

CHARTER COMMISSION

COUNTY OF MAUI

2180 MAIN STREET (ROOM 24)

WAILUKU, MAUI, HAWAII 96793

MINUTES OF

SEPT 28, 1976

The meeting of the Charter Commission was called to order by Chairman Edwina Bright Tuesday, Sept 28, 1976 at Maui Community College, Kahului.

In attendance:

1. Agliam, C., Lanai
2. Abe, Hideo
3. Cameron, Mrs. Margaret
4. Moikeha, Dr. Sanae
5. Murakami, Ralph
6. Petro, Stephen, Molokai
7. Souki, J. M.
8. Sparks, Allan
9. Sodehani, Lloyd
10. Madam Chairman

By Invitation:

R. Jamieson - R. Jamieson Associates,
Public Relations

The Minutes of the previous meeting of Sept 14, 1976 were approved as circulated.

Comm. Al Sparks presented two news articles he had written for Commission approval with the suggestion that these be published in the Maui News to further educate the voters of the Revised Charter. With some deletions and additions the Commission approved Article #1 - "Why Not More Options In Revised Charter?". Article #2 - "Why a Four Year Term For Mayor?" was deferred. It was the consensus that this subject is a controversial one and that Commission would be inviting more unnecessary reactions. It was MOVED by Comm. Cameron, duly SECONDED by Comm. Moikeha that Article #1 be published over Comm. Sparks name for and by the Charter Commission. MOTION CARRIED UNANIMOUSLY. It was suggested that Comm. Sparks would author more news items and present them to Commission for review before publication.

Bob Jamieson reviewed schedule of insertions to the Commission. Jamieson was commended on the first ads completed and published in the Maui News and the Sun. Due to some misunderstanding, he said the third ad would not be inserted 'till Oct 4th. Jamieson also said Molokai Free Press would print ad also on Oct 4. After more discussion on the presentation of ads, it was agreed he would present revised schedule at the next sub-committee meeting. (Note: These to include new ads on Cost of Gov't; Human Concerns, Mayor, etc.).

Chairman Bright announced that:

1. Cost of flip-charts, due to several changes, had been increased from \$710. to \$1066.
2. That she and Comm. R. Murakami were guest speakers at a meeting of officers of the ILWU on Sunday morning Sept 12; that they (ILWU) did not ask any pointed questions; that Bright and Murakami are sure of their reaction. She said the matter would be discussed further with the union at a later date.

3. She said that re the Jaycees meeting of Oct 6, the Mayor would be the principal speaker - so that in order to expedite matters, she felt two or three Commissioners present at that meeting would be sufficient/^{to answer} any further questions the Jaycees may have.
4. Chairman Bright also announced that she had met with Paul Devens (former legla consultant to the Charter Commission) regarding an additional bill of \$725. he had sent. She stated Devens agreed there had been a misunderstanding, that he would cancel the additional request of payment and that he would send a letter to that effect.

Chairman Bright recognized Comm. Joe Souki who elaborated on the merits of the Commission returning Msgr. Charles A. Kekumano (former Chairman) to Maui on or about the 19th of October through November 3rd to assist and speak for the Charter before presentation at the General Election. He said that Kekumano has a definite following here on Maui which could generate a very positive reaction toward the acceptance of the Proposed Revised Charter, that the Commission should use every resource possible in order to promote the Charter. COMM. SOUKI MOVED accordingly. The question was raised that a MOTION TO RECONSIDER should take precedence. Souki disputed this and referred to ROBERT'S RULES OF ORDER. which in effect said that a Motion to RE-NEW is allowed. (A MOTION to RECONSIDER must be made on the same day). MOTION was duly SECONDED by Comm. PETRO. Commissioners PETRO and ABE spoke further on the advantages of the MOTION. When put, MOTION CARRIED.

AYES: 6

NOES: 4

Abe
Agliam
Moikeha
Petro
Souki
Madame Chairman

Cameron
Murakami
Sodetani
Sparks

It was agreed that if Msgr is able to come, he would be here as ^abona fide member of the Charter Commission.

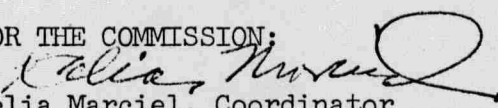
It was also noted that Miss V. Marugg, who had done some art work on the posters would be doing some additional art work in color.

Commissioners were reminded of the schedule to handle the Commission's booth at the County Fair on Oct 7, 8, 9, 10, respectively in the commercial area.

There was nothing further - next meeting Oct 5, Maui Community College - 3:30 PM.

Respectively submitted,

FOR THE COMMISSION:


Celia Marciel, Coordinator

If the Charter Commission is so interested in making County Government accountable to the people, then why are they recommending that the Mayor's term of office be increased from two years to four years? This is a question being asked of us by some concerned citizens.

