

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: April 1, 1964
PLACE: Iao School Cafetorium, Wailuku, Maui, Hawaii
CALL TO ORDER: 7:15 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
Nadao Honda
Harry Kobayashi
Keith Tester
Thomas Yagi
Charles C. Young, Research Assistant

OTHERS PRESENT: Kase Higa, County Attorney

Kula Sanatorium:

Dr. E. A. Tompkins, Superintendent
Rikio Tanji, Business Manager
J. Walter Cameron, Chairman, Managing Committee

Maui Community Hospitals:

Tomic Romson, Hospital Administrator
Wallace Yanagi, Assistant Hospital Administrator

Department of Civil Service:

James M. Izumi, Personnel Director
Robert T. Yokoyama, Personnel Technician
Elsie T. Ota, Secretary
Eugene Bal, Chairman, Civil Service Commission
Domingo Barbosa, Member
Lionei V. Duponte, Member
Masaru Omori, Member

Shigeto Murayama, County Treasurer
Jean R. Lane, Chief of Police
Willard M. Eller, Chairman, Maui Section,
Hawaii Society of Professional Engineers
R. H. Taylor, Manager, Kahului Development Co., Ltd.
Roger Knox, President, Maui Chamber of Commerce
John Milligan (Republican 14th Precinct Club)
Donald Tokunaga
Nathan Ambrose
Meyer Ueoka
Robert Hughes
Robert Craft
Jack Porteus
Mrs. Jay Van Zwahlenburg, President, Maui Citizens
Association for Good Government
Mrs. Gloria W. Foster
Jack Stephens, Maui News Reporter
Robert Johnson, Advertiser Reporter

The Chair opened the hearing by introducing the commissioners and staff of the Maui County Charter Commission to the audience. The Chair called upon Mr. Higa to explain briefly the act (Act 73) creating the Charter Commission.

Mr. Higa explained the various steps which must be taken by the Commission prior to submitting the proposed charter to the electorate. If approved by the electorate, said charter will be submitted to the State Legislature at its general session in 1965. If the Legislature ratifies the charter, it will go into effect in January, 1967.

The Chair stated that the purpose of this hearing is to get the public's reaction and proposals on the tentative draft of the charter. He mentioned that, after the first series of public hearings, the Commission will go over some of the proposals made by the public and will also call in department heads in whose departments changes are contemplated.

The Chair then explained the provisions of the proposed strong mayor-council form of government as compared with the present form of government.

Mr. Roger Knox: I am Roger Knox, President of the Maui Chamber of Commerce, speaking on behalf of our Board of Directors which represents over 300 members. We wish to first acknowledge the fine work you Commissioners have done and realize that a considerable amount of time has been spent thereon. The suggestions we will make are not intended to be in the form of criticism, but a sincere desire to help create a more efficient and acceptable new form of County government more responsive to the desires of the people.

The Board of Directors of the Maui Chamber of Commerce at a special meeting held on March 30th went on record with the following stand concerning the proposed new charter for Maui County:

We basically agree with the concept of the proposed charter in that

1. The present form of County government needs improving and revising;
2. The strong Mayor-Council is the correct approach;
3. The proposed provisions are generally good but we offer the following suggested changes for your consideration.

We strongly recommend that all members of boards and commissions be appointed by the mayor with staggered terms (for the purpose of continuity) and the principle of a simple majority representation from the same political party be adhered to as set forth in 8-13.1 Board of Appeals. We feel that confirmation by the council would tend to weaken the strong-mayor concept, except in the case of the Board of Appeals.

We recommend consistency in the matter of selecting department heads where a commission or board exists which has been duly appointed by the mayor. The commissioners should then in turn select the department head without the necessity of confirmation by the council. (ie: Water Board Manager, Police Chief, Civil Service Personnel Director, Executive Secretary of Liquor Commission, Hospital Administrators, and Board of Appeals Chairman.)

Mrs. Van Zwahlenburg: The Maui Citizen's Association for Good Government would like to make a statement on the proposed charter. At a general meeting held on March 18, the membership went on record approving the first draft of the charter in principle with reservations. We believe this charter to be on the whole progressive with many worthwhile provisions -- not the least among them, the inclusion of a "Little Hatch Act" governing the political activities of government employees and a Code of Ethics as a guide for conduct among elected and appointed officials and employees. We think the idea of the proposed Board of Appeals has merit if implemented according to the intent of the Commission. We approve the streamlining of departments and the defining of lines of authority.

Our reservations are primarily in the area of executive appointment powers. We feel that the proposed setup of the Police Department should be looked at again very carefully. There appears to be considerable sentiment toward continuing the present organization. We are doubtful of the wisdom of denying the council confirmation powers over most of the mayor's appointees. These and other reservations will be taken up in detail by individuals and further clarified.

We would like to commend the Charter Commission on their work to date. Those of us who have followed the Commission's meetings have been impressed by the seriousness and purposefulness with which the Commission has approached its job. We would also like to thank the Commission for its willingness to supply information to us and for its appearance at our meeting in March to discuss the Charter.

