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COUNTY OF MAUI, STATE OF HAWAII

APPROVED 2/27/2012

CHARTER COMMISSION  
PUBLIC HEARING

Held at Helene Hall, 150 Keawa Place, Hana, Maui,  
Hawaii, commencing at 6:30 p.m., on Thursday, January  
19, 2012.

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ATTENDANCE

BOARD MEMBERS PRESENT:

Joshua A. Stone, Chair

Wayne N. Hedani, Vice-Chair

David P. DeLeon, Member

Clifford P. Hashimoto, Member

Linda Kay Okamoto, Member

Yuki Lei Sugimura, Member

STAFF PRESENT:

Edward S. Kushi, Jr., First Deputy Corporation Counsel

Lisa Kahuhu, Supervising Law Technician

OTHERS PRESENT:

Dawn Lono

Ron Lecker

Ward Mardfin

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(Thursday, January 19, 2012, 6:30 p.m.)

\* \* \*

CHAIR STONE: Hello, everybody. Thank you for attending the public meeting of the Charter Commission. My name is Josh Stone, and I am the Chairman of the Commission.

If you need, there are copies of the Maui County Charter and amendments with Lisa Kahuhu over there.

As per our rules, all discussions tonight shall be pertaining to the Maui County Charter. And before we begin public testimony, we have a few items of business to address.

Firstly, Lisa, has anybody from the public signed up to testify?

MS. KAHUHU: Not yet, Chair.

CHAIR STONE: Members of the public, if you would like to testify, please sign in with Lisa; otherwise, we're really spinning our wheels here. There's some stuff you guys may want to discuss.

Just so you guys know, in the agenda are the Proposed Charter Amendments. So if you want to check out the 21 proposed as of right now, it's definitely something worth discussing.

I would like to call in meeting to order as of

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6:30 p.m., and introduce our Commissioners that are present. Let's quickly go down the table. And if you could please state your name and where you're from --

COMMISSIONER DELEON: Dave DeLeon, Haiku.

COMMISSIONER OKAMOTO: Kay Okamoto, Lanai.

CHAIR STONE: Josh Stone, Paia.

VICE-CHAIR HEDANI: Wayne Hedani, Wailuku.

COMMISSIONER HASHIMOTO: Clifford Hashimoto, Hana.

CHAIR STONE: You have a cheering crowd.

COMMISSIONER SUGIMURA: Yuki Lei Sugimura, from Kula.

CHAIR STONE: Thank you very much.

I'd also like to present our staff. With us tonight is Ed Kushi, Jr., Deputy Corporation Counsel. Ed. Also, Lisa Kahuhu, Supervising Law Technician. And way down there, at the end of the table, we have Tonya McDade, who is our court reporter.

Also, we would like to thank Akaku for being here tonight. Thank you very much, guys, for putting this out to the public.

This meeting is primarily to get the public's input on the Proposed Charter Amendments that the Charter Commission are actively working on, some of which most likely will be put forward to the voters in

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1 the next November election. We're also here to receive  
 2 new Charter Amendment Proposals, if any.  
 3 And I'll give the public a little bit of time  
 4 to sign up. Take your time.  
 5 Also, tonight, we don't have a PA system. So  
 6 since this is being televised, if it's okay, we just ask  
 7 the members of the public to speak up. This room has  
 8 very good acoustics, so I think we'll be able to hear.  
 9 COMMISSIONER HASHIMOTO: Chair?  
 10 CHAIR STONE: Yes, Commissioner Hashimoto.  
 11 COMMISSIONER HASHIMOTO: I would like to  
 12 recognize my brother and his wife.  
 13 CHAIR STONE: Very good.  
 14 (Applause.)  
 15 (Multiple speakers, laughter.)  
 16 CHAIR STONE: Before I begin with oral  
 17 testimony, before we have our first testifier, the rules  
 18 are we'll give each public testifier five minutes to  
 19 testify and we'll call every testifier up in the order  
 20 that they registered. And I believe we are ready to get  
 21 going.  
 22 Lisa, would you please call up our first  
 23 testifier?  
 24 MS. KAHUHU: Dawn Lono.  
 25 MS. LONO: Aloha. I'm Dawn. Let's see.

