste a tremendous amount of money. You may want a most efficient kind of government.

Mr. Meriwether:

Efficiency is a word which can do no harm. The problem with efficiency seems to be that it is not a desirable goal or an ideal goal when you are dealing with something that involves a large number of people with different interests, different desires, and different objectives. The foundation of this country is based on the concept that we are willing to sacrifice a little efficiency to get everybody get hurt. It is pretty impossible an assumption to make to have absolute efficiency.

In terms of education there is only one educational system - it is on a statewide system. In other mainland districts there are school districts because traditionally it has been set - they want it under their control. If you do not like your present system, you have time to think of some of these systems. It is within your scope whether you want to include education as part of your local government. Where do you get the money if you take over the school system? Are you going to have one teacher for every 50 students, and what about school buildings? What about supplies if you take over that area? These are the kinds of things that should be running

through your minds. You cannot start from the assumption that it is way outside our scope because somebody won't like it. The charter commissioners should take a look at every possible form that you can, what resources you can have, and what your experiences are.

Mr. Young: What can we do when the legislative mandate of the act is to look into the present form of government, but you cannot take over fiscal matters which are already provided for under the State government?

Mr. Meriwether: Last night a question was raised by Mr. Burnett: "What is our scope? What do you want us to do? This is an impossible thing to cope with." There are a lot of gray areas I think might be considered.

Mr. Tester: Speaking about the possible desire for the counties to want to do more with the schools, what would be the attitude of the legislators if we say "we haven't enough money for the maintenance and construction" and "let us throw the whole thing to the State"? Same thing with the State highways - maybe it would be smart to have the State do all or the County do all.

Mr. Meriwether: A lot of these functions (like the district courts and the prosecuting attorney's) I think are within your scope to do the best you think in the charter. The school department - you have to realistically look into the fact that the legislators are going to look at the revenue and cut down on the counties.

In the long run you may be better off - you will be freer to use your limited resources. The main resource you can attack is your property tax. The county needs more money. You are dealing with limited resource problem so there is another area you are going to explore.

FORMS OF GOVERNMENT:

Commission Form:

Dr. Cahill: One of the forms of government which is used in some extent in American counties and in Hawaii counties is the Commission Form. What this amounts to is that the people elect a handful of commissions, each of whom has some administrative responsibilities. These commissioners are not only the chief administrative officers, but also the political officers of the cities. The commissioners are elected from specific districts rather than at large. In some cases they are elected at large. They have a combination of administrative and legislative responsibilities. The main argument is that it gets very little done. It rarely demonstrates much competence. Commission Form is a caretaker government.

Mr. Meriwether: Quite often the division of responsibilities is among five people. The legislative activities plus the administrative activities are in their hands.

Dr. Cahill: The commissioners are generally elected by districts. They usually rotate around districts from term to term. If interest in the community happened to be distributed in such a way, there is a concentration of interest. Maybe if these people were elected at large, they would never be able to accept their control over government. There may be a slight

advantage in a commission system. The commission system seems to be very responsive. It may get a greater amount done in a particular area. Generally the cost of such a system is pretty high.

Mr. Meriwether: When you are making these decisions, it is what you want for your community. If you don't want people bothering you, if you don't want to be bothered by taxes, commission type is what you want.

Mr. Young: Is Dr. McLean right in saying that it has been tried in many communities and it is on its way out?

Mr. Meriwether: It is the least used of three major forms of government. Only 8% of the cities have this form and it is true that it is on its way out.

Now there is a trend toward administrative reorganization with a strong executive. We see this in the State government. There are only two elected administrative officials. In the State each department head reports directly to the governor. He can appoint them and remove them with the consent of the Senate. He is strong in a sense that he has control over them. He has power of allocating money. The Legislature may appropriate \$40,000,000 for programs on Maui and he can veto or he may appropriate only half, if he so desires. He also has the power of not allocating the money.

Mr. Kobayashi: Since the last legislature passed the new primary election law, how are you going to vote?

Mr. Meriwether: Unless you are a declared member of a recognized party, you are not going to be able to vote in the primary election.

Mr. Kobayashi: Who will have to declare whether you are a Democrat or Republican?

Mr. Meriwether: In 1968 when you go to vote, you will have to take either a Democratic or Republican ballot. You can always change, but I think it must be about six months before the election.

Mr. Haines: You mentioned that the commission form of government leads to not accomplishing much in government. Does it also mean that it would likely be a form of government which would exercise less regulatory control than the other two or three types?

Dr. Cahill: I don't think so.

Mr. Burnett: If the general public in the electorate didn't show much interest than have been shown on Hawaii and Kauai, is there any particular reason why we on this commission should come up and recommend anything to the electorate? Isn't it pretty good reason that the people of Hawaii, Kauai and Maui have shown no particular interest in this? At this point shall we continue the present form of government? As political philosophers, what do you think? I have talked to others. They are as confused as I am. I would like to know your political philosophy and get your reaction.

Dr. Cahill: My reaction would be to drop this whole thing and go home. As I got into it, I became aware of the fact that nobody cared about it.

Mr. Meriwether: I am not sure I care too much whether people care or not.

Weak Mayor Form:

Mr. Meriwether:

Another form of government is the so-called Weak Mayor Form - elected mayor, elected council. Generally the council is elected at large and on a partisan basis. The reason why it is called a weak mayor system is that the mayor shares his administrative functions with a lot of administrative officers. The mayor has very little control of the operations of the government. He usually lacks a strong veto over council action. The mayor runs a few department heads - those which do not matter too much - and he does not have too much fiscal powers. Advantage: In making the mayor weak, it prevents one person from exercising excess powers. Disadvantages: It quite often results in friction between the mayor and the other elected officials. If you elect a county attorney from a different party, who is going to do his legal work for him? It is very difficult to place responsibility in this form of government. It is very difficult to pinpoint this kind of responsibility. The more people you have elected, the more it is difficult to know them all.

