

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: August 1, 1966

PLACE: Iao School Cafetorium, Wailuku, Maui

CALL TO ORDER: 7:30 P.M.

PRESIDING: Douglas Sodetani, Chairman

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

MEMBERS EXCUSED: Harry Kobayashi
Keith Tester

OTHERS PRESENT: A. F. Anderson
Tai Sung Yang
Webb Beggs
Al Carvalho
Alfred Souza
Wm. McLane
Jack G. Crouse
Richard E. Mawson
Mr. and Mrs. Francis E. Pomroy
T. J. Henderson
Donald H. Tokunaga
Mildred Bowen
Roy J. Barclay
John Arisumi
A. L. Rodrigues
Elizabeth Rodrigues
June Gonzales
Joseph J. Gonzales, Sr.
Dr. James F. Fleming
Elizabeth Fleming
Mamoru Ota
Mitori T. Ota
Robert Johnson, Advertiser Reporter
Stephen Lee, Maui News Reporter

---0---

The Chair opened the hearing by introducing the Commissioners and staff of the Maui County Charter Commission to the audience. The Chair then gave a brief background of the Charter Commission. The floor was then opened for discussion.

Mr. A. F. Anderson, representative of the Maui Planters Association, read a prepared statement. (Copy of said statement attached herewith).

Mr. Sodehani: Insofar as districting is concerned, has your organization looked into what area insofar as the size of the districts and the number of registered voters?

Mr. Anderson: I think you need either 9 or 18 approximately. One of the difficulties I think is Lanai. There should be representation there, but if you get Lanai in, you'll have to drop the number of voters, you might say.

Mr. Sodehani: Well, in the November election of 1964, there were 829 registered voters in Lanai. Using that as a basis of smallest districts, I think there is a ruling insofar as the smallest and largest. There cannot be a differential of more than 15%. So, using that as a basis, the council will be composed of approximately 19.

Mr. Anderson: That may be too many. Is there any other way to bring in Lanai?

Mr. Sodehani: I don't know. This is why we are here for.

Mr. Anderson: We didn't go that far, but we knew this was going to be a problem.

Mr. Sodehani: Other areas insofar as the county clerk, county treasurer, county auditor and also county attorney, at the present time there is a criteria or specification insofar as who can run for county chairman, but there is no qualification insofar as other than being the age of 21 and as long as he can vote. The county clerk, county treasurer and county auditor has no qualifications, other than popularity or being a politician. I think you said he should be elected.

Mr. Anderson: If all these officers of the County were completely chosen by the mayor, you would be under certain amount of direct no matter how you look at it. Whereas, if they are elected officials, they have to go back to the populous to be re-elected. For instance, the auditor should not be strictly under the administration. He should be an outsider.

Mr. Sodehani: You mean a CPA firm?

Mr. Anderson: Not necessarily a CPA firm.

Mr. Sodehani: The previous charter provided for a CPA firm for auditing.

Mr. Anderson: Yes they did, but don't you think the so-called internal auditing should also be somewhat free from having his hands tied.

Mr. Crockett: I think the question was what technical requirements or qualifications are we going to set up for these elected officials who are there to perform very technical jobs if they are going to continue to be elected.

Mr. Anderson: I think you have a point there that qualifications should be written in which we did not try to do, but I think that you are right that there should be certain minimum requirements. You're saying then because it's an elective office, you cannot put these restrictions in. Is that right?

Mr. Crockett: All I'm saying is what Mr. Sodehani said that at the present time we have no qualifications and to put it in here is just trying to re-incorporate in the charter what we have at the present time. We were criticized and have been criticized because in the last charter, although there were qualifications for these various offices, some of them thought the qualifications were not stiff enough. Now, you are proposing that we maintain the status quo and not have any qualifications for these people even though they should be elected in your proposal?

Mr. Anderson: I'm not sure exactly how it would work out. It would be nice to have qualifications, but can you get them in?

Mr. Crockett: That is a problem if we continue to elect them.

Mr. Anderson: Well, as an example, we talked about hospital administrators. I think they should be qualified, for instance, with a graduate degree in hospital administration. Now, the trustees are being appointed to the hospital board, and the County Clerk, County Treasurer and County Attorney sort of don't mend themselves into that. It's separate unless it's going to be a council that appoints them.

Mr. Kondo: One of the main reasons why the original charter was defeated, in my opinion, is because of the four department heads, Treasurer, Auditor, Clerk and County Attorney. They have tremendous voting power. You may come up with the question saying that well, that's not the important thing. I'm quite sure the voters of Maui should know who the qualified members are, and I'm afraid without the support of the backers of these four department heads, well, I won't say we'll feel it again, but I would like to say that I hope we can consider that.

