

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: March 24, 1966

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 7:15 p.m.

PRESIDING: Douglas Sodetani, Chairman

MEMBERS PRESENT: Douglas Sodetani, Chairman
Emil Balthazar
William F. Crockett, Vice-Chairman
Cornwell Friel
Shiro Hokama
Nadao Honda
George Kondo
Paul Pladera
Keith Tester
James Ushijima
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Harry Kobayashi

OTHERS PRESENT: Robert O. Ohata, Planning Director,
Planning and Traffic Commission
Jack Stephens, Maui News 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 on March 24, 1966.

COMMUNICATIONS:

1. Letter dated March 7, 1966, from G. N. Toshi Enomoto, County Clerk, enclosing therewith a copy of Committee Report No. 32, which was adopted by the Maui County Board of Supervisors, on March 4, 1966, and submitting the following recommendations:
 - a. Creation of a Clerk-Stenographer III, SR-11, position;
 - b. Approval of contractual appointment of a Research Assistant;

- c. Approval of use of the former HGEA office space in the Old Armory Building, Wailuku;
 - d. Authorizing of repairs, painting, and installation of fluorescent lighting in aforementioned office space; and
 - e. Appropriation of \$10,766.24 for operating expenses for four months (\$11,766.24 as per proposed budget, less \$1,000.00 previously appropriated.
2. Letter dated March 15, 1966, from Richard S. Childs, Chairman, National Municipal League, acknowledging receipt of our order for 12 copies of the MODEL COUNTY CHARTER and 12 copies of A GUIDE FOR CHARTER COMMISSIONS.

OLD BUSINESS:

The Schedule of Meetings was brought to the attention of the Commission with the following changes:

1. Meeting of April 7 was moved up to March 31.
2. Meetings with the Executive Secretary of the Liquor Commission and members of the Liquor Commission were re-scheduled to April 28 and April 29, respectively.
3. Meeting with the Administrator of Civil Defense Agency, which was not listed on our schedule of meetings, will be held on May 5, 1966.

GENERAL DISCUSSION:

Mr. Robert O. Ohata, Planning Director, of the Planning and Traffic Commission, made the following remarks:

The Planning and Traffic Commission was created under a State Enabling Act. The exact section of the statute, Section 144-95 says that the various counties may create a planning and traffic commission with the following responsibilities: To formulate zoning regulations, to formulate a master plan, to advise Board of Supervisors on traffic regulations, to recommend building zones and other duties.

In 1963, the statute was slightly changed. It said that any county with a population of less than 100,000 may create a separate traffic commission. Another State Law is Section 138-42 which says that zoning within the various counties shall be within a comprehensive plan.

Under the State Land Use Law (Chapter 98-H), the Land Use Commission, each island is divided into four districts--conservation, rural, agricultural and urban. Within the urban district, the county has full power to sub-zone into various categories.

The County Planning Commission has the power to enforce the State law. It can recommend zoning changes to the State Land Use Commission and may grant variances. These are known as special permits within the rural and agricultural districts.

The County of Maui controls zoning through County ordinances. Ordinance No. 246 created the Planning and Traffic Commission.

The County of Maui has formed a Planning and Traffic Commission with 7 members appointed by the Chairman and confirmed by the Board. The Chairman also appoints the Chairman of the Commission. In addition, four ex-officio members are listed. They are the County Engineer, State District Engineer, Manager and Chief Engineer of the Board of Water Supply and the Police Chief. These four do not have votes on the Commission.

The Commission is empowered to hire expert assistance and employees to do the work of the Planning and Traffic Commission.

The functions of the Commission are as follows:

- (1) Prepare a master plan and recommend same to the Board of Supervisors for enactment;
- (2) Recommend zoning regulations to the Board of Supervisors;
- (3) Recommend amendments to the subdivision ordinances; and
- (4) See that any subdivision or public improvements conforms with the master plan that was enacted.

In addition, the County of Maui has formed three other different committees to assist in the administration of the functions of the Planning and Traffic Commission. These are three advisory committees and one separate commission.

There are five members each on the Molokai Advisory Committee and the Lanai Advisory Committee, which was created by the County resolution, and these people on the respective islands recommend zoning problems to the Planning and Traffic Commission for final action by the commission.

Another advisory committee is the Napili Civic Improvement District.

The Maui Historical Commission is a separate commission created by the Board of Supervisors upon recommendation of the Planning and Traffic Commission. This commission acts in a peculiar way in that the Planning and Traffic Commission makes

a master plan, and recommends same to the Board of Supervisors. After creating the historical district, this area no longer falls within the jurisdiction of the Planning and Traffic Commission and is enforced by the new commission.

The following are some of the features Mr. Ohata was impressed by in the charter proposed by the former charter commission:

(1) Create a Planning Department of which the Planning Director is the head, and that the Planning Department is served with the duties of the master plan and to do zoning and prepare capital improvements;

(2) The Planning Director is appointed by the Mayor and the Mayor may appoint an advisory planning commission or such advisory planning committee as the Mayor seems fit. He may have several planning commissions appointed on a task force basis.

(3) The new feature in the charter was the placement of the Economic Development Coordinator for administrative purposes. Mr. Ohata felt that this was predicated on the basis of a strong mayor government. He also felt that the Charter Commission, in arriving in this set up, was taking in a strong mayor type of government and wanted to concentrate its responsibilities in a person who gave the Planning Director tremendous amount of power. In some ways, it could be good and in other ways it may be very detrimental.

Mr. Ohata felt that a buffer-appointed commission would be desirable.

