

MINUTES OF THE
MAUI COUNTY CHARTER COMMISSION

DATE: April 14, 1966

PLACE: Board Chambers, Wailuku, Maui

CALL TO ORDER: 7:08 p.m.

PRESIDING: Douglas Sodetani, Chairman

MEMBERS PRESENT: Douglas Sodetani, Chairman
William F. Crockett, Vice-Chairman
Cornwell Friel
Shiro Hokama
George Kondo
Harry Kobayashi
Paul Pladera
James Ushijima
Charles C. Young, Research Assistant

MEMBERS EXCUSED: Emil Balthazar
Nadao Honda
Keith Tester

OTHERS PRESENT: Honorable Eddie F. Tam, Chairman and
Executive Officer of the County of Maui
Kase Higa, County Attorney
Shigeto Murayama, County Treasurer
Soon Oak Lee, Supervisor, County of Maui
Manuel Molina, Supervisor, County of Maui
Arthur B. Fernandez, Federal Programs
Coordinator

Others:
Jack Stephens, Maui News Reporter
Mrs. Mary Stephens

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ROLL CALL:

There were 8 members present and 3 excused at the regular meeting of the Maui County Charter Commission on April 14, 1966.

MINUTES:

The minutes of the regular meetings held on March 10, 11, and 17, 1966, were distributed to the members of the Charter Commission. It was moved by Cornwell Friel and seconded by Shiro Hokama that the minutes of February 21, 1966 and March 3, 1966, be accepted as circulated.

COMMUNICATIONS:

1. Minutes of the Kauai Charter Commission were received and are on file for interested members to read.

LITERATURE:

The following were distributed to the members of the Charter Commission:

1. Information gathered by Charles C. Young, Research Assistant:
 - a. Reprints from the Honolulu Star-Bulletin and Honolulu Advertiser on the activities of the Hawaii and Kauai Charter Commissions.
 - b. Statement (dated February 11, 1965) of Masaru Yokouchi, Chairman of the Charter Commission in 1964, to members of the Senate Ways and Means Committee and Senate Government Relations and Efficiency Committee.
 - c. Memo regarding the handling of appeals of disciplinary actions and dismissals by the Federal Bureau of Investigation.
2. Copies of the "Model County Charter" and "A Guide for Charter Commissions".
3. Rough draft of the proposed charter of the Kauai Charter Commission.
4. Copies of the 1965 Annual Report of the Maui County Police Department.
5. Copies of "Ideas for Charter Commissions".

OLD AND NEW BUSINESS:

There being no old and new business to be acted on, the Chair called upon Honorable Eddie F. Tam, Chairman and Executive Officer of the County of Maui, to enlighten the commission members as to the functions of his office and

to give them the opportunity to be more familiar with his office, his duties, his remarks and recommendations as to what the new charter should be like as far as his office is concerned.

GENERAL DISCUSSION:

Chairman Tam made the following remarks:

He serves on a two year term and runs for election every other year on even years, which is election year.

The responsibilities and duties of the Chairman's office are very broad. He is supposed to be the manager of the entire County.

The Board of Supervisors acts as a Board of Directors. The Board sets policies and makes ordinances. The Chairman has a vote as a member of the Board of 9.

Part of the Chairman's functions is to carry out the policies made by the Board of Supervisors.

He is responsible for all departments under his jurisdiction.

Most of the appointments made by the Chairman are confirmed by the Board of Supervisors. He makes certain appointments, which, although confirmed by the Board of Supervisors, are not protected under civil service. For instance, the County Engineer, the Fire Chief and all of the secretaries he appoints, although classified for salary purposes, are not protected by civil service. They can be dismissed at any time.

Chairman Tam also stated that the two year term is of not much value, and it does not give the county chairman a chance for continuity of any sort of program.

