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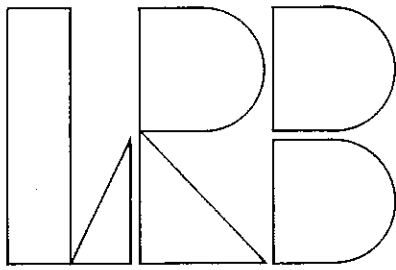
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STATE OF HAWAII

Hawaii's Commission on Children and Youth

An Assessment of Its Organization,
Management and Operation



THE OFFICE OF THE LEGISLATIVE REFERENCE BUREAU

The present Office of the Legislative Reference Bureau resulted from Act 171, Session Laws of 1972, which transferred, as of July 1, 1972, the former Legislative Reference Bureau out of the jurisdiction of the executive branch of government to the legislative branch of government. In addition, the Office of the Revisor of Statutes, formerly under the Judiciary, was placed within the Bureau for administrative purposes only. The end result of this legislation is to centralize under the Legislature the functions of bill drafting and bill publication as well as research and reference services supportive of the Legislature. The new Bureau is one of three legislative support agencies directly under the Legislature.

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HAWAII'S COMMISSION ON CHILDREN AND YOUTH
AN ASSESSMENT OF ITS ORGANIZATION
MANAGEMENT AND OPERATION

LEG REF BUREAU
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FOREWORD

This report is the result of an examination of the organization, management, and operation of the Hawaii State Commission on Children and Youth. It was conducted pursuant to a provision of Act 195, Session Laws of Hawaii 1975, which requested the Office of the Legislative Reference Bureau to conduct an analysis of the operations of the Commission on Children and Youth.

The Bureau's assessment of the Commission has resulted in two principal findings: *That the Commission on Children and Youth has been deficient in carrying out its lawful mandates and that a major revamping of the Commission's organization, systems, and processes is a clear necessity if legislative goals for children and youth programs are to be fulfilled.*

A special ad hoc committee appointed by the Commission to respond to the Bureau's report has indicated in a memorandum dated October 27, 1975 that it agrees with nearly all of the recommendations contained in the Bureau's report. The complete text of the ad hoc committee's report is shown in Appendix E.

This study involved the guidance and assistance of many individuals who gave so freely of their time. To these individuals, the Bureau extends a special note of thanks.

The Bureau also wishes to acknowledge the assistance of Debbie Ching, research aide, who assisted in data collection during the initial phases of the study.

Samuel B. K. Chang
Director

October 1975

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PART I

INTRODUCTION AND BACKGROUND

CHAPTER 1

INTRODUCTION

This is a report of an examination of the Commission on Children and Youth of the State of Hawaii, pursuant to Act 195 of 1975 which authorized and requested the Office of the Legislative Reference Bureau to conduct an "...analysis of the operations of the Commission on Children and Youth."

OBJECTIVES OF THE STUDY

The objectives of the study were:

- (1) To determine suitability of the present organizational structure of the Commission on Children and Youth in permitting effective and efficient discharge of the Commission's mandated responsibilities.
- (2) To assess the adequacy of the operation of the Commission on Children and Youth in planning, managing, and controlling its programs and resources.
- (3) To make specific recommendations in the Commission's organization and process as indicated by the findings.

SCOPE OF THE STUDY

The study focuses on the Commission on Children and Youth's organization and processes for discharging its responsibilities under Chapter 581 of the *Hawaii Revised Statutes*. The study also examines the Commission's current exercise of management and operational controls.

DEFINITION OF TERMS

As used in this report:

- . *Action Committee for Young Adults*, hereinafter referred to as ACYA, means the subcommittee of the Commission on Children and Youth responsible for serving youths from ages thirteen through twenty-four as provided by Chapter 581, *Hawaii Revised Statutes*.
- . *Commission on Children and Youth*, hereinafter referred to as the Commission or CCY, means the thirty-one member body established by law to serve children and youth from birth through age twenty-four, as established by Chapter 581, *Hawaii Revised Statutes*.
- . *Coordinated Child Care Committee*, hereinafter referred to as the 4C's, or the State 4C's, means the subcommittee of the Commission on

Children and Youth responsible for serving children from birth through age twelve in the manner provided by Chapter 581, *Hawaii Revised Statutes*.

METHODOLOGY AND CONDUCT OF STUDY

The field work for this study encompassed approximately four months. Initial conferences regarding the study transpired on June 12, 1975. While it was intended that the study would be completed within three months, lack of data coupled with the complexity of the issues surrounding the Commission's operation necessitated additional time.

The study concentrated on activities and events transpiring during fiscal years 1973-74 and 1974-75. The initial intent of the study was to focus on activities and events occurring since the passage of Act 209 of 1973, which re-emphasized the action-oriented role of the Commission and stressed a preventive approach to providing services for children and youth, utilizing a child development approach. However, in many instances events and actions had to be traced back through prior years to gain sufficient understanding and adequate perspective. The field work indicated that the origins of some areas of conflict and confusion within the Commission dated back to 1970-71 and even earlier years. Some appear related to the passage of Act 107 of 1971, which

changed the role of the Commission from a basically advisory capacity to an action-oriented one.

Field work for the study included the following:

- (1) Interviews;
- (2) Surveys;
- (3) Examination of records, files, and documents maintained by the Commission, the subcommittees, and individuals involved in Commission activities;
- (4) Attendance at Commission and 4C's meetings;
- (5) Review of Commission publications since 1971;
- (6) Examination of testimony presented to the Legislature since 1971 pertaining to the Commission and subcommittees.

Interviews and surveys were conducted with persons both in and out of government who have been involved with children and youth programs. Thus persons contacted included commissioners, staff, and other individuals throughout the State.

DATA CONSTRAINTS

This was an extremely difficult and complex study to conduct due to several factors:

- (1) *The paucity of data.* Neither the Commission nor the subcommittees have complete records.

For example, many official records and documents needed for the study were missing or not kept and information on available records were scant or inadequately recorded.

The paucity of data is partially the result of a second difficulty encountered during the course of the study.

- (2) *Disarray of files.* There appears to be no orderly or methodical filing system within either the Commission or the subcommittee offices. Vast amounts of records and files pertinent to the activities of the Commission and the subcommittees are stored in boxes with no recorded roster of contents. This lack of a centralized filing system necessitated a time-consuming process of gathering and assembling records and documents from a variety of sources in order to evaluate activities and events. Despite extensive effort, data remains incomplete. *[Inadequacies in records management and information handling will be discussed in detail in chapter 7 of this report.]*
- (3) *Interviews were conflicting and bitter, filled with charges and counter-charges.* Interview results and survey results reflect major philosophical differences between commissioners, and between

commissioners and staff. There is a wide range of interpretation in the role of the Commission and its relationship to the subcommittees and staff. There is evidence of debilitating personality conflicts between commissioners, and similarly, between commissioners and staff.

- (4) *Lack of response on the part of Commission members to the survey.* Of a total of forty-three surveys mailed to past and present commissioners, only fifteen were returned. This may reflect a possible lack of interest in the Commission and its operation on the part of the commissioners.

ORGANIZATION OF THE STUDY

The study is presented in four parts.

Part I includes an introduction to the study and background on the Commission on Children and Youth in Hawaii.

Part II presents the Bureau's findings relating to the organization, management, and operation of the Commission on Children and Youth.

Part III presents the Bureau's recommendation for a new organizational model for the Commission on Children and Youth and other general recommendations.

Part IV contains the appendices.

CHAPTER 2

BACKGROUND

Boards and commissions are by no means an American phenomenon. They appear frequently in the governments of advanced nations, whether federal or unitary, presidential or parliamentary, or democratic. The use of commissions in government date back at least to 16th century England. Since then, the use of boards and commissions in this country has multiplied greatly, and they are now found at county, state, and federal levels of government in the United States.

This chapter describes briefly the nature and definition of an advisory commission, the historical development of the use of advisory commissions in the United States, and the evolution of the Commission on Children and Youth in Hawaii.

NATURE AND DEFINITION OF AN ADVISORY COMMISSION

A review of the literature indicates a lack of an acceptable, concise definition of a commission. There is, however, a feature that all commissions have in common: that of a plural headship of the institution as contrasted to other agencies having a single chief or superior. In other words, commissions are entities usually composed of three or more persons of coordinate rank.

An advisory commission, a categorical entity falling within the general definition of a commission or board appears to serve one main function in government, that being to provide a channel for informed public input in the affairs of government.

One of the general criticisms of government today is impersonal policy and decision-making without community input. Advisory commissions established by government can utilize the collective wisdom of additional representative members of the community in order to lessen alienation of its citizens.

HISTORICAL DEVELOPMENT OF ADVISORY COMMISSIONS IN THE UNITED STATES

Boards and commissions have existed as active entities in the United States as early as the colonial pre-republic mid-1700's. The early commissions were primarily school committees and in some colonies, were referred to as boards of county commissioners or supervisors. These boards and commissions were formed primarily so that citizens would have a voice in decision-making in areas which they felt government should not control completely. Thus, local boards of health were established before 1800. Subsequently other boards and commissions were established for special functions such as public schools, libraries, and water works.

Some boards and commissions were comprised of elected officials, and the members of other boards and commissions were appointed by the state or chief executive of the community's government. The number of commissions and boards increased as cities grew and life became more complex. In addition, citizens felt some matters could be left entirely to the general authority of government. Special boards and commissions were established to provide citizens more voice in government policy-making.

In the 1870's boards and commissions with regulatory powers were introduced. These regulatory boards and commissions were established to satisfy the increasing demands of the public for the regulation and control of certain "public utilities". The people apparently felt that certain business entities such as transportation, electricity, and gas companies provide such an essential public service that the performance of such service should be subject to public regulation. Thus, by the 1920's almost two-thirds of the states established "commissions" to regulate public utilities in the public's interest and protection.

Nonregulatory advisory commissions functioned principally as a mechanism for securing public support and input for government policies and programs. Thus, the number and variety of American commissions have multiplied tremendously in the past fifty years, fulfilling numerous tasks and functions.

EVOLUTION OF THE COMMISSION ON CHILDREN
AND YOUTH IN HAWAII

In April 1948, the Territorial Conference on Juvenile Delinquency was convened by then Governor Ingram Stainback in response to two factors. First, President Harry S Truman had issued a proclamation urging states and communities to hold conferences to address the problem of juvenile delinquency. Secondly, there was need for a body to be responsible for Hawaii's participation in the 1950 mid-century White House Conference on Children and Youth. The conference called by Governor Stainback resulted in a recommendation that a central agency be established to coordinate data pertaining to children and youth.¹

The recommendation of the Conference on Juvenile Delinquency in 1948 stated that the central agency's functions would be, primarily, to compile and analyze data relating to children and youth and to serve as a research bureau for children and youth programs. The 1949 Territorial Legislature responded and passed Act 294 of 1949, incorporating these objectives and establishing the Commission on Children and Youth.

Act 294, Session Laws of Hawaii 1949. Act 294 of 1949, Session Laws of Hawaii 1949, designated the Commission as an

¹Hawaii, *Commission on Children and Youth, Information Bulletin* (Honolulu: 1972).

advisory body responsible for recommending to the legislature through the Office of the Governor policies and programs relating to children and youth. The recommendations were intended for utilization by the governor and legislature in children and youth program policy-making. The Commission was given the additional responsibility of encouraging local community action where gaps in youth services were detected. Finally, the Commission was given the function of promoting plans to control juvenile delinquency.

The Commission's membership was to include representatives of the public as well as officials of territorial departments involved in children and youth services. The total membership was designated as not less than fifteen nor more than twenty-one members. Commissioners were established as gubernatorial appointments, subject to the advice and consent of the Senate. The membership was required to include at least one resident of each of the counties of Hawaii, Maui, and Kauai.

Act 294 of 1949 also established the county committees on children and youth, designating them as counterparts of the Territorial Commission. The county committees' memberships were to include representatives of the lay public and county and territorial administrators. The functions and duties of the county committees were twofold, to establish a coordination mechanism for children and youth programs at the county level, and to develop an information depository for

the Territorial Commission on Children and Youth. Thus, recommendations articulated to the governor and the legislature would encompass related programs at the county level.

Finally, Act 294 of 1949 established the position of executive secretary for the Commission. The executive secretary was made responsible for facilitating the attainment of the Commission's objectives. Among other duties, the executive secretary was specifically responsible for assisting the Commission in coordinating all territorial youth services agencies and the activities of the county committees.

Statehood and Act 1, Session Laws of Hawaii 1959. The transition of Hawaii from territory to state status in 1959 involved reorganization of Hawaii's government. Act 1, Session Laws of Hawaii 1959, 2nd Special Session, reorganized departments, boards, and commissions, converting and designating them as state departments, boards, and commissions.

Act 1, Session Laws of Hawaii 1959, 2nd Special Session, affected the Commission in various aspects. The Commission was converted from a Territorial Commission to a State Commission on Children and Youth. The salaried personnel of the Commission (the executive secretary and his staff) were similarly transferred.

Act 107, Session Laws of Hawaii 1971. The climate of the 1960's found young people questioning long-held values. There was significant incidence of youth activism seeking change in

the social, political, and economic systems of our country. Hawaii, like the rest of the nation, reflected this changing cultural, social, and political environment. Hawaii's youth eventually took their concerns to the Office of the Governor of the State of Hawaii.

As a result, then Governor John A. Burns formulated a new organization, the "Governor's Action Committee on Young Adults" designed for Hawaii's youth to participate in finding a solution to the State's youth-related problems. Governor Burns, addressing the Action Committee on Young Adults, said:

Your specific objectives are, first, to identify the problems of the young adults and of the community; secondly, to develop solutions to specified problems; and thirdly, to recommend action for implementation by the appropriate agencies.²

The Governor's Action Committee on Young Adults, thus, was formed primarily to meet the needs of rising youth activism and concern that had emerged during the 1960's. Dr. Hirobumi Uno, special assistant to the governor in human resources and chairman of the Governor's Action Committee on Young Adults, stated, similarly:

We're emphasizing the word "action" because these young people don't want to be studied. They want to do something.³

Through the efforts of the Governor's Action Committee on Young Adults, two bills were signed into law in 1971. One bill established a State Information and Youth Affairs Office,

²Honolulu Advertiser, February 15, 1971, p. C-6.

³Ibid.

and the other reorganized the Commission on Children and Youth.

The major change that occurred as a result of the passage of Act 107 of 1971 in relation to the Commission's duties and functions was a shift in emphasis of the Commission's activities from a passive advisory agency to one which would be action-oriented, innovative, and preventive. This was to be accomplished by restructuring the Commission on Children and Youth into a viable action group and by establishing two action research subcommittees within the Commission, the Coordinated Child Care Committee (4C's) and the Action Committee for Young Adults (ACYA).⁴

The main thrust of Act 107 of 1971 was to emphasize action rather than study. The proponents of the Act felt that by changing the structure, composition, and functions of the Commission, insight, if not solution, to the problems and challenges of young people might be in the offing. Standing Committee Report No. 867, relating to Senate Bill 1216, Senate Draft 2, House Draft 1, stated:

Recent efforts to enfranchise the 18 year old reflect a trend among all levels of government to plan with rather than for youth. The State of Hawaii shares these concerns and should direct its efforts toward offering youth the opportunity to develop programs with our community.

⁴Senate Standing Committee Report Nos. 449 and 584 and House Standing Committee Report No. 867 on Senate Bill 1216, Sixth Legislature, 1971, State of Hawaii.

This bill does not offer a guarantee, but it does create a channel through which the State and youth of Hawaii can strive for a viable and meaningful relationship.⁵

Act 107 of 1971 made seven major changes in the Commission's structure and composition:

- (1) Transferred the Commission from the Department of Budget and Finance to the Office of the Governor;
- (2) Designated the Office of the Governor as the expending authority;
- (3) Provided that at least one-third of the members of the Commission be less than twenty-five years of age;
- (4) Eliminated ex-officio members and specialists from the Commission membership;
- (5) Increased the number of commissioners to not less than twenty-one and no more than thirty-one;
- (6) Established two action research groups: the 4C's which was to be responsible for programs for children from conception to age twelve, and the ACYA which was to be responsible for youths from ages thirteen through twenty-four; and
- (7) Provided greater autonomy for the county committees on children and youth.

⁵House Standing Committee Report No. 867 on Senate Bill 1216, Sixth Legislature, 1971, State of Hawaii.

