

MINUTES OF THE MAUI
COUNTY CHARTER COMMISSION

DATE: August 11, 1975
PLACE: Cameron Center, Conference Room, Wailuku, Maui, Hawaii, 96793
CALL TO ORDER: 2:00 p.m.
PRESIDING: Monsignor Charles Kekumano
MEMBERS PRESENT: Monsignor Charles Kekumano
Paul Mancini, Commission Attorney
Edwina Bright
Margaret Cameron
Hideo Abe
Catalino Agliam
Ralph Murakami
Stephen Petro
Lloyd Sodetani
Joseph Souki
MEMBERS EXCUSED: Allan Sparks
OTHERS PRESENT: Ron Kondo, State Representative
James S. Ushijima, County Clerk
Manuel Oishi, Deputy County Clerk
Wilma Stegmuller, Secretary for the Napili-Honokowai Taxpayers' Union
David Slocum, Press

Minutes

Approval of the minutes of the Commission's meetings of July 28, 1975, August 4, 1975, was deferred until the August 18, 1975 meeting.

Materials Distributed

The following materials were distributed to the Commissioners:

- a) National District Attorneys Association:
Position Paper; The Role of the Local Prosecutor in a Changing Society
- b) Hawaii Revised Statutes: Sections 281 (11-17)
- c) Comparative reduction of the Charters of the Counties of Maui, Honolulu, and Hawaii
Article 8 to Article 13

Correspondence

Monsignor Kekumano read a letter to the Commission from Tosh Ishikawa, Planning Director, Department of Planning, responding to the Commission's request for input on the various issues and recommendations concerning the Charter.

Mr. Mancini related to the Commission his discussions with Mr. Ishikawa concerning the Charter Planning issues and commented upon Mr. Ishikawa's disposition toward various issues.

Mr. Ronald Kondo: Representative-State House of Representatives

Mr. Kondo stated that it was his opinion that Maui County had a good Charter but a few problems did exist with regard to the Charter and these required changes.

Mr. Kondo stated his recommendations concerning the Charter in accordance with a schedule of issues and recommendations provided to him by the Charter Commission. His opinion with regard to these issues was as follows:

Form of Government

A strong-mayor form of government is best for Maui. A Commission form and a city manager

Form of Government

form would be inadequate. Checks and balances are the key to good government. In addition to the pure strong mayor form the existing quasi-strong mayor form is adequate.

Council Composition

Single member district representation is the best method of electing the council; however, if this method proves itself to be impractical then a combination of at-large and district representation would be the next best alternative.

Term of Office: Council

A two year term of office is too short to develop any meaningful programs. A four year term with a limitation to three terms would be the optimum situation. A person who holds an office for more than twelve years tends to lose touch with reality.

Vacancy in Office: Council

A procedure to provide that the unsuccessful candidate with the largest vote in the last election would fill any council vacancy is a good concept but the person filling the vacancy should be of the same party as the person he replaces.

Powers of the Council

The council should be mandated the requirement to set policy. The recommendation to provide a fiscal audit each year by direction and control of the council is also a good concept.

With regard to the council having its own attorney and/or the unfettered ability to hire a special counsel, this may be solved if there was a separate prosecuting attorney to whom the council could turn for advice.

Managing Director

The position of managing director may be a justified role but his responsibilities must be clear.

Mayor

The age requirement of thirty seems reasonable and should be retained for the office of Mayor.

The council should be able to hire necessary staff without executive interference. However, there should be some check on the legislative branch's ability to spend. Often times the legislature passes bills for political reasons knowing and suggesting that the Governor veto them. Someone must be able to put on the brakes and hold expenditures down.

The Mayor should recommend a pay scale for all branches of government not just the executive branch.

The Finance Director should succeed to the position of Mayor, in the Mayor's absence, and in the absence of the Finance Director the County Attorney should then be acting Mayor. If the Planning Director would come under the Mayor, then he could be considered the second in line after the Finance Director. The Finance Director is the most important position because he has more than anyone else, an overall picture of County problems.

The term of the office of Mayor should be four years with a three term limitation.

County Departments

Office of County Attorney

The office of County Attorney should be separated into an office of corporation counsel and an office of prosecuting attorney.

County Departments

Office of County Attorney

The prosecuting attorney's position should be an elected not appointed.

Department of Public Works

The administration of water systems should not be integrated into the department of public works.

The issue of whether the maintenance functions of the department of parks and recreation should be integrated into the department of public works should be studied carefully; many feel that public works could not handle the additional responsibilities.

The administration of the zoning and subdivision ordinance should not remain in public works but should be in the planning department where all land use activity should be administered.

Department of Parks and Recreation

The concept of reorganizing the department of parks and recreation into a department of human resources has merit if there is obvious resultant efficiencies from such a reorganization.

Department of Planning

The Planning Director should be appointed by the Mayor and accountable to him.

