

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: October 6, 1966

PLACE: Board Chambers, Wailuku, Maui, Hawaii

CALL 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
Keith Tester
James Ushijima
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Edward L. Cluney

OTHERS PRESENT: Kase Higa, County Attorney
Robert Johnson, Advertiser Reporter

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ROLL CALL:

There were 10 members present and 1 excused at the regular meeting of the Maui County Charter Commission on October 6, 1966.

MINUTES:

The minutes of the previous meeting held on September 22, and the minutes of the public hearing held at the Lanai School Cafetorium on September 15 were distributed to the members, and approval of said minutes were deferred until the next meeting.

On motion of Emil Balthazar, seconded by Shiro Hokama, the minutes of August 23 and September 8 were accepted as circulated. Motion was carried.

COMMUNICATIONS:

a. Letter dated October 3, 1966, from Robert O. Ohata, Planning Director, enclosing therewith a copy of a report from the Committee for Economic Development entitled "Modernizing Local Government."

ORDINANCES AND RESOLUTIONS:

Copies of the revised Ordinances and Resolutions and the Thumbnail Briefing of said Ordinances and Resolutions were distributed to the members for their approval before having same circulated to the various organizations. There being no corrections, Chairman Sodemani instructed the secretary to have same circulated.

Chairman Sodemani advised the members to notify the secretary of any organizations they would like to add to the mailing list.

OLD BUSINESS:

There being no old business to be discussed, Chairman Sodemani proceeded with the new business--Article XIII, General Provisions.

ARTICLE XIII, GENERAL PROVISIONS:

Section 13-1. Definitions

There were no changes under said Section 13-1.

Section 13-2. Title to Property

There were no changes under said Section 13-2.

Section 13-3. Facsimile Signatures

There were no changes under said Section 13-3. At this point, Chairman Sodemani informed the members that although there are no changes under certain sections, this does not preclude the members from coming back to these sections to make changes.

Section 13-4. Removal of Members of Agencies

Mr. Tester stated that until the number of members of the council is known, we don't know if the five is right. Mr. Hokama suggested we delay that. Chairman Sodemani suggested said section and similar sections relating to the number of councilmen be delayed until action is taken on the said number of councilmen.

Section 13-5. Expenses

Mr. Tester questioned whether in the first sentence, it should be approved by the mayor or approved by the mayor and council. He thought it should be approved by the mayor and council.

Mr. Balthazar recommended following the provision in the Charter of the County of Hawaii regarding the same thing.

Section 13-5 was amended to read:

"All officers and employees of the county shall be entitled to their travelling or other necessary expenses incurred in the performance of their public duties as provided by ordinance."

Section 13-6. Claims

There were no changes under said Section 13-6.

Section 13-7. Annual Reports

There were no changes under said Section 13-7.

Section 13-8. Declaration of Emergencies

Mr. Crockett stated he saw no reason for said section. Mr. Higa said Section 13-8 is superfluous. You have a section for emergencies of ordinances, he added.

Said Section 13-8 was deleted in its entirety.

Section 13-9. Acceptance of Gifts or Donations

There were no changes made to said Section 13-9 after Mr. Higa explained said section to Mr. Kondo.

Section 13-10. Records and Meetings Open to Public

After some discussion on the legality of records open for public inspection and records withheld from public inspection, it was agreed by the members to follow the provision of the Charter of the County of Hawaii.

Paragraph 1 of Section 13-10 was amended to read as follows:

"All books and records of every agency of the county shall be open to the inspection of any person at any time during business hours, except as otherwise provided by law. Certified copies or extracts from such books and records shall be given by the officer having custody of the same to any person demanding the same and paying or tendering a reasonable fee to be fixed by ordinance for such copies or extracts."

Section 13-11. Penalties.

There were no changes under said Section 13-11.

Before proceeding with Section 13-13, Chairman Sodeani called for a recess at 8:37 P. M. The meeting reconvened at 8:45 P. M.

Section 13-12. County Elections

Mr. Balthazar suggested inserting a blank in place of the word "fourth." Said Section 13-12 now reads:

"County elections shall be conducted in accordance with the election laws of the State insofar as applicable, but the county primary and general elections shall be held in every _____ year following the initial election."

Section 13-3. Oaths of Office

There were no changes under said Section 13-13.