First, we would remind the voters that part of our recommendation is a limit of two consecutive terms on the length of time anyone may serve as Mayor. This may well be the more important part of the recommendation. As the political history of Maui demonstrates, the electoral advantages of incumbency often produce the continual reelection of the same leaders. Yet most of us would agree that it is a good thing to have a "changing of the guard" every so often. The two term limitation should prevent any one leader from becoming so entrenched that fresh leadership becomes a virtual impossibility.

We believe there are also several good reasons for a four year term for a Mayor. The Mayor has unique responsibility, for policy and program leadership. Major shifts of policy (for example - in tourism development) or important new programs (for example - in housing) will often require more than two years to "bear fruit". Proposals must be developed, sold to the Council and then implemented by an administrative team which may, if the Mayor were newly elected, be quite new to their jobs. Further, a newly elected mayor might encounter important Commissions, such as the Planning Commission and the Water Board, unsympathetic to his goals. Given enough time, of course he will be able to appoint a majority of the membership of such commissions - but is two years enough time?

Another problem that could arise with a two year term is a lack of sufficient continuity in the policy leadership of the County Government. If there were major shifts in administration goals every two years, little in any direction would be achieved. Of course it can be argued that this is not a very likely possibility, especially ~~given~~ given Maui's history of reelecting incumbents. But we are concerned with developing the best charter for the future, not the past. And it is not impossible that the politics of a county changing as fast as Maui could become less stable in the years ahead. Kauai the only County in the State with a two year term for Mayor, has had three different mayors in the last six years. *delete*

12.11.85 Although Americans in general have recently become cynical and less inclined to vote, many people still seem to have an extraordinary faith in the power of elections to keep officials working for "the people". The unstated assumption seems to be that average citizens really know what they want and what the backgrounds and issue positions of the candidates are, and are therefore able to use their votes to rationally select leaders. A moment's reflection on our own experiences with voting plus a large body of political science research quickly remind us that this is a highly unrealistic picture of what happens in elections. What does happen? Candidates pursue the votes of largely apathetic and ill-informed citizens with gimmicky and expensive advertising campaigns. Candidates have to seek the assistance of the wealthy and the special interests for money and endorsements. There is at least the risk in this typical election process that our government officials will end up more under the influence of the wealthy and the special interests than under the influence of the "the people". This risk might be lessened by holding elections less often.

(Suppose, ~~some~~ ^{some} will argue, that these mostly irrational voters are sucked into electing a real "clinker" for mayor.) How do we keep an obvious electoral mistake from doing a lot of damage if he is in for four years? - they ask. While not likely

bold faced?

to happen often, this is a possibility we need to anticipate and be prepared for. There are adequate checks built into our Charter. The Council shares policy making authority with the Mayor and they could stop bad proposals. Further, they can investigate any executive agency, and use their "power of the purse" to check inappropriate expenditures. There is a strengthened Code of Ethics in our Proposed Charter revision that could possibly help check a bad Mayor. Finally, there is in the Charter a recall procedure which the people can use to remove a Mayor from office. These provisions would seem to be adequate checks to handle the unlikely possibility of a very incompetent and/or crooked person becoming mayor.

The above arguments are an attempt to show that the cause of effective and accountable county government is more likely to be advanced with a four year instead of a two year term for mayor. This is the belief of the Charter Commissioners. But we also feel that this proposal has attracted more concern than it warrants. As we all know, most of the elected executive officials in our country, such as the President, Governors and many Mayors, have long been serving four year terms. There appears to have been no real problems of insufficient popular control associated with these four year terms. This long experience, in many different political settings, should ~~dispell~~ any notions that a four year term for Maui's Mayor is a dangerous idea.

dispel

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RADIO SPOTS - KMVI

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*Worthy of Repeats

CHARTER COMMISSION

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RADIO SPOT #1

(Info)

THEME:

A Charter Commission was appointed in February 1975 to review the present Charter and recommend revisions to the voters. After more than a year of work the Commission has drafted a revised Charter which they believe will improve the accountability and responsiveness of county officials and improve the efficiency of county government.

A short time ago the Maui News published the Proposed Revised Charter in its entirety. ^{you} ~~The~~ Charter Commission asks that you take time to read it and familiarize your self with its provisions.

Our Charter is the legally binding document that defines how we, the people, want our county government to operate. It is worth studying before you vote on it - November 2nd.

