

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: April 29, 1966

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 9:07 A.M.

PRESIDING: Douglas Sodetani, Chairman

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

MEMBERS EXCUSED: Nadao Honda
Harry Kobayashi

OTHERS PRESENT: Board of Water Supply
Joe Y. Kawamura, Chairman
David Nobriga, Vice-Chairman
Liquor Commission
Elmer E. Davis, Chairman
Arthur B. Fernandez
Dean Shigeta
Tsugio Nouchi
Clarence Montalvo
Others:
Robert Johnson, Advertiser Reporter

---0---

ROLL CALL:

There were 9 members present and 2 excused at the regular meeting of the Maui County Charter Commission on April 29, 1966.

GENERAL DISCUSSION:

Board of Water Supply:

Mr. Kawamura read from his statement as circulated to the members of the Commission.

Tester: Why do you want to keep your two ex-officio members?

Kawamura: Good to have two ex-officio members. Lot of projects involve the County and State Highway Departments. They are two engineers--they could give us suggestions of what the County or State are doing. We have free consultation from them.

Tester: Do they have a vote?

Kawamura: They have.

Tester: Couldn't you call them in on consultant basis when their services are needed from time to time?

Kawamura: I believe we could call them from time to time, but when they are needed, they are at the meetings.

Crockett: Assuming they are going to be present at every meeting, faithfully attending your meetings, doesn't it take their time from their normal business?

Kawamura: I believe it does, but we only meet once a month for two hours a meeting.

Crockett: How do you feel about the Planning Director being an ex officio member?

Kawamura: He knows what the Planning Commission is doing and he can coordinate our work with the Water Works and Planning Commission.

Crockett: We provided in the former proposed charter that the commission members be not confirmed by council. Are you in agreement with that?

Kawamura: Yes.

Nobriga: I disagreed in having two ex-officio members serve on the Water Board. They both have been faithful in attending meetings, but I feel as it is now, how is it possible for them to do

good work when they sit in at so many meetings. I rather see these two engineers appointed like we are appointed.

Crockett: Why is it necessary to give them the right to vote?

Kawamura: Under our present law, it gives them the right to vote.

Balthazar: From your experience on the Board, should this commission have a charter, should we retain these members on the commission? Should they have the power to vote?

Kawamura: I did not give too much thought on that. We should have consultant service and have five members on the Board.

Crockett: There is a difference of opinion between the Manager and the Board with respect to the qualification of the Manager and Chief Engineer. Would you like to comment on that?

Kawamura: I feel an administrator could do just as good a job.

Balthazar: A good engineer doesn't necessarily mean a good administrator.

Nobriga: This Board should hire a man who is capable if he is a good administrator.

Balthazar: What is the consensus of your Board on this recommendation that political affiliation not be considered in appointing members of the Board?

Nobriga: We discussed the same with accepting the old charter draft. Basically, maybe the question should be asked of present board members. No member will claim he is a Republican, then it becomes a "stacked" board. I feel members should select on their qualification, rather than party affiliation. Rest of Board approved that with the exception of Hideo Hayashi.

Balthazar: Under old charter, it was our feeling to protect the public from a "stacked" board, that not more than three members on the same party be appointed.

Kawamura: Right now the present board comes from labor, business, management, farmers and Molokai. They are not appointed through party affiliation.

Sodetani: In the previous charter (1964) the members of the Board of Water Supply was appointed by the mayor without any confirmation. Do you have any feelings on that? Any opinion?

Kawamura: I feel that appointed by the mayor is good enough.

Nobriga: I feel if this charter commission saw it fit if he is to be appointed by the Board, also, I would go along.

Ushijima: How do you feel about a council member as a non-voting member?

Kawamura: I don't think a council member should be non-voting member. Politics will be involved.

Ushijima: You have a County Engineer who is a member appointed by the Chairman. You have the State Engineer partly responsible to the Board as far as party affiliation goes.

