

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

PUBLIC HEARING

DATE: September 15, 1966

PLACE: Lanai School Cafetorium
Lanai City, Hawaii

CALL TO ORDER: 7:40 P.M.

PRESIDING: Douglas Sodetani, Chairman

MEMBERS PRESENT: Douglas Sodetani, Chairman
Edward L. Cluney
William F. Crockett, Vice-Chairman
Shiro Hokama
Harry Kobayashi
Paul Pladera
Keith Tester
James Ushijima
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Emil Balthazar
Nadao Honda
George Kondo

OTHERS PRESENT: Miss Harriet C. Minami
Rudy Wong
Hideo Niibu
C. Cleghorn
Fred Markham
Pedro de la Cruz
Masashi Tsumura
Mrs. Sheila Black
Patrick Esclito, Jr.
(27 other citizens from Lanai)

RECORDING: Mrs. Miyono Niibu

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Mr. Sodetani: This public hearing should be considered more in a sense of a meeting where residents can ask questions about issues and discuss the pros and cons.

Chairman Sodetani then introduced the members of the Charter Commission and Research Assistant to the audience. Shiro Hokama, Lanai Commissioner, was asked to explain the purpose of the gathering.

Mr. Hokama: Lanai and Molokai are the last of the first round of public hearings. The first round is to get the reaction as to any points under the previous proposed charter, suggestions and questions as to the term of office, etc. The Charter Commission met with the department heads of the county government, officials, etc., to study the structure of the County of Maui, partly to familiarize the four new members of this Commission with the present form of government. We would like to have the public give us opinions, suggestions, criticisms, and to ask us questions so that this Commission will have some basis to draft a new charter. As each provision is drafted, it will be sent to different organizations in the County to get their reaction. Through this means, we hope to keep the citizens informed of our progress.

Mr. Sodehani: Are there any questions or comments? Keith Tester, would you like to start?

Mr. Tester: I would like to ask whether the mayor and councilmen should have four or two year terms. In the last charter, it was a four year term.

Miss Minami: Why were they against the four year term?

Mr. Tester: Basically, the feeling was that the councilmen, once in office, would not really put in their efforts until near election year. However, on the other hand, two years is too short as the latter half of a two year term is spent trying to get elected. We have both sides to look at.

Miss Minami: I would prefer the four year term for the mayor and councilmen. On the two year basis, we cannot get together and work up long range plans.

Mr. Tester: Another item I always like to bring up -- whether certain offices in the county now elected, such as treasurer, auditor, etc., should instead be appointed. I feel that in order to get the best auditor, for instance, the mayor and councilmen should appoint. As far as election is concerned, it seems pretty much a popularity contest. In this particular job, much of the work can be done by electronics, IBM, etc., and incumbents should not be elected on the basis of popularity. I feel very strongly that they should be appointed; the responsibility for performance rests on the mayor and the councilmen. If poor performance, they should be moved out. I also feel that the auditor and treasurer's office should be combined. It is one way of saving money and getting adequate government in one department of finance, instead of two separate departments.

Mr. Wong: Our group discussed the question of the four and two year term; some favor two, some, four. I feel that since the supervisors had increase in wages and some duties taken away by the State, supervisors should meet more often than two times; retain the two year term, but have more meetings per month.

Mr. Sodehani: We received a petition from the Lanai Chamber of Commerce advocating the Lanai representative on the Board be elected strictly by Lanai residents.

Mr. Wong: Why can't we elect our own supervisor?

Mr. Crockett: It's possible, but I would like to point out the problems you face. If one man is elected by the precinct of Lanai only, the other areas will demand district representation. Based on Lanai voters, would create a large council and also the problem of dividing the rest of the county into districts. Further, there is a question of whether district representation would serve for the best interest of Lanai, or Hana, or Lahaina. We are here to listen to the people, and it's up to the people to decide.

Mr. Niibu: Speaking as a resident and not representing any group, say that we leave the make-up of the Board as it is at present. If district representation for Lanai is granted, Lanai would vote for seven, while Maui people would have one less to vote for. I think the present situation is all right.

Mr. Crockett: (explained the Opinion given by the County Attorney)

Mr. Tester: There were great number of comments expressed regarding appointments of department heads, commissions, etc. What is Lanai's opinion? Should, say for instance, police chief, be appointed by the police commission, or the mayor and approved by the council? These are touchy problems and should be worked out by the Charter Commission.

