

MAUI COUNTY CHARTER COMMISSION

M I N U T E S

February 3, 1976

The regular meeting of the Maui County Charter Commission was called to order by Chairman Msgr Charles A. Kekumano at 3:30 PM at the Cameron Center, Wailuku, Hawaii.

Commissioners Present:

1. Mrs. Edwina Bright, Vice Chairman
2. Hideo Abe
3. Catalino Agliam, Lanai
4. Mrs. Margaret Cameron
5. Ralph Murakami
6. Stephen Petro, Molokai
7. Lloyd Sodetani
8. Joseph M. Souki
9. Allan Sparks

Absent and Excused:

Dr. S. Moikeha

Others present:

Mrs. Dorothy Miller, League of
Republican Women

Juli Chase - Maui News

Ann Hartman - Hnl Advertiser

Consultant: Mr. Paul Devens

Staff : Mrs. C. Marciel

Adm. Ass't

In his opening remarks, Chairman Kekumano commended the Commissioners for time and effort spent at meetings, meeting with groups and individuals and energies spent toward the work of this Charter Commission. He said that during the week of January 26 at which time 8 public meetings were held throughout Maui County, at which time only a total of 70 people attended the publicized meetings, as follows:

Jan 23	- Lanai	- 11
Jan 26	- Molokai	- 21
Jan 26	- Kahului	- 2 (Press only)
Jan 27	- Makawao	- 1
Jan 27	- Kihei	- 2
Jan 28	- Lahaina	- 3
Jan 29	- Hana	- 24
Jan 29	- Wailuku	- 6

Chairman Kekumano went on to say: "I understand that some commissioners were disappointed in the turn out in some of these second round of meetings, but actually I feel we should be optimistic about it and accept the fact that by and large the public has responded well to the publicity. They have questioned us over and over many times; evidently most of them did not feel the need to turn out in great numbers." In Molokai and Hana there were very fine comments relative to the "Third Draft", and said he felt this feeling prevails predominately throughout. Mrs. Cameron ^{said} she felt the public is well-informed on the proposed amendments.

The Chairman called upon Mr. Devens who referred to Article 10. Code of Ethics - Sec. 10-4. Penalties Pg 55, Third Draft: He said he re-phrased the section as a matter of legality because rules and regulations do have the force and effect of law. The Charter cannot impose such severe penalties (as written in the earlier draft) - and that the Charter cannot mandate the council to adopt. (Refer - Pg 55 - Fourth Draft).

Chairman Kekumano Commissioners Bright and Murakami to scrutinize the Third Draft to polish wording, punctuation, etc. to be presented at next meeting.

Chairman Kekumano said that inasmuch as the Third Draft has been presented to the public, the Commissioner has nearly reached its zero hour and if the commission wants to reconsider any aspects of this charter, it will take two-thirds of the vote of the entire commission for any considerations.

Comm. Agliam quoted from the present Maui Charter Pg 40 and 41, Sec. 13-2. 7. Boards and Commissions requiring "majority". Comm. Sodemani quoted excerpts from Robert's Rules of Order regarding amendments, reconsiderations, majority and two-thirds majority votes. It was noted it would require a two-thirds vote for any action on a main motion. Discussion continued as to whether or not the Commission would make any major changes after presentation to the public of the Third Draft. The Chairman read excerpts of the Minutes of the Commission dated January 13, 1976,.

Discussion went on to precincts and districting. Chairman Kekumano appointed Commissioners Abe and Souki to a subcommittee to prepare "as precise as possible" a new districting scheme which would be consistent to Sec. 3.1 Composition as proposed by this Commission. In answer to Comm. Souki's question, it was noted that judicial districts and census are not necessarily synonymous.

ARTICLE 7. After some discussion on options or no options, Comm. Murakami MOVED that the FIRST OPTION (Ofc of Mayor) be presented for two years with no limitation; SECOND OPTION - Four Years with a limitation of two terms. More discussion followed - that:

1. Leave the mayor as it is - give only one option
2. Follow one philosophy - do not make compromises
3. The council and Mayor should go hand in hand
4. Give the mayor four year terms for long range programs
5. Better accountability for mayor on 4-year term

VOTE: MOTION FAILED

<u>AYES</u> 2	<u>NOES</u> 8
Murakami	Agliam
Sodemani	Abe
	Cameron
	Bright
	Petro
	Souki
	Sparks
	Mr. Chairman

Comm. Cameron MOVED for two 4-year terms for the council. MOTION FAILED for LACK OF SECOND.

Comm. Sparks MOVED duly SECONDED by Comm. Petro that present system for councilmen be retained - two year terms with no limitations.