Mr. Crockett: Referring to the fourth paragraph of your proposal, why do you feel that the Civil Service Personnel Director and the Executive Secretary of the Liquor Commission should be appointed by the commissioners?

Mr. Knox: It is covered by the first three words. "We recommend consistency..." Where you have boards or commissions that are appointed by the mayor we feel that these boards and commissions should in turn have the responsibility of appointing the administrator of the particular department; then that person is responsible to that board or commission.

Mr. Crockett: Wouldn't you agree, however, that the functions assigned to the particular department or commission makes a difference in who and how the executive head should be appointed?

Mr. Knox: This could be so.

Mr. Crockett: For example, the Liquor Commission has functions which are quite different from the functions of the Board of Trustees of the hospitals; therefore, wouldn't it be more consistent to recognize the differences in functions and thereafter provide for different methods of appointment and removal?

Mr. Knox: This could be so.

Mr. Milligan: I am Stu Milligan, Citizen of Maui, speaking in behalf of Mr. McBarnet, President of the Republican 14th Precinct Club.

First, let me underline the comments of the other speakers. I, too, have heard of some of your concern of public interest. Secondly, I have heard of your dedicated work and I would like to personally congratulate you.

The Republican 14th Precinct Club of Spreckelsville, Maui met on March 31, 1964, and discussed certain aspects of the proposed Maui County Charter.

By vote of the majority of members present, they advocated the following amendments to the proposed charter:

1. The Chief of Police be appointed by the Police Commission.

2. The Director of Civil Service be appointed by the Civil Service Commission.

3. The Manager of the Water Board be a registered engineer.

4. To support the principle of some form of district representation on the County Council.

5. The term for County Councilmen be for two years only with four years for the Mayor.

As to the Police and Civil Service Commissions, it was our feeling that you apparently felt it was important to dilute management to some extent. This is what a commission does--it spreads out responsibilities. We thought then they must have some power to be effective. The only real power we see is the power of appointment of the executive. Without this, we see these commissions as all advisory. We do not feel that this is in the best interest of the community.

Mr. Robert Hughes: I certainly want to add to the speakers (Private Citizen) who have lauded the Commission for the hard work which I know they have given to the drafting of the proposed charter. I know from personal contact that this has been a dedicated effort on your part. I would like to add my thanks and appreciation.

First, with regard to the concept that you have been seeking in the new charter--the separation of the executive from the legislative or policy-making group--I would

certainly like to commend this approach. It seems to be parallel with our State government--with the Legislature and the Governor--and it seems to be an appropriate approach to our local level of government. Secondly, I think it provides direct responsiveness to the electorate because, insofar as the manner in which the government is conducted, they can discuss themselves at periodic intervals of four years.

It would seem to me that there is good reason to divide the departments into two basic groups--one, administrative primarily, and two, those that manage primarily. It seems to me it would be most appropriate that according to the formula, the strong mayor would be most responsive to those that administer the government and they should be appointed by the mayor. I suggest those which you have suggested--finance director, chief engineer, fire chief, civil defense administrator, personnel director and county attorney--are in the administrative departments. Representing the managing departments would be the trustees of the hospitals, planning commission, water board, police commission and board of appeals. Those that are suggested as administrative are essentially the services of the government. They are the direct responsibility of the mayor, and he is directly responsible to the electorate at periodic intervals. The managing departments are community functions that are partially or entirely self-supporting and, as such, they are continuing activities; they are not generally directly responsible to the electorate, and this provides rationale for spreading it into a managing department. Those departments that fit this definition, in the interest of continuity and in the interest of long range development of policies, should have staggered terms. The final comment with regard to the managing departments refers to the fact that in the managing area, perhaps the qualifications of the persons participating in the managing boards or commissions would basically depend entirely on how they suited that department as contrasted with other departments, as an administrative department responsible to the mayor.

Mr. Tester: Should all terms be staggered?

Mr. Hughes: It appears to me, in trying to define administrative department heads or administrative departments--the fire chief, for example, is a cabinet member of the mayor's office--that these should coincide with the mayor's term of office. In the case of the managing departments, if this is a valid argument, this should be on a continuing staggered term basis.

Mr. Crockett: Why do you feel the Planning Commission is a managing department?

Mr. Hughes: I think this is in the interest of check and balance. Purely in the overall development and growth of the community, it would be in its interest to have more continuity in the plan.

Mr. Crockett: Which of these functions brings it within the criteria you set out for the managing departments?

Mr. Hughes: I do not want to be specific. I believe the economic development coordinator should be directly responsible to the strong mayor and the planning commission should be a managing department. The economic development coordinator partly fits the administrative group.

Mr. Crockett: If the people feel that the planning function has been heading off in the wrong direction, don't you think the people should have an opportunity in shifting the planning commission and bringing it in line with what the people think planning should take?

Mr. Hughes: I don't think they will have the opportunity to. It is only the plan of timing. With staggered terms they would still have the opportunity to make themselves felt. There would be an insulation. With four-year terms all administrative departments would be going out at one time, as it was the choice for the mayor.