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1 The first one that I wanted to ask a  
 2 question -- may I ask questions?  
 3 CHAIR STONE: Sure.  
 4 MS. LONO: Okay. Number 3, about appointing  
 5 investigators. And how does that currently happen? I  
 6 mean, what are we currently doing with this? Is this an  
 7 entirely new category?  
 8 CHAIR STONE: Sorry, Dawn. One second.  
 9 MS. KAHUHU: I'm sorry to interrupt. Can you  
 10 have the testifier stand by our court reporter so she  
 11 can --  
 12 CHAIR STONE: Yeah. Actually, if you want to  
 13 stand right there, that's perfect. She can get you from  
 14 there. Thank you.  
 15 Okay. So your question is about Number 3?  
 16 MS. LONO: Number 3. It's talking about the  
 17 Prosecuting Attorney being able to appoint investigators  
 18 who shall have all powers and privileges of police  
 19 officers of the County and so forth.  
 20 CHAIR STONE: Okay.  
 21 MS. LONO: How is that currently handled?  
 22 CHAIR STONE: You know --  
 23 MS. LONO: Do they not currently have those  
 24 powers and privileges?  
 25 CHAIR STONE: No. And, also, we have our Corp

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1 Counsel, which is the perfect guy to ask that question.  
 2 So, Ed, can you fill us in on the question?  
 3 MR. KUSHI: You want me to respond now?  
 4 CHAIR STONE: Yes.  
 5 MR. KUSHI: As I understand it, they can  
 6 appoint investigators, as well as (inaudible), et  
 7 cetera, based on their budget, but, currently, the  
 8 investigators do not have police powers.  
 9 MS. LONO: Okay.  
 10 MR. KUSHI: So this Charter change would allow  
 11 them to have police powers as if they're police  
 12 officers.  
 13 MS. LONO: Right. And they would be appointed  
 14 by the Prosecuting Attorney? How are they currently  
 15 appointed?  
 16 MR. KUSHI: There's an opening.  
 17 MS. LONO: It goes through the regular  
 18 personnel process?  
 19 MR. KUSHI: Correct.  
 20 MS. LONO: Okay. And why would you want to  
 21 change that?  
 22 CHAIR STONE: The argument for it -- and let  
 23 me be clear, too, about these proposals. The proposals  
 24 are being brought out to the public now because not all  
 25 of these proposals are going to make it onto the ballot.

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1 21 proposals is a lot of proposals. So, basically,  
 2 input from this round of public outreach really will  
 3 define what proposals make it onto the ballot. I  
 4 personally can't recall why we voted this forward.  
 5 Commissioner Sugimura.  
 6 COMMISSIONER SUGIMURA: Can I just say that it  
 7 came from the Mayor's Office? It was one of his  
 8 proposals.  
 9 MS. LONO: Okay.  
 10 COMMISSIONER SUGIMURA: And it came from the  
 11 Prosecuting Attorney's Office, who, basically, said it  
 12 was a housekeeping measure. So I think that would  
 13 probably --  
 14 MS. LONO: Well, that answers that. Yeah.  
 15 Okay. And how does -- I don't know what the protocol is  
 16 here, but I have a lot of more questions that are not  
 17 about many of these things. And one of them is, you  
 18 know, is this a good idea and you guys think it's a good  
 19 idea? Are you proposing -- are you heading to actually  
 20 proposing this and why?  
 21 CHAIR STONE: Yes. Well, it wouldn't have got  
 22 on the proposal list if, in the discussions, we hadn't  
 23 thought it was a good idea. And what happened in order  
 24 for these proposals to get to this stage, there was  
 25 debate and we voted to move as a majority to move the

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1 proposals forward.  
 2 MS. LONO: So on consensus?  
 3 CHAIR STONE: On consensus. Some of the  
 4 proposals were very close, meaning we were on the fence  
 5 about them, but we wanted to get the public's input, and  
 6 some were unanimous.  
 7 MS. LONO: And which ones were those?  
 8 CHAIR STONE: You know, I can't --  
 9 MS. LONO: Okay. All right. Sorry.  
 10 CHAIR STONE: The stacks of information are  
 11 about this high.  
 12 MS. LONO: I can only imagine.  
 13 CHAIR STONE: But, yes, it's fine. If you  
 14 have questions, that's even -- that's productive for us  
 15 as well.  
 16 MS. LONO: I think it's a really good idea to  
 17 go to the biennial budget and in non-election years. I  
 18 think that's a very good idea.  
 19 On Number 10, it talks about the interactive  
 20 communications access. And, of course, being in Hana,  
 21 we are part of that. And we, actually, have that system  
 22 partially set up. When Senator English was our  
 23 councilman, all the DSL lines and everything ready to  
 24 go, we were already doing interactive. And when he  
 25 left, it all got taken out. So now we are starting at