Section 13-14. Impeachment of Officers

Mr. Tester felt the portion of Section 13-14, where it states "not less than five percent of the voters registered in the last general election for mayor" was ambiguous. Mr. Balthazar stated the language is not correct. Mr. Tester suggested correction be also made for the provision, Initiative, Referendum and Recall. He also felt it was not consistent. Mr. Higa stated he would look into the inconsistency and wording of said sentence.

Section 13-15. Coordination of Work

Mr. Crockett questioned whether the word should not be mayor instead of several agencies in the first sentence of Section 13-15. Mr. Higa said it should be mayor and that the sentence should be revised.

Section 13-16. Cooperation with Other Agencies

There were no changes under said Section 13-16.

Section 13-17. Provisions of Charter Inoperative, When

There were no changes under said Section 13-17.

Section 13-18. Titles, Subtitles, Personal Pronouns; Construction

There were no changes under said Section 13-18.

Section 13-19. Separability

There were no changes under said Section 13-19.

OTHER BUSINESS:

Chairman Sodetani informed the members that the meeting on October 20 will be held in the Department of Education building on the grounds of the old Lihikai School.

Before adjourning the meeting, Chairman Sodetani shared some of his ideas with the members. He stated that if it was possible, he would like to complete the whole rough draft of the charter by the end of this year, have one or two meetings in January, a week or two for public hearings, and after two more meetings following the public hearings, present the draft to the Board sometime in February and have a special election sometime in April. That would give the members one or two months of selling the charter.

The meeting was adjourned at 9:24 P.M.

Respectfully submitted,

Ayako Ishikawa

Ayako Ishikawa
Secretary



OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

WAILUKU, MAUI, HAWAII 96793

November 2, 1966



Address All
Communications to
Jean Richard Lane
Chief of Police

Mr. Douglas R. Sodemani, Chairman
Maui County Charter Commission
Wailuku, Hawaii 96793

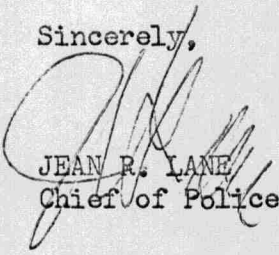
Dear Sir:

Your attention is called to Article XIII, Section 13-9
of the proposed Maui County Charter which reads:

"Section 13-9. Records and Meetings Open to Public --
1. All books and records of every agency of the county shall
be open to the inspection of any person at any time during
business hours, except as otherwise provided by law."

Section 12-¹¹⁰~~100~~ of the Honolulu Charter covers this
subject and an inspection will reveal that certain records
of the police department and prosecutor's office are not
open to the public. Inasmuch as there is also a Supreme
Court ruling to this effect, it would seem reasonable to
consider a similar section in the Maui charter.

Sincerely,


JEAN R. LANE
Chief of Police

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DOUGLAS SODETANI, Chairman
EMIL BALTHAZAR
WILLIAM F. CROCKETT
CORNWELL FRIEL
SHIRO HOKAMA
NADAO HONDA



HARRY KOBAYASHI
GEORGE KONDO
PAUL PLADERA
KEITH TESTER
JAMES USHIJIMA

MAUI COUNTY CHARTER COMMISSION

WAILUKU, MAUI, HAWAII 96793

November 7, 1966

Honorable Jean R. Lane
Chief of Police
County of Maui
Wailuku, Maui, Hawaii

Dear Chief Lane:

Thank you very kindly for your communication of November 2, 1966, relative to Article XIII, Section 13-9.

We sincerely appreciate the interest you have shown in the proposed charter and your calling to our attention Section 12-100 of the Honolulu Charter relative to certain information on records of the police department and prosecutor's office are not open to the public. This matter will be taken up at one of our meetings and we will be sure to inform you of our findings and decision.

Again, thank you most sincerely for the interest you have shown and are showing and trust that you will continue to participate with your Charter Commission in drafting this all important document for the people of the County of Maui.

Sincerely yours,

Douglas Sodehani
Chairman

DS:ai

Mr. Ushijima

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

October 6, 1966

A G E N D A

1. Roll Call
2. Minutes of prior meetings
3. Communications:
 - a. Letter dated October 3, 1966, from Robert O. Ohata, Planning Director, enclosing a copy of report from the Committee for Economic Development entitled "Modernizing Local Government."
4. Literature:
 - a. Revised Article IV, Ordinances and Resolutions
 - b. Thumbnail Briefing on Ordinances and Resolutions
5. Old Business
6. New Business
7. Article XIII, General Provisions