

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: July 23, 1964

PLACE: Board Chambers, Wailuku, Maui, Hawaii

CALL TO ORDER: 7:45 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
Thomas Yagi
Charles C. Young, Research Assistant

MEMBER EXCUSED: Keith Tester

OTHERS PRESENT: Kase Higa, County Attorney
Soon Oak Lee, Acting Chairman and Executive Officer
Mrs. Jay Van Zwalenburg
Jack Stephens, Maui News Reporter
Robert Johnson, Advertiser Reporter

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ROLL CALL:

There were 10 members present and one excused at the regular meeting of the Maui County Charter Commission held on Thursday, July 23, 1964.

COMMUNICATION:

Copies of the alternatives proposed by the Board of Supervisors through Committee Report No. 149, together with copies of Resolution No. 75, proposing to amend Section 3-4, Vacancy in Office, were received by this office on July 21, 1964. Said copies were circulated to the members of the Charter Commission.

ALTERNATIVES PROPOSED BY THE BOARD OF SUPERVISORS:

The Chair asked Mr. Higa to explain to the members of the Charter Commission the alternate proposals which were submitted by the Board of Supervisors.

Action taken on the proposed alternatives are as follows:

1. Paragraph 2 of Section 3-4, Vacancy in Office (Council):

Mr. Yokouchi: There may be technical defects in the amendment proposed. If it can be perfected, we should accept it. The attorney should revise the draft for discussion with the Board of Supervisors.

There were no objections to this suggestion.

2. Section 3-5, Salaries of Councilmen:

Mr. Higa: Under the proposed charter the chairman of the council shall receive an additional sum of \$600.00. Some members of the Board felt that in the event the vice-chairman takes the place of the chairman, he should receive a corresponding compensation.

Mr. Yokouchi: I think this is consistent with the idea of paying the chairman an additional \$600.00. If the vice-chairman has to put in his time and possibly suffer loss of time from his own work, he should receive an additional compensation.

Mr. Balthazar: Moved to accept this amendment. Seconded by Mr. Honda and carried unanimously.

3. Paragraph 2 of Section 3-6, Procedure--Meetings:

Mr. Higa: Under the proposed charter the council shall meet regularly at least twice in every month. Some of the members thought that once a month is sufficient.

Mr. Burnett: I think they should meet twice a month.

Mr. Yokouchi: Twice a month is more consistent with the salary they receive.

Mr. Balthazar: Moved to reject this amendment. Seconded by Mr. Friel and carried unanimously.

4. Paragraph 2 of Section 3-9, Restrictions on Council and Council Members:

Mr. Higa: The Board members thought the word "willful" should be inserted before the word "violation" in the last sentence.

Mr. Burnett: Moved to accept this amendment. Seconded by Mr. Crockett and carried unanimously.

5. Last sentence of Section 5-2, County Clerk:

Mr. Higa: One of the members expressed that since the county clerk is appointed by the chairman of the council, it may be that the chairman and the council members may not agree on the person appointed to serve as county clerk and that the council may fix the salary at a lower rate than that paid to the other agency heads.

Mr. Balthazar: Moved to accept this amendment. Seconded by Mr. Yagi and carried unanimously.

6. Section 6-4, Creation of Advisory Committees:

Mr. Higa: The members of the Board felt that there are bound to be times when they would have to appoint advisory committees.

Mr. Crockett: The reason for our inserting that sentence was that under the strong mayor type of government the council will have more time to look into the matters which are handled by the advisory committees. I think from the administrative point of view it will cause a lot of confusion.

Mr. Burnett: Moved to reject the amendment. Seconded by Mr. Friel and carried unanimously.

7. Section 7-3, Compensation (Salaries not to exceed that of Mayor):

Mr. Balthazar: Moved to accept the amendment. Seconded by Mr. Yagi and carried unanimously.

8. Paragraph 2, Section 7-6, Vacancy in Office (Mayor):

Mr. Higa: The Board members felt that if the mayor has an administrative assistant, he could appoint the administrative assistant as acting mayor. Remember that this is only for short periods of time.

Mr. Yagi: Moved to accept this amendment. Seconded by Mr. Balthazar and carried unanimously.

9. Chapter 5 of Article VIII, Planning Department:

Mr. Higa: These amendments are meant to reinstate the powers, functions and duties of the Maui County Planning and Traffic Commission. The members of the Board felt that the Charter Commission gave too much powers to the Planning Director.

Action on this matter was deferred at the request of Mr. Burnett.

