

Approved 9/12/11

COUNTY OF MAUI, STATE OF HAWAII

CHARTER COMMISSION

REGULAR MEETING

Held at the Planning Department Conference Room,
250 South High Street, Wailuku, Maui, Hawaii, commencing
at 12:00 p.m., on Monday, August 29, 2011.

Reported by:
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ATTENDANCE

BOARD MEMBERS PRESENT:

Joshua A. Stone, Chair
 Wayne N. Hedani, Vice-Chair
 Artemio C. Baxa, Member
 Stephanie S. Crivello, Member
 David P. DeLeon, Member
 Frank R. De Rego, Jr., Member
 Clifford P. Hashimoto, Member
 Wayne N. Hedani, Member
 Susan A. Moikeha, Member
 Linda Kay Okamoto, Member
 Yuki Lei Sugimura, Member
 Flo V. Wiger, Member

STAFF PRESENT:

Edward S. Kushi, Jr., First Deputy Corporation Counsel
 Lisa Kahuhu, Supervising Law Technician
 Sherry Broder, Legislative Analyst

ADMINISTRATION PRESENT:

Alan Arakawa, Mayor, County of Maui
 Michael Molina, Executive Assistant to the Mayor

OTHERS PRESENT:

Terryl Venci
 Jim Smith
 Lloyd Fischel
 Nikhilananda
 Sally Raisbeck

Gregory Jenkins, Firefighter, Molokai Resident
 Frank De Rego, Jr., Chair, Cost of Government Commission

(Monday, August 29, 2011, 12:00 p.m.)

CHAIR STONE: Aloha, everybody. I want to say

welcome and thank you for attending this public meeting of the Charter Commission. My name is Josh Stone and I'm the Chairman of the Commission. If you need, there are copies of our agenda of today's meeting over there with Lisa Kahuhu. Lisa, raise your hand. So if anybody needs an agenda, please see her.

Before we get to oral testimony, we have a few items of business to address. Firstly, I would like to call this meeting to order as of 12:05 p.m., and recognize our Commissioners that are present or excused. Lisa, do you have any Commissioners excused?

MS. KAHUHU: Chair, I don't have any notifications that no one is not attending. So everyone is now here --

CHAIR STONE: So whoever is not here is a bad boy.

MS. KAHUHU: Yes.

CHAIR STONE: Okay. Thank you very much.

Also, I would like to present our staff. We have Ed Kushi, Jr., Deputy Corporation Counsel; Lisa Kahuhu, Supervising Law Technician; Tonya McDade, our court reporter; as well as Mike Molina, our EA from the

Mayor's Office; and, also, Sherry Broder sitting next to me. Thank you very much for being here, everybody. We very much appreciate it.

At this time I would like to take some time to approve the minutes from our last meeting, which there are none. So I think we're good on those minutes.

We'll move on to oral testimony, but, before we begin, I would like to go over our oral testimony rules. We will call up each public testifier in the order that they registered to testify. Each person will have five minutes to testify on all items in our agenda today. Following a testifier's testimony, I will ask the Commissioners if they need clarification on presented testimony.

Lisa, can you present our first testifier, please?

MS. KAHUHU: Terryl Venci.

CHAIR STONE: Ms. Venci, thank you so much for being here today.

MS. VENCIL: My pleasure. Aloha, Members. I am testifying on my own behalf today, and, actually, as a former chair of the Charter Commission, the last time around.

And I want to say, first, thank you, thank you thank you, thank you. I know how much time and effort

it takes to -- to make this thing happen, but it's so very important for our community.

And I'm here today to share one thing only with you, and that has to do with what I feel is one of the most important things that we did the last time around. And that was to try to help to educate the public on whatever the issues that you're dealing with are. When you get down to the point where you're going to phrase these things and put them on the ballot, my suggestion is this. And I wish I had a copy of what we did, but, unfortunately, I don't. I'm hoping it's in a box around here somewhere. But what we did was we put all of the issues -- and we had about 12 or 10, 13, on the ballot. So everybody was really concerned that there was a lot of them. But what we did was we did a trifold brochure, if you will. And the third fold was a tear-off piece. And in the first two folds, you put down your education, you explain what the issue is and what it's about. And then what happens is, the -- the community, the voter, then can take a look at that. And on this third tear-off piece, you've got them listed in number without so much editorial about them. And they can mark them before they go into the booth and take it right with them into the booth. And then that, obviously, keeps the slowdown from happening and you

1 have people making up their minds and their decisions
 2 while maybe they're at home or they have more time to
 3 look at the issue and make up their mind.
 4 So that's what I wanted to share with you
 5 today. We sent it out to every household of a
 6 registered voter. And I just wanted to let you know
 7 that and to maybe give you a request to give some
 8 thought to that, because it was very successful and made
 9 life a lot easier for our voters come day to vote.
 10 Mahalo again for everything you do.
 11 CHAIR STONE: Thank you very much, Terryl.
 12 Thank you so much for being here. Hang on one second.
 13 I'm sure we have questions. Commissioners, I want to
 14 open the floor for any clarification on that testimony,
 15 because I know the Chair has some questions.
 16 (Silence.)
 17 CHAIR STONE: Okay. So, quickly, I love the
 18 idea because one of the issues is, of course, making
 19 sure that the -- the voters are educated. And that's
 20 such a great idea. And thanks again. We've learned so
 21 much from your guys' minutes from your past meetings.
 22 And so that was another great idea.
 23 I asked you this, and I just wanted it for
 24 record, the expense for sending that out, what was the
 25 cost?

1 MS. VENCL: You know, that's like 10 years
 2 ago.
 3 CHAIR STONE: Uh-huh.
 4 MS. VENCL: But what I recall is around
 5 30,000. You -- probably, if you look at our
 6 bookkeeping, you'll find a little slot in there that
 7 will tell you what that exact number was. But -- and I
 8 know that raises everybody's eyebrows, but I'll tell
 9 you, it was worth it. And we had a lot of people, a lot
 10 of voters afterwards, saying thank you, thank you. So
 11 while it looks like a big number, it could well be worth
 12 it.
 13 CHAIR STONE: Thank you so much.
 14 Commissioners, any further question?
 15 (Silence.)
 16 CHAIR STONE: No. Thanks again. Thanks for
 17 coming here today.
 18 MS. VENCL: Mahalo.
 19 CHAIR STONE: Aloha. Lisa, next testifier,
 20 please.
 21 MS. KAHUHU: Jim Smith.
 22 CHAIR STONE: Hello, Mr. Smith. Thank you for
 23 coming today.
 24 MR. SMITH: Chairperson, Members of the
 25 Commission, thank you very much for your dedication. I

1 have submitted some written testimony for context of
 2 what I'm about to say. And that is that, really, in our
 3 political system, we give it up to procedure. I mean,
 4 that is what law is, is a consent to be governed by
 5 procedure. And that preserves integrity, from my
 6 perspective. And that's what we need to do more than
 7 anything now, is preserve integrity, because of the lack
 8 of attention paid by citizens.
 9 In the 2010 election, less than 50 percent
 10 voted. Why is that? That's so much more significant
 11 than the confusion of non-district/district. 49 percent
 12 didn't vote? That's outrageous.
 13 In 1992, before we started this new model of
 14 government, 71 percent. All right. So now we have to
 15 look deeper. We have to look deeper into protecting
 16 ourselves than individual amendments.
 17 And that's why I've submitted the proposed --
 18 it's a letter. And it -- it just sets down a procedure,
 19 do something. This is just putting into context where
 20 you have a principle of solvency and you relate by
 21 number to that principle and then you score these
 22 proposals and then you add the score up and you have a
 23 cutoff. And those that don't make above one, you don't
 24 need to waste your time. But those at the top, you can
 25 spend the time. So do something systematic, please,

1 that will preserve integrity in light of what's happened
 2 in the past. We can't have people coming up and
 3 challenging the Council to do it now, because, if they
 4 don't, we're going to do it in a year from now. That's
 5 not integrity. Integrity is in the heart.
 6 I'll move on.
 7 Our Charter provides integrity in the
 8 structure. And what we have now are two pieces. And
 9 what is our -- one is Proposal 9, and that was submitted
 10 on the 26th of August. And the other is Proposal 9, and
 11 that was submitted on the 15th of August. Now, I've got
 12 them both here. And one has to do with the changing of
 13 a word, that word "sustainability". And it says, at the
 14 back of that, oh, we don't really have to come before
 15 you because our Mayor can do it and our Budget Director
 16 could do it now, but we would really like to have you
 17 guys do it. So I would say necessity is one they would
 18 get a zero on, but that's what they're doing to you.
 19 They're bringing this stuff to you.
 20 The Managing Director comes to you and he
 21 wants a Deputy Managing Director. Well, he has staff.
 22 And right now, I submitted to you a newspaper article
 23 which showed you exactly what's going on. And this was
 24 at your May 23rd meeting, and this was an article that
 25 appeared in The Maui News on April 10, and our director

1 is saying, the larger projects need more assistance. So
2 now you have a Public Works -- the integrity of the
3 Public Works Department destroyed by a Managing Director
4 bringing in people to hand-carry rich man's proposals.
5 And the poor guy sits back and says, well, my project's
6 small. Well, where is the procedure there? There is no
7 procedure. And that's at the heart of the problems we
8 face as lowlife citizens.

9 And you need, I hope, to direct your attention
10 to that now, before you get into that. So a procedure
11 at the beginning, prioritizing these issues, is what we
12 desperately need as -- as lowlives who don't know
13 anything. Okay. Because we're talking about things
14 that some people don't value, but then dignity is
15 something, at least our Charter suggests it's there.
16 When it says equal, that means that you and I have the
17 same, or shouldn't that preserve in procedure?
18 Shouldn't that be something we focus on? So I would ask
19 you to do that.

20 And remember the Managing Director is an aide
21 to the Mayor; he's not a super for the Director of
22 Public Works.

23 What are we doing? We're being distracted by
24 volumes of paper and good intentions and status who come
25 before you and flatter you because of all the good work

1 you can do if you enact a Managing Director and give him
2 a deputy because he's so busy because of all the
3 proactive work he's created by going into the Public
4 Works Department to make good on a Mayor's promise to
5 whom? For what? What procedure? Certainly not me.

6 Thank you very much.

7 CHAIR STONE: Thank you very much, Mr. Smith.

8 Commissioners, clarification questions for Mr. Smith?

9 (Silence.)

10 CHAIR STONE: None. Thank you very much.

11 This is well thought out and much appreciated.

12 MR. SMITH: Thank you.

13 CHAIR STONE: Lisa, next testifier, please.

14 MS. KAHUHU: Lloyd Fischel.

15 CHAIR STONE: Mr. Fischel, thank you for being
16 here today.

17 MR. FISCHEL: Good afternoon. Thank you.

18 A few weeks ago, I appeared here to discuss

19 the Mayor's proposal to revise our Charter of government
20 regarding Article 8, Chapter 12, the Police Department,
21 the Department of Police. The Mayor would like to
22 insert the words, as we've talked about then, that allow
23 the Police Chief and, by extension, the Executive
24 Branch, to create a force of reserve police officers.

25 He originally proposed this as Number 4, and,

1 in his revised August 26th submittal, is now Number 3.

2 My last time here I cited the words of great
3 leaders, Gorbachev and Ikeda, on the importance of
4 government existing for the people, not the other way
5 around. In the ancient maxim, if you seek peace, do not
6 prepare for war. Applying their guidance to the Mayor's
7 request is the purpose of my testimony here today.

8 Maui County's Charter provides for a Civil
9 Defense Agency, Chapter 16, Section 8. The mission
10 statement of the Civil Defense Agency is to protect the
11 life and property of all the people of Maui County
12 during emergency and disaster situations. And the
13 proposed budget for Fiscal Year 2012 includes \$2 million
14 for this agency, Page 3-1.

15 Take a look at the Mayor's Proposal Number 4
16 on his latest form. Notice it says Chapter 16, Cost of
17 Government Commission. But according to our Charter,
18 Chapter 16 is the Civil Defense Agency. Chapter 15 is
19 actually the Cost of Government Commission. If you
20 adopt the Mayor's proposal, you have caused confusion
21 and, in effect, you will have undermined the Civil
22 Defense Agency in times of crisis.

23 This is not a typo in the form. This is a
24 deliberate attempt to change our way of governing and
25 center these powers in the hands of the Executive

1 Branch.

2 According to Section 8-16.1, the Civil Defense
3 Agency's overseen by the Fire and Public Safety
4 Commission, not the Police Chief. But by adopting the
5 Mayor's proposal change, the people responding to
6 emergencies will be overseen by the police. The danger
7 is that this gives our citizens no way to redress
8 grievances, a core part of a democracy and what makes a
9 democracy a democracy.

10 Furthermore, by creating confusion in the
11 Charter, the effect will eliminate the effectiveness of
12 the Civil Defense Agency. Some read this change as
13 working to castrate the agency. I submitted a copy
14 today with my testimony of the MCDA's 2000 work related
15 to tsunamis and other things that the Mayor listed as
16 what his new Police Chief's proposal would do.

17 The Mayor's proposal also reads, "Across the
18 country, police departments are utilizing volunteer
19 police officers." What these governments are not doing
20 is (inaudible) important existing agencies, creating
21 confusion in government, and adding additional layers
22 and cost to government. By and large, the small
23 jurisdiction -- the smart jurisdictions are being very
24 careful when they institute volunteer highly-trained
25 persons to support any departments of government. What

1 the Mayor is doing here is clearly not in that league.
 2 In any future Administration, if the
 3 Administration feels there's a need for more police
 4 officers, he can -- they can submit -- Administration
 5 can submit to Council to the -- a budget -- make a
 6 budget request. And the Council, our elected
 7 representatives, then reviews the claims to determine if
 8 the requested funds are or are not appropriate.
 9 The Executive Branch, specifically the Mayor,
 10 who is supposed to work for the people, has the duty to
 11 support the Council's determinations and effectuate the
 12 provisions of the Charter. He should be making
 13 proposals that strengthen our Charter, not confuse it
 14 beyond what is comprehensible. In other words, by
 15 instituting this proposed change, the Civil Defense
 16 Agency's function in times of emergency becomes
 17 incomprehensibly unclear.
 18 The Charter Commission's job, your job, is to
 19 keep our way of governing intact by protecting the
 20 Charter. And the process -- and in the process keep the
 21 separations of powers. The founders of the United
 22 States Constitution taught, taught the world, that this
 23 separation is the standard upon which agencies of
 24 government best operate in a democracy. The separation
 25 of powers gives the people standing to question

1 government and ensure it is working for the people.
 2 Like many of you, I love art. One of my
 3 favorite artists is Joan Miro. As the economy in his
 4 country was in difficulty and fear was growing, this
 5 prophetic comment is as appropriate today as it was when
 6 he voiced it. He said, "If the powers of backwardness
 7 continue to spread, if they push us further into the
 8 dead end of incomprehension, that will be the end of all
 9 human dignity." The outbreak of civil war in Spain
 10 confirmed his worst fears.
 11 Let's keep our Charter intact and not give
 12 into proactive and entrepreneurial government tactics.
 13 MS. KAHUHU: Time.
 14 MR. FISCHER: It will actually bring
 15 unintended consequences. Thank you very much.
 16 CHAIR STONE: Thank you very much,
 17 Mr. Fischer. Commissioners, clarification?
 18 Commissioner De Rego.
 19 MEMBER DE REGO: I'm trying to remember your
 20 name. I'm sorry.
 21 MR. FISCHER: Lloyd.
 22 MEMBER DE REGO: Lloyd, thank you for your
 23 testimony today. Just a clarification on the Amendment
 24 section. What was the difference between Chapter 15 and
 25 16 in regards to what you were talking about?

1 MR. FISCHER: Okay. Well, according to our
 2 Charter here, County of Maui Charter, which I'm sure you
 3 all have read, Chapter 15 is the Cost of Government
 4 Commission, Chapter 16 is Civil Defense Agency.
 5 MEMBER DE REGO: Okay. In 2006, actually,
 6 they did a housekeeping change, simply because they
 7 divided up the Department of Public Works and the
 8 Department of Environmental Management, in 2006, into
 9 two departments. So essentially, what they did, in
 10 2006, was did some re-numbering of the chapters.
 11 MR. FISCHER: Okay.
 12 MEMBER DE REGO: So the Cost of Government,
 13 which was 15, ended up 16. And the Department of
 14 Environmental Management, I think, ended up being
 15 Chapter 5. I'm not quite sure, but I think that's what
 16 ended up happening. So I just wanted to clarify that
 17 that had been taken -- taken place at another Charter
 18 election in 2006.
 19 MR. FISCHER: Do you recall which is now the
 20 Civil Defense Agency chapter?
 21 MEMBER DE REGO: It should be bumped up one
 22 more.
 23 MR. FISCHER: Would that be 17?
 24 MEMBER DE REGO: 17.
 25 MR. FISCHER: Okay. Thank you.