Chairman Tam felt that the four year term for the Chairman's office is a must. There is a better chance for a more wholesome program. If for the first half year, he does not see his program through, he has 3½ years more to see it through. For instance, when the chairman is elected, he does not know who the new Board members will be until after election. He sets up a program (program costs money) and if the Board concurs, his program begins to take effect about September or November. The following year, the Legislature is in session and the County has to work with the Legislature. During the same year elections are held. The Chairman will then be worrying about elections and not his program. Should the Chairman be re-elected, he can still carry out his program, but should a new person be

elected as chairman, and he does not like 2/3rds of the program projected by the former chairman, he will not carry out the program and instead present his own program. Chairman Tam also added that a four year term is more stable compared to a two year term which is far too short a term.

During the question and answer period, Mr. Ushijima stated that he believed regardless of a four year term or two year term, the mayor can carry out his program with continuity.

Chairman Tam stated that it has been fortunate that we have had good members on the Board of Supervisors. He has served for 9 terms and there has been a continuity of his programs.

Mr. Sodemani asked Chairman Tam what he thought about the tenure of office of mayor of four years being limited to two years as proposed in the County of Hawaii Charter?

Chairman Tam stated that personally, he felt it was not a bad policy or rule. He felt that in a two year or four year term, he will have done either a good or bum job. He also felt that this was a question for the Legislature to answer. He added that the charter does not have to be ratified by the Legislature. Whatever charter is adopted here is our own law.

Mr. Sodemani asked if the tenure of office for the legislative body and the executive body of each county should be uniform or not.

Chairman Tam stated that it should be uniform as far as term of office is concerned.

When questioned by Mr. Sodemani as to whether the salary of the mayor or executive person should be incorporated into the charter or left up to the ordinance, Chairman Tam stated that if the salary is to be set by the ordinance or by the charter, the three neighbor counties must agree; otherwise, there will be a difference over figures. He also stated that he would like to see a general form of charter for all neighbor island counties.

Mr. Tam was questioned as to whether his salary should be set up by ordinance or by the charter. Mr. Higa explained that the ordinance was passed in September to set the salaries of the mayor and board members. This was authorized in the pay raise bill, which gave county the right to set salaries of county officials.

The question of whether the salary of the mayor or executive head of the County of Maui should be incorporated in the charter or left up to the ordinance was asked again. Chairman Tam answered that it should be set by charter. Mr. Tam, however, changed his mind when it was pointed out that the charter must be amended at a referendum to change his salary.

Mr. Sodemani asked Chairman Tam whether he still advocated a strong mayor type of government. To this, Chairman Tam said yes, because he felt that we are not ready for the city manager form of government. The County Chairman is the Executive Officer and is taking double role. If he is given the authority to appoint the important department heads, he is wholly responsible for the county government. If he is not given that authority, there will be lot of politics in between, which is rather difficult and embarrassing from time to time.

Chairman Tam felt that if the department heads are appointed and confirmed by the Board, and if he is dissatisfied with the department head and wants to relieve him of such duties, he may not be in a position to do so. If he is given the authority to appoint the man, then he is going to run his department in a business-like way. If he doesn't live up to his work, he can ask him to resign.

In spite of the fact that one of the reasons why the charter was not passed in 1964 was that the mayor would be too strong, Mr. Sodemani asked whether he would still subscribe to the strong mayor type of government. To that Chairman Tam stated that some of the organizations felt the appointments should be confirmed by the council to bring about more security in operation, but he did not feel that way. He stated that the general public felt that if he becomes the head, he will try to carry on the responsibilities in the broad manner and for the good of the general public. He pointed out that if the department heads are confirmed by the Board, then these department heads feel that the chairman alone cannot fire them. He favored a strong mayor type of government and to appoint department heads without confirmation.

Mr. Sodemani stated that the United States President in appointing his cabinet has the advice and consent of the Senate, but he can fire them without the advice and consent of the Senate. Mr. Sodemani asked how this would be if the department heads were appointed with approval of the board or the council and if the mayor had the right to fire department heads? Chairman Tam said good. He felt that it should be written into the charter.

