

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: February 5, 1964
PLACE: CMMH Nurses' Quarters, Wailuku, Maui, Hawaii
CALL TO ORDER: 7:40 P.M.
PRESIDING: Masaru Yokouchi, Chairman
MEMBERS PRESENT: Masaru Yokouchi, Chairman
Emil Balthazar
C. H. Burnett, Jr.
Richard Caldito
William F. Crockett
Cornwell Friel
Shiro Hokama
Harry Kobayashi
Keith Tester
Thomas Yagi
Charles C. Young, Research Assistant
MEMBER EXCUSED: Nadao Honda
OTHERS PRESENT: Kase Higa, County Attorney
Mrs. Ann Gillin
Mrs. Jay Van Zwalenburg
Baldwin High School Students
Mr. Nathan Ambrose
Robert Johnson, Advertiser Reporter

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ROLL CALL:

There were 10 members present and 1 excused at the regular meeting of the Maui County Charter Commission on February 5, 1964.

MINUTES:

The minutes of the meeting held on January 29, 1964 were distributed to the members of the Charter Commission. Minutes of the meeting held on January 22, 1964 were approved as circulated.

ARTICLE XV--TRANSITIONAL PROVISIONS:

Article XV--Transitional Provisions (pages 69 to 71)--of the tentative draft of the charter was circulated to the members of the Charter Commission.

DISCUSSION ON PROPOSED CHARTER:

Chapter 8. Board of Water Supply:

Mr. Balthazar: Moved that the manager of the Board of Water Supply shall be appointed and may be removed by the mayor. (There was no second to the motion.)

Mr. Yokouchi: The manager is presently appointed by the Board of Water Supply. Mr. Balthazar suggested that the mayor appoint the manager. Why are we making an exception for the Board of Water Supply when we are not making an exception for any other department? Why is water such a distinct entity that the mayor should not appoint the manager?

Mr. Kobayashi: What I voted for is a separate entity; therefore, why should the mayor appoint the manager?

Mr. Yagi: Why do you think that the mayor should appoint the manager of the Board of Water Supply?

Mr. Balthazar: Because it is in line with the strong mayor form of government. We want the mayor in charge of the executive powers.

Can the resources of an independent Board of Water Supply be used interchangeably by other departments in the county, particularly those departments which use engineering services, warehouses, motor vehicles, and equipment?

Mr. Kobayashi: They can get together.

Mr. Balthazar: They may get together, but they don't have to. Is the council only afraid of setting water rates or do they feel that a separate water board would be more efficient and work more wonders for the county?

Is it not true that there is an increase in cost? The increase in cost is due to the fact that it is an autonomous body.

Mr. Yagi: Moved that the manager and chief engineer be appointed by the Board of Water Supply and that the council may change the organizational setup in the future by having the Board of Water Supply under the county.

Mr. Yokouchi: Whether the government will be more efficient if the council enacts rate increases is a question. The appointment of the head of the department I don't think would matter as much as far as the rates are concerned, but you will have a check.

Mr. Balthazar: Do you agree with me that the mayor should appoint the manager?

Mr. Yokouchi: I think we should have some kind of balance.

Mr. Crockett: Tom's idea was that they would have the right to abolish the Board of Water Supply entirely and bring them under the Department of Public Works.

Mr. Yokouchi: We already have a provision in the charter that the mayor, with the approval of two-thirds vote of the council, may abolish any department so I don't think it is necessary for us to vote on that.

(The motion made by Mr. Yagi that the manager and chief engineer be appointed by the Board of Water Supply was defeated--4 ayes (Caldito, Crockett, Hokama and Yagi) and 5 noes (Balthazar, Burnett, Friel, Kobayashi and Tester).

Mr. Tester: Moved that the manager and chief engineer be appointed by the mayor. Seconded by Mr. Balthazar. Motion was defeated--4 ayes (Balthazar, Burnett, Friel and Tester) and 5 noes (Caldito, Crockett, Hokama, Kobayashi and Yagi).