The Act also appropriated \$124,000 to the new program, of which \$24,000 was to be utilized to supplement federal funds for additional staffing and the remainder (\$100,000), to fund action-oriented demonstration programs.

Hence, Act 107 of 1971 can be viewed as a milestone in the Commission's history.

Act 209, Session Laws of Hawaii 1973. Act 209 of 1973 amplified the roles and responsibilities of the two subcommittees, and mandated the establishment of a statewide planning and systems development program. Act 209 of 1973 reinforced the action-oriented responsibility of the Commission, and further emphasized a preventive approach to services for children and youth, focusing on a child development orientation.

The Act also charged the Commission's subcommittees with three additional duties:

- (1) Sponsor, stimulate, organize, and, if necessary, conduct action research and demonstration projects in support of child and youth development and prevention and control of juvenile delinquency.
- (2) Develop plans and integrate planning for services and programs, relative to children and young adults.
- (3) Coordinate and mobilize resources, both public and private, which address problems and

enhance opportunities for children and young adults.⁶

Further, the Act gave the Commission the authority to recommend action research studies to its subcommittees.

DESCRIPTION OF CURRENT ORGANIZATION

Commission on Children and Youth (CCY). The Commission on Children and Youth of the State of Hawaii is located in the Office of the Governor. It is comprised of citizens appointed by the governor with the advice and consent of the Hawaii State Senate. There are presently thirty-one members serving on the Commission and membership includes representation of the neighbor islands and young adults. The commissioners serve staggered terms, part-time, and without pay, but are reimbursed for necessary expenses while attending meetings and while in the discharge of official duties and responsibilities.

The Commission's primary statutory function is to serve in an active, advisory capacity to the governor and the legislature, to plan, coordinate, and review children and youth programs and services throughout the State. The Commission does not render direct services; it is expected rather to initiate, innovate, review, and evaluate programs, services,

⁶Hawaii Rev. Stat., sec. 581-2(c) (Suppl. 1974).

and agencies related to children and youth, as well as to be involved in recommending legislative and executive action.

CCY Standing Committees. Commissioners generally serve on at least one of the Commission's four standing committees: education, health, family life, and leisure time.

CCY Staff. By design, the policy decisions and plans for action determined by the Commission are intended to be translated into implementation by the executive secretary of the Commission. The executive secretary's responsibility is to plan, organize, promote, and coordinate the Commission's activities for children and youth. Other responsibilities include providing consultation and technical services to agencies, organizations, and communities; preparing special studies and reports; and reviewing proposed legislation pertaining to children and youth. The executive secretary serves as the fiscal officer of the Commission, prepares the biennial budget with the approval of the chairperson of the Commission, represents the Commission at community meetings, and issues policy and position statements on behalf of the Commission.

In addition to the executive secretary, the Commission is served by two full-time clerical staff persons.

Coordinated Child Care Committee (4C's). The 4C's of the Commission on Children and Youth is a statutorily mandated

subcommittee established by Act 107 of 1971. The 4C's has assumed an open membership policy. There are presently thirty-one members serving on the 4C's, comprised of one-third parents, one-third public child care agency representatives, and one-third private child care agency representatives. This balance is required to meet federal 4C's composition requirements. The primary function of the 4C's is to plan, develop, and review services and programs for children from birth to age twelve.

4C's Staff. The program coordinator of the 4C's serves as full-time professional staff. The program coordinator's function is to plan, organize, promote, and coordinate the 4C's activities for children from birth to age twelve, and also to serve as a technical resource to the Commission upon request.

In addition to the program coordinator, the 4C's is served by one full-time clerical staff person.

Action Committee for Young Adults (ACYA). The ACYA was also statutorily mandated by Act 107 of 1971. The ACYA has also assumed an open membership policy, deriving its members from the four county committees on children and youth, and includes university and high school students. There are presently forty-eight members serving on the ACYA. The primary responsibility of the ACYA is to plan, develop, and review services and programs for young adults from age thirteen to twenty-four.

ACYA Staff. The ACYA has one full-time professional staff member, a program coordinator. The program coordinator's responsibility is to plan, organize, promote, and coordinate ACYA activities for young adults from age thirteen to twenty-four and to serve as a technical resource to the Commission upon request.

In addition to the program coordinator, the ACYA is served by one full-time clerical staff person.

PART II

FINDINGS RELATING TO THE
ORGANIZATION, MANAGEMENT, AND OPERATION OF
THE COMMISSION ON CHILDREN AND YOUTH

CHAPTER 3

SUMMARY OF FINDINGS AND CONCLUSIONS RELATING TO THE ORGANIZATION, MANAGEMENT, AND OPERATION OF THE COMMISSION ON CHILDREN AND YOUTH

INTRODUCTION

Part II of this report reviews the organization, management, and operation of the Commission on Children and Youth. Chapter 3 presents a general summary of findings and conclusions. Chapter 4 concerns a general assessment of the Commission's performance in implementing statutory mandates. Chapter 5 examines the organization and management problems of the Commission. Chapter 6 is concerned with selected operations problems of the Commission. Chapter 7 deals with the Commission's records and information handling procedures.

SUMMARY OF GENERAL FINDINGS AND CONCLUSIONS

In general, the Bureau finds the following:

- (1) The Commission on Children and Youth has not demonstrated significant progress in implementing many of the functions mandated by law. Consequently, the major goals and objectives reflected

in the statutes with regard to mobilization and coordination of public and private resources, programs and services for children and youth have not been achieved. (*Chapter 4*)

- (2) There are uncertainties, confusion, and conflicts regarding the respective roles of the Commission, the executive secretary, and the 4C's. The confusion of roles, responsibilities, and authority coupled with constant conflict, between and among the various entities has been a major obstacle to the Commission's performance. (*Chapter 5*)
- (3) The executive secretary, the chief administrative officer of the Commission responsible for facilitation and administrative coordination of Commission policy, has not been effective in discharging some of his functions. The lack of performance has contributed to the confusion, misunderstanding, and conflict between the Commission, the 4C's, and other organizational entities involved in children and youth programs. (*Chapter 5*)
- (4) Some commissioners have exhibited substantial resistance in assuming the action-oriented role clearly intended by the statutes. These commissioners prefer to revert to a basically advisory role. (*Chapter 5*)

- (5) The 4C's and ACYA have not been provided adequate funds and staff. The lack appears to have severely reduced the operational potential of these entities. (*Chapter 5*)
- (6) A major problem in the operation of the Commission concerns membership attendance at Commission meetings. Twenty per cent of the meetings held by the Commission over the past four years appears to be invalid due to a lack of quorum. (*Chapter 6*)
- (7) The validity of all actions taken at Commission meetings since 1971 is questionable due to the non-recording of votes as required by the statute. (*Chapter 6*)
- (8) Certain practices concerning the convening of executive committee meetings and actions rendered by the committee appear to be highly irregular, bordering on illegality. These practices limit commissioner participation in Commission activities. (*Chapter 6*)
- (9) Untimeliness in the rendering of Commission decisions has contributed to inefficiency and ineffectiveness. The relative infrequency of Commission meetings appear to be a major contributing factor. (*Chapter 6*)

- (10) The Commission lacks a system for the filing of records, documents, and other materials. Such materials are widely scattered both within and without the offices of the Commission and subcommittees. (*Chapter 7*)
- (11) Proceedings of meetings are inadequately recorded and documented. In addition, minutes of meetings and pertinent attachments are not distributed in a timely manner. (*Chapter 7*)

CHAPTER 4

GENERAL EVALUATION OF PERFORMANCE

INTRODUCTION

As noted in Chapter 2, Act 107 of 1971 substantially changed the Commission's role and responsibilities from an advisory to an action oriented one. The committee reports accompanying the enabling legislation state in part:

The purpose of this bill is to restructure the Commission on Children and Youth into a viable action group. . .¹

In addition, Act 107 of 1971 mandated the Commission to form two subcommittees, increased the Commission membership, eliminated ex-officio members, and appropriated funds for exemplary demonstration projects.

As noted in Chapter 2, Act 209 of 1973 amplified the roles and responsibilities of the two subcommittees (4C's and ACYA), and mandated the establishment of a statewide child care planning and systems development program. Act 209 of 1973 reinforced the action-oriented responsibility of the Commission, and strongly emphasized a preventive (child development oriented) approach to providing services for children and youth.

¹Senate Standing Committee Report Nos. 449 and 584 and House Standing Committee Report No. 867 on Senate Bill 1216, Sixth Legislature, 1971, State of Hawaii.

RESPONSIBILITIES OF THE COMMISSION

The following is a summary of the roles and responsibilities of the Commission based upon Chapter 581, *Hawaii Revised Statutes*, which incorporates these two amendments.

Duties of the Commission:

- (a) Form two subcommittees
 - (1) 4C's
 - (2) ACYA
- (b) The Commission shall:
 - (1) Study facts concerning needs of children and youth through action research studies.
 - (2) Review legislation and appropriations pertaining to children and youth; present revisions and additions; report to governor and legislature.
 - (3) Appraise availability, adequacy, accessibility of all services for children and youth.
 - (4) Ascertain facts concerning operations and policies of all state and county departments and agencies; make recommendations; report to governor and legislature.
 - (5) Maintain contacts with local, state and federal officials and agencies concerned with planning for children and youth.

- (6) Encourage and foster local community action through county committees.
- (7) Promote plans and programs for prevention and control of juvenile delinquency conducive to child development.
- (8) Cooperate with national commission and send representatives to White House conference.

The roles and responsibilities of the Commission to be carried out through its subcommittees include:

- (1) Sponsor, stimulate, organize, conduct action research and demonstration projects.
- (2) Integrate planning for services and programs.
- (3) Coordinate and mobilize resources, public and private.
- (4) Design, develop, review annually a comprehensive, statewide, community-based program for children.
- (5) Establish a comprehensive child development services information system.
- (6) Receive from state agencies information necessary for coordinating function.
- (7) Coordinate the delivery of services by agencies operating programs which include components of the State's comprehensive child development and related family services plan.

- (8) Provide professional and technical assistance to state and local 4C's.
- (9) Promote, provide for evaluation of child development and family service programs and facilities.
- (10) Advise the governor regarding state and federal funds.
- (11) Apply for, receive, administer federal, local, private funds.
- (12) When applicable, serve as sponsor of federal programs.
- (13) Establish criteria, recommend standards for approval of local public and private programs and facilities.
- (14) Develop a program to inform the public concerning comprehensive child development and related family services.
- (15) Assist children, parents, and guardians in obtaining assistance and services provided by state and local agencies.

PROGRAM ASSESSMENT

The Commission has been ineffective in organizing, implementing and maintaining its two subcommittees. Additionally, the Commission has failed to carry out many of the functions mandated by law.

The intent of the statute is to provide a global, systematic mechanism for coordinating programs, services, agencies, and resources on a statewide level. Such coordination is to be implemented directly by the Commission and through its subcommittees. In order to implement statewide coordination, it is reasonable to expect that the Commission itself must develop a cohesive organization internally. Without such internal coordination, it would appear unlikely that systematic, external coordination on a statewide level could occur.

THE COMMISSION AND ITS SUBCOMMITTEES

The Commission is charged with the responsibility of forming two subcommittees, the ACYA and the 4C's, into viable action research entities. Available data indicates that the Commission has been ineffective in organizing, implementing, and maintaining its subcommittees. For example, with the exception of a three-month period in 1971, the 4C's was without a project coordinator until July 1975. From January 1973 until August 1973, the 4C's was without staff or funds; was unable to hold meetings; and for all intents and purposes was non-functional.

The ACYA was also without a project coordinator from its inception in 1971 until December 1974. Since December 1974 up to the present time the ACYA has held only two meetings.

Some problems encountered by the two subcommittees due to the lack of organization and implementation on the part of the Commission are discussed in other chapters of this report.

THE COMMISSION'S LIMITED ACTIVITIES

Comparison of the Commission's performance against the statutory mandates indicates that the Commission has not provided the desired coordination of programs, services, agencies and resources on a statewide level.

Limitation of Activities. Table 4.1 lists publications and activities of the Commission since 1971. This list, provided by the Commission, appears to reflect a less than adequate number of accomplishments for a four and one-half year period of time. It reflects also a limited scope of attention during the past few years. A review of the minutes indicates that this limitation was on at least one occasion a deliberate and conscious decision on the part of the Commission. During 1973, the Commission voted to limit its attention for the coming year to the "rehabilitation phase of juvenile delinquency".²

Reactive Approach to Activities. Table 4.1 appears to reflect that the activities of the Commission since 1971 have

²Minutes, Commission on Children and Youth Executive Committee meeting, August 15, 1973; Minutes, Commission on Children and Youth meeting, September 28, 1973.

Table 4.1

COMMISSION ON CHILDREN AND YOUTH

List of Published Reports and Addenda

Published reports since 1971:

State of Hawaii Commission on Children and Youth - information bulletin, July 1972 (8 pp.)

A Study of Juvenile Arrests, 1968-72, November, 1973 (20 pp.)

Child Care in Hawaii, Study and Recommendations, July, 1974 (96 pp.)

Summary of Activities since 1971:

Investigation of complaint - patients at Waimano Home, 10-71.

Investigation of complaint - DOE hiring on Molokai, 10-71.

Joint funding with HCC for child care training program, summer 1972.

Technical assistance to Kauai to apply for HEW funds for youth center, 8-72.

Technical assistance to Kauai 4C's for after-school care project, 8-72.

Referral of UH registration complaint to Legislature, 12-73.

Advocate for Hawaii County in establishing toy lending library, 12-73.

Administration of foundation funds for Kuhio Park Athletic Club, 4-74.

Investigation of complaint - inoculation program. Follow-up study forwarded to DOH and Hawaii Medical Association, 5-74.

Partial funding of Roosevelt High Metamorphosis Project and Baldwin High Peer Counseling Program, 12-74.

been primarily reactive. Despite the statutory mandate that the Commission assume an action-oriented posture, emphasizing a preventive approach, most, if not all, of the Commission activities have been in response to complaints or requests rather than self-initiated.

Limitation of Commission's Scope of Attention. A review and analysis of the Commission minutes since 1971 results in three primary findings.

First, issues receiving considerable attention during meetings are often left unconcluded. For example, the issue of violence in the schools was introduced in October 1974, and discussed at the December 1974 and January 1975 meetings. It was then reintroduced at the July 1975 meeting by a commissioner asking whether or not any follow-up would be made. As stated in the minutes, "it appears that the Commission starts a project and does not finish it".³

Second, a variety of subjects receiving considerable attention at Commission meetings appear to be of little relevance or significance while others are of questionable appropriateness. For example, the recurring discussions of Children's Week, the White House Conference on Youth, and Operation Enterprise would appear to be of little significance given the fact that they represent isolated, piecemeal activities as compared to the Commission's larger coordinating responsibilities.

³Minutes, Commission on Children and Youth meeting, July 18 and 19, 1975.

Of questionable appropriateness is the excessive attention addressed to the HSTA-DOE negotiations given the fact that the Commission has neither the authority nor the sanction to become involved in the issue. Also of questionable appropriateness is the Commission's decision in 1973 to limit its focus of attention to the rehabilitation of juvenile delinquents. Such limitation to the exclusion of the Commission's myriad responsibilities appears to ignore the intent of the law and contributes to the lack of performance by the Commission. Additionally, focusing upon the rehabilitation of juvenile delinquents creates a possible duplication of an ongoing project conducted by the State Law Enforcement Planning Agency.

Third, an inordinate amount of time is devoted to discussions about organizational matters. Discussions about Act 107 of 1971 and Act 209 of 1973 and the effects of each are recurrent topics throughout the minutes from 1971 to the present time. This would appear to indicate some amount of confusion on the part of the commissioners and a lack of internal coordination between the Commission and its subcommittees.

LACK OF EXTERNAL COORDINATION

Mandated responsibilities of the Commission, include the following important functions:

- . Study facts concerning needs of children and youth through action research studies.

- . Appraise availability, adequacy, accessibility of all services for children and youth.
- . Ascertain facts concerning operations and policies of all state and county departments and agencies; make recommendations; report to governor and legislature.

The performance of these functions would "serve as the basis for improved efficiency, effectiveness and coordination of services to avoid duplication, overlapping or inequities".⁴ In the absence of such performance, duplications, overlaps, and fragmentation of services and/or programs are likely to continue and preclude coordinated planning.

Availability, Adequacy, and Accessibility of Services.