To provide a policy oriented general plan will have too many things to chance and a piece meal approach to planning will result. The present general plan is an adequate tool for the purpose to be served.

There is no need for an additional department to administer the zoning and subdivision ordinances. All of this activity should be within the planning department.

The planning commission should be an advisory body. A citizens group should not have executive powers. The planning commission should recommend to the executive branch of government which in turn should recommend policy to the legislative branch.

To appoint the planning commission on a district representation basis is an excellent concept and should be implemented.

Department of Water Supply

The present status of the department of water supply should be retained. The state legislature has been financing the water department and because of this an independent status should be retained.

Department of Police

The Charter should provide certain flexibility to the police commission. The police commission should be able to adopt its own rules and regulations.

Boards and Commissions

District representation on all boards and commissions would be a valuable asset to County government.

A mechanism to remove board members and commissioners who do not attend meetings should be instituted.

A reappointment of members for a second term to certain commissions, namely civil service, water and planning, should be implemented.

The police commission should be able to adequately perform the functions of a civilian police review board.

Boards and Commissions

The planning director should be added to the water board.

All ex-officio members of boards and commissions should have voting power.

Not all boards and commissions should be compensated; only those that have significant work and a heavy workload.

Some minimum qualifications should be set for important boards and commissions but these qualifications should not be tied to education.

Financial Procedures

The following provisions should be implemented:

To expand the time period for the council to consider the budget.

To have supplemental appropriation bills follow the same procedures for adoption as the initial budget.

To have all appropriations specifically and separately authorized as to purpose and use.

Code of Ethics

All elected officials should provide full financial disclosures.

The prosecuting attorney should administer an ethics code--not an ethics commission. The executive and legislative branch would not give an ethics commission an adequate budget and staff in order to prosecute violations.

Board of Appeals

The board of appeals provides an important function and it should be retained.

Initiative and Referendum

There is no need for initiative and referendum provisions for County government.

County Elections

A two party system should be retained in a County wide basis.

County Clerk: Mr. James S. Ushijima

Deputy County Clerk: Mr. Manuel Oishi

Mr. Ushijima explained the administrative structure of the office of the county clerk and gave a brief summary of the responsibilities of his office.

He further related the structure of the county clerk's office in other counties; he identified the respective staffs of the county clerk's office as follows:

County of Hawaii: 21 employees

County of Kauai: 9 employees

County of Maui: 5 employees

County of Honolulu: 35 employees, including 16 employees attached to the office of council services

Mr. Ushijima recommended that the Charter Commission not combine an office of council services with that of the county clerk. He felt that if the Charter Commission decided in favor of a reorganization of the clerk's office that they do it in such a manner that the reorganization is discretionary with the council.

Mr. Ushijima's recommendation with regard to other Charter provisions was as follows:

To delete the residency requirement as a qualification for the

County Clerk

Recommendation:

office of Mayor--but to keep the age qualification at thirty years.

To provide that the county attorney's office assist the public in filing petitions for initiative and referendum.

To delete the recall provision if a two year term is retained.

With regard to initiative and referendum, Mr. Ushijima questioned whether it was actually needed in a small county such as Maui. He felt that the council would institute ordinances at the request of the public; and further commented that a special election for initiative and referendum purposes would get a small voter turnout and would probably be quite impractical.

In response to a question, Mr. Ushijima stated that it would be possible to develop a ballot for district representation purposes. He stated there would be nine separate democratic ballots and nine separate republican ballots. In further commenting on the subject, Mr. Ushijima stated that it would be possible to develop a non-partisan ballot although he had no opinion on the legality of the ballot as it related to state law.

Mr. Murakami asked whether the clerk's office provided other services to the council such as researching legislation.

Mr. Ushijima stated that the clerk does respond to the council's requests but such requests seldom occurs. He stated that it would be difficult to expand services to the council.

Mrs. Cameron responded that the recommendation before the commission is to combine services not expand them.

Mr. Ushijima stated that the chairman of the council should control the agenda of the council not the county clerk. The clerk should be independent from the council. The addition of a council services component to the clerks office would hurt its independence.

Mr. Souki reflected that the council now controls the clerk and the clerk maintains no autonomous status except as the council may give it.

Mr. Mancini asked Mr. Ushijima's opinion on a four year term.

Mr. Ushijima stated that he preferred the current two year term.

Mr. Mancini asked Mr. Ushijima as a past member of the last Charter Commission, whether he recalled the commission's logic in instituting section 13-15 of the Charter especially as it relates to providing the Mayor veto proof action on all rules and regulations of boards and commissions.

Mr. Ushijima stated that he could not recall the logic of the provision but presumed that it enhanced the strong-mayor form of government then instituted by the past Charter Commission.

There being no further business before the commission the meeting adjourned at 4:35 p.m.

Next Charter Commission meeting will be on August 18, 1975 with Mr. Paul Devens as speaker at 2:00 p.m. at the Cameron Center.

Respectfully submitted,

Leonora Balidoy, Secretary