Kawamura: All right for them to come in. We can have free consultant engineer service by having the two engineers on the Board.

Sodetani: How does the members of the Board of Water Supply feel that each member serve on successive term?

Kawamura: I think members should be left to serve longer than two consecutive terms because of the long range program that we have at the Water Board.

Nobriga: I have been sitting on the Board for three years, and I am still learning new things about the Board of Water Supply--new ways, new methods, and things that could be done better than in the past. To change all the time would mean to start all over again. As long as they are capable--renominate them. There shouldn't be any change.

Crockett: When the mayor talked to us, he couldn't see why anybody wanted to serve on these commissions. Like the Water Board, what is your motivation to serve on the commission like this?

Nobriga: You know we don't get paid. I thought about it when I first got on it.

Pladera: Sometimes it does make sense--the continuity will be continued by the head. Much of his opinion will be carried on. Probably, the best reason is your devotion to it. Your contribution will be more substantial than new members.

Balthazar: The Board of Water Supply provides penalty for violation of rules. Have you had an opportunity to bring a water consumer before the board and judging by your rules, assessed penalty?

Nobriga: Not that I can recall. There was no charge against an individual. Many times we have sent our men to investigate.

Balthazar: Your CIP budget, do you send it to the Board of Supervisors?

Kawamura: We submit it to them. We have all figures on it. They decide on what to give us.

Balthazar: This \$100 storage fee--it applies to each lot that is subdivided. Does that apply throughout the County, or is it restricted to areas where water storage is involved?

Nobriga: Except for private water system, like Kaanapali. We cannot tax them. Am Fac owns that. Every other subdivision is taxed. That is the only way we can survive. Storage is a vital need.

Balthazar: How do you feel about the qualification for the Manager and Chief Engineer other than he not be an engineer. Do you feel our qualifications should be stringent and sufficient?

Nobriga: I believe it is sufficient.

Balthazar: Your deputy is now under civil service. I asked Mr. Hamada whether his deputy should be continued under civil service. He said no.

Nobriga: I feel the same. He is responsible to the Board. We can call him to the Board and fire him whenever we have to. You have the Management Chief subject to the Board not under civil service. It is almost the same capacity in civil service. It is wrong.

Pladera: I think Mr. Ohata stated that professionalism is very important for consultants on the technical scale. On this line, why is it so important that you have the right to fire your

creator of your department head. Don't you concur that all deputies should be in civil service as well as department heads? What do you think of that?

Kawamura: The Manager and Chief Engineer should be responsible to the Board. They are under civil service.

Friel: I think I agree with Mr. Nobriga that the commissioners should run it directly or indirectly. They should have final say. Board members be on non civil service basis.

Crockett: Last night Mr. Hamada stated that members of the Legislature wanted present water board maintained. I asked how the Board of Supervisors felt about it. He said he doesn't know. How do the members of the Legislature and members of the Board feel about it? Does the Board of Supervisors want this back?

Kawamura: Didn't discuss with Board, so I don't know how they feel.

Kondo: This is relating to the floating of bonds of the Water Board. You sent four people to New York. Now, was this justifiable?

Nobriga: This decision was by the Board. The chairman and vice chairman was sent to sign the bonds in behalf of the Board. The most important thing was to get the rating for the Board. The rating was a real important factor. The Manager and Chief Engineer went along for information that we might not have. The County Attorney went with us to guide us on legal matters. We appeared before 11 Investment Bankers and they have asked us questions like you have asked us. Our whole purpose was accomplished for we were accepted by the Investment Bankers. We have more bids than they ever dreamed we would have.

Kawamura: As the result of going to New York, we had eight bids, which is considered high. Compared to the Honolulu floating bonds, they got rate of 3.5 and we had 3.7.

Nobriga: Our consultation in New York felt that if we could come with 4%, we could have done well. Also, we needed credit rating we never had. In two days, it was issued. Board had an A rating.