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1 ground zero.  
 2 But I think it's really important for Hana.  
 3 It's really hard to go over to the other side for an  
 4 entire day just to talk for three minutes and -- maybe.  
 5 CHAIR STONE: This amendment would -- to the  
 6 Charter would actually make it mandatory that the  
 7 outlying areas, Hana, Lanai, Molokai -- and there were  
 8 some other ones --  
 9 MS. LONO: Yeah.  
 10 CHAIR STONE: -- who requested, would --  
 11 actually, to all Council meetings would have that access  
 12 and would be able to testify from their location. So it  
 13 seems we have very good support from those outlying  
 14 areas on this proposal.  
 15 MS. LONO: Well, I support that, that one, 100  
 16 percent, for all of those places.  
 17 That's all I have to say for now. Maybe  
 18 somebody else could speak, and then, if I have  
 19 additional questions --  
 20 CHAIR STONE: Sure. We have time. We're here  
 21 to listen, so --  
 22 MS. LONO: Great. Thank you.  
 23 CHAIR STONE: Thank you so much.  
 24 Commissioners, clarification on Dawn's  
 25 questions?

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1 (No Response.)  
 2 CHAIR STONE: No. Very good. Thank you for  
 3 testifying.  
 4 Lisa, next testifier, please.  
 5 MS. KAHUHU: Ron Lecker.  
 6 MR. LECKER: Yeah, you folks get plenty  
 7 proposals here. Plenty work, yeah. Yeah. But I had  
 8 only one question. If any one of these --  
 9 CHAIR STONE: Sorry, Ron. Sorry.  
 10 Dawn, do you mind moving down a chair so Ron  
 11 can sit down? Have a seat.  
 12 MR. LECKER: You want me to sit?  
 13 CHAIR STONE: Yeah, (inaudible).  
 14 MR. LECKER: Yeah, okay. I have only one  
 15 question, yeah. Any one of these proposals that you  
 16 have here, will any difference to the efficiency and  
 17 productivity of the County, of the government?  
 18 CHAIR STONE: Uh-huh. I think that is one of  
 19 the primary goals of the commission, is looking for ways  
 20 to create efficiency. And a lot of these -- a lot of  
 21 these proposals come from our -- our desire for the most  
 22 efficiency, for increased efficiency.  
 23 On the second round of public outreach, it's  
 24 been interesting because we had, basically, at every  
 25 meeting, except for this one, a councilmember come. And

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1 those councilmembers were very informative about things  
 2 we thought might be efficient, that truly, in real  
 3 action, may not be efficient. So we did put a lot of  
 4 proposals that the Commission felt would improve  
 5 efficiencies, but we have to go back and really, really  
 6 research it.  
 7 What we are trying to do at this stage is  
 8 whittle down to a group of proposals that we can really  
 9 focus on. And we have Corp Counsel, we have other  
 10 resources available to us to then make sure we see what  
 11 these proposals -- how the effect will really be  
 12 financially, how the effect will be efficiency-wise.  
 13 So, yes, that's the whole goal, is to try and make the  
 14 County more efficient.  
 15 MR. LECKER: All right.  
 16 CHAIR STONE: Right on.  
 17 MR. LECKER: Thank you.  
 18 CHAIR STONE: Thank you very much, Ron.  
 19 Lisa, next testifier.  
 20 MS. KAHUHU: Ward Mardfin.  
 21 CHAIR STONE: Hi. How are you?  
 22 MR. MARDFIN: Aloha, Commissioners. Good to  
 23 see you all.  
 24 Thank you, Clifford, for making the long drive  
 25 to Hana.

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1 And I'm seriously going to thank the rest of  
 2 you for making the drive to Hana. I know it's not the  
 3 easiest drive in the world.  
 4 I'm like Ron, I saw this the other day. I  
 5 have just a bunch of brief comments on some of them.  
 6 On Number 1, I actually think it's pretty  
 7 nice, but Part (b), three full four-year terms, whether  
 8 consecutive or not, then you had a question mark. Is  
 9 that like --  
 10 CHAIR STONE: That's a question to the public,  
 11 basically.  
 12 MR. MARDFIN: Okay. But I know there are  
 13 currently five two-year term limits.  
 14 CHAIR STONE: Right.  
 15 MR. MARDFIN: You can be off for two years and  
 16 try it again.  
 17 CHAIR STONE: Exactly.  
 18 MR. MARDFIN: So that will eliminate the  
 19 possibility.  
 20 And if they decide that you can't have it  
 21 consecutive, or whether you can't have it all, what if  
 22 you changed the geographic districts, would that allow  
 23 you to be available or not? I don't know the answer to  
 24 that, but it's something to think about, whether a  
 25 district change would somehow renew your eligibility.