Mr. Balthazar: George, are we writing the charter for the people of the County of Maui, or are we writing it for people who may not be appointed and, therefore, not get back at the public office if they are not elected? You made a point that probably if these four people, County Treasurer, County Clerk, County Auditor and County Attorney, were not elected that we might be putting the charter to an unfair test at the ballot box. I disagree. I think if we keep in our mind that we are writing this charter only for the improvement of the people of the County of Maui, then we will have to make some of these difficult decisions as they affect people who are now in government. I rather not compromise so much as to come up exactly with what we have because if we do, then we are wasting our time both in the last commission and here again with our present Commission. So, diametrically, I am in contradiction to your feeling on this matter.

Mr. Sodehani: Mr. Anderson, can you elaborate further on number 8?

Mr. Anderson: Whenever big money is involved, the people should be brought in as far as possible so we know what is happening before action is taken. So they're well aware of what's happening and they know what's happening.

Mr. Sodetani: Any particular reason on number nine. The vote on the charter shall be at a General Election and not a special election.

Mr. Anderson: My understanding is that with a special election, we might have 30% of the voters and general election, 80 or 90. We think the people should participate and approve.

Mr. Sodetani: You mean by force participation?

Mr. Anderson: In the General Election, you're going to have a large participation than at a special election. This past experience shows it small.

Mr. Sodetani: Well, looking at the Legal Municipal Charter, the national average at a special election is 15%. Practically all charters that we know of have been passed on special election. The percentage of votes of the 15% of the registered voters, I think the majority is 56 or 58%. Of course, they have a very dynamic Citizens Committee headed by very influential individuals throughout the City and County of Honolulu. The registered votes cast was 74 or 76% in favor of the charter.

Mr. Anderson: What was the percentage of the last charter?

Mr. Sodetani: I'm not sure. Well, some of the comments that was received by the members here at that time was that many people didn't take time to read and discuss the charter because they were involved in the political campaign. Certainly, a document as important as this nature should be receiving the star role, rather than playing the second fiddle.

Mr. Anderson: Well, I think the fact that they have to as they go out to vote in the general election, and it's well organized, whereas, I don't think the special election for the charter could be as well organized, except in certain groups.

Mr. Crockett: Mr. Anderson, with respect to the first point you raised with the composition of the council, you are, no doubt, aware of the fact that we are obligated to abide by the apportionment decision of the Supreme Court. Therefore, the division of the county must be proportioned. Furthermore, we are not sure under the Memorandum that the County Attorney has given us that apportionment by registered voters would then necessarily be correct. Now, with that in mind, I take it from what you said and what Mr. Sodetani provided that you do not have any definite district plan to present to us at this present time?

Mr. Anderson: We are still presenting the idea.

Mr. Crockett: It's easy to talk about district representation, but it's pretty hard to sit down and chop up the County into separate districts and arrive at a

plan which is going to be accepted by a large population of the people. Can I suggest that you supplement your presentation by a concrete plan for district representation?

Mr. Anderson: We can try.

Mr. Crockett: On item 7B, subparagraph 7, you are also aware of the fact that we have received an Opinion from the Attorney General to the effect that the County is no longer responsible for the management of the hospitals in the County?

Mr. Anderson: Right. That is an opinion. Now, does that opinion necessarily hold that question? To me, the point they have seem to have meant that this is a contract between the County and State. You understand also that the State still administers the hospital.

Mr. Crockett: Well, that's a question of policy. As far as I'm concerned, we are bound by what the Attorney General said.

Mr. Anderson: The contract is still between the State and County. So, the County still--somebody has to administer these hospitals under the contract. To me, it seems that they still have to appoint their own trustees and boards.

Mr. Crockett: Well, as far as the opinion of the Attorney General is concerned, this is a matter entirely up to the State, so it's no longer the purview of the County. Since we're a County Charter Commission, it's no longer in our purview.

Mr. Crockett: Why do you want the Planning Director appointed directly by the mayor without any confirmation by the council?

Mr. Anderson: It's one of these cases where it could go either way. It's just one of those areas where he should be directly under the mayor rather than the council.

Mr. Crockett: Did you discuss the pros and cons of this?

Mr. Anderson: To some degree, but not in great detail. It's just that our feeling was the Planning Director should be more directly under the mayor than appointed by the council, but I imagine there's lots more than we do know.

Mr. Crockett: Did you have any particular number of years in the terms of office for the different commissions? I notice you have a statement here to maintain a continuity of purpose, all terms should be staggered.

Mr. Anderson: I would think somewhere in the neighborhood of four years would be a fair term.

Mr. Crockett: What do you feel about the reappointment of any of these commissions?