Mr. Kondo stated that he wanted some things clarified. In the original proposed charter, the police chief was

appointed by the commissioners and the rest of the department heads appointed by the mayor, like the Civil Service Director.

Mr. Tam said the members of the commission may be confirmed by the council, but he should appoint the County Engineer and Liquor Commission and Personnel Director of Civil Service, rather than Civil Service Commission appointing Personnel Director. He felt that the strong mayor type should be given this full authority and responsibility. If he is a good mayor, he can carry out the responsibilities. In a strong mayor type of government, he should be responsible, otherwise, he is at the mercy of the public. It should be run like any business.

Mr. Ushijima stated that the charter is for the purpose of a home rule, but under Act 97, some of the functions were taken away from the County.

Chairman Tam stated that the functions should be ours. Anything to do with the county should be ours, but the Legislature decides. The gas taxes give State 8¢ and County 2¢. In the construction of roads, there is the county and state road department heads. He felt that we should get away from duplication of maintenance crew. In other words, be self-sustaining.

Mr. Friel asked Chairman Tam whether he favored commissions since he stated that he advocated a strong mayor type of government. To that the Chairman said the commission should govern the police. Neither the council nor he will know how to make the rules and regulations.

Mr. Friel then asked if the commission should be an advisory committee to him rather than a policy making body.

Chairman Tam stated that if they advise him, he has to bring it up to the Board. For instance, the police--the commission learns what is the best kind of policy to set up for the police to carry on their duties. He felt that they should not be an advisory committee to him.

Wouldn't that go for the directors of the other departments, Mr. Friel asked? Chairman Tam said no. For instance, the Fire Chief is responsible to him, since there is no commission. He reports monthly and on occasions when he has problems. Should he appoint the Police Chief, then what good is the commission. Chairman Tam concluded that maybe we don't need a commission.

Chairman Tam asked if a police chief is demoted, does the commission have to approve that function. He

asked Charter Commission members if that question was asked of the Police Commission.

Mr. Sodehani asked whether under the present law the Board of Supervisors can create and abolish some commissions.

Chairman Tam said yes. Mr. Higa stated without the charter, you cannot abolish those set up by the Legislature.

Mr. Sodehani called for a short recess. The meeting reconvened at 8:29 p.m.

Mr. Crockett asked Chairman Tam to elaborate on the statement that Hawaii was not ready for a city manager type of government. Chairman Tam stated that we will not have city manager form of government in Hawaii. The Legislature wants politics. Politics cannot be divorced from government--it is here to stay.

If we are going to have any commissions, Mr. Crockett asked why not have a commission like the Board of Education elected without salary. Chairman Tam concluded he had no comment on this matter.

Didn't we approve constitutional amendment to the school board, Mr. Crockett asked? If we are going to have any commissions, why not make them elected? Chairman Tam stated he had no comments.

When questioned by Mr. Crockett as to whether the mayor should appoint the chief of the Board of Water Supply and still have the commission, Chairman Tam stated that the Water Board should come back to the county. He stated that they raise their own revenue. The Water Board sets the water rates. The Legislature created the independent Water Board.

Mr. Crockett asked what about adopting the same principal on Maui in having councilmen serve without pay. Chairman Tam said then you would have all kinds of people run on the Board because it is free. Chairman Tam stated then you won't have enough educated people to run if they are not paid high.

In answer to Mr. Crockett as to how many applied for the Police Commission, Chairman Tam stated 39. Mr. Crockett stated that they don't get paid. Chairman Tam said that's why he can't see why they run.

Mr. Crockett asked should any commission members get paid? Chairman Tam said no commissions should be paid. He stated that the Liquor Commission and Civil Service

Commission are getting paid. He asked whether they were interested in getting paid or getting the \$10.00 fee. He also stated that lot of people want to serve on commissions for the namesake.

Mr. Kondo asked Chairman Tam whether he was not contradicting himself. He stated that they are qualified people to serve on the commission. He also stated that these men on the commission work hard. Chairman Tam asked whether they were worth the \$10.00. To this, Mr. Kondo stated that they were underpaid.