In regard to this responsibility, the Commission staff reports the following:⁵ the Commission has never prepared a master inventory of services for children and youth. No formalized and systematic evaluations have been made of any programs or services for children and youth. Interviews with various administrators in other state agencies indicate that no visible attempts have been made on the part of the Commission

⁴The Multi-Year Program and Financial Plan and Executive Budget for the Period 1975-1981 (Honolulu: 1974), Vol. IV, p. 2673.

⁵Interviews with various staff personnel.

to appraise the availability, adequacy and accessibility of services for children and youth.⁶

Facts Concerning Operations and Policies of Other Agencies. The Commission staff reports the following in regard to this responsibility: no formally structured evaluations have been attempted concerning the operations and policies of any state or county department or agency.⁷ Interviews with department administrators and program administrators at the Department of Social Services and Housing, the Department of Education, and the Department of Health all indicate that these administrators do see such evaluation and monitoring to be a function of the Commission.⁸ Despite the mandate of the statute, and despite the expressed views of various department administrators, the Commission has failed to even attempt such evaluation and monitoring.

⁶Interview with Department of Education Administrator, July 15, 1975; interview with Department of Social Services and Housing Administrator, July 24, 1975; interview with Department of Health Administrator, July 28, 1975; interview with Program Administrator, Department of Social Services and Housing, July 29, 1975; and interview with former Department of Education Administrator, July 30, 1975.

⁷Interview with Executive Secretary, Commission on Children and Youth, August 21, 1975.

⁸Interviews with various officials of the State Department of Social Services and Housing, State Department of Education, and the State Department of Health on July 24, July 29, and July 30, 1975.

Commission Relationship with County Agencies Providing Children and Youth Services. The passage of Act 107 of 1971 was intended among other things to provide the various county committees on children and youth with autonomy in serving the needs of children and youth. This intent is explicitly reflected in both the Senate and House standing committee reports for Senate Bill No. 1216 which was enacted as Act 107 of 1971.⁹ These two committee reports contain identical language with respect to county committees as follows:

The purpose of the bill is to restructure the Commission on Children and Youth...and giving autonomy to county committees on children and youth. (emphasis added)

In addition, House Standing Committee Report No. 867 states in part that:

. . . This bill strengthens the relationship between committee and county by making the committee directly responsible to the county. (emphasis added)

During the course of the study, interviews were conducted with representatives of the various counties. The focus of the interviews was upon the nature and extent of the relationship existing between the Commission and the county committees.

While there appears to have been some attempts by the State 4C's to foster coordinated relations with their county

⁹Senate Standing Committee Report No. 584 and House Standing Committee Report No. 867 on Senate Bill 1216, Sixth Legislature, 1971, State of Hawaii.

counterparts, contact and communication between the Commission and the county committees have been virtually nil. Reportedly the sparse and intermittent contacts which have occurred have not been meaningful.¹⁰

The composite view of the county representatives is as follows:

- . The Commission is internally disorganized and until it straightens out its internal affairs, it cannot command the respect of the counties.
- . The Commission and its representatives have tended to want to tell the counties how to run their programs and the counties are very resentful of this.
- . The Commission has not provided financial or technical assistance when requested by the county.

CONCLUSION

The above findings should not imply the lack of any accomplishments by the Commission. The Commission has been engaged in some of the mandated responsibilities, such as reviewing and reporting on legislation. In particular, the Commission's

¹⁰*Various interviews with neighbor island persons during July 1975.*

standing committee on health appears to have attempted assumption of an action-oriented role. However, in the larger perspective, review of Commission activities indicates that progress toward accomplishment of the major goals and objectives reflected in the statutes with regard to the Commission's responsibilities for enhancing mobilization and coordination of public and private resources, programs and services for children and youth has not been demonstrated. The firm and clear conclusion is that the Commission's performance, viewed in toto has been inadequate.

CHAPTER 5

ORGANIZATION, MANAGEMENT, AND OPERATION

INTRODUCTION

Chapter 4 noted the Commission's failure to perform its mandated functions as well as its failure to provide requisite program and resource coordination. This chapter discusses some of the major factors which have impeded the Commission's performance in these areas. This chapter examines selected aspects of the operation of the Commission, with particular emphasis on roles and responsibilities and the interaction of the Commission, the executive secretary, and the two subcommittees.

SUMMARY OF FINDINGS

There are uncertainties, confusion, and conflicts regarding the respective roles of the Commission, the executive secretary, and the 4C's.

Some commissioners appear to resist assumption of the action-oriented program mandated by the statutes.

Apparent lack of resources, staff, and support has severely hampered the operations of the 4C's and the ACYA.

THE COMMISSION VIS-A-VIS THE 4C'S

Since the establishment of the two subcommittees of the Commission in 1971, there appears to have been constant conflict and bickering, particularly between the Commission and the 4C's. While there have been periods of relative calm, available information suggests that deep-rooted conflict underlies the relationship between the two bodies.

The major conflict between the 4C's and the Commission seems to revolve around their respective roles and responsibilities. The Commission's position has been and continues to be that all plans, actions, programs, and recommendations by the subcommittees are subject to review and approval by the Commission. Commission minutes reflect this belief.¹

The 4C's, however, views itself as possessing a greater degree of autonomy and independence than the Commission attributes to it. The 4C's view is evidenced by a number of 4C's actions discussed below.

This difference of opinions and the resultant conflicts led to a request of the Attorney General for clarification of 4C's responsibilities to the Commission.²

¹Minutes, Commission on Children and Youth Executive Committee meeting, July 18, 1971; and Minutes, Commission on Children and Youth meeting, August 7, 1972.

²Memorandum from Executive Secretary, Commission on Children and Youth to the Attorney General, April 23, 1974. (See Exhibit 5.1)

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STATE OF HAWAII
COMMISSION ON CHILDREN AND YOUTH
P. O. BOX 3044
HONOLULU, HAWAII 96802

April 23, 1974

TO: The Honorable George Pai
Attorney General

FROM: Howard Yuh, Executive Secretary

SUBJECT: Request for Clarification of the 4-C's Committee's
Responsibilities to the Commission on Children and
Youth

Recently, questions have been raised relative to Act 209-73 relating to the responsibility of the Community Coordinated Child Care Committee (4-C's) as a subcommittee under the State Commission on Children and Youth. The primary question relates to the degree of autonomy and independence of the 4-C's committee. As we understand in reviewing Act 209-73, the 4-C's as a subcommittee of the Commission continues to be responsible to the Commission which retains the final review and approval of actions taken by any committee under the Commission on Children and Youth. We would appreciate clarification of this aspect of Act 209-73. Apparently the 4-C's committee interpretation of Act 209-73 provides them the opportunity for independent and autonomous actions.

ADDRESS REPLY TO
"THE ATTORNEY GENERAL OF HAWAII"
AND REFER TO
INITIALS AND NUMBER

HS:dsk

CABLE ADDRESS:
ATTGEN



STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
HAWAII STATE CAPITOL
4TH FLOOR
HONOLULU, HAWAII 96813

July 17, 1975

Legislative Reference Bureau
State Capitol
Room 004
Honolulu, Hawaii 96813

Attention: Mr. Charles H. Nishimura
Project Manager

Gentlemen:

By letter dated July 1, 1975, you requested certain information with reference to an opinion of this office on the relationship of the Coordinated Child Care Committee to the State Commission on Children & Youth.

It is our understanding that a formal opinion had not been rendered and that the question of responsibility was to have been settled administratively without the issuance of an opinion from this office.

As far as we have been able to determine, no further action was taken by this office on the request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Hiromu Suzawa", is written over the typed name.

Hiromu Suzawa
Deputy Attorney General

Inquiry into the issuance of an opinion by the Attorney General revealed that an opinion was not rendered. Here, reference is made to a letter (Exhibit 5.2) from the Attorney General dated July 17, 1975 which states in part: "...a formal opinion was not rendered and that the question of responsibility was to have been settled administratively without the issuance of an opinion from this office."

Based on the continuing conflicts and confusion in the relationship between the Commission and the 4C's, this question appears to have gone unresolved. In the judgment of the current chairperson of the State 4C's, "...everything is run by assumption; there is fear of a power struggle; and this causes frustration."³

Factors Contributing to the Confusion and Conflict. Available information suggests that the following factors contributed to the confusion, misunderstanding, and conflict between the 4C's and the Commission.

There is a lack of policies and guidelines specifying the parameters of the relationship. While the statute prescribes the respective responsibilities of the Commission and the 4C's, it is generally silent on the operating relationship between the Commission and the 4C's. There is one exception in a general reference to the mandated statewide plan. The statute provides, in part:

³ Interview with Chairperson of State 4C's, September 4, 1975.

(b) The coordinated child care committee shall:

- (1) Develop a statewide plan to meet children's needs; subject however, to the approval of the commission on children and youth and the governor.⁴

In the absence of other specific statutory guidelines, it is reasonable to expect that the Commission as the parent entity would develop such policies and guidelines to facilitate operations. Review of Commission documents revealed that although a role and functions document was developed by the Commission, guidelines established are silent on work flow and relationship with the subcommittees,⁵ leaving the matter unaddressed.

It was not until October 1974, approximately three years after the establishment of the subcommittee (the 4C's), that a joint meeting of the respective executive committees was held to address the conflicts and to attempt to delineate roles, functions, and responsibilities.⁶ It was stated that "meetings of this type...should be held regularly."⁷ There is no indication or information suggesting that subsequent joint meetings have been held.

⁴Hawaii Rev. Stat., sec. 581-13 (Suppl. 1974).

⁵"Role and Functions of the Hawaii State Commission on Children and Youth," undated.

⁶Minutes, Commission on Children and Youth and the 4C's Joint Executive Committee meeting, October 23, 1974.

⁷Ibid.

Another activity which involved the Commission and the Office of the Governor with regard to federal funds appears to have contributed to the confusion and conflict between the Commission and the 4C's.

In late 1972, the Department of Budget and Finance announced the availability of federal funds under Title IV-A of the Social Security Act. In early 1973, in response to the announcement, the Commission and a research analyst in the Office of the Governor submitted separate competing proposals to the Department of Social Services and Housing for funds to conduct a child care study.⁸ According to available information, it appears that the proposal of the Office of the Governor, which committed facilities and technical services of the Commission and the 4C's, was submitted without prior approval of either. Similarly, but unrelatedly, it appears that the Commission's submittal proposed commitment of services and technical assistance of the 4C's, without 4C's participation.

The Commission, with its two subcommittees, is the state entity mandated by law to plan and coordinate children and youth programs on a statewide basis. Despite this mandate, after "great confusion within the department"⁹ and a series of

⁸Proposal, Office of the Governor, undated; proposal (initial), Commission on Children and Youth, March 5, 1973; proposal (revised), Commission on Children and Youth, March 16, 1973.

⁹Interview with representative of the Department of Social Services and Housing, July 29, 1975.

conferences regarding the competing proposals, a grant of \$90,000 was awarded to the Office of the Governor.¹⁰

The Commission's response to the nonselection of its proposal is partially reflected in a memorandum from the executive secretary to the Office of the Governor, which reads in part:

*...We are somewhat confused about procedures. We understand the 4-C program is the responsibility of the Commission. Also, we find it difficult that a proposal could include commitment of another program's resources without first consulting with and seeking agreement...*¹¹

It appears that the 4C's was virtually nonfunctioning at the time, lacking both funds and positions. When the awardee's proposal of the Office of the Governor was presented at its August 1973 meeting, the 4C's agreed to an informal working arrangement with the proposed subject, apparently to provide it with the mechanism to become functional.¹²

The effect of a competing proposal from the Office of the Governor, the subsequent nonselection of the Commission's proposal, and the 4C's alignment with the selected proposal created animosity and conflict between the Commission and the 4C's, and between the Commission and the Office of the Governor.

¹⁰Agreement between the Department of Social Services and Housing and the Office of the Governor, July 1, 1973.

¹¹Memorandum from the Executive Secretary, Commission on Children and Youth, to the Governor of Hawaii, May 9, 1973.

¹²Minutes, State Coordinated Child Care Committee meeting, August 30, 1973.

Resultant Conflicts and Effects. The combination of factors such as those described above provided fertile ground for conflict and misunderstanding. The relationship between the 4C's and the Commission became seriously strained, and in fact bordered on total breakdown from mid-1973 to mid-1974.¹³ There were instances where each of the entities charged the other with deliberate attempts to fragment the program and/or cause unnecessary delays in granting requests. The following incidents are illustrative of the major confrontations between the two parties:

a. Attempts to Reorganize the 4C's. In early 1973 an attempt, apparently spearheaded by certain 4C's members and their supporters was made to reorganize the 4C's to achieve independence and autonomous status for the 4C's.¹⁴ This attempt took the form of a legislative proposal which would have continued the 4C's as a part of the Commission but, essentially, without its actions being subject to the scrutiny and approval of the Commission. A major issue appears to have centered on section 6 of Senate Bill 1205 of 1973 relating to authority for the expenditure of funds. The bill in amended form became Act 209 of 1973 and as earlier described, placed greater responsibility and authority with the 4C's. This Act did not, however, give the 4C's independence. The

¹³Interview with a former Chairperson of the State 4C's, July 22, 1975.

¹⁴Senate Bill 1205, Seventh Legislature, 1973, State of Hawaii.

attempt to reorganize the 4C's apparently caused extreme animosity between the 4C's, the Commission, and the executive secretary partly because most of the commissioners were unaware of the introduction of the bill.

b. Delays in Granting Requests. Charges of footdragging and unresponsiveness were made from time to time. Some examples of situations giving rise to these types of allegations are presented below. While the Bureau was unable to determine the clear veracity of these allegations (largely due to inadequate record keeping and the disarray of files . . . see Chapter 7) they are presented here to illustrate the gravity of the situation. *[In addition, allegations were made by many individuals during interviews and appear in a number of documents, chronologies and reports, attesting to the deep-rooted conflict between the parties.]*

- (1) 1974 Supplemental Budget Request. Because the 4C's received no state operational funds between 1971 and 1973, it attempted to secure funds through a supplementary budget request.¹⁵ In November 1973, the 4C's chairperson was informed that a 4C's request could be incorporated with the Commission request to the legislature for supplementary funding.¹⁶ However, in late January 1974, it was discovered that a supplementary budget request for the 4C's had not been submitted. Hence, last minute budget justification efforts

¹⁵Testimony presented by the Chairperson, the State 4C's, before the Committee on Finance, Hawaii State House of Representatives, March 7, 1974.

¹⁶Minutes, Coordinated Child Care Committee meeting, November 30, 1973.

followed by special consideration of the governor were necessary to have this item included in the supplementary request.¹⁷

- (2) Supplementary Budget Appropriation. The 1974 Legislature appropriated the \$38,363 supplemental budget requested by the 4C's. On May 6, 1974, 4C's requested Commission support in securing release of the appropriated funds.¹⁸ Subsequent requests for funds release support were submitted on July 12, 1974; July 26, 1974; and October 11, 1974.¹⁹ It appears that on October 15, 1974, the Commission finally requested release of the funds for the 4C's.²⁰

The Commission's rationale for this lengthy delay in requesting release of the funds involved two issues. First, there was disagreement between the Commission and the 4C's regarding the classification for the proposed 4C's coordinator position. Second, the Commission informed the 4C's in October 1974 that it must submit a progress report on its activities during the previous three years to substantiate need for the funds release.²¹ Notably, the request for the progress report was made after the Commission formally approved the supporting of the funds release request.²²

¹⁷Progress Report of the Coordinated Child Care Committee, October 24, 1975; and interview with former Chairperson of the State 4C's, July 22, 1975.

¹⁸Correspondence from State 4C's Chairperson to Commission Chairperson, May 6, 1974.

¹⁹Memorandum from Chairperson, State 4C's, to the Executive Secretary, Commission on Children and Youth, July 12, 1974; Minutes, Commission on Children and Youth Executive Committee meeting, July 26, 1974; Minutes, Commission on Children and Youth Executive Committee meeting, October 11, 1974.

²⁰Memorandum from Chairperson, Commission on Children and Youth, to Acting Governor, State of Hawaii, October 15, 1974.

²¹Minutes, Commission on Children and Youth Executive Committee meeting, October 11, 1974.

²²Minutes, Commission on Children and Youth Executive Committee meeting, July 26, 1974.

The chronology of events is difficult to trace and the conflicting information surrounding this issue is difficult to clarify. The fact remains, however, that the Commission, as the parent entity, did not request a release of the funds until five months after the initial 4C's request for support, and three months after the Commission's formal approval of support.