CHARTER COMMISSION

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RADIO SPOT #2
(Political)

2180 MAIN STREET (ROOM 24)
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COUNCIL COMPOSITION:

One of the important revisions to the Charter proposed by the Charter Commission has to do with the way we elect members of the Council. Under the existing Charter, all 9 council members are elected at large, with the provision that at least one member must come from Lanai and one from Molokai. Under the Revised Charter, all council members will still be elected at large, but 7 members will have residency requirements. Of the 9 members to be elected, one shall be a resident of Lanai, one a resident of Molokai, one a resident of East Maui, one a resident of West Maui, 3 shall be residents of Central Maui, and 2 will be elected with no residency requirements. Candidates will be required to specify which seat they are seeking. The main purpose of this change is to assure at least one voice on the Council from each area of the County.

The Commission urges you to consider ^{its} ~~their~~ revisions carefully - and then vote ^{on} for the Revised Charter / and better government for Maui County!)

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AG

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RADIO SPOT #3

(Information)

COUNCIL TERM:

When you go to the polls on November 2nd, you will have an opportunity to vote for a Proposed Revised Charter for Maui County. In addition, you will have the opportunity to choose between a TWO YEAR TERM or a FOUR YEAR TERM for Council members. This item will be a separate option on your ballot.

Some people say that Council members need more time to accomplish their goals. Other say that short term is necessary to keep the Council responsive to the people.

On November 2nd THE CHOICE IS YOURS!

CHARTER COMMISSION

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RADIO SPOT #14

(Political)

TERM OF THE MAYOR:

One of the revisions to the Charter proposed by the Charter Commission is a change in the Mayor's term of office from 2 years, with no limit on possible consecutive terms, to 4 years with a maximum of 2 consecutive terms. This will mean that a person may serve as Mayor for no more than 8 years, after which he or she must wait 4 years before being eligible to run for Mayor again.

The Charter Commission feels that while a Mayor should be given time to fully plan, develop and carry out programs, there should also be a limit to the length of time any one leader may exercise the authority of this important office.

The Commission urges you to consider the revisions carefully - and then vote for the Revised Charter^{on} (and better government for Maui County!)

County!

before you vote for the 2nd

#5 MANAGING DIRECTOR

One of the revisions to the County Charter^{proposed} by your Charter Commission is a provision for a Managing Director who will act as the chief administrative assistant to the Mayor. The size and variety of operations of our county government is such that no one can handle the administrative responsibilities of the mayor's office without a competent assistant. By ^{this} ~~the~~ provision your Charter Commission is simply recognizing this need, and trying to assure that there will always be adequate management expertise at the top of the executive branch. The Managing Director's duties will include administrative supervision and performance evaluation of executive agencies. The Managing Director will also serve as Acting Mayor in the Mayor's absence.

Your Charter Commission urges you to consider its revisions carefully - and then vote for the Revised Charter and better government for Maui County.

young Comm. believes that this
change is a move toward more
regionalism. } Main County.

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#6 PUBLIC PROSECUTOR

One of the revisions to the County Charter proposed by your Charter Commission is the establishment of separate departments of Corporation Counsel and Public Prosecutor. The Dept of Corporation Counsel will provide legal advice to County officials on matters relating to their official duties. The Dept of Public Prosecutor will prosecute criminal cases. Under the existing Charter, the Office of the County Attorney is responsible for both of these quite different functions. Your Charter Commission believes that the administrative separation of these two different legal functions will allow the attorneys who work for the County to more fully concentrate on and become expert in their fields of law.

Your Charter Commission urges you to consider its revisions carefully - and then vote for the Revised Charter and better government for Maui County.

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MORE DEPT. HEADS APPOINTED BY MAYOR

One of the important revisions to the County Charter proposed by your Commission is an increase in the number of department directors appointed by the Mayor. Under the Revised Charter the Mayor, instead of independent Commissions would appoint the directors of the Departments of Planning, Personnel Services and Water Supply.

This is not an attempt to singly give any Mayor more power. It is an attempt to give you, the voters, more power. Unless our most visible elected official is actually in charge of the key executive departments, how can we voters fairly and effectively use elections to hold anyone accountable for the performance of these departments. The often expressed danger of these departments becoming too "political" will be adequately checked by our merit based Civil Service System, the strengthened Code of Ethics your Commission is proposing and you, the increasingly alert voters.

Your Charter Commission urges you to consider its revisions carefully - and then vote for the Revised Charter and better government for Maui County.

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#8

DEPT OF HUMAN CONCERNS

One of the revisions to the County Charter proposed by your Charter Commission is the administrative consolidation of a variety of existing public services into a Dept of Human Concerns. The services to be administered by the Dept of Human Concerns include housing, youth training, youth employment, and youth delinquency and rehabilitation programs, day-care services, orientation for new residents, career advice and job orientation, and retirement planning for senior citizens.

Your Charter Commission believes that bringing these services under one Department will promote better management, coordination and planning of the programs. It should also focus more attention on these important programs, and provide easier access to the services by people in need of them.