Tester: What is the rate between the Manager and Chief Engineer and the County Engineer?

Young: Mr. Hamada receives \$17,676, or something to that effect. It is stated in the County Ordinance. Mr. Sone receives about \$16,500.

Ushijima: Do you think board members should be paid as liquor commission members did?

Nobriga: Often wondered why Liquor Commission and Civil Service Commission got paid.

Sodetani: Thank you very much Mr. Kawamura and Mr. Nobriga for appearing before us this morning.

The meeting was recessed for five minutes. The meeting reconvened at 10:38 a.m.

Mr. Elmer Davis read from his statement, which was circulated to the members of the Charter Commission.

Pladera: Were you able to see the suggestions that your department head presented last night?

Fernandez: We talked about it. We have some knowledge.

Pladera: Do you believe you should retain the duties and responsibilities of enforcement that you have set up?

Davis: I believe we should.

Fernandez: Personally, I think we should draw a line there.

Kondo: They way I looked at it as far as duties of the commissioners and their staff are concerned, there is some conflict in there. The staff or the administrators there present the case as prosecutors and they sit in as jurors or judges.

Nouchi: We are running in that category right now.

Kondo: Up to 1964 when the Liquor Commission was under the State agency, the Governor appointed the Chairman. Now under the County jurisdiction, the chairman rotates. How is it working out?

Fernandez: Very good system. We all have chance to study up little more.

Kondo: These people do lot of work. By inserting in the charter a provision where all commissioners do not receive any pay, I don't believe in that.

I think maybe they should broaden that. I know how much work is involved, and I think maybe this commission should sit in one of the meetings or one of our hearings.

Ushijima: Are the present commissioners declining to serve on the commission if they are not compensated? What is your personal feeling?

Fernandez: I think actually the Liquor Commission would survive. No question about that. There are enough people that would want to serve.

Tester: What's the history of the Liquor Commission and Civil Service Commission? Can you give me some background?

Kondo: Lot of things involved.

Balthazar: What does a license cost?

Montalvo: Special license cost \$10.00. Before a special license is issued, the person has to be investigated whether he is capable of serving liquor. Before that, the board checks and discusses about the license. We investigate the financial background. If you don't have any violation within the law, he is granted that special license.

Sodetani: This special license, is it granted to individuals or organizations?

Davis: To individuals and organizations.

Tester: How is the hiring of the personnel in the department done right now? Of course, your executive secretary is hired by the commissioners. Is that right?

Davis: We sign the payroll. He is hired by us.

Fernandez: They are hired by the commission at the present time.

Davis: We request and from the list we have the rating and from the rating, we pay.

Tester: If the Chief Inspector's job was open, would the job be filled by the commission or by the executive officer? Would he have the authority from the five men from civil service that he is going to hire so and so?

Davis: No. If there is a man from the police department to transfer to the Liquor Department, then we accept. Executive Secretary, we have no say in that.

Fernandez: Personally, I think being that the commission is working as more directly with the administrator, he should be appointed by the commission. The administrator should appoint his personnel and staff because then in the adjudication end, we won't have a "hammer" on the personnel. I think they can do their job well in the enforcement end. As far as I can see it, up to now, it is the best method.

Tester: How big a staff have you?

Davis: Six.

Balthazar: That includes your inspectors.

Hokama: I am curious on your reason for paying commissioners. Are there any reasons for compensating people?

Fernandez: I don't even know. Let's reverse the question.

Hokama: How do you go about granting license to a general retail business?

Davis: People come and apply for license, then commission study application. If everything is in order, we publish in the newspaper for two weeks. If there is no protest, a hearing is held. If there is no one objecting, the license is issued.

Hokama: A person applies for license, generally, how long does it take before the license is granted?

Fernandez: It depends on the case. Actually, the publication would be 21 days. That is by law. Two publications in the newspaper. Sometimes there are preliminary hearings or mutual agreement between applicants. It depends on the particular applicant.