Summary. The confusion of roles, responsibilities, and authority, coupled with constant conflicts between the Commission and the 4C's, has been a major obstacle to the Commission's performance. The fallout effect has been to effectively preclude (1) the essential internal coordination and cooperation necessary for effective and efficient performance and (2) desired coordination with other agencies offering children and youth services and programs.

THE EXECUTIVE SECRETARY VIS-A-VIS THE COMMISSION:
UNCLEAR AUTHORITY

The relationship between the Commission on Children and Youth and the 4C's is not the only relationship embroiled in confusion and conflict. There appears, in addition, to be a cloud on the relationship between the Commission and the executive secretary. The major confusion appears to involve question as to the authority of the Commission over the executive secretary.

The role and function document prepared jointly by the Commission and the executive secretary seemingly provides the

Commission with clear administrative authority over the executive secretary,²³ as evidenced by the following excerpts:

The Executive Secretary serves as the executive officer and is appointed by the Commission (emphasis added) under rules and regulations of the Department of Personnel Services.

In the implementation of policy decisions of the Commission, the Executive Secretary shall confer with the Chairman on the methods or means of attaining the objectives. Problems arising that may necessitate action or a substitute course of action shall be a joint responsibility of the Executive Secretary and the Chairman. If such action may be contrary to a previous policy decision by the Commission, any action taken shall be held in abeyance until such time that the Executive Committee (in the interim between Commission meetings) shall render a policy decision.

In essence the Committees and staff are the policy formulators, the Commission determines policy and the Executive Secretary and Staff are implementors of policy.

Further, the executive secretary acknowledges the Commission's authority and has indicated that he serves as staff to the Commission, and that he considers the Commission chairperson his immediate administrative superior.²⁴

Based on the foregoing, the Commission's authority over the executive secretary would appear to be clear. A closer examination of available information, and particularly of the

²³"Roles and Functions of the Hawaii State Commission on Children and Youth," undated.

²⁴Interview, Executive Secretary, August 21, 1975.

relationship in day-to-day operation, however, reveals that this apparent clarity is not uniformly observed.

Several commissioners reflect confusion as to the role and responsibilities of the executive secretary and of the authority they may individually or collectively exercise over the executive secretary.²⁵ A major contributory factor appears to be the unresponsiveness of the executive secretary to directives and requests of commissioners.

In order to assess the veracity of these charges by some of the commissioners, the Bureau conducted a review of Commission minutes. The review appears to support the contention of the commissioners. Commission requests to the executive secretary appear, in various instances, to have been ignored or delayed over long periods of time. Some examples follow:

The executive secretary on March 19, 1975 was asked to prepare a list of absent Commission members for the past year. The request appears to be unfulfilled as of the July 18, 1975 Commission meeting.

On January 24, 1975 the executive secretary was asked to contact the superintendent of education regarding school violence. This request appears to be unfulfilled as of the July 18, 1975 meeting.

On May 30, 1975, the executive secretary was requested to divide the Juvenile Justice Master Plan into sections for study by groups of Commissioners. There is no indication that this was done. Instead Commission members were given copies of a memorandum prepared by the executive secretary regarding

²⁵Interviews and survey responses of various commissioners.

*his recommendations relative to the plan.
(June 27, 1975 Executive Committee meeting)*

On January 15, 1971, the executive secretary was asked to explore a "clearing house" for children's programs. The executive secretary indicated that with the small staff resources it would not be possible to sit on top of everything.

Another factor contributing to the confusion in authority relates to the civil service status of the executive secretary. A former commissioner feels that a part-time voluntary commission has very little real control over the executive secretary because of the job tenure granted under the civil service rules and regulations. This, he noted, may account for the lackluster performance by the executive secretary.²⁶ Several other commissioners and at least one 4C's member apparently support this contention for they have expressed the view that the executive secretary's position should not be a civil service one.²⁷

Thus, it appears that the Commission does not enjoy the full use of administrative authority it presumably has over the executive secretary. This limitation of its authority may, in part, account for the poor performance by the Commission and may have resulted in considerable frustration of commissioners' involvements. The degree of frustration

²⁶*Responses to Legislative Reference Bureau questionnaire, August 22, 1975.*

²⁷*Various interviews and responses to Legislative Reference Bureau questionnaire.*

expressed by some of the commissioners is perhaps best expressed in a written comment of a former commissioner:

The executive secretary gave lip service to all programs and then promptly scuttled them by inaction. As all the committee members are volunteers, he could do as he wished.²⁸

DEFICIENT PERFORMANCE BY EXECUTIVE SECRETARY

The chief administrative officer of the Commission on Children and Youth is the executive secretary. The executive secretary is responsible for facilitation and administrative coordination of Commission policy.²⁹ In view of the importance of this function, the Bureau examined the executive secretary's performance in providing leadership in coordination of efforts of the organizational entities of the Commission.

Summary of Findings. The present executive secretary has been ineffective in communicating with and coordinating the Commission's organizational entities. Available information suggests that the executive secretary has not been effective in discharging some of his functions. This appears to have contributed to the confusion, misunderstanding, and conflict

²⁸Response to Legislative Reference Bureau questionnaire.

²⁹"Role and Function of the Hawaii State Commission on Children and Youth" (undated).

between the Commission, the 4C's and other organizational entities involved in children and youth programs.

a. Inadequate Coordination and Communication. A major function of the executive secretary should be to provide leadership in encouraging communication and effecting coordination between and among the Commission's organizational entities. It appears, to the contrary, that the executive secretary has been unable to work cohesively with the subcommittees (particularly the 4C's), and did not communicate effectively with the subcommittees. Moreover, as illustrated below, the executive secretary appears to have acted in a manner which exacerbated rather than facilitated the relationship between the Commission and the 4C's.

- (1) Title IV-B Social Security Act Funds. In July 1972, the Department of Social Services and Housing (DSSH) reported the availability of \$9,700 Title IV-B funds which could be utilized by the 4C's for whatever purposes it deemed necessary.³⁰ The executive secretary in subsequent Commission and 4C's meetings confirmed the availability of funds from DSSH and stated that the funds would be utilized to support 4C's operation.³¹ In addition, the director of the Department of Budget and Finance testified before the legislature that "the DSSH has allocated \$9,700 in Federal Child Welfare funds for 4C...."³² However, at a Commission meeting

³⁰Minutes, Program Development Ad Hoc Committee meeting (4C's), July 12, 1972.

³¹Minutes, Program Development Ad Hoc Committee meeting (4C's), September 19, 1972, and November 11, 1972. Minutes, Commission on Children and Youth meeting, November 24, 1972.

³²Testimony of Director, Department of Social Services and Housing to Ways and Means Committee, Hawaii State Senate, January 23, 1973; Testimony to Finance Committee, Hawaii State House of Representatives, February 1, 1973.

in June 1973, the executive secretary reported the \$9,700 originally sought by 4C's was increased to \$21,000 by DSSH and subsequently subcontracted by the Commission to the Social Welfare Development and Research Center at the University of Hawaii.³³ As a result of this contract, a 96-page report *Child Care in Hawaii, Study and Recommendations* was published in July, 1974.

Paucity of data and conflicting information prohibited determination of the reason for the change in plans for the use of the funds. However, it is clear from available information that the 4C's was not consulted on the matter.³⁴ In addition, it appears that no formal communication from the executive secretary was issued apprising the 4C's of the change in plans.³⁵ Notably, the DSSH program administrator handling the federal grant was not aware of the executive secretary's intention to subcontract with a noncommission entity until close to the conclusion of negotiations between the Commission and the University.³⁶ Had the DSSH been apprised that the funds were to be subcontracted by the Commission, it appears that DSSH would have dealt directly with the University rather than indirectly involving the Commission.³⁷

The executive secretary's decision to contract the study out to another agency rather than to utilize the 4C's created animosity between the 4C's and the executive secretary. Moreover, on a practical level, there was

³³Minutes, Commission on Children and Youth meeting, June 8, 1973.

³⁴Interview with former Chairperson of the State 4C's, September 15, 1975; Progress Report of the Coordinated Child Care Committee, October 24, 1974.

³⁵Interview with former Chairperson of the State 4C's, July 22, 1975.

³⁶Interview with Program Administrator, Department of Social Services and Housing, July 29, 1975.

³⁷Ibid.

resultant hardship on the 4C's due to the lack of 4C's operating funds during this period, further preventing fulfillment of statutory intent.

(2) Title IV-A Project Technical Liaison Officer.

As noted previously, in early 1973 DSSH awarded a Title IV-A Social Security Act grant to the Office of the Governor for a child care planning project. While the Office of the Governor was to perform the major portion of the work, both the Commission and the 4C's were also to participate in the project. It was intended that the Commission would provide some clerical assistance, space, and equipment,³⁸ and that the 4C's would provide consultation and technical assistance.³⁹

As a result of the Governor's decision in May 1973, the project organization was established.⁴⁰ Personnel from the Office of the Governor were designated as project director and project manager, and the executive secretary of the Commission on Children and Youth was designated as the project technical liaison officer. As the project technical liaison officer, the executive secretary was responsible for liaison, public affairs, and coordinating activities.⁴¹

It appears that the executive secretary not only failed to assume his responsibility as the project technical liaison, but also failed to support the 4C's efforts in the project. It is reported, for example, that the executive secretary did not participate in any way in the project and did not attempt

³⁸Memorandum from Special Assistant in Human Resources to the Executive Secretary, Commission on Children and Youth regarding Child Care Planning Project, June 12, 1973.

³⁹Summary Report, 1973-74 of the Coordinated Child Care Committee, Commission on Children and Youth.

⁴⁰Memorandum from Director of Department of Social Services and Housing to the Office of the Governor, June 6, 1973.

⁴¹Memorandum of Agreement, Child Care Evaluation Study, Office of the Governor, Title IV-A Social Security Act.

to communicate with the project manager on behalf of the Commission.⁴² It further appears that the executive secretary failed to attend the 4C's child care planning project meetings during the 1973-74 fiscal year.⁴³ In addition, the Commission's stenographic assistance in recording minutes, which was part of the Commission's matching commitment to the project, was not made available to the 4C's during the same period.⁴⁴

Thus, these types of actions, which appear indicative of the general performance of the executive secretary, not only strained Commission relationship with the Office of the Governor, but also contributed to the further polarization of the Commission and the 4C's.

b. Less than Adequate Performance. In June 1971, a one-year, \$55,000 contract was executed between the Office of the Governor and the Department of Housing and Urban Development (HUD), as the grantee of Department of Health, Education and Welfare (HEW) funds. Under the terms of the contract, there were two grant objectives: (1) to develop the 4C's, and (2) to provide technical assistance to model neighborhood areas.⁴⁵ While the Office of the Governor was assigned ultimate responsibility for the contract, the executive secretary

⁴²Interview with Researcher, Office of the Governor, July 23, 1975; Interview with Program Administrator, Department of Social Services and Housing, July 29, 1975.

⁴³Progress Report of the Coordinated Child Care Committee, October 24, 1974.

⁴⁴Ibid.

⁴⁵Contract No. H-1576, executed June 28, 1971, between the U.S. Department of Housing and Urban Development and the Office of the Governor.

of the Commission was designated as the state administrator of the contract.⁴⁶

It appears that various problems were encountered in the administration of the contract, including a conflict between the City and County of Honolulu and the executive secretary regarding use of the funds; difficulty in recruiting and maintaining qualified personnel; and confusion of goals between HEW and HUD.⁴⁷

Despite these problems, however, available documentation reflect an example of less than adequate performance by the executive secretary as the state administrator for the contract. Exemplifying illustrations of occurrences transpiring as a result of the contract follow.

- (1) Extension of Contract. The original contract covered the period June 1971 to July 1972. Subsequently, four extensions were requested by the executive secretary and granted by HUD to enable the State to comply with the terms of the contract. The contract was initially extended to September 1972, then to December 1972, then to June 1973, and finally, to December 1973.⁴⁸ Thus, a

⁴⁶Correspondence from U.S. Department of Housing and Urban Development to Executive Secretary, Commission on Children and Youth, September 24, 1971.

⁴⁷Correspondence from Executive Secretary, Commission on Children and Youth, to U.S. Department of Housing and Urban Development, February 6, 1974.

⁴⁸Correspondence from U.S. Department of Housing and Urban Development to the Office of the Governor, February 2, 1972; Minutes of Federal Regional 4C's Committee meeting, June 6, 1972; Modification Contract between U.S. Department of Housing and Urban Development and Office of the Governor, September 25, 1972; Modification Contract between U.S. Department of Housing and Urban Development, January 19, 1973; and Modification Contract between U.S. Department of Housing and Urban Development, August 2, 1973.

one-year contract was extended over a two and one-half year period.

- (2) Loss of Funds. Despite the four extensions of the contract, HUD terminated the contract for lack of performance in November 1973. The letter recommending termination states in part:

It is our recommendation that it is in the best interest of the government to terminate the contract. The basis for cancellation by the government should be the failure of the contractor to make progress in the execution of the work program as outlined in the General Provisions Sec. 10(a)(1). Judging from past lack of performance by the State of Hawaii in carrying out the terms of the contract, we do not see any value to the government in continuing the contract.⁴⁹

As a result of the termination, \$10,340.01 in unexpended funds under the original contract had to be returned by the State to HUD.⁵⁰

- (3) Return of Equipment. The executive secretary as state administrator of the contract, purchased office equipment and furniture for the 4C's totaling \$1,676.74 with contract funds. In the view of one federal administrator, the contract did not allow such expenditures to be made.⁵¹ Whether or not the contract permitted the purchase of such furniture and equipment, it is clear that title to the property remained in the federal government. Therefore, the property in question was removed from the Commission's office by HUD.

⁴⁹Correspondence from Regional Office, U.S. Department of Housing and Urban Development, to National Office, November 14, 1973.

⁵⁰Termination Contract between U.S. Department of Housing and Urban Development and Commission on Children and Youth, December 4, 1973.

⁵¹Correspondence from U.S. Department of Housing and Urban Development to United States Senator, August 29, 1974.

There are numerous additional references made to lack of adequate performance by the executive secretary in administering the contract throughout the contract period. Such references are found in various memoranda and correspondence originating from the Office of the Governor to the executive secretary,⁵² and correspondence originating from HUD and HEW.⁵³

Based upon the foregoing factors, the less than adequate administration of the HUD contract appears to have resulted in various effects detrimental to Commission operations:

- . Because of the termination of the contract, the 4C's was without funds and staff for a considerable period.
- . As reflected in the correspondence cited previously, it would appear the poor handling of the contract resulted in straining future relationships between the Office of the Governor and the executive secretary.

⁵²Memorandum from the Governor's Administrative Assistant to the Governor, January 10, 1972; Memorandum from the Governor's Administrative Assistant to the Executive Secretary, Commission on Children and Youth, January 28, 1972; Memorandum from George Lee to the Governor's Administrative Assistant, May 5, 1972; Memorandum from the Governor's Administrative Assistant to the Executive Secretary, Commission on Children and Youth, May 15, 1972.

⁵³Correspondence from U.S. Department of Health, Education and Welfare and Department of Housing and Urban Development to the Governor's Administrative Assistant, December 27, 1971; Correspondence from U.S. Department of Housing and Urban Development to the Governor's Administrative Assistant, May 5, 1972; Correspondence from U.S. Department of Housing and Urban Development to the Executive Secretary, Commission on Children and Youth, March 29, 1973; Correspondence from U.S. Department of Housing and Urban Development to Executive Secretary, Commission on Children and Youth, May 30, 1973.

- . The return of the unexpended funds and the return of the equipment and furniture acquired for the 4C's appear to have aggravated relations between the Commission and the concerned federal agencies.
- . The unsatisfactory administration of contract reflects unfavorably upon the Commission's overall performance.
- . The unsatisfactory administration of the contract appears to have set the stage for a long and continuing "feud" between the executive secretary and the 4C's.

SOME RESISTANCE IN ASSUMING ACTION-ORIENTED ROLE

With the passage of Act 107 of 1971 and Act 209 of 1973, the Commission was required (1) to establish two action research subcommittees, and (2) to become a viable action group.⁵⁴ The Commission through its subcommittees was mandated to develop a systems approach to comprehensive, coordinated planning, to coordinate services and programs, and to mobilize public and private resources.⁵⁵

A review of Commission transactions reflects substantial resistance on the part of some Commission members in assuming the action-oriented role clearly intended by statute. While some members adhere to the position that the Commission should

⁵⁴Senate Standing Committee Report No. 449 on Senate Bill 1216, Sixth Legislature, 1971, State of Hawaii; Senate Standing Committee Report No. 339 on Senate Bill 1205, Seventh Legislature, 1973, State of Hawaii.

