MINUTES OF THE

MAUI COUNTY CHARTER COMMISSION

DATE:	October 20, 1966
PLACE:	Department of Education Building, Kahului, Maui, Hawaii
TIME:	7:35 P. M.
PRESIDING:	Douglas Sodetani, Chairman
MEMBERS PRESENT:	Douglas Sodetani, Chairman Edward L. Cluney Shiro Hokama Nadao Honda Harry Kobayashi George Kondo Paul Pladera James Ushijima Charles C. Young, Research Assistant
MEMBERS EXCUSED:	Emil Balthazar William F. Crockett Keith Tester
OTHERS PRESENT:	Kase Higa, County Attorney John Walker

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ROLL CALL:

There were 8 members present and 3 excused at the regular meeting of the Maui County Charter Commission on October 20, 1966.

MINUTES:

The minutes of the previous meetings held on October 6 and 13 were distributed to the members, and approval of said minutes were deferred until the next meeting. On motion of Edward Cluney, seconded by Shiro Hokama, the minutes of the public hearing held on September 16 at the Molokai Community Center was accepted as circulated.

COMMUNICATIONS:

a. Letter dated October 18, 1966, from Hiromu Suzawa, Deputy Corporation Counsel, City and County of Honolulu, transmitting therewith the proposed Code of Ethics submitted by the Citizens' Committee on Ethics and copy of the Ordinance enacted by the City Council establishing an Ethics Commission.

b. Letter dated October 15, 1966, from Shunichi Kimura, Chairman and Executive Officer of the County of Hawaii, forwarding therewith 12 copies of the proposed Charter of the County of Hawaii.

Copies of the Code of Ethics of the Board of Water Supply of the County of Maui were received and distributed to members of the Charter Commission.

OLD BUSINESS:

1. The following provisions for circulation to the various organizations were distributed to the members:

   a. Article I, Incorporation and Geographical Limits;
   b. Article II, Powers of the County;
   c. Article IX, Financial Procedures; and
   d. Article XIII, General Provisions.

2. The following provisions were distributed to the members for their approval:

   a. Article XIV, Charter Amendment; and
   b. Article XV, Transitional Provisions.

Mr. Higa briefly explained the revised section on "Mandatory Review" to the members. He then explained to the members that one of the things in the provision "Charter Amendment or Revision" of the 1964 Charter was that too many words were added. Therefore, he changed the title "Charter Amendment or Revision" to "Charter Amendment." He added that he also deleted the word "revisions" wherever it appeared. He noted that in the old provision, the phrase, "amendment to this charter" and "amendment of this charter" were used interchangeably. Both, he supposed were correct, but he restricted it to "amendments to the charter."

He further explained that under Section 14-1, Initiation of Amendment, one is by resolution and two is by petition. The third paragraph, he said, goes into lot of details. Looking this over, he said there was a lot of words, lot of technical things that really doesn't mean anything and is not that important. He suggested the third paragraph of the revised "Charter Amendment," which was circulated to the members, be deleted in its entirety. The second, third and fourth sentences of the fourth paragraph was also suggested to be deleted, leaving the first and last sentences of the fourth paragraph to read, "upon filing of such petition with the council, the county clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures of voters. The clerk shall complete his examination of the petition within fifteen days."

Chairman Sodetani commented that the less details will make the charter more flexible. Mr. Hokama said the more words, that much more difficult it makes it to initiate changes.

On motion by Shiro Hokama, seconded by James Ushijima, the suggestion of the counsel to delete the portions mentioned by Mr. Higa were accepted. The motion was carried.

Mr. Higa further stated that he had gone over this provision fairly carefully. He said the way we have it now, it's easy to be read and explained. He added whatever we agree on now is to be tentative.

It was suggested by Chairman Sodetani to withhold the distribution of Article XV, Transitional Provisions, since paragraphs 2 to 7 of said Article were postponed. Because these provisions are not being sent to organizations in chronological order, he said the "Transitional Provisions" could be withheld. He added that he would rather have the information completed before sending it to the public so that there will be no questions later on. Mr. Hokama stated that it should be left to the discretion of the chairman.

Chairman Sodetani stated the "Charter Amendment," with the changes suggested by the County Attorney, would be circulated to the various organizations.

On Article I, Incorporation and Geographical Limits, which was also circulated to the members, Mr. Pladera asked whether the word "in" should be deleted and instead be read, "hereafter in." Mr. Higa commented that it was a matter of grammar. Since the stencil was cut for said Article I, Chairman Sodetani suggested said Article I be circulated as is and that changes could be made at a later date.

Also circulated to the members for their information was the budget of the Charter Commission showing the amount allotted, amount spent and balance as of September, 1966. Said budget is for the period July, 1966 to December, 1966.

ARTICLE V, COUNTY CLERK

Sections 5-1 and 5-3 of Article V were accepted without changes.

Mr. Pladera noted in Section 5-2 that the chairman of the council appointed the clerk and not the whole council. He asked what was the reason behind this. He said he thought the clerk serves all the members of the council. He suggested the clerk be appointed by the council. Mr. Ushijima noted in the Honolulu Charter that the clerk was appointed by the council.