The weak mayor system is still the most popular system in cities which have 250,000 people or less than 25,000.

Mr. Tester:

In a weak mayor type, will all of the appointments have to be passed by the council?

Mr. Meriwether:

Normally. Few of the appointments are left to the mayor.

Mr. Tester:

The mayor has no veto power?

Mr. Meriwether:

No veto power, or very limited veto power.

Strong Mayor Form:

Dr. Cahill:

There are two systems to which most cities in the United States are moving. First is the strong mayor system and second is the council-manager system. They accomplish the same things in a slightly different way.

In a strong mayor system, the mayor is elected by community wide constituents. He is not a member of the council. He gets elected on his own strength at large. The council members are independent of one another. Mayor is given tremendous amount of authority for hiring and firing administrative personnel or department heads and all those people under civil service. Advantage of this system is that the responsibility centralizes in one figure. The mayor is responsible for administrative policies. The council and mayor are responsible for making policies. The mayor has strong veto powers. The main thing is that one person is formally responsible for administration. There are no boards or commissions. The electorate who appoints the mayor can, with reason, assign responsibilities or throw him out. Another advantage is that the mayor provides substantial amount of political leadership. One of the major disadvantages stems from the separation of powers. Mayor and council are very often deadlocked with the result that they can do nothing. They cannot agree on any program.

- Mr. Tester: About civil service - how do you go about determining who should be under civil service? You cannot have all of the department heads protected by civil service.
- Dr. Cahill: This is a tricky question. There are advantages and disadvantages to a fully developed civil service system. The question is who is the technician and who is more than a technician. For example, an administrative aid is more than a technician but a carpenter is probably a technician. Of course, there are large gray areas. At a certain point a program cannot be carried out without the loyalty of the employees.
- Mr. Balthazar: Where do judicial and quasi-judicial boards fit in?
- Dr. Cahill: Under the strong mayor system there are very few boards. By and large independent boards and commissions are markedly reduced.
- Mr. Meriwether: There is a place for boards and commissions, especially for judicial review.
- Mr. Balthazar: How about the Board of Water Supply?
- Mr. Meriwether: This may be a little different. The Board of Water Supply operates on special funds. This is related to the problem of where does the cash come from.
- Mr. Balthazar: How about the hospital committee?
- Mr. Meriwether: There is no room for independent operation if you want to run the hospital your own way. There is a strong argument for judicial commissions, subject to court appeal.
- Mr. Caldito: In the City and County of Honolulu the council members are the legislative body. They don't touch the administrative affairs. Why can't they work like the State legislators - meet for 60 days a year and let the mayor carry out the program for the rest of the year?
- Mr. Meriwether: This may be due to the nature and kind of decisions to be made. On the city level you have continuous policy making such as in zoning. This makes it necessary for the council to meet quite often. There is no such situation on the State level.

Council-Manager Form:

- Dr. Cahill: Another form of government is the council-manager system. This is radically different from the strong mayor form. The manager, who is the chief executive officer, is an appointee of the city council. He is not an elected official. The city council is responsible for legislative matters and for criticizing the chief executive who has no recourse. The city manager provides for central administrative responsibility and the main thing is that he is professionally trained. The general population has no way of getting to the manager except through the council. Generally in this form we don't have the disadvantage of a deadlock.

Dr. Cahill:

How strong a mayor is depends on the personal equipment of the mayor - that is, what kind of person he is. It is the same with the city manager - how strong a political leader the city manager is depends on his personal equipment. Some consider themselves technicians and do not initiate programs. Others exercise political leadership and develop a following in the community and become a power by themselves.

Mr. Tester:

Does the city manager type have a mayor, too?

Mr. Meriwether:

Yes.

We have now covered the forms of government. How do you decide among these forms? The form of government depends on what you want to accomplish, who you want to benefit, and who you want to give advantage to.

What do you want your city to do? Merely as an institution for managing county? This would be like a caretaker government. You don't try much that is new - you leave things to the State and Federal governments. Form will not solve a problem but form can establish the framework of a caretaker government. The weak mayor and commission form of government tend to act this way.

Do you want a community with special kinds of services? In Beverly Hills the police take down the laundry and take drunks home.

Your county government can also be an instrument of community growth. It can deal with economic problems, outmigration of youth and other problems. These are the things that you should consider.

Dr. Cahill:

In essence there are two types of government, the reactive type and the initiative type. The reactive type of government goes with the weak mayor or commission form of government and is meant to provide minimum essential services. The initiative type of government initiates new programs, costs more but is more effective. The strong mayor form of government sets a better framework for the initiative type of government. The council-manager type of government may be initiative, but my own observation is that the council-manager type is more reactive. Council managers cost money. You have to pick them from the mainland and someone will have to pay them. It may be that you may not be able to recruit a qualified council manager.

Mr. Meriwether:

The system of government we have may encourage the development of leadership.

Basically there are four systems you can follow:

1. Elected at large.
2. Elected by districts.
3. Proportional representation whereby you rank in order your people of preference. This is complex and difficult.
4. Combination of at large and district representation.

Mr. Meriwether:

Do you want to provide for minority legislation on the council? If you wish, you have to take a good look. It may be that if you divide this island into districts, that this same organization won't be so strong.

In your decisions you are going to have to think what it means in terms of general community - who you are serving. Is there an obligation on your part to the community in terms of who you favor? I can see you have an extremely complicated job with no easy answer.