

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: August 2, 1966

PLACE: Kamehameha III School Cafetorium
Lahaina, Maui

CALLED TO ORDER: 7:40 P. M.

PRESIDING: Douglas Sodetani, Chairman

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

MEMBERS EXCUSED: Keith Tester

OTHERS PRESENT: George Apo
Melvyn S. Masuda
Teruo Mukaisu
Jayne Fellows
Kameo Ichimura
T. Kawamoto
Richard Nagamine
James G. Anderson
Ronald Fellows, Maui News Reporter
Robert Johnson, Advertiser Reporter

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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. Apo: As you well know, with the United States Government, we are based on the Constitution and By-Laws also, and it also says that each state shall be represented by two senators and that each representative would depend on the population of the state.

I feel that the County of Maui in your charter, it should be stated effectively that there should be a representation from the districts. I believe it's a matter for you to decide whether districts will be divided, and I feel there should be representatives from each district instead of the Island of Molokai where they are elected at large. We don't

have the true representation of that district. Same with the Island of Lanai. I feel true representation is people serving their districts. I feel with Honolulu the Legislature set aside districts and Maui have lost representation because of population. So I feel with Lahaina building up and the population increasing that there should be some sort of representation from the district of Lahaina. I know enough about the district of Lahaina that I feel a representative from this district should be a member on the Board of Supervisors or council, or whatever you call it.

Mr. Sodetani: You brought up a very interesting point insofar as district representation. However, I don't know if you are aware of the recent Supreme Court ruling insofar as reapportionment of various states. This Supreme Court ruling makes certain district representation malapportioned. In other words, because of population, certain districts must reapportion themselves. Many of the State Supreme courts have also mentioned that it applies to the various municipalities, which are the counties and cities. Next is the political subdivision next to the State. As a result of that, we have asked an opinion from our County Attorney regarding district representation.

Now, district representation, whether by registered voters or by population, makes this a criteria from the smallest district to the largest district. The difference can be not more than 15%. The example is this. If you have a small district with 1,000 registered voters, 15% of that is 150. The difference cannot be more than 1150 registered voters--the largest district against the smallest district. Therefore, Lanai, which has registered voters of 829 since the last general election, and Molokai, which has approximately 1500 registered voters since 1964, I don't know how you're going to divide this. Do you want to use Lanai as part of the district, too, and give them representation?

Mr. Apo: This is my opinion. Now, you take in the district of Lahaina. I'm pretty sure there are more registered voters here than the Island of Molokai. Yet, we don't have representation.

Mr. Sodetani: Let's assuming we use Lanai with the registered voters, that will give them one representation, then that will make the council approximately 19 members.

Mr. Apo: I don't think that will be necessary. For instance, you were talking about Lanai. You said the registered voters there is about 800 and Molokai was about 1500, so the two districts would be combined into one district and be represented on the council. Here in Lahaina, I presume you must have about 2,000 registered voters. More? More than that so then you make Lahaina one district. I don't know how you're going to work it, but I'm pretty sure there must be some way of doing it, because if I can get the necessary information to do it, I can do it in an hour's time to break it up into districts. It depends on what you're going by. If you're going by population, that is a different story. If you are going by registered voters, that is a different story. Maybe if we go by registered voters, we would have more voters coming out to see whatever their districts need.

I know from fact that if I am running from Lahaina, I'm suppose to represent all of Maui. Certainly, I represent all of Maui. My constituents would be in this district, and they would be hopping me for things in Lahaina. Whereas, Lanai and Molokai and Hana is so far away that they would not get a chance to come up and say what their needs are, but if you have representation from different districts, I think we'll have better voters at the ballot. Not only that, you'll have a more efficient government.

You take Paia and Makawao--although we look at it as small districts right now, someday that area will be full of people that they'll be one of the big districts. Who knows? Right now Kahului is a big district. Maybe someday Lahaina may be a big district if you have representation from districts. I feel that you'll have more efficient government and better representation of the people.

Mr. Sodetani: Right now, how many representatives do you have from Lahaina to the Board of Supervisors?