⁵⁵Ibid.

be action-oriented, others hold that the Commission's role should be that of an advisory body.⁵⁶

Attempts by certain Commission members to move toward an action-oriented role were blocked by other Commission members. For example, in 1972 when the ACYA was involved in a study of the Hawaii Youth Correctional Facility, a suggestion was made at an executive committee meeting by a commissioner that the Commission undertake a statewide study of available youth programs and facilities. Despite the fact that such a study would have expanded upon the ACYA study to provide a valuable coordination service as mandated by law, the suggestion was turned down on the basis that the Commission "would be stretched too thin".⁵⁷

There are abundant data to support the Commission's apparent resistance to becoming action-oriented rather than remaining strictly advisory. As early as 1972, the newly elected chairperson stated that the Commission was spreading itself too thin, and that it must limit itself to "problems called to its attention and within the community."⁵⁸

This apparent resistance has remained constant and continues at the present time. The following excerpts from testimonies presented by the Commission chairperson in conjunction with the 1975 legislative session are demonstrative:

⁵⁶*various interviews with present and past commissioners.*

⁵⁷*Minutes, Commission on Children and Youth Executive Committee meeting, August 1, 1972.*

⁵⁸*Minutes, Commission on Children and Youth meeting, July 7, 1972.*

*The Commission is an advisory body....*⁵⁹

*If this august body feels that the Commission should move into more substantial roles such as that contained in Act 209-73, then it would accept such a role with the proper resources to carry out the provisions.... The Commission, however, recommends that we continue to serve in an advisory capacity....*⁶⁰

*The position recommended...is that the Commission should remain in an advisory role....*⁶¹

With respect to moving towards full implementation of the responsibilities of the Commission, testimony presented indicates that the Commission did not formally request the necessary funds to carry out the intent of the law. On the contrary, it indicates that the Commission chose not to make such a formal request, despite the provisions of the law. Testimony presented in January 1975 states in part:

In summary, if in its wisdom our lawmakers determine that the provisions under Act 209 are proper functions of the Commission, we respectfully request that adequate resources be provided....

The Commission, however, recommends that we continue to serve in an advisory capacity

⁵⁹Testimony presented by the Chairperson, Commission on Children and Youth, before the Committee on Youth and Elderly Affairs, Hawaii State House of Representatives, January 9, 1975.

⁶⁰Testimony presented by the Chairperson, Commission on Children and Youth, before the Committee on Human Resources, Hawaii State Senate, January 31, 1975.

⁶¹Testimony presented by the Chairperson, Commission on Children and Youth, before the Committee on Human Resources, Hawaii State Senate, March 3, 1975.

and not duplicate what is already mandated responsibilities of the various state agencies. The current budget request is geared to this basic role and is moderately adequate for this purpose.⁶²

Recently, there has been an undisguised attempt on the part of the Commission to rid itself of the action-oriented responsibility and to assume a strictly advisory role. At an executive committee meeting in February 1975, the Commission not only approved a motion to repeal Act 209 of 1973, but approved a motion to amend Act 107 of 1971 by deleting references to "action", thereby seeking to reestablish the Commission as an advisory body.⁶³

Summary. Based upon the foregoing, it appears that the Commission has in the past resisted, and has not attempted to assume, its mandated action-oriented role. It seems apparent also that the Commission prefers to revert to a basically advisory role. This, in part, may have contributed to the Commission's lack of performance.

It appears, further, that the Commission erroneously believes that its basic coordinating function duplicates the functions of other state agencies. Given this combination of attitudes, it appears questionable that the Commission,

⁶²*Testimony presented by the Chairperson, Commission on Children and Youth, before the Committee on Human Resources, Hawaii State Senate, January 31, 1975.*

⁶³*Minutes, Commission on Children and Youth Executive Committee meeting, February 3, 1975.*

even if provided with adequate resources, will be able or willing to carry out its mandate consistent with legislative philosophy.

INSUFFICIENT RESOURCES TO SUPPORT SUBCOMMITTEES

A major factor hampering the operations of the subcommittees has been the lack of adequate funds and staff. Some difficulties encountered by the subcommittees are presented in this section.

Coordinated Child Care Committee (4C's). Act 107 of 1971 established the 4C's as an action research subcommittee and established two positions subject to the availability of federal funds, to coordinate child development funds and programs.⁶⁴ Act 107 of 1971 also specified that federal funds be first used to staff the subcommittee.⁶⁵

HUD contract H-1576 (discussed above) was awarded to the Office of the Governor, in the sum of \$55,000, effective June 1, 1971 to July 1, 1972. The purpose of the contract included (1) development of the State 4C's; and (2) provision of technical assistance to model neighborhood areas.⁶⁶

⁶⁴Sess. Laws of Hawaii 1971, Act 107.

⁶⁵House Standing Committee Report No. 867 on Senate Bill 1216, Sixth Legislature, 1971, State of Hawaii.

⁶⁶Proposal and contract H-1576.

Under the HUD contract a program coordinator for 4C's was hired in September 1971. He resigned three months later. A field coordinator was also hired under the contract in October 1971, and resigned ten months later.⁶⁷ In September 1971, a stenographer was hired for 4C's. Fifteen months later the stenographer was transferred to the Commission office, leaving the 4C's with all positions unfilled.

The program coordinator position remained unfilled from January 1972 to May 1973, after the passage of Act 209 in 1973, for a variety of reasons. These reasons included a state freeze on positions and new programs,⁶⁸ the problems encountered in the performance of the HUD contract terms,⁶⁹ a reported moratorium on federal child service funds,⁷⁰ and the provision of Act 107 of 1971 that the 4C's position was established contingent to the availability of federal funds.⁷¹

⁶⁷Minutes, Commission on Children and Youth Executive Committee meeting, October 29, 1971.

⁶⁸Administrative Directive No. 1971-3, Office of the Governor, September 10, 1971.

⁶⁹HUD contract problems are discussed elsewhere in this chapter.

⁷⁰Moratorium was placed on Title IV-A funds pending the issuance of a new federal handbook. Source: Memorandum from Director, Department of Social Services and Housing, to Executive Secretary, Commission on Children and Youth, April 19, 1972.

⁷¹It should be noted that federal funds were not received in 1971 due to the unavailability of state matching funds.

Act 209 of 1973 expanded the responsibilities of the 4C's.⁷² Specifically, the 4C's is presently, since the passage of Act 209 in 1973, mandated to make policy for, and to assist in the implementation of, the development of systems for comprehensive statewide child care planning and child development services. The 4C's is further required to apply for, receive and administer available federal, state, and private funds. No funds were appropriated to cover staffing or operational costs to support the required increased activity.

The "moratorium" on federal funds was lifted approximately January 1973. However, from December 1972 until August 1973, the 4C's was without staff or operating funds of any kind and could not, therefore, apply for federal funds. In August 1973 under a reciprocal services agreement 4C's became associated with the Office of the Governor, in an advisory capacity to a federally funded Comprehensive Child Care Planning Project conducted by the Governor's Office.⁷³ In exchange for its services, the 4C's meeting expenses (e.g., transportation of neighbor island members) were funded.

An appropriation of \$38,369 for the 4C's staffing and operations for fiscal year 1974-75 was approved during the

⁷²Sess. Laws of Hawaii 1973, Act 209.

⁷³Summary Report, 1973-74 of the Coordinated Child Care Committee, Commission on Children and Youth.

1974 legislative session.⁷⁴ However, an allotment of \$21,936 was not made until December 1974.⁷⁵ Hiring of staff was later because of procedural requirements. One stenographer was hired in February 1975, and a program coordinator was hired on a one-year contract in July 1975.

Since its inception in 1973, the 4C's has been without a program coordinator, except for a three-month period in 1971. With the exception of a fifteen-month period in 1971-72 and an eight-month period in 1975, the 4C's has been without office staff. The only state funds appropriated for a 4C's program coordinator were not released until December 1974, six months after the effective date of the appropriation. No appropriation of state funds has ever been made for program development. The 4C's has remained operational since 1971 primarily by relying upon volunteers.

Action Committee for Young Adults (ACYA). Act 107 of 1971 established the Action Committee for Young Adults as an action research subcommittee of the Commission on Children and Youth to serve youths from ages thirteen through twenty-four.⁷⁶ The Act additionally authorized a program coordinator

⁷⁴Sess. Laws of Hawaii 1974, Act 218, section 79-A.

⁷⁵Delay in the release of funds was discussed previously elsewhere in this chapter.

⁷⁶Sess. Laws of Hawaii 1971, Act 107.

contingent on the availability of federal funds for the ACYA.⁷⁷

Since its inception in 1971 and up through late 1974, the Action Committee for Young Adults has been without a program coordinator. The limited activities of the ACYA have occurred through the joint efforts of commissioners assigned to the ACYA and Commission staff assigned on an as-needed basis to handle ACYA activities.

In September 1971, during the recruitment process for an ACYA program coordinator, Administrative Directive No. 1971-3 was issued, restricting the expenditure of operating funds.⁷⁸ The position of a program coordinator for the ACYA was also placed under the administrative "freeze" and consequently, no coordinator could be hired.

It was not until July 1974 in response to a memorandum submitted by the Chairman of the Commission to the Acting Governor of the State that the program coordinator position for the ACYA was released.⁷⁹ In addition to the position of coordinator, an additional stenographer position was provided to the Commission for the Action Committee for Young Adults. Thus, in October of 1974, a stenographer was hired for the

⁷⁷Ibid.

⁷⁸Administrative Directive No. 1971-3, Office of the Governor, September 10, 1971.

⁷⁹Memorandum to the Acting Governor, "Release of Vacancies and Funds Appropriated from the Administrative "Freeze" for Program Development in Youth Services," July 5, 1974.

ACYA, and in December 1974, the program coordinator position for the Committee was filled.

The lack of operational funds and permanent staff has been a hinderance to the operations of the Action Committee for Young Adults, and has been detrimental to the achievement of its objectives of involving and planning with youth about youth concerns. The ad hoc committees established by the ACYA were not funded and members of those committees and of the ACYA have become disinterested.

Conclusions. The lack of adequate staff support and funds for the two subcommittees appears to have severely reduced the operational potential of these entities. The overall effect of the lack of sufficient resources in addition may have been to create disinterest, frustration and disillusionment and hence, the nonfulfillment of legislatively mandated responsibilities.

CHAPTER 6

SOME PROBLEMS IN COMMISSION OPERATIONS

This chapter discusses certain problems in the Commission's operation which detract from an effective discharge of responsibilities. Discussion in sections to follow concerns problems of attendance at Commission meetings and related matters.

SUMMARY OF FINDINGS

Twenty per cent of the meetings held by the Commission over the past four years appear to be invalid due to a lack of quorum. Notably, included in the invalid meetings are three out of the four Commission meetings held this year.

The validity of all actions taken at Commission meetings since 1971 is questionable.

Certain practices concerning the convening of meetings appear to be highly irregular, bordering on illegality.

Untimeliness in the rendering of Commission decisions has contributed to inefficiency and ineffectiveness.

SOME PROBLEMS RELATING TO COMMISSION MEETINGS

One of the major problems in relation to the Commission concerns the validity of Commission meetings as a consequence

of membership attendance. Commission meetings are the official forum for major policy decisions, program thrusts, and ongoing concerns of children and youth. Therefore, attendance by the statutorily requisite number of commissioners is critically important. This section describes some of the problems related to meeting attendance and meeting procedures.

Validity of Commission Meetings. Section 92-11, *Hawaii Revised Statutes*, states in part that:

...a majority of all the members to which the board or commission is entitled shall constitute a quorum to do business....¹

This statute applies to all state boards and commissions in the absence of specific, superceding statutory provision. Chapter 581, *Hawaii Revised Statutes*, which establishes the Commission on Children and Youth, states in part that the membership of the Commission shall be:

...not less than twenty-one nor more than thirty-one members, all to be appointed by the governor in the manner prescribed by section 26-34.²

The Commission, therefore, has a fluctuating membership feature, and the number of members to which the Commission is entitled may depend upon the number of appointed commissioners at any given time.

¹Hawaii Rev. Stat., sec. 92-11 (1967).

²Hawaii Rev. Stat., sec. 581-1 (Suppl. 1974).

Because of this fluctuating feature, application of section 92-11, dealing with the establishment of a quorum, can result in at least three different and possibly valid interpretations. "All members to which the Commission is entitled" can be interpreted to mean:

- (1) *Thirty-one members, the statutory maximum number of members the Commission may have.* A majority or quorum would, therefore, always be sixteen, regardless of the actual number of commissioners appointed at any given time.
- (2) *The actual number of members appointed at any given time.* Under this interpretation, when the Commission has fewer than twenty-one appointed members, the quorum would be based on the statutory low of twenty-one members, thus eleven members would be required. The Commission is entitled by statute to at least twenty-one members, hence section 92-11 would be affixed to the twenty-one figure. The difference between actual number of members and twenty-one would be classified as vacancies. If there are more than twenty-one members, the quorum would consist of a simple majority of the total number of commissioners. Under this interpretation, the Commission can hold meetings even though the total number of members falls below twenty-one members. In such event, meetings are valid as long as there are at least eleven members (the minimum number required for quorum under this interpretation) present at a Commission meeting.
- (3) *The actual number of members appointed at any given time, but within the twenty-one to thirty-one member statutory range.* Because of the statutory restriction of "not less than twenty-one", if the total number of commissioners appointed at a given time falls below twenty-one, the Commission would not be legally constituted. However, if the Commission membership is within the statutory requirement of twenty-one to thirty-one, a "floating quorum", ranging from eleven to sixteen results, with the actual number depending on the total number of commissioners then on board.

In the interest of fairness and objectivity, the Bureau utilized the second and most liberal interpretation presented above to analyze the attendance and quorum issue.

Lack of Quorum. Reference is made to Table 6.1 which indicates that out of the twenty-five meetings held by the Commission from July 31, 1971 through July 18, 1975, five, or twenty per cent, lacked a quorum.³ Actions taken at these meetings are therefore invalid. Notably, included in the five invalid meetings are three out of the four Commission meetings held this year.

The Commission, in an attempt to resolve the problem of quorum at meetings, passed the following motion at its July 18 and 19, 1975 meeting:

...that the Commission change the definition of what constitutes a quorum at the Commission's general meetings from "majority of the total membership of the Commission" to "the number present at a meeting."⁴

Carried to its extreme, one commissioner could constitute a quorum and conduct business which would be binding upon the entire Commission. In light of section 92-11, *Hawaii Revised Statutes*, this action is clearly improper.

³It should be noted that if the third interpretation was used, thirteen of the total twenty-five meetings held would be invalid due to an invalid Commission at that time, i.e., total membership was below twenty-one (ten meetings) and lack of quorum (three meetings). If alternative one was used, a maximum of eight of the twenty-five meetings would be valid.

⁴Minutes, Commission on Children and Youth meeting, July 18-19, 1975.

Table 6.1

COMMISSION MEMBERS ATTENDANCE AT MEETINGS
1971-1975^a

<u>Date of Meeting</u>	<u>Total Serving on Commission^b</u>	<u>Total Members Present</u>	<u>Total Members Absent</u>	<u>% of Total Absent</u>
07-31-71	18	16	2	11
09-18-71	18	14	4	22
11-19-71	18	9	9	50
		(no quorum)		
01-28-72	21	14	7	33
04-07-72	21	15	6	29
06-09-72	19	13	6	32
07-07-72	19	17	2	11
09-22-72	16	11	5	31
11-24-72	21	15	6	29
12-22-72	21	13	8	38
01-19-73	22	18	4	18
03-30-73	22	17	5	23
06-08-73	20	13	7	35
07-27-73	19	13	6	32
09-28-73	19	12	7	37
11-30-73	18	9	9	50
		(no quorum)		
01-18-74	23	15	8	35
03-08-74	23	13	10	43
06-14-74	28	16	12	43
07-26-74	28	18	10	36
10-11-74	31	17	14	45
01-24-75	31	15	16	52
		(no quorum)		
03-19-75	30	15	15	50
		(no quorum)		
05-30-75	31	21	10	32
07-18-75	30	15	15	50
		(no quorum)		

^aSource: Minutes of Commission meetings July 31, 1971 to July 18, 1975.

