

MAUI COUNTY CHARTER COMMISSION

M I N U T E S

December 16, 1975

The meeting of the Charter Commission, Msgr. Charles A. Kekumano presiding, convened at 3:30 PM, Dec 16, 1975 at the Cameron Center, Wailuku.

Commissioners present:

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| 1. Mrs. Edwina Bright, Vice Chairman | |
| 2. Hideo Abe | |
| 3. Catalino Agliam, Lanai | Consultant: Paul Devens, Esq. |
| 4. Mrs. Margaret Cameron | Attorney for Commission |
| 5. Dr. Sanae Moikeha | |
| 6. Ralph Murakami | Staff : Cecilia T. Marciel |
| 7. Stephen Petro, Molokai | Adm. Assistant |
| 8. Lloyd Sodetani | |
| 9. Joseph M. Souki | Press : Juli Chase, Maui News |
| 10. Allan Sparks | |

Chairman Kekumano called upon Commissioner Cameron who proposed some amendments to Chapter 3, Dept. of Public Works:

1. Discussion ensued on the Division of Land Use and Codes; that the LUC is now under the Dept of Public Works by administrative decision only; that inasmuch as the work is related, it would be feasible for Land Use and Codes to be a part of Public Works.

It was MOVED by Comm. Sodetani, duly SECONDED by Comm. Murakami that the Dept of Public Works include the Division of Land Use and Codes.

MOTION CARRIED. AYES - 7; NOES - 0; ABSTAINED - 3.

2. Discussion continued on Chapter 3 -

- Sec. 8-3.1 - Organization - No Change
- Sec. 8-3.2 - Director of Public Works - No Change
- Sec. 8-3.3 - Powers, Duties and Functions - No Change
- Sec. 8-3.4 - Added - Formerly Sec. 8-6.4 - Chapter 6, Dept of Planning - SEE ATTACHMENT

Sec. 8-3.4 - Now - Board of Adjustment and Appeals organized under Dept of Public Works.

It was MOVED by Comm. Murakami, duly SECONDED by Comm. Sparks that the Dept of Public Works include the BOARD OF ADJUSTMENT AND APPEALS and the new sections as proposed. MOTION CARRIED - UNANIMOUS.

3. Chapter 4 - Department of Parks and Recreation -

- Sec. 8-4.1 - Organization - No Change
- Sec. 8-4.2 - Director of Parks and Recreation - No Change; Add "A" and "B" of Honolulu Charter re Director Parks and Recreation.

Discussion followed on the matter of concessions in public parks - Counsellor Devens stated that the Council can define what a "concession" is - Parks Director can proceed from there. Question - would this interfere with duties of Finance Director? Counsellor Devens said he did not think so.

It was MOVED by Comm. R. Murakami, duly SECONDED by Comm. Petro that the changes as proposed regarding Dept of Parks and Recreation be accepted. MOTION CARRIED UNANIMOUS.

(Counsellor Devens to add other wording as may be deemed appropriate, - i.e."and other such duties as may be prescribed by law".....Add to "A"....."manage and control").

Chapter 5 - Dept of Human Concerns -

Discussion:

1. It was felt the "powers, duties and functions" as set forth in the proposal are too broad;
2. That the needs are not clearly spelled out;
3. That agencies meeting needs of the elderly and youth already exist;
4. How and what formula is used to determine how "to meet human needs";/
5. Devens quoted from the Honolulu Charter.

It was MOVED by Comm. Souki, duly SECONDED by Comm. Abe that the matter be referred to Counsellor Devens for clarification and consolidation as to intent and purpose. MOTION CARRIED - UNANIMOUS.

Chapter 11 - Change from - Commission on Organization of the Executive Branch to - COST OF GOVERNMENT COMMISSION - SEE ATTACHMENT

Discussion:

1. Intent of Commission: Continuous evaluations and exhaustive studies for efficiency in government;
2. The Commission should review periodically the salaries of the administration;
3. Reviews should include the mayor and council and submit such findings with its recommendations through the mayor to the council for approval;
4. Non-civil service personnel shall be included;
5. May be vetoed by the mayor
6. Delete and re-word Sec. 7-4.5. (Powers, Duties and Functions) (Page 10) - Referred to Devens;
7. That This Commission shall operate like other Boards and Commissions;
8. Sec. 8-11.3. - Term of Office -
Delete and include on-going term?

IT WAS MOVED by Comm. Souki, duly SECONDED by Comm. Bright that the COST OF GOVERNMENT COMMISSION be ADOPTED. MOTION CARRIED.

AYES: 9 - NOE: 1.

Discussion:

Counsellor Devens, (suggested wording) -...."The mayor shall appoint, upon approval of this charter, members of the Cost of Government Commission (within a short period of time) and the Commission shall then study and do all things pertinent thereto and submit a report of its findings to the mayor and council,"etc.