In reference to the last charter regarding the Economic Development Coordinator, Mr. Ohata stated that you can't divorce the set up from the incumbent. If the Charter is passed, the incumbent will be there. He felt that the Economic Development Coordinator should not be under the Planning Department, because the Economic Development Coordinator should have the freedom not to tie in with the master plan and policy power. He should also have the promotional freedom that is more closely associated with the mayor's office. Administratively, he would be in a better position there rather than in the Planning Department.

Mr. Ohata offered the following suggestions for the new charter, making his recommendations based on the type of charter the commission is going to adopt, whether it is a strong mayor or weak mayor type of government.

In the weak mayor type of government, there will be a strong Board of Supervisors. Assuming the board will have administrative powers, subdivision approval should stay with the Board.

In the strong mayor type of government, there should be a commission of 5 members rather than 7. The reason Mr. Ohata stated five was because in a small county like Maui, when there are 7 men, there will be some strong and weak members. With a lesser number of people, each member's presence will have tremendous influence in the Commission.

The Commission should be able to appoint its own Chairman. It should not be appointed by the Mayor. The Mayor appoints 5 commissioners, with the approval of the Board. The term should be for four years, and it should be three for the first year and two two years thereafter.

The Commission should have the following powers:

- (1) Appoint the director and staff and contract consultants and others to assist in the planning work.
- (2) Commission should prepare master plan. Master plan should be of a period of 20 or 25 years. A development plan of 5 years should be prepared.
- (3) Prepare zoning and subdivision regulations, and there should be an appeals board to judge actions that are taken by the planning commission. Any appeal action will be referred to the Planning Commission which would sit as an appeals board.
- (4) Planning Commission should prepare policies, rules and regulations, etc. This should be done following the State procedures so that there will be no doubt.

Some of the new features that Mr. Ohata would like to have in the new charter are as follows:

(1) Specifically have a paragraph or section on the planning director, giving him specific duties and responsibilities.

(2) The planning director should not be under civil service. He should not be a civil service employee, but he should be appointed by the commission and not by the mayor and Board of Supervisors.

(3) Planning Director should head the department. All staff will be under him. He would prepare and recommend the master plan and development program to the planning commission.

Mr. Ohata stated:

(1) The future of Maui is such that planning is going to become more and more important. Planning is becoming a very important operation. To straighten planning, there is a need to create a better image to the public who must accept the planning operation of the government.

(2) Planning must become very rigid, especially the administrative portion. It is better to have one person responsible and hold him accountable for it. Give him specific duties.

During the question and answer period, Mr. Balthazar asked whether he would recommend or would he be against the board of appeals being separate from the Planning Commission.

In regards to a separate zoning board, Mr. Ohata stated that it would be a disadvantage for the Board of Appeals to handle zoning since zoning is a legal operation.

In answer to a question by Mr. Balthazar, Mr. Ohata stated that the image of planning is quite important. He felt that it is very important that the charter be more specific to preclude capricious and arbitrary actions.

When questioned by Mr. Crockett as to whom the Planning Commission is accountable to, Mr. Ohata said the public. Mr. Crockett then asked how would the public hold the Planning Director accountable.

In answer to a question by Mr. Crockett, Mr. Ohata stated that the Planning Director administers the zoning ordinance. If the person is dissatisfied with the administration, he could appeal to the Commission, and if he is still unhappy, then he could appeal to the Board.

Mr. Crockett felt that there would be some danger in having a buffer commission. Mr. Ohata stated that the only difference is you would have a planning commission who sits between the mayor and the planning director.

Questioned as to the water storage charge, Mr. Ohata stated that it is good. The Board of Water Supply operates on a revenue basis.

In answer to Mr. Friel as to how he felt about the commission acting strictly in policy making, Mr. Ohata stated that if the commission is only advisory, it would be ineffective.

Mr. Hokama asked what his opinion was on a four year term for elected officials under the present state he is now. Mr. Ohata answered that he strongly urges the four year term

for the board and mayor. In a four-year term, there is more time to act on the proposals that are pending before the board.

In answer to a question by Mr. Crockett, Mr. Ohata stated that planning is a very complex thing. There are four groups here--the public, board, planning commission and the staff. These are interrelated.

Mr. Kondo observed that the purpose of seven men on the commission is that it was easier to maneuver. Mr. Ohata stated that with seven members, there is a tendency of having some weak members. Three are strong and four are weak. With a commission of 5, there is a split. They are more responsible in a five men commission.

Mr. Sodehani asked whether as planning director appointed and removed by the mayor, he would be subjected to undue pressure. Mr. Ohata said the possibility exists. The actual danger would be in the relationship between the mayor and planning director. The difficulty would be when the mayor is defeated, then the planning director has to go.

Questioned by Mr. Ushijima as to whether the planning director should have education, Mr. Ohata stated the planning director should be a civil engineer, architect or a planner. He also added that there should be some minimum requirements in the charter.

Mr. Tester asked whether the planning director should be appointed by the commission. Mr. Ohata said he should be appointed by the commission.

As to whether the commission chairman should be paid, Mr. Ohata said that there should be uniformity among all commissions under the charter. The chairman of each commission should be paid for the reason that the time and effort he puts in is tremendous.

As to the removal of commissioners, Mr. Ohata stated that the ethics and board of appeals cover them.

Mr. Ohata suggested that a code of ethics be written into the charter.

Mr. Sodehani asked Mr. Ohata to submit in writing to the Charter Commission his view point as to some of the administrative duties and responsibilities and powers of the planning director and the qualifications of the planning director.

There being no further questions, Mr. Sodehani thanked Mr. Ohata for his informative presentation and for his honest and sincere remarks.

ADJOURNMENT:

The meeting was adjourned at 9:50 p.m.

NEXT MEETING:

March 25, 1966, at 8:30 a.m., in the Board Chambers, with members of the Planning and Traffic Commission.

Respectfully submitted,

Ayako Ishikawa

Ayako Ishikawa, Secretary