Mr. Crockett asked what he thought about the Planning Commission. If under the proposed charter, whether the Planning Commission should be the advisory committee to the Mayor and the Board will handle Planning functions.

Chairman Tam felt that there should be a Planning Commission, and not as an advisory commission. He stated that Maui County is at least 30 years behind other counties in planning. If Maui had started 30 years earlier, it would look much nicer than what it is today. In everything we do, there must be planning.

Mr. Crockett asked why can't the council and Board of Supervisors be primarily responsible for planning?

Chairman Tam stated that everything rests on the Board for decision one way or the other. Planning Commission makes recommendation and can be overridden by the Board. He also stated that he is not in favor of having the Commission advisory to the Board of Supervisors.

Mr. Crockett then asked who should appoint the Planning Director.

Chairman Tam felt that he should not be appointed by the mayor like other commissions, because he is a professional man and is not a department head. He considers him as a professional consultant to the Commission. He felt that the Planning Commission should appoint the Planning Director.

Mr. Friel stated that that would be getting away from strong mayor.

Mr. Pladera stated that if the Planning Director is appointed by the Planning Commission and if the Planning Director does a lousy job, whom do we run to? Chairman Tam stated that if the Planning Director is not rendering proper service, he should not hold on to his job. The department heads and Board act as an appeal body and deciding body. Both act as an appeal body and determining body, and the department heads are responsible to me.

Mr. Sodetani stated that at the present time the Board of Water Supply is a sort of atonomous body of its own within the County of Maui and that the rules and regulations are set by the Board. Mr. Sodetani asked should a charter come about, should the rules and rates be ratified by the Board or have a veto power. Chairman Tam stated that he would like the Water Board to come back under the Board of Supervisors.

Mr. Pladera stated that there might be some evils involved.

Mr. Kobayashi stated in the 24 years that Chairman Tam was in politics the Board of Water Supply went back and forth. He asked whether the County testified against Act 97 or for it. Chairman Tam stated that more went along because it was a democratic legislation. He stated that Act 97 relieves him from begging for money when he is short.

Mr. Higa explained Act 97.

Mr. Crockett asked Chairman Tam whether the form of government suggested by him would be approved by the voters.

Chairman Tam stated that he knows it could be passed provided that there is enough public hearings and enough education. He urged the people of Maui to learn more about their government and to take more interest in the government, otherwise, they have no reason to criticize.

Mr. Sodetani stated that should the Charter Commission decide we should have a new charter for the County of Maui, the cost of having a separate election for the charter would cost between \$22,000 to \$25,000. He asked whether the county would appropriate these finances for a special election.

Chairman Tam stated that the cost of having a referendum is not an issue. If Kauai and Hawaii have referendum for the public sometime towards the end of summer, we also have a referendum. If it passes and becomes effective for November election, we should be consistent with the three counties. Cost of having such referendum is not an objective issue.

Mr. Crockett stated that the counties of Kauai and Hawaii were organized six or seven months before us. He also stated that there is not very much time between now and September.

Chairman Tam stated that he felt as long as there were former members on the Commission, they could bring out the area or sections that were controversial--areas which the public criticized.

Mr. Crockett stated that we shouldn't give the public the idea that we are rushing it through. He felt that if the charter is passed, we should give these people the idea of getting used to this form of government, like the Auditor and County Treasurer.

Chairman Tam stated he couldn't see why these department heads were worried, because if there is a Finance Director, there would be a Budget Director.

Since there were no further questions, Mr. Kondo moved that the meeting be adjourned. It was seconded by Mr. Hokama.

ADJOURNMENT:

The meeting was adjourned at 9:24 p.m.

NEXT MEETING:

April 21, 1966, at 1:30 P.m., in the Board Chambers, with the Transportation Control Committee Executive Secretary, Safety Coordinator, Federal Programs Coordinator and Information and Complaint Officer.

Respectfully submitted,

Ayako Ishikawa
Ayako Ishikawa, Secretary