Mr. Anderson: I have nothing against that. In other words, a person is appointed to serve for four years and he is reappointed for another four years.

Mr. Ushijima: In your opening statement, you said there should be clean-cut separation of legislative, administrative and adjudicative functions. What do you consider for the County Treasurer, County Auditor and County Clerk? Are they not administrative functions that should be under mayor?

Mr. Anderson: They are administrative functions, but at the same time, you want to have some sort of section where the person cannot be entirely free to dominate decisions made by others. These officers, who are administrative to a point should not be placed in such a position that they are dominated by whoever the mayor is.

Mr. Balthazar: Would you agree, Mr. Anderson, that they are staff officers and not line officers as far as organization goes and that most organizations, businesses and the military, the staff officers usually come directly under the supervisor or administrator, rather than be appointed by some outside group.

Mr. Anderson: Depends on whether the council has anything to say, too. Whereas, your board of directors direct everything. Your president doesn't. He administers underneath the board of directors. You don't have that kind of deal here unless it's a strong council.

Mr. Crockett: Mr. Anderson, in regard to this point that you wanted to maintain the four elected administrative officials, the Treasurer, Auditor, Clerk and Attorney, I would like to have your comment on this excerpt from the Public Administration Service Report. First of all, I might say that they have a table here talking about the general government costs, apparently, for the outside islands and also for communities on the mainland, and they have a 1960 reference data. For Hawaii, \$13.64; Maui, \$17.68; Kauai, \$16.24; Cities 25,000 to 50,000, \$4.33; and Cities 50,000 to 100,000, \$4.60. (Mr. Crockett then read the first paragraph of the Public Administration Service Report on Page 135).

Mr. Anderson: I think it's generally true that the smaller your total number of people, the higher the cost would be.

Mr. Crockett: We're not talking about small number of people. We are talking about comparable areas--25,000 to 50,000. The gist of this is one of the reason for this high cost is the fact that you have the elected and administrative officials whom they think are required to maintain extraordinary large staffs because they have to have people around them to campaign for them every two years. Do you agree with that?

Mr. Anderson: I agree with that.

Mr. Balthazar: I noted your organization recommended two--four year terms for the mayor and yet they recommended no limited term for the commissions. I think we should be made aware of the fact that commissions in this

County do carry a great deal of administrative weight. I sometimes like to think that we suffer a bit from entrenched commissionism when you reappoint people term after term. Although they are not elected, they don't have to go out and build their political machine. You cannot underestimate the powers that they have in this County, sometimes approaching near to dictatorial powers. And yet the people cannot vote them out of office, other than indirectly to the mayor and often times the people are not aware of these powers--these extensive powers of these commissions.

I would think if we were going to consider a limited term for the mayor, we should also look very seriously to all terms for commissions, particularly those commissions that are independent in nature.

Mr. Anderson: We would have no objection.

Mr. Yang: (Mr. Tai Sung Yang, an official of the ILWU, Local 142, Maui County Division, read a prepared statement. Said statement is attached herewith).

Mr. Pladera: You are close to these "elected officials." Do they have administrative responsibilities? Have they claimed that they have this legislative responsibilities?

Mr. Yang: We are saying that they come under the administrative, so the mayor or chairman should appoint his County Clerk, County Auditor, County Treasurer and County Attorney.

Mr. Pladera: So as far as you people are concerned, they don't have any legislative responsibility whatsoever.

Mr. Yang: The legislative responsibilities should be under the Board of Supervisors or the councilmen.

Mr. Sodetani: You feel that these housekeeping functions of the County Clerk, County Auditor, and County Treasurer--the County Auditor and County Treasurer should be combined into a Department of Finance--should these officials be appointed directly, or do you feel it should be confirmed by council or Board of Supervisors, or just appointed by the mayor without confirmation?

Mr. Yang: Should be appointed by the mayor.

Mr. Sodetani: How does your organization feel about limiting the tenure of office for boards and commissions?

Mr. Yang: I think it's fine.

Mr. Young: I have here a copy of one of the proposed charters which calls for a prosecuting attorney, a public defender, and a county attorney. How does the ILWU feel on that? This happens to be the proposed charter of the County of Hawaii.

Mr. Yang: I don't know. We have not discussed that area. I know Hilo has a public defender. Probably that is good, I don't know.

Mr. Beggs: (Mr. Webb Beggs, Jr., Manager of the Maui Chamber of Commerce, read a prepared statement. Said statement is also attached herewith).

Mr. Sodehani: How does the Chamber of Commerce feel about members of the boards and commissions being paid? There are certain members of the boards and commissions being paid, namely, the Liquor Commission, which is paid \$10 per meeting up to seven meetings a month; the Civil Service Commission, \$10 per meeting up to seven meetings a month.