Mr. Apo: None.

Mr. Sodetani: I thought you had eight.

Mr. Apo: From Lahaina?

Mr. Sodetani: Didn't you vote for eight of them?

Mr. Apo: That's eight members of the Board of Supervisors. Sure, you vote for them. Since you brought up that question--we take the district of Lanai and Molokai. Are they the true representatives from that district?

Mr. Sodetani: They are not.

Mr. Apo: They run at large, so they are not true representatives of that district. I'm talking about district representation. I'm not talking about the eight members or 15 members you have on the Board of Supervisors. You take Lanai and Molokai--they don't have the true representation from their districts.

Mr. Crockett: When was the last time Lahaina had a representation?

Mr. Apo: I think Alan Freeland was our last member to the Board. I think that was in the '50s.

Mr. Crockett: Why is it Lahaina can't get a man on the Board?

Mr. Apo: I don't think it's the idea Lahaina cannot get a man on the Board. I'm pretty sure if the right person ran, I think Lahaina could get a man on the Board. The point I'm driving at is Lanai has a smaller population than we have. Even though they're elected at large and they are not the true representation of the people, they still have a voice in the Board, where we, as a growing community, don't have a representative on that Board. I'm sure if a couple of good men ran from this district, I think there is a chance he may be elected.

Mr. Crockett: If Lahaina grows, do you think there is a chance of somebody being elected from this district if the proper man came along?

Mr. Apo: I don't believe in controlling votes. What I believe in as you stated as population grows, it doesn't have to grow any more. Right now, I'm pretty sure that we have a man that is well known in the County of Maui, but as you well know in politics, there are few outstanding citizens who would like to run for office unless they see a real need for it. I've seen a lot of clean politics, and I've seen a lot of dirty politics. Politics is something we have to live with in our government, whether it's the United States government, the State of Hawaii, or the County of Maui.

Mr. Sodemani: Right now, if you have any problems with the Board of Supervisors, do you see any of the members of the Board of Supervisors?

Mr. Apo: As far as problems, it's not the idea of problems. It's not the idea that we're not getting what we're supposed to get. The point that I'm getting at is not with the members of the Board, because I think they're doing the best they can with the money they have. The only thing I'm trying to stress here is that a true representative of each district serving on the Board. It's just like a community organization. You pick men from different groups to have true representation in the organizations so that you have all the pro and cons coming in. I think a government should be where you come out and voice your opinion and fight for the best government you think your children or friends or the people of Maui should have.

Mr. Kobayashi: About how large do you think would be a workable board?

Mr. Apo: I think the same amount as we have now--nine. This is roughly how I'll take it. You take two from Kahului, two from Wailuku, one from Hana, Paia, maybe Kuiaha. I don't know how you'll break that up, but you have four already. Then one from each island--anyway you'll get nine. You take two from Wailuku and two from Kahului because they have the biggest population.

Mr. Kobayashi: What about the chairman?

Mr. Apo: Out of the nine, you pick a chairman and the mayor is outside of the council. He is the administrator.

Mr. Sodemani: The City and County Attorney of Honolulu has ruled that the type of council composition is mal apportioned.

Mr. Apo: I'd like to apologize for the people of Lahaina for not being here, because if this goes through, the people cannot say anything more because it's already set up. I have been to a lot of public hearings, and I voiced my opinion. My opinions were always what I think is right, but that doesn't mean I'm always right, but I think the people of Lahaina should have showed up, whether it's pro or con. It makes a good government if people have more interest. I don't see why this younger generation don't come out and try to get a better government for themselves.

Mr. Ushijima: You said Lanai and Molokai should be included in one district. In the General Election of 1964, Lanai had registered voters of 829 and Molokai had 1848. If election goes on, Molokai will always get representation on the Board, but not Lanai. How would you reconcile that?

Mr. Apo: How do you account for representatives running from each district which has more population than a lot of other places on Maui from being elected? Even if you have Kahului in, you are going to have three representatives from the district of Kahului. Not everybody is going to be elected.