Mr. Ambrose: I think the Commission has done an excellent job and I thank them for allowing me to sit in many of their meetings. They are doing the very best they can. In general I think it is an excellent charter. I wish to take exception to one specific part of it--that of the recall. I have lived under the initiative and recall provisions in the State of Colorado and I will not agree with it because of the abuses it brought about. For example, when I dislike any person who is subject to recall, I may get out not because he has done anything wrong, but because I don't like him. I have heard it expressed here several times that getting signatures of petitioners is very hard. You can get people to sign any sort of petition you bring out.

Suppose we want to remove the mayor because we dislike him. If I get out a petition to remove him, he will have to go through an election again and he will have to go through the expenses--big expenses to himself and to the State. I would like to ask you to reconsider that portion of the charter.

Mr. R. R. Lyons: The mayor seems to have veto power over the council.

Mr. Yokouchi: The council may override the veto by two-thirds vote.

Mr. Milligan: We determined no limit should be placed; that it is a difficult task managing a county of this size and with a good man in office, why toss him out?

Mr. Knox: The Chamber felt the same.

Mr. Tester: Was their reason that the incumbent will have to quit his job in order to take the job of mayor?

Mr. Milligan: Yes, it is a full-time job. To have a full-time man willing to do a good job, he needs some security.

Mr. Knox:

In the matter of district representation the Board members could agree on a single method of apportioning council districts, however, the Board unanimously favored the principle of district representation. Only one negative vote prevented unanimous agreement that councilmen should all be elected for 2-year terms, and the mayor for a 4-year term. It was unanimously voted that no restriction be imposed on the number of terms the mayor or councilmen could serve.

The following district representation plans for councilmen were suggested, any one of which, it was agreed, would be better than the present system:

Plan (1) 4 councilmen elected by judicial districts, 5 at large

Lanai-Molokai	1 councilman
Makawao-Hana	1 "
Lahaina	1 "
Wailuku	1 "
At Large	5 councilmen

Plan (2) 6 councilmen elected by judicial districts, 3 at large

Makawao-Hana	1 councilman
Lanai	1 "
Molokai	1 "
Lahaina	1 "
Wailuku	2 councilmen
At Large	3 "

Plan (2a) Same district representation except 3 at large be elected for 4-year terms.

Plan (3) Each of 6 judicial district nominate 1 councilman, 3 to run at large, all elected at large.

Plan (4) Molokai and Lanai elect 1 councilman each, the other seven elected at large from Maui.

Basically, we are in favor of district representation for two-year terms.

Mr. Crockett: Why does the Chamber want district representation?

Mr. Knox:

First of all, we want a combination of district and at large. We feel that with district representation each district will have a little better voice and interest in what is going on in the County and in their district. If you use a combination system, such as in Honolulu, you provide a little better check and balance against what I think is your favorite opposition--pork barreling for your own district. If they are all interested in their own districts and they are to go along with the others and convince the other members about their district, they will have a better hearing in the council as a whole.

Mr. Caldito: Can you point out to me what is wrong with our present system?

Mr. Knox: I think the very fault in the current system is the fact that the two supervisors representing Molokai and Lanai are elected at large. They are known to the people on those islands, but the people on those islands never elect them. They are always elected by the people on this island. So they are not reaching the majority of the people over there. I think this is the most glaring fault of the present system.

Mr. Caldito: Your thinking is that a representative from Molokai is voted only by the Molokai people?

Mr. Knox: Should be. Likewise Lanai.

Mr. Caldito: Don't you think there is a danger to that?

Mr. Knox: What is the danger?

Mr. Caldito: Since there will be 9 councilmen and only two of them are from the outside districts, if the seven other members do not give them anything, you can imagine what will happen.

Mr. Knox: If you have other members who are also elected from their districts, they would be more sympathetic to the other districts. They will have to learn to give and take.

Mr. Yagi: Are you referring that under the present setup they are not sympathetic to some of the districts?

Mr. Knox: It was pointed out to me that you can trace a lot of expenditures of the county and they are basically in the easily populated areas. I don't mean to say there are direct favoritisms.

Mr. Yagi: It is up to the Board of Supervisors if they favor one project more than the other projects. I think they are favoring on the basis of the need of the district. They are not favoring on the basis that they have more votes.

Mr. Knox: Perhaps the smaller populated districts might feel that that is what is happening.

Mr. Milligan: The 14th precinct also supports some form of district representation. We feel--and we do not make this as a criticism of present incumbents--theoretically, we are establishing a new form of government and try to find the best. I realize it would be utopia if all men can do all things to all people. It is your hope, I believe, that you would have a better form of government and to have every councilman have a responsibility to the whole county--equal responsibility.

I have run for political office. I am considering doing that again. Rest assured I am concerned about where the voters are. They are not on Maui; you must concern yourself with where most of them are. It seems a balance of some form of district representation with overall representation will serve both of these points.

Mr. Crockett: Do you have any specific plan?

Mr. Milligan: I think Lanai and Molokai each need a representative. I support Plan I of the Chamber, modified.

Mr. Crockett: How many registered voters are there in Lahaina?

Mr. Milligan: There are in Lahaina--the total area--about 900 registered voters.

Mr. Crockett: Wailuku district?