^bBecause the Commission has no roster of past Commission members, the total membership was derived from the minutes by adding the number of commissioners present with the number absent.

Attendance at Commission Meetings. Reference is again made to Table 6.1 which clearly indicates a high percentage of absenteeism (ranging from 11 per cent to 52 per cent) on the part of commissioners. At no time since 1971 has the Commission met as a full body. It should also be noted that the absentee rate (i.e., per cent absent) was generally higher during the past two years as compared to earlier years. The high rate of absenteeism would appear to indicate a lack of interest or concern on the part of some commissioners.

Validity of Commission Actions. Chapter 92-11 of the *Hawaii Revised Statutes* provides that in order for an action by a board or commission to be valid, there must be concurrence of a majority of all the members to which the board or commission is entitled.⁵ Applying the same liberal interpretation here for determining the majority as was applied to the quorum question discussed previously, concurrence must be reached by at least eleven up to a maximum of sixteen, of the quorum members, to validate action. Careful examination of Commission minutes revealed that no record was ever taken of the total vote for any measure adopted or defeated. It is, therefore, impossible to determine whether a majority of all the members to which the Commission is entitled voted to adopt or defeat motions, or

⁵Hawaii Rev. Stat., sec. 92-11 (1967).

whether, in fact, a simple majority of members present voted to adopt or defeat motions. While it is possible that all actions taken by the Commission received the necessary concurrence of the required majority, in light of the high absenteeism rate the Commission has experienced, it is highly unlikely that all actions received such concurrence.

Section 92-5, *Hawaii Revised Statutes*, states in part that:

*All boards shall maintain minutes of their meetings setting forth an accurate record of votes and actions taken at the meetings.*⁶

Because the Commission did not set forth an accurate record of votes as required by statute, all actions taken by the Commission since 1971 would appear to be questionable.

Other Questionable Practices. Certain other practices by the Commission appear to be irregular, in one instance, bordering on illegality. At two of the three meetings lacking a quorum, the chairperson convened an executive committee meeting, in lieu of a full meeting.⁷ There was no prior notification that an executive committee meeting would be held. At the third meeting, business was conducted despite the lack of a quorum.⁸ There is no indication in

⁶Hawaii Rev. Stat., sec. 92-5 (1967).

⁷Minutes, Commission on Children and Youth meetings, January 24, 1975 and July 18-19, 1975.

⁸Minutes, Commission on Children and Youth meeting, March 19, 1975.

the minutes that these seemingly irregular procedures were questioned.

Executive Committee Meetings. An executive committee is a subcommittee of a commission or board. It has much of the power of the commission members but cannot modify any action taken by the full commission. A board or commission "cannot appoint an executive committee unless the bylaws so authorize."⁹ The Commission on Children and Youth has neither bylaws nor a constitution. Therefore, the validity of the Commission executive committee is questionable.

In reference to the procedures of the executive committee, commissioners indicate displeasure with regard to the relationship between the executive committee and the full Commission.¹⁰ It has been stated by commissioners that the executive committee functions as a decision-making body which presents decisions made to the full Commission to the exclusion of meaningful Commission action. A careful reading of the minutes of both the Commission and the executive committee meetings would appear to support this contention.

Conclusions. High absenteeism, invalid meetings due to lack of quorum, questionable validity of Commission actions,

⁹Robert's Rules of Order (Newly rev., Glenview, Ill.: Scott, Foreman and Co., 1970), p. 403.

¹⁰Minutes, Commission on Children and Youth meeting, July 18-19, 1975.

and questionable validity of the executive committee contribute to the general confusion within the Commission. These factors may be reflective of limited commissioner participation in meaningful conduct of Commission business.

The fluctuating membership of the Commission, possibly requiring a "floating quorum", presents interpretation problems not only for the Commission but for other boards and commissions in the State which have similar organizational structures. According to the current listing of boards and commissions provided by the Governor's Office, there are twelve such agencies within the State.¹¹

UNTIMELINESS OF DECISIONS

Another problem bearing attention is the relative infrequency of Commission meetings and the consequent untimeliness of Commission decisions. Chapter 581, *Hawaii Revised Statutes*, the principal statute governing Commission operations provides in part that "There shall be no less than six meetings of the commission each year, one of which shall be held in July, at which time the chairman shall be selected. . . ."

Examination of data concerning Commission meetings reflects that during the four years (48-month period) from July 1971 to July 1975 the Commission held a total of

¹¹Hawaii, Office of the Governor, Boards and Commissions (Honolulu: 1974).

twenty-five meetings. (Refer to Table 6.1 in Chapter 6 for a complete listing of meetings held during this period.)

The Commission's performance with regard to meetings held would suggest that the Commission has chosen a minimum interpretation of the statute. While the Commission has complied with the general "letter" of the law, the time lag between meetings has, on several instances, precluded the rendering of timely decisions to the detriment of program achievement. Following are some examples of the consequences of the infrequency of meetings and their effects.

For example, it is reported that the Commission staff received notice on March 8, 1972 that proposals were being accepted by the National Institute on Mental Health (NIMH) for child advocacy demonstration projects. This information was not reported to the executive committee until its next regularly scheduled meeting on March 28, two days before the deadline for submission of proposals. The matter was not referred to again by the Commission until its June 9, 1972 meeting, when it was reported that the "subject is moot".¹²

More recently, in 1973, the 4C's was associated with the Governor's Office in an advisory capacity for a project funded under Title IV-A through the Department of Social Services and Housing. In 1974, another proposal was developed

¹²Minutes, Commission on Children and Youth Executive Committee meeting, March 28, 1972; Minutes, Commission on Children and Youth meeting, June 9, 1972.

to extend the project for another year. Two weeks prior to the proposal submission deadline, the chairperson of 4C's submitted it to the executive secretary to obtain approval from the executive committee. It is reported that the executive secretary was unable to reach the members of the executive committee for such approval.¹³ However, to meet the deadline, the 4C's submitted the proposal with a cover letter stating that it would be withdrawn if the Commission did not subsequently approve the proposal.¹⁴ The proposal was not accepted because it did not bear the Commission's approval, and according to a Department of Social Services and Housing central administrative unit administrator, he thought the 4C's and the Commission "were fighting over the proposal".¹⁵

Other aspects of untimeliness involve delayed actions and appropriateness of decisions. For example, in March 1973, a motion was made to seek an amendment to the substance abuse law (Act 204 of 1970) at the 1974 legislative session. The Commission formed a committee to study Act 204 of 1970, and to develop legislation to propose its amendment. One

¹³Interview with former Chairperson of the State 4C's, July 22, 1975. The Commission's role and function statement provides that the Executive Committee should meet during the interim period between Commission meetings during the even-numbered months.

¹⁴Ibid.

¹⁵Interview with Program Administrator, Department of Social Services and Housing, July 29, 1975.

year later, at the March 1974 executive committee meeting, it was reported that a bill to amend the law was introduced without the Commission's prior approval, and apparently without its knowledge, because the deadline for bill introduction fell four days prior to the Commission's scheduled meeting.¹⁶

Some issues have reappeared repeatedly in Commission minutes since 1971 with no clear appropriate action or decision indicated. For example, Act 107 of 1971 and Act 209 of 1973 and their effects are discussed at both Commission and executive committee meetings and as seen, no resolution of opinions has ever been made.

Delayed action and appropriateness of decisions is particularly evident in the Commission's discussions of the Juvenile Justice Master Plan developed by the State Law Enforcement Planning Agency (SLEPA). The Commission was made aware of the plan as early as March 1974,¹⁷ apparently to provide the Commission with an opportunity to make input. The plan is referred to in a number of Commission and executive committee meetings, up to and including the present time, particularly

¹⁶Minutes, Commission on Children and Youth meeting, March 30, 1975; Minutes, Commission on Children and Youth Executive Committee meeting, March 18, 1975; Minutes, Commission on Children and Youth Executive Committee meeting, March 8, 1974.

¹⁷Minutes, Commission on Children and Youth Executive Committee meeting, March 8, 1974.

in terms of the Commission making input.¹⁸ During this period, at least two workshops on the plan were attended by the chairperson and the executive secretary.¹⁹ The plan was completed in preliminary form in February of 1974, and was presented to the legislature during the 1975 legislative session. As late as May 1975, minutes report that the full Commission still has not seen the plan,²⁰ which would indicate that the Commission as a body had not yet had or made any input. In July 1975, the Commission finally made a decision to establish an ad hoc committee to review the plan and to develop the Commission's position.²¹ In August 1975 the Commission presented testimony on the Juvenile Justice Master Plan before a joint hearing of the House Judiciary and House Youth and Elderly Affairs Committees.²²

This apparent chronic lack of adequate and timely decision-making on the part of the Commission seriously affects

¹⁸See, for example, *Minutes, Commission on Children and Youth meetings, June 14, October 11, 1974, May 30, July 18 and 19, 1975; Minutes, Commission on Children and Youth Executive Committee meetings, March 25, October 11, 1974, May 9, June 27, 1975.*

¹⁹*Minutes, Commission on Children and Youth meeting, June 14, 1974; Minutes, Commission on Children and Youth Executive Committee meeting, October 11, 1974.*

²⁰*Minutes, Commission on Children and Youth Executive Committee meeting, March 9, 1975.*

²¹*Minutes, Commission on Children and Youth meeting, July 18, 1975.*

²²*Testimony presented by Chairperson, Commission on Children and Youth, to a joint hearing before the Committees on Judiciary, and Youth and Elderly Affairs, Hawaii State House of Representatives, August 7, 1975.*

effective discharge of Commission responsibilities and further reflects the absence of adequate leadership and direction of the Commission.

CHAPTER 7

OTHER MISCELLANEOUS FINDINGS

This chapter discusses findings relating to the Commission's records management and information handling procedures.

SUMMARY OF FINDINGS

- . There is a general lack of a system for the filing of records, documents, and other materials and information. Such materials are widely scattered both within and without the offices of the Commission and the subcommittees.
- . Proceedings of meetings are inadequately recorded and documented. In addition, in relation to meetings, minutes and pertinent attachments are not distributed in a timely manner.

RECORDS MANAGEMENT AND INFORMATION HANDLING

Records and a supporting filing system provide a documented chronology and information system pertaining to events and activities of an agency or organization. For such a system to be useful, it is extremely essential that the agency

have an effective records management and information handling system which will enable it to locate, retrieve, and utilize materials when needed. An essential element to such a system is the centralization and constant maintenance of all files, records, documents, and information pertaining to the agency.

Despite the fundamental and urgent need for an effective records management and information handling system, the files and records of the Commission and its subcommittees are in almost total disarray. Records and files are scattered in many different places throughout the offices. Vast amounts of records and files pertinent to the activities of the Commission and the subcommittees are placed in boxes, the contents of which go unrecorded, so as to render these records virtually unusable.

Key records are not kept in the files of the Commission office, nor in the offices of the two subcommittees. Official records are kept by commissioners or committee members at their places of employment or at their homes.

There appears to be extreme carelessness and irregular practice in the numbering, dating and signing of documents. Many documents kept in the Commission office are undated and unsigned. It is therefore impossible to determine when the documents were prepared, by whom, and whether or not they are current.

Many documents essential to this study were lost or could not be located. Some examples of missing documents included minutes of Commission meetings, committee meetings, and a roster of Commission members for the years 1971 through 1974.

In light of the existing condition of the files, there is a serious question as to how the Commission can operate. If it can be assumed that an agency is only as effective as its information systems, then it can be concluded that the Commission is almost totally ineffective.

INADEQUACIES IN THE RECORDING OF COMMISSION MEETINGS

Minutes are official records of transactions at meetings.¹ They generally include such key information as issues introduced and by whom, pertinent discussion held, action taken, and decisions made, in addition to reflecting accurate and acceptable parliamentary procedures. Minutes should be written clearly and concisely, presenting sufficient information to enable absent members and/or other interested parties to follow the meeting proceedings.

In the course of this study, we reviewed Commission and Commission Executive Committee minutes. We generally found the minutes to be highly inadequate. There was extreme

¹Hawaii Rev. Stat., sec. 92-3 (1967).

difficulty, and at times impossibility in achieving comprehension of transactions. It was also evident that there is no adherence to acceptable parliamentary procedure.

Many minutes do not indicate whether or not discussion was held on issues. Those minutes which do indicate discussion fail to record the substance of such discussion. Rarely do minutes indicate and state that no discussion was held.²

In many instances, various issues and subjects are presented at meetings, but there is no indication as to the disposition of the issue or subject. In these instances, there is no indication that parliamentary procedure was followed (i.e., whether motions were made, passed, tabled, or dropped), and therefore, there is no way to evaluate the status of an issue or subject.

Numerous minutes lack addenda in reference to transactions at meetings. Such attachments are essential to intelligent interpretation of Commission actions.

Several commissioners have stated during interviews that many issues, pertinent discussion on issues, and requests for action by the Commission staff are unrecorded in the minutes.

²See, for example, *Minutes, Commission on Children and Youth meetings, March 8, 1974 with reference to legislative committee report; September 28, 1973 with reference to 4C's request; and November 30, 1973 with reference to unfinished business.*

Minutes, agendas, and addenda are not distributed in a timely manner. No minutes or agendas were provided to the subcommittees for approximately a nine-month period from January 1973 to September 1973. This situation may, in part, be attributed to staffing shortages resulting from a maternity leave granted to a Commission secretary during a portion of this period. On at least one occasion, minutes and pertinent attachments were not received by some commissioners before the following meeting, despite the fact that meetings are held every other month, providing ample time for their preparation and distribution.

As a result of the above, minutes of both the Commission and the subcommittees are highly inadequate. Because of the many inadequacies, it is not possible to comprehend clearly transactions at meetings, thereby rendering the minutes virtually useless as official records.

PART III

A SUGGESTED ALTERNATIVE ORGANIZATIONAL
MODEL AND STUDY RECOMMENDATIONS

CHAPTER 8

PROPOSED NEW ORGANIZATIONAL MODEL TO REPLACE THE EXISTING COMMISSION ON CHILDREN AND YOUTH

The Bureau's assessment of the organization, management and operation of the Commission on Children and Youth reveals major deficiencies in the Commission's overall operation. As a part-time lay body, the Commission has not accomplished, and moreover, may not be able to accomplish the tasks for which it is legally responsible. Effectuation of the extensive legal mandate of the Commission requires a mechanism of permanent professional staff resources, ongoing public input, and sufficient support resources. Adequate support resources entail inhouse capability to ensure continuing problem identification, information and referral, program assessment and evaluation, and research and development.

The Bureau believes that major modification of the State's approach to programs and resources for children and youth is necessary. Unless and until a sound mechanism based upon clear lines of responsibility, authority and accountability, with adequate resource support, is instituted, there appears little assurance that resources being committed to children and youth will be utilized effectively and efficiently. Moreover, the apparent legislative desire for

a viable, action-oriented program may likewise continue unfulfilled.

Modification of existing agencies to provide this mechanism may be desirable, but such an approach appears unrealistic for several reasons. As previously indicated, the Commission on Children and Youth is given the statutory duty to plan and coordinate children and youth programs. The Commission on Children and Youth, however, has not adequately functioned in this capacity.

An examination of other agencies, and their capacities and capabilities, indicates that they cannot be given additional responsibilities necessary for such planning and coordination. Existing agencies, in addition, are service agencies directed at meeting and fulfilling specialized needs of special target populations, not of children and youth as a whole. Planning and coordination on a statewide basis, therefore, may be inconsistent with, and may conflict with, existing roles. For example, day care needs for children are addressed by one agency, mental health services for retarded children by another, and still a third agency handles learning disabilities. For any one of these agencies to be designated as a planning and coordinating entity, in addition to existing functions, would result in fragmented consideration of children and youth problems.

The limited jurisdictional responsibility of existing agencies, in addition, raises doubt that a child in need of

services will receive appropriate services, despite overlapping program and service target groups. Such difficulties, however, may be less urgent than those caused by possible absence of services. Existing agencies report lack of sufficient staff and resources to expand services beyond their present specialized functions. Therefore, the Bureau believes that restructuring other existing agencies to absorb this function will unnecessarily overburden those agencies, resulting in new, albeit transferred, coordination problems. Establishment of a new mechanism will preclude such additional problems for existing agencies and circumvent carry-over of existing problems to a reorganized structure.

NEED FOR COORDINATION

The total population of persons nineteen years old and younger is estimated to be 310,000, or approximately one-third of the State's total population.¹ The Bureau attempted to determine the total state expenditures for programs and services directed toward children and youth. This effort proved unsuccessful. There is apparently no centralized data source to determine the extent of such expenditures.