Mr. Kobayashi: Since Molokai has greater number of voters than Lanai does, it would be quite factual to have a Molokai member on the Board. But then let's take a look at the experience we've had at the House of Representatives. Lanai and Molokai elect one member to the House of Representatives. It has always been from Lanai.

Mr. Masuda: Can you really say, too, that the people from Molokai are being represented on the present Board? Using the same argument about population, Molokai voters voted a certain way, but the representative from Molokai was elected at large. I don't think he was elected by the majority people of Molokai. So, you can't say he is a representative of Molokai.

Mr. Sodehani: Well, we don't have district representation to say, but all of the elected officials insofar as the Board members are concerned are elected at large. So, by and large, you and I, the people in Molokai and Lanai have the same amount of votes and the same amount of representatives.

Mr. Masuda: Then what is the argument for assuring Lanai and Molokai one seat?

Mr. Sodehani: The argument for assuring Lanai and Molokai one seat is something that has been going on.

Mr. Masuda: Because you might face a situation election after election where the candidate from Maui will come in eighth and the representatives from Lanai and Molokai will come in later, and they'll always come in the Board.

Mr. Crockett: The argument as I understand it for that particular system is that the people on Molokai and Lanai are separated from water. It's relatively difficult to go back and forth. Even if communications were set up, it would still be relatively difficult. They wanted to be sure they had somebody who lived on that island whom they could talk to.

Mr. Apo: Speaking about that, that is how the State of Hawaii was not admitted into the Union because they felt there was a vast ocean between Hawaii and the States. When Hawaii became a State, I don't see any problems between Lanai and Molokai, because Hawaii is so far away from Washington.

Mr. Crockett: I think this is a reason because it is a non-contiguous area over there. People are relatively isolated so they had to have somebody living there who would be their representative.

Mr. Apo: I think members of this Charter Commission should take into consideration the Statehood of Hawaii at the beginning and that one of the biggest fall back was because we were not part of the mainland United States. We were so far away. If you're thinking of having representation for these districts, I think you have better government.

Mr. Kobayashi: That's one of the main points of this charter--how we're going to elect our council members. We should give a lot of thought on district representation. Leave it as it is or all at large. Practically every hearing we have, there are arguments for district representation.

Mr. Apo: I think I read in the papers where you have the term of the mayor or chairman or whatever you're going to call him--for four years and he appoints his department heads. I think that is a proper procedure that the chairman be allowed to appoint his department heads without confirmation of the council or members of the Board of Supervisors. I feel if anything goes wrong with the departments, or running of the government, he is solely responsible. That's my opinion.

Mr. Balthazar: Does anyone have any idea of the two year term verses the four year term for the members of the Board and the Chairman?

Mr. Apo: I feel four years for the mayor and two years for the council.

Mr. Balthazar: Do you think we should restrict the terms for the mayor, giving him only two terms?

Mr. Apo: To me, when you have powers on the council and you are in there too long, there will be lot of things that are not right for government.

Mr. Masuda: Personally, I would go along with the proposed '64 Charter--four year term for both the mayor and council, but I'd like to see the election of the council members staggered for the two year periods. As far as cutting it down to two year terms, I don't quite agree with that. The way I look at it--the four year term--it forces the people to take a more active interest in their government. In other words, to study the candidates more closely because they're going to be putting them in for four years. I think this way you would place the responsibility where it belongs.

Rev. Anderson: In terms of the election of the members of the Board of Supervisors, my personal feeling is that a two year term would make the Board more responsive to the public. I think one argument for this from this side of the island is because this is a growing community. Newcomers like myself who come here then have the opportunity to more quickly assume a voting voice in the community. If the terms is four years, I may have to wait for four years after I get here before I can really have a vote as far as the Board is concerned. Personally, I feel the two year term would make the Board more responsive. I'm sure there are other arguments, but when you come to terms, this would be one of them.

This is an argument that wouldn't apply throughout the county.