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1 CHAIR STONE: That's a good point.  
 2 MR. MARDFIN: Also, 3, I just don't know where  
 3 I'd be on that. I'm not clear what the investigators  
 4 would do and whether or not they need police powers. If  
 5 you -- if that's on the ballot, I hope there's a lot of  
 6 accompanying information.  
 7 Number 4, I'm really torn on this one. I am a  
 8 very strong democrat, as you might notice from my  
 9 T-shirt. (Inaudible).  
 10 (Laughter.)  
 11 MR. MARDFIN: So he is a resident of the  
 12 State, unless they want to argue, of course, that Hawaii  
 13 is an independent kingdom and it's not a state.  
 14 But on this one, I'm really torn. I believe  
 15 in partisan elections, but I'm not sure, in my own mind,  
 16 that the County government makes that much difference.  
 17 The County's trying to take care of land use problems,  
 18 roads, sewer, water. And I'm not totally convinced that  
 19 there's that partisan sort of thing. If they dealt with  
 20 education and welfare, I would be really for it. I'm  
 21 happy to have it at the State level. And I'm happy we  
 22 have it for State senators and State reps. But I'd be  
 23 swayed on whether or not it's appropriate for the  
 24 County.  
 25 Number 9, delete reference to members of

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1 boards and commissions. I know on the Maui Planning  
 2 Commission, I presume all the rest, that there's a limit  
 3 to how many democrats and how many republicans you can  
 4 have. I'm clearly a democrat, made no bones about that.  
 5 I can see some danger to not having the  
 6 restriction. There would be a possibility being stacked  
 7 with democrats or stacked with republicans. And I don't  
 8 really think that's a great idea. So my tendency would  
 9 be to be opposed to Number 9. Again, I don't think  
 10 (inaudible) democratic or republican principles  
 11 particularly, but I think (inaudible).  
 12 Please do 10. And it might even -- once you  
 13 had it in place, you might even use it for things like  
 14 perhaps testifying before the Maui Planning Commission,  
 15 to make things a lot easier for people.  
 16 Number 13, I looked at, requiring the Charter  
 17 be republished in its entirety following any revision.  
 18 I think that's too much. I can see it every five or 10  
 19 years -- what? Are you saying that it's not a cost  
 20 factor for printing those? Well, if it isn't a cost  
 21 thing, then I'm for it.  
 22 It seems to me that if you change one word in  
 23 one bill, you have to republish the whole thing, it's  
 24 kind of silly. On the other hand, if you have a  
 25 significant number of changes, then it's hard to be

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1 reading this document, and this one changes. And that  
 2 does get awkward. But if it's -- you know, I'd say if  
 3 it's -- well, depends on what the changes are and what  
 4 the changes.  
 5 15, I'm strongly in favor of. The County  
 6 should defend and indemnify all board and commission  
 7 members. Otherwise, it will be really hard to compete  
 8 for people that have any kind of resources.  
 9 16, actually, I like very much, increase the  
 10 time period for residency requirements. But my question  
 11 would be, how would the public know about the residency  
 12 claim? Because this only makes sense if there's an  
 13 opportunity to challenge the residency. And if they  
 14 don't -- if they claim to be a resident a year in  
 15 advance, but don't file their nomination papers until  
 16 two or three months in advance, it's going to be  
 17 difficult in challenging the things. And I think the  
 18 purpose is so residency can be challenged. And I  
 19 like -- residency requirement, I really like, but delete  
 20 the other stuff.  
 21 CHAIR STONE: I'm sorry. One second. If  
 22 there's no objection, I want to suspend the rules on  
 23 time limits.  
 24 MR. MARDFIN: Oh, I just finished.  
 25 CHAIR STONE: Oh, very good.

