

MINUTES

The second meeting of the Charter Commission was held at 4:00 p.m., April 3rd, 1975, in the Conference Room of Cameron Center. The meeting was called to order by Msgr. Kekumano. Present were: Mr. Allan Sparks, Mr. Joseph Souki, Mr. Catalino Agliam, Mr. Lloyd Sodetani, guest speakers Judge Cable Wirtz and Mr. Paul Mancini.

Msgr. Kekumano stated that since at the last meeting the Commission members determined that one of the prime considerations would be legal counsel, how much and in what form he had met with Judge Wirtz, former Assoc. Justice of Supreme Court, Hawaii, who had also worked on the Constitution for the State of Hawaii. He asked Judge Wirtz to come to the meeting and give us his thoughts on the needs of this Commission; and also present was Mr. Paul Mancini of the Charter Review Committee to answer any questions the Commission may have regarding the Report of the Charter Review.

Judge Wirtz spoke of his background in Charter or Constitution revisions, and the legalities thereof. Since he has worked on legislative, judiciary and semantic-style committees, re-tooling bills to conform to requirements, trying to "iron out" ambiguities, he said he was very aware of the need for a part-time or full-time attorney to be present at all meetings of this Commission. The attorney should assist in an advisory capacity, having no participation in policy, but simply giving objective views of the legality and/or accurate wording of recommendations.

He reminded the Commission that they are representatives of the people, making recommendations for revision of the Charter, and that these recommendations will have to meet with the approval of first the Council, if it is to be submitted to them prior to presentation to the people, and then it will have to meet with the approval of the people, and that many compromises would have to be made. He also said that it was his opinion that the meetings should be taped, as the Minutes of a meeting were not an accurate recording, but used only to help recall what transpired at the meeting. He recommended a trip to Honolulu and a consultation with Mayor Fasi and Bob Dodge who was Head of the Reference Bureau, for instance, and use them as a source of reference as to whether the Charter Revision was working, and if not, where. Perhaps a great deal of friction could be avoided this way. He brought out the fact that Maui is unique, geographically, and that the one-man, one-vote proposition would bring many problems to solve. In effect, the representation on Maui is "at large", simply because that no matter where the office holder lives, he represents the whole county, whereas the representatives of Molokai and Lanai must be residents of those islands, no matter what the vote... the requirement now is to have one representative from each of those two islands.

Ms. Cameron asked how long ago did the Review Bd. go out to get input from the public, and Msgr. Kekumano said that it was done from six month to one year ago.

The Chairman asked Mr. Mancini to make some comments on the most recent Charter Review, and asked for questions from the Commission...

Mr. Mancini said the purpose of the report was to get something to the Council to work with, and to get the Council to appoint a Commission to re-do the Charter. The Report was made up by going through all of the minutes of the meetings, abstracting a report of substance, or a repeated request; he took pains to present both sides of the issues raised.

Msgr. Kekumano asked for questions, and said that the Commission would have to be prepared to consider the question of a City Manager very soon, and Mr. Mancini said that the question was one that the Mayor brought up himself - Mr. Mancini commented on the organization of the City Manager form of government, and cited several other islands' versions of same.

Mr. Souki wondered if this change couldn't be done by ordinance, rather than Charter revision, and Mr. Mancini answered that the Charter would be more definite, an Ordinance is very easy

to amend at any time, but if done by Charter it would be by voters' choice. The desire would be to allow the mayor more direct supervision of the County affairs if he is relieved of duties of administration, but he would retain the powers of the Mayor.

In regard to the powers of the Mayor, Mr. Souki stated that if a Manager is to expedite, he should also have the authority to do so... administrative powers should be spelled out very clearly, in both instances. Msgr. Kekumano said that it must be noted that the Commission must be careful not to put too many details into Charter statements... this is where the advice of an attorney applies. How much of the City Manager's duties should be spelled out in the Charter?

In answer to Mr. Souki's question of why the need for a Mayor, if there is a City Manager, Mr. Mancini noted that most municipalities felt the need of a "figurehead" or "Father Figure" that the public needed; someone to go to with requests and opinions. Mr. Souki then stated that there is a danger of an imbalance of legislative power with a figurehead Mayor, and Mr. Mancini conceded that there are many areas to be researched from this preliminary report of the Charter Review Commission.

Mr. Souki brought up a question of the Council's powers to "evaluate county performance", and the inconsistencies in the Charter regarding the Auditor... The Council "Watchdog", would not the Auditor be the evaluator?

Mrs. Cameron asked for any specific suggestion about what can be accomplished in the ways of re-apportioning and Mr. Mancini explained that no specific proposals were mentioned, but several requests were made, i.e., Hana wants a representative, but the problem there could be that the number of representatives elected in response to requests could result in an unwieldy government. This is another legal research problem... Ms. Cameron stated that it was her opinion that it was an important problem, but there didn't seem to be any concrete ideas.

