

MINUTES OF THE MAUI  
COUNTY CHARTER COMMISSION

DATE: September 3, 1975  
PLACE: Cameron Center, Conference Room, Wailuku, Maui, 96793  
CALL TO ORDER: 3:00 p.m.  
PRESIDING: Monsignor Charles Kekumano, Chairman  
MEMBERS PRESENT: Monsignor Charles Kekumano, Chairman  
Paul Mancini, Commission Attorney  
Edwina Bright  
Margaret Cameron  
Hideo Abe  
Catalino Agliam  
Sanae Moikeha  
Ralph Murakami  
Joseph Souki  
Lloyd Sodetani  
Allan Sparks  
MEMBERS EXCUSED: Stephen Petro  
OTHERS PRESENT: Carl Longo, Press  
Mr. Tanji, Press

Minutes

The minutes of the Commission's meeting of August 25, 1975 were deferred until the September 9, 1975 meeting.

Materials Distributed

The following materials were distributed to the Commission:

- a. County Control of Elections by Robert M. Ehrhorn, Jr.
- b. Statement and Opinions by Hideo Niibu, Chairman, Police Commission
- c. Table of Organization from Department of Public Works
- d. Plan for Coordination of Land Use and Codes Administration

Mr. Mancini reviewed the issues that were resolved by the Commission during its August 25, 1975 meeting.

A discussion followed identifying the portrayal of said resolutions to the public as part of the public hearing process.

Resolution of Recommendations

Mr. Mancini presented the following propositions concerning the Department of Finance for the Commission's deliberation:

To delete provision requiring the Director of Finance from providing a continuous internal audit of all departments.

Pros: Provision meaningless; inability to comply

Cons: Should be part of effort to recast entire provision  
Drafting issue not appropriate for public deliberation

Analysis and restatement of entire Department of Finance provision

Pros: Specialized, skilled consultant would provide objectivity and necessary standards

Model Government Accounting Standards could integrated  
Efficient government is a function of budgeting, forecasting, fiscal control and public disclosure

Department of Finance

- Cons: No major problems with regard to provision have been disclosed  
Analysis would create its own problems  
Efficiencies studies to be transferred from Department of Finance to  
Managing Director
- Pros: Key performance area of Managing Director is efficiency  
Finance oversees fiscal issues not management issues
- Cons: Minute issue for public debate; should be part of recasting entire  
Department of Finance provision  
Premature until Managing Director's role clarified

After discussion by motion duly made and seconded it was moved and carried that the Commission employ an independent C.P.A. firm to review for analysis and recommendation purposes the charter provisions regarding the Department of Finance and said firm also evaluate for recommendation purposes the cost of government commission as proposed by the Charter Commission.

Mr. Mancini presented the recommendations regarding the Department of Public Works, as follows:

To reorganize the Department of Public Works to provide for the transfer to Public Works of the Department of Water Supply and the maintenance functions of the Department of Parks and Recreation.

- Pros: Increased efficiency under one department  
Cost savings by integration
- Cons: Accountability not clear  
Cost savings and efficiency speculative  
Could be performed without charter revision

To provide for a detailed statement of the powers, duties, and functions of the Department of Public Works and in such to reflect the transfer to Public Works of administrative responsibilities over the zoning and subdivision ordinance.

- Pros: Would reflect existing state of affairs  
Study identifies increased efficiency  
Provides freedom for Planning Department to plan not administer
- Cons: Transfer not working well  
Zoning/Subdivision should be part of Planning (long/short term goal argument)  
Separate department should be created  
Allocation of Zoning/Subdivision ordinance requires a new separate study.

After discussion, by motion duly made and seconded it was moved and carried that the Commission defer action on the issue of the Land Use and Code division of Public Works and further that the Commission adopt for consideration by the public the transfer of the maintenance responsibilities of the Department of Parks and Recreation to the Department of Public Works.

Mr. Mancini presented recommendations concerning the Department of Parks and Recreation as follows:

To reorganize the Department of Public Works to provide for the transfer to Public Works the maintenance functions of the Department of Parks and Recreation

Department of Parks and Recreation

To reorganize the Department of Parks and Recreation into an 'umbrella' organization (Human Resources Department) integrating all manpower, social services, elderly and youth programs.