10. Section 8-7.4, Board of Water Supply:

Mr. Higa: The Board members felt that the district engineer and the director of public works should not be members of the Board of Water Supply.

Mr. Crockett: Moved to accept this amendment. Seconded by Mr. Balthazar.

Mr. Burnett: What is the thinking behind this? I rather have these two people in there to express their ideas.

Mr. Yagi: Suggested that these members serve as ex-officio non-voting members.

Action on this matter was deferred pending meeting with the Board.

11. Section 8-10.4, Board of Trustees:

Mr. Higa: The Board members felt that a council member should not serve on the Board of Trustees. They felt that there was a conflict of interest. Their contention is that a council member should not serve on the Board of Trustees, which asks for money from the council, and at the same time sit on the council to give the money.

Mr. Balthazar: I agree with them. There should be a dividing line between administration and legislation.

Mr. Yagi: If there is any conflict, I would agree that we should eliminate the council member.

Mr. Yagi: Moved to accept the amendment as far as eliminating the council member from the Board of Trustees. Seconded by Mr. Burnett and carried unanimously.

As to the composition of the Board of Trustees, action on that matter was deferred pending a meeting with the Board of Supervisors.

12. Paragraph 5, Section 9-6, Capital Program:

Mr. Higa: This is just to delete the words "for that year" in the first sentence of paragraph 5.

Mr. Balthazar: Moved to accept the amendment. Seconded by Mr. Friel and carried unanimously.

13. Section 9-13, Surplus and Reserves:

Mr. Higa: This amendment just pertains to the language.

Mr. Balthazar: Moved to accept the amendment. Seconded by Mr. Burnett and carried unanimously.

14. Section 12-3, Signatures (Recall):

Mr. Higa: It was suggested that many people don't have street and number in their place of residence so the wording should be changed to read "his place of residence and voting precinct". It was also suggested that some wording be inserted to the effect that the signer understood what he was signing.

Mr. Balthazar: Moved to accept this amendment. Seconded by Mr. Friel and carried unanimously.

15. Section 13-14, Impeachment of Officers:

Mr. Higa: Petitions for recall, initiative and referendum require signatures of 20% of the registered voters. The Board's proposal is to change 5% to 20% under this section.

(It was noted that 5% of the registered voters would be approximately 900 people and 20% of the registered voters would be approximately 3,600 people).

Mr. Balthazar: Moved to reject the first portion of this proposal pertaining to percentage of signatures required for the impeachment of officers.

Mr. Yagi: Moved to accept the second portion of this proposal substituting "second circuit court, State of Hawaii" for "supreme court of the State".

16. Paragraph 4 of Section 15-5, Status of Agencies and Transfer of Functions:

Mr. Higa: One of the members suggested that, since under the proposed charter there are provisions for all other civil service employees to be employed in some other department without any loss in pay, there should be a provision for the civil service employees of the Department of Parks, Playgrounds and Recreation.

Mr. Burnett: Moved to accept the amendment. Seconded by Mr. Balthazar and carried unanimously.

17. Section 15-7, Status of Present Employees:

Mr. Higa: The Board suggested that there are some employees who are not under civil service, and that this section should pertain to all employees of the county.

Mr. Burnett: Moved to accept the amendment. Seconded by Mr. Honda and carried unanimously.

18. Appointment of members to the Planning Commission, Civil Service Commission, Board of Water Supply, Police Commission and the Board of Trustees of the Maui Community Hospitals and of Kula Sanatorium and General Hospital to be confirmed by the Council:

Mr. Balthazar: Moved to reject the proposal. Seconded by Mr. Burnett and carried unanimously.

RESOLUTION NO. 75, AMENDING SECTION 3-4, VACANCY IN OFFICE:

Mr. Higa: This resolution pertaining to filling of a vacancy was adopted by the Board. According to this proposal, the person filling the vacancy shall be of the same political party as the person he succeeds.

Mr. Balthazar: Moved to accept the resolution. Seconded by Mr. Friel and carried unanimously.

MEETING WITH THE BOARD OF SUPERVISORS:

Mr. Higa suggested that the Charter Commission meet with the Board of Supervisors to see how strongly they feel about their proposals.

After discussing it with Acting Chairman and Executive Officer Soon Oak Lee, it was decided that the Charter Commission shall meet with the members of the Board of Supervisors on Thursday, July 30, 1964. The Chair will inform the members of the Charter Commission as to the exact time of the meeting as soon as he has made arrangements with the Board.

ADJOURNMENT:

The meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Harriette E. Miyamoto

HARRIETTE E. MIYAMOTO
Secretary