- Mr. Caldito: The Board of Water Supply is running more efficiently, and probably financially they are better off than before. I feel that, if a department is doing a better job than before, we should keep it. Our job is to find the weakness of government and try to correct that. But if we find that a department is working out very nicely, we should keep it.
- Mr. Balthazar: I would sacrifice efficiency for responsiveness. That is a far more important principle of American government.
- Mr. Burnett: At this point I don't think we need a change. I think we have a good government as it is now.
- Mr. Kobayashi: Moved that the Board of Water Supply remain as an autonomous body. Seconded by Mr. Caldito and carried (1 no--Balthazar).
- Mr. Burnett: Moved that the members of the Board of Water Supply be appointed by the mayor. Seconded by Mr. Friel and carried unanimously.
- Mr. Caldito: Moved that the manager be appointed by the Board of Water Supply. Seconded by Mr. Yagi and carried. (2 noes--Balthazar and Tester).
- Mr. Yokouchi: The final decision is: There shall be a Board of Water Supply appointed by the mayor without confirmation of the council, which board shall have the power of appointing its own manager and chief engineer.
- Mr. Yokouchi: I would like to propose that the title of the manager and chief engineer of the Board of Water Supply be changed to manager. The reason why is that any department as large as the Board of Water Supply shouldn't be confined to engineering. If the Board wants to go beyond the range of engineering, they can do so with an administrator.
- Mr. Yagi: It should be pointed out that professional men in any field are good in their field, but they cannot do a combination of the work. For example, a doctor cannot be a superintendent of a hospital and at the same time perform the duties of a doctor at the hospital. As far as the Board of Water Supply is concerned, I don't think an engineer can be the administrator of that Board.
- Mr. Yagi: Moved that the title of the head of the Board of Water Supply shall be "manager" and that the sentence "He shall be a duly registered engineer under the provisions of Chapter 166 of the Revised Laws of Hawaii as amended" be deleted from Section 8-8.2. Seconded by Mr. Caldito and carried unanimously.

Chapter 9. Police Department:

- Mr. Caldito: Moved that the setup of the Police Department remain as is--that the mayor shall appoint the Police Commission who shall have the power to appoint the chief of police. The commissioners shall be appointed by the mayor without the confirmation of the council. Seconded by Mr. Friel.
- The motion was defeated. (3 ayes--Caldito, Friel, and Tester and 6 noes--Balthazar, Burnett, Crockett, Hokama, Kobayashi and Yagi).

Mr. Yagi: Moved that the chief of police shall be appointed by the mayor with the confirmation of the council for a term of six (6) years and the chief of police shall be subject to removal by the mayor only by written charges with right of appeal. Seconded by Mr. Balthazar.

The Chair called for a recess at 8:45 P.M. Meeting resumed at 8:50 P.M.

Mr. Yokouchi: There are three things we should decide:

1. Whether we want a Police Commission or not;
2. Who shall appoint the Police Commission;
3. Who shall appoint the police chief.

Mr. Yagi: Moved that there shall be a Police Commission appointed by the mayor without confirmation of the council. Seconded by Mr. Caldito and carried.

Mr. Yagi: Moved that the Chief of Police shall be appointed by the mayor without confirmation of the council for a term of four (4) years to run concurrently with the mayor's term. Seconded by Mr. Balthazar and carried. (7 ayes, 2 noes--Caldito and Tester and 1 abstaining--Crockett).

Chapter 10. Liquor Commission:

Mr. Yokouchi: The provisions for the Liquor Commission as drafted in this chapter is basically the same as it is today.

Mr. Balthazar: Moved that the Liquor Commission be abolished. Seconded by Mr. Crockett.

Mr. Yagi: Why do you want to abolish the Liquor Commission?

Mr. Balthazar: I feel that the functions now exercised by the Liquor Commission can be properly taken care by some other departments. The granting of licenses can be taken care by the Finance Department, laws can be enforced by the Police Department, and the appeals can be heard in our district courts or in the appeals board that we may later establish.

Mr. Yagi: We should protect the people and have a commission to regulate rules and regulations.

Mr. Balthazar: I think the Police Department can handle this.

Mr. Higa: There is nothing we can do with the liquor laws. We may have something to do with liquor rules and regulations. This is an area in which I have some question as to whether we can touch it. Liquor is strictly controlled by the State.