Pros: Would better reflect program/human development objectives of Parks and Recreation

More effective planning/coordination for social programs  
Cost saving and direction for social programs would result

Cons: Concept unclear

Key performance areas not defined

Cost of government would rise

De-emphasis of some aspects of Parks and Recreation

Mr. Souki suggested that the proposal concerning a Department of Human Resources be modified to reflect a department separate from Parks and Recreation. Mr. Souki stressed the importance of isolating the Human Resources Department such that responsibilities do not get clouded in another department.

It was suggested that a detailed draft of the Department of Human Resources be provided to the Commission.

After discussion, by motion duly made and seconded it was moved and carried that a separate department of Human Resources be considered by the Commission and said department be presented to the public for their deliberation as part of the Commission's public hearing.

Mr. Mancini presented to the Commission the various recommendations and propositions concerning the Department of Planning as follows:

To provide that the Mayor appoints the Planning Director with Council confirmation.

Pros: Planning is policy oriented and should reflect the executive and legislative view point for effective, consistent government.

Planning Department cannot operate without support from administration

Planning Department's major role should be to influence the chief executive

Citizen group cannot guide Planning Department--no accountability

Planning Department should be liaison between Mayor and Planning Commission and Council

Cons: Planning Department is a professional and require independence to be effective

Planning Department should speak for the professional viewpoint--not for Mayor, Planning Commission or Council.

Lay viewpoint will not be represented if Planning Commission doesn't appoint Planning Department.

The success of Planning Department and Planning Commission is through a network of relationship with departments not the ability to influence the Mayor or Council

Independence is a fact of life-politics of policy is the key issue not who appoints

Department of Planning

To provide that the Mayor appoints the Planning Director with Council confirmation.

Cons: New Planning Department with every new Mayor leads to flaws in long range planning

To provide that the Planning Department becomes an office of the Mayor rather than a department.

Pros: Arm of Mayor viewpoint

Comprehensive planning can only be performed under the Mayor's control

Cons: Planning Department must establish own credibility with departments to be effective

Negotiation of rational principles provides effectiveness to office of Planning

Longevity questionable under the Mayor

To include a provision in the charter identifying the elements, adoption and amendments to the general plan. The general plan would be a statement of broad policies of general, social, economic and environmental objectives as an articulation of public policy. Detailed land-use development plans would be considered in the zoning process rather than the general planning process.

Pros: Physical planning is passe'.

Only method to insure policy development in planning

Supported by all key planning officials: Model Planning Act

Comprehensive City Planning

Leads to a process not a plan; comprehensive planning is not realistic

Cons: Difficult to implement; most don't understand it

Some resultant chaos to be expected

No proof that this is a more effective method-just theory

To create a new department, The Department of Land Use and Codes, to administer all aspects of physical development.

Pros: Clear accountability as one department

More financing for understaffed department

Clear separation from planning

Cons: Costs of government will increase

Separation not clearly justified in efficiency terms

Entire role unclear

To provide that the Planning Commission be appointed on a district representation basis.

Pros: Necessity to have all areas represented

Increase citizen participation

Compromise on council districting

Department of Planning

Planning Commission be appointed on a district representation basis.

Pros: Formalize what is not being done

Cons: Restricts Mayor's flexibility  
District lines tough to draw  
Inconsistency; if de-emphasize role of Planning Commission

To provide that the Department of Planning encompass economic development responsibilities as well as long-range planning.

Pros: Must be together for comprehensive approach  
Formalize existing practice

Cons: Staff responsibilities tend to get lost when merged with line  
Inconsistent with rationale in transferring zoning and subdivision ordinance from planning  
Economic development-ambiguous objectives

To provide that the Planning Commission be responsible for recommending to the Mayor and Council in areas of policy; essentially this would be in the preparation and up-dating of the General Plan.