Mr. Beggs: I don't recall the subject of pay was ever discussed. We didn't get into that area. I might say that there were certain areas that certainly need more discussion that we were able to give here. We want the opportunity later on after you come up with something so that we would be able to go through it and discuss it. We did not discuss any pay areas as far as commissions were concerned.

Mr. Crockett: Does your membership extend to Molokai and Lanai?

Mr. Beggs: We have a unit on Lanai which comes out from the Maui Chamber of Commerce. Molokai has its own Chamber of Commerce.

Mr. Sodehani: How do you feel about your recommendation you have here by running at large?

Mr. Beggs: We haven't heard from Lanai, but we expect to, momentarily, I suppose.

Mr. Crockett: How about Molokai? Do you have any liaison from Molokai?

Mr. Beggs: We have representation from Molokai when the Hawaii State Chamber meets. They are also represented, and we do have an opportunity to exchange ideas there.

Mr. Crockett: The reason I asked was I don't know what the percentage is there, but the Chamber of Molokai feels very strongly about district representation.

Mr. Beggs: I can understand. After all, it's only logical that they are outside the major population areas with only one representation. I got a distinct feeling from hearing the discussion of our Board meetings that their feeling was that the person who is elected at large, feel they have the responsibility of all of Maui County. Consequently, they're going to think for the overall good of the County of Maui, rather than representing one particular area, be it large or small. This is the kind of feeling I got from the 14 people discussing it.

Mr. Crockett: But the so-called representatives from Molokai and Lanai are elected at large.

Mr. Beggs: Yes, but they have to be residents of both islands. We didn't specify that.

Mr. Crockett: You are specifying to do away with the present system as far as Lanai and Molokai even though they are elected at large.

Mr. Beggs: We feel that anyone elected at large still have the feeling for Lanai and Molokai as much as anyone who lives there. As I say, the overall feeling that I gather at these meetings we've had was that the person elected from the County as a whole is going to be responsible for all the County.

Mr. Kondo: On this mayor to be elected at large for a term of four years and not to exceed two consecutive terms--after one term of absence, he may again seek office. What is your opinion on that? If you weren't prepared for that, we are coming back again and I hope you would consider this.

Mr. Beggs: I don't recall we discussed the number of terms the mayor might have.

Mr. Balthazar: What was the thinking of the 14 members who discussed the charter--how would they reconcile recommending two years for the members of the council and okay four for the mayor. In my personal judgment, what the mayor does more directly affects the people than do the members of the council. How would you reconcile giving two years for the councilmen and allowing four for the mayor?

Mr. Beggs: Well, I take somewhat minor exception to what you said. The mayor is pretty much an administrator. He has to see that his administration runs properly. We felt (when I say we, I am speaking for the Board) the four year term takes a while to organize a good administration. The two year elected councilmen would be very close to the responsiveness of the people because of this two year term, but it will allow the mayor to set up an organization as I pointed out here very briefly, of course, that would be able to carry over and run with some continuity and, consequently, we felt that being the mayor and chief administrator, he should have the longer term than most persons who were changing, possibly, every two years, or at least went back to the electorates for ideas and approval or disapproval. Consequently, we thought we needed four year continuity for the mayor and a lesser term for those councilmen elected.

Mr. Pladera: Did you ever consider two year term for the mayor?

Mr. Beggs: Well, yes. I guess, conversely, for the reason I pointed out for the four year term, we felt the two year term for the mayor was not adequate enough to allow him to establish his administration to meet approval or approve himself. It was too short a term for any one coming in, say a new mayor, to establish policies, direction and long range planning that require a good administrator. You can't do it in a short period of time, especially if Maui County continues to grow.

Mr. Crockett: So far at our public hearings, nobody has mentioned initiative, referendum and recall. Nobody mentioned it after we proposed a charter the last time. Has your body considered those articles?

Mr. Beggs: Unfortunately, we didn't go into that area at all.

Mr. Crockett: I take it they don't feel that was a controversial issue.

Mr. Beggs: I guess not. They went through the whole thing and took action on areas where they had lots of comments or disagreed with.

Mr. Carvalho: I represent the membership of about 800 government employees who are situated in Maui, Molokai and Kalaupapa. Although some of our members feel that the present form of government is outmoded and antiquated, the majority of our members feel that they are satisfied with the present form of government, which has been operated since 1905. They don't feel the County of Maui is ready to function under a charter form of government. They feel by virtue of Act 97, lot of the functions were taken over by the State, which consists of schools, hospitals, traffic and district courts. What's left now is just the Parks and Public Works, Fire Department and Police Department. So, why have a charter? My organization feels they are satisfied with the present form of government. (Mr. Carvalho represented the United Public Workers).