Chairman Sodetani asked what the pleasure of the members was. Mr. Kobayashi stated that the clerk should be responsible to the whole council and not only to the chairman.

Section 5-2 was amended to read, "the county clerk shall be appointed and may be removed by the council. The council shall fix the salary of the county clerk, which shall not be less than that paid to the agency head with the lowest salary."

ARTICLE VIII, COUNTY AGENCIES

Article VIII, County Agencies was accepted without change.

CHAPTER 1, OFFICE OF THE COUNTY ATTORNEY

Mr. Kobayashi brought up a public education program he had listened to on the discussion of electing the Attorney General of the State of Hawaii. In this particular case, what we have in this charter is that the prosecutor is elected by the council, Mr. Kobayashi said. Chairman Sodetani stated that according to the '64 Charter, the county attorney's office will act as prosecutor.

Mr. Ushijima said actually we are providing for a prosecutor if the need arises. Mr. Higa added that the purpose for such a provision is if the county grows and if it appears there is a need for an elected prosecutor. Hilo went ahead and provided for an appointed county attorney and an elected public defender, Mr. Higa said.

Mr. Kobayashi questioned whether we should have the county attorney and prosecutor. Mr. Higa replied, right now the county attorney's office can take care of both. Mr. Kobayashi asked for an explanation of the two and stated that we should make it mandatory to elect a public prosecutor. Mr. Hokama contended that if there isn't a need for it, why get a public prosecutor and we pay taxes for something we don't need. Mr. Kobayashi contended that there seems to be sufficient evidence that there is a lot of work and if these people are elected, they will be more responsible to the public.

Mr. Ushijima stated that when you establish an office, that doesn't mean one man will run the office. Actually, under the present system where the work load can be handled by the deputies--should be left as is. In the future when you find that a separate office is mandatory, then the council will have to establish it. I don't see right now whether it is feasible to establish an office where you already have a whole staff and office. You will make cost of government rise, Mr. Ushijima said.

In answer to Mr. Kobayashi's inquiry, Mr. Higa said that one third of their time is devoted to criminal cases and two thirds in other matters.

Mr. Kobayashi stated that while he was serving on the Board, there were times when the county attorney or one of his deputies was supposed to be at the Board meetings, but none of the attorneys was there to take care of the county affairs because the attorneys were tied up in court. If the elected prosecutor's office is created, there will be an attorney constantly guiding the council.

Mr. Higa stated that under the present conditions, he doesn't think a separate prosecutor's office can be established because at least three attorneys are needed. You cannot have only two. It's not enough to take care of your sick leave and vacation. You have to have a staff of three, plus either two or three in the secretarial staff of each. He said if you establish a public prosecutor and separate county attorney's office, you are going to need a minimum of six attorneys and a minimum of four secretaries. We are operating on three and three, Mr. Higa said. According to Mr. Higa, this provision for public prosecutor was put in just in case something develops where you might have something like Honolulu--a separate prosecutor's office.

Mr. Pladera stated that on this provision all we are admitting is we don't need a public prosecutor. We have to give the public a chance to have the attorney serve them, too, besides serving the council and chairman, Mr. Pladera said. We do not want to deprive the people in something like this, he added. Mr. Hokama said if we are concerned about the people, then we can add in confirmation by the council. Chairman Sodetani said the county attorney should be confirmed by the council because he does council work.

Mr. Higa referred to the Honolulu Charter where the corporation counsel is appointed by the mayor with the approval of the council and who may be removed by the mayor.

Chairman Sodetani wondered if some minimum experience of three years should also be put in. It was agreed to incorporate three years of practice in the State of Hawaii in Section 8-1.2.

Mr. Pladera questioned whether we should not use the term "corporation counsel" instead of "county attorney." Mr. Higa stated that it's more proper to use county attorney. That would be more descriptive of the position itself, he said.

Sections 8-1.4, 8-1.5 and 8-1.6 were accepted without changes.

Section 8-1.7 was accepted with the change of "five" to "six" by Mr. Pladera.

Mr. Cluney stated that he felt the requirement of three years of practice for the county attorney should also apply to the elected prosecutor. Chairman Sodetani agreed.

Chairman Sodetani asked the members how they felt about the county having a public defender. Mr. Ushijima said only when the need arises, we may have a public defender. Mr. Higa said that is as far as you can go. Right now the Legal Aid Society has made plans to establish an office on Maui. There will be a time when you need a public defender, Mr. Higa said. Mr. Pladera suggested a provision be incorporated for a public defender. Said section for public defender will be numbered 8-1.8.

CHAPTER 2, DEPARTMENT OF FINANCE

Sections 8-2.1 and 8-2.2 were accepted without changes.

As requested by Chairman Sodetani, the word "mayor" was changed to "county clerk" in paragraph 17 of Section 8-2.3, for the reason that if the person is not qualified, he is not qualified to have the bond because he will be handling a lot of money.

Mr. Cluney asked whether there was any mention as to the frequency of audits. Chairman Sodetani referred to Section 3-8, Audit. Mr. Higa stated that when it says internal audit, it means continuous auditing. The word "continuous" was added to paragraph 5 of Section 8-2.3, to read, "provide a continuous internal audit of all agencies of the county."