¹Hawaii, Department of Planning and Economic Development, The State of Hawaii Data Book, 1974 (Honolulu: 1974).

It is reasonable to expect that expenditures for this population group represent a sizable portion of the State's annual budget, and that gathering, cataloging, and maintaining this data would serve to discover duplications, assess lack of services, and coordinate existing services statewide. A single agency serving as the focal point for activities relating to children and youth, while not providing direct services, is needed to enhance effective coordination of the various public and private resources into a unified and comprehensive program.

Based upon its examination of the organization, management, and operation of the Commission on Children and Youth, and in light of the Bureau's belief that major modification in the State's approach to programs and services for children and youth is necessary, four alternatives were considered.²

²The four alternatives and evaluation of each include:

1. Make all commissioners full time: unwieldy and prohibitively expensive.
2. Make the chairperson full time: does not solve the problem of lack of quorum and untimeliness of decisions experienced by the Commission.
3. Delegate the authority for decisions to the executive secretary. The executive secretary would have authority, but the responsibility for decisions would still rest with the Commission. However, this alternative would appear to violate a cardinal rule of public administration, that authority and responsibility must coincide and reside within one body or person.
4. Appoint a full-time director vesting both responsibility and authority in this position, and reestablish the Commission as an advisory body. The advisory body's basic function would be to provide public input and to advise and assist the Director in policy planning, policy making, and policy implementation. Thus, while the advisory body would advise the director, the director would in fact be the final decision maker.

Of the four alternatives, creating a new office structured around a full-time director with sufficient resource support and an advisory body appears to be the most efficient and effective alternative. While no system, in and of itself, provides a guarantee, this alternative offers the best potential for carrying out the mandated functions and responsibilities specified by Chapter 581, *Hawaii Revised Statutes*.

COORDINATING MECHANISM

There are several key factors essential to the success of a statewide coordinating mechanism. These factors include, but are not limited to, the necessity to establish such an agency within the Office of the Governor; to provide sufficient professional staff and resources to enable the agency to realistically function; and to provide a viable mechanism for community input.

SUGGESTED MODEL

The agency should be administratively located in the Office of the Governor to insure maximum potential for

All formal authority and responsibility would rest with the director. Timeliness of decisions would thus be enhanced and lack of quorum would not hamper decision making.

comprehensive, statewide coordination. To preclude some of the problems encountered by the Commission on Children and Youth regarding roles and responsibilities, it must be clearly established that this agency is intended to be operational rather than advisory. While the agency should not provide any direct services to children and youth, it should have statutory mandate to provide leadership and direction for programs and services for children and youth at the statewide level.

As indicated in this report, the Commission and its subcommittees have suffered from inadequate staff and resources as well as an unresponsive staff. These factors should be addressed whether or not an alternative structure is established. In order to perform the broad yet essential responsibilities addressed in Chapter 581, *Hawaii Revised Statutes*, adequate and realistic resources are required.

The agency should be headed by a full-time professional director, to be appointed by the governor, and supported by a deputy director and sufficient other staff.

The director would be vested with the responsibility and authority to coordinate state programs, policies, and activities relating to children and youth. The director's primary responsibility could be designed specifically to include, for example, such duties as staff development and supervision, needs assessment, program evaluation and monitoring, research and demonstration projects, advocacy of

children's rights, and federal and state funds coordination. The vesting of responsibility and authority in the director will enable a clear determination of accountability.

The deputy director's primary responsibility should include regulatory affairs; inter-agency relations; and the establishment and maintenance of a central, permanent, information gathering and dissemination system and referral service regarding public and private children and youth programs.

To facilitate coordination, an advisory council on children and youth should be established with the director serving as chairperson. Members should be appointed by the governor. It should be noted, however, that care should be given to these appointments, as well as the size of the body, in view of the high absenteeism experienced by the Commission in the past. The composition of the advisory council should reflect all segments of society. Moreover, it appears vital that there be ex-officio members representing the appropriate state departments to facilitate further comprehensive coordination.

The responsibility of the council should be to furnish input into statewide planning and coordination by providing and expressing community concerns to the director.

RECOMMENDATIONS

Based upon the Bureau's study and the foregoing conclusions, the Bureau recommends the following:

- (1) *That the existing Commission on Children and Youth be abolished and, in its place a new entity, the Office of Children and Youth, be established.*
- (2) *That the Office of Children and Youth be located within the Office of the Governor to provide it with authority and governmental sanction for effective coordination and implementation, and that a full-time professional director be appointed by the governor.*
- (3) *That sufficient staff and resources be provided the Office of Children and Youth. Specifically, a full-time professional deputy director is essential, and adequate resources to enable the office to realistically function are crucial.*
- (4) *That the Office of Children and Youth be clearly defined as operational rather than advisory and be directly responsible to the governor. To facilitate coordination, it is recommended that an advisory council, comprised of a representative composite of the State, be appointed by the governor with the director serving as chairperson of the council. In addition to lay persons and representatives from the private sector, it is recommended that representatives from state agencies and the public be appointed members of the advisory council.*

CHAPTER 9

OTHER GENERAL RECOMMENDATIONS

Chapter 9 presents the Bureau's other general recommendations relative to the Commission on Children and Youth. The recommendations are presented in two divisions: first, recommendations for improvement of the management and operation of the Commission as presently structured; and, second, recommendations of a "housekeeping" nature applicable to both the organizational model presented in Chapter 8 or to the existing Commission structure.

RECOMMENDATIONS FOR IMPROVING THE MANAGEMENT AND OPERATION OF THE COMMISSION ON CHILDREN AND YOUTH AS PRESENTLY STRUCTURED

Should the structure of the Commission on Children and Youth not be changed, the Bureau recommends the following minimum actions:

- (1) *That the Commission on Children and Youth assume its mandated responsibilities. This requires, initially, that the Commission (a) develop a plan delineating program and function implementation strategy; (b) explore and determine detailed funds and resource requirements; (c) identify, clarify, and specify the roles and responsibilities of the Commission, Commission staff, and subcommittees; and (d) submit the foregoing adopted detailed plans, needs and roles statements to the legislature no later than the convening of the Regular Session of 1976. (See Chapters 4 and 5)*

- (2) That the Commission formulate general policies and explicit guidelines within which decisions may be made by the various Commission entities (e.g., 4C's, ACYA, executive secretary), and specify therein the kinds of decisions and levels at which such decisions may be made. (See Chapter 5)
- (3) That the Commission develop and adopt bylaws consistent with provisions of Chapter 581, Hawaii Revised Statutes, and other pertinent Hawaii statutes. (See Chapter 5)
- (4) That the Commission consider recommending the conversion of the executive secretary position from a civil service position to an exempt one. (See Chapter 5)
- (5) That commissioners serve as regular voting members of the 4C's and ACYA. (See Chapter 5)
- (6) That the Commission adopt and implement a policy requiring that joint Commission and subcommittee meetings be held no less than twice a year. (See Chapter 5)
- (7) That the Commission conduct careful and ongoing evaluation of factors contributing to absenteeism at Commission meetings; that the Commission implement appropriate corrective actions within its authority; and that the Commission, as appropriate, make recommendations to the governor and to the legislature. (See Chapter 6)
- (8) That the Commission adopt and implement policies and practices to ensure timely action. (See Chapter 6)

OTHER GENERAL RECOMMENDATIONS

The Bureau recommends the following:

- (1) That staff immediately establish a total records management and information handling system capable of ensuring maintenance of accurate, timely and accessible records and information.

The Bureau further recommends that the system require that all Commission documents, including but not limited to letters, memoranda, fiscal statements and requests, be dated. (See Chapter 7)

- (2) That the Commission maintain records reflecting all pertinent discussion or lack thereof on topics discussed at Commission or committee meetings. The Bureau further recommends that: (a) records of total votes for, against, or abstentions on any measure or motion be included in the minutes of the meetings; (b) memoranda, reports, or documents discussed at meetings be included as addenda to the official minutes retained in the Commission and subcommittee offices; and (c) minutes be made available to all Commission members, Commission staff and other Commission committees. (See Chapter 6)*
- (3) That a definitive opinion regarding fluctuating membership, quorum, and major decisions of commissions and boards be sought from and rendered by the State Attorney General. (See Chapter 6)*

PART IV

APPENDICES

APPENDIX A

LIST OF PERSONS INTERVIEWED

COMMISSIONERS, 4C'S MEMBERS, ACYA MEMBERS, AND STAFF MEMBERS

Jay Nakasone, Chairperson
Commission on Children and Youth
County of Maui

Dr. Marion Hanlon, Commissioner
Commission on Children and Youth
County of Maui

Lester Seto, Commissioner
Commission on Children and Youth
County of Hawaii

Reverend David Shotwell
Commissioner
Commission on Children and Youth
County of Hawaii

Betty T. Matsumura, Commissioner
Commission on Children and Youth
County of Kauai

Yoshito Nakashima, Commissioner
Commission on Children and Youth
County of Kauai

Dorothy Hoe, Commissioner
Commission on Children and Youth
City and County of Honolulu

Albert Sing, Chairperson
State 4C's
Kanaina Building
Honolulu, Hawaii

Louise Bonner
Member, State 4C's
Windward Child Care Federation
Kailua, Hawaii

Dr. Angie Conner
Member, State 4C's
Children's Health Services Division
Department of Health
Honolulu, Hawaii

Sharlene Hirayama, Secretary
Commission on Children and Youth
Kanaina Building
Honolulu, Hawaii

Kathy Laoron, Secretary
State 4C's
Kanaina Building
Honolulu, Hawaii

Thomas Maa, Program Coordinator
Action Committee for Young Adults
Kanaina Building
Honolulu, Hawaii

Genevieve Okinaga
Member, State 4C's
Program Specialist
Early Childhood Education
Department of Education
Honolulu, Hawaii

Emil A. Schneider
Member, Former Chairperson
State 4C's
Castle and Cooke Building
Honolulu, Hawaii

Geraldine Senner
Member, State 4C's
Assistant Program Administrator
Day Care and Protective Services
Department of Social Services and Housing
Honolulu, Hawaii

Frances Sherrard
Former Chairperson
Hawaii County Committee on
Children and Youth
County of Hawaii

Duke Yoon, Program Coordinator
State 4C's
Kanaina Building
Honolulu, Hawaii

Howard Yuh
Executive Secretary
Commission on Children and Youth
Kanaina Building
Honolulu, Hawaii

RESOURCE PERSONS

The Honorable Elmer Cravalho
Mayor, County of Maui

The Honorable Eduardo Malapit
Mayor, County of Kauai

Susumu Ono
Administrative Director
Office of the Governor
Honolulu, Hawaii

Shiro Amioka
Former Superintendent
Department of Education
State of Hawaii
Honolulu, Hawaii

Marjorie Barrett
Program Administrator
Family and Children's Services
Department of Social Services
and Housing
State of Hawaii
Honolulu, Hawaii

Virgil Brown, Budget Analyst
Department of Budget and Finance
State of Hawaii
Honolulu, Hawaii

Andrew Chang, Director
Department of Social Services
and Housing
State of Hawaii
Honolulu, Hawaii

Robert Dye
Administrative Assistant
Office of the Mayor
City and County of Honolulu
Honolulu, Hawaii

Milton Hakoda, Director
Department of Parks and Recreation
County of Hawaii

Juanita Iwamoto, Program Monitor
Central Administrative Unit
Department of Social Services
and Housing
State of Hawaii
Honolulu, Hawaii

Richard M. Kibe, Deputy Director
Department of Finance
County of Maui

Wayne Omuro, Interim Administrator
Central Administrative Unit
Department of Social Services and Housing
State of Hawaii
Honolulu, Hawaii

Marya K. Pettit
Consultant, State 4C's
Associate Specialist
College of Continuing Education
University of Hawaii
Honolulu, Hawaii

Wayne Protheroe, Staffer
Oahu Committee on Children and Youth
Office of Human Resources
City and County of Honolulu

Dennis Sakaguchi
Office of Information and Youth Affairs
Office of the Governor
Honolulu, Hawaii

APPENDIX B

LIST OF COMMISSIONERS, PAST AND PRESENT, TO WHOM QUESTIONNAIRES WERE SENT

Dr. Sharon J. Bintliff
108 Poloke Place
Honolulu, Hawaii 96822

Mr. Kingsley Brown
2818 Leialoha Avenue, #304
Honolulu, Hawaii 96816

Mr. Lyndon W. Clifford
4300 Waialae Avenue, #804-A
Honolulu, Hawaii 96816

Mr. Marvin S. C. Dang
2216 Seaview Avenue
Honolulu, Hawaii 96822

Miss Valerie N. Hata
1973 Iwi Way
Honolulu, Hawaii 96816

Mrs. Leatrice Hirano
4184-2 Keanu Street
Honolulu, Hawaii 96817

Mrs. Dorothy C. Hoe
3412 Paalea Street
Honolulu, Hawaii 96816

Miss Susan K. Inouye
2056 Lanihuli Drive
Honolulu, Hawaii 96822

Mr. Terrance R. K. Kapaona, Jr.
943 Oneawa Street
Kailua, Hawaii 96734

Miss Joy Labez
1504 Thurston Avenue
Honolulu, Hawaii 96822

Mrs. Masako H. Ledward
3586 Woodlawn Drive
Honolulu, Hawaii 96822

Mrs. Linda M. H. Lee
98-1073 Kaamilo Street
Aiea, Hawaii 96701

Miss Juliette S. H. Ling
1212 Punahou Street, #803
Honolulu, Hawaii 96814

Mr. Michael K. Lukacs
P. O. Box 10216
Honolulu, Hawaii 96816

Mr. Randall A. K. Miura
2296 Aumakua Street
Pearl City, Hawaii 96782

Miss Laura Y. Moffat
3803 Tantalus Drive
Honolulu, Hawaii 96822

Mr. Dewey O. Mookini
5256 Makalena Street
Honolulu, Hawaii 96821

Mrs. Helen S. Nonaka
45-305 Lehuuila Street
Kaneohe, Hawaii 96744

Mr. Guy M. Oato
432 Hoomalu Street
Pearl City, Hawaii 96782

Mr. Walter M. Omori
1381 Queen Emma Street
Honolulu, Hawaii 96813

Mr. Richard H. Oshiro
47-737 Hui Ulili Street
Kaneohe, Hawaii 96744

Mr. John R. Penebacker
41-905 Kalaniana'ole Highway
Waimanalo, Hawaii 96795

Mr. Barry M. Smith
7 Ka-luana Place
Kailua, Hawaii 96734

Mr. Mineo Yamagata
c/o YBA
1710 Pali Highway
Honolulu, Hawaii 96813

Mr. Lester Seto
524 Hinano Street
Hilo, Hawaii 96720

Rev. David C. Shotwell
P. O. Box 575
Hilo, Hawaii 96720

Mr. George Yokoyama
P. O. Box 45
Hilo, Hawaii 96720

Mr. Jay K. Nakasone
331 West Hawaii Street
Kahului, Hawaii 96732

Mr. Filemon M. Nanod
P. O. Box 896
Kaunakakai, Hawaii 96748

Mrs. Betty T. Matsumura
4716 Iwaena Road
Kapaa, Hawaii 96746

Mr. Yoshito R. Nakashima
P. O. Box 457
Eleele, Hawaii 96705

Mr. Michael Amii
611 North Kuakini Street, Apt. 204
Honolulu, Hawaii 96817

Rev. William H. Aulenbach
144 Nenu Street
Honolulu, Hawaii 96821

Ms. Diane Hildenbrand
2288 Aumakua Street
Pearl City, Hawaii 96782

Dr. Roy M. Kaye
1441 Kapiolani Boulevard #610
Honolulu, Hawaii 96814

Mr. Edward Miyaki
Eleele, Kauai
Hawaii 96705

Mr. Milton Rosenberg
2957 Kalakaua Avenue
Honolulu, Hawaii 96815

Mr. Harry Shimizu
P. O. Box 128
Kaunakakai, Hawaii 96748

Mr. Lee Sichter
2555 Dole Street
Honolulu, Hawaii 96822

Mr. Wayne Takahashi
94-526 Kamakahi Street
Waipahu, Hawaii 96797

Mr. Walter Victor
32 Hina Street
Hilo, Hawaii 96720

Ms. Sarah Woods
4300 Waiialae Avenue, #1102-B
Honolulu, Hawaii 96816

Mr. Russell Watanabe
1949 Young Street
Honolulu, Hawaii 96814

APPENDIX C

LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 004
Honolulu, Hawaii 96813
Telephone: 548-6237

ROLES, FUNCTIONS, AND RESPONSIBILITIES (INTERVIEW GUIDE)

Name _____ Date _____

Organization _____ Interviewer _____

Job Status (e.g. civil service, contract, others) _____

Length of Time in Present Position _____

1. Personal History

a. Education

High School _____ College _____ Degree _____ Major _____

b. Child care/youth or other related work experience.

