

MAUI COUNTY CHARTER COMMISSION
LAHAINA DISTRICT PUBLIC MEETING

DATE: October 21, 1975
PLACE: Lahaina Civic Center, Lahaina, Maui, 96761
CALL TO ORDER: 7:00 p.m.
PRESIDING: Chairman Monsignor Charles A. Kekumano
COMMISSIONERS PRESENT: Hideo Abe
Catalino Agliam
Ralph Murakami
Mrs. Margaret Cameron
Stephen Petro
Lloyd Sodetani
Allan Sparks
Joseph Souki
ABSENT and EXCUSED:
Dr. Sanae Moikeha
Mrs. Edwina Bright
STAFF PRESENT: Mrs. Cecilia T. Marciel

The fifth scheduled public meeting of the Maui Charter Commission was called to order at Lahaina Civic Center, Tuesday, October 21, 1975, by Chairman Monsignor Charles A. Kekumano with 9 Commissioners present. Attendance sheet revealed 22 signatures, however, head count showed 36 people in attendance exclusive of Commissioners and staff.

The Chairman announced that obviously there had been a slight error, that although the meeting had been originally scheduled for 7:00 p.m., it had been publicized for 8:00 p.m. instead. He said he would begin the meeting at 7:00 p.m. nevertheless, and hold off and keep the more controversial issues for later in the evening. Commissioner Joseph M. Souki was introduced.

DEPARTMENT OF PLANNING - Commissioner Souki:

Several considerations including pros and cons regarding the Planning Department were presented, illustrations included, to wit:

1. To consider a provision whereby Director appointed by Mayor, instead of present system of appointment by Commission.
2. That the General Plan set forth County's broad policies for long range development; including social, economic, environmental and design objectives; statements not to be limited to policy and development objectives, uses of land, overall circulation pattern and most desirable population densities within the county.
3. That public hearings be required before any plans or changes are adopted.
4. Organizational charts with appointments by Mayor and Council or other options.
5. Advisory body without authority to hire and/or fire.
6. Is it feasible for the Mayor to coordinate activities of an executive who is not directly responsible to him?
7. What about continuity? Adversary relationship?

Question to Commissioner Souki: Are you telling me you want to create a new department? Or isn't this the same as the

Police Department, Liquor Control?

Answer by Commissioner Souki: No, we are only considering changes in the make-up, not a new department; and if you are referring to the Planning Commission, like the Police and Liquor Control Commissions, the answer is yes. The object is to consider whether or not the Commission or the Director has the greater accountability and to whom. We do not profess to have all the answers, that's why we're here.

Chairman Kekumano: We are wondering also whether or not the public is having enough in-put in this kind of situation.

(Someone asked to be recognized) - Chairman agreed, asked him to identify himself. "Yes, my name is Herman Adalist, address 180-A Fleming Road. I spoke to you on the phone. (Chairman: Yes). We were invited here to give our ideas - is that not correct - (Chairman: Yes).That's what everybody said - also in four newspaper articles - (Chairman: Yes, there's no problem - we're asking for public in-put.)

Adalist: No you're not - you're asking for two choices - either, or.

Chairman: No, No.

Adalist: I'm very sorry sir - you are presenting two choices. Now put those cards down and let these people talk about what they want in the way of city government in the County of Maui.....

Chairman: I'm sorry. You're out of order. We're trying to do this job as well as we can. Now what we'd like to do is to show you what the last 7 months have produced, to show you what we have done - and then to ask you to respond to those studies....

Adalist: Studies by whom, sir?

Chairman: By this Commission.

Adalist: And who gave you the information? Who did the ground work?

Chairman: We did it ourselves - we went through all kinds of research and study.

Adalist: With whom?

Commissioner Cameron: If I may respond partly to that, Mr. Chairman. There was a Charter Review Commission prior to this....

Adalist: I went to the Charter Review meetings at five different towns on this island.

Cameron: Then, they collected information from public hearings....

Adalist: That is not the answer to my question, Mrs. Cameron - the answer to my question lies very slovenly in who you talked to. And what was in the newspapers three or four months before you had the public hearings is that you were talking the bureaucracy, the people who are there, the "ins" - starting with Mayor Cravalho and right on down, the Planning Department, the Fire Department, the Police. What you did was ask the house of lords to write the Declaration of Independence, etc. etc. That's what I told the Chairman on the telephone.