Mr. Crockett: Now that Act 97 has been passed taking away a lot of the operating functions from the County, don't you think it's time to streamline county government?

Mr. Carvalho: You mean to say if you have a charter, you'll bring back the functions under the county?

Mr. Crockett: I'm talking about streamlining the form of government. Now that the County has relatively few operating responsibilities, isn't it time to chop down this staff overhead and streamline it?

Mr. Crockett: Is there a psychological feeling of the majority of the members? Are they afraid of the charter? Are they very concerned?

Mr. Carvalho: It's pretty hard to say. Personally, I feel the public as a whole is not aware of what the charter can do for the general public. They feel that since 1905 this government has always been operated, and they are satisfied with it. It's only the people who have probably sense enough or can think ahead with the educational background can see these things. Probably with this you can operate better and more efficiently.

Mr. Carvalho: We voted against the charter in 1964. Anything that will affect our members, naturally, we will be against it. These people are afraid to lose their jobs. Naturally, we want to protect them. It's one of those areas. Then, in the last charter you had this consolidation of Parks and Public Works. We thought it was wrong because of the internal problems it would cause as far as promotion and things like that. Those are the areas which we felt was not to our liking.

Mr. Sodemani: In other words, the effect of one individual against the majority of the group--I can't seem to follow that philosophy of the UPW. If it affects one man, then you are jeopardizing the whole membership. They vote

against it because it affects one man.

Mr. Carvalho: As I said, if you consolidate these departments, you'll have nothing but internal problems.

Mr. Sodemani: That's an interesting area there--Parks and Playground. The recommendation by the department heads of both the Parks and Playground requested that they need some consolidation insofar as the maintenance and construction. In other words, the recreational area is something out of their line. They feel it should be some separate agency. Now, you brought up some of the problems. We would like to know some of the problems, so we can determine where the problem areas are.

Mr. Carvalho: We talk about promotions. In government, seniority goes wherever he goes. He gets transferred to another department, seniority goes with him. Take, for instance, the Building Department. You got a carpenter there. You have a carpenter in the Parks Department. Supposing there was a promotion in the Building Department? One foreman retires, next man comes up and you have a chain reaction. A guy maybe with five years seniority may just come in and take over his post. Supposing you consolidate these two departments? A guy from the Parks Department has 20 years. Under this consolidation, the guy with 20 years will get the promotion. The guy with five years is out. Those are the internal problems in government that we don't want to see. Leave it as it is and be happy about it.

Mr. Balthazar: May we suggest, Al, that your membership come up with a draft, so that probably we can come up with some specific recommendation.

Mr. Carvalho: We would be happy to look it over. If you feel we can convince our membership that a charter form of government is what we need, then we will consider.

Mr. Sodemani: Looks like the Charter Commission has a big job ahead of us to educate your members.

Mr. Carvalho: We do have educational classes every month for our membership. I think sometime ago, we had two of the Commission members over. Although we didn't have too much in attendance, I think most of them in attendance were much satisfied with the explanation. In closing, I would like to say that I certainly appreciate the opportunity to come here and also for the wonderful job the Commission is doing going to different districts to explain the functions of the charter. We really appreciate that.

Mr. Souza: It seems like there is very much a suspicious feeling among the general public about the additional cost of government in the event the new charter is being adopted. Has any study being made to determine what additional cost of government will be in addition to our present form of government?

Mr. Sodemani: Actually, Al, even if there is any study being made, I personally feel the studies will be worthless, because cost of government cannot be determined. It can change from day to day. Cost of government is

ascertained by the demands of the public--more improvements, more schools, more parks and playground, more services. Naturally, the cost of government goes up. Nothing in the charter provides for the actual cost, except the compensation for the mayor and probably for the legislative body or council. We will not be able to determine the cost as far as the charter is concerned.

Mr. Souza: I think a lot of our people feel that if this charter is adopted, the cost of government will increase tremendously and unless the Charter Commission can go out and sell whether it's going to be a normal cost of government similar to what we have now, whether it is going to be increased or decreased, that will be one major factor that will come into consideration. Our people on Maui are conscious of the cost of government increasing continuously.

Mr. Crockett: I think the answer to this question is in the first place I don't think anyone on the Charter Commission wants to go out and persuade people to vote for the charter after we propose a charter on false grounds. It's impossible to say that because you enact a charter, this would necessarily mean government would cost more or cost less or cost the same thing. All we're talking about is the efficiency of government. We know government is like a machine. Now, how much energy, how much tax dollars the people, through their elected representatives, put in the machine will be depended on the people and their elected representatives. All we're trying to do is we're going to structure this machine so that the money that goes in this machine--we'll get some fair return for it.