2. Please provide a written description of your function.

a. If unavailable, have interviewer describe function.

b. Does the job description accurately describe what you are doing?
Yes _____ No _____ If no, how does it differ.

3. Please describe your relationship and role with respect to the following individuals and units. Also indicate frequency of contacts and purpose for contacts. (Note to interviewer: Establish clearly any superior-subordinate relationships.)

RELATIONSHIPS

FREQUENCY OF CONTACT
(e.g. times per month)

NOTE: Count committee meetings separately

DESCRIPTION OF RELATIONSHIP AND ROLE

PURPOSE OF CONTACT

Commission			
Executive Secretary			
Chairman of Commission			
Executive Committee of Commission			
ACYA Committee			
ACYA Coordinator			
4Cs Committee			
4Cs Coordinator			

4. How often does your Committee meet? _____

a. Is it on a regular basis? Yes _____ No _____
If no, why?

[If we don't have it, obtain minutes of meetings, testimonies, annual reports, etc. relating to accomplishments.]

5. How are committee proceedings communicated to and received from the following:

	How Communicated	Routine	As Needed	How Received	Routine	As Needed
a. Own committee members						
b. Commission						
c. ACYA Committee						
d. 4C's Committee						
e. Executive Secretary						
f. ACYA Coordinator						
g. 4C's Coordinator						

6. Do you feel that communications between and among units mentioned above are sufficient? Yes _____ No _____
If no, please explain.

7. Are committee actions subject to review and approval by the Commission?
Please explain.

8. How are operating agencies (state, county, and private) kept informed of your Committee's activities?
- a. Is there a mailing list? Yes _____ No _____
[Obtain list if yes]
9. How are you or your Committee kept informed of operating agencies' activities?
10. Are modes of information exchange cited above sufficient? Yes _____ No _____
If no, please explain.
11. What specific actions have been taken to coordinate youth/children programs in the State? Please provide reports, memos, letters, etc.
12. Program and Funding Monitoring
- a. How do you or your Committee (Commission) monitor children and youth projects and programs (both public and private) in the State? Please provide a listing of such programs and projects.
- b. How do you or your Committee keep abreast of the availability of federal, state, city and county, and private funds for children and youth programs? Please provide a list if available.

c. What are the problems encountered in monitoring (a) and (b) above?

13. How were you selected for your position? (i.e. determine whether selected by an individual, a committee, etc.)
14. Who do you report to and for what purpose?
15. Who reports to you and for what purposes?
16. How many grant applications for projects have you or your Committee applied for and how many have been granted? Explain.
17. How is the public informed of youth programs?

APPENDIX D

LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 004
Honolulu, Hawaii 96813
Telephone: 548-6237

COMMISSION ON CHILDREN AND YOUTH QUESTIONNAIRE

County of Residence _____
Name _____ (optional)
Address _____ (optional)
Phone No. _____ (optional)

I. Title(s)/Role(s) assumed (*check all applicable*)

- A. Commission Member () -- from _____ to _____
- B. Member of Commission Executive Committee Yes () No ()
-- from _____ to _____
- C. 4-C's Committee Yes () No ()
-- from _____ to _____
(1) Statewide ()
(2) County ()
- D. ACYA Committee Yes () No ()
-- from _____ to _____
(1) Statewide ()
(2) County ()
- E. Commission Standing Committees
- (1) Health () Yes () No ()
-- from _____ to _____
- (2) Family Life () Yes () No ()
-- from _____ to _____
- (3) Leisure Time () Yes () No ()
-- from _____ to _____
- (4) Recreation () Yes () No ()
-- from _____ to _____
- F. Other Role (*specify*) Yes () No ()
-- from _____ to _____

II. Assessment of Commission's Responsibilities and Performance Generally

A. The major responsibilities of the Commission as spelled out in Chapter 581, HRS, are presented below. Please provide your frank and honest assessment of the Commission's performance of these responsibilities. Please assess the Commission's performance by checking the appropriate Satisfactory or Unsatisfactory rating below. If a Satisfactory rating is given, specify some of the accomplishments or activities undertaken. If an Unsatisfactory rating is given, please explain why or indicate significant problems encountered.

1. Study facts concerning the needs of children and youth in the state through action research studies.

Satisfactory _____; Unsatisfactory _____;

2. Review legislation pertaining to children and youth and consider and present revisions and additions as needed.

Satisfactory _____; Unsatisfactory _____;

3. Appraise the availability, adequacy, and accessibility of all services for children and youth within the state.

Satisfactory _____; Unsatisfactory _____;

4. Ascertain the facts on the operations and operational policies affecting children and youth of all state and county departments and other agencies and report such facts with Commission's recommendations to the governor and legislature.

Satisfactory _____; Unsatisfactory _____;

5. Maintain contacts with local, state and federal officials and agencies concerned with planning for children and youth.

Satisfactory _____; Unsatisfactory _____;

6. Encourage and foster local community action through local county committees.

Satisfactory _____; Unsatisfactory _____;

7. Promote plans and programs for the prevention and control of juvenile delinquency.

Satisfactory _____; Unsatisfactory _____;

8. Cooperate with national commissions and arrange for participation by state representatives in the decennial White House Conference.

Satisfactory _____; Unsatisfactory _____;

- B. Do you feel that the responsibilities assigned by law to the Commission on Children and Youth are realistic and logically placed?

Yes _____; No _____;

Please Explain:

C. What changes if any would you like to see in the Commission's responsibilities?

D. Do you feel that the current organization of the Commission on Children and Youth is adequate for the planning and coordination of children and youth programs and services as spelled out in Chapter 581, HRS?

Yes _____; No _____;

Please Explain:

E. What changes if any, would you like to see in the Commission's responsibilities?

III. Interaction and Communication

A. How would you rate the working relationship between the Commission and its two subcommittees, Community Coordinated Child Care Committee (4C's) and Action Committee for Young Adults (ACYA)?

1. 4C's: Satisfactory _____; Unsatisfactory _____;

If Unsatisfactory, please explain:

2. ACYA: Satisfactory _____; Unsatisfactory _____;

If Unsatisfactory, please explain:

3. What suggestions if any, do you have for improving the working relationship?

B. Do you feel that communications between the subcommittees and the Commission are adequate?

1. Commission and 4C's: Satisfactory _____; Unsatisfactory _____;

If Unsatisfactory, please explain:

2. Commission and ACYA: Satisfactory _____; Unsatisfactory _____;

If Unsatisfactory, please explain:

3. What suggestions if any, do you have for improving communications?

C. How would you rate the working relationship and communication between the Commission and the County Committees of Children and Youth?

1. Honolulu Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

2. Hawaii County Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

3. Maui County Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

4. Kauai County Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

D. Do you feel that you have been adequately apprised of Commission activities (e.g., via reports, minutes, memorandum) by the following:

1. Commission chairman: Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

2. Executive committee: Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

3. Executive secretary: Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

4. Health standing committee: Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

5. Family life standing committee: Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

6. Leisure time standing committee: Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

7. Recreation standing committee: Satisfactory ____; Unsatisfactory ____;

If Unsatisfactory, please explain:

- E. What public or private agencies providing children and youth services have you personally contacted during the past two fiscal years (1973-75). Please list and indicate the purpose for contacts. If no contacts made, please explain why?

Agencies Contacted

Purpose for Contacts

- F. Are there any other comments you wish to make as to how the State's programs for children and youth can be improved?

APPENDIX E

RESPONSE FROM COMMISSION ON CHILDREN AND YOUTH



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol Room 004
Honolulu, Hawaii 96813
Phone 548-6237

October 15, 1975

C-6268

Dear

Enclosed is a copy of the Bureau's advance copy on "HAWAII'S COMMISSION ON CHILDREN AND YOUTH, An Assessment of Its Organization, Management, and Operation". The report was prepared in response to a provision in Act 195, Session Laws of Hawaii 1975, which requested the Bureau to conduct an analysis of the operations of the Commission.

The enclosed advance copy has not been released for general distribution. We are, however, releasing individual copies directly to each Commissioner, the Commission Executive Secretary, and to the Chairpersons of the Coordinated Child Care Committee (4C's) and the Action Committee for Young Adults (ACYA). Hopefully, this full and direct mailout will expedite review of the report and facilitate the Commission's preparation of written comments on its substance, particularly its findings and recommendations.

Any comments received will be given careful consideration and adjustments relating to factual errors will be made to the report. In any event, the Commission's comments will be included verbatim in the Appendix to the report.

Since the Bureau is committed to releasing the report to the Legislature before October 28, 1975, we would appreciate receiving the Commission's comments by not later than October 24, 1975 for incorporation into the report.

October 15, 1975

We wish to emphasize the confidential nature of the advance copy and would therefore request that individual Commissioner's and other Commission related persons receiving or having access to the draft to kindly return same in the enclosed self-addressed manila envelope, when the Commission's written response is forwarded to the Bureau. In turn, a final copy will be sent to you upon its release for general distribution.

If there are any questions, please do not hesitate to contact me or in my absence, Mr. Lloyd Migita, at 548-6237. Thank you for your cooperation and assistance.

Sincerely,

Charles H. Nishimura
Project Manager

CHN:sh

Enc.



STATE OF HAWAII
COMMISSION ON CHILDREN AND YOUTH
P. O. BOX 3044
HONOLULU, HAWAII 96802

October 27, 1975

The following commission members were present on October 27, 1975 to discuss and respond to the Legislative Reference Bureau's report:

Valerie Hata, Leatrice Hirano, Susan Inouye, Masako Ledward, Linda Lee, Betty Matsumura, Richard Oshiro, Lester Seto, Mineo Yamagata, George Yokoyama

This is a report of a special ad hoc committee appointed by the Commission to respond to the Legislative Reference Bureau's report. A report from the full Commission will be forthcoming.

At a meeting of October 23, 1975, the Commission voted to agree with the recommendations listed in Chapter 8. However, this vote was taken before most of the members had a chance to review and digest the recommendations of Chapter 9.

In response to Recommendation 2, Chapter 8, that the Office of Children and Youth be located within the Office of the Governor, the following recommendations were made.

1. The office be located in the Office of the Governor for a direct communication pipeline to the Governor; at the same time, the following members felt we should work for a cabinet level slot.

(In favor: Hirano, Inouye, Lee, Ledward, Seto, Yamagata)

2. The office be located in the Office of the Governor for a direct communication pipeline to the Governor.

(In favor: Matsumura, Oshiro, Yokoyama)

3. The office be on the cabinet level.

(In favor: None)

The members present (10) agreed unanimously that they wanted the office to be an action-oriented agency rather than strictly advisory.

The members had different opinions of the composition of the office. The suggestions for the maximum number for the make up of a new body were: 6, 15, 21, and 31.

- In favor of 6: Smith (proxy vote)
- *In favor of 15: Oshiro
- *In favor of 21: Hata, Inouye, Lee, Yamagata
- *In favor of 31: Hirano, Ledward, Matsumura, Seto, Yokoyama

*(counties and youth to be included)

In discussing the composition of the members, it was stated that many persons, when appointed to a commission, do not know what the responsibilities are. It was, therefore, recommended that:

1. The Office of the Governor send out a synopsis of each commission or board an applicant states he is interested in to give him an idea of the commission's responsibilities.
2. Upon confirmation, the commission office send out orientation materials immediately to the newly appointed members.
3. If the new member does not function, the commission should set up procedures to ask for his resignation.

The members discussed the possibility of the two choices of either retaining the Commission as it is and work towards fulfillment of the tasks outlined in Chapter 9 or to abolish the Commission. The members could not reach a consensus vote. The question will be posed to the full Commission.

In response to Chapter 9, the ad hoc committee reports the following.

1. A program development committee was established at the August 22 Executive Committee meeting. The members of this committee include the Vice Chairman (to chair) and the standing committee chairmen. A deadline will be imposed for this committee to present a program and strategy.

Also a legislative ad hoc committee was appointed on July 18, 1975 to study the Juvenile Justice Plan and to submit recommendations and proposals at the legislative hearing conducted by the Joint House Committee on Judiciary and Youth and Elderly Affairs on August 7, 1975. A questionnaire listing several proposals formulated by the ad hoc committee was mailed out to all commission members and was the basis of the majority consensus report presented at this hearing.

2. A budget committee was also established at the August 22 meeting. (The Commission has had budget committees in the past.) A deadline will also be imposed on this committee for a plan.
3. A roles and functions committee was established in September and is in the process of revising the Commission's previous policy.

4. The Commission is working on updating its roles and functions and will incorporate the subcommittees' guidelines into it.
5. The members (10) agree with Recommendation 3 and bylaws will be drawn up by the Legislative Committee for commission approval.
6. The members (10) agree with Recommendation 4 that the executive secretary's position be exempt from civil service.
7. The members (10) agree that commission members who serve on the subcommittees will serve as regular voting members.
8. The members (10) agree with Recommendation 6 that the Commission hold joint Commission and subcommittee meetings no less than twice a year.
9. The members (10) agree with Recommendation 7; however, they felt that "within its authority" must be clarified.
10. In response to Recommendation 8, the members will request that the Commission schedule monthly meetings.

In response to Other General Recommendations, the members (10) advised that clerical staff to:

1. Establish immediately, a numbering system of all correspondence distributed and received.
2. Record all discussion held at meetings.
3. Extract brief excerpts from the meetings, or the executive secretary prepare a one-page summary of the Commission's activities for the month, and distribute this to the Legislature and to the media.

The Executive Secretary will obtain a written opinion from the Attorney General regarding the fluctuating membership, quorum, and how it affects major decisions by boards and commissions.

We, the following commissioners, have met on this date, October 27, 1975,
to discuss and compile a report in response to the Legislative Reference
Bureau's findings.

SPECIAL AD HOC COMMITTEE
COMMISSION ON CHILDREN AND YOUTH

Susan K. Brown

Valerie Hata

Lester M. Hines

W. J. Langford

George Yokoyama

Linda Lee

Richard Olson

Lester Seto

Betty D. Matsumura

Nescho L. Leeward, Chairman

UNNUMBERED PUBLISHED REPORTS OF THE LEGISLATIVE REFERENCE BUREAU

- 1962
 - Inactive Depositor's Accounts
 - Organizing for State Planning and Economic Development
 - Government Participation in the Visitor Industry (out of print)
- 1963
 - Organization and Administration of the Hawaii Homes Program
 - Co-signing: Law and Practices of Consumer Cash Loans and Consumer installment Credit by Lending institutions in Hawaii
 - Year-round Operations of Educational institutions and the Implications for Hawaii
 - University of Hawaii Summer Sessions and a Tuition Differential
- 1968
 - Foreign Lenders and Mortgage Activity in Hawaii
- 1969
 - Survey of Population Data to see if Number of Individuals Who are Eligible for Medical Assistance can be Determined
 - Real Estate Investment Trusts and Chapter 207, Hawaii Revised Statutes
- 1970
 - Feasibility Study on the Consolidation and Placement of State Police Functions and Powers
 - Rules of the Road for Motor Vehicle Drivers in Hawaii: A Comparative Report (out of print)
 - Feasibility Study: Day Care Center at the University
 - Hawaii Penal Code
 - Feasibility of Regulating Public Tax Preparers
 - Feasibility of Charging Private Consulting Firms for Time and Services Rendered by State Employees
 - Land Use Law Revisited: Land Uses Other Than Urban
 - Professional and Occupational Regulatory Boards and Commissions of the State of Hawaii (out of print)
- 1971
 - Law of Landlord and Tenant in Hawaii; a Proposed Residential Landlord-Tenant Code
 - Hawaii Bill Drafting Manual
- 1972
 - Cooperative Associations in Hawaii: A Future in Hawaiian Agriculture
 - Feasibility Study: State Acquisition of Bishop Museum
 - A Study Concerning the Relationships Between Certain New Car Dealers and Their Wholesale Distributors. \$1
 - Financial Vicissitudes of the Bernice P. Bishop Museum. \$1.50
- 1974
 - Creditor's Remedies. \$2