Mr. Milligan: Central district? Several thousand.

Mr. Crockett: Do you feel it would be fair that Wailuku should have one district representative?

Mr. Milligan: I feel that the central area should have about 5.

Mr. Knox: Historically, I think the majority of supervisors come from the central area.

Mr. Tester: I think the Charter Commission, by and large, was very sympathetic towards district representation. Furthermore, we feel also, that on any one of the plans, Wailuku district would end up with almost the majority on the board. On the other side of the coin is the fact that the outlying districts have gotten more than their share with the present setup. It just seems to me that there are pitfalls in district representation. We should be very, very careful.

Mr. Romson: (Referring to the comparison of the present and proposed from of government) I would like to ask the commission to consider point No. 5 under the Council. Assuming that the boards and commissions are accepted, I want to call your attention to give this responsibility of ratifying rules and regulations of the hospitals to the board of trustees as they are doing at the present time. If the council were to ratify the rules and regulations, it will take two or three months to put them into effect.

Mr. Robert Craft: I think that the councilmen should be represented by Plan 1 of the Chamber of Commerce--to have councilmen elected by districts and at large. This way every district on Maui will have a representative on the council and there will still be five at large. Someone from Lahaina who is well known and well qualified in this district might not have a chance to participate in government. With four districts and five at large, all the places will be represented.

Mr. Shigeto Murayama: I certainly wouldn't want to give up my rights as a citizen in voting for people representing me on the Board or the Council, coming from another district. I feel if there must be district representation, it should be on the basis where everyone throughout the county vote for the person because my tax money goes to buildings in Hana and I would like to have a say as to who represents Hana or Lahaina. I think there should be district representation, but everyone vote for them. Otherwise, you will have cliques and coalition on the Board.

- Mr. Balthazar: I appreciate the fact that the Chamber of Commerce came up with the plan to revive district representation. I prefer a modification of Plan 1 where Lanai and Molokai remain separate.
- Mr. Jack Porteus: So far as the council is concerned, in item 5, it appears to me that if they are to ratify all the rules and regulations of all the boards and commissions, it would be a rather cumbersome procedure. I would go along with Mr. Romson.
- Mr. Crockett: If you will note under the charter, these rules and regulations have the force of law. We feel that the legislative body is the council. Certainly, while the boards and commissions have power to initiate these rules and regulations, the final action should be taken by the council--the body elected by the people.
- Mr. Hughes: With respect to those commissions that might by the charter be granted managing authority, it would be appropriate to establish bi-laws or some sort of rules and regulations by which they could manage.
- Mr. Crockett: The rules and regulations are the basic policies that are going to be set by these commissions. I don't think this will necessarily be a different problem for the commissions.
- Mr. Porteus: Insofar as the rules are concerned, I am sure that you don't want the small hospital rules in the form of law--for instance, hospital hours, etc.
- Mr. Donald Tokunaga: I would like to offer testimony with regard to abolishment of the Planning and Traffic Commission. I have had occasion to work with the Maui County Planning and Traffic Commission and from the knowledge I have gained from their operation, I would like to offer some evidence here as to why I believe a separate Planning Commission with proper administrative authority is more desirable than just a mere advisory commission for the future of Maui County's planning.

The Maui County Charter Commission is an excellent illustration of the type of independent commission that I have in mind. Its members are appointed by the chairman of Maui County and confirmed by the board. You are all dedicated and determined to offer the best of yourselves and your knowledge for a better and more responsible form of government which you hope will bring our elected officials closer to and more directly accountable to the citizenry that elect them. The public supposes that your decisions and judgment - right or wrong - are to the best of your knowledge and beliefs; and that your recommendations are less likely to be influenced by political motivations, thus making for a better "public reckoning" image for your commission.

The underlying theme of your important document appears to want to separate the authority of a "strong mayor" from the Board Members; and in doing so, you want the elected officials all to carry the respective responsibilities of their office with minimum "buck passing" and shirking of responsibilities. The broad powers vested in the elected officials, you want, to delineate clearly; and to discourage, wherever possible, the delegation of such powers to other agencies and commissions.

By advocating the creation of an independent Planning Commission, as is now operating and empowered to act, I am not questioning the qualifications, nor the ability of our supervisors to do the right thing in this particular area of planning. Rather, I am concerned with our supervisors' part-time limitations and being confronted with problems too numerous and time-consuming for them to cope with, as follows, which may prove too burdensome and prevent them from giving of their best judgment:

- A. The work of proper planning calls for specialization and for planning authorities to inform themselves of their county's activities--about communities growth and decline, of work projects in progress and contemplated, and the needs for improvement with respect to long range planning, subdivision ordinances, code adoption and enforcement, housing, public facilities, federal highways and other federally-aided projects of benefits to the County.
- B. A Planning Director working without a Commission, or independent of an Advisory Commission, would end up either being a "yes-man" for the Supervisors; or if sufficiently headstrong, to create friction and cleavage that will only increase the number of appeals--both major and minor--which the Supervisors will have to resolve.