Discussion:

1. Many constituents opposed to this measure
2. should be thinking of voters - not councilmen
3. Why only councilmen - why not mayor

The MOTION was AMENDED ^{by} Murakami SECONDED by PETRO to include the four year term for councilmen as an option. MOTION CARRIED.

<u>AYES</u>	<u>NOES</u>	<u>ABS.</u>
Sparks	Cameron	Abe
Sodemani	Agliam	
Bright	Souki	
Murakami		
Petro		
Mr. Chairman		

Chapter 3. Dept of Public Prosecutor:

Chairman quoted excerpts from Minutes of July, 1975 at which time Judge Cable Wirtz and Mike Town appeared before the Commission presenting position papers on the pros and cons of a prosecutor. Discussion centered on the facts that both attorneys did not agree. Commission felt that -

1. Prosecutor could receive pressures from an appointing authority and/or his constituents
2. Appointees should be authorized by council also
3. Exempt from civil service? Yes
4. Qualifications

It was MOVED by Comm. Sparks, DULY SECONDED BY COMM. Murakami that Sec. 8-3.2. Third Draft be changed from appointed and that the prosecuting attorney be elected. MOTION FAILED.

<u>AYES</u>	<u>NOES</u>	<u>ABSTAINED</u>
2	8	Sparks Abe

Discussion followed on Sec. 7-2 Qualifications (Mayor)

It was MOVED by Comm. Sparks, duly SECONDED by Comm. Petro that the words "30 years of age" be deleted. MOTION CARRIED

<u>AYES</u>	9	<u>NOES</u>	1
Abe		Agliam	
Bright			
Cameron			
Murakami			
Petro			
Sodetani			
Souki			
Sparks			
Mr. Chairman			

Sec. 13-10 Rules and Regulations - Consultant Devens said that all rules and regulations having the force and effect of law must be approved by the mayor and council before going into effect. He said this is a procedural process, pursuant to enabling legislation and is forced by federal laws. It was agreed by all Commissioners would return to next week's meeting with substantiating evidence to these rules as handed down by the Supreme Court re APA.

It was ^{the} Unanimous feeling of the Commission that Sec. 14-3 Mandatory Review should be changed to 6 years and new wording inserted as to whether or not a commission should be appointed to propose amendments to the charter and this shall be presented at any general or special election - Refer to Devens for wording.

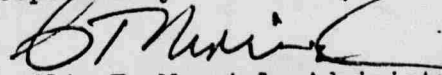
The matter of who should interpret ^{the proposed amendments} into the Japanese and Filipino languages was discussed. Comm. Sodetani felt that the Univ of Hawaii interpreters would have status and standing in the courts (if that be necessary). Chairman felt that Commission should look to qualified people in Maui - he suggested Mr. Koike for the Japanese; Comm. Souki suggested Mr. A. Baxa, Fil. law student now attending Univ of Hawaii. Chairman Kekumano requested Vice Chairman Bright to follow up.

He said that inasmuch as Comm. Moikeha is presently out of state, the Commission would discuss preamble at next meeting of Feb 10, 1976.

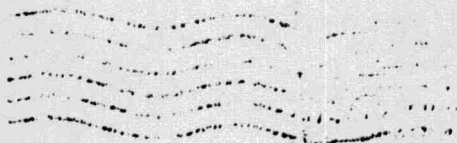
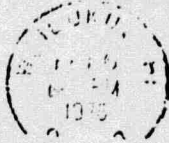
There was nothing further - meeting adjourned at 7:30 PM.

FOR THE COMMISSION:

Respectfully submitted,


Cecilia T. Marciel, Administrative Assistant

Mrs. Colin C. Cameron
P.O. Box C
Paia, Maui, Hawaii
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*Rec'd
8/9/76
BTM*

The Monsignor Charles Kekumano
Chairman, Maui County Charter Commission
2180 Main St
Wailuku 96793

**margaret
cameron**

The Maui Charter Commissioners
the Monsignor Charles Kekumano
2180 Main St.
Wailuku

Dear Charles:

I was sorry to miss the Aloha party at the Aloha restaurant. Knowing your rather low level of humour and your quick retort and your ability to make a pun, and also knowing the level of humor exhibited by my colleagues, I know it was a delight.

The is by way of a memo to you ~~ix~~ and the Commissioners re: PR prior to the election in Nov. You will be gone. I recommend we have a committee appointed to see that the Charter becomes a household word in the months before the election so that one doesn't draw a blank look when one says "charter" to a County citizen. This probelm has worried me for a long time. Taking into consideration the terrible apathy of the public, we still should have a good vote on our Charter if we do the job that lies ahead ..I think we would be derelict if we didn't ~~try~~ expend our effort; in this direction.

I shall miss my friends of the Commission and you especially. Bon Voyage and when your toes freeze off, come back to us and ~~thaw~~ thaw out on Maui.

Aloha,
2.5.76

Margaret