Ushijima

MINUTES OF THE

MAUI COUNTY CHARTER COMMISSION

DATE: April 28, 1966

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 7:09 P.M.

PRESIDING: Douglas Sodetani, Chairman

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

MEMBERS EXCUSED: Harry Kobayashi

OTHERS PRESENT:

Board of Water Supply

Koichi Hamada, Manager and Chief Engineer
Florence Ueoka, Secretary
Edmund Nunes, Water Service Superintendent
William C. N. Wong, Certified Public Accountant

Liquor Commission

Winston Miyahira, Administrator

Others:

Kase Higa, County Attorney
Robert Johnson, Advertiser Reporter
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 April 28, 1966.

MINUTES:

The minutes of the regular meeting held on April 14, 1966 were distributed to the members of the Charter Commission. It was moved by James Ushijima and seconded by George Kondo that the minutes of March 24, 25, and 31, 1966, be accepted as circulated. Motion was unanimously carried.

COMMUNICATIONS:

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

LITERATURE:

Information gathered by Charles C. Young, Research Assistant:

a. Reprints from the Honolulu Star-Bulletin and the Honolulu Advertiser on the activities of the Hawaii and Kauai Charter Commissions and on the Code of Ethics of the Honolulu Charter.

OLD AND NEW BUSINESS:

Instead of discussing old or new business, the Chair called on Mr. Winston Miyahira, Administrator of the Liquor Commission.

GENERAL DISCUSSION:

Liquor Commission:

Mr. Miyahira circulated copies of the System of the Liquor Control and the Suggested Changes to the members of the Charter Commission and briefly explained each of the functions and changes listed.

During the question and answer period, Mr. Kondo stated that in the operation of the Liquor Commission today, the commissioners act in a dual role. He also stated that the commissioners are the prosecutors. He asked whether he could enlighten the Charter Commission more along that line.

Mr. Crockett stated that when a person is charged by the Liquor Commission for the violation of a rule, the commissioners have already looked at the investigation report. The attorney who represents the person charged is not allowed to look at the report. Mr. Crockett stated this was not a square deal.

Mr. Miyahira stated that the Legislature in 1964 requested the Legislative Reference Bureau to study the overall liquor laws. He also stated that there is the administrative procedure act, whereby a fair hearing can be held.

Mr. Ushijima questioned the appointment and removal of the staff of the Liquor Control by the executive head. Mr. Ushijima stated that if the executive head is given the power to remove any employee, the particular party would not be able to obtain the job through the merit system.

Mr. Miyahira stated that the intent here was not intended to undermine the merit system, but to bring efficiency by having a department by itself.

Mr. Sodetani stated that the appointment still follows civil service procedures.

In answer to Mr. Ushijima as to how many applicants for liquor license have been rejected in the last five years, Mr. Miyahira stated that whenever a person applies for a liquor license, there is an application fee of $50. This fee is applied to your license if you are successful in obtaining this license. The fee is forfeited if you are not successful.

Mr. Hokama stated that he could not understand why a person obtaining a liquor license in an area where there is a competitor has a bad time. He felt that granting license should be easier.

Mr. Miyahira stated that the commission's concern is whether there is a need for such a license as applied for in that area. The commission feels that if they issue a license in an area where it is unnecessary, the community will be hurt.

Mr. Pladera asked how the staff helps the commission in hearings on liquor license applications. Mr. Miyahira answered that the staff furnishes the commission with statistical information, information on the applicant himself, and information as to the area for which the application is made. The commission members are part-time and not full-time officials. They do, however, perform administrative services.

Mr. Pladera asked what role the inspectors played in investigation and in enforcement of the Liquor Department. Mr. Miyahira stated that one of the rules of the Liquor Department prohibits the dispensing of liquor in areas that are not included in licensed premises. Cases where liquor is served on unlicensed premises are reported and inspectors

are sent out. Investigation is made as to how it happened, when it happened, and the actual proof. A report is made by these inspectors and the Liquor Department evaluates and moves into the case.

In answer to Mr. Tester as to how the executive secretary was appointed now, Mr. Miyahira said the Liquor Commission appoints the executive secretary.

Mr. Balthazar asked why couldn't the police department handle enforcement of rules and regulations of the Liquor Commission. Mr. Miyahira stated that should there be a fight, the police would be interested only in the assault and battery case. The liquor inspectors, however, are interested in how the fight got started, whether a customer was served too much liquor, and whether the licensee was at fault. There are not the same as normal police functions and it would be difficult to leave enforcement to the police.

Mr. Balthazar asked whether they worked very closely with the police department in carrying out their functions. Mr. Miyahira said yes.

Mr. Sodetani asked whether there would be any objection as far as he is concerned if the Department of Liquor was attached to the Department of Finance. Mr. Miyahira stated that the basic philosophy of the Liquor Department is not for Liquor Control to exist as a revenue making body. The Finance Department's interest is primarily in revenue. The Liquor Control's problem is more a social problem. He also stated that if the Liquor Control is placed with any department, the one closer will be with the County Attorney's office.

Mr. Sodetani questioned whether his position was civil service. To that, Mr. Miyahira said yes.