How much better would it be to let an independent Planning Board, as is now constituted, to make whatever findings and decisions they feel to be for the best interest of Maui's long-range planning, with a last resort reserved for the aggrieved to appeal to the Supervisors for final decision. For the Supervisors to act as an Appeal Board which they must do, unless there is a separate commission created to handle these matters in its initial stages, is to invite a wide-open variance avenue which will be motivated more by "political reckoning", moreso than by "public reckoning".

The creation of an independent Planning Commission should not be interpreted as an act of the elected officials to create another "buffer" between themselves and the electorate. Rather, I like to believe, that it is an acknowledgment on the elected officials' part of their limitations--both in time and specialized knowledge; and in order to extend the best service to the public they are wont to create an administrative commission--subject to the

Supervisors' final say--of knowledgeable men and women to help with the opportunity and responsibility of planning for improvements and for a better Maui County. By inviting these citizens to participate in Maui County's planning, the elected officials are actually bringing their government much closer to the people for only when the citizens of a community are privileged to participate in selecting the goals which will shape their environment can they be expected to support the actions necessary to accomplish the County's overall aim and objectives.

As for the fear that the elected officials may be diluting the authority inherent with their offices, I am personally all in favor of seeing government spreading out thinner--so long as the primary responsibility and blame for any abuse or misuse of such delegated authorities are publicly traceable to the elected officials with whom these regulatory powers have been entrusted.

In closing, I like to believe that it is because the elected official is convinced that his better judgment in many cases cannot but be impugned with political motives that he is willing in certain areas of public interest and controversy to rely on the decisions and judgment of an enlightened citizens group.

Mr. Eugene Bal: Gentlemen, we thank your Honorable Commission for this opportunity to comment upon the proposed Maui County Charter as published in the Saturday, March 14, 1964 issue of the Maui News.

During the preliminary hearings on the proposed Charter, we recommended that the Department of Civil Service be organized as set forth in Chapter 3, Revised Laws of Hawaii 1955 (Civil Service Commission presentation of September 26, 1963) - briefly summarized as follows:

1. The Department of Civil Service be headed by a Civil Service Commission as presently constituted with the following basic powers and duties:
 - a. establish policies with regard to personnel administration;
 - b. promulgate rules and regulations to implement pertinent personnel laws;
 - c. hear and decide appeals against actions of the appointing authorities and director;
 - d. conduct investigations and studies to assure compliance with pertinent laws, rules and regulations, and continuing development of civil service based on merit principles;
 - e. appoint the director, its administrative officer and chief technical advisor - performing administrative-technical duties and responsibilities as differentiated from policy matters.

We believe that such an organization provides the best balance between the primary objective of establishing, preserving and developing a civil service system based on merit principles and being responsive to the needs of administration. We believe that we all share the belief that the public service should be the best that our resources and talents could make possible.

With these thoughts in mind, we submit the following comments and recommendations on the proposed Charter provisions for your consideration - we believe that these recommendations will assist materially in maintaining and developing an efficient and productive civil service system.

1. Section 8-6.2 be supplemented to include the following:

- a. The director shall, at the time of his appointment and thereafter, be thoroughly familiar with the principles and methods of personnel administration and shall believe in applying merit principles and scientific administrative methods to public personnel administration and shall be a person who shall have had at least five years of experience in public personnel management, and has graduated from a recognized college or university with specialization in public administration, political science, economics, business administration, or a related field.

Including these qualifications in the Charter would assure the filling of the position of Director with someone having at least some background and training in public personnel management consistent with the principles of a merit system on which the Civil Service is based. Qualifications for the Director are written into the law establishing the State Department of Personnel Services (Act 1, Session Laws of Hawaii, Second Special Session of 1959) and Chapter 3, Revised Laws of Hawaii 1955, as well as the City and County Charter (Section 5-60). This provision would also be consistent with that set forth in Section 8-8.2 relating to the qualifications of the Chief of Police - the concern for assuring technical competence for the performance of the duties and responsibilities of the position.

- b. The Director may be removed for cause and after being given a written statement of charges against him, shall have the right to appeal such discharge to the appropriate body as provided by statute.

The Director is charged with the responsibility of administering and enforcing the laws, rules and regulations on Civil Service and Compensation, and hours of work, overtime and premium pay, and as such is subject to the pressures of

circumventing merit principles and therefore should have some recourse from such pressures.

The City and County Charter provides for removal for cause and appeal of the Civil Service Director (Section 5-604). Also, Section 8-8.2 of the proposed Maui County Charter provides for removal of the Chief of Police for cause.

2. Section 8-6.3 be amended as follows:

- a. Deleting the words "until changed by law" and substituting therefor the words "as provided by law."

Chapter 3 (Civil Service Law), Chapter 4 (Compensation Law) and Chapter 5 (Public Employment), Revised Laws of Hawaii 1955, as amended, already set forth the basic provisions governing public employment and employees.

As a comparison, the City and County Charter provides for establishment of the Civil Service Law (Chapter 3) but are subject to Chapters 4 and 5 and other State laws.

It is also consistent with the provisions of Section 8-9.1 relating to the Liquor Commission.

Again, we thank you for providing this opportunity to present our views. The Commission and staff shall be happy to assist you in any manner in your important and difficult task.

