

MINUTES

The eighth meeting of the Maui County Charter Commission was held at the Cameron Center on May 5, 1975, at 2:30 p.m.

Commissioners present: Msgr. Kekumano, Ms. Bright, Mr. Petro, Mr. Agliam, Mr. Souki, Mr. Abe, Mr. Sparks, and Mr. Sodetani.

Commissioners absent: Mr. Murakami, Mrs. Cameron, Mrs. Rodrigues.

Staff: Mr. Mancini, attorney, Mrs. Balidoy, secretary.

Guest speaker: Mr. Tavares.

Press: Mr. Tanji

A quorum present, Msgr. Kekumano called the minutes of the April 28, 1975 meeting having been distributed were by voice vote approved.

The Chairman asked Ms. Bright to commence with the committee reports.

Committee reports:

Budget Planning: Ms. Bright

Ms. Bright distributed the revised Commission budget prepared by her committee. The budget was reviewed and after deliberation by motion duly made and seconded was approved as the official Commission budget to be transmitted to the Director of Finance by Mancini.

May 26th meeting:

Ms. Bright informed the committee that the Commission meeting tentatively scheduled for May 26, 1975 would fall on a holiday. She expressed her concern that it may be inappropriate to request speakers on that date. By motion duly made and seconded the May 26th meeting was moved to May 27, 1975.

Rules of Procedures: Mr. Mancini

Ms. Bright ask Mr. Mancini to speak to the issues of the Commissions, Rules of Procedure. Mr. Mancini related the necessity to adopt official rules of procedure for Commission acitivity. He listed the following as rules of procedures proposed from the Budget and Planning Committee.

Organization

- a) There shall be two officers of the Commission: Chairperson and Vice Chairperson. The officers of the Commission, elected by the members, are as follows:
 - 1) Chairman-Monsignor Kekumano
 - 2) Vice Chairwoman-Edwina Bright
- b) The Commission shall maintain those standing and temporary committee as may be appointed by the Chairman from time to time.
- c) The Commission shall provide for all employment through a contract and shall not maintain employees.

Quorum

- a) For the purposes of conducting business at any Commission meeting the presence of a majority of the entire membership of the Commission shall constitute a quorum-

Notice

- a) Written or oral notice shall be given not less than (3) three days before the day on which any Commission meeting is to be held.

Voting

All questions before the Commission shall be decided by a vote of a majority of the entire membership of the Commission.

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Official Records

The Charter Commission shall maintain the following types of records with respect to its deliberation on the Maui County Charter:

- a) Tape recordings of all public hearings and of all invited speakers before Commission.
- b) Minutes of regular meetings and community suggestion and public hearings and summaries of proceedings of informal meetings.
- c) Written statements and testimony, reports and other documents submitted by government agencies and officials and private organizations, groups and citizens.
- d) Research reports, research memoranda, and statistical compilations and charts prepared by the Commission's staff.
- e) Written proposals for Charter changes submitted by members of the Commission.
- f) Internal Commission records, budget documents and correspondence.

After due deliberation and discussion, by motion duly made and seconded it was moved that the Commission adopt the proposed rules as the official rules of procedure of the Commission.

Msgr. Kekumano asked Mr. Souki to provide the Committee report on Neighbor Island Government.

Committee on Neighbor Island Government:

Mr. Souki distributed the committee's second summary of the comparative aspects of all County Charters within the State of Hawaii. Mr. Souki related that two further reports would be provided to the Commissioners which would be followed by a detailed analysis of the committee's findings.

Guest speaker: Mr. Hannibal Tavares

Msgr. Kekumano introduced Mr. Tavares and provided a brief background of Mr. Tavares' experience with the Charter committee and the State redistricting committee.

Mr. Tavares reflected upon his participation in the past Charter review committee. He commented that he felt that the public was confused as to the powers of a committee and showed little interest in the committee's efforts. He suggested a number of procedures to develop public input in the Charter review process. These included: (a) having Charter issues published in advance of public hearings, (b) providing good media coverage in advance of public hearings (c) providing more formality in the conduct of public hearings i.e. list of speakers, witness chair, microphone.

Mr. Tavares then spoke on the issue of district representation which he felt would be the most controversial issue to confront the Commission. With regard to the merits of district representation, Mr. Tavares contrasted the pros and cons of the at-large system and the district system. The at-large system: a) it promotes legislation for the County as a whole, b) provides for Council interest for all areas of the County, c) candidates for office will campaign throughout the County and d) may lead to legislative branch not knowing day to day affairs of government and not interested with geographical area issues.

On districting: a) it provides opportunity for voter to know the candidate, b) greater responsiveness by Councilmen to specific areas, c) greater points of access for citizen participation, d) form representation for County wide interests, e) tendency for log

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rolling (process of trading votes), f) easier access for minority representation, and g) wider disposal of power and therefore more difficult to get Councilmen to act in unison. Mr. Tavares commented that these factors have been the traditional arguments in favor and opposed to the district/at-large systems and only can be deemed conclusive as the obvious results of a specific system.

Mr. Tavares indicated that the question of an appropriate electoral system, was an obviously difficult task for the Commission to deal with. He stated he was unsure of the legality of the existing system if such were to be challenged in court. His opinion is that the existing system is sensitive to all areas of Maui County, especially in capital improvements--he felt that the Council was concerned that each district would get their fair share and were concerned for the entire County. He felt that this was enhanced because the Councilmen ran at-large.

Upon being asked what problems would be reflected by a district representation system, Mr. Tavares indicated that the public would most probably be closer to their elected officials.

Mr. Tavares commented on multiple district systems and weighted voting. He suggested that the Commission could provide alternates to the public on the issue but warned of the extended educational process needed in order for this to be effected.