Pros: Citizen boards should not have executive powers; accountability should be with elected officials

Elected officials need control for planning purposes  
Planning Commission should represent the public through public hearing

Cons: Planning Commission represents lay viewpoint which would be lost  
Planning Commission powers (executive) not in charter-by ordinance and statute

Planning Commission buffer for political issues

After discussion, by motion duly made and seconded it was moved and carried that the Commission adopt the following course of action with regard to the Department of Planning for public consideration and debate as part of the public hearing process:

- a. That the Commission consider a charter provision providing that the Mayor appoints the Planning Director with Council confirmation;
- b. That the Commission not consider a charter provision identifying that the Planning Department become an office of the Mayor;
- c. That the Commission consider a provision in the charter identifying the elements, adoption and amendments to the general plan; and further that a joint meeting be held with the Planning Commission to discuss this issue;
- d. That the Commission provide three options to the public concerning the issue of the Division of Land Use and Codes; said options are to include:
  - (a) The situs of said activity in the Planning Department
  - (b) To transfer these responsibilities to Public Works
  - (c) The creation of a separate department to administer these responsibilities;

Department of Planning

Commission provide three options to the public concerning the issue of the Division of Land Use and Codes;

- (e) That the Commission consider adopting a Charter provision identifying that the Planning Commission be appointed on a district representation basis;
- (f) That the Commission not consider a Charter provision merging economic development responsibilities into the Department of Planning;
- (g) That the Commission consider adopting a Charter provision providing that the Planning Commission be responsible for recommending to the Mayor and Council in areas of policy;

Mr. Mancini presented the propositions concerning the Department of Water Supply, as follows:

To abolish the semi-autonomous status of the Department of Water Supply and to maintain it as a department of the County. (This would abolish the Board of Water Supply.)

- Pro:
- Accountability with elected officials
  - County must control water for planning purposes
  - Too much power in citizen group; inability to deal with issues of this complexity
- Con:
- Favoritism may result
  - Council will not increase rates
  - Management less efficient-self sufficiency lost
  - Long range planning may be lost when a new director is appointed with each Mayor

Hybrid Recommendations:

To maintain the fiscal self-sufficiency aspects of the Department of Water Supply but to have it come under the general supervision and control of the Mayor. (rate fixing)

To transfer sewage system responsibilities from the Department of Public Works to the Department of Water Supply.

- Pro:
- Sewer revenues tied to water use
  - Coordination of total water resource in long range
  - Overall management effectiveness enhanced

- Con:
- Systems quite different
  - Costs will increase
  - Water Board not familiar with sewer system administration

By motion duly made and seconded it was moved and carried that the Commission adopt the proposition to abolish the semi-autonomous status of the Department of Water Supply and to maintain such as a department of the County and said proposition would be presented to the public for debate as part of the public hearing process and it was further resolved that the recommendations concerning maintaining the fiscal self-sufficiency of the Department of Water Supply; the aspect of mandating that water department's C.I.P. projects be

Water Department

consistent with the County's general plan and be processed through the planning department; and the transfer of sewer system responsibilities from the Department of Public Works to the Department of Water Supply be presented to the public for debate and resolution as part of the public hearing process.

Mr. Mancini presented the Charter recommendations concerning the Department of Police, the Department of Liquor Control and the Department of Personnel Services, as follows:

To delete portions of Chapter A, Sections 8.9.3-4 and 8.9.3-5 concerning the rules of the police commission and county jail administration.

Provision obsolete

To increase the size of the liquor adjudication board from three to five members, and to provide nominal compensation for said board members.

Pro: Quorum problem

Scope of decision making enhanced

Con: Cost increase

Personnel Services

To provide the Civil Service Commission authority to promulgate rules and regulations dealing with employees under civil service; therefore providing an exemption from Article 13 Section 13-10.

Pro: Commission autonomy

Efficiency increased

Con: Delete check and balance provision

Accountability of elected officials diminished

To clarify Article 8, Section 8.7.4.1 regarding positions exempted by law not falling under civil services; the question here is whether the term law refers to state civil service law or whether it applies to any County ordinance enacted for the purpose of exemption.

To rectify the circumstances in Article 10, Section 10.7.2 and Article 8, Section 8.13.2.3 regarding the over-lapping responsibilities of the civil service commission and the board of appeals in administering the code of ethics.