Hokama: Are you talking about public hearings or hearing among yourself?

Davis: Hearing is open to public.

Fernandez: We are required to hold public hearings.

Ushijima: What do you think of commissioners serving indefinite number of terms in the commission?

Fernandez: I think there should be rotation. Personally, I am against the five year term. Three years would be enough per commissioner. Five years would be too long for any commission.

Balthazar: To all commissions or solely to the Liquor Commission?

Fernandez: To all commissions.

Balthazar: Are your rules ratified by the Board of Supervisors?

Fernandez: No.

Balthazar: What's your view point of the chairman of any commission. Should all be ratified by the council?

Fernandez: One person's view point or opinion? I think more members should come in.

Balthazar: Do you have a Code of Ethics? If you don't, are you considering putting in one?

Davis: Former Code of Ethics is good and should be strengthened.

Fernandez: We looked over the proposed Code of Ethics and it seems pretty good enough to give us a dive temporarily until we can come up with one. We have been guided by the old Code of Ethics in the old charter.

Sodetani: Are your liquor rules and regulations uniform throughout the State of Hawaii?

Davis: More or less, yes.

Fernandez: Rules and regulations are set up by each county to fit the county's particular need. There are some difference from Honolulu in some qualifications. The laws are same.

Balthazar: How far have you attempted or restrained the type of entertainment that is provided by your licensee?

Nouchi: Comparing the entertainment to that of Honolulu, conditions here are little relaxed.

Balthazar: Under the power of law, you can decide what kind of entertainment should come to Maui?

Nouchi: It is our responsibility by law.

Sodetani: Would any of the Liquor Commissioners like to make any comments?

Shigeta: The Liquor Commission meets once a month to approve budget. I served five years. Our Liquor Commission--we actually do work. We should be compensated for the amount of work we put in as a commissioner. That is my personal opinion. I think our Mayor Tam did a good cross section in appointing our little commission.

Nouchi: Alcohol is a big business in the County of Maui. As far as business is concerned right now, there is lot of growth on Maui. Lot of business to transact. There is really lot of work to be done.

Tester: The commissioners feel the chairman has more work to do then the rest of the commissioners. Your chairman should rotate each year?

Davis: Yes.

Fernandez: I think even judging from the years experience in all other work involved, there is no doubt chairman works little more. We know the work involved warrants some compensation.

Montalvo: When a person is appointed to the commission, he should take an active part. Go out once in a while with the inspectors. I have never seen the police commissioners go out one time. When you sit down as a judge, you judge a case presented to you. When you go out, you have a better picture.

Balthazar: How do you feel being confirmed or not confirmed or rather commission appointed by the mayor with confirmation of council?

Fernandez: It should be standarized in the County. My personal feeling is more people in making this choice, the better it is.

Sodetani: Thank you very much for coming before the Charter Commission this morning.

NEW BUSINESS:

It was suggested by Mr. Crockett that the secretary write to the Legislative Reference Bureau for information on their study requested by the Legislature on up-dating the entire liquor laws for the State of Hawaii.

The Chair appointed the Research Assistant to write to the Legislative Reference Bureau for said information.

The Chair stated that he has written to the Kauai and Hawaii Charter Commissions asking the Chairmen and some of the members of their Commissions to meet with our Commission, so that we may be able to ascertain whether a charter is needed or not.

The Chair stated that should the Commission decide that a charter is necessary, he would like to work on the less controversial matters first.

ADJOURNMENT:

The meeting was adjourned at 12:04 p.m.

NEXT MEETING:

May 5, 1966, at 1:30 p.m., in the Board Chambers, with the Superintendent of Parks, Playground and Recreation, Economic Development Coordinator, and the Administrator of the Civil Defense Agency.

Respectfully submitted,

Ayako Ishikawa
Ayako Ishikawa, Secretary