

COMMITTEE B  
CHARTER COMMISSION  
MEETING MINUTES  
JANUARY 9, 1992  
COUNCIL COMMITTEE ROOM

Present

James Cockett (Committee Chair)  
Dolores Fabrao  
Allan Sparks  
Anne Takabuki  
Deborah Wright  
Susan Nakano-Ruidas (Staff)

Excused

Sherrilee Dodson  
Annette Mondoy  
Robert Nakasone  
Victor Reyes  
Jamie Woodburn  
Lloyd Yonenaka

- I. CALL TO ORDER  
Committee Chair Cockett called the meeting to order at 2:05 p.m.
- II. APPROVAL OF MINUTES  
Approval of Committee B minutes of the December 5, 1991 meeting were deferred to a later date.
- III. PUBLIC TESTIMONY  
None.
- IV. OVERVIEW/DISCUSSION OF ARTICLE 8 - CHAPTER 10  
DEPARTMENT OF HUMAN CONCERNS PROCEDURES
  - A. Stephanie Aveiro, Director, stated that her department is "charged with meeting the basic needs level of all the people in the county." Her department encompasses six divisions:
    1. Housing - Aveiro noted that:
      - a. The County is no longer in competition with private developers - only in housing the private sector does NOT want to do.
      - b. This division is involved in rental subsidies - with 100% disbursal.
      - c. The division works as a homeless liaison, supporting agencies outside the County.
    2. Immigrant Services
      - a. Youth Acculturation programs focusing on tutorial programs and community involvement with government.
      - b. Citizenship programs - about 60 are naturalized every three months.
    3. Office On Aging  
Mandated by Federal law to have this program.
    4. Senior Services Division
      - a. Nutritional sites
      - b. Leisure programs
      - c. Respite (adult day care program)
      - d. Hello program (companionship for elders)
    5. Youth Services Division  
Coordination of programs at 7 youth centers.

IV. OVERVIEW/DISCUSSION OF DEPARTMENT OF HUMAN CONCERNS

A. Stephanie Aveiro (Continued)

6. Volunteer Action Division

Aveiro noted that there are "lots of committees and community involvement." Her "goal is to get divisions working with each other" and to get the "idea of the family unit back on track."

Aveiro was asked if she saw any overlap with other agencies. She replied that "the County is sensitive to NOT overlap where community non-profits" are involved and "sensitive NOT to treading on other's turf."

"The state seems to be divesting itself" and "we need to pick up the balance, however the budget is the restraint; staffing is also a restraint."

When asked if there were coordinating problems within the County, Aveiro responded "No, there is a clear-cut line of division. If a program is totally recreational, it's a Parks function. If it's learning life skills, citizenship, building esteem, it's a Human Concerns function. Parks is supportive of Human Concerns using its facilities."

When asked her opinion on creating a separate housing department (as recommended by Council Resolution), Aveiro replied that "every department is focusing on housing now. I don't think the span of control is too much. I wouldn't suggest that you make a separate department."

When questioned about grants, Aveiro noted that the mayor makes an actual disbursement of about \$600,000, with 80% being distributed in the first half and 20% in the second half. This year the mayor has approximately \$480,000 to distribute and about \$4.5 million in requests. She further noted that the mayor has taken the position of "heartbreaking needs vs. music stands."

When questioned about the size of grants before the Social Grants Review Board, Aveiro noted that there "is no max that any one organization can get."

V. OVERVIEW/DISCUSSION OF ARTICLE 8 - CHAPTER 3  
DEPARTMENT OF PROSECUTING ATTORNEY PROCEDURES

A. Larry Butrick, Prosecuting Attorney, stated that the "Charter protects me - alot. I have the best of both worlds the way it sets now. I don't owe allegiance to anyone. I don't have to worry about party support or influences. In this job, it is critical that a person is 100% isolated and insulated."

V. OVERVIEW/DISCUSSION OF PROSECUTING ATTORNEY PROCEDURES

A. Larry Butrick (Continued)

Butrick noted that "my counterparts on the other islands are elected," and that being in an appointed position is advantageous because "the focus is on running the office-not getting re-elected." Butrick stated that with an elected Prosecuting Attorney position, "you are more subject to political interplay. I feel very safe right now that no one can exude undue influence on me." He also noted "there is a move on Oahu to make the City and County Prosecutor an appointed position."

Butrick stated that the "current check and balance system is unique - fantastic from the budget standpoint. You are reviewed by everybody."

Butrick noted that his department "does have Federal and State funding" and that they also have "an agreement with the Attorney General's office to be designated special appointments to avoid conflicts."

When asked if there was anything the Commission could revise in the Charter to help his department, Butrick replied: "I'm kind of in a dilemma right now..where my investigators are concerned. The HRS section empowering them with police powers has been repealed. I have investigators who in essence do police work, but without police power protections. Which means I now do not allow them to carry firearms. I now am limited in my use of them, in that I will not put them in a dangerous situation. Unfortunately, alot of their work requires them to be in a dangerous situation. I am very concerned about their safety and their personal liability.

(See Communication 91-16 dated August 14, 1991 where Butrick notes that HRS 62-78 instituted in the 1988 Legislative Session has been repealed.)