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1 MR. MARDFIN: That was the last one I wanted  
 2 to make a comment on. Thank you very much.  
 3 CHAIR STONE: Thanks very much.  
 4 MR. MARDFIN: I know how hard it is to make  
 5 this work. And I appreciate very much you guys putting  
 6 the time in for doing this, going to different  
 7 communities and gathering input.  
 8 CHAIR STONE: Thank you. One second. Are  
 9 there any questions for clarification? Dave.  
 10 COMMISSIONER DELEON: So what we have now is  
 11 we have like three different documents that we have to  
 12 follow to get what is in the Charter. That's why we're  
 13 talking about changing this thing. Your point is, if  
 14 it's a significant change?  
 15 MR. MARDFIN: Right.  
 16 COMMISSIONER DELEON: So like if it's --  
 17 MR. MARDFIN: If you change "and/or," don't  
 18 reprint it.  
 19 COMMISSIONER DELEON: We won't ask the voters  
 20 to make a decision on "and/or," either. I don't think  
 21 the Council would, either. But, yeah, because the thing  
 22 is like maybe a week's work for a clerk, at most.  
 23 MR. MARDFIN: Okay.  
 24 COMMISSIONER DELEON: So it's not like a big  
 25 deal to republish it. It's stapled together, you know.

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1 MR. MARDFIN: Then go for it. I mean, I think  
 2 you should use judgment on it.  
 3 COMMISSIONER DELEON: I think the logic of  
 4 what we do now is it's the way the attorneys operate  
 5 because the State law has used, for volumes and volumes,  
 6 so add-ons. So there's tag-ons to this, too, which is  
 7 natural for attorneys to do, but, in this case, it's so  
 8 manini and so compact, to do the thing --  
 9 MR. MARDFIN: I agree, when I see it. Because  
 10 you're only talking about the Charter itself.  
 11 COMMISSIONER DELEON: Not talking about the  
 12 Code or anything else.  
 13 MR. MARDFIN: Planning stuff, we're constantly  
 14 changing. And those are big documents.  
 15 COMMISSIONER DELEON: Only talking about this.  
 16 CHAIR STONE: This is 52 pages, and it's  
 17 cost-effective. You know, you're not talking about  
 18 cost.  
 19 MR. MARDFIN: Then I have no problem with it.  
 20 CHAIR STONE: Because, for example, in the  
 21 first round of public outreach, so many people didn't  
 22 even know about it, and, you know, Charter additions, so  
 23 they were reading the book and some things were not in  
 24 line. So we were getting testimony that didn't make  
 25 sense because --

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1 MR. MARDFIN: I will tell you, it's -- well,  
 2 you know, it's a pain in the neck to have to consult  
 3 three documents to figure out --  
 4 CHAIR STONE: It's difficult.  
 5 MR. MARDFIN: -- what the latest version is.  
 6 I've done it online, trying to find some stuff from time  
 7 to time, and it's a pain.  
 8 COMMISSIONER DELEON: That's exactly what  
 9 we're addressing.  
 10 MR. MARDFIN: So I'm glad it's being taken  
 11 care of. I was imagining a much more extensive  
 12 document.  
 13 COMMISSIONER DELEON: Yeah.  
 14 MR. MARDFIN: Then you have a significant  
 15 cost. But it's still difficult to track things down.  
 16 Anyway, thank you very much.  
 17 COMMISSIONER DELEON: Chair?  
 18 CHAIR STONE: Yes, Commissioner DeLeon.  
 19 COMMISSIONER DELEON: So about the cops -- or  
 20 about the prosecutor, that came from the Prosecutor's  
 21 Office, and they were saying they're just trying to  
 22 match up with State law. And I thought -- I thought it  
 23 meant, to me, they already had those powers under the  
 24 County Code, and it was just something that they were  
 25 trying to match up in the Charter. And it's causing a

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1 lot of confusion. And the public are responding at  
 2 every meeting, what do you mean, they're going to be  
 3 cops. So --  
 4 MR. MARDFIN: Is this the County attorney  
 5 general or the State Attorney General?  
 6 COMMISSIONER DELEON: No, no. The County  
 7 Prosecutor's Office.  
 8 MR. MARDFIN: County Prosecutor's Office. And  
 9 what kinds of things would they need police powers for?  
 10 COMMISSIONER DELEON: To enter into houses or  
 11 stuff like that, or arrests, if they have to, something  
 12 dangerous is happening.  
 13 MR. MARDFIN: I'm just having a hard time.  
 14 MR. KUSHI: Mr. Chair?  
 15 CHAIR STONE: Yes.  
 16 MR. KUSHI: As I understood the proposal by  
 17 the Prosecutor, he wanted to have, on his staff,  
 18 prosecution office staff, investigators with police  
 19 powers. Right now, investigators with police powers are  
 20 housed in the Police Department. So now he wants his  
 21 staff to actually have police powers in his prosecution  
 22 of the case.  
 23 CHAIR STONE: Ed, does that fall in line with  
 24 the State?  
 25 MR. KUSHI: State Attorney General's Office,