Msgr. Kekumano brought up the question of tape recording the meetings, as Honolulu had, should they go to that expense, and Mr. Sparks stated that in the preliminary stages he thought that the minutes were adequate, with taping being done only of the professional consultations.

In regard to the matter of an office, Ms. Cameron said that for one-quarter of \$65.00 the office of the Philharmonic in Cameron Center could be used until June or July, and the Chairman asked the Commission for an agreement.

Mr. Sodeani raised the question of funding... where does it come from, and do we need to present a budget, or report... Msgr. Kekumano said that for now they report to the Mayor regarding expenses, and that the funds will be coming from the Mayor's office, that he did not indicate that an approval from the Council was necessary... that he has apparently decided on an amount of \$70,000.00 as expenditures justified, and funding will either come from a contingency fund, to be replaced after the budget has been set up in June or in some manner decided by the Mayor.

Mr. Souki stated that considering the shortness of time, he would suggest that a staff and office be set up, and Mr. Petro stated that since so much research has to be done, he would suggest that it be done by April 15th, and that a minimum staff of three people be hired, a clerk stenographer, an attorney and a research person, and that money for these specific purposes be requested.

In regard to the researcher, Mr. Sparks noted that there were many people well versed in the running of a municipality who are also attorneys; Judge Wirtz had maintained that the legal counsel should be used in an advisory capacity only.

Mr. Sparks displayed and passed around material from the National Municipal League and recommended that "A Guide for Charter Commissions", \$1.50 each, be purchased for each member of the Commission. He stated that so much of the ground that the Commission has already gone over was covered by many precedents in other places, and the Guide could be used to good advantage. There were other pamphlets he distributed as suggested reading, and he had made copies of a booklet on different forms of government for the members' use. He showed pictorial versions of three different forms of government being favored by municipalities all over the country, and discussed them, saying that the Council Manager form of government was the one favored over all others, with the exception of the big cities, which seem to go for the Mayor-Council form of government. He compared the Council/Manager form of government to a corporation set-up in business. He stated that he would be interested in why the present form of Council-Mayor form was favored on Maui.

He brought out that the City Manager is usually brought from out of town, well versed and experienced in municipal administration, and in most cases out-last several Councils, although under the Council/Manager form of government, the Manager could be fired at any time by the Council. He stated that in some places this manager/council government had been abandoned, and that he also had a booklet on that, for reference. He said that the library has a 1972 Municipal Year Book by International City Mgmt. Assoc.; all statistics on all forms of government... a very good reference... he also mentioned two magazines, "Public Management and National Civic Review" which libraries most likely would have.

Msgr. Kekumano said that he would like to invite Mr. Douglas Sodeani to the next meeting to discuss the last Charter and Charter Review, since he was a chairman of both.

Msgr. Kekumano stated that he would like to have a member of the Commission volunteer to study geographic limits of Maui (see page 5 of Review report) he mentioned Kalaupapa, and asked Mr. Petro to research. He also said they should be prepared to answer questions presented to them about powers of the Council.

Ms. Cameron asked if there were detailed minutes of these meetings available, and was advised there were.

Mr. Sparks presented a Proposed Time Schedule covering a tentative list of procedures to follow over the next months, from March of 1975 to and thru February 1976.

A discussion was held regarding the time to be allowed for an initial public hearing, then recommendations, then back to the public and back again for final drafting. The question of a special election vs. waiting for voting in the general election in November was taken up, and Msgr. Kekumano referred to section 14-3 of the Charter, requiring that the time of a special election is not less than 45 or more than 75 days after receipts of the amendments or new charter by the county clerk. This time element should be taken into consideration in the scheduling. Msgr. Kekumano thought that a special election would keep the issue centered on the charter revision, Mr. Souki thought that extra time should be given to think about the revisions, and Msgr. Kekumano wondered what would happen to keep the issue alive after the Commission is dismissed in March, if the voting is to be done in General election. Mr. Sparks suggested a Public Relations consultant to present the changes to the public.

Mr. Souki made a motion that they adopt the schedule as presented. Mr. Petro seconded. Vote was unanimous.

A discussion was held regarding meeting dates and times - it was found to be that Monday was acceptable to most members, the time of meetings to be 2:30 and 4:00 p.m. on alternate weeks. Mr. Sodeani made a motion that these meetings be held Monday, 2:30 and 4:00 p.m. alternately, Mr. Petro seconded the motion. Mr. Souki abstained. Motion was carried.

The meeting will be held 2:30 p.m. at Cameron Center, April 7th.

Mr. Petro asked, that since the next meeting will be so soon, he be allowed an extension on his Kalaupapa research. Ms. Cameron was asked to check into the County powers in Civil Rights aspect, which she agreed to do.

Mr. Sparks said that he had expended \$20.00 and wanted to know about reimbursement of private funds expended... the Chairman said he would tender a voucher to the Mayor.

Mrs. Cameron asked that a copy of the Guide for Charter Commission be purchased for each member of the commission and it was agreed that this should be done.

The meeting adjourned at 4:45 p.m.

Respectfully submitted,

Hope Kumura, Sec. pro tem