1 MEMBER DE REGO: Thank you.
 2 MR. FISCHER: Anything else? Thank you.
 3 CHAIR STONE: Thank you very much for your
 4 testimony.
 5 Lisa, next testifier, please.
 6 MS. KAHUHU: Chair, no one else has signed up
 7 to testify.
 8 CHAIR STONE: Okay. Thank you. Before I move
 9 on, I want to give anybody in the public who has not
 10 testified an opportunity to come forward.
 11 MS. KAHUHU: Nikhilananda.
 12 CHAIR STONE: Nikhilananda, thank you for
 13 coming today.
 14 NIKHILANANDA: Chairman Stone, Nikhilananda.
 15 CHAIR STONE: Nikhilananda.
 16 NIKHILANANDA: Ananda.
 17 CHAIR STONE: Ananda.
 18 NIKHILANANDA: Ananda, Nikhilananda.
 19 CHAIR STONE: I feel like we do this almost
 20 every time.
 21 NIKHILANANDA: Correct.
 22 CHAIR STONE: I'm really sorry.
 23 NIKHILANANDA: Correct. I'll forgive you this
 24 time.
 25 Chair Stone and Members of the Maui County

1 Charter Commission, my name is Nihilananda. I'm a
2 resident of Huelo. If time permits, I'll talk about a
3 number of issues, but there's two that I want to address
4 today since we're going to have an appearance by the
5 Mayor, or someone from his Administration, talking about
6 a section that I'm really passionate about not changing.

7 There is a proposal by the current
8 Administration, and I am certain it will be close to
9 unanimously supported by the current Maui County
10 Council, to change Article 3, Section 3-2 to four-year
11 Council terms from the existing two-year County Council
12 term. This is another of those proposals such as the
13 opposition by most councilmembers and a few members in
14 the community to centralize political power amongst a
15 small group of elite individuals. This must be disposed
16 of immediately.

17 The major arguments put forth by the
18 Administration and others is that it takes too long for
19 a newly-elected member to the County Council to learn
20 the job. Perhaps if we raised the quality and elected
21 more educated and knowledgeable individuals, instead of
22 a certain cross-section of people tied to the entrenched
23 power structure, the learning curve would be much less.
24 Candidates should already be experienced and qualified
25 for the office they are seeking.

1 In this community, we do not value education,
2 no matter what lip service is promoted. Most of our
3 local elected officials have had limited or no college
4 education. In much of the country, this would not be
5 the case. Thus, it would take them additional time to
6 grasp the intricacy -- intricate demands of the job.

7 However, a person who runs and is elected for
8 the United States Congress is also elected every two
9 years. And for almost 250 years, this does not seem to
10 be a problem with them learning the ropes and what is
11 necessary to be an effective legislator. Each member of
12 the House represents tens of thousands of constituents
13 in areas larger than the entire state of Hawaii.
14 Nevertheless, there is little or no movement to expand
15 the terms of our members of the United States House of
16 Representatives.

17 This is also true of our State House of
18 Representatives in the Hawaii Legislature. They also
19 run for office every two years. Of course, they run in
20 a district, which allows them to reach their entire
21 constituency. In addition, they are accountable to
22 those who elected them. And every two years, if they
23 are doing a good job, they are almost always reelected.

24 If we made distinct County Council districts,
25 the need to raise the vast amounts of money would not be

1 necessary. With a single-member district Council
2 system, the learning curve and expense of running is
3 much less. Plus, the need to raise large amounts of
4 campaign funds will be extremely diminished.

5 A two-year term gives the voters an
6 opportunity to express their satisfaction or frustration
7 with the performance of the councilmember. Do not take
8 this away from the citizens of Maui County.

9 This proposal made here by the Administration,
10 and I would imagine supported by many on the current
11 County Council, is solely a power-grabbing mechanism to
12 solidify political power. There is no legitimate reason
13 to be making this change to our County Charter. If one
14 does research on this subject, you will find that a
15 majority of those supporting this change are elected
16 officials, developers and those in the community
17 connected to in support of business as usual in our
18 local government.

19 Many others see this kind of proposal for
20 exactly what it is. I will not repeat here the course
21 of nonsensical arguments by those who want this change
22 and as to why it may improve an elected body.

23 Nevertheless, I'm not against it being put up
24 for a vote to the public. If they are swayed by the
25 arguments to support such a dangerous and unnecessary

1 proposal, then so be it. This is why I also strongly
2 urge that you do the same with asking the public if they
3 want a district -- single -- distinct single-member
4 district system to elect our Maui County Council. And
5 if it is supported by a majority of the public, then
6 establish a task force with the sole job of designing
7 the best and most effective election system.

8 If I have a couple more moments, I'll take
9 advantage of that, and then just tell me when the five
10 minutes is up. And that is another issue that I have
11 brought up before, and I just want to say that it is one
12 of the most important, is against the suggestions I've
13 made about changing the initiative system to lower the
14 threshold. Again, that would allow the citizens to
15 bring things to the community that the Council at this
16 point blocks.

17 And, also, the last time I testified, I added
18 a paragraph. I want to repeat it, because I made it
19 fast. During the time of the establishment of the
20 Charter Commission, all amendments to this Charter must
21 come through the Commission and not through the Maui
22 County Council, nor by any petition arising from the
23 general public. And that would be in Article 14,
24 Section 14 dash --

25 MS. KAHUHU: Time.

1 CHAIR STONE: Nikhilananda, thank you very
 2 much for your --
 3 NIKHILANANDA: Chairman Stone, thank you.
 4 CHAIR STONE: Thank you very much for your
 5 testimony. Commissioners, do we have any
 6 clarifications, questions? Kay.
 7 MEMBER OKAMOTO: Just so I'm sure, you're
 8 saying that you feel that the education level is very
 9 important for a councilperson?
 10 NIKHILANANDA: Well, education, of course,
 11 takes a couple of different levels. So, generically, I
 12 think that people can have experience. So in no way, do
 13 I say that somebody needs to have a Ph.D or law degree
 14 or anything like that. However, it's just across the
 15 board that, generally, we give lip service, as I said,
 16 to education, and people get their own life experiences.
 17 And if you look at our County Council, if you look at
 18 the Mayor and past mayors, you will see a lack of
 19 college education. And as somebody who sees that as an
 20 incredible important value to raising people's awareness
 21 and knowledge of information, I see that it's tied in
 22 together. Because the argument is made that, oh, we
 23 need a lot of time to learn the ropes. I don't think
 24 people need that amount of time. The same could be said
 25 of this Commission. And I'm sure everybody here learned

1 pretty quickly the Charter and what you needed to do. I
 2 think that's true about the County Council, also.
 3 And, again, just my final analogy is the fact
 4 that congressmen, 435 of them, they're up for reelection
 5 every two years. How can we argue that the County
 6 Council member has more information that they must learn
 7 compared to a representative of the United States
 8 Congress?
 9 MEMBER OKAMOTO: One follow-up question. The
 10 Congress, the Senate, State and County, are you aware of
 11 any that have education requirements?
 12 NIKHILANANDA: No, no, no. I'm not saying --
 13 thank you for --
 14 MEMBER OKAMOTO: I know you're not.
 15 NIKHILANANDA: Right. Got it.
 16 MEMBER OKAMOTO: I just hear that as an
 17 undertone.
 18 NIKHILANANDA: Oh, I would -- I would invite
 19 you to do some research. And you will see that, across
 20 the board, people are, you know, doctors and lawyers and
 21 professionals on a lot of levels. And here, if you look
 22 back in history, you'll see that we lack that. And then
 23 the argument says that -- the argument is made that it
 24 takes too long to learn. And I refute that. I'm saying
 25 if we raise the quality of the kind of people that we

1 elected and didn't just elect this sort of small
 2 cross-section, which, I think, also has -- because of
 3 district voting, encourages this power structure, and a
 4 certain cross-section of people to control our politics.
 5 And I've seen that for at least the 25 years I've been
 6 on Maui.
 7 MEMBER OKAMOTO: Thank you.
 8 NIKHILANANDA: Thank you for your question.
 9 CHAIR STONE: Commissioners, any further
 10 clarification or questions? No.
 11 MEMBER DELEON: Mr. Chair?
 12 CHAIR STONE: Yes, Commissioner DeLeon.
 13 MEMBER DELEON: I just want to draw a line
 14 under what you said. You said, okay, so you do not
 15 support a four-year term, but let the public decide.
 16 NIKHILANANDA: Yeah. I realized after I said
 17 this, you know, I've been passionate about letting
 18 people have an initiative and being -- let the community
 19 decide. And I've said that about district voting. I've
 20 lost over and over and over again about things I would
 21 like to see in my personal campaigns. And you have to
 22 value the community. So even though I would say to you,
 23 drop it now, I have a feeling, just like a district
 24 voting system, it will end up on the ballot. And I
 25 always feel bad that, in the past, we don't get to

1 choose a lot of Charter amendments, so that the
 2 community can -- and people have talked about educating
 3 people. So I would just say -- I would say, okay,
 4 community, let's get educated, if I lose, I lose. It
 5 hasn't -- you know, it's happened before, but let the
 6 people decide that. So I would ask you drop it, don't
 7 do it; however, I'm not spiritually against the fact
 8 that -- put it up on the ballot for people to choose if
 9 they wanted two or four-year term. And if I'm in the
 10 minority, I'm the minority. The majority wins in our
 11 system of government.
 12 CHAIR STONE: Chair has a question.
 13 Commissioner DeLeon gets to use Niki. Can I use Niki
 14 from now on?
 15 (Laughter.)
 16 NIKHILANANDA: Let me take that under
 17 advisement. I'll talk to my attorney and --
 18 (Laughter.)
 19 CHAIR STONE: With that said, after talking
 20 about -- I'd like to say welcome to Mayor Arakawa for
 21 joining us today. Mayor, thank you for being here. Any
 22 further clarification or questions?
 23 MEMBER BAXA: I would like to ask a question,
 24 Mr. Chair.
 25 CHAIR STONE: Yes, please, Commissioner Baxa.

1 MEMBER BAXA: Mr. Ananda.
 2 NIKHILANANDA: Everybody has the freedom to --
 3 I'm still going to answer.
 4 (Laughter.)
 5 MEMBER BAXA: So it's one word?
 6 NIKHILANANDA: Yes. Thank you, Mr. DeLeon.
 7 Commissioner DeLeon.
 8 MEMBER BAXA: My apologies.
 9 NIKHILANANDA: That's okay.
 10 MEMBER BAXA: You said that the -- because
 11 congressional representatives are being elected every
 12 four years, there is no reason why councilmen should not
 13 be elected the same way. I mean, two years. But is
 14 there not a little bit difference -- we know that most
 15 of the money that we have in the states are from the
 16 Federal Government. So compare that to the County,
 17 don't you think that there will be savings from the part
 18 of the County if they hold it every four years instead
 19 of two?
 20 NIKHILANANDA: Well, like I said, there's a
 21 number of arguments that people have used. And I,
 22 actually, went to look at some research done, you know,
 23 in other communities where this proposal comes up. So
 24 to respond to you, first of all, we have our mayoral
 25 elections every other year. We don't have the mayoral

1 election at the same time as we have a presidential
 2 election. So we have elections as it is every two
 3 years.
 4 I've proposed -- and so far it has not been
 5 accepted -- but San Francisco has that -- a system of
 6 proportional representation -- preferential voting and
 7 instant runoff voting. So you have -- you don't have
 8 the primary. You just have a general election,
 9 everyone's on the ballot, people say, this is my
 10 favorite, second favorite, third favorite, fourth
 11 favorite. So the argument about saving money is refuted
 12 right there. We have elections every two years. So
 13 it's not going to be a money-saving thing that people
 14 said. And we have elections. You know, we -- every
 15 year, every two years, people run for the United States
 16 Congress. And in this state -- or this county, we elect
 17 our Mayor every off year. So we're going to have an
 18 election every two years, anyway, as it is.
 19 And -- and, again, the passion that I have is
 20 let the community decide whether someone's doing a good
 21 job or not. Don't worry about all the stuff about
 22 politics or the grandstand. If they do that and the
 23 community reelects them, we get the kind of government
 24 that we elect. That's just what fact of the matter is.
 25 But don't take that away from the community if someone

1 is not doing a good job. Or if someone's doing a good
 2 job, giving them a thumbs up and say, we reelect you.
 3 So the idea of letting people -- and you've heard other
 4 testimony about people who are losing the control of
 5 government, the government is -- we're not -- it's not
 6 in our hands, it's like this small group of people. So
 7 allow -- if there's one thing we can hold on to is the
 8 idea of elections and make them that they're fair and
 9 accessible to people. And one is not to remove the
 10 people who are the legislators from being before the
 11 public every two years. And we have it staggered, we
 12 have senators in the state and federal that are elected
 13 four or six years. So we have that. And we have the
 14 Mayor. And I can see that, why the Mayor, it's taking
 15 care of a lot more than the Council. So it's just a --
 16 it's different ways of doing it. People have talked
 17 about other systems of government. So --
 18 But the specific to your answer is that, no,
 19 it's not a money -- it's not a money-saving thing. And
 20 I want people to have that ability every two years to
 21 choose their government.
 22 MEMBER BAXA: Thank you. But what about the
 23 argument that, every two years, they have to go to the
 24 people, so, more or less, just after getting elected,
 25 they will be preparing again for the next election?

1 What about the argument that they should be more
 2 concerned about concentrating on the issues that they
 3 have?
 4 NIKHILANANDA: Well, you see, that's --
 5 there's your point, what you say. There's other
 6 countries as large as the United States that have
 7 six-week elections. People stand for office. Here, we
 8 run for office. When I use the phrase standing for
 9 office, people look at me. But in a lot of countries,
 10 they use that phrase. Every -- you know, six weeks
 11 before an election, people are there. We have given up
 12 our freedoms to money and to marketing of candidates.
 13 If someone is elected and they're doing a
 14 great job -- and we've seen it in our local Council,
 15 some people who spend the least amount of money get
 16 reelected by the largest majorities because they're
 17 doing a good job. It's these other people that have to
 18 hire Madison Avenue people to, you know, make them look
 19 good.
 20 So, no, people should not be running for
 21 office; they should be doing their job. And if people
 22 like them, every two years, boom. So why don't we
 23 shorten the -- the -- the amount of time that people
 24 spend?
 25 And we do have the Mayor here. And I know

1 that, quite often, there's an election, and, the next
 2 day, people are, you know, lining up to run in four
 3 years for Administration. It happens for Council. But
 4 that's just a fact of life. Let someone do a good job,
 5 and let's elect them based on their quality of
 6 performance, not on whether they raised enough money and
 7 they have the connections of, you know, unions
 8 or developers
 9 MEMBER BAXA: You seem to have lost my point,
 10 though. I was not talking about money. I was talking
 11 about the conservation of their efforts for doing the
 12 job, not about the money that is spent.
 13 NIKHILANANDA: You're talking about
 14 specifically the person, as soon as they're elected,
 15 they're running for reelection?
 16 MEMBER BAXA: Because they will be concerned
 17 about the next election, so they will be preparing.
 18 NIKHILANANDA: If they were really concerned
 19 about their next election, they would just do the best
 20 job that they can for the community. And the community
 21 will decide whether they're doing a good job. What we
 22 have is we sold our democracy to Madison Avenue. So
 23 people say, this person is a great person, I give you a
 24 comb, I give you a -- you know, I do all these things
 25 that people do to be -- I'll feed you chili and rice and

1 all that.
 2 CHAIR STONE: Nik, sorry.
 3 MEMBER BAXA: I understand.
 4 CHAIR STONE: Commissioner --
 5 MEMBER BAXA: Thank you very much.
 6 CHAIR STONE: Also, I want to point out,
 7 Commissioners, let's keep it to two questions per
 8 Commissioner. All right? So everybody has a fair
 9 chance to ask questions.
 10 Is there any further clarification or
 11 questions?
 12 NIKHILANANDA: Well, I -- just follow-up. And
 13 I'm -- 10 seconds. And that is that I'm given five
 14 minutes and then the questions, then someone is going to
 15 stand here for a half hour, as long as we want. And
 16 that's why we have the kind of development we have, too,
 17 here. Someone gives three minutes to Council, then you
 18 sit. So, in a way, it's nice to have a couple
 19 additional questions and people can talk about things.
 20 Because this is the only opportunity I have.
 21 CHAIR STONE: I agree, the Chair agrees, but
 22 we do have a time constraint.
 23 NIKHILANANDA: That's fine. Of course.
 24 CHAIR STONE: That's the only reason. So, of
 25 course, we want as much communication going on.

1 NIKHILANANDA: The time constraint is two
 2 years for each councilmember.
 3 CHAIR STONE: Okay. Well, thank you very
 4 much.
 5 NIKHILANANDA: Thank you very much.
 6 CHAIR STONE: Commissioners, any further
 7 clarification or questions? I'm going to say thank you,
 8 Niki.
 9 NIKHILANANDA: Thank you, Chair Stone and
 10 Members of the Maui Charter Commission. See you in two
 11 weeks.
 12 CHAIR STONE: Any further -- any other
 13 testifiers?
 14 MS. KAHUHU: No, Chair, no one else has signed
 15 up.
 16 CHAIR STONE: I'll take this time to ask any
 17 member of the public if they would like to come forward
 18 and testify, please do so now. No? Okay. Without
 19 objection, I'll close the oral testimony at this time.
 20 And, without objection, the Chair will accept and file
 21 all public communications for the record.
 22 ...END PUBLIC TESTIMONY...
 23 CHAIR STONE: Move down the agenda. Old
 24 Business, we have no Old Business at this time. And
 25 we're moving to New Business now. Discussion on

1 Communication Items. Commissioners, any discussion on
 2 the communications received? It's only 300 pages,
 3 Commissioners.
 4 (Laughter.)
 5 CHAIR STONE: Okay. No discussion. We shall
 6 proceed.
 7 At this time I would like to invite Mayor
 8 Arakawa. Thank you very much, Mayor, for being here
 9 today.
 10 MAYOR ARAKAWA: Glad to be here.
 11 MEMBER MOIKEHA: Point of order, Chair.
 12 CHAIR STONE: Yes.
 13 MEMBER MOIKEHA: Is there a procedure set up
 14 for discussion on these items?
 15 CHAIR STONE: Under New Business, Discussion
 16 of Items.
 17 MEMBER MOIKEHA: Yeah, as far as processing
 18 here. So we have several people that are making
 19 personal appearances. Are we going to get into in-depth
 20 conversation with them, or we're just here to hear what
 21 they have to say and, at the time the proposals come up
 22 on our agenda, we'll talk more in depth?
 23 CHAIR STONE: Understood. Excuse me. Yes.
 24 Good point. Thank you very much, Commissioner.
 25 So we are not here to be debating the

1 proposals at this time. The Mayor is here just to give
 2 us some understanding of the proposals coming out of the
 3 office.
 4 Commissioner.
 5 MEMBER OKAMOTO: One quick question. We got a
 6 packet just recently and then we had another one. Can
 7 we ask that they -- that someone in the Mayor's Office
 8 point out the difference in the two sets of paperwork?
 9 CHAIR STONE: Well, we have the man standing
 10 right there.
 11 MEMBER OKAMOTO: Okay.
 12 CHAIR STONE: Okay. Without further adieu,
 13 Mayor Arakawa, thank you for being here today.
 14 MAYOR ARAKAWA: Thank you very much. Good
 15 afternoon, everyone.
 16 Just for clarification, you were given two
 17 packets. This is the more detailed package. For
 18 purpose of discussion and making it very easy for
 19 everybody to follow, the staff created this grid
 20 process. So it's just easier, but the information is,
 21 basically, the same.
 22 MEMBER OKAMOTO: Thank you.
 23 MAYOR ARAKAWA: There is one deletion, I
 24 believe, from the original packet, that was the auditor.
 25 MEMBER OKAMOTO: Thank you.

1 MAYOR ARAKAWA: And just to make it easy, I
 2 guess, what I'll do is I'll start at Number 1 and work
 3 my way down, so it's easier to follow.
 4 And for process, Chairman Stone, if there are
 5 questions, do you want to do this one article -- one
 6 issue at a time, one article at a time?
 7 CHAIR STONE: Mayor, we're waiting to take any
 8 proposals on the table as discussion or debate items
 9 until we have a master list of all proposals. So why
 10 don't we -- if there's questions as to -- if there's
 11 questions as to how -- how you came to these proposals,
 12 I think those could be asked, of course, and why. But I
 13 do not want to get into a debate or discussion about the
 14 proposals themselves.
 15 MAYOR ARAKAWA: Okay. No, I'm just asking for
 16 process.
 17 Okay. Starting with Article 1, we're
 18 recommending the change of office for the councilmembers
 19 from two years to four years with staggered terms. Now,
 20 the reason that we're looking at this process, having
 21 been a councilmember before and having worked with the
 22 councilmembers over the years, what I found is that two
 23 years is not enough time to adequately really understand
 24 the issues. Many times, when the councilmember is
 25 working in his committee, one particular issue may take

1 half a year or longer to be able to establish. And if
 2 you're working on something like the General Plan or the
 3 community plans, it could take several years.
 4 If you break the process, so you're having to
 5 bring someone new in to start the process again, you
 6 lose the -- the memory, the ability for that -- that new
 7 member to be able to understand what was happening in
 8 the process.
 9 And lots of times what happens is when you're
 10 having a rule, let's just take the Ag Bill, for
 11 instance, most members of the Council were not around
 12 when we created the Ag Bill. There's no institutional
 13 memory as to what was actually being created. The
 14 longer terms will allow the councilmembers to be able to
 15 have that institutional memory as they discuss more
 16 current issues.
 17 Another one that I could quote very easily is
 18 the bed and breakfast or vacation rental issue. You
 19 know, it's taken a number of years to work through. If
 20 you constantly break it up, as we have, we're
 21 restarting, reeducating. So we waste a lot of time for
 22 each of the councilmembers to have to get up to speed.
 23 And for the sake of the -- the public as well, when we
 24 start breaking this, oftentimes we have to redo a lot of
 25 the meetings. And it takes excessive amounts of time.

1 Going to a four-year term will lessen that
 2 time. And when we talk about cost, every one of the
 3 meetings that we have for these issues requires
 4 staffing, require the time of the councilmembers. And
 5 because of the Sunshine Law, there's also that
 6 additional timeframes for being able to post, getting
 7 through the process.
 8 Learning about the process and then being able
 9 to apply it also requires quite a bit of experience. So
 10 going to three four-year terms rather than keeping it
 11 two-year terms, I believe, will be more beneficial for
 12 councilmembers.
 13 When we talk about cost savings to the County,
 14 it's important that when the Council are given advice,
 15 the members are given advice from our Corporation
 16 Counsel, from our legal advisors, from their staffing,
 17 that this advice can be carried through as institutional
 18 knowledge for more than just a short period of time.
 19 Otherwise, we make too many mistakes in trying to
 20 reinterpret what was already there. And I think, from
 21 my experience, this is something that is very much a
 22 problem within our system now.
 23 The other thing is getting to know the
 24 personalities that you're working with. In every group,
 25 when you're working with -- with people, you have to

1 learn their personalities, understand what their issues
 2 are, what they like, what they don't like, and how
 3 you're going to be able to interpret things. Having to
 4 go through and relearn every two years becomes very
 5 problematic in how you're going to create your working
 6 relationships. So I think four-year terms are better.

7 Three four-year terms as a maximum allows for
 8 a consistency, but, yet, it does give term limit. And,
 9 at the same time, this allows that if someone is good,
 10 they'll be reelected; if someone is not, they won't be
 11 reelected because they're four years.

12 Staggered terms, of course, I think are
 13 self-explanatory. We don't want all nine councilmembers
 14 as we have right now. You change too many of the bodies
 15 that are there in one term, and then you have to
 16 reinstitute all of the -- the knowledge that's there,
 17 the institutional knowledge.

18 And many times, even learning such things as
 19 what the Sunshine Law is and what's it encompass, now
 20 you got to relearn it all, and you make too many
 21 mistakes. So staggered terms, I think, are much, much
 22 better than what we have right now.

23 And when we're looking at the time that we
 24 spend out there in the public to just solicit votes from
 25 the councilmembers -- you know, campaigning is important

1 when you know you have to be able to campaign every two
 2 years. A lot of time is spent posturing. All you have
 3 to do is look at Akaku and watch some of the
 4 discussions. And you'll see that, when we get closer to
 5 campaigns, the discussions become extensive to get
 6 camera time. I think that's a waste of a lot of effort
 7 in posturing. Much more beneficial use of time would be
 8 actually getting to discussing the topics. Because of
 9 the fact that you know you've got four years, you don't
 10 have to be campaigning quite so often.

11 It's not the cost so much in running an
 12 election. We're going to be running an election every
 13 two years no matter what. That's not where the cost
 14 savings is.

15 CHAIR STONE: Very good. Okay. Let me open
 16 up the floor. Commissioners, any clarifications or
 17 questions for the Mayor? Commissioner DeLeon.

18 MEMBER DELEON: Thank you, Mayor. What's the
 19 rationale for having two consecutive terms, but then
 20 having a third broken term at some other point rather
 21 than having three terms running together?

22 MAYOR ARAKAWA: It's -- I actually prefer up
 23 to three terms consecutive, then breaking.

24 MEMBER DELEON: That's not what it says here.
 25 It says two consecutive and then a third possible.

1 MAYOR ARAKAWA: Yeah. But the way that we
 2 have it right now, you cannot run more than two terms.
 3 If we break it, then you can come back in. But I think
 4 running 12 years, four -- no -- three terms should be
 5 more than anybody would want.

6 MEMBER DELEON: Okay. Thank you.

7 CHAIR STONE: Okay. Commissioners, any
 8 further clarification? Commissioner Moikeha.

9 MEMBER MOIKEHA: Thank you, Mayor, for coming
 10 today. I have two questions. Two things you said,
 11 institutional memory or historical knowledge, and the
 12 importance of that in keeping that consistent. You
 13 know, I can understand that because we've seen what
 14 happened with the General Plan. It's gone through two
 15 councils. It's a long, long process, which shouldn't
 16 have happened. So my -- my question is -- and maybe
 17 you're not prepared today -- and when we do delve into
 18 this proposal, you could bring this back with further
 19 information -- but in regards to the institutional
 20 memory or knowledge of -- from beginning to end, people
 21 have aides, councilmembers have aides.

22 MAYOR ARAKAWA: Yes.

23 MEMBER MOIKEHA: There's people in the County
 24 that are long-term employees. Isn't it possible to
 25 achieve efficiency and have a consistent institutional

1 knowledge, and we don't need to extend terms?

2 MAYOR ARAKAWA: The aides are there primarily
 3 to do a lot of the paperwork. They're not there on the
 4 floor adjusting and making votes, making decisions.
 5 Most of the councilmembers, as they change terms, they
 6 change their aides. They bring in new people, depending
 7 on what their preference is. Unless someone is very
 8 fortunate, they don't end up with the same
 9 councilmember, or the aides don't stay the same. To be
 10 -- to be able to have a consistency, even with the aides
 11 there, is very difficult.

12 I know that in the terms that I was on the
 13 Council, my aides were there primarily to process all
 14 the paperwork, make sure that we were at the meetings on
 15 time, to be taking care of pretty much like the office
 16 secretary. Very little of it was actually done on the
 17 research. That's what Council Service staff is there
 18 for. And they -- they are the major reasons why the
 19 Council hasn't really fallen apart, because they do
 20 carry some institutional knowledge. But then they have
 21 to convince the councilmember -- reeducate the
 22 councilmembers every time it changes.

23 And there's no substitute for actually having
 24 gone through a lot of the discussions. They've gone
 25 through the literally thousands of hours of sitting

1 through different meetings. That is just tremendous in
 2 how you pull everything together. You know, my major
 3 strength as -- as Mayor is the fact that I've literally
 4 sat through thousands of meetings. And you learn a
 5 little bit at every meeting. And after a while, all the
 6 pieces begin to fit together so you can see how the
 7 community is run, like a giant jigsaw puzzle. When
 8 you're dealing with individual items, you can be brought
 9 up to speed on the individual items, but, then, seeing
 10 how they all fit together becomes very problematic.

11 MEMBER MOIKEHA: Okay. Thank you. And I
 12 guess I just want to make a general statement. And this
 13 would probably be true for every proposal not only from
 14 your department or Administration, or from the other
 15 departments as well, or the public, it's -- and
 16 something that I've tried to be consistent and ask
 17 people when they propose their proposals, can this be
 18 done any other way than through an amendment, a Charter
 19 amendment? Can we do it through an Administration
 20 process, can we do it through legislation? And the
 21 reason I ask that is because sometimes that could be
 22 more cost efficient than making these amendments to the
 23 Charter.

24 And the reason I asked, also, in regards to
 25 institutional knowledge, because I know there's a lot of

1 people in the departments that have a long history here
 2 and they have a lot of information about a lot of stuff.
 3 But I just think that with -- within the Administration,
 4 there's ways to become efficient and not just put out
 5 Charter amendments, that you also look within your
 6 Administration as to where you can strengthen the
 7 efficiency and not just rely on a Charter amendment.
 8 Because I think it's -- it can work hand in hand. Yes,
 9 there are definitely things that are going to need
 10 Charter amendment, but, along with that, to support it
 11 or to enhance it, you're going to need some
 12 administrative -- within your departments and within the
 13 whole County to run efficiency. You can't just rely on
 14 one amendment or several amendments.

15 But I'm just putting that out as food for
 16 thought. And that when we do delve into these that
 17 maybe that's what I'm going to ask specifically, okay,
 18 what are you doing on your end and does this really have
 19 to go through a Charter amendment. And I've already
 20 conceded that there will be some things that will have
 21 to, but if you could just keep that in mind when -- when
 22 you return again.

23 MAYOR ARAKAWA: Absolutely. That is a very
 24 good point.

25 CHAIR STONE: Thank you. Commissioners, any

1 further clarification or questions?

2 (Silence.)

3 CHAIR STONE: Okay, Mayor, next proposal.

4 MAYOR ARAKAWA: Okay. This proposal is to
 5 provide and -- move Ocean Safety under Fire. Every
 6 other county has moved the Ocean Safety officers, the
 7 lifeguards, ocean lifeguards, under the Fire Department.
 8 And we're proposing to move Ocean Safety under Fire.
 9 This is -- I'm going to answer Susan's question at this
 10 point. This may or may not have to go through a Charter
 11 amendment. We're already currently working to try and
 12 do this. This is something that has been in the works
 13 for well over 10 years.

14 The justification and the reason that we want
 15 to be able to move Ocean Safety under Fire is because
 16 Ocean Safety currently, under the Parks Department, the
 17 type of personnel and the -- the working level of the
 18 employees is very, very different. In Ocean Safety, we
 19 have to have highly trained individuals that have very
 20 specific skills. They have to be able to save lives,
 21 they have to have the EMT type of knowledge, they have
 22 to be able to perform very, very difficult tasks under
 23 strenuous conditions. So they require very specific
 24 skills. The Fire Department has very similar type of
 25 training and skill requirements. Oftentimes, Fire and

1 Ocean Safety have to work hand-in-hand to perform
 2 operations. And many times, Ocean Safety has to be able
 3 to react with Fire just on the assumption that their
 4 help may be needed, and vice versa.

5 So we would want to get Ocean Safety under a
 6 very professional level. Police and Fire are very
 7 regimented in how they do things. It's more military
 8 type of operation than our normal County operations,
 9 because a split-second decision can mean somebody's
 10 life. So there's no room for errors or hesitation. And
 11 we feel this is a very appropriate fit. Again,
 12 throughout the state, every other Ocean Safety
 13 department has been moved to Fire Department.

14 CHAIR STONE: Commissioners, any questions,
 15 clarifications for the Mayor on this proposal?
 16 Commissioner.

17 MEMBER WIGER: Thank you, Mayor, for -- for
 18 appearing here today and going through all of this. In
 19 the -- in the rationale, under the moving Ocean Safety
 20 and Rescue under the Fire Department --

21 MAYOR ARAKAWA: Yes.

22 MEMBER WIGER: -- currently, there is a
 23 statewide movement to move Ocean Safety. Maui County is
 24 the last to have Ocean Safety under the department.
 25 When -- when it states that there is a statewide

1 movement, is that -- is that just sort of being done on
 2 each county, or is there something that's on a statewide
 3 basis really moving that agenda?
 4 MAYOR ARAKAWA: It's been county by county.
 5 They found that this has been the more efficient way to
 6 do it. So each county has been moving it slowly. Our
 7 county is -- this proposal has been on the table for
 8 over 10 years. It's been worked on for quite some time.
 9 So we're finally to the point where we want to make that
 10 move. At this time in our history, we're trying to
 11 restructure government to quite a -- quite a large
 12 degree, which is why we're taking this opportunity to
 13 actually make a lot of the movements. A lot of it you
 14 will not see because it doesn't require Charter
 15 amendment, but this one, we believe, probably does.
 16 CHAIR STONE: Thank you. Commissioner
 17 Crivello.
 18 MEMBER CRIVELLO: Aloha, Mayor. Thank you
 19 for --
 20 MAYOR ARAKAWA: Aloha.
 21 MEMBER CRIVELLO: -- taking the time. You
 22 mentioned that this has been on the table for over 10
 23 years?
 24 MAYOR ARAKAWA: Yes.
 25 MEMBER CRIVELLO: So with that being said,

1 what sort of timeframe, you know, whether it's through
 2 the Charter or through the Administration and the
 3 Department, do you foresee the actual transition to be
 4 implemented?
 5 MAYOR ARAKAWA: We want this to be a Charter
 6 amendment because we want to have it codified. We
 7 believe we can start the process. And we are already
 8 starting the process. I'm hopeful that, by the next
 9 fiscal year, we will have moved the department, but we
 10 want to make sure that it is codified. So that's the
 11 major reason for doing it this way.
 12 MEMBER CRIVELLO: Okay. So -- so the -- the
 13 dialogue with the labor unions have been ongoing for the
 14 last 10 years, am I to understand that, also?
 15 MAYOR ARAKAWA: Yes.
 16 MEMBER CRIVELLO: As far as the separation or
 17 whether there be some sort of merge?
 18 MAYOR ARAKAWA: There are still discussions
 19 ongoing. It still has to be determined which union they
 20 will fall under and how the structure's actually being
 21 done. I could provide for you some of the structure
 22 that had been presented to us. The Fire and Ocean
 23 Safety Office have pretty much been working on this
 24 independently. And they've been briefing us on what
 25 they've been doing. But a lot of this discussion is

1 documented. So if you want, we could present it to you.
 2 MEMBER CRIVELLO: Would you know if the other
 3 counties have a separation of labor union, or would you
 4 know?
 5 MAYOR ARAKAWA: I'm not sure. Mike, do you
 6 know?
 7 MR. MOLINA: Mr. Chair, Mr. Mayor, at this
 8 point, we would have to do some further research and
 9 effort with the departments on that as it relates to the
 10 union discussions.
 11 MEMBER CRIVELLO: Okay. Fine. Thank you.
 12 CHAIR STONE: Very good. Thank you.
 13 Commissioner Moikeha.
 14 MEMBER MOIKEHA: Thank you, Chair.
 15 Again, this is a question I'll ask, but if the
 16 Mayor would prefer to bring it back when we talk about
 17 it specifically, that's fine. What we've done, also, is
 18 get a huge education on how these departments are run,
 19 from the Fire to the Police, and we've had them come and
 20 appear before us, the chiefs, as well as chairs of the
 21 commissions. One thing I found interesting, when
 22 looking at the Fire Department and, also, this
 23 particular proposal, is something that Chief Murray had
 24 mentioned, and it was our last meeting, that they're
 25 going through their accreditation. And that how this

1 would prove to be a huge challenge to them if they were
 2 trying to move a department from Parks and Recreation, a
 3 segment of that department, into their kuleana and how
 4 it could cause a challenge for them in getting their
 5 accreditation. There didn't seem -- and this could just
 6 be my perception -- like there was some -- too much
 7 conversation between the Fire Chief and the
 8 Administration as to what was going on currently, and,
 9 you know, would that have posed a problem. If there's
 10 been any discussion at all, I don't know. But I would
 11 ask you to -- when we do come back to this particular
 12 proposal, that you be able to prepare to answer how is
 13 that going to affect their accreditation and is it going
 14 to prove to be a challenge for them.
 15 Because he was very straightforward, candid
 16 about that. And it wasn't that he didn't oppose
 17 something that, to me, thus far, seems pretty logical
 18 and that you would want to move them over under this
 19 department, but it was what it would do to the process
 20 of accreditation. And, apparently, they're getting very
 21 close to reaching that.
 22 So it almost becomes which is more important
 23 at this time, not that this particular issue is -- is
 24 greater or less. It's just timing. And that was
 25 another question he proposed in hesitating to answer

1 should it be done now. It's -- it's the challenge it
2 would pose to them getting their accreditation process.
3 And then the other part of that was, you know, how it
4 would work and when would it take effect.

5 So I think there still needs some conversation
6 there to understand when's the best time to implement
7 something like this. And if you could just bring that
8 information back to us from the Administration's point
9 of view.

10 MAYOR ARAKAWA: I can answer that very simply
11 right now. We have been talking to the Chief and we
12 have been talking to the Ocean Safety officers. They
13 have been working together. It will be a challenge to
14 accreditation. Anytime we move it, even after they're
15 accredited, it will have to be refocused on and have to
16 be adapted into the program. So there will be no time
17 where it'll not have to be worked in with the
18 accreditation program.

19 Now, that being said, there are many other
20 things that are also going to have effect on the
21 accreditation. You know, we're -- we're talking about
22 creating a new fire station, create a better training
23 process, what kind of equipment, how we're going to
24 house the equipment. There are a lot of things that are
25 -- that are important in the accreditation process. All

1 of those will have a bearing.

2 The ability to create career ladders is very
3 important. There also have been a discussion for years
4 about bringing EMS, the Emergency Medical Services,
5 under the Fire Department as well, and to be able to
6 incorporate all of these practices. In many
7 communities, that is the practice. They are combined.

8 So being able to create an office where we
9 have much, much more proficient skills and require much
10 more skills also gives the departments great opportunity
11 for career advancement as well. So by combining these,
12 we will have a much more efficient and much better
13 system than we do now. But there is no question that
14 whenever you make a change in any department, there is
15 going to be questions that need to be answered.

16 The same thing happened when we split
17 wastewater and the landfill operation away from Public
18 Works. There were a lot of questions as to how it was
19 going to be. But you'll notice that much of the
20 operation has not interrupted public service, nor has it
21 been detrimental to the public service. But you heard
22 the same kind of discussion when that was done as well.

23 So I anticipate that there will be all kinds
24 of questions, just as anything that we change requires a
25 different thought process, and how you're going to

1 incorporate it, but we have been having discussions.
2 Again, these are not new discussions, to a large extent.
3 They're becoming very real discussions because we are
4 looking at this imminently. So they're looking at,
5 well, now we've talked about it, but now we may actually
6 have to do it, so now the nuts and bolts are being
7 grounded out. And that's really why the cautions are
8 there. And they're very valid cautions.

9 CHAIR STONE: Commissioner.

10 MEMBER SUGIMURA: Mayor, I was just wondering
11 on this, since it sounds like you've done, you know,
12 quite a lot of homework on this already, or had a lot of
13 discussion, you know, what the cost is, what the
14 difference on cost would be to make this conversion?

15 MAYOR ARAKAWA: We believe we'll actually save
16 money in the long run. A lot of the training programs
17 that the Fire Department does mirrors what the Ocean
18 Safety does. If we're going to create training areas,
19 they can train simultaneously. You'll notice that the
20 Fire Department also has Ocean Safety rescue equipment
21 as well. By incorporating the two together, we now will
22 not have the duplications. And whenever we have the
23 need to be able to get everybody out, all the
24 communications systems, everything will be networked
25 much, much more cohesively. And placement of the

1 equipment can then be better worked out with one agency
2 doing it rather than working independently as to how,
3 where, how we're going to house it, where are you going
4 to house it. Parks Department has very different
5 facilities than the Fire Department. So how we're going
6 to design those fire stations, if we are going to design
7 them for fire trucks, is very different than if we're
8 going to also house Ocean Safety equipment in the same
9 type of facilities. Our fire stations in the district
10 will also require different kinds of construction. So a
11 lot of things come into play.

12 MEMBER SUGIMURA: So, Mayor, in relationship
13 to that statement, then, are you thinking that by -- by
14 taking this action, you're going to minimize or decrease
15 the number of employees that you will have and that will
16 be affected by this change?

17 MAYOR ARAKAWA: I believe it will be much,
18 much more professional level. It will be much easier to
19 control. The number of employees are going to fluctuate
20 depending on how the island's grown. You know, as a
21 community, if we were to stay the same size, I would say
22 we would be cutting back on employees. But the fact of
23 the matter is, over the last 10 years, our population
24 has grown almost 20 percent. So we can cut back
25 temporarily, but, ultimately, this -- we will have to

1 regrow a lot of the numbers to be able to take on the
 2 additional responsibilities of a growing community.
 3 CHAIR STONE: Commissioners, any further
 4 clarification questions? Commissioner DeLeon.
 5 MEMBER DELEON: I have a general question,
 6 it's something that's hanging in the air in relation to
 7 the Fire Department and its structure, and I think this
 8 is probably the opportunity to ask it, is would this be
 9 any simpler to work out if the Fire Department were
 10 under the Mayor's Office rather than under an
 11 independent commission?
 12 MAYOR ARAKAWA: It would be much simpler if it
 13 were under the Mayor's Office, primarily because we
 14 would have control of multiple departments, as
 15 individual departments. The Fire -- the Fire Department
 16 is completely independent. So they have a commission
 17 that they work with. And that commission approves
 18 and -- and their planning process is separate from the
 19 rest of the County's. Yet, we have to be able to fund
 20 and plan that funding in. But I really have no control
 21 as Mayor over all of the timing and the different
 22 locations, what they want to do. So, yes, if it were
 23 all under the Office of the Mayor, it would be much
 24 easier to process because we would have central control.
 25 MEMBER DELEON: Thank you.

1 CHAIR STONE: Thank you. Commissioners, any
 2 further questions?
 3 (Silence.)
 4 CHAIR STONE: No. Great. Moving on, Mayor.
 5 MAYOR ARAKAWA: Number 3. This is, basically,
 6 asking for the organization of a reserve police force.
 7 Now, in many communities, to supplement the police
 8 department, they have a reserve police force. These are
 9 citizens, volunteers, that are trained and can assist
 10 the police department.
 11 If we look at many instances -- well, let's
 12 just take the 50-hour standoff that we just had. We're
 13 sending police officers to get food, to get provisions
 14 in the background. If we had a reserve police force,
 15 many of the offsite issues could have been dealt with by
 16 volunteers. But they would have to be trained so that
 17 they wouldn't get in the way.
 18 And many times, when we're doing surveillance,
 19 for instance, if there was a volunteer with the police
 20 officer, riding, they could, first of all, keep each
 21 other awake, secondly, when they're -- when they're in
 22 an area, they're looking at things, they're trying to
 23 find something, four eyes are much better than two. To
 24 be able to have a backup when the officer goes into a
 25 situation, the reservist could be in the car, make

1 emergency calls, if necessary. This would be an -- a
 2 way to assist the police officers, not take their job,
 3 but to be able to have people in the community to assist
 4 them.
 5 Now, the other benefit of this is
 6 psychological. If people are -- are volunteering to be
 7 able to help in an area, to be able to enforce our
 8 rules, and are looking at the things that are going
 9 wrong, they're more likely to be law-abiding citizens.
 10 So the more people we can get involved in the process
 11 within our community, the better off we're going to be
 12 as a community. And the more you volunteer, the more
 13 knowledgeable you are about the actual laws. How many
 14 of us actually spend time looking at the rules that we
 15 have for our community? If you become a reservist, then
 16 you would actually spend the time and would gain that
 17 knowledge. So there are -- there are a lot of benefits
 18 to it, we believe.
 19 CHAIR STONE: Thank you. Commissioners,
 20 questions?
 21 MEMBER CRIVELLO: I -- I know, also, with your
 22 Number 2 recommendation, that also involves, besides the
 23 police reserve -- is that the same where you're
 24 mentioning firefighting and emergency rescue personnel?
 25 Are you looking at that reserve force, also?

1 MAYOR ARAKAWA: Actually, we're looking at
 2 reserve firefighters.
 3 MEMBER CRIVELLO: Firefighters as well as
 4 police in the -- in the --
 5 MAYOR ARAKAWA: I should have brought that up.
 6 In many instances, we use volunteers in our
 7 firefighting. Goodfellow Brothers very often has
 8 volunteers that are going out there, helping us. HC&S
 9 has volunteers. To have those people in reserve and
 10 have some training, I think, is very beneficial. So
 11 along the same line, both fire and police, that's what
 12 we're looking at.
 13 MEMBER CRIVELLO: So -- so, you know, I often
 14 think of, certainly in our economics today, would we be
 15 able to have the budget necessary, or would this just be
 16 sort of like a -- would it -- would the training be
 17 intense in accordance to what is required of the actual
 18 employed firefighters and the employed police officers?
 19 MAYOR ARAKAWA: It would probably be not as
 20 intense, but we would ask that the respective
 21 departments be able to set the parameters. They know
 22 how to do that much better than our Administration
 23 would. And the -- the bottom line of it is, the more
 24 help that either has -- you know, many times, in police,
 25 for instance, we've had shortages of police officers.

1 So having civilians being able to assist would help
2 instead of us always hiring people for firefighting.
3 You know, there are many communities where firefighters
4 are all volunteers. So they're able to get to the
5 expert level by training to get to that point because
6 they know they're going to be actively fighting a fire.
7 We probably will not go to that level, but it would be
8 very helpful for us to allow the public in general to be
9 able to assist, especially where we need the help.

10 CHAIR STONE: Mr. Molina had a statement.

11 MR. MOLINA: Thank you, Mr. Chairman,
12 Mr. Mayor. Pardon the interruption. I would like to
13 share with the Commission that one of Mayor Arakawa's
14 Executive Assistants, Randy Piltz, was a former reserve
15 police officer in the state of Ohio. If the Commission
16 so chooses, he can provide you additional insight on
17 this matter. Thank you.

18 CHAIR STONE: Thank you very much. Mr. Piltz,
19 thank you for being here as well. Commissioners, any
20 further questions? Please, Commissioner.

21 MEMBER SUGIMURA: So, Mayor, on your example
22 about Goodfellows helping when there's an emergency.

23 MAYOR ARAKAWA: Yes.

24 MEMBER SUGIMURA: I -- I guess I've heard that
25 a lot in the community where we have these -- these

1 businesses who come forward when you need help. And I
2 think they would, anyway. You know, I think if you
3 asked them, just because of your relationship with them,
4 the community and how they feel about the community,
5 anyway. Which makes me think that is it really
6 necessary that to have -- if that was going to be their
7 -- their rule, to have this reserve, you know, fire or
8 police to be on hand when you already can, you know,
9 touch these -- these organizations that you've fostered
10 these relationships. And that I think they would come
11 forward because they have. So I'm just wondering is it
12 necessary, then, to do this whole training and create
13 this additional expense?

14 MAYOR ARAKAWA: Our thought process was that
15 if we -- if we can formalize this, it would give the
16 volunteers an opportunity to get better training. Right
17 now, it's random. You know, if you happen to be a
18 bulldozer operator working at that time in that area,
19 then you might be assigned to volunteer and go out
20 there, but you may not have the kind of training that we
21 would like you to have. The same is true with all the
22 volunteers, you know. We're picking up people randomly,
23 and we don't know what their backgrounds are. So if we
24 were to be able to create a volunteer force, then we
25 would have much better control of training to make sure

1 that they do have an adequate background.
2 I always worry that, when we have a situation,
3 you know, we're going to have volunteers out there and,
4 if they get hurt, how -- how do we defend ourselves from
5 liability situation because we really haven't trained
6 them. We've just arbitrarily had the volunteers go out
7 there. We don't really even know who they are many
8 times. So by formalizing it, I believe we protect the
9 community in having much, much better training and we
10 protect each of the individuals by allowing them to have
11 much better training.

12 Plus, you know, from a purely personal
13 position, I would really like to be able to show my
14 friends a badge that says, you know, I'm on the reserve.
15 And if I'm going to be volunteering and I'm going to be
16 doing all that work, it really helps the ego to be able
17 to talk about it.

18 CHAIR STONE: Mayor, you'd think, at your
19 level, you can ask for a badge and somebody will let you
20 borrow theirs.

21 MAYOR ARAKAWA: One would think so, but I
22 still don't have the badge.

23 (Laughter.)

24 CHAIR STONE: Commissioners, any further
25 questions? Commissioner De Rego.

1 MEMBER DE REGO: This is a sensitive issue,
2 but I think I -- I need to bring it up. For Fire
3 issues, it's -- it's clear that more training would
4 involve less liability. For having reserve police
5 officers, it might be the opposite. In other words, if
6 you're training people to exercise the state police
7 power, that might open to more problems with the
8 public -- I'm just doing a hypothetical here -- than --
9 than not because these are people now that are carrying
10 badges, possibly carrying guns, and with not as much
11 training as those who are in the police force. So I
12 just would want your reaction to that question.

13 MAYOR ARAKAWA: I think the better way to
14 answer that is to have someone like Randy Piltz, who has
15 actually been in the volunteer reserve, to be able to
16 explain how the programs work.

17 MEMBER DE REGO: Okay.

18 MAYOR ARAKAWA: So at a later date, when this
19 issue comes up --

20 MEMBER DE REGO: He's right behind you.

21 (Laughter.)

22 CHAIR STONE: Ask and he comes. Thank you,
23 Mr. Piltz, for being here.

24 MR. PILTZ: You know, I was in the sheriff's
25 department at Dayton, Ohio. And I was actually an

1 officer for four and-a-half years. And during that four
 2 and-a-half years, I worked with volunteers, with the
 3 fire department and the police.
 4 And to answer you about the police reserve,
 5 all the officers that were on that reserve had to go
 6 through 100 percent training as a regular officer. They
 7 gave up their personal time. They got no pay, but, yes,
 8 they did carry a badge and they were authorized to carry
 9 a weapon only when they were on duty. So what we're
 10 looking at now is getting a reserve corps to help our
 11 officers, to help our firemen.
 12 Dayton, Ohio had what they called the Box 21.
 13 It was a fire control box downtown that had more calls
 14 at any time. So what happened, this organization
 15 started with a group of men and they started to get
 16 training as far as firemen. They also came out and
 17 volunteered to work with the police officers. As a
 18 patrolman, I was able to have one man work with me,
 19 especially on weekends, when there's a lot of things,
 20 lot of activities going on. This guy had his own
 21 uniform, bought his own equipment and had the badge and
 22 gun and the authority to work as an officer while in a
 23 patrol car with me.
 24 So I think what happens, it gives those people
 25 the feeling of serving their community. And I think

1 this is what we'd like to do as a Administration, to get
 2 a group of people that want to serve their community and
 3 have that feeling of being useful to the community.
 4 CHAIR STONE: Thank you very much, Mr. Piltz.
 5 Commissioners, any questions or clarifications for
 6 Mr. Piltz? Commissioner DeLeon.
 7 MEMBER DELEON: Randy, we asked the Police
 8 Chief about this. His thought was that the training is
 9 so expensive now, like almost a year long, it would be
 10 really almost impossible for anybody to dedicate
 11 themselves to that kind of training for that long a
 12 period of time. That was his impression. What is your
 13 thoughts on that?
 14 MR. PILTZ: Well, you know, you would be
 15 surprised, take that to the public and ask them to give
 16 up their time for a whole year to come and get training,
 17 you'll find a lot of people that's willing to do that.
 18 They feel like they want to be part of this community.
 19 And I think all we have to do is reach out, reach out
 20 and they -- these will be the ones that will help us.
 21 And in many instances, our current department
 22 are not able to do it. You know, you've got traffic
 23 that needs controlled and items like Halloween. There's
 24 not enough people out there, not enough officers to
 25 handle it all, but the volunteer group would be able to.

1 But they need the training. I have to, you know, stress
 2 that both Fire and Police have to give them 100 percent
 3 training. If not, they don't go out, not at all. Not
 4 even volunteer or direct traffic.
 5 CHAIR STONE: Randy, Chair has a question.
 6 MR. PILTZ: Yes.
 7 CHAIR STONE: The issue generally comes up
 8 with expense, because training, obviously, is an
 9 expensive endeavor, no matter what, but do you think
 10 that, in the experience you had, there was a higher
 11 level of efficiency as far as keeping costs down by
 12 having a reserve force?
 13 MR. PILTZ: You know, the Police Department,
 14 the Fire Department have their regular training
 15 sessions. When they instill a reserve group, they have
 16 them train right along with the officers. And it's not
 17 an added expense. They go out to firing ranges, they go
 18 out to fire demonstrations, along with the regular
 19 crewmen, and along with the recruits coming in.
 20 CHAIR STONE: Thank you.
 21 MR. PILTZ: They -- they go out and -- you
 22 know, you see the recruits on the road running down,
 23 well, you don't know which guy is the volunteer.
 24 CHAIR STONE: Very good. Thank you.
 25 Commissioners, any further clarification? Thank you

1 very -- sorry. Commissioner Moikeha.
 2 MEMBER MOIKEHA: Thank you, Chair. And this
 3 is for the Mayor. Thanks, Randy.
 4 MR. PILTZ: Oh, okay.
 5 (Laughter.)
 6 MEMBER MOIKEHA: You know, I keep hearing --
 7 and a lot of your reasoning here is based on cost
 8 efficiency. How deep and detailed have you gone in
 9 looking at some of these proposals like the reserves for
 10 the Fire Department and the Police Department reserves?
 11 Have you really ran numbers and know exactly what you're
 12 going to be saving?
 13 MAYOR ARAKAWA: No, because at this point we
 14 don't know exactly. It will depend on how the
 15 departments set up the programs.
 16 I will, however, point out like Honolulu
 17 Police Department does have a reserve force already. So
 18 we're looking at examples of other communities that are
 19 very similar to ours. And they're running successful
 20 programs. So a lot of the fears that we have, we can
 21 just take it to another county and see, you know, why
 22 their performance is the way it is and what the
 23 challenges are.
 24 MEMBER MOIKEHA: So if any of these were to go
 25 to the ballot and say they were to be passed by the

1 voters, at what point in time would you have a cost
 2 analysis and implement --
 3 MEMBER DE REGO: Implementation.
 4 MAYOR ARAKAWA: Implementation.
 5 MEMBER MOIKEHA: When would that all take
 6 place? You certainly wouldn't wait until it went to the
 7 voters and then say, okay, it passed.
 8 MAYOR ARAKAWA: No. Before -- before it
 9 actually went out to public for a vote, we would put
 10 together a study to do it. But I'm not going to spend a
 11 lot of money to do the study if it doesn't get passed to
 12 be put on the ballot. Because at that point, you know,
 13 you're spending a lot of money. Because you're getting
 14 literally dozens and dozens of recommendations. I want
 15 to whittle it down to a reasonable amount and we'll
 16 spend our time concentrating on those recommendations
 17 that come through. So --
 18 MEMBER MOIKEHA: And the reserves couldn't be
 19 established any other way, except by a Charter
 20 amendment?
 21 MAYOR ARAKAWA: This is something we believe
 22 must be through Charter amendment.
 23 MEMBER MOIKEHA: So it has to be?
 24 MAYOR ARAKAWA: Yes.
 25 MEMBER MOIKEHA: But it could go through a --

1 through the Council as a Charter amendment, also, if
 2 somebody introduced it?
 3 MAYOR ARAKAWA: The Council has the same
 4 authority as this board does.
 5 MEMBER MOIKEHA: Right.
 6 MAYOR ARAKAWA: Except they're not a special
 7 group. So every two years, they can create Charter
 8 amendments and put them to the public, which they
 9 generally do. This is an opportunity that happens every
 10 years, that is a special opportunity to look much
 11 broader and to take it away from elected officials and
 12 actually have people that are public to be able to look
 13 at what needs to be done. So it's not a purely
 14 political process as it would even in perception be if
 15 it's just the councilmembers.
 16 MEMBER MOIKEHA: So at this point in time,
 17 could you bring to us something of what the other
 18 counties might have saved in cost by having reserves?
 19 MAYOR ARAKAWA: We can -- we can find out from
 20 Honolulu what they have. And I believe --
 21 MEMBER MOIKEHA: Is there any other county
 22 that has a fire officers reserve?
 23 MAYOR ARAKAWA: Not in the state, though.
 24 MEMBER MOIKEHA: Not in the state.
 25 MAYOR ARAKAWA: Not in the state, not for

1 Fire. But I could -- we could very easily get you
 2 examples of entire counties that have nothing but
 3 reserves in the mainland. There are a lot of those.
 4 MEMBER MOIKEHA: I'm more interested in the
 5 state of Hawaii. So if there is something here that we
 6 can look at, that would be more applicable.
 7 MAYOR ARAKAWA: Not for Fire. Honolulu for
 8 Police. Again, you know, these are programs that
 9 nationally are established. So we're not reinventing
 10 the wheel.
 11 MEMBER MOIKEHA: Oh, no, we're not. And I
 12 believe the Fire -- the Police Chief had said that one
 13 time they did have reserves, but, because of lack of
 14 funding -- and, see, I don't have our minutes here, so I
 15 can't -- I prefer to recite right from the minutes, but
 16 it was my understanding, what I recalled at our last
 17 meeting, that they had instituted reserve before, but
 18 because of lack of funding and the time constraints and
 19 commitment from their employees to make sure these
 20 people are trained appropriately, they did away with it.
 21 MAYOR ARAKAWA: But, remember, we also had a
 22 period of almost a decade where our Police Department
 23 was very, very underemployed. We had a lot of
 24 vacancies. They couldn't fill the positions. And for a
 25 long time, the communities actually did not have the

1 proper number of officers --
 2 MEMBER MOIKEHA: Right.
 3 MAYOR ARAKAWA: -- that were necessary.
 4 MEMBER MOIKEHA: Right.
 5 MAYOR ARAKAWA: So even then, they didn't
 6 employ this particular process. So to look at the
 7 departments, as a rule, government departments don't go
 8 out of our way to try and create something innovative
 9 like this even though there's a -- there's a real need
 10 within the public.
 11 CHAIR STONE: Thank you. Commissioner
 12 Crivello.
 13 MEMBER CRIVELLO: And in line to
 14 Commissioner's question about costs, and this is a
 15 reality, I'm sure it's in all counties or states, also,
 16 how that would affect bargaining units as far as do the
 17 volunteers or the reserve come in, in place of the -- I
 18 don't know what the terms are -- call-outs or overtime?
 19 So would that be cost effective? And is that something
 20 that the bargaining units, whether from the firefighters
 21 or from the police officers, would -- would find that of
 22 value? Do you see that as something being cost
 23 effective?
 24 MAYOR ARAKAWA: Well, many times I've been
 25 told that, in the departments, the men were overworked,

1 very tired, they didn't have any replacement, but they
 2 had to go out on shift again. To do this, I believe,
 3 we'd be able to allow a lot of breaks for -- for
 4 officers when they're having extreme amounts of
 5 activity. I believe that would alleviate a lot of
 6 overtime and a lot of the stress.
 7 Again, this is to supplement. This is not to
 8 replace the department.
 9 MEMBER CRIVELLO: Right.
 10 MAYOR ARAKAWA: It's to be able to help the
 11 officers, both fire and police. So we're not out there
 12 trying to take union members and, you know, make them
 13 non-union members. That's not the purpose of this at
 14 all. This is to try and make sure that we have a
 15 sufficient workforce so that our officers are not having
 16 to be overused.
 17 In a lot of circumstances, we have a lot of
 18 police officers that work standby duty or -- or
 19 part-time duty, they're doing road crossings, and there
 20 are many accidents where the officers have been working
 21 two or three shifts in a row and they're so tired, they
 22 can barely, you know, stand up. So there's got to be a
 23 way -- way around this. There's going to be pluses and
 24 minuses. Sometimes the officers will want the overtime.
 25 And they're trying to make payments for their homes and

1 things, too. But there's a limit to how much a person
 2 can actually do before they cannot perform the job
 3 efficiently. So we have to look at trying to be able to
 4 assist where it's needed.
 5 CHAIR STONE: Thank you. Commissioners, any
 6 further clarification or questions?
 7 (Silence.)
 8 CHAIR STONE: Just to remind the
 9 Commissioners, two questions before another Commissioner
 10 has a chance to speak. Okay. Great.
 11 You know, at this time our court reporter is
 12 going to need a break because I'm sure her hands are
 13 killing her. So we'll take a 10-minute break, and we
 14 will meet back here at 1:40. Thank you.
 15 (Recess, 1:26 p.m. to 1:40 p.m.)
 16 CHAIR STONE: Without objection, I would like
 17 to bring our meeting back to order as of 1:40.
 18 Mayor, thank you again for being here today.
 19 And, also, I forgot to put a thank you out to
 20 Akaku for televising this Commission hearing. Thank you
 21 very much, Akaku.
 22 So moving on, Mayor, to Proposal Number 4.
 23 MAYOR ARAKAWA: Thank you very much. This
 24 proposal is to change the terms of the Cost of
 25 Government Commission to five-year terms from the

1 current two-year terms. This will allow more stability
 2 for the Cost of Government Commission. Staggered terms,
 3 as with other commissions, would be probably the best.
 4 So that is what this is.
 5 CHAIR STONE: Commissioners, any questions,
 6 clarification? Commissioner DeLeon.
 7 MEMBER DELEON: Any thought to having like --
 8 seeking certain kinds of qualifications, you know,
 9 accountant, attorneys, people who have specialized
 10 knowledge. Because the commission typically, in the
 11 past -- it depends on the appointing authority -- when I
 12 was involved, was -- not necessarily the first tier
 13 people made it on that particular commission. Not
 14 because, you know, as people -- they were good people --
 15 let me rephrase that.
 16 (Laughter.)
 17 MEMBER DELEON: I mean, they had the people on
 18 the Police and Fire and all this other stuff, then you
 19 got the Cost of Government guys --
 20 (Laughter.)
 21 MEMBER WIGER: It's okay, Frank.
 22 MEMBER DELEON: But, you know, if -- I think
 23 if the Charter specified certain qualification for some
 24 of the members, at least you would have a stronger board
 25 that would have a better ability to analyze and be able

1 to take the government apart.
 2 MAYOR ARAKAWA: Well, thank you.
 3 MEMBER DELEON: After I put my foot in my
 4 mouth, that will be my question for the day.
 5 MAYOR ARAKAWA: Thank -- thank you for the
 6 suggestion. And no disrespect meant to Chairman of the
 7 Cost of Government Commission, Frank, but that's
 8 something that you might consider. As far as I'm
 9 concerned, at this point, the Cost of Government
 10 Commission is doing a very good job. They've been
 11 reviewing quite well.
 12 With any commission, a lot of it just depends
 13 on the members that are there, you know. The
 14 qualifications in and of themselves do not make the
 15 commission members more efficient or less efficient, in
 16 my opinion. A lot of it is life experience, more than
 17 anything else, and their willingness to be able to do
 18 the time to analyze what needs to be done. And the Cost
 19 of -- if the commission members really care about what
 20 they're doing, they spend a lot more time doing the
 21 analysis. So at this point, the background and the
 22 ability to ask the questions and go through and -- and
 23 use a logic to be able to find out what needs to be done
 24 and where those costs should be, I think, is more
 25 important than just book qualifications.

1 MEMBER DELEON: Thank you.
 2 CHAIR STONE: Thank you. Commissioners, any
 3 further questions or clarifications?
 4 (Silence.)
 5 CHAIR STONE: No. Okay. Moving on to
 6 Proposal Number 5.
 7 MAYOR ARAKAWA: To go from an annual budget to
 8 a biannual budget. This biannual budget is, again, a
 9 two-year budget, from a one-year budget.
 10 Currently, we start our budget process in
 11 August. We go August, September, October, November,
 12 December, January, February, March. 10 out of the 12
 13 months are literally spent putting together or working
 14 through the system, the budget. So as soon as we get
 15 done with the budget, we're pretty much right back in
 16 budget. So the -- the challenge comes out. And that by
 17 doing this, we -- we spend an inordinate amount of time
 18 just on budgets. And the ability for people within our
 19 communities to be able to actually take the time to do
 20 the work that's necessary, instead of appearing before
 21 various committees for reviews of budget and doing
 22 paperwork that's necessary, I think would be much better
 23 spent actually doing real work. For our departments to
 24 have to go through so often and for so long grueling
 25 interpretations of what we're going to spend, you know,

1 when 90 percent of it is pretty much copied from the
 2 year previous, the amount of toilet paper, the soaps,
 3 all of the general equipment, all those things are
 4 pretty much stable year to year. It's the CIP projects
 5 that are only the -- the ones that really need to be
 6 analyzed. And I believe that if we go to a two-year
 7 process, we'll have much better cohesion in trying to
 8 keep projects going. We'll have to plan a little bit
 9 better and be able to work out long-range plans a lot
 10 better.
 11 So not knowing from year to year what the
 12 budget's going to be next year is very problematic. And
 13 any of you that have worked within the government system
 14 can understand what I'm talking about.
 15 So we're proposing to go to a two-year budget
 16 rather than a single-year budget. From a Council
 17 perspective, you know, they also spend a lot of time
 18 going over the budget and discussing the items. And
 19 when they're in budget session on the Council, nothing
 20 else moves. I mean, literally all the other programs
 21 are put on the side. And it's a lot of time and energy.
 22 So I think the two-year budget will be much more
 23 efficient for the operations of government.
 24 And we're still accountable. We still have to
 25 account for every penny. We still have to make sure

1 that every department runs properly. We still have to
 2 make sure that the taxpayers' dollars are being used
 3 wisely. But you can see the trend much, much better
 4 over a two-year than you can over a one-year. So the
 5 public itself would have much better chance to analyze
 6 what's going on rather than a lot of discussion every
 7 year so nobody can really follow what's going on.
 8 CHAIR STONE: Commissioner, please.
 9 MEMBER SUGIMURA: So, Mayor, one of the
 10 departments that I have been very fortunate to work with
 11 is Office of Economic Development, which is under your
 12 -- your Administration.
 13 MAYOR ARAKAWA: Yes.
 14 MEMBER SUGIMURA: And they're excellent. Tina
 15 Rasmussen is doing an excellent job.
 16 MAYOR ARAKAWA: Thank you.
 17 MEMBER SUGIMURA: And that one of the things I
 18 like about that office is that they really have their
 19 hands -- or they are aware frontline of what is going on
 20 in the community and they create projects that are --
 21 basically supports what the community needs or does.
 22 And so I wonder what this biannual budget would do to an
 23 office like that which is kind of different than most
 24 departments. I wanted to hear your opinion about that.
 25 MAYOR ARAKAWA: That's one of the areas that

1 will be most affected in a positive way. When they're
 2 working with various groups -- for instance, if they
 3 want to do surf meets or windsurf meets, now they can
 4 project two years out in advance on -- on funding and
 5 they can start planning two years out in advance. With
 6 a single-year budget, it's very difficult to get
 7 anything started at the beginning of the year and make
 8 commitments. So a lot of the things that we want to do
 9 for economic development, you cannot change an economic
 10 cycle in one year and expect to have any kind of
 11 cohesion in programs. So this will help the economic
 12 development arm of the government much, much more than
 13 any other group. We'll have stability when we make
 14 commitments to groups. For instance, a taro fest,
 15 they'll know that, for two years, there will be funding
 16 there. And they'll know that when the -- when the
 17 Administration is there, if we have commitments, we can
 18 commit longer terms and we can also look at items that
 19 agencies are having to buy on a year-to-year basis.
 20 People are kind of forcing things so that they can fit a
 21 one-year budget. On the two-year budget, you work on
 22 supplies and things and you're much more comfortable.
 23 So I believe that you'll have a much better working
 24 relationship and being able to use the budget much
 25 better.

1 CHAIR STONE: Thank you. Commissioners,
 2 further clarification?
 3 MEMBER BAXA: Mr. Chair?
 4 CHAIR STONE: Yes, Commissioner Baxa.
 5 MEMBER BAXA: Mayor, I do not know much about
 6 budget, but, in terms of the economic climate of the
 7 County, would it not be easier to adjust with the annual
 8 budget than the biannual?
 9 MAYOR ARAKAWA: Actually, Judge Baxa, you were
 10 with the court system. And when you -- when you did
 11 your -- your budget yearly, you probably came under a
 12 lot of the same situations that we're seeing within our
 13 departments. You don't know what's going to happen -- I
 14 take that back. You were under a two-year system.
 15 State is a two-year system. You didn't have too much
 16 trouble with the -- with the annual budget the way we
 17 do. The -- the annual budget, I believe, is a lot
 18 harder to adjust than a two-year budget.
 19 MEMBER BAXA: Thank you.
 20 CHAIR STONE: Thank you. Commissioners,
 21 further clarifications? Commissioner DeLeon.
 22 MEMBER DELEON: So, Mayor, how do you avoid
 23 what happens at the State level, then? They have --
 24 they have a budget year, then they have a supplemental
 25 year. And the more you look at the State Legislature,

1 it looks like the same thing happening every year.
 2 MAYOR ARAKAWA: Well, a lot of what won't
 3 happen is that the -- 80 or 90 percent of the budget
 4 that is pretty much fixed, that doesn't have to be
 5 hashed over all the time. And a lot of the long-term
 6 projects can now be looked at from a two-year funding
 7 source.
 8 Supplemental budgets are there in case
 9 something new comes up or something different comes up,
 10 and you have to make an adjustment. It allows you that
 11 flexibility.
 12 And we have the ability to do supplemental
 13 budgets. So every year, there's a number of issues that
 14 go down before the Council to make adjustments in the
 15 budget as circumstances require. So that gives us the
 16 flexibility we need.
 17 State, I don't want to really get into a lot
 18 of discussion about how the State budgets and the logic
 19 behind the State budget, but there are a lot -- there's
 20 a lot more politics that's involved at the State level
 21 than there is at the County level. I believe we're much
 22 more stable in how we make our decisions based on actual
 23 expenditures and financing and a lot less about politics
 24 and who's going to get credit for what.
 25 CHAIR STONE: Thank you. Commissioners, any

1 further questions or clarifications?
 2 (Silence.)
 3 CHAIR STONE: Thank you. I was having a
 4 moment.
 5 (Laughter.)
 6 CHAIR STONE: Okay. Moving on to Proposal
 7 Number 6.
 8 MAYOR ARAKAWA: I don't blame you, Josh.
 9 Every time I think about the State system, I glaze over,
 10 too.
 11 CHAIR STONE: You just said "State" and I just
 12 went blank.
 13 MAYOR ARAKAWA: The financial disclosure, I
 14 think this is one that's very obvious. What we're doing
 15 is we're requiring that the financial disclosure be
 16 done, be given to the County Code -- to the Board of
 17 Ethics and just be done when you file your papers for
 18 election. There's been a lot of controversy in the last
 19 couple of elections about who is doing what and when
 20 they're reporting. This is just to make it
 21 systematically a lot cleaner.
 22 CHAIR STONE: Thank you. Commissioners, any
 23 clarification on that?
 24 (Silence.)
 25 CHAIR STONE: No. Okay. Moving on to

1 Proposal Number 7.
 2 MAYOR ARAKAWA: This particular item we put in
 3 because we're having a little bit of problem and we want
 4 it to be codified so that when we're working with the
 5 Council, it's very clear. Right now, it's not really
 6 clear. So this is more of housekeeping. A lot of
 7 times, when someone withdraws from a commission, we
 8 don't know when they're going to withdraw or when
 9 they're going to resign. And by the time it comes
 10 through our process -- sometimes it goes through a
 11 department or it's submitted to a department, or it's
 12 not submitted directly to our office. And by the time
 13 we get to react to it, it's -- the time that we have to
 14 evaluate it may have expired. What we're asking for is
 15 that upon our informing the Council of the vacancy, we
 16 set a time so that it's very definitive. We know
 17 that -- the Council knows we have the -- the item, we've
 18 sent it down to them, they know that there's a vacancy,
 19 then we have 30 days in which to recommend someone for
 20 this -- for the slot. All this is, is -- allows us to
 21 have more consistency.
 22 CHAIR STONE: Commissioner DeLeon.
 23 MEMBER DELEON: So how does that keep you from
 24 holding the item as long as you want?
 25 MAYOR ARAKAWA: We would not do that. We have

1 not done that.
2 MEMBER DELEON: I know you wouldn't, but maybe
3 the next Mayor might.

4 MAYOR ARAKAWA: In the past, it's never been
5 an issue. In the past, this has never been an issue.
6 But this particular term, for some reason, the
7 councilmembers have actually tried to enforce this rule.
8 In the -- in the past, what's happened was when we get
9 it, we send it down, then, after we send it down, then
10 Council would allow us the time. And even if the time
11 were to expire, we would still respect each other and
12 submit the names and it would be allowable. What's
13 happening is the Council is asking for a very set
14 timeframe so that if it goes an hour beyond the
15 timeframe, then they want to be able to appoint someone.

16 We've always let it be known that if they want
17 somebody on the commissions or boards, we would be more
18 than happy to entertain their suggestions. But this is
19 just to clear it up so that, once and for all, we have a
20 finite timeframe that we can work with.

21 CHAIR STONE: Mr. Molina had input.

22 MR. MOLINA: Yes. Thank you, Mr. Chair.
23 Thank you, Mr. Mayor. To further expound on Mayor's
24 response to Commissioner DeLeon's question, which is a
25 very good question. And I myself had thought of that.

1 And Commissioner DeLeon, in your former -- you served in
2 this capacity years ago. The question would be why
3 would a Mayor want to withhold from telling the Council
4 there's a vacancy. They could subject themselves to a
5 lot of political criticism for doing that.

6 And the reason -- the original rationale was
7 to provide consistency. And I would like to cite an
8 example. I served on the 2008 Council. And there was
9 a -- Mayor Tavares back then. She requested that the
10 Council committee -- she had gone past the deadline, the
11 January 31st deadline, and had requested the Council
12 allow her to fill those vacancies. So the Council chose
13 to abdicate their authority and allow the Mayor to do
14 that, which at that time didn't seem to be a problem for
15 the rest of us. Now here comes 2011, and the Mayor --
16 we were late appointing, filling in two vacancies. And
17 then this particular Council decided to exercise their
18 authority, well, it's our belief that once the Mayor's
19 Office receives the resignation, that is when the 30-day
20 clock starts. So we did engage in some form of debate.
21 And the proposal that we have here from the Mayor just
22 provides more consistency, provides more clarity in the
23 language.

24 If you look at, in your Charter, Article 13,
25 Section 13-2, Subsection 17, it's not real clear. It

1 doesn't say when the 30-day clock begins. Does it begin
2 when the Mayor receives the resignation or does it begin
3 when the Mayor informs the Council of the resignation or
4 vacancy?

5 So the intent here is just to provide some
6 specificity to both the Council and the Mayor so there
7 isn't this debate, you know, like as I had cited in the
8 previous example, where one Mayor was allowed to go
9 ahead and, you know, fill the vacancy and then you have
10 a new Council that comes in and they take a different
11 stance. So that's all, basically, what this proposal is
12 about.

13 And that was a good question that Commissioner
14 DeLeon brought up because I -- I tried to think for
15 myself, now why would a Mayor want to do that, to risk
16 getting political criticism for not wanting to make
17 the -- inform the Council. Sooner or later, people are
18 going to find out there is a vacancy. And why would a
19 Mayor want to subject his or her reputation or integrity
20 as to not informing the Council of the vacancy?

21 CHAIR STONE: Commissioner De Rego.

22 MEMBER DE REGO: Yeah. I have a question
23 about this because, on the Cost of Government
24 Commission, we also had a problem of defining when the
25 resignation actually occurs. Does it occur upon the

1 person delivering it to the Mayor's Office? Does it
2 occur when he writes the letter or he or she writes the
3 letter? There seems to be no clarification when the
4 resignation actually occurs. And for a lot of
5 commissions, getting that time clock started immediately
6 is very important because, oftentimes, it means having a
7 quorum or not having a quorum.

8 So I think there's a prior step to this in the
9 sense of when does the resignation actually occur, of
10 needing to define that step. And then once the
11 resignation has occurred, within 30 days, the Council
12 is -- you know, the 30-day clock starts at that
13 particular point. So --

14 MR. MOLINA: Commissioner, you do bring up an
15 interesting point. With a recent vacancy that we tried
16 to fill, the person had drafted the letter, I believe,
17 in May, and we didn't receive the letter until June,
18 about a month later. And we did have someone ready to
19 go, and, at that point, that person suddenly withdrew
20 which, basically, left us a day to find a replacement.
21 And when we found a replacement, Council told us that,
22 well, according to this, you're one day late, so,
23 therefore -- so that was sort of the impetus as to why
24 we're looking at submitting a proposal to provide more
25 specificity in the language. So, that way, at least

1 everybody knows specifically when the clock would start.
 2 MAYOR ARAKAWA: Just one more point. When
 3 something's actually submitted and received, who
 4 receives it, how do we time stamp it or how do we get a
 5 starting time?
 6 MEMBER DE REGO: Right. Exactly.
 7 MAYOR ARAKAWA: It's very, very difficult to
 8 pin down. So by doing it when we send it to Council, it
 9 gives us a very clear starting time that's consistent.
 10 Otherwise, we have to find a system to be able to say,
 11 okay, there's only one person that can receive -- one
 12 area that can receive, and it must be time stamped.
 13 There has to be some way to do it.
 14 And the way we receive resignations are all
 15 over the board. So somebody will call in. Somebody
 16 will send a letter. Somebody -- you know, then we have
 17 to call back and follow up. And sometimes somebody will
 18 withdraw, if we ask, you know, if you could stay on a
 19 little bit longer, why are you resigning now. And so it
 20 becomes a back and forth. And we don't really have any
 21 specific way to be uniform. That's why we chose this
 22 particular methodology, because it was the only way we
 23 had a set time that could be recordable.
 24 CHAIR STONE: Commissioner DeLeon.
 25 MEMBER DELEON: I can bore you to tears on the

1 minutia of this. I won't do that. But I want to
 2 suggest something else, and I want your thought on it.
 3 How about we remove the Council's ability to appoint the
 4 boards and commissions from the Charter? I believe this
 5 is the executive authority, it should remain executive
 6 only, and not be -- have to be a power of the Council,
 7 which is a legislative body, that's supposed to be doing
 8 advice and consent. It's not supposed to be doing
 9 appointments.
 10 I've seen councilmembers abuse this process in
 11 the past, where they sent -- repeatedly would deny a
 12 Mayor his appointment until they get their appointment.
 13 Or there was even suggested at the beginning of this
 14 term, because you folks missed an appointment, that
 15 right -- at the beginning of the term that the -- it was
 16 suggested that the Council had the authority to move
 17 forward and appoint. Who -- who advises and consents
 18 against the Council?
 19 And we have a system in our County where if
 20 the Molokai Chair of the -- the Molokai councilmember
 21 decides he wants X, he gets X. And there isn't anybody
 22 who is going to block heads with him, nobody is going to
 23 go against it.
 24 So I think -- personally, I think our problem
 25 here is this is -- has gotten out of control, and it

1 should be an administrative function and be under your
 2 authority and not under anybody else's. And if you
 3 don't make -- make timely appointments, then the Council
 4 should have the authority to beat you up in the press or
 5 whatever else and say, get on with it.
 6 I didn't hear anybody beat up Charmaine
 7 Tavares for letting a position on the Maui County
 8 Planning Commission stay vacant for eight months, eight
 9 months. There was some -- it was the Hana position.
 10 Eight months empty on the Maui Planning Commission. If
 11 I had done that under your watch, we would have gotten
 12 -- we would have gotten whacked in the 31st day.
 13 So I think there's abuse here. I think
 14 there's no way to -- because it's supposed to be a point
 15 of check and balance, we don't get -- we don't get the
 16 balance here, we don't get the check. When the Council
 17 gets the authority, who is going to check them?
 18 End of sermon.
 19 MEMBER CRIVELLO: Can I add to that sermon?
 20 CHAIR STONE: Yes, please, Commissioner.
 21 MEMBER CRIVELLO: I -- I can understand what
 22 you're saying, but, you know, for State commissions and
 23 advisory board, the Governor makes the appointment and
 24 it goes to the State Legislature for final approval,
 25 also.

1 MEMBER DELEON: I'm not saying that. What the
 2 Charter allows to do is, after the 31st day, which is
 3 what these guys are racing against, after 30 days, the
 4 Council gets to make the appointment. The legislature
 5 doesn't get to make the appointment.
 6 MEMBER CRIVELLO: Right.
 7 MEMBER DELEON: The governor makes it --
 8 MEMBER DE REGO: I think we're getting ahead
 9 of ourselves to the point where we're discussing the
 10 Charter. So we're just here to ask for clarification of
 11 the Mayor, and we're getting in sort of a --
 12 MEMBER DELEON: Well, okay.
 13 CHAIR STONE: Thank you, Chair of the Cost of
 14 Government Commission. Okay. Let's move forward. Any
 15 further questions or clarifications? Commissioner
 16 Wiger.
 17 MEMBER WIGER: Wondering, Mayor, if you know,
 18 in the other counties, what -- what the process is
 19 relative to what's being suggested?
 20 MAYOR ARAKAWA: Actually --
 21 MEMBER WIGER: It's significantly different or
 22 sort of the same or --
 23 MAYOR ARAKAWA: You know?
 24 MR. MOLINA: I would have to look more to what
 25 other counties are doing. I could provide that

1 information for you --
 2 MEMBER WIGER: Please. Thank you.
 3 MR. MOLINA: -- at a later point.
 4 MEMBER WIGER: Thank you.
 5 CHAIR STONE: Commissioners, any further
 6 clarifications, questions?
 7 (Silence.)
 8 CHAIR STONE: Chair has a proposal. How about
 9 we turn the AC down a little? It's pretty -- we're
 10 trying to save money?
 11 MEMBER SUGIMURA: You mean too hot?
 12 CHAIR STONE: Yeah. So let's cool it down, if
 13 it's possible. Thank you.
 14 (Laughter.)
 15 MEMBER OKAMOTO: You mean the rhetoric?
 16 CHAIR STONE: You guys are warm, right?
 17 MEMBER OKAMOTO: You mean the rhetoric?
 18 CHAIR STONE: Let me clarify. Let's make it a
 19 little cooler.
 20 MEMBER SUGIMURA: Nobody is getting up.
 21 MAYOR ARAKAWA: Somebody know how to work
 22 the --
 23 CHAIR STONE: Does anybody know how to do
 24 that?
 25 MS. KAHUHU: I'll have to see the Planning

1 staff. Only they have control of that.
 2 (Laughter.)
 3 MAYOR ARAKAWA: Who do you have to see in
 4 Planning?
 5 CHAIR STONE: Seriously, an efficient issue.
 6 Thank you.
 7 Moving on to Proposal Number 8.
 8 MAYOR ARAKAWA: Proposal Number 8 is, by far,
 9 the more -- most significant change that I would like to
 10 see. And this is to -- under -- under the Department of
 11 Environmental Management we have now, change it to
 12 Sustainability and Environmental Management. This is
 13 not just a name change, but to create a division within
 14 Environmental Management that is truly addressing
 15 environment and the environmental issues.
 16 Here on Maui, we have a lot of different
 17 environmental issues that need to be addressed. You
 18 know, we have erosion, severe erosion problems. We have
 19 problems with the ocean and coral degradation. We have
 20 problems with flooding in areas like Kihei. We have
 21 problems with overgrazing because of deer. We have
 22 problems because of miconia. I mean, I can go on and on
 23 with the different types of environmental challenges we
 24 have.
 25 Currently, we're depending on the State to be

1 able to address most of these issues. And, quite
 2 frankly, the State is very ill-equipped to be able to
 3 address most of these issues. And their response has
 4 not been what I would consider satisfactory.
 5 In areas like miconia, if the County had not
 6 put in funds to be able to help out, we probably would
 7 not have an eradication program going, and it would be
 8 out of control. With the coqui frogs, if we had not put
 9 in funds to be able to do it, it would not have been
 10 addressed. We're looking at the gall wasp that we had.
 11 If we had not put in County funds, we would not have
 12 come up with solutions.
 13 Time and time again, we have been, from the
 14 County, required to react to environmental concerns.
 15 And I would like to be able to have a division that we
 16 can direct to work on these environmental concerns and
 17 come out with programs to be able to alleviate some of
 18 these challenges.
 19 Now, one of the greatest challenges I have
 20 right now happened during the flooding that we had this
 21 past year in Kihei. We had a lot of water coming down
 22 the mountain. And many residents of Kihei were flooded.
 23 Okay. At the same time, we have a lot of challenges in
 24 the ocean where marine debris, trash from the ocean, is
 25 piling up, degrading our reefs, the silt is getting

1 thick and it's killing off a lot of the coral. So we
 2 have to make a decision.
 3 Do we open up all of the channels to the ocean
 4 and funnel all the water directly into the ocean and
 5 have that to be the final resting place of a lot of the
 6 debris that we have on land, or do we try and regenerate
 7 a lot of the areas that were once wetland areas for the
 8 retention of a lot of the silt and a lot of the debris
 9 that's coming from Upcountry? In order to do that in
 10 Kihei, we actually would have to displace many of the
 11 residences that have been built in the wetland area.
 12 When we start looking long-term, what is the
 13 most cost-efficient way for us to deal with this, it
 14 would be nice to have a division that would concentrate
 15 on this and come up with plans on how to do this and how
 16 to work on most of the environmental issues that we have
 17 that are major.
 18 Almost every farmer that I know of right now
 19 is having trouble with deer, the axis deer. I know
 20 that, on our farm, when my brother was growing corn, he
 21 was not a happy camper to have the corn about two feet
 22 high one day and then, next day, nothing. You know, and
 23 this is common. So if we don't deal with these kinds of
 24 issues and we don't have an agency that's on top of it,
 25 we're never going to adequately address these issues.

1 This is what I'm proposing that we create,
 2 this department, and a division, Sustainability, within
 3 the Environmental Management group.
 4 Now, we can ignore this, we can pretend it
 5 doesn't exist, but I don't think there's any one of us
 6 in this room that truly believes that all of the
 7 environmental challenges will just go away unless we
 8 actually take an active role in addressing them. And I
 9 also don't believe anyone is going to be totally and
 10 completely trusting that the State is going to address
 11 all of these issues for us. Because I don't believe
 12 it's going to happen.
 13 So I'm asking for your consideration to create
 14 the Sustainability in Environmental Management, create a
 15 different division that will address some of these
 16 issues. And I can almost assure you it's going to take
 17 us decades, perhaps even centuries, to be able to
 18 correct a lot of the errors that are already there.
 19 It's going to take hundreds of millions of dollars and
 20 intense planning to be able to get our community back to
 21 where it should be in a lot of areas, like Kihel, for
 22 instance, you know. But if we don't do it, if we don't
 23 do it, the damage that will occur long-term will be
 24 totally devastating.
 25 Can you imagine, in our lifetimes, if you look

1 at the oceans now -- remember when we were young, the
 2 water used to be crystal clear? Now look at all the
 3 suspended solids. It's -- there's hardly a day goes by
 4 where the water isn't getting murkier. Every time it
 5 rains now, the oceans turn brown. Even when it doesn't
 6 rain, it turns brown. Is this something we're going to
 7 be proud of as our heritage?
 8 We have to be able to address these kinds of
 9 issues. And I don't believe it's going to happen unless
 10 we actually have a group of people working on it daily.
 11 It's going to be expensive. Addressing the
 12 major issues of this community are always expensive.
 13 But I believe it would be more expensive to try to
 14 ignore the issues because they're going to happen to us
 15 no matter what.
 16 CHAIR STONE: Commissioners, clarification
 17 questions? Mr. Molina has input.
 18 MR. MOLINA: Thank you, Mr. Chairman.
 19 Mr. Mayor, we also have Mr. Parsons, who is our County
 20 Environmental Coordinator, who has a lot of intricate
 21 knowledge as it relates to this proposal as well. So
 22 should the Commissioners want --
 23 CHAIR STONE: Mr. Parsons, thanks for being
 24 here. Commissioners, questions? Commissioner De Rego.
 25 MEMBER DE REGO: I personally like the wording

1 in this. I know when Rob had testified the last time, I
 2 think setting the context, I think my comment was
 3 setting the context in the Charter for creating a
 4 division, giving the Mayor the flexibility to create the
 5 division would be important to have in the Charter
 6 itself. And this looks like pretty much what I was
 7 getting at when I was -- when I made that comment.
 8 I just have a point of clarification. Is
 9 there going to be something down the line or somewhere
 10 down the line that we do, if we pursue this, come in
 11 sort of conflict or, I don't know, get into
 12 jurisdictional issues with DLNR or, you know, those
 13 other areas by implementing this? Just -- just a
 14 question.
 15 MAYOR ARAKAWA: I don't believe so.
 16 Currently, we're working with DLNR and the State
 17 agencies on a lot of these issues. When we -- when we
 18 work on these issues, many times DLNR is having a lot of
 19 problems because they have funding challenges.
 20 MEMBER DE REGO: Uh-huh.
 21 MAYOR ARAKAWA: So when it came to the coqui
 22 frog, they didn't really want to put money into the
 23 project. When it came to the gall wasp problem, we
 24 tried to address it from the day we found that there was
 25 a problem. And the State delayed it and delayed it and

1 delayed it until we couldn't control the gall wasp,
 2 because they couldn't put together the funding. And we
 3 had to come back later on and send someone down to New
 4 Zealand to be able to explore for a natural cure. If we
 5 had not -- you know, at the time we worked together
 6 cooperatively to collect the seeds from the willow to
 7 make sure that we had seeds so that we could replant
 8 once we found a cure. So we've been able to work
 9 cooperatively, understanding each others' limitations.
 10 But it would be much easier for us if we had someone --
 11 or a group of people that consistently are doing this
 12 and working with the State hand-in-hand.
 13 MEMBER DE REGO: Uh-huh.
 14 MAYOR ARAKAWA: One of the most underfunded
 15 departments, in my opinion, is DLNR. You know, they're
 16 trying to enforce all of the regulatory rules with a
 17 handful of people. So when you're looking at it,
 18 they're not able to control it.
 19 I remember when working at the Clean Water
 20 Branch, Department of Health, we were looking at
 21 erosion. It was -- there was a serious storm and there
 22 was erosion on Molokai. There's nobody stationed on
 23 Molokai. There was nobody to observe it. The rule says
 24 that if there is -- if there is a challenge to the
 25 permit, that someone from Clean Water actually has to

1 witness it and to be able to then report it and take an
2 action. Well, if there's nobody on the island when it's
3 raining, and it's going to take a week to schedule
4 someone to go on the island, anybody who lives here
5 knows that the rain's going to have stopped. He's not
6 going to be able to witness all the mud going into the
7 ocean.

8 And at the time when we were discussing it, it
9 was, well, even if you were here, where are your
10 baselines, how are you going to determine whether
11 there's more or less mud in the ocean from this action.
12 There was none. So we're now doing some baseline
13 studies working with the State, but we have to have more
14 control, more feet on the ground to be able to enforce
15 some of these issues.

16 Why -- why create best management practices
17 and all these requirements of developers and people that
18 are going to do things if there's no way to truly
19 enforce it, you know. I mean, there has to be some
20 logic behind how we're going to tell the public, trust
21 us, we're going to make sure that nothing bad is going
22 to happen, we're there to watch. And then when they
23 find out, well, there's nobody watching, there's a very
24 big disconnect. We have to put those feet on the
25 ground. And that's what we want to do.

1 CHAIR STONE: Thank you. Commissioner
2 Sugimura.

3 MEMBER SUGIMURA: Mayor, I'm just wondering,
4 then, tied to that, do you think, then, by us having our
5 own department that we would get our federal funding
6 faster to us?

7 MAYOR ARAKAWA: I believe we can work to get
8 more grants. I believe we can work with the State to
9 coordinate a lot better. I don't know about faster. If
10 the funding has to go through the State system, at least
11 it would have an agency that's there to be able to work
12 with the feds to be able to process. Right now, there's
13 nobody. I mean, there's really no agency that's going
14 to receive the federal funding. And there's no one
15 actively seeking that federal funding as a part of their
16 job. We have people that are putting in for grants, but
17 it's more on a hit and miss rather than a consistent
18 basis. If we were going to do this on a consistent
19 basis, I believe we would be able to get more grants.

20 MEMBER SUGIMURA: Sounds like this is
21 something, the time has come.

22 MAYOR ARAKAWA: The time is long past for this
23 to happen.

24 CHAIR STONE: Commissioners, further
25 questions, clarifications?

1 (Silence.)

2 CHAIR STONE: No. Very good. Moving on to
3 Proposal Number 9.

4 MAYOR ARAKAWA: The Proposal Number 9 is to
5 create a Deputy Managing Director.

6 To answer Commissioner Moikeha, this is not
7 necessary for the Charter Commission to actually do, but
8 it would be much easier for us politically if you would
9 codify it.

10 Every year, we have a discussion with the
11 Council as to whether or not we should have a Deputy
12 Managing Director or not. Sometimes it's yes; sometimes
13 no; sometimes it's used as a leveraging point. We
14 believe that Deputy Managing Director is critical to our
15 operation. We would just like to have it in the County
16 Code so that we stop the discussion and debate.

17 And this person, by being in the -- being put
18 into the Charter, within -- have the Charter
19 Commission -- Salary Commission set the salary, it
20 wouldn't be random. So it would be something that would
21 be assignable.

22 Right now, it's random. So we can do whatever
23 we want with the salaries. And I think that's not good
24 for a cohesive operation.

25 So we ask you if you would consider this.

1 Even though it is not a full requirement, it would make
2 our life a lot easier.

3 CHAIR STONE: Commissioners, questions,
4 clarification?

5 (Silence.)

6 CHAIR STONE: No. Okay. Moving on to
7 Proposal Number 10.

8 MR. MOLINA: Mr. Chair?

9 CHAIR STONE: Yes.

10 MR. MOLINA: Sorry. Would the Commission like
11 us -- to help in your decision-making, some information
12 as to the responsibilities and duties of a Deputy
13 Managing Director?

14 CHAIR STONE: Of course, that would be
15 helpful.

16 MR. MOLINA: Okay. We'll provide it.

17 MEMBER WIGER: And --

18 CHAIR STONE: Commissioner Wiger.

19 MEMBER WIGER: Yes. As another piece --

20 CHAIR STONE: Commissioner Wiger, microphone.

21 MEMBER WIGER: I'm sorry. Comes from teaching
22 too many years, your voice just goes all over.

23 Could we also find out about other counties?
24 I'm always interested in how other counties do their
25 work relative to what we're about. That's why I ask.

1 CHAIR STONE: Okay. Thank you very much.
 2 MAYOR ARAKAWA: I will point out something
 3 about this particular position. And I've talked to some
 4 of you prior about some of my thoughts in this area.
 5 The County is getting rather large. And at this point,
 6 there is a lot to be said about a professional
 7 management group rather than an appointed Managing
 8 Director. I did not want to propose going to a
 9 professional management group this time, but I believe
 10 it's something that would bear consideration.
 11 A professional group would be there and be
 12 very consistent no matter who the Mayor was. You would
 13 have control of all departments, you would be able to
 14 have someone that had the institutional knowledge.
 15 Right now, every four years, you could have a
 16 change so that the direction of the County shifts a lot.
 17 When you're going to try and budget for long-term and
 18 try and create policy long-term, it may be worth
 19 considering long-term type of positions so that there is
 20 consistency in what's happening. Other jurisdictions
 21 have it, but this would also mean having to restructure
 22 how our County Government is done. And that would be
 23 very, very complicated in a short discussion. So we
 24 didn't propose it this year. But I wanted -- it's one
 25 of the things that I'm planning to work out the details

1 on and make a proposal in subsequent years.
 2 CHAIR STONE: Thank you. Commissioner DeLeon.
 3 MEMBER DELEON: Mayor, so are you speaking
 4 about city manager kind of approach?
 5 MAYOR ARAKAWA: Yes.
 6 MEMBER DELEON: Would that be with a Mayor who
 7 is like chair of the Council or would be an executive?
 8 MAYOR ARAKAWA: The Mayor would be like the
 9 chairman of the board. The council would be like the
 10 board of directors. And the Managing Director would be
 11 like someone that the board would be able to work with,
 12 hire and fire and manage, have them manage.
 13 Our County has a budget of over half a billion
 14 dollars. We're, by far, the largest financial entity in
 15 how we're operating. And when you look at nationally,
 16 if you look at a lot of the other counties our size,
 17 140-150,000 people, they're operating on budgets of less
 18 than \$100 million. What we are handling here in all the
 19 department responsibilities is truly a very, very large
 20 endeavor.
 21 The challenge comes out because we're on a
 22 tight budget. Most of these types of managers would be
 23 paid, you know, in the hundreds of thousands of dollars.
 24 Just as you look at the manager of the university
 25 system, they're not paid under \$100,000, they're several

1 hundred thousand dollars. But to get the quality
 2 management that we really should have, that's the level
 3 that we should really be working at.
 4 So that's my opinion, but I did not put that
 5 down as a proposal at this time because it would be very
 6 complicated to work the entire process through. And I
 7 was just not ready at this time to do it.
 8 CHAIR STONE: Thank you. Further
 9 clarifications from Commissioners?
 10 (Silence.)
 11 CHAIR STONE: No. Great. So moving on to
 12 Proposal Number 10.
 13 MAYOR ARAKAWA: Proposal Number 10 was
 14 something that our prosecuting attorney proposed to us.
 15 And J.D. -- I would prefer to have J.D. come and explain
 16 it to us. J.D. Kim.
 17 CHAIR STONE: Thank you very much for being
 18 here today.
 19 MR. KIM: Thank you. Good afternoon. John
 20 Kim, I'm Prosecuting Attorney for the County of Maui.
 21 Proposal Number 10 would allow me to have the,
 22 I guess, duties and responsibilities to appoint
 23 investigators, shall have all the powers and privileges
 24 of a police officer of the County, as well as amending,
 25 prosecute offenses against the laws of the State under

1 the authority of the Attorney General of the State.
 2 Now, the charters, I believe, in the other
 3 counties as well as the City and County of Honolulu has
 4 --
 5 MEMBER DELEON: John, could you get closer to
 6 your mic?
 7 MR. KIM: Insert -- insert 8 is already in
 8 there. We're the only county that does not include the
 9 authority of the Attorney General.
 10 Secondly, our investigators under County
 11 ordinance has powers and authority built into the
 12 ordinance. We would like to have it formalized into the
 13 Charter.
 14 CHAIR STONE: Commissioners, clarifications or
 15 questions on this proposal? Very clear. Oh, excuse me.
 16 Commissioner Baxa.
 17 MEMBER BAXA: So, Mr. Kim, the way I
 18 understand it is this is more or less a housekeeping
 19 matter.
 20 MR. KIM: That's correct.
 21 MEMBER BAXA: Thank you.
 22 MR. KIM: Thank you.
 23 CHAIR STONE: Commissioners, further
 24 questions?
 25 (Silence.)

1 CHAIR STONE: Thank you, Mr. Kim, for being
 2 here today.
 3 MR. KIM: Thank you.
 4 CHAIR STONE: Thank you so much. Moving on to
 5 last, but not least, Proposal Number 11.
 6 MAYOR ARAKAWA: The Civil Service Commission.
 7 Our Director of Personnel Service asked us to insert
 8 this, so I'm going to ask Lance Hiromoto to come up and
 9 explain this particular request.
 10 CHAIR STONE: Hello. Welcome. Thank you for
 11 coming today.
 12 MR. HIROMOTO: Thank you. Good afternoon.
 13 Good afternoon, Chair, Members of the Commission. The
 14 proposal that you have before you, we are just seeking
 15 that to have the Charter align with the Hawaii Revised
 16 Statute. Back in 2002, there was some changes to the
 17 Hawaii Revised Statute that transferred certain types of
 18 rule-making authority from the Civil Service Commission
 19 to the Director of Personnel Services. So that's just
 20 to make it in line with the Hawaii Revised Statutes.
 21 CHAIR STONE: Very good. Commissioners,
 22 questions, clarifications?
 23 (Silence.)
 24 CHAIR STONE: No. Thank you very much for
 25 your time.

1 MR. HIROMOTO: Thank you.
 2 CHAIR STONE: Thank you. Mayor Arakawa, looks
 3 like you are out of proposals.
 4 (Laughter.)
 5 MAYOR ARAKAWA: Well, Chairman Stone, it's
 6 been a pleasure. You have many, many more months to
 7 deliberate. And we will probably discuss other possible
 8 changes as we go through this deliberation period that
 9 you do have. But, for now, this is what we wanted to
 10 have you look at.
 11 And, again, I want to thank each and every one
 12 of you for putting in the time. I warned you it was
 13 going to take a lot of time and energy. And I think
 14 you're finding that warning was very appropriate. But
 15 you're doing a good job. And I think that the public
 16 will be much better served after this is all done.
 17 Some of these issues that need to be resolved
 18 truly do need to be addressed. You know, you have to --
 19 you have to continually upgrade what we're doing in our
 20 community.
 21 CHAIR STONE: Thank you. Before the Mayor
 22 leaves, Commissioners, do we have any questions or
 23 clarification for the Mayor? Commissioner.
 24 MEMBER OKAMOTO: My question has to do with
 25 why you dropped out the auditor one that was in your

1 earlier --
 2 MAYOR ARAKAWA: Yes.
 3 MEMBER OKAMOTO: -- proposal?
 4 MAYOR ARAKAWA: We had looked at an auditor
 5 position, but we actually created an auditor position in
 6 the Department of Finance. So because we have an
 7 auditor position, we no longer need a new auditor
 8 position.
 9 The other thing that is occurring on a regular
 10 basis is the County Council is having independent audits
 11 done pretty much on most of our departments. They have
 12 the ability to pick and choose which ones they want as
 13 part of their -- their privileges and their duties. So
 14 with the department being able to have an internal
 15 auditor for finance, with the County Council doing
 16 audits independently, and we have an independent audit,
 17 financial audit done every year, it seemed that we
 18 didn't really need to have another audit -- auditor.
 19 Originally, I wanted to have a management
 20 auditor very similar to what the State has, that would
 21 come in from exterior and look at it, but, because we
 22 have so many audit opportunities, I felt that it was
 23 not a high enough priority to go through a Charter
 24 amendment at this point because it's a duplication.
 25 MEMBER OKAMOTO: Follow-up question. With the

1 Council doing a lot of independent audits, I assume they
 2 are contracting those out?
 3 MAYOR ARAKAWA: Yes.
 4 MEMBER OKAMOTO: Would it be financially --
 5 which way would the financial benefits if you had
 6 someone full-time or if they continue to contract out?
 7 MAYOR ARAKAWA: If we had a department that
 8 did management and financial audits, that were
 9 established within the County Code, it would probably be
 10 less expensive. However, the legislative body does have
 11 the responsibility of being able to oversee what the
 12 Administration does. So unless they were willing to
 13 work with this independent auditor, then there would be
 14 a duplication of audits, and then you would have -- the
 15 savings would all go away because now you're having a
 16 duplication of audits. So by preference, I would prefer
 17 to have an independent auditor hired specifically for
 18 the -- for the purpose of doing management and financial
 19 audits. And I do -- I do stress management audits as
 20 well as financial because we mostly do financial audits.
 21 But, again, I have to respect the legislative body's
 22 ability to do their job.
 23 CHAIR STONE: Commissioner Moikeha.
 24 MEMBER MOIKEHA: I just want to follow up on
 25 that. So how often do you conduct audits of your

1 departments, financial and otherwise?
 2 MAYOR ARAKAWA: We -- every year, when we go
 3 through the budget, we go through every department.
 4 MEMBER MOIKEHA: But that's an internal --
 5 it's done by an employee of the County?
 6 MAYOR ARAKAWA: It's internal, that's why.
 7 With our Finance Department, we have an auditor. So
 8 we're doing internal. The County Council very often
 9 does external audits. And we're required as part of our
 10 County system to -- to hire an external financial audit
 11 company. So they come in every year and they do
 12 financial audits.
 13 MEMBER MOIKEHA: And how often are management
 14 audits done?
 15 MAYOR ARAKAWA: Not often enough.
 16 MEMBER MOIKEHA: Okay.
 17 MAYOR ARAKAWA: That's where -- that's why I
 18 recommended I would prefer to have a professional audit
 19 stuck in there. But the Council is -- their
 20 responsibility is to do the management audits and make
 21 sure that departments are running as intended. So that
 22 would be working directly in where the County Council
 23 authority seems to lie by the Charter.
 24 So I did not want to overstep by recommending
 25 that management auditor be created. Originally, I did.

1 And then I thought about it and I went, well, I should
 2 respect the Council in trying to do this.
 3 But Marion Higa impresses me tremendously.
 4 And I think she does a tremendous job for the State.
 5 And if I could get her here to do what she's doing, I
 6 would be very happy.
 7 MEMBER MOIKEHA: Well, this is why I think
 8 it's important to have a completely independent
 9 department other than an employee within the County to
 10 do audits. I was a Planning Commission chair back in
 11 2005-2006, and a management audit was conducted. I
 12 don't know how it was initiated, but it was conducted of
 13 the entire department. And I was interviewed as part of
 14 that process. And I want you to know not one thing I
 15 said or was brought out by the commission was even in
 16 that audit. So I have had experience with audits.
 17 Within the entity that I work, we have an audit every
 18 year. I have financial management and responsibilities
 19 in preparing for that audit. It's not just about
 20 financial management, it's also, as you've said, about
 21 management in how these -- these departments function
 22 and work and the efficiency.
 23 And I'm just thinking that, you know, an
 24 independent source, free from all political will, has
 25 the best light of doing that, even if it is going to be

1 an initial cost at first. In the long run, these things
 2 come out and prove, as you used the example of Higa,
 3 some very interesting things need to be addressed and to
 4 be changed. And I -- my feelings are that, you know, we
 5 should really, really look at that as an independent
 6 source.
 7 And as you said, the Council has authority of
 8 all departments and the Administration oversight, but
 9 nobody has oversight over them. An auditor would. And
 10 it takes the political issue of that totally out of
 11 everybody's hands.
 12 MAYOR ARAKAWA: Well, again, I've explained
 13 that I did not want to interlope into the Council's
 14 responsibility.
 15 MEMBER MOIKEHA: And I understand that.
 16 MAYOR ARAKAWA: You, however, have a very
 17 different role.
 18 (Laughter.)
 19 MEMBER MOIKEHA: And an auditor could do the
 20 same. I mean, could step into that position and
 21 definitely have oversight over everyone.
 22 MAYOR ARAKAWA: And I'll make the point one
 23 more time. I very, very enthusiastically embrace such
 24 an auditor; however, I do not wish to overstep into the
 25 Council's role.

1 MEMBER MOIKEHA: Thank you.
 2 CHAIR STONE: Commissioners, I think we got to
 3 let the Mayor go very soon, but question --
 4 MEMBER SUGIMURA: One last question, Mayor.
 5 Of your -- of all the different proposals that you have,
 6 do you have the top three that you think are the most
 7 important? Just curious. They're all good.
 8 MAYOR ARAKAWA: As I've explained over the
 9 entire afternoon, all of these have importance and
 10 significance. I think the most important, and I've
 11 stressed this, is creating the division under
 12 department -- changing Environmental Management and
 13 creating a complete department that will do that. Being
 14 able to work with everything else, I think, pales in
 15 comparison. They're important. The four-years terms, I
 16 think, are significant, but not as critical or
 17 important. Creating the safety net for the -- for the
 18 Ocean Safety under Fire Department, I consider that one
 19 of my more critical issues by virtue of the fact that
 20 there will be much more cohesive alignment with what the
 21 rest of the state is doing and with how the departments
 22 should be run. But other than that, I would put
 23 everything else as third.
 24 CHAIR STONE: Mayor Arakawa, thank you very
 25 much for your time, it's very much appreciated, and

1 allowing us access to your staff as well as department
2 heads. It's been a very helpful part of our process.
3 So thank you again.

4 MAYOR ARAKAWA: Okay. Anytime you guys want
5 me to come down, I would be more than happy to come
6 down. Anytime you need any of my staff members, we'll
7 be more than happy to oblige. So please feel free to
8 access our office. And I'm certain that any of the
9 departments that you need to talk to will be more than
10 happy to be here as well. So thank you very much for
11 all your hard work.

12 CHAIR STONE: Thank you. Aloha.
13 MEMBER DELEON: Short break?
14 CHAIR STONE: Yes. I'm going to call a short
15 recess, five minutes, just quick. We'll get back here
16 at 2:45. Thank you.

17 (Recess, 2:36 p.m. to 2:46 p.m.)
18 CHAIR STONE: I would like to call this
19 meeting back to order as of 11:45 -- oh, sorry. Let me
20 back up, 2:45.

21 And I would like to say thank you very much to
22 Gregory Jenkins for being so patient and being here
23 today. Greg, please come forward. We really do
24 appreciate it. And I'm very sorry you had to sit around
25 so long. So thank you for being here. And thank you,

1 again, for this amazing report as well.
2 MR. JENKINS: Thank you, Chair Stone and
3 Members of the Commission. Aloha. It's nice to be here
4 with you today. I'm over from my -- my home, beautiful
5 island of Molokai. So thank you very much in being
6 given the opportunity to share. Thank you for the kind
7 comments on the report.

8 Per my testimony in Molokai and discussing
9 some of the matters regarding the County Charter and
10 Article 8, Chapter 7, concerning the Fire Department --
11 or the Department of Fire and Public Safety, this was my
12 most comprehensive effort to respect your
13 recommendations regarding past and present matters
14 concerning the department and the commission, and
15 providing you a summary, history, background, problems,
16 recommendations, pros and cons, and importance of
17 different aspects of the Charter as it pertains to the
18 Department of Fire and Public Safety.

19 I'm testifying here today as a resident of our
20 county, from Molokai, and as a firefighter by trade of
21 going on 23 years in Fire service. I am not
22 representing my employer in any way in this testimony.

23 After -- I got to give the Mayor credit. In
24 looking at the way Mayor Arakawa presented his -- his
25 points, I think it would be very cruel if I drug you

1 through the 80-something pages of this report. So with
2 your approval, what I was going to try and do, to be --
3 to be succinct, is go to Appendix A, which I have
4 located on Page 39. It's a summary of the recommended
5 changes that is contained within the report and shows
6 the additions and deletions. I can do the best I can to
7 walk us through this and provide any clarifying
8 information. Again, Page 39.

9 And, of course, feel free to ask me any other
10 questions that pertain to any page in the report that I
11 submitted to you.

12 On Page 39, Appendix A, I have it listed as a
13 draft recommended Charter language with markup. So,
14 again, this represents the summation of the details of
15 my report as it relates to existing Charter language and
16 recommendations that I've made.

17 So I'm going to start right at the top.
18 You'll see that I have a deletion regarding the
19 Department of Fire and Public Safety. And you'll notice
20 that my recommendation there has to do with our name.
21 Simply, in my report, I put, if you guys Google Hawaii
22 Public Safety, you'll have the Department of Corrections
23 of the State of Hawaii come up. I think this is a term
24 that was well -- well meant at the time, in 2001 and '2,
25 by the Charter Commission, but they may not have

1 understood the -- the connection there.
2 I offer in my report many different
3 suggestions that -- that could be offered for a name
4 that's consistent with the services we provide our --
5 our county, you know, of citizens. And that could be
6 discussed further and definitely get input from
7 whichever groups that you wanted to get input from.

8 MEMBER DELEON: Chair, I have background on
9 that I can give real quick and explain why the name.

10 CHAIR STONE: Go ahead, Commissioner DeLeon,
11 briefly.

12 MEMBER DELEON: The name was originally
13 created with Councilmember Bob Nakasone back when, I
14 think, he was Council Chair. And his goal was to try to
15 meld the Police and Fire Commission. Well, there was no
16 Fire Commission. He was creating a Public Safety
17 Commission, and that was the original name, Public
18 Safety.

19 And it was supposed to have the Police
20 Commission -- or Police, Fire and Civil Defense were
21 also supposed to be in this one agency. And that's kind
22 of where that Public Safety came from. And it stuck and
23 it kept on working through. I mean, I'm talking -- I
24 think it was like in '83, '84, somewhere around in
25 there. So that was the original concept.

1 And, of course, the Police didn't go along
 2 with the concept, so the Police Department never did go
 3 over to this commission, but the name stuck with Public
 4 Safety and then it went to Fire and Public Safety.
 5 But just to give you a background where that
 6 came from. You seemed not to have that, so I wanted to
 7 give it to you.
 8 MR. JENKINS: Well, thank you, Commissioner
 9 DeLeon, for that -- that information. I like history,
 10 so that's good.
 11 I think for us, in the Charter's
 12 recommendation that was submitted on the ballot language
 13 in 2001 and '2, it did allow us to refer -- still be
 14 referred to as the Maui Fire Department. You know, I
 15 guess we could be more technical, say the County of Maui
 16 Fire Department as is consistent with our Charter. And
 17 that's -- and that is -- is our identity. It's what we
 18 do. You'll notice fire departments all across the
 19 country have multiple myriads of services that they
 20 provide, everything from emergency management, rescue,
 21 EMS, ocean safety, that's lifeguard services, we know it
 22 here as Ocean Safety, et cetera, that come under that
 23 general term. However, many other organizations have
 24 decided to redefine that and call it fire rescue, call
 25 it fire and emergency services. So that's not something

1 I want to make a point of contention today. I believe
 2 that it's better discussed amongst yourselves and
 3 suggestions.
 4 But Public Safety in the state of Hawaii
 5 refers to Corrections. And that's -- that's the most
 6 poignant statement I can make about that. And nothing
 7 that is involved in the provision of fire and rescue is
 8 connected to any law enforcement capacity outside our
 9 code enforcement provisions of our Fire Prevention
 10 Bureau. So -- and that does not have police powers,
 11 which I'm not an expert on, but you could do some more
 12 research and find that out.
 13 CHAIR STONE: Very good. Continue.
 14 MR. JENKINS: Okay. And I apologize, you'll
 15 see in other parts of my report, I use a line and say
 16 "commission" and I leave it blank just to respect what
 17 other name you would propose putting in there, if so
 18 chosen.
 19 Moving on to -- that was Section 8-7.1, by the
 20 way. Moving on to Section 8-7.2, currently, that is a
 21 aligned with the Fire and Public Safety Commission.
 22 It's a housekeeping matter, with that section being
 23 re-numbered. And this has to do with the statement of
 24 policy. This is probably one of the single most
 25 important recommendations that I wanted to share with

1 you. It's consistent with language in the county
 2 charters from across the state. And -- and you can see
 3 that by looking at the other appendices I've included.
 4 This really, in a nutshell, you know -- with
 5 your reading, I won't read it verbatim, but it defines
 6 the goal of the -- of the establishment of the service
 7 we provide. And I believe that's very important because
 8 if you -- if you reflect back up to 8-7.1, it says,
 9 there shall be a Department of Fire and Public Safety
 10 consisting of the Fire and Public Safety Commission, the
 11 chief and necessary staff. So if you think about it,
 12 our organization is made up of three components. Any
 13 person that works for the department is necessary staff.
 14 Now, what do those people do, why do they
 15 exist, what's their purpose? So you see enumerated
 16 under the powers and duties and functions of the
 17 commission. And as later shown under the powers, duties
 18 and functions of the chief, you're going to see a stark
 19 difference there of that's the commission's or the
 20 chief's strategies and tactics in how they're going to
 21 accomplish the job. The job of what? So the job here
 22 is define the statement of policy. It's a very, very,
 23 very important consideration I present to you.
 24 The details of this is one of the only places
 25 in the report I asked to be given a call back to talk to

1 you about if you want to change the language. The
 2 subsections of this statement of policy proposed are
 3 very important and profound as to addressing some of the
 4 most critical problems we have in our organization
 5 today. And they really will help enumerate and may come
 6 alive the focus of the commission or the chief in
 7 accomplishing any mission of -- of establishment and the
 8 provision of our services.
 9 Any questions on that?
 10 CHAIR STONE: Yeah, Commissioners, questions
 11 on that? Commissioner DeLeon.
 12 MEMBER DELEON: Greg, how does this match up
 13 with the language for the other departments in the
 14 Charter? Would the other departments have this kind of
 15 statement of policy?
 16 MR. JENKINS: In our Charter?
 17 MEMBER DELEON: Yeah.
 18 MR. JENKINS: I cannot say that I researched
 19 if the other aspects of County of Maui's Charter have
 20 statements of policy. However, the other charters in
 21 the state of Hawaii, for fire departments and police
 22 departments, do have statements of policy. And I'll
 23 give you -- you know, the details of what it
 24 establishes, of course, some of the wording here, if
 25 there's -- if there's proposals for the consideration of

1 Ocean Safety, for example, language can change in here
 2 of what the services provide. But it's really the --
 3 the goals of the subsections that -- that are important.
 4 Because they may -- they really -- they really affect
 5 what we do.
 6 CHAIR STONE: Commissioners, further
 7 questions?
 8 (Silence.)
 9 CHAIR STONE: No. Please continue.
 10 MR. JENKINS: I'm on Page 40, Section 8-7
 11 point, was 2, now 3. So you have the Fire and Public
 12 Safety Commission. This language here came from
 13 excerpts of other county charters, and just, basically,
 14 has a reorganization and some additions of language, as
 15 you can see. Shall consist of nine members, the
 16 commission. One member shall be a resident of each
 17 Council district. That's not currently enumerated in
 18 our Charter. The commission may appoint such staff and
 19 engage such consultants as necessary for the performance
 20 of its duties. The members shall be appointed by the
 21 Mayor and confirmed by the Council in the manner
 22 prescribed in Section 13-2.
 23 So 13-2 is a -- is a section of our Charter
 24 that defines all of the particulars regarding
 25 commissions as we know, including your own. The member

1 residing in each Council district -- of course, this is
 2 subject to probably your discussion on district voting,
 3 but I think it's important because it ensures
 4 representation of every district in the county to have a
 5 voice regarding the concerns of the services that are
 6 provided for fire. There has been times where that --
 7 that -- there's been determinations where that's not
 8 possible and we give consideration for equal
 9 representation, but it currently isn't required. But if
 10 you can imagine the respect that offers each community
 11 to have a voice from their community regarding their
 12 fire and rescue services, it would be important.
 13 CHAIR STONE: Commissioners, questions,
 14 clarification on that point?
 15 (Silence.)
 16 CHAIR STONE: No. Very good.
 17 MR. JENKINS: Moving on to Section 8-7, was 2,
 18 now it's 4, the powers and duties and functions of the
 19 commission. Currently, there's no specific detail that
 20 breaks down the powers and duties and functions of the
 21 commission. I don't know if that was an oversight in
 22 the Charter or what it is. But I think it's important
 23 because they do have powers, duties and functions. You
 24 can see what the language, adopt -- I just cleaned it up
 25 a little bit, and that's consistent with other charters.

1 Adopt rules necessary for the conduct of its business
 2 and regulation of matters committed to its charge by
 3 law. That's already there. And review rules for the
 4 administration of the department. That's new. Every
 5 other department, such as Police and Fire in the state
 6 that has a commission, has that type of language in it.
 7 And -- and you'll notice later in the
 8 commission, one of the last things in their duties is
 9 that they're not supposed to interfere with the
 10 administrative affairs of the department. It's an
 11 entirely different matter. This is the Administrative
 12 Rules that if -- if the Fire Commission is part of our
 13 organization, as it is stated in the organization of the
 14 department, then the commission is subject to the same
 15 rules of conduct and regulations, and definitely
 16 becoming familiar with them because it is those rules to
 17 run the organization and conduct of its personnel that
 18 the commission is -- is providing any type of oversight
 19 over. So I believe that's very important. And they --
 20 and they should review them and be able to make
 21 recommendations as necessary, of course,
 22 recommendations.
 23 Any questions on that?
 24 CHAIR STONE: No. Clear.
 25 MR. JENKINS: Okay. To the same section --

1 that was Subsection 1 I just read, by the way. Moving
 2 on to Subsection 2, this is language that's already
 3 contained within our Charter. Nothing wrong with it,
 4 but what I would like to do is just go briefly over some
 5 of these sections that didn't change and share with you
 6 their importance, so that they're not misunderstood,
 7 maybe.
 8 Of course, annual appropriation is subject to
 9 any recommendations you make. Review and submit to the
 10 Mayor the department's request for an annual
 11 appropriation for the operation of the department. This
 12 is a very important section when it was considered in
 13 2001 and '2, for the reason that -- for checks and
 14 balances. Imagine -- and I say this in my report --
 15 that -- we were at impasse with our Fire Administration
 16 and Mayor's Office at one time. And the only thing we
 17 had to go deal with budget matters was the County
 18 Council. And it became a very uncomfortable and
 19 embarrassing type of a situation to put any rank and
 20 file or representation from our labor union in that
 21 position, to fight for matters of health and safety and
 22 -- for firefighters and the public.
 23 And when that happens, you know, the special
 24 interest of the firefighters typically is, again, for
 25 those reasons, health and safety of firefighters and the

1 community and quality service. And I'm not saying that
 2 the chiefs didn't want that, too. There was just
 3 differences of opinion of accomplishing certain goals.
 4 But to have a commission have that power to -- to make
 5 sure that budget's pono, that it aligns with any
 6 planning, that it aligns with strategic planning, that
 7 it -- it is accountable to mayoral directives from the
 8 executive powers coming down the chain of command, that
 9 it addresses any health and safety matters, and all
 10 those things are discussed under the purview of the
 11 commission is very important.

12 And then when that budget is determined to be
 13 good or not, whatever, the commission can forward it
 14 with recommendations or reservations, but then it goes
 15 to the Mayor. So if there's anything that needs to get
 16 worked out, if there's anything that can get worked out,
 17 that commission is given the respect to try to
 18 coordinate that effort. I feel that's very important.

19 Still -- it's still the chief's