Chairman: Well, we really didn't do this - what we did was ask the present administration, how they find the Charter which governs their actions. They have told us - and now we'd like to hear from the public. And if you don't mind, we'd like to ask the public. The question we are raising at the moment, one of many questions is the Planning Department. We find there are some problems and we're thinking of possibilities of changing it. These are not options - this is not the Charter - the Charter hasn't even begun to be written. Has anyone any questions about the present Planning Commission and its functions?

Abraham B. Williams: I would like to respond to that - In the first place, the optional plan (referring to Par. 13, Planning Department, Tentative Important Issues, attached) would give the Mayor too much authority. Secondly, they would be less accountable to the people - there's not enough checks and balances. I don't care about adversary relationship - the results are most important. Historically, one man with too much authority cannot do things the right way.

Commissioner Souki: You would still have an Advisory Board.

Warren Hinton: If you're going to correct the Planning Commission, and problems thereof, I think you're starting in the wrong place. The United States is for and of and by the people and there have been many public hearings and the only reason they have it is because by law, you have to have it. And we find that for Lahaina at least, they don't listen to what's happening in the public hearings. And they only find out the Planning Department has done something because the majority of the vote is by the landlords or the land owners. Essentially, this is why the United States was born, to get away from landlords and landowners. I can show you many instances where by the people have no say in what the Planning Department does, no matter how you set it up or how many meetings you have, they've never listened yet to the people.

Chairman: Let me ask you - what suggestion do you have?

Hinton: When you come to a public hearing and the people tell you something or if you're going to rezone an area - you listen to the people - how many people come up to you and say...."We don't want this change" "Well, we do want this change".....Don't listen to the one landowner or carpetbagger who doesn't plan to live in Lahaina and I don't care if he's from Wailuku/Kahului, or if he's a local boy - he doesn't live here. He, because he owns more property, by law can change the plan - the people have no voice.

Chairman called on someone who asked to be recognized:

Speaker: I repeat myself, my name is Herman Adalist, I live at 180-A Fleming Road, Lahaina. I've been here 3 months short of two years, I'm a haole, I'm an outsider - I excuse myself for butting in - I would like to make a suggestion - currently we have 30 precincts in the County of Maui - potentially, we may have 31 - we could have a Planning Commission constituent assembly, from each precinct - elected - not appointed by Mayor Cravalho or the Councilman or by prejudiced people - and in the operation of land use manipulation, don't call it anything else - that we have a general election, elect a Democrat and Republican to this land manipulation board and if one won by 500 votes and the other received 1365 they would go to the board, together they would have 1865 votes and this community would be properly represented. This manipulation that's going on, whether it be land, water department, or anything else, then suggest to you that you convene these hearings and call for an election of

a constituent assembly from each precinct to be the Commission under a new charter, rather than an appointed Commission.

Chairman recognized Bart Miller - who asked if the Historic Commission would operate in the same manner - that is, "their decisions (Historic Commission) could be over ruled only by the Council?" Commissioner Souki replied tha the Council is the policy making body of the County and it would probably remain essentially the same.

Miller: Are the people in the Planning Department hired?

Souki: Yes, all except the advisory Commission.

One Lahaina resident said: I think that the election of a Planning Commission should be given a little more thought by your Commission - because of the tremendous powers the Mayor has over these appointments. Not only for the present Mayor but for the others as well. How about the meeting scheduled for December 1 when the matter of the adoption of temporary coastal zone management program comes up. Most decisions of the Planning Council is not subject to approval or Council veto. (Applause).

Chairman: Thank you. We have a similar situation in the Department of Water Supply - where the body is appointed but acts independently. Unless you have some specific questions.....(there were none).....

HUMAN CONCERNS - Commissioner Margaret Cameron:

Mrs. Cameron explained the considerations of placing various departments regarding human concerns under "one umbrella". In discussion, the major concern was the increased cost of government. It was pointed out that the rationale is to combine these different agencies, coordinating services, thereby decreasing cost of government. The provision to consider transfer of maintenance of Parks and recreation to the Department of Public Works was discussed, but to no great length.