Your Charter Commission urges you to consider their revisions carefully - and then vote for the Revised Charter and better government for Maui County!....

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#9

STRENGTHENED CODE OF ETHICS

One of the revisions to the County Charter proposed by your Commission is a much strengthened Code of Ethics. This new Code of Ethics requires disclosure of business interests by all officials and employees of Maui County. To keep this Code of Ethics from becoming just a bunch of nice words, your Commission has proposed the establishment of a Board of Ethics. The Board of Ethics will have significant powers to investigate complaints and enforce the provisions of the Code of Ethics.

The strengthened Code of Ethics and the new Board of Ethics will promote a high standard of ethical conduct among county officials and employees.

Your Charter Commission urges you to consider its revisions carefully - and then vote for the Revised Charter and better government for Maui County!

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#10

COST OF GOVERNMENT COMMISSION

One of the revisions to the County Charter proposed by your Charter Commission is the establishment of a Cost of Government Commission. This Commission will study the operations of all County agencies and make recommendations to improve their efficiency. Every three years an entirely new commission must be appointed to make an entirely new study of County operations.

This continuous periodic review by citizens will promote efficiency in our County Government.

Your Charter Commission urges you to consider its revisions carefully - and then vote for the revised Charter and better government for Maui County..

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#11

OFFICE OF COUNCIL SERVICES

One of the revisions to the County Charter proposed by your Charter Commission is a provision for an Office of Council Services. This Office may be staffed as the need arises, and it will strengthen the County Council in its policy making role. It will allow the Council to carry on its own study and research independent of the Executive Branch. To effectively carry out its responsibility to "check and balance" the Executive Branch, any legislative body, like our County Council, needs a professional staff of its own.

Your Charter Commission urges you to consider its revisions carefully - and then vote for the Revised Charter and better government for Maui County!

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#12

FINANCIAL ACCOUNTABILITY

Among the revisions to the County Charter proposed by your Charter Commission are two provisions designed to improve financial accountability. One of these revisions states that the County Council shall provide for annual audits of all County accounts and financial transactions by independent certified public accountants. These audits must cover both financial accountability and the adequacy of the County's financial and accounting system.

Another revision requires the Finance Director to submit to the Council a complete and up-to-date statement of revenues and expenditures every three months. This statement must be sufficiently detailed to show the exact financial condition of the County and each of its departments.

These provisions, along with the activities of the recommended Cost of Government Commission, should provide a sound "watch dog" service over the public purse.

Your Charter Commission urges you to consider its revisions carefully.

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#13

BOARD OF ADJUSTMENT AND APPEALS PROCEDURES

One of the revisions to the County Charter proposed by your Charter Commission has to do with the procedures used by the Board of Adjustments and Appeals when granting variances to zoning and sub-division ordinances. A variance granted by this Board could possibly have serious effects on the neighborhood involved. Therefore, a provision has been added which specifies that the Board of Adjustment and Appeals must hold a public hearing prior to the granting of any variance. Another added provision requires the Board to specify the particular evidence which supports the granting of any variance. These revisions should help to assure that no variances are granted without careful study of all the circumstances and the concerns of the people affected.

Your Charter Commission urges you to consider its revisions carefully when you go to the polls on Tuesday, November 2nd.

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#14 - POLICE COMMISSION INVESTIGATION OF COMPLAINTS:

One of the revisions to the County Charter proposed by your Charter Commission deals with the handling of public complaints against police officers. Currently, the Police Dept itself, under the direction of the Chief, is responsible for conducting investigations of complaints against its officers and taking any necessary disciplinary action.

A provision has been added to the Charter which requires the Police Commission - a group of knowledgeable citizens - to be responsible for these investigations. This provision should provide additional assurance that the investigations will be conducted fairly and objectively.

Your Charter Commission urges you to consider its revisions carefully ^{before} when you go to the polls to vote on Tuesday, November 2nd, Election Day.

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#15 - GENERAL PLANNING: PURPOSE AND PROCEDURE:

One of the revisions to the County Charter proposed by your Charter Commission deals with the very important Planning function.

Provisions have been added which define the purpose of General Plans and the method to be used in their adoption. Under these provisions, general plans are required to set forth the County's policies for long range development, and to contain statements of the social, economic and environmental objectives to be achieved. The Council is required to adopt General Plans by Ordinance. However, the Council will need a two-thirds affirmative vote to approve proposals NOT recommended by the Planning Commission.

The provisions are designed to assure that the Planning process remains consistent with current advanced thinking of professional planners. They also assure that a group of knowledgeable citizens - the Planning Commission - will have significant influence in planning decisions.

Your Charter Commission urges you to consider seriously and carefully all its revisions when you vote on Election Day, November 2nd.