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1 yeah, they go out and prosecute criminals.  
 2 CHAIR STONE: Do we know if other counties  
 3 have those?  
 4 MR. KUSHI: No.  
 5 MR. MARDFIN: I did some --  
 6 MR. KUSHI: See, the prosecutor does not have  
 7 police powers. Police does.  
 8 MS. LONO: Investigator as well.  
 9 MR. MARDFIN: Well, wouldn't they -- if they  
 10 -- if the prosecutor had a deputy that wanted to do  
 11 something, wouldn't they just bring a policeman along  
 12 with them?  
 13 MR. KUSHI: They could, but it's easier if  
 14 it's right in their office.  
 15 MS. LONO: Is that about this efficiency thing  
 16 we're talking about, maybe having a little bit of that?  
 17 Does it seem like --  
 18 MR. KUSHI: It could, if they had police  
 19 powers.  
 20 CHAIR STONE: Let's say it's an issue we're  
 21 going to be delving deeply in.  
 22 COMMISSIONER DELEON: I was under the  
 23 impression they already had those powers in the Code and  
 24 they were just trying to match to State law.  
 25 MS. LONO: It doesn't say that here, though.

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1 It doesn't say for State law or anything. The one above  
 2 it says --  
 3 CHAIR STONE: Dawn, these are, also, just --  
 4 these are very condensed versions. The proposals are  
 5 going to be pages long, some of them. So --  
 6 MR. MARDFIN: I will read the pages, then  
 7 figure it out.  
 8 CHAIR STONE: Commissioners, any further  
 9 clarification?  
 10 (No Response.)  
 11 CHAIR STONE: Thank you. Thank you very much  
 12 for your testimony. Much appreciated.  
 13 Lisa?  
 14 MS. KAHUHU: No one else, Chair.  
 15 CHAIR STONE: No one else. Members of the  
 16 public, we would like to put out there, if anybody would  
 17 like to testify, you're welcome to come forward at this  
 18 time. No. Okay. Thank you.  
 19 MS. LONO: You know, wait a minute. I have a  
 20 couple more questions. Is that okay?  
 21 CHAIR STONE: One second. Commissioner  
 22 Hedani?  
 23 MS. LONO: Okay.  
 24 CHAIR STONE: Does my daughter have a  
 25 question?

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1 (Laughter.)  
 2 CHAIR STONE: Yeah. Go ahead, Dawn.  
 3 MS. LONO: I just wanted to say something  
 4 about Number 17, to increase the time period of  
 5 residency requirement. I think that's a very good  
 6 requirement. And it really is much more true and honest  
 7 in many ways than what we currently have, you know. And  
 8 you can kind of follow it and you have something to  
 9 follow. So I would like to support that one completely.  
 10 CHAIR STONE: Anything else?  
 11 MS. LONO: I'm just looking at this to see.  
 12 Oh, yes.  
 13 Number 19, to add the powers, duties and  
 14 functions of Department of Environmental Management,  
 15 guide efforts to maximize opportunities for natural  
 16 resource protection, conservation, and restoration.  
 17 Hey, right on. And, (b), coordinate and develop  
 18 policies and initiatives that integrate sustainable  
 19 resource development, support local food and energy  
 20 production, and establish partnerships with agencies and  
 21 organizations to implement programs, policies, and  
 22 projects that promote sustainability. Wonderful. If  
 23 that could be a reality, hallelujah. So that's really  
 24 good and I can support that of all the things I need.  
 25 And that's all I have. Mahalo.