Dr. Tompkins: I think the Civil Service Commission Personnel Director is one of the most important county officer, and I think his qualifications should be set up quite rigid.

The Chair reminded those present that this is only a tentative draft and that revisions will be made before the draft is finalized.

Mr. James Izumi: Regarding the governing of political activities, I would like to point out that the charter provisions, as it appears to me, is relatively free. Previously the political activities of public employees were not restricted.

Mr. Crockett: Do you mean that at the present time there are no political restrictions on government employees except as provided by the charter, similar to Chapter 3 of the Revised Laws of Hawaii?

Mr. Izumi: As far as participating in political activities, government employees are free to do it.

Mr. Balthazar: You say the provisions in our draft are lenient. Should we tighten them up?

Mr. Izumi: That is for you to decide.

Is the Board of Appeals half way to the Supreme Court?

Mr. Crockett: It is an advisory body with respect to administrative matters. It is advisory in that any actions it recommends is in compliance with the mayor. The final action would have to be taken by the mayor--it would be in the discretion of the mayor whether any action be taken.

Mr. Izumi: Other than political activities of government employees--for example, functioning of the planning commission--would appeals against those commissions or departments go to the Board of Appeals?

Mr. Crockett: No, they will not. Under Section 8-13.3(1), if the remedy is provided for by some other agency of the county, then the Board of Appeals has nothing to do with it.

Mr. Izumi: I have the impression that this Board has power over appeals of departments which fail to act or acting in the manner contrary to law.

Mr. Crockett: If there is no other remedy provided by law.

Mr. Yagi: In the event that there are any charges against a county employee, where does he go to appeal? To the Civil Service Commission?

Mr. Izumi: If he were discharged, he has recourse to appeal to the Civil Service Commission.

Mr. Yagi: In other words, the Board of Appeals will take over the functions of the Civil Service Commission?

Mr. Izumi: Not in terms of employees per se, but by the departments.

Mr. Crockett: Assuming that there is a violation of the so-called "little hatch act" by an employee of the county and that some department head decides to take disciplinary action against this particular person and this person decides to appeal, then it would go to the Civil Service Commission. Isn't it correct?

Mr. Izumi: Yes.

Mr. Crockett: Let us assume there is a violation in the hatch act and nobody takes any action--this is a normal reaction. How can a citizen taken any action under the present system? That is the reason why the Board of Appeals is established--to hear that type of complaints.

Mr. Richard Taylor: Gentlemen, we believe the best interests of the County and the public will be served by retaining the existing qualifications of the Manager and Chief Engineer of the Board of Water Supply.

It is true that a considerable amount of the work done by this man is administrative. However, a major portion of that work must be administration of Engineers and technical assistants.

To accomplish this properly, we believe the technical training required to qualify for registry as a Civil or Hydraulic Engineer is necessary. With such a background, the Manager and Chief Engineer is better prepared to meet the technical problems that regularly confront the developer.

May we suggest that engineering registration be made a requirement.

Mr. Willard M. Eller: Speaking as the Chairman of the Maui Section of the Hawaii Society of Professional Engineers, we wish to suggest that you reconsider the qualifications of the Manager of the Board of Water Supply (Section 8-7.1).

We recommend that he shall be known as the Manager and Chief Engineer and shall be a Registered Professional Engineer in the State of Hawaii.

Reasons for this are:

1. The job is that of administering a specialized Public Works Department and requires a professional engineer just as is required for the Public Works Department.
2. His Duties, Knowledge, and Ability as described by the Department of Civil Service, County of Maui (Class Specification No. 7.91) can only be completely performed by a Registered Professional Engineer.

Of the listed Duties, 64% require a professional engineer.

Of the listed Knowledge, 50% require a professional engineer.

Of the listed Abilities, 50% require a professional engineer.

3. Lacking a Registered Engineer as manager, it would be necessary to employ an engineer of these qualifications to do these jobs, thus making the manager a figurehead and an unnecessary payroll expense.
4. The accompanying letter from Mr. Edward J. Morgan, Manager and Chief Engineer of the Board of Water Supply, City and County of Honolulu to Mr. Koichi Hamada, Manager and Chief Engineer of the Maui Board of Water Supply, includes a comprehensive list of reasons for combining the job of Manager and Chief Engineer of the Board of Water Supply.

I will not comment on his letter other than to say that Mr. Morgan is a man eminent in this field and highly qualified to make recommendations on Water Supply Management.

5. The accompanying excerpt from the Revised Laws of Hawaii 1955, Chapter 166 (which is referred to in Mr. Morgan's letter) is included. Your attention is directed especially to paragraph (d), S 166-1.

We will appreciate your consideration of this recommendation and urge its acceptance.

I have attached a copy of the civil service job description.

Mr. Tester: Is this any change from the present setup?

Mr. Eller: Very little.

A short recess was called by the Chair at 9:10 P.M. The hearing was resumed at 9:15 P.M.