Mr. Sodetani: Not only that, too, but we'd like to make government responsive to the people. For us to go out and make a false statement that the government will be cheaper would be difficult for us to do just for the sake of passing the charter. I realize the information you're trying to give us, and we certainly appreciate it.

Mr. Balthazar: I think Al brought up a very good point. I've heard it up country where we both come from. It's surprising how many people feel the same way. If they seriously believe that we're structuring something that will cost more than now, it's time we should weigh their suspicions and correct their misunderstanding what we're trying to do. So, I'm glad you brought that up because I heard that quite often.

Mr. McLane: Mr. Crockett, in the statement you read the cost of government in this small island is excessive and you think that it's not being remedied by the present government too much, then maybe with the charter there might be a chance to take a good look at it, and it might reduce some of this departmental charges and things like that?

Mr. Crockett: That is what the people who wrote this Public Administration Service Report believed.

Mr. Crouse: You were discussing about the number of people coming out to your meetings. Don't you think this would have some reflect if you have it at the General Election, rather than at a Special Election?

Mr. Sodetani: One of the reasons that have been brought up to us why the previous charter failed to receive passage besides what the people were opposed to is that many people did not understand the charter as a whole because of the fact that they did not have an opportunity, or they didn't find time to read and study because of the political campaign, plus the fact that the politicians had used that as a whipping post to further their political gain. This we do not want to see. We feel the charter is an important document. As I mentioned, the charter should be receiving the star role, rather than playing second field to something else.

Mr. Crockett: My point of view is if you're talking about a charter and you are trying to advance the idea of a charter, you are not necessarily saying the present form of government is no good. In order to be specific, you got to talk about specific things that are wrong with government. Now, people on Maui are of personal origin. As soon as you start talking about things wrong with government, those people who are in government take this rather personally. Politicians take it personally. It's very difficult to come out and really say what you want at the time the General Election is going on because when you make these critical statements, they think you're not talking about institutions, but you are talking about them.

I don't think there's a lot of things wrong with County government, which I have seen criticized many times. Lot of times we criticize County government, we criticize people who are occupying particular positions, we're pretty free with our criticisms, but never until the Charter Commission got started. Perhaps the people who were occupying these positions were not involved entirely at all, but it is the system that they are forced to work with. Now, we are trying to correct the system. We are not trying to get personalities involved. We are trying to stay away from that. We are talking about the general principles, but when you mix it up at General Election, personalities, people and candidates get involved, and this is no good. It certainly doesn't help to good government.

Mr. Pomroy: I understand you have a target date for submitting your completed charter.

Mr. Sodetani: Not necessarily. We just have a target date of our own.

Mr. Pomroy: You have not been on Lanai or Molokai as yet?

Mr. Sodetani: We intend to go sometime probably in September or October when the pineapple season slackens to give the people there an opportunity to come out.

Mr. Pomroy: In the statement of the Maui Planters Association under Article 9, they would like to have the charter submitted at the General Election. I don't think it would be possible in the first place to submit it at this coming election in November. I doubt it you can get it out at that time. Then that would be up in 1968 if you follow the recommendation of the Maui Planters Association.

Mr. Sodetani: Should the Commission decide to follow that recommendation, probably that would be an alternative.

Mr. McLane: What would happen if you have a special election next March? When will this be adopted and put into effect?

Mr. Sodetani: Probably, if the charter is adopted, we give them about approximately two years transitional period. By the election of 1968, this form will be going into effect. So, these people who are elected in this coming election will hold office until December 31, 1967, or January 1, 1968. Whatever the time is.

Mr. Ushijima: I'd like to ask Mr. Beggs why the Chamber recommended no urban renewal agency as provided in the Charter. As far as this State is concerned, tourism is one of the principal items that must be considered. Why should not this Urban Redevelopment and Urban Renewal Agencies be incorporated in this charter?

Mr. Beggs: Again I am speaking from what I heard in the sessions of our committees. Some of the feelings of the members was urban renewal had some rather disappointing effects in other areas of the country whereby a community had applied for Federal urban renewal aid and through certain Federal standards and through the money that's been advanced, they found and ended up in certain cases where they spent more money using Federal aid than they would if they had done on their own. Rather than encourage Federal subsidy in this area, rather than doing it with their own powers and their own money locally, to encourage the inclusion of something like this in the charter would more or less increase the doles that we would encourage Federal aid in our improvements here. We didn't feel we wanted the County of Maui to lean on Federal aid to that extent, especially since we have seen it being ineffective and more costly in other States.

There being no further questions from the audience, the Chair thanked the audience and adjourned the hearing at 9:35 P.M.