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1 CHAIR STONE: Okay. Thank you so much.  
 2 Commissioners, any further? Okey-dokey.  
 3 MR. MARDFIN: May I add something to that?  
 4 CHAIR STONE: Why not?  
 5 MR. MARDFIN: That's a good thing. And it's  
 6 consistent with much of what was in the Maui Island  
 7 Plan, the Maui Planning Commission. And this just puts  
 8 the -- I would have thought most of the issues would be  
 9 under the Department of Planning, but if Environmental  
 10 Management took over some of the coordination, that  
 11 might be a better fit for some of it.  
 12 CHAIR STONE: Very good. Oh, mic. At least  
 13 now we don't have to do a retake.  
 14 Commissioner Hashimoto.  
 15 COMMISSIONER HASHIMOTO: I wanted to ask,  
 16 that's why, an example what he just said.  
 17 MR. MARDFIN: The example of these things  
 18 being in the Maui Island Plan -- the Draft Maui Island  
 19 Plan?  
 20 COMMISSIONER HASHIMOTO: Yeah. The last  
 21 statement that you made.  
 22 MR. MARDFIN: Well, the thing is, the Maui  
 23 Island Plan is coming out of the Department of Planning,  
 24 and will be, presumably, in some fashion or another,  
 25 adopted by the County Council. And I would have

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<p>1 guessed -- I don't recall any details to the contrary.</p> <p>2 I would have guessed that then the Planning Department</p> <p>3 would be, more or less, responsible for seeing that the</p> <p>4 things in the plan are carried out, at least to some</p> <p>5 degree. But these particular things that are listed in</p> <p>6 your Number 19 seem more related to Environmental</p> <p>7 Management than the Department of Planning per se.</p> <p>8 I talked to the heads of both departments to</p> <p>9 see where they think it ought to be. Giving somebody</p> <p>10 responsibility for carrying out stuff in the Maui Island</p> <p>11 Plan is probably a good idea (inaudible).</p> <p>12 CHAIR STONE: Thank you.</p> <p>13 Commissioners, further -- do you have further</p> <p>14 questions?</p> <p>15 COMMISSIONER HASHIMOTO: I just want to</p> <p>16 respond to this. You know, it was my thought that the</p> <p>17 Legislative Branch, the Council, will probably approve</p> <p>18 all of these plans before they actually take effect.</p> <p>19 True? So in that case, then, the Administration then</p> <p>20 would carry out all the functions, right? Isn't that</p> <p>21 what they're supposed to do? So why would the planning</p> <p>22 board be involved in it once -- once the thing is -- I</p> <p>23 mean, once the Planning Committee is done with the work</p> <p>24 and once the Council approves it, then it's up to</p> <p>25 (inaudible) to carry it out. Right? And they report</p>	<p>1 MR. MARDFIN: Yes, we do.</p> <p>2 COMMISSIONER HASHIMOTO: (Inaudible). Okay.</p> <p>3 CHAIR STONE: Good.</p> <p>4 COMMISSIONER HASHIMOTO: Okay. Thank you.</p> <p>5 Then that's something we should consider doing. Thank</p> <p>6 you.</p> <p>7 CHAIR STONE: Thank you very much.</p> <p>8 COMMISSIONER DELEON: Mr. Chair, I have a</p> <p>9 question.</p> <p>10 CHAIR STONE: Please.</p> <p>11 COMMISSIONER DELEON: The documents in the</p> <p>12 Island Plan, what is it called?</p> <p>13 MR. MARDFIN: I'm sorry?</p> <p>14 COMMISSIONER DELEON: The policy document that</p> <p>15 you guys passed that was over the Island Plan.</p> <p>16 MR. MARDFIN: Yeah. Was it not --</p> <p>17 COMMISSIONER DELEON: County-wide?</p> <p>18 MR. MARDFIN: Commissioner Hedani would</p> <p>19 probably remember better than I because he was chairing</p> <p>20 all during that time. But that part has been passed,</p> <p>21 the Maui policy.</p> <p>22 COMMISSIONER OKAMOTO: Yeah, policy.</p> <p>23 COMMISSIONER DELEON: I can't remember the</p> <p>24 name of it.</p> <p>25 MR. MARDFIN: No. Whenever I read stuff in</p>
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<p>1 whatever they accomplish to -- to the County. Shouldn't</p> <p>2 they?</p> <p>3 MR. MARDFIN: Yes. I didn't say the Planning</p> <p>4 Commission; I said the Planning Department. Will Spence</p> <p>5 is the current Director of Planning. And it's a matter</p> <p>6 of whether the Department of Planning is responsible or</p> <p>7 the Department of Environmental Management is</p> <p>8 responsible.</p> <p>9 COMMISSIONER HASHIMOTO: I see.</p> <p>10 MR. MARDFIN: Both administrative.</p> <p>11 COMMISSIONER HASHIMOTO: You're trying to say</p> <p>12 that one should belong in one department and another in</p> <p>13 another, or --</p> <p>14 MR. MARDFIN: Maybe.</p> <p>15 MR. MARDFIN: That may be the -- it ought to</p> <p>16 be clear what you're doing in giving somebody guidance</p> <p>17 as to what they're supposed to do. Because we don't --</p> <p>18 COMMISSIONER HASHIMOTO: So what would your</p> <p>19 recommendation be, put it under the Department of</p> <p>20 Environmental Management or Planning?</p> <p>21 MR. MARDFIN: The way this portion of it</p> <p>22 reads, it makes sense to be under Environmental</p> <p>23 Management.</p> <p>24 COMMISSIONER HASHIMOTO: We don't have a</p> <p>25 Department of Environmental Management.</p>	<p>1 the Planning Commission, I do a mental data dump the</p> <p>2 next day, trying to get it out of my head.</p> <p>3 COMMISSIONER DELEON: Wait a minute. The</p> <p>4 question I'm leading to is that, Number 19 you were</p> <p>5 talking about, that, basically, earmarks in that</p> <p>6 document as well?</p> <p>7 MR. MARDFIN: I don't believe so. It's in the</p> <p>8 -- it's in the thick Maui Island Plan that's --</p> <p>9 COMMISSIONER DELEON: Every document is.</p> <p>10 MR. MARDFIN: We did not do enough cutting,</p> <p>11 and we did too much adding. I will confess we were in</p> <p>12 error.</p> <p>13 COMMISSIONER DELEON: So it wasn't in the</p> <p>14 policy plan?</p> <p>15 MR. MARDFIN: I don't think it was. I think</p> <p>16 the policy was extremely general and would not have set</p> <p>17 up who had responsibility for setting forth basic</p> <p>18 principles.</p> <p>19 COMMISSIONER DELEON: Principles. The</p> <p>20 principles are in there.</p> <p>21 MR. MARDFIN: Of sustainability?</p> <p>22 COMMISSIONER DELEON: Yeah.</p> <p>23 MR. MARDFIN: I'm almost certain.</p> <p>24 COMMISSIONER DELEON: Okay. All right. Then</p> <p>25 you base it on policy. Okay. Thank you.</p>