COUNCIL TERM OF OFFICE - Commissioner Sodemani:

Commissioner Sodemani pointed out considerations a), b), c) of the Issues under Council Term of Office including the increased costs of elections. He was interrupted by a Lahaina resident who said he could not adequately concentrate on terms of office until electoral systems and council representation were discussed.

CHAIRMAN KEKUMANO INTRODUCED COMMISSIONER ALLAN SPARKS:

Commissioner Sparks illustrated Items a), b), c) of the Issues regarding Council Composition. He pointed out the decision of the United States Supreme Court "one man one vote principle".

Discussion:

1. Experience shows that representatives from particular areas tend to take care of their own needs only.
2. On unequal population districts would candidates be running at large?

Sparks: Yes, but they must live within the district. There are many methods which would probably be of great help to the minorities. It could be 7 or it could be 9, but you must have residency.

Comment: They're all elected at-large now, but it doesn't make any difference - the guys in Maui still elect the two Councilmen on Molokai and Lanai. The voting strength is in the heavily populated areas.

Question: Who decides on the final plan of the Charter? Do we have several choices - will you explain what method you're planning to use?

Chairman: It's a little early to know what's going to finally come up - this is why we are having these Hearings at the moment - to find out which one of these considerations is the more popular across the County.

Question: Are you having an "either or" decision?

Chairman No, not necessarily - after we get some feel on what most of the people want, probably we'll have to have some options, because there would never be complete unanimity, and then leave it up to all the voters to choose from one - two - or three varieties.

Question: If I understand the presentation correctly, some places are more populated than others - then we're back to the problem of unequal representation.

Sparks: Yes, then we're back to the decision of the Supreme Court again - that is one man, one vote - so you see you have to have some at-large candidates.

Chairman Kekumano recognized Mr. George Apo, Member Board of Directors, Honokawai - Napili Taxpayers Union (A Local Improvement Association) who read his prepared statement. (Refer to copy attached).

Chairman: Thank you Mr. Apo - we also want to commend your organization, it was the only one who sent a representation to most of our meetings.

Question: Has any thought been given to electing Mayor and Council members at a non-partisan level rather than just Democrats and Republicans.

Chairman: Yes - the law at moment reads for a two-party system. This is a State law and must be changed at the State Legislature.

Upon further questioning, Commissioner Sparks reiterated that only registered voters lists were used by the Commission for the studies on different electoral systems. Yes we have discussed $\frac{1}{2}$ vote or $\frac{2}{3}$ vote where we have more votes than bodies, but we felt that it gets to complicated for the average citizen.

Chairman recognized Jim Luckey: On the 9 unequal districts, could you have 7 elected from Central Maui?

Sparks: If we followed a scheme like that (he illustrated) we would have to have one from each of these districts - including Lahaina - and this area (Lahaina) would be virtually assured of a seat.

Chairman recognized Bob Kelsey who identified himself as an "amateur newspaper man". He said he is strongly against the 4-year term for any elected county officials.

Chairman was asked the feelings at other public hearings regarding Council Composition.

Chairman: Hana wants what you want; Lanai is also very concerned but they say,...."don't change us, let us keep what we have." However, there is no group that has plugged for one system.

The position of Managing Director was explained by the Chairman; that one of his duties would be to monitor and supervise the different department heads. No, that this would not be a City Manager - City Manager would replace the Mayor - Honolulu has that system now and it is working well. He would be appointed by the Mayor, this is a part of the Mayor's team.

Question: Why does the Mayor have to have so much power - not particularly this Mayor, but any Mayor?

Commissioner Petro: The Council has the right of approval or not - many Councilmen have voiced their objections on many issues - it's written into the Charter now.

Sparks: What are you saying? Are you saying you want more members on the Council Composition?

Answer (lady in audience): We're saying we're tired of Wailuku making all the decisions for this small island - we want representation on Boards and Commissions.

Commissioner Murakami: You have four representatives on Commissions right now.

Question: If we're going to have 9 - why can't there be a representative from each of the 9 districts on each board and commission?