Respectfully submitted,

Ayako Ishikawa

Ayako Ishikawa, Secretary

July 28, 1966

TO: Mr. Douglas Sodehani, Chairman, and Members of The
Maui County Charter Commission

FROM: MAUI PLANTERS ASSOCIATION:
Hawaiian Commercial & Sugar Company
Wailuku Sugar Company
Pioneer Mill Company
Maui Pineapple Company
Haserot
Kahului Railroad Company

Inasmuch as all levels of our Federal and State government revolve around checks and balances and participation by the people through their representatives, we believe similar checks and balances should be incorporated into our County Government. This means there should be a clean-cut separation of legislative, administrative and adjudicative functions. The 1964 Charter proposal is weak in this area of checks and balances. Accordingly, we submit the following for consideration:

1. Council

The County shall be districted by registered voters. Candidates for the Council run from their own districts for a two-year term. The Council should have exclusive responsibility for legislative functions.

2. Mayor

To be elected at large for a term of four years and not to exceed two consecutive terms. After one term of absence he may again seek office.

The following departments to be retained as is:

3. County Clerk

Elected at large for a two year term.

4. County Attorney

Elected at large for a two year term.

5. County Treasurer

Elected at large for a two year term.

6. County Auditor

Elected at large for a two year term.

7A. Mayor to appoint administrative assistants as follows without confirmation by the Council:

1. Director of Public Works
2. Fire Chief
3. Planning Director
4. Economic Development Coordinator
5. Personnel Director
6. Any other administrative assistant serving the Mayor directly.

7B. Mayor to appoint the following with confirmation by the Council:

1. Advisory Planning Commission
2. Civil Service Commission
3. Board of Water Supply
4. Police Commission
5. Liquor Commission
6. Board of Trustees CMMH
7. Managing Committee of Kula Sanatorium & General Hospital
8. Board of Appeals

To maintain a continuity of purpose, all terms should be staggered.

7C. The following Agency Heads, or Managers, are to be appointed by the appropriate commission or Board:

1. Manager of the Board of Water Supply - appointed by the Board of Water Supply.
2. Chief of Police - appointed by the Police Commission.
3. Hospital Administrators - appointed by the Board of Trustees or the Managing Committee.

8. Public hearing shall be held before passage of any and all bills embracing the fixing of special assessments for costs of improvements, the appropriation of public funds, or the authorization of the issuance of general obligation bonds.

9. Vote on the Charter shall be at a General Election and not a special election.

MAUI COUNTY CHARTER COMMISSION
PUBLIC HEARING HELD AT IAO SCHOOL
WAILUKU, MAUI, HAWAII
August 1, 1966

STATEMENT ON MAUI COUNTY CHARTER BY TAI SUNG YANG

I make this statement as an official of the ILWU, Local 142, Maui County Division.

The ILWU has always taken an interest in governmental affairs on the national, state and county levels. We feel that whatever action the government takes and whatever legislation is passed on the national, state and county levels affects the members of the ILWU either directly or indirectly.

It has also been the policy of the ILWU to encourage its members to take an active part in government. Naturally, we have Political Action Committees set up in all our units and we do urge the members of the ILWU to exercise their right to vote.

In 1964, when the Maui County Charter Commission proposed a charter for the County of Maui, the ILWU endorsed the proposed charter and encouraged its members to vote for the charter. Unfortunately, either because the people were not ready for it or because of vigorous opposition from certain sources, the charter proposed in 1964 was defeated.

A few months ago, a new charter commission was formed. The commission is presently holding public hearings to determine what type of charter might be acceptable to the people of the County of Maui.

It is the position of the ILWU that the present form of county government is antiquated and outmoded. We do not feel that such administrative officers as the County Clerk, County Auditor, County Treasurer, and County Attorney should be elected. We also feel that there should be a clear definition between the powers of the Board of Supervisors (or Council) and the powers of the Chairman

(or Mayor). There should be a clearer definition as to who has legislative powers and who has administrative powers. We also feel that the Chairman (or Mayor) should be given full responsibility for administering the affairs of the county. In other words, responsibility will be fixed with the Chairman (or Mayor).

For these reasons, we urge that the Maui County Charter Commission seriously consider a charter based on the Mayor-Council system. We are aware that there are other forms of county government, such as County-Manager type. We feel, however, that the chief administrator of the county should be an elected official. An elected official will be much more responsive to the needs of the people.

We also urge the Charter Commission to seriously consider proposing:

1. Term of Office: Setting the terms of office of both the Council and the Mayor at two years. We feel that one of the reasons for opposition to the proposed charter in 1964 was the four-year term established by that charter. Evidently, the people of the County of Maui are not ready to accept or is not in favor of four-year terms for elected officials.