Butrick further noted that there has been "no explanation to why powers were taken away. The City and County of Honolulu immediately reinserted it in their Charter. Kauai is trying to do it by ordinance. Big Island hasn't indicated how they are going to approach it.

Butrick suggested the following verbage change to Chapter 3, Section 8-3.3.a.:

- a. Appoint such deputy prosecuting attorneys and necessary staff as shall be authorized by the council, to include investigators, who shall have all the powers and priviledges of a police officer of the County.



V. OVERVIEW/DISCUSSION OF PROSECUTING ATTORNEY PROCEDURES

A. Larry Butrick (Continued)

In light of the controversy over appointment of the prosecuting attorney during the new administration takeover, Butrick stated that "there need to be carryover provisions to provide continuity of the management of the office. There needs to be provisions, with the concurrence of the mayor and the council, that can be extended in the event where it's (appointment) not extended. The focus should be on the continuity of the office. Let the deputy take control. Don't limit the time. The real nightmare with 60 days is to learn the responsibilities. A lot of major issues and reports were not filed...you need someone who can stay on top of everything. In many cases power reverts to the deputy director, but it is not specifically stated in the Charter. It needs to be spelled out...extending active status beyond the 60 days."

Butrick also suggested that the wording under qualifications be changed. "Instead of a 3 year residency requirement, so many years of practice (experience) within the state." He urged Commissioners to "look at the broad view. There is no rational relationship between residency and ability to perform the job."

Chair Cockett noted that Paul Mancini would be asked to structure something to address residency requirements, vested power when no confirmation, and time limits.

VI. OVERVIEW/DISCUSSION OF ARTICLE 8 - CHAPTER 2  
DEPARTMENT OF CORPORATION COUNSEL PROCEDURES

A. Guy Haywood, Corporation Counsel, noted his unique position "advising both sides. When you have two masters, you cannot have loyalty to one. I have no specific obligation to anyone. I have two clients with competing interests - and I haven't been disbarred!"

Haywood responded to the controversy over the "legality of staying on" when appointment is not confirmed by the Council, by asking - "How often is the situation going to occur?" He further noted that the process "takes time" and that "in the interim we need to make sure there is a head to the department - whether specifically appointed by the mayor or explicitly stated in the Charter - some continuity. The process needs a time limit - it is implied but is not specifically stated. Recognizing the ability to appoint an acting director during the interim period is a good idea, to avoid legal challenges to the fact that there was no appointed person in the interim."

VI. OVERVIEW/DISCUSSION OF CORPORATION COUNSEL PROCEDURES

A. Guy Haywood (Continued)

Asked his feelings on elected Corporation Counsel, Haywood responded that "those people spend a percentage of time getting re-elected where they don't do their work - giving the best product to your client." Haywood further stated that "the system as it is works very well - it's an excellent process."

When asked about his role as chief legal advisor and legal representative of the council, the mayor, all departments, all boards and commissions, Haywood told commission members "you are entitled to your own representation" but "if push comes to shove, better listen to what we said."

Haywood noted that he felt qualifications for his department were "very important because Hawaii is very unique. I don't think the minimum qualifications are challenging."

Haywood noted that he wants "no changes (to the Charter) as it relates to my department. I'm pleased with it as it stands."

Haywood did remind Commissioners that his department is "an evaluating system NOT adversarial system."

VII. OVERVIEW/DISCUSSION OF ARTICLE 8 - CHAPTER 4  
DEPARTMENT OF FINANCE PROCEDURES

A. Travis Thompson, Director, was prepared with his requests for specific amendments to the Charter:

1. Section 8-4.3. Number 7 should be changed to read:

7. Prepare and issue warrants and checks.

Thompson's reasons for this change were to "save some money and time; require fewer bank accounts; shifts financial responsibility back to the banks; leaves a better audit trail; reduce redundancy - with warrants you have an extra step - we pay twice for everything; and Kauai has gone to checks."

2. Section 8-4.3. Number 13 should be changed to reflect the fact that there is only one bond covering everybody.

3. Section 9-13. Audit of Accounts. Thompson recommended the addition of some verbiage which would make an audit by an independent firm a must in the event of a changeover in administration.

Thompson stated that the Council declined to pay for an audit when he was appointed. Consequently, he

VII. OVERVIEW/DISCUSSION OF DEPARTMENT OF FINANCE PROCEDURES

A. Travis Thompson (Continued)

he has paid to have it done and it left "enough of a trail that says as of this date, it's on me."

When asked how he would feel about a confirmation by Council process for his position, Thompson replied that he "would not like being exposed to political process."

Thompson said he is "running a \$180 billion business" and noted "there is not enough flexibility to manage cash." His two constraints are that "the Council is more restrictive than the Hawaii Revised Statutes" and that there were "no forecasts available;" however, "this has been remedied." He also noted that "in an emergency, we don't seem to be able to do things swiftly enough."

Thompson stated that the Charter is a "very cogent piece of work" and "if we can find a loophole in the Charter, we use it."

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:16 p.m.

APPROVED:

James Cockett, Committee Chairman      Date