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1 CHAIR STONE: Okay. Commissioners, further  
 2 clarification?  
 3 (No Response.)  
 4 CHAIR STONE: No. Very good.  
 5 One last offer to the public if anybody would  
 6 like to testify. Anyone coming forward?  
 7 (No Response.)  
 8 CHAIR STONE: No. Okay. Thank you very much.  
 9 If there are no objections, I'll close oral testimony at  
 10 this time.  
 11 And without objection, I'll file all public  
 12 communications in the record.  
 13 Commissioners, any discussion about this  
 14 evening's testimony? Any discussion?  
 15 COMMISSIONER DELEON: We already had our  
 16 discussion, yes.  
 17 MS. LONO: Yeah, but we would like to hear it.  
 18 COMMISSIONER OKAMOTO: We're trying to figure  
 19 out what that plan is called.  
 20 CHAIR STONE: Okay. Very good.  
 21 MS. LONO: County-Wide General Plan.  
 22 CHAIR STONE: Without objection, I'll adjourn  
 23 this meeting as of 7:05 p.m. And I want to say thank  
 24 you very much for the residents of Hana for being here.  
 25 (Applause.)

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1 CHAIR STONE: Thank you.  
 2 COMMISSIONER OKAMOTO: We really want to  
 3 congratulate you because, at some of our meetings, we  
 4 had only four people. So you guys really showed up.  
 5 CHAIR STONE: Thank you.  
 6 (Meeting adjourned, 7:03 p.m.)  
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1 CERTIFICATE  
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 4 I, TONYA MCDADE, Certified Court Reporter of  
 5 the State of Hawaii, do hereby certify that the  
 6 proceedings contained herein were taken by me in machine  
 7 shorthand and thereafter was reduced to print by means  
 8 of computer-aided transcription; and that the foregoing  
 9 represents, to the best of my ability, a true and  
 10 accurate transcript of the proceedings had in the  
 11 foregoing matter.  
 12 I further certify that I am not an attorney  
 13 nor an employee of any of the parties hereto, nor in any  
 14 way concerned with the cause.  
 15 DATED this 17th day of February, 2012.  
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 Tonya McDade  
 Certified Shorthand Reporter #447  
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