When questioned by Mr. Young as to whether they are a revenue-making agent for the County of Maui, as they were formally, or whether they had to lean on the County for support, Mr. Miyahira stated that it is true during the last two years or so, they did rely on the County for funds.

Mr. Kondo observed that in the original proposed charter the commission shall select a chairman from its membership annually. He asked how it was working out. Mr. Miyahira stated that at the first meeting they decided they would alternate the chairmanship. They all have the same pay.

Mr. Tester asked whether the chairman had more work than others. Mr. Miyahira said yes. During a week when there is no meeting, the chairman is consulted for various things.

Mr. Ushijima asked whether the commissioners should be appointed year after year. He stated that right now there is no limitation. He felt that we should spread out more in the community. Mr. Miyahira stated that there is room for consideration on that.

In answer to Mr. Pladera as to what he thought of a person serving for only one term, Mr. Miyahira stated that there should be continuity. He also stated that whenever a new commissioner comes in, he requires orientation.

There being no further questions, the Chair thanked Mr. Miyahira for his informative presentation.

The meeting was recessed for five minutes. The meeting reconvened at 8:37 P.M.

The Chair called on Mr. Koichi Hamada, Manager and Chief Engineer of the Board of Water Supply.

Board of Water Supply:

Mr. Hamada introduced members of his staff, which included Mrs. Florence Ueoka, Secretary; Mr. Edmund Nunes, Water Service Superintendent; and Mr. William C. N. Wong, Certified Public Accountant of Baker & Gillette.

Copies of his report, which was circulated to the members of the Charter Commission, was read by his secretary, Florence Ueoka.

During the question and answer period, Mr. Tester stated that in the proposed charter, the members of the Board of Water Supply are appointed by the mayor without confirmation by the council. He asked whether it should be confirmed. Mr. Hamada said he had no preference.

Mr. Tester asked whether the Manager and Chief Engineer should be appointed by the Board itself. Mr. Hamada said yes.

Mr. Crockett stated that before Mr. Hamada became the Manager and Chief Engineer of the Board of Water Supply, he was head of the Department of Public Works. The Department of Public Works had no commission, but the Board of Water Supply did. He asked Mr. Hamada if he approved of separating the Board of Water Supply.

In answer to Mr. Crockett, Mr. Hamada stated that he had made a written statement which he read to the members of the Charter Commission. (Said statement was circulated to the members of the Charter Commission).

Mr. Crockett asked whether the Board of Water Supply had the support of the Board of Supervisors since Mr. Hamada had stated that the Board of Water Supply has the support of the members of the Legislature. To that, Mr. Hamada said he doesn't know.

In answer to a question by Mr. Pladera, Mr. Wong stated that when the Board came into effect in 1961, they raised the rate. This made it self-supporting as to operations. The Board (both Boards) went along and got some bonds to get capital improvements. He stated that these two essences will cite the accomplishments of the Board of Water Supply. He also stated that this is what could happen under the Board of Water Supply.

Mr. Crockett stated that the difference between the Board of Water Supply and the Department of Public Works is that the Board of Water Supply charges service. Mr. Wong stated that the primary objective is providing public service.

In answer to a question by Mr. Ushijima, Mr. Hamada stated that most of the capital improvements come from the legislative appropriation. Mr. Wong stated that the bulk of capital improvement comes from the legislative appropriation plus bond funds.

Mr. Crockett asked what percentage go to improvements. Mr. Wong stated 15%. He stated that this wasn't a sinking fund. It is used by the Board from its own operation to maintain the system. He also stated that most of it goes to replacement.

Mr. Ushijima stated that he doesn't think the Board should be making too much profit. He felt that the rates should be kept at the minimum. Mr. Hamada stated that they adjusted the rates because it was too much.

Mr. Kondo observed that four people were sent to New York last year to float bonds. He asked whether it was justifiable. Mr. Hamada stated that those decisions are made by the Board.

In answer to Mr. Crockett, Mr. Hamada stated that their rating is A. He stated that the rating of Honolulu is AA.

When questioned by Mr. Kondo as to the results of the bond sale, Mr. Hamada stated he was very satisfied.

The subject of code of ethics was brought up by Mr. Kondo. He asked whether there was any conflict of interest as far as the code of ethics were concerned.

Mr. Hamada stated that those things should be asked of counsel. Mr. Higa stated that there was no conflict of interest there. He also stated that the code of ethics in the last charter did not cover this situation in any way.

Mr. Sodetani pointed out that in the last charter, the Manager of the Board of Water Supply did not have to be an engineer. Mr. Hamada felt that he should be a licensed engineer--otherwise, there might be some conflict. He mentioned that the State's licensing board for engineers recommends that an engineer be appointed.

In answer to a question by Mr. Tester, Mr. Hamada stated that his assistant was a licensed engineer, including himself.

Mr. Balthazar asked what relationship he maintained with the County department. Mr. Hamada stated that he is an ex-officio member.

There being no further questions, the Chair thanked Mr. Hamada and his staff for their informative presentation.

ADJOURNMENT:

The meeting was adjourned at 9:45 p.m.

NEXT MEETING:

April 29, 1966, at 9:00 a.m., in the Board Chambers, with members of the Board of Water Supply and members of the Liquor Commission.

Respectfully submitted,

Ayako Ishikawa

Ayako Ishikawa, Secretary