After discussion by motion duly made and seconded it was moved and carried that each of the propositions and recommendations regarding the Departments of Police, Liquor Control, and Personnel Services be treated as housekeeping matters and be implemented as part of the drafting of the new Charter and said provisions shall not be taken up as part of the public hearing process.

Mr. Mancini reviewed the issues presented regarding boards and commissions as follows:

To provide for district representation on all boards and commissions.

Pro: Representation/participation ensured compromise on council districting

Con: Limits Mayor's flexibility

Drawing district lines

To provide for reappointment to second term on some commissions, i.e. Civil Service, Water Board, Planning.

and Commissions

One term inadequate to gain necessary skill  
Lose members when they just become productive  
Nobriga syndrome

Public participation limited

Development of pockets of power

Influence on members more likely due to desire for second appointment

To provide for Police Review Board to hear grievances by the public against police action.

Impartial body-objectivity

Citizen board focuses on one area lead to efficiency in that area

Police Commission could provide service; costs will increase

Police will be alienated from public

Police will not rectify own problems

After discussion, by motion duly made and seconded it was moved and carried that the Charter Commission adopt the following course of action regarding charter amendments for the boards and commissions charter provision and said tentative recommendations are to be presented to the public for deliberation during public hearing:

- a. To provide for district representation in all boards and commissions;
- b. To not consider reappointments for second terms on boards and commissions;
- c. To consider grievances by the public against police action as a housekeeping matter to be implemented as part of drafting the new Charter said provision to be part of the Police Commission's responsibilities;
- d. To not consider restrictions on political activity by members of the Department of Police;
- e. To provide that the Planning Director become a member on the Water Board;
- f. To provide voting power to ex-officio members of boards and commissions;

Mr. Yancini provided a summary of the issues concerning the Financial Procedures provision of the Charter:

To expand the time period for Council to consider executive operating and C.I.P. budgets prior to public hearing and adoption.

Three weeks after submission--public hearing

Publish in newspaper--two weeks before hearing

One week to review inadequate

To provide that supplemental appropriation bills follow the same procedure for public hearing and adoption as initial budget measures.

Public disclosures and comment important

Flexibility is diminished

Time period does not justify disclosure procedures

To provide for all appropriations to be specifically and separately authorized as to purpose and use.

Clarity and control in favor of public

Flexibility diminished



By motion duly made and seconded it was moved and carried that the recommendations regarding financial procedures be submitted to a C.P.A. firm reviewing the finance section of the Charter and said firm be directed to make recommendations to the Commission encompassing the entire area of finance and financial procedures.

Mr. Mancini related the issues concerning a code of ethics and ethics commission to the Commission as follows:

To require all elected officials and department heads to provide full public disclosures of all assets.

Pro: Conflict of interests will be disclosed  
Disclosure to public avoids potential problems

Con: Candidates for office may find the stress not worth the effort  
To provide for an ethics commission with powers to enforce violations against the ethics code.

Pro: Without it the code is useless  
It will make government more responsible

Con: No procedures identified  
Will not be financed adequately to do job  
Will result in another Board of Appeals

After discussion, by motion duly made and seconded it was moved and carried that the Commission adopt recommendations concerning an ethics code and commission for consideration by the public at public hearings.

Mr. Mancini related the issues regarding initiative and referendum as follows:

To expand the time required for filing referendum petitions.

County vote not less than 90 days nor more than one year after council vote.

Council vote withing 90 days after petition sufficient

To provide for a more restrictive procedure in order for the Council to repeal and/or amend initiative and referendum ordinances.

(2/3 vote vs. majority vote)

Pro: To override the people's ordinance the council should have clear justification and more the majority votes

Con: All ordinances become obsolete and should be treated equally

By motion duly made and seconded it was moved and carried that the Commission consider the recommendation concerning initiative and referendum as a housekeeping matter which would be taken up as part of the drafting of the new Charter.

It was decided by the Commission that the issues concerning the Boards of Appeals and the Board of Adjustment and Appeals would be considered at the next meeting.

There being no further business the meeting was adjourned at 6:00 p.m.

Respectfully submitted,  
Leonora Balidoy, Secretary