

CHARTER COMMISSION
MEETING MINUTES
DECEMBER 19, 1991
COUNCIL COMMITTEE ROOM

Present

James Cockett
Sherrilee Dodson (Vice Chair)
Dolores Fabrao
Annette Mondoy
Robert Nakasone (Chairman)
Victor Reyes
Allan Sparks
Anne Takabuki
Jamie Woodburn
Deborah Wright
Susan Nakano-Ruidas (Staff)

Excused

Lloyd Yonenaka

I. CALL TO ORDER

Chair Nakasone noted a quorum present and called the meeting to order at 4:07 p.m.

II. PUBLIC TESTIMONY

None.

III. COMMUNICATIONS

The following Communications were accepted by the Commission:

- A. Communication 91-33
Proposed amendment to change wording in Section 8-5.4 Board of Variances
- B. Communication 91-34
11/2/91 Committee A Meeting Minutes
- C. Communication 91-35
11/14/91 Committee A Meeting Minutes
- D. Communication 91-36
Report dated 11/18/91 Corporation Counsel Opinions issued regarding the Charter Commission
- E. Communication 91-37
11/30/91 Letter and written testimony by Sarah Sykes of Molokai

IV. OVERVIEW/DISCUSSION OF PREVIOUS CHARTER COMMISSIONS

A. William Crockett, Attorney and previous Charter Commission member, addressed questions submitted to him:

1. Current At-Large System vs Districts - Crockett noted the legal parameters to consider in making changes to the makeup of the Council. Citing the New York City Board of Estimates vs Morris 1989 case, Crockett cautioned that it is a "real big problem to resolve weighted voting" although some leeway and deviations are permitted.

IV. OVERVIEW/DISCUSSION OF PREVIOUS CHARTER COMMISSIONS

A. William Crockett (Continued)

Crockett pointed out that a "whole lot of time" had been spent on district representation by previous Commissions and that it was decided to defer the problem by providing for another Charter Commission appointment two years later. However, the proposal they came up with was voted down in the following election.

Crockett reiterated his position that there is "no problem with the system as it exists today. The system we have right now works pretty good considering the geography."

Crockett stated that his personal feelings are that "district representation hurts the individual voter rather than helping the person; I don't like district representation" because "pork barrel budgeting then comes about and lends itself to wheeling and dealing. There is a lot of perversity built into the system."

Regarding the change in Council makeup which would occur with districting, Crockett observed that with nine to eleven council members "you have a collegiate body of the County of Maui, and you can maintain that up to 13 people - after 15, you lose the collegiate feeling - the Council gets too large."

Noting that "it all started with Toshi Anzai in 1949," Crockett said that separate districts for Molokai and Lanai are "probably the only solution for the County of Maui."

When asked his feelings on residency requirements for the three Central Maui seats - breaking it into three distinct races, Crockett replied that "single member districts end up with head-to-head elections," and that "one-man-one-vote does not mandate single member districts - you can have multi-member districts."

2. Planning Commission for Lanai - Regarding the Planning Commission on Molokai, "when the Charter was last amended to create the arrangement we now have, I opposed it publicly." Crockett cited the following reasons for his opposition to another planning commission for Lanai:

- a. Expense - substantial capital costs involved with revenue bonds required along with general obligation bonds.
- b. Staffing - redundant with a new system; also, administrative staff turn-over a problem.

IV. OVERVIEW/DISCUSSION OF PREVIOUS CHARTER COMMISSIONS

A. William Crockett - Lanai Planning Commission (Continued)

- c. Water, Planning and Economic Development "were such a problem - they should not, could not be separated."

"I have strong mixed feelings about it - feel very strongly that the county should not be fractured. Land use decisions should not be looked at in a vacuum. Social problems impact on business. If Lanai has its own planning commission, we'll have planning commissions for all other areas."

3. Council deal with own ethics - Crockett responded that other legislative branches of government have the power to "seat and unseat members."

"I would like to think about that - I don't know."

4. Suggestions for Charter Amendments:

Crockett replied that it was his "belief" that there "is nothing you can do with the Charter that will amount to a damn." However, he did suggest two areas which could be addressed:

- a. "Reorganization in the last go round" that created the "department of Managing Director was a mistake."
b. "The Public Works department has gotten too big - should spin-off Sewer and make a separate department. That would take some pressure off."

5. Creation of townships - Crockett stated that he feels "very strongly that creating local sub-municipalities creates administration duplication." Along with creating a new "super structure, you would have to delegate taxing powers." He further warned that you are "going to have jurisdictional problems" as well.

6. Mayoral appointments of department heads - Crockett noted that if attempts were made "to change the procedures for the appointments of certain department heads (Personnel, Liquor, Police, Manager of the Water Department) you will run into problems with State statutes."

"Whether the mayor should appoint - I'm not going to get into it. It was a hot point at the last Commission."

7. Limited terms for the Council - Crockett stated that this was a "hot issue." Let me "remind you of the fact that it is always voted down."

IV. OVERVIEW/DISCUSSION OF PREVIOUS CHARTER COMMISSIONS

- A. William Crockett - Limited terms for Council (Cont.)
"I ask myself-how do we end up with better government if terms are limited? I have never received a good explanation for limited terms."
8. "Confirmation process hurts more than protects" -
Crockett responded that it is "more meaningful to talk about it in relationship to specific department heads, like Department of Public Works or Finance. It is not a good idea to submit those to confirmation - it's hard enough to get qualified people."

When putting together a "team" a "mayor cannot truly select people they can really work with" because they "don't have freedom of choice; the confirmation process eliminates others." This "subjects the government to internal negotiation - the most objectionable aspect of it."

Because we "wanted to create a system with two separate branches - legislative and administrative," there "has to be alot of tension - built in brakes and checks."

V. NEXT MEETING DATE

- A. Committee B will meet January 9, 1992 at 2:00 p.m.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:38 p.m.

APPROVED:

Robert Nakasone smw 1/30/92
Robert Nakasone, Chairman Date