(This section pertaining to the Liquor Commission was deferred at Mr. Higa's suggestion until he does further research.)

Chapter 11. Hospital Department:

- Mr. Kobayashi: Does this include both the Molokai and Lanai hospitals?
- Mr. Yokouchi: No, they are separate.
- Mr. Kobayashi: Their hospital problems come before the Board.
- Mr. Balthazar: There is cooperation between the county and the hospitals, but there is no direct power of law.
- Mr. Kobayashi: If the Board of Trustees looks up to the overall picture of all the hospitals of the County of Maui, it would be better. At the present time there is the Board of Trustees of the Maui Community Hospitals, the Kula Sanatorium Managing Committee and also the Association of Hospitals. Why not have the Molokai and Lanai hospitals as members of the Board of Trustees also? The Board of Trustees will have direct responsibility over money, especially on these county hospitals.
- Mr. Yagi: Legally, the Molokai and Lanai hospitals can't belong to the county. As far as the Kula Sanatorium is concerned, it is a State operation. I think we are going beyond our powers if we include the Molokai and Lanai hospitals. The Association of Hospitals is statewide, and we cannot include the Molokai and Lanai hospitals unless the Association of Hospitals turns them over to the county.
- Mr. Kobayashi: We should include one member from the Molokai and Lanai hospitals.
- Mr. Balthazar: If the Board of Trustees will have only advisory powers, I would agree with you, but if it has quasi-judicial powers, I don't think they should be included.
- Mr. Tester: The provisions in Chapter 11 are satisfactory, but the word may in the second sentence should be deleted. There should be some rather specific means of selecting the Board of Trustees.
- Mr. Yokouchi: Although Kula Sanatorium is financed by the State, the members of the Managing Committee are appointed by the Chairman and the Board of Supervisors. The Managing Committee also manages the General Hospital. I think we can have a better program if there is only one body controlling all the hospitals since the members of both the Board of Trustees and the Managing Committee are appointed by the Chairman and the Board of Supervisors.
- Mr. Yagi: Kula Sanatorium is also under the county in the sense that the employees are classified under the County civil service system.
- Mr. Caldito: I think the Board of Trustees of the Maui Community Hospitals are doing a good job. The members serving on the Board are not being paid, and they are serving for the interest of the people in the community. Various groups are represented in the Board of Trustees--there is management, labor, doctors, churches, veterans' council, etc.

- Mr. Yokouchi: I oppose the makeup of the Board of Trustees. I would like to see the public at large represented. Basically, it is supposed to be a community hospital. If we are going to consider any specific groups to comprise the Board of Trustees, it should be by district representation.
- Mr. Yagi: It would be very difficult to operate if these hospitals are combined.
- Mr. Yokouchi: There could be a subcommittee.
- Mr. Tester: Moved that the Board of Trustees of the Maui Community Hospitals and the Managing Committee of Kula Sanatorium be combined. Seconded by Mr. Friel and carried unanimously.
- Mr. Burnett: Moved that the trustees be appointed by the mayor without confirmation by the council. Seconded by Mr. Yagi and carried.
- Mr. Yokouchi: One of the areas I strongly believe in trusteeship is the hospitals. Because of the economy of the County of Maui this is one area we must resolve that it be subsidized. The Board of Trustees should have enough powers, enough prestige, and by that token, should appoint the hospital administrator.
- Mr. Yagi: I believe the Board of Trustees should appoint the administrator. If the administrator is appointed by the mayor without any confirmation, the mayor could very well tell the administrator what doctors will practice in the hospital. At present the Maui Medical Society recommends a doctor to the hospital staff, which in turn makes the recommendation to the Board of Trustees.

(It was decided that the administrators of the hospitals shall be appointed by the Board of Trustees.)

PUBLIC HEARINGS:

Mr. Yokouchi informed the members of the Charter Commission that the public hearings which were tentatively scheduled to begin on February 11, 1964, must be postponed until a later date inasmuch as they are not through discussing the provisions in the tentative draft of the charter.

ADJOURNMENT:

The meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Harriette E. Miyamoto

HARRIETTE E. MIYAMOTO
Secretary