Commissioner Souki: We realize your need for representation - but there is some danger involved too - you may be over-simplify this, unless you elect someone who is extremely akamai politically, you'll have problems, each one is going to be interested only in his own kuleana - whether you have 9 or 10. This is for your consideration.

Chairman: The Commission realizes that there are some inadequacies in the present set-up - that is the reason for this elaborate presentation. The Commission feels some kind of change is inevitable.

1. Some felt vacancies should be filled by those next in line with highest number of votes. Yes, this could be written in the Charter, however, it's not that simple - the closed primary elections poses some problems.

2. If vacancy is created by a Republican, then the Mayor should replace that position with a Republican, whatever the case may be.

Chairman elaborated on consideration to separate office of County Attorney and Public Prosecutor and whether or not the Prosecutor should be an elective position.

Someone suggested a consideration from the Maui Bar Association:

1. That there be one legal representative to the Mayor.
2. That there be one for the Council.
3. A Public Prosecutor.
4. Chairman pointed out that Council has authority to hire their own legal counsel at anytime with consent of the County Attorney. It was agreed this is not consistent.

There was discussion on the consideration of increasing membership of Board of Liquor Control for the purpose of representation. It was suggested that more lay people or beverage people be included.

The Chairman was asked what the next step would be for the Commission (after hearings) -

After we put all of this together and decide what changes will be made, we present this to the City Clerk and it goes on the ballot a year from now. It depends on the type of Charter we come up with - there may be some options on two or three items - the whole Charter will be presented - with many specifics.

Chairman Kekumano said...."this is the largest turn-out we have had, and this is the 5th Hearing, also the most vocal, the most articulate, Thank you very much".

Someone interrupted the Chairman and asked that the position for a deputy director for the Department of Liquor Control not be created because the Director is receiving more than enough now and he doesn't need a deputy. Chairman said that the only problem is that if the Director is away, there is no one in charge. It was suggested the Chief Liquor inspector take charge - The question is, is it legally proper?

What about the age limit for the Mayoral candidate - why should there be any limitation? This is thought for consideration.

On Initiative and Referendum:

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90 days to one year is too long a period; but determination of validity must be accomplished by County Clerk.

Chairman and Commission were thanked for their work.

There was nothing further, meeting adjourned at 9:30 p.m.

FOR THE COMMISSION:

Respectfully submitted,

Mrs. Cecilia T. Marciel

CHARTER COMMISSION

LAHAINA PUBLIC MEETING, 10/21/75

LAHAINA CIVIC CENTER

	<u>NAME</u>	<u>ADDRESS and/or ORGANIZATION</u>
1.	Alfred P. Williams	P.O. Box 248, Lahaina
2.	Bill Baldwin	291 Front St., Lahaina
3.	JAMES D. GONZALES	Member of Commission 5170 N. HANAWA ST. LAHAINA
4.	George Aps -	Napili-Hanalei Highway (near Aps)
5.	HERMAN ADALIST - LAHAINA - SELF -	
6.	Lou Ellen Campbell	PO Box 545 Lahaina
7.	Lianne Gonzalez	5170 N HANAWA LAHAINA
8.	Joel Schlichter	PO Box 100 RRI Apt 201 Lahaina Self
9.	Gedy Schlichter	Box 100, Apt. 221 Lahaina
10.	Samira Michael	154 Hanalei St. Lahaina
11.	Valys -	Box 1307 Lahaina (Self)
12.	Mona -	Box 1307 Lahaina (Self)
13.	Bob Kehay	P.O. Box 221 - LAH.
14.	Jack -	Box 1307 Lahaina (Self)
15.	John -	Box 1307 Lahaina (Self)
16.	Bambi Miller	346 Front
17.	Betsy Chenoweth	340 Front St
18.	DAVE CHENOWETH	" " "
19.	Gertrude C. Viere	1506 Hanalei St. Lahaina
20.	Peter -	217 L. Luma Rd Lahaina
21.	St. Paul's	The Salvation Army Lahaina
22.	Jim Greaney	Box 338 Lahaina
23.		

24.

25. NOTE: ~~total count 36~~ attendance list incomplete.

26. total count 36 (exclusive of Commissioners + one staff member)