We are aware of the arguments for a four-year term. The four-year term will give elected officials time to establish a program. We also sympathize with elected officials who have to spend a considerable amount of money in seeking election.

2. Council Confirmation of Members of Boards and Commissions: That the members of such important boards and commissions, such as the Police Commission, Civil Service Commission, Board of Water Supply, Liquor Commission, Planning Commission, etc., be appointed by the Mayor and confirmed by the Council.

In the last proposed charter, members of the Police Commission were to be appointed by the Mayor without the necessity of confirmation by the Council. This led to opposition to the charter on the ground that the Mayor would be too powerful.

We further recommend that the various boards and commissions that have been appointing the administrative heads of the departments continue to have this power; in other words, the Police Chief should be appointed by the Police Commission, the Personnel Director should be appointed by the Civil Service Commission, the Manager and Chief of the Board of Water Supply by the Board of Water Supply, etc.

3. Administrative Officers or Cabinet Officers: That the Administrative officers often called cabinet officers, who are directly responsible to the Mayor -- these should be appointed by the Mayor without the necessity of confirmation by the Council. In this way, responsibility can be fixed directly on the Mayor.
4. Composition of Council: The last proposed charter maintained the present representation of nine (9) Council members, with one each from Molokai and Lanai, all elected at large. We are aware of the questions that have been raised because of the reapportionment cases. We feel however, that the present system has operated to the benefit of all the people in the County of Maui. The separation of Lanai and Molokai from the island of Maui made it necessary that the present apportionment be devised. We feel that the people of the County of Maui will accept the apportionment proposed in the last charter.
5. Code of Ethics: To include in the charter a simple but meaningful and strong code of ethics which would be applicable to both elected officials and to all county employees. Any code of ethics which is not applicable to elected officials will be deficient in nature.

Whatever the final decision of the Charter Commission on the above points raised for serious consideration, please be assured that the ILWU, Maui County Division, will look at the final draft of the charter in a favorable light as possible.

Again, we reiterate that the present form of county government is antiquated and no longer fills the needs of the people. We definitely do need a new form of government.

MAUI CHAMBER OF COMMERCE

ISLANDS OF LANAI AND MAUI

WAILUKU, MAUI, HAWAII

August 1, 1966

Recommendations to the Maui County Charter Commission by the Board of Directors

I

The Board agrees that there should be rigorous separation of administrative, legislative and adjudicative functions. No commissioner or officer should both establish policy and sit in judgment. The county council should have exclusive responsibility for legislative functions. Commissions that are responsible for hearing cases under county regulations and ordinances should not be involved as administrators.

Examples: (1) Liquor Commission should be responsible only for licensing and hearing complaints. Regulations should be enacted by ordinance.

(2) Planning & Traffic Commission should hear appeals under the zoning and subdivision ordinances and applications for variances. Zoning and subdivision ordinances should be administered by the head of the planning department. Subdivision approvals are strictly an administrative matter of applying the ordinance to the case.

(3) Water Department is a business organization rather than a governmental service and therefore should be organized as a business. It should not exercise regulatory functions. Regulations should be by ordinance and there should be provision for administrative appeal corresponding to the PUC with regard to other public utilities.

II

As a general principle, county officers who exercise administrative functions should be appointed by the mayor without confirmation.

On the other hand, those who exercise quasi-judicial and quasi-legislative functions should be confirmed by the council.

We would apply these principles as follows:

- (1) Planning and Traffic Department - Commission should be appointed with confirmation as they will be

performing quasi-judicial functions. The Director should be appointed by the Mayor without confirmation.

(2) Same procedure for the Civil Service Department.

(3) Police Department - This is a sensitive subject. Present arrangement seems to be working well and we believe it may be dangerous to tinker with it.

(4) Liquor Commission - Commissioners should be appointed with confirmation. Department head should be appointed by mayor without confirmation.

III

Urban renewal has caused so much trouble in other cities that we think the charter should not encourage the formation of a department for that purpose.

The concept of a Board of Appeals is a good one. We believe that by now the Charter Commissioners are better qualified than anyone else in the county to determine the proper form and powers of such a body.

IV

The Board was unable to reach a unanimity on the manner in which to elect the council. Board members voted 14 in favor of "at large" representation and 8 for "single member" districts. Three members did not vote. Almost all of the Board members did agree that the election system should be one way or the other. The present compromise systems in Maui County and Honolulu are illogical and undesirable.

The Board further recommends that councilmen serve 2-year terms in order to make them more responsive to the people. As for the mayor, there was no objection to a 4-year term in order that he might have sufficient time to fulfill his job as chief executive officer in establishing an efficient organization.

Respectfully submitted for the Board of Directors by,



Webb Beggs, Jr.
Manager