CHAPTER 3, DEPARTMENT OF PUBLIC WORKS

Section 8-3.1 was accepted without change.

Chairman Sodetani stated that he would like to see that the Director of Public Works has a stiffer qualification. He believed in making the requirement as flexible as possible. It can be too flexible and can be interpreted in many ways, he said.

Mr. Higa suggested that the years of training and experience be raised from three to five years. Mr. Ushijima felt that in three years a person can prove himself.

Mr. Pladera stated that three years is so short a time that a person just out of college may come in and be appointed.

Mr. Hokama felt that the administrative powers should be left to the person appointing the cabinet members.

Mr. Pladera suggested inserting a minimum requirement of some kind of degree. He noted that the Charter of the City and County of Honolulu requires some engineering experience.

Mr. Hokama commented that not all qualified engineers make good administrators.

Without further discussion, it was decided that Section 8-3.2 be deferred.

Under Section 8-3.3, Chairman Sodetani felt that as parks and playgrounds become an important factor in the County of Maui, that department should be separate from the Department of Public Works. He stated that the Department of Public Works handles the roads, sewers and buildings and felt that the departments should be kept separate.

Mr. Hokama contended that as far as maintenance is concerned, there is an overlapping between the Department of Parks, Playgrounds and Recreation and the Department of Public Works. He felt that the maintenance divisions could be combined, and that a subdepartment could handle recreation only.

Mr. Kobayashi stated that recreation is a separate function as compared with the maintenance and construction of parks and playgrounds. The maintenance and construction of parks and playgrounds should be together with the Department of Public Works inasmuch as by keeping them separate there will be a duplication of work. Trying to fit recreation within the Department of Public Works is a problem. As far as recreation is concerned, Mr. Kobayashi felt that social dancing, ceramics, etc., does not come under the Department of Public Works.

Mr. Pladera preferred keeping the two departments separate because there are two basic areas to be considered. He felt that it's a matter of asking and getting as much as you can get.

Inasmuch as the members could not reach an agreement as to whether or not to combine or separate the Department of Parks, Playgrounds and Recreation and the Department of Public Works, Mr. Higa suggested that said section be deferred.

He also suggested inviting the heads of both departments, as well as the members of the Board of Supervisors, to meet with the members of the Charter Commission in order that they may express their views on this subject.

CHAPTER 4, FIRE DEPARTMENT:

Chairman Sodetani asked the members whether the fire chief should have a minimum of five years of training and experience in the line of fire prevention or fire fighting, three years of which shall be in a responsible administrative capacity. Mr. Kobayashi commented that there should be a good administrator.

Chairman Sodetani stated that the deputies are appointed and may be removed. He noted that although they are not under civil service status, there is no provision to that effect under the proposed charter of 1964. Mr. Higa referred to Section 8-6.5. He stated that such provisions are covered by the general civil service laws.

Chapter 4, Fire Department, was accepted with the change in Section 8-4.2 that the fire chief shall have five years of training and experience in a fire department, at least three years of which shall be in a responsible administrative capacity.

OTHER BUSINESS:

Chairman Sodetani informed the members that the next Charter Commission meeting will be held on November 10, 1966, in the Chambers of the Board of Supervisors.

He also informed the members that he had called Chairman Hartwell Blake of Kauai in regard to the election date of the Kauai Charter and also the date when the members of the Maui Charter Commission will be visiting Kauai.

Mr. Kobayashi suggested inviting the members of the Hawaii and Kauai Charter Commissions to come to Maui to discuss the respective charters with the members of our commission.

ADJOURNMENT:

There being no further business, Mr. Hokama moved that the meeting be adjourned. Seconded by Mr. Pladera and adjourned at 9:40 P. M.

Respectfully submitted,

Ayako Ishikawa

Ayako Ishikawa
Secretary

Mr. Ushijima

MAUI COUNTY CHARTER COMMISSION

Wailuku, Maui, Hawaii

October 20, 1966

A G E N D A

1. Roll Call
2. Minutes
3. Communications
4. Literature:
   a. Code of Ethics of the Board of Water Supply of the County of Maui.
5. Old Business
6. New Business
   a. Article V, County Clerk
   b. Article VIII, County Agencies (Office of County Attorney, Department of Finance, Department of Public Works, Fire Department)

Next meeting 11/10/66

MAUI COUNTY CHARTER COMMISSION

BUDGET

JULY, 1966 - DECEMBER, 1966

EXPENSES - 003.10B

	AMOUNT ALLOTTED	AMOUNT SPENT	BALANCE
JULY	$8,500.00	$ 318.64	$8,181.36
AUGUST		523.12	7,658.24
SEPTEMBER		738.54	6,919.70

SALARIES - 003.10A

	AMOUNT ALLOTTED	AMOUNT SPENT	BALANCE
JULY	$10,000.00*	$1,614.00	$8,386.00
AUGUST		1,714.00	6,672.00
SEPTEMBER		1,714.00	4,958.00

*For Commissioners, Stenographer, Research Assistant