Mr. Tavares explained the difficulty in developing a pure district representation system for Maui County. He indicated that voter registration was the basis of district representation in Hawaii and emphasized that a large council might result if geographical areas were to be the unit for district representation. Mr. Tavares stated he had no preference as to either system in that each had its merits and deficiencies. He stated that the Commission had a difficult job and he would watch its recommendations with interest.

With regard to the term of office for the Council and Mayor, Mr. Tavares felt that the common public sentiment was to have the elected official return to the voters every two years. With regard to a limitation on terms, he stated that there are pros and cons and furthermore it would now be difficult to change the present system. He said also that it is very difficult to defeat an incumbent. He stated that there were serious merits to a limitation on terms and also to a four year term. He commented on the extended campaigning caused by the two year term and suggested consideration for a four year term with staggered elections.

With regard to a city manager, Mr. Tavares, stated that he felt it was most important to have a chief executive of the County to be elected by the people. He stated his preference of an elected Mayor as opposed to a City Manager.

With regard to the Police Commission coming under the Mayor's office, Mr. Tavares indicated that certain activities should remain one step removed from politics. He suggested that the Police Dept. and the Water Board should be considered unusual entities and consideration for each to remain apart from the political process might be healthy.

After some extended questions and deliberation, Mr. Tavares was thanked by Mr. Chairman, Msgr. Kekumano, for his most valuable presentation.

There being no further business before the Commission, meeting was adjourned at 4:10 p.m.

Respectfully submitted,

Mrs. Leonora Balidoy, Secretary

The seventh meeting of the Maui Charter Commission was held at 4:00 p.m., April 28th, 1975, in the Cameron Center.

Msgr. Kekumano presided.

Present were: Commissioners - Msgr. Kekumano, Edwina Bright, Allan Sparks, Margaret Cameron, Hideo Abe, Joseph Souki, Catalino Agliam, Ralph Murakami, Lloyd Sodetani and Stephen Petro; Attorney Paul Mancini.

Guest speaker: Councilman Lanny Morisaki, Mr. Oishi of the County Clerk's office - the press: Mr. Tanji, Mr. Sloclum.

The Chairman provided an explanation as to the Commissions office space and furnishings. The office is located at room 24 of the Maui Medical Bldg. Annex.

The chairman called for committee reports. Mrs. Bright reported on Budget and Planning; she distributed a schedule of speakers and meetings planned each week through July 28th, 1975. Mr. Mancini will contact the speakers for confirmation and will follow the confirmation with a letter. Mrs. Bright related that a proposed booklet of rules of procedure regarding the conduct of the business is being prepared for distribution at the commission's next meeting.

Mr. Sodetani reviewed the proposed budget of \$70,428.00 which by voice vote was reduced to \$70,000.00, by cutting \$428.00 from consulting funds.

Mr. Souki reported on his Committee on County Government. He distributed the committee report which included an analysis of the Maui Charter and other County Charters of the State of Hawaii, reflecting comparative aspects of Articles 1- Article 5. Mr. Souki indicated that the committee would be providing continuous reports of this nature. A brief discussion of the report followed.

Msgr. Kekumano welcomed Council Chairman, Mr. Morisaki and thanked him for providing the Commission the opportunity to hear his concern in the matter of Charter revisions.

Mr. Morisaki gave a brief presentation, reflecting his general feeling with regard to the current Charter. He stated his preference for the existing structure of government which separates the legislative and executive functions. In commenting on structural changes of the present Charter, Mr. Morisaki stressed the importance of checks and balances in the governmental process.

With regard to the County Attorney's office, Mr. Morisaki asked the Commissioners to give serious thought to a Charter revision for an elected Prosecutor. He stated that it was impractical for the County Attorney to serve two masters as was necessary by his dual role. In response to questions on clarifications as to whether he was proposing a separate attorney for the Council, Mr. Morisaki said that he was not making such a proposal in that he did not feel that the Council had sufficient work for a full time attorney. However, he did state that the existing provision for a special counsel for the Council was inadequate. He suggested that the Commission delete certain Charter provisions which required County Attorney recommendation prior to the appointment of special counsel by the Council.

Mr. Morisaki concluded his presentation and responded to questions from the Commissioners. In response to questions, Mr. Morisaki gave his opinion as to various Charter provisions and revisions as follows:

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Independent Audit - Recommended a revision so that the legislative branch would control the audit function. The existing provisions provide for discretionary audits by both the executive and legislative branch.

Council Auditor - Provision for Council Auditor should be mandatory and qualifications and term of appointment should be modified.

Acting Mayor - Consideration should be given to changing the existing provision to have someone other than the Finance Director as Acting Mayor in the Mayor's absence.

Board/Commission Reappointments - Mr. Morisaki indicated that he believed that the existing provision prohibiting reappointment was beneficial in that it provided for a certain degree of independence.

Term of Office - Recommendation for a four year term of Office with no limitation as to the number of terms that could be served.

At Large/District Representation - Mr. Morisaki stated his opinion that at-large representation provided better public service than District representation. In commenting on District representation with at-large voting, Mr. Morisaki questioned its constitutionality.

Water Department - Mr. Morisaki indicated that he believed that the Dept. of Water Supply should be under County jurisdiction. He emphasized the need for water in the County planning process and the potential lack of coordination with a semiautonomous Board.

After an extended discussion on some minor Charter issues, the Chairman thanked Mr. Morisaki for his time and his most valuable input for Charter amendments.

There being no further business before the Commission, the meeting was adjourned at 6:10 p.m.

The next meeting is Monday, May 5th, 1975, with Mr. Hannibal Tavares being guest speaker.

Respectfully submitted,

Mrs. Leonora Blidoy
Secretary