Mr. Niibu: First of all, who is going to appoint the police commission?

Mr. Tester: I would assume the commission would be appointed by the mayor; may or may not be confirmed by the council.

Mr. Niibu: As the charter written the last time, it doesn't matter whether the mayor or the commission appoints the chief, as mayor appoints commission, and a mayor-appointed commission would select a mayor-approved chief.

Mr. Tester: Assume the commission appoints chief, with confirmation of mayor.

Mr. Niibu: I favor appointment by commission.

Mr. Tester: Would you carry this to all commissions?

Mr. Niibu: Yes, all commissions, with confirmation by council.

Mr. Tester: How about the mayor's cabinet--heads of departments?

Mr. Niibu: Left to mayor.

Mr. Wong: The police and liquor commissions should not be appointed by the mayor because politics are involved in appointments.

Mr. Tester: Who, then?

Mr. Wong: By the Charter Commission, not by the mayor. The mayor appoints the heads of commissions; before hiring should be approved by the council. In case the mayor wants to fire one commission out for any reason, they should be heard. The mayor would have too much power otherwise.

Mr. Tester: These are the things the Charter Commission would like to hear. Another thing--some of us feel strongly that the head of the Public Works Department need not necessarily be a licensed engineer. Things have changed over past 20 years. For instance, the Public Works Department has several licensed engineers. Why is it necessary for the manager to be a licensed engineer? The manager is largely responsible for the administrative job. Yet there are certain groups who feel strongly that the manager should be a licensed engineer.

Mr. Wong: No reason why he should be licensed.

Mr. Sodehani: Rudy Wong didn't know who should appoint commission; but not by mayor. If not the mayor, who? Must be somebody.

Mr. Hokama: Up to 1965, the Governor did.

Mr. Sodehani: Do you want to get it back to State government?

Mr. Wong: I think it is better; not local community. Away in Honolulu, so there's not too much influence in politics.

Mr. Sodehani: You don't feel that you can govern your own-selves? County government is not capable?

Mr. Niibu: I am not in favor of the Governor appointing our inspectors. That is going back. What we want to do is govern our own system. Let the mayor appoint and council approve members of commission.

Mr. Sodehani: A question asked at several meetings was what is actually the purpose of a charter? The county functions are all right at present with the elected officials.

Mr. Ushijima: The Legislature passed a law--each county appoint a charter commission and set up a charter for their own county government. I think that any group of people who are living in an organized community should have some document by which powers are guaranteed. That is why the Legislature set forth this charter commission.

Mr. Cleghorn: This Charter Commission has been meeting now for several months? Wouldn't it be appropriate to hear what the Charter Commission has to say in the way of recommendations?

Mr. Sodehani: At present, the Charter Commission has no definite opinion. We are just making drafts by sections and mailing them to various organizations throughout the County for reaction. First of all, the previous Charter Commission's final draft was a good document and much time,

effort and money went into that draft. From that, we used as a benchmark, to make changes, additions, etc. Before starting on the draft, we are listening to the public opinion, criticisms, and desires. Also, to educate the public in participating with the Charter Commission in drafting a charter. We will come up with some recommendations after the draft is finally drawn up and passed out to organizations for recommendations and criticisms.

Mr. Kobayashi: We are here to find out what your interest is. Are you satisfied with the present system of government? If you are, fine; if not, what points do you want to bring up?

Mr. Pladera: Some of the problems we face now--whether we accept structure suggested in 1964, whether we should give more power to the mayor, whether some power should be deleted from the mayor-council, etc. We are being given home rule power. This is why we want your opinion.

Mr. Crockett: We are here to discuss things that are controversial. Our responsibility is to find out what people found objectionable.

Miss Minami: What is the feeling of this Commission regarding the 1964 proposal? Why did it fail? Was it only in portion or in entirety?

Mr. Tester: Portions of it. The biggest objection is dealing with commissions--how they are appointed, how directors of various commissions are given jobs.

Miss Minami: Majority are in favor?

Mr. Tester: I think so. Some people feel the appointment of directors is the mayor's responsibility. Others feel differently. These are things we should work out.