Mr. Masuda: That is a very good point, but I questioned this argument insofar as a newcomer is concerned. Say, a guy coming from the mainland, or outside of the State of Hawaii, and he comes to reside in Lahaina--how much can he really learn? He has to be interested, of course. He must be really interested to learn that much in two years to be able to vote wisely, because can he in that time, speaking of an average person, be able to get to know the candidates that well and get to know the situation and history of the town and vote wisely. This is the point I raise as far as the two years is concerned.

Mr. Balthazar: Would you not agree, Mel, that any member running for two years will be twice as responsive as a member on the four year term?

Mr. Masuda: Here again, it ties in with the other argument whether the council members will be elected at large or by districts. If they are going to be elected at large for four year terms with staggered terms, I think it's going to be very interesting because the votes come from County wide and not districts. So, the guy has to be responsive whether he's in for two or four years.

Mr. Fellows: It seems to me the two year term--you no sooner get through with one election, it's time to start campaigning again. It seems the people who are holding the reins there are too busy campaigning and trying to get re-elected immediately to really settle down and do some work. I think it leaves them open to do more things for political expediency than to be thinking seriously what needs to be done.

Mrs. Fellows: I am opposed to the two year term. Too often a program doesn't get off the ground for a good year and half, or two years. You just get started and it's time for election, and I feel that our representatives are more inefficient.

Mr. Balthazar: Should we pay all those who sit on commissions? We were discussing this the other night, and we were not surprised, but we begin to realize how much work these commissions do. Yet, the last Charter Commission voted that none be paid. We couldn't decide who should be paid and who should not be paid. The question comes now, should we pay them? If so, how much?

Mr. Apo: I served on one commission that meets once or twice a year. There are some commissions that meets every week, and there are some commissions that meet every two weeks. For instance, Liquor Commission, Civil Service Commission and Planning Commission, I'm pretty sure they meet quite often, and it takes a lot of their time. For \$10, you are only taking care of his expenses.

Mr. Balthazar: How do you feel about not electing the Auditor, Treasurer, Clerk and Attorney?

Mr. Apo: I feel they should be appointed by the mayor.

Mr. Balthazar: Do you think the boards and commissions should be confirmed, like the Liquor Commission and Planning Commission? Should they be confirmed by the Board of Supervisors?

Mr. Apo: To me, I feel they shouldn't be confirmed. My reason is that when you have confirmation by the members of the Board, which applies today, you're going to have a lot of politics. For instance, you take the Liquor Commission when it was under the State, you don't have too much politics, but when you have it under the County, you have more politics involved.

Mr. Kobayashi: The problem is this. You have a chairman who doesn't need confirmation to appoint people. You know darn well when you come down to practical politics, the members of the Board are going to put names in there. They are going to put pressure, so the Chairman is stuck. He doesn't know what to do, but then if you have these committees confirmed by the Board, you put the Board members in the open. You see whether they are in favor for a certain guy or not. You will still have this give and take in the background.

Mr. Sodehani: George, you mentioned you wanted to "divorce" certain articles from politics. You know, politics is something you can't get away from.

Mr. Apo: No matter who appoints them, even the mayor, there's some politics involved. If I'm a precinct chairman from Lahaina and I help elect the mayor, I would give him my piece of advice, too, that I think this man from Lahaina should be on that board. You can't run away from politics. The only trouble is you're cutting down more people getting into the act.

Mr. Balthazar: Would you agree with those who claimed that the reason for the defeat of the last Charter was primarily the four year term and too much power given to the mayor because these commissions need not be confirmed?

Mr. Apo: I don't know too much about the people who were working against it, but I don't think that was an issue as far as I'm concerned.

Mr. Masuda: As far as the '64 Charter was concerned, I may be wrong in what I'm about to say, but this is the impression I got after talking to several people, not only here, but a few on the other side, too. The Charter was defeated not so much because of what people referred to as strong mayor government, but because the majority of the people didn't know enough about the proposed Charter to be able to vote intelligently. So, rather than vote on something they didn't know anything about, they voted against it because they felt there was always a second chance for this to come up again and to be aired a little bit more. I think this is why it was defeated.

Mr. Crockett: Do you think there should be a third time around?

Mr. Masuda: Well, I'm not saying that there is going to be a third chance, but I think it's a matter of public education and public interest on this charter.