Mr. R. R. Lyons: With regard to the Police Commission, it is a matter of great concern to me. I have been on this island for quite some time and I know that this Police Department is probably the best in the State. I think this is important--that the Commission tell us their reasons for altering this and going to this change from what we have now. After January 1, 1965 the Commission will be appointed by the mayor and they won't hire the Chief of Police and administer the Police Department on a continuing basis. Why has the changes been made?

Mr. Balthazar: I am personally against all boards. I think there is a great danger in multiplying the boards. I feel that politicians are responsible to the people. I think these people should be directly responsible to the elected officials.

Mr. Yagi: Under the present setup the commissioners are appointed by the Governor. From 1965, by law, the commissioners will be appointed by the Chairman and confirmed by the Board of Supervisors. By the fact that three commissioners can dismiss the Chief of Police, he has no security at all. What we are proposing under the charter is to provide security to the Chief of Police for four years, appointed by the mayor. This is the security we want to give the Chief of Police.

As Stu Milligan pointed out, the responsiveness of the people makes a good administrator. With that reason we feel it is best to have four years of security for the Chief of Police, and within four years if there is any violation of law, the charges will be brought against him. Then he can be removed, but not within the four years other than by written charges.

Mr. J. Walter Cameron: Why is it so important that the Chief of Police be appointed by the mayor? The Manager of the Water Board and the Administrators of the hospitals are being appointed by the boards. You are not being consistent. I think we have one of the finest police force.

Mr. Knox: We are very much concerned with any attempt to change the basic structure of our police system which has been recognized as being nearer to perfection than most other established systems in our country.

We strongly desire that Maui County adhere to the State Law whereby the commission is appointed by the mayor and the police chief is in turn appointed by the commission with no limitation as to tenure of office.

We further strongly recommend that appeals of suspensions and removals should come under the jurisdiction of the police commission and not the Civil Service Department.

Gentlemen, when you have a function of government as good as our current police system, let's not tamper with it.

As to the appointment of the police commission by the incoming mayor, we have also recommended staggered appointments. Secondly, as to security for four years, I think this is very poor security. We want a career man to head our law enforcement agency. If we are offering only four-year terms, I doubt we can get well-qualified career men to accept such a position.

Mr. Eller: The four-year security could be written into the current law.

Mrs. Gloria W. Foster: I believe our present system should be retained because the Chief of Police under the Maui County Police Commission has given creditable services to the community. A short term of office, appointed by the mayor, poses grave problems such as "insecurity" creating lack of interest and inefficiency.

Mr. Crockett: I would like to point out that the Police Commission now appointed by the Governor, will be appointed by the mayor from 1965. In other words, the power of appointment was at the State level and now it is the County. This we cannot change.

Mr. Lyons: In answer to your comment, I cannot see how we can have a police department more responsive to the wishes of the people than to have a commission appointed by the mayor, subject to the approval of the council. There you have your check and balance which is a firestone of our Democratic form of government in this country. In order to provide continuity in the administration of our laws, the commission should appoint the Police Chief. I think the Police Chief would be very secure in his job if there isn't a provision for his removal.

Mr. Tester: When the commission was deliberating on this, we felt that four years was a lot better than having no stated time at all. I think the commissioners felt they were giving the Chief of Police a break.

Mr. Yokouchi: In answer to Mr. Cameron, the difference that we feel between the Water Department and Police Department is that the Water Department is a revenue producing body and they are able to float revenue bonds. That is why the commission to keep it as it is. Basically, it is the same; however, they can float their own bonds. As far as the Police Department, they are solely supported by the county department.

Mr. Porteus: Some of us would like to see the police department as far away from personal politics and political pressure if at all possible. The approachment on that--making it easier for a politician to put pressure on the Chief of Police for any particular reason for his own benefits--I think would be bad.

Mr. Crockett: The judges in this State are appointed by the Governor who is an elected official. If we were to carry your analogy, judges should not be appointed by the Governor.

- Mr. Porteus: I feel that the further it is away from local politicians, the appointment by the Governor will be better off than the appointment by a local person.
- Mr. Crockett: Under recent act of the Legislature, the Governor no longer can appoint. We cannot say "give it back to the State".
- Mr. Hughes: I only want to add two comments: First, I think if the police commission were assigned the managing function, rather than the Chief of Police being appointed by the mayor, that coupled with staggered terms, there is less opportunity for radical policy changes to take place in four-year intervals; and I think this is perhaps the desireability of this community. It would strike me that the real measure of effectiveness of the Police Chief is how effective he is doing a job. The true security of the Police Chief is not on the length of term, but by what one produces.
- Mr. Chur: The majority of the people expressed their opinions regarding the passing of authority of appointing the Chief of Police. The Charter Commission passed the Water Board as a separate union. As Charter Commission members I think you can do something for the people. The people have expressed their opinions. The recommendation of the people of Maui is that the Chief of Police be removed one step from politics.
- Mr. Crockett: We must work within the framework as established by the Legislature. Granted we can make a recommendation, you must appreciate the fact that this is the law and this is how we must work. These are the things that limit us.
- Mr. Knox: Doesn't this law that goes into effect in January 1965 transfer the responsibility from the Governor to the Mayor--the appointment of the commission--and doesn't it also state that the commission in turn appoints the Chief of Police, but that a county can reverse it if they so desire it? The county, by means of what it is suggesting, is that the commission appoint the Police Chief and you are in turn reversing that.
- Mr. Yokouchi: I wouldn't say reverse. I would say amend.
- Dr. Tompkins: The Board of Trustees at Kula Sanatorium is set up by law. Does this mean we must change the law?
- Mr. Higa: What this means is that the powers, duties and functions will be taken over the hospital department. There is no necessity of changing the State law.
- Dr. Tompkins: You mean this charter will not supersede the State law?
- Mr. Higa: That is right.
- Dr. Tompkins: We operate our hospital on a five-year basis. The Board of Trustees have five-year terms because we deal with the Budget Bureau and we must plan five years ahead. I don't see anything in here about the terms of the Board of Trustees. If such a Board of Trustees is created, it should be on staggered terms so that there will be continuity.