Mr. Sodegami: From the standpoint of this Commission, there is no one particular reason. Here on Lanai, we certainly thank the people for they gave an overwhelming vote to the charter. We believe the objections are (1) too strong mayor--people are not ready to give so much power to one man control, and (2) four year instead of two year term. Also, the people were not able to understand what is actually the charter, and lacking understanding, they ask, why change?

Mr. Tester: Also, voting was done at the general election rather than special. People are not too interested in the charter at that time.

Mr. Niibu: Those two points were brought out time and time again during the previous charter hearings. Why were the four year system and strong mayor incorporated into the charter?

Mr. Hokama: As far as the four year term, the idea back of it is to give a better chance for objectives of long range programs that have been formulated to be achieved. On the two year term, many of them, especially the new officials,

take maybe half a year to learn, and by the time they've learned the job, it's time to start thinking about the next campaign. I went along on the four year basis because to have an effective and efficient government, they should be given an opportunity to work up long range programs. Another thing--separate legislative and administrative responsibilities.

Mr. Sodemani: I believe that seems to be the opinion of the Commission--separate the powers.

Mr. Niibu: Would the charter draft include a provision for veto power? Appointments with the consent of the council?

Mr. Sodemani: Not all. Most of them without confirmation of council. Only confirmation--county attorney, liquor commission. Majority without.

Mr. Pladera: They thought that if they do not give all the confirmation power to the council, we could make the mayor responsible and pin down the responsibility. If the council confirm, we can't blame anyone in particular. It's really not what we put into the charter that determines how good the government is. It's the persons in it.

Mr. Sodemani: How do lot of you feel about district representation?

Mr. Cleghorn: Left as it is.

Mr. Niibu: Is it going to be similar to what Mr. Crockett says?

Mr. Sodemani: If district representation.

Mr. Niibu: I don't want to jeopardize what we have now.

Mr. Tester: Almost every district wants district representation. The majority of the Board of Supervisors are from central Maui. The outlying districts would like their own representatives.

Mr. Crockett: What type of problems do you usually have with county government? This place is relatively isolated, the municipal type of services are provided by Dole Company. How close is county government to people of Lanai?

Mr. Cleghorn: We are very close.

Mr. Crockett: What things?

Mr. Cleghorn: Sanitary facilities, roads. Dole does not provide any of our county facilities.

Mr. Crockett: Fire Department?

Mr. Cleghorn: Yes, fire department, school.

Mr. Markham: We use to have lot of problems in licensing dogs, cars, bicycles, etc. With the help of

Goro Hokama and the Board of Supervisors, we now have part-time help to give this service to Lanai. On Lanai, the Police Department is the County of Maui. Everybody asks the Police Department for whatever the county is responsible. I am in favor of leaving the board member as it is now, at large rather than district.

Mr. Sodehani: I see we have the Honorable Pedro de la Cruz with us here tonight.

Mr. de la Cruz: Insofar as Lanai asking for district representation, I think it will pose a problem for Maui County. If we have to use Lanai's registered voters as a basis, we have to enlarge the present number on the board to comply with the rule of the Supreme Court--equal proportion of representatives. If we do that, then we have to increase the number on the board. Until such time as the court decides whether we can or cannot, the present form is all right.

Mr. Sodehani: What do you think of code of ethics in the previous charter? The present committee does not have.

Mr. Tsumura: I think it's a good idea. Honolulu is still having problems. If incorporated, we won't have this problem. Who will enforce it?

Mr. Crockett: Somebody. We did have a board responsible for hearing violations; but not enforcing agent. Also, the charter last time provided for recall; filed by people, no reasons required, just give signatures, file with county clerk and get election.

Mr. Sodehani: I understand the water system is handled by Dole.

Mr. Cleghorn: Yes.

Mr. Sodehani: No connection with Board of Water Supply, then. Also, will this charter make the operation of the county cheaper?

Mr. Crockett: We cannot give a honest answer. Basically, there are two things: Try to make government more responsible to people and also make government more efficient. This is where your dollars come in. We should get a dollar's worth of service out of a dollar's worth of tax. People want things from government--cost more money. The amount of cost depends upon what people want.

Mr. Sodehani: In the charter form of government, there are four major forms: Mayor, Commission, Council-Mayor, and City Manager type.