Mr. Crockett: Do you think we are doing a better job this time in educating the public?

Mr. Masuda: I think the First Commission did a pretty commendable job, too.

Mr. Crockett: I don't mean drafting the charter. Do you think people are more aware of the charter?

Mr. Masuda: I think part of this depends on how well you get press coverage, too.

Mr. Crockett: How are we doing?

Mr. Masuda: I think it's all right. It's just that I'm concerned about public interest.

Mr. Apo: As far as I'm concerned, I don't think you're doing too good a job. The reason why is only what I read in the papers and the different meetings I went to that I know the different subjects. It's fortunate I know about government and politics because of my experience. I think you are missing out on the educational program on television to educate the people on what the charter actually is. When it comes to election, I think 75% of the people will not know anything about this charter. Look at how many attended the meeting tonight.

Mr. Balthazar: We're heading for a special election something next year. There was some voicing of opinion in Wailuku last night. They felt that there would be better participation from the County if the charter were put before the voters at the General Election, rather than at a special election. Their argument was at a special election only a small percentage of the voters would come out and vote for the charter. Does any member here have an opinion on that?

Mr. Apo: If you put the charter at the special election next year after the General Election, I'm pretty sure there will be a small turn out on voters. I'm pretty sure the cost of putting on an election at a different time from the General Election will be the same.

Mr. Balthazar: Would you agree that those who come out would be those who are really interested, or those coming out for or against?

Mr. Apo: That definitely doesn't mean they know about it, but they most likely would like to see some kind of charter.

Mr. Balthazar: Would you agree, also, that if the charter came up before the General Election the last time, they probably would agree that there would be too much personality, arguments, rather than on the merits of the charter itself?

Mr. Apo: As I said, I didn't know anything about the charter the last time. I think most of the people didn't know about the charter.

Mr. Masuda: I think maybe we better look at this charter from this standpoint. Whatever the commission is going to put together as a proposal to place before the voters, whatever you finally draw up, could we consider these proposals sort of like a political candidate running for office trying to get elected and actively campaign and push for that? In other words, enlist the aid of the news media, community organizations. The thing is this. If they are for the charter, if they want to see it past and accepted by the voters, they'll go out and actively campaign for it. In other words, what I'm trying to say is look at the charter as sort of a political candidate seeking office.

Mr. Crockett: There is a substantial debt because the news media on this island the last time were against it. As I say, it's not that simple.

Mr. Masuda: Well, I don't know if they are for or against, but I know they are carrying a lot of editorial on the charter. They are trying to educate the public.

Mr. Balthazar: Would it be right for the Charter Commission to expend public funds to actively sell the charter? Such media as advertising, television, etc.?

Mr. Apo: I believe that money should be expended to educate the people. The type of government we're going to have or we're not going to have is very important. What you are drafting out is how government should be operated. People should be informed. We should educate the people. Are the people satisfied with the present form of government? If they are, we leave it as it is.

Mr. Mukaisu: My personal opinion as far as the charter is concerned is that it is not presented to the individual properly. When it comes to public meetings, people are afraid to come out and to speak up. The proper thing is to take it up with big organization. If that can be arranged, you might have better opinion from the community people.

Mr. Masuda: I think he brought up a very good point as far as this is concerned. You could operate sort of as a speakers bureau--not have the entire Charter Commission where you would at a public hearing and schedule these different organizations and have one of the Commissioners of the Commission, maybe two, present at one of their meetings to explain the charter to them, have informal discussions on the charter. I think you will succeed a lot better by doing it that way. You'd probably get a bigger audience and a responsive audience than you would at a public hearing. I think the newspapers should plug this point, too. Have these organizations get in touch with the Commission and arrange for a date.

Mr. Apo: When you make the final draft, I would suggest that instead you put the whole draft at one time, you take them like increments. I think you should have 90 days after you make your final draft and have public hearings so people can study and make suggestions.

The hearing ended at 9:40 P. M.

Respectfully submitted,
Ayako Ishikawa
Ayako Ishikawa, Secretary