Mr. Yokouchi: Our intent is to have it as it is now.

Mr. Romson: I believe that continuity is very, very important.

Mr. Cameron: What was the object of creating one hospital Board of Trustees? Is there any point behind this? We have been functioning very well and I don't see any reason for changing it.

Mr. Yokouchi: The main idea behind this is to have one body responsible for the health of the County of Maui. We realize that basically the hospitals handle two different types of patients. However, we feel that the control should be vested with one body.

Mr. Cameron: Shouldn't the financial control be taken over by the county?

Mr. Yokouchi: In principle you are right.

Mr. Romson: Actually, as far as financial gains, it will make no difference to the county if there are one or two boards. There is one basic difference, and that is the functions. Our problems are quite different in nature.

Mr. Yagi: I would like to have both the Board of Trustees of the Maui Memorial Hospital and the Managing Committee of Kula Sanatorium come out with an answer in respect to the functions of the Puumaile and Hilo Memorial Hospitals. They have the same Managing Committee heading both hospitals.

Mr. Rikio Tanji: They are two hospitals within one roof; whereas, we are merging two separate hospitals separated by 25 miles under one board of trustees. It is an extremely complex type of relation. Hilo and Puumaile Hospitals' facilities are under one roof.

Mr. Burnett: At all of our meetings with the various county department heads there was only one person that really wanted a change--our County Treasurer. Practically everybody else wants to keep their jobs. The Commission decided that we were duly bound to come out with something for the electorate to vote on. I say "why change it". As our chairman explained, you don't have to change if you don't want to. I don't think this group represents the electorate of Maui. If you don't like it and you don't want any change, you don't have to, but by the same token, we do want to hear from you as to what you think is wrong with it. I do feel that some consideration should be given to the idea of no change because the only person who said it is all right with me was the Treasurer.

Mr. Knox: I realize that the objections you have about changing some of the offices have come from those in office. You have gone out before the people. I think generally speaking, those who are not in government and are strictly citizens, have gone along with a great many changes you have recommended here. We do feel that these changes are necessary. You have heard from those in office but not from those who are not in office.

Mr. Crockett: I would like to point out that basically we have had no change in our county government for almost 60 years. They want the county run on a more businesslike basis. In my own observation I have seen businesses eliminated, departments merging, etc. I am not saying that every proposal should be accepted. I think it is possible that we can streamline our government by a charter. If the people repudiate any changes at all, it would be a long time before we can have another chance to change the form of government.

Dr. Hanlon: In my opinion, the Board of Trustees of the Maui Community Hospitals are appointed partly by certain groups in the community. I think the administration of the hospitals is not only a business matter and I think some method of district representation might be considered.

Mr. Cameron: Some of the changes are very detrimental to the County of Maui. You are making very radical changes. I certainly think four or five points are very dangerous for the good of Maui.

Mr. Tanji: Could you tell us what motivated the Board of Appeals?

Mr. Crockett: The Board of Appeals is a means of restricting the authority of the executive branch to protect the individual citizen. For instance, a citizen wants to get a permit to build a house. An employee may deny him of this permit, which he has a perfect right to have. If the people are going to have the confidence, we must have some kind of communication between the government and the people in the government. This board is simply a means of enforcing it. At the present time you have the right, if you are denied, to go to court about it. The only problem is that most of us don't have the money to go to court. With the Board of Appeals you would have the same kind of judicial relief as if you went to court. The final action will not be taken by the Board of Appeals.

This is not an investigative body. The council can handle the investigations. The Board has to hear complaints.

Mr. Meyer Ueoka: I am wondering whether it could be just general--"The Board of Appeals may be established with such powers, duties and functions as provided by ordinance". The reason why I say this is because you have it outlined in detail and it will be very costly when you want to change it.

Mr. Chur: The Board of Appeals is a check and balance. It is a good thing to have in the charter. It seems fit that the Board of Appeals have some authority.

Mr. Knox: We further suggest that requests for courtesy resignations of the board and commission members by the incoming mayor be specifically prohibited in the interest of continuity. This should be included in the Code of Ethics. It is not right to ask for courtesy resignations.

The hearing was adjourned at 10:18 P.M.

Respectfully submitted,

Harriette E. Miyamoto

HARRIETTE E. MIYAMOTO
Secretary