Mr. Tester: We discussed city manager type of government at former charter meetings. One big objection to city manager type for the community with small population as Maui has, is that there is no large pool of people to draw from. In all probability will import one. In general, it was felt that the administration should be left in the hands of this county; qualified people for city manager were hard to get from Maui where the population is relatively small.

Mr. Crockett: (Explained city manager type administration).

Mr. Tester: One criticism many times given was that it seems to be the feeling that we had not written in strict enough requirements and qualifications for jobs. Charter Commissioners in general felt if we put in all requirements, hands are tied; need leeway in hiring people.

Mr. Cleghorn: If we want strong mayor type, why shouldn't he have the prerogative of appointing these people?

Mr. Tester: I think he should have. The mayor, if strong, should have the responsibility for hiring.

Mr. Sodeani: The people of Lanai gave overwhelming support to the last charter.

Mr. Hokama: Because of representative on the Board. Ever since we had that, we're pretty close to government.

Mr. Crockett: Attributable in large part because Shiro did a good job.

Mrs. Black: I think people on Lanai voted in favor of the charter because Shiro did a good job and they were well informed, and those people passed on to others who did not attend meetings.

Mr. Crockett: Yes, because talking about this would help.

Mr. Niibu: At the last general election, the Republicans talked against the charter. Do you hear any against or for this charter by any party?

Mr. Crockett: One committee of Republican Party came up favoring the charter after studying. This, to my knowledge, is the only organized reaction to the charter.

Mr. Tester: I think there were individuals but not any groups.

Mr. Young: In the last general election, every Democrat spoke for the charter.

Mr. Tester: Perhaps we need better support from both parties.

Mr. Crockett: No solid recommendations yet, so we cannot come up with for or against. UPW is possibly against the new charter; ILWU indicates they will be for. It's difficult to say right now one definite group is for and one against.

Mr. Sodeani: Experts have given the last proposed charter very excellent remarks. The County of Hawaii picked up a good portion, almost verbatim, of our last proposed charter.

Mr. Young: I have just put out a new revised mailing list of Maui County and would like to check and add to the Lanai's list after the meeting.

Mr. Crockett: How do you feel about general versus special election?

Mr. Sodetani: Yes, how do you feel?

Mr. Esclito: For special election, what would the expenses be?

Mr. Sodetani: About \$20,000.

Mr. Esclito: For good government, that's worth it.

Miss Minami: Do you anticipate as good a turnout at general as at special?

Mr. Sodetani: At special, I doubt it. The national average turnout is about 15%, Honolulu was 34%, County of Hawaii did well--52 to 53%. In the general election, most people are engrossed in trying to elect respective candidates, so the charter becomes secondary.

Mrs. Black: What if there is a poor turnout and the charter passes?

Mr. Crockett: We need majority of registered voters only.

Mr. Niibu: What if a very small minority passes the charter?

Mr. Sodetani: This goes back to apathy. If majority are apathetic about government, the minority votes for or against.

Mr. Crockett: There are great number of people eligible to vote but not registered, but we don't give up. We still try to get people to register.

Miss Minami: What's wrong with making this a political issue? If it is included in the general election, what's wrong with it?

Mr. Crockett: At the last campaign, we didn't take a position as a group; lot of people on the Commission had their own demands--too many cross-currents. It would be a fine political issue, but no stand taken by either party. Individual people were on their own to defend or attack.

Mr. Sodetani: The charter is something like a constitution and by-laws, where it goes back to the people for ratification. Not used as political issue. The charter is for the benefit of the people.

Mr. de la Cruz: If used as a political issue, let political parties give opinion to the Charter Commission. Give them opportunity to present their views.

Mrs. Niibu: What happens if the charter fails again?

Mr. Sodehani: It may be a possibility that the Legislature might give us a charter designed for all neighbor island counties. We will not have the opportunity to decide what kind of government we want.

Mr. Crockett: Another aspect--costs us a lot of money to go to these two rounds. If turned down this time, we should consider the cost whether to go again.

Miss Minami: We should emphasize that this document is not a perfect one and that there is a provision for amendment.

Mr. Sodehani: That's a fine point.

Mr. Tsumura: We appreciate the Commission coming to Lanai to give us an opportunity to express our opinion. We all appreciate the work the Commission is doing.

Chairman Sodehani expressed appreciation and thanks on behalf of the Charter Commission.

The hearing was adjourned at 9:45 P.M.