1. Should the staff of the Managing Director's Office provide staff back-up?
2. What should the term of office of the commission be?

It was MOVED by Comm. Abe, duly SECONDED by Comm. Petro that the COST OF GOVERNMENT COMMISSION be appointed by the Mayor, with approval of the Council for a term of 18 months.

MOTION CARRIED - UNANIMOUS.

It was MOVED by Comm. Abe, duly SECONDED by Comm. Petro that the operating budget for the COST OF GOVERNMENT COMMISSION shall be included in the Mayor's appropriation budget.

MOTION CARRIED - UNANIMOUS.

Chapter 13 - Board of Appeals - delete entirely - to be replaced by Ethics Commission.

or DEPT. OF

Proposed New Chapter - OFFICE/OF THE PROSECUTING ATTORNEY - SEE ATTACHMENT

Chairman Kekumano called upon Comm. Sanae Moikeha to elaborate:

Discussion:

1. The prosecuting attorney and/or his deputies should be appointed rather than elected positions.
2. County attorneys were formerly elected, rather than appointed - Commission felt they became popularity contests.
3. Terms should run for four years.
4. Deputies and necessary staff to be provided in budget.
5. Bar Association may submit and or recommend list of eligible attorneys.

It was MOVED by Comm. Sparks, duly SECONDED by Comm. Cameron that the position of prosecuting attorney be placed on the ballot and elected by the voters of Maui County. MOTION FAILED.

AYES - 3; NOES - 7.

It was MOVED by Comm. Sodetani, duly SECONDED by Comm. Petro that the position of prosecuting attorney be created, appointed by the Mayor with the approval of the Council. MOTION CARRIED.

AYES - 7; NOES - 4.

The Commission agreed in further discussion that the present system of electing councilmen should also be presented to the voters for consideration.

Sec. 3-2 REAPPORTIONMENT - (NEW) ACCEPTED BY COMMISSION

PROPOSAL B. Sec. 3-1. COMPOSITION - ACCEPTED BY COMMISSION. (Option)

Sec. 3-2. TERMS - No Change

Sec. 3-3 QUALIFICATIONS

To be eligible for election or appointment to the Council, a person must be a citizen of the U.S. and a voter in the County.

(No other changes except district residency requirement if district representation approved.)

Sec. 3-4 VACANCY IN OFFICE - REFER TO DEVENS

Discussion: If 4-year term - there is need to provide for special election.

Re-word for Lanai - Molokai, East and West Maui.

Sec. 3-5 SALARIES OF COUNCILMEN - No Change

(Deleted if Cost of Government Commission approved).

1. (If combination of district and at-large representation, require that Chairman be elected from at-large councilmen.)
- 2., 3., and 4. No changes (except majority changes from 5 to 6 if Council increased to 11).

Sec. 3-7 POWERS OF COUNTY COUNCIL - No Change

Sec. 3-8 COUNCIL AUDITOR - DELETE -

NEW - OFFICE OF COUNCIL SERVICES:

The Council may establish an Office of Council Services and create such positions therein as it deems necessary to assist it in the exercise of its legislative power. The Council shall fix the salaries of such positions by ordinance. Persons holding such positions shall be appointed by and serve under the direction of the presiding officer of the Council and shall be exempt from Civil Service.

Sec. 3-9 INDEPENDENT AUDIT - NEW

Within 30 days after the beginning of each fiscal year, the council shall provide for an independent financial audit of all operations of the city and all operations for which the city is responsible and of their funds and accounts for the current fiscal year to be made by a certified public accountant or a firm of certified public accountants. The scope of the audit shall be in accordance with the terms of a written contract to be signed by the presiding officer of the council, which contract shall encourage recommendations for better financial controls and procedures and shall provide for the completion of the audit within a reasonable time after the close of the current fiscal year.

A copy of the audit report shall be filed with the city clerk and shall be a public record.

Sec. 3-10. RESTRICTIONS ON COUNCIL AND COUNCIL MEMBERS - No Change

The Commission agreed that all matters should be referred to Attorney Devens.

Chairman asked for further questions - there were none.

Chairman Kekumano made the following announcements:

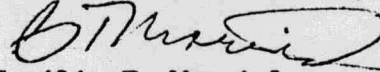
That:

1. Presentations and Proposals for the next meeting of Dec 4, 1975 at 3:30 PM, Cameron Center would consist of:
 - A. Ordinance and Resolutions - Comm. H. Abe;
 - B. County Attorney - Comm. S. Moikeha
 - C. Dept of Finance; Financial Procedures - Cmm. L. Sodemani.
 - D. Commissioners Cameron and Murakami - Planning.

There was nothing further - meeting adjourned 9:00 PM.

FOR THE COMMISSION:

Respectfully submitted,



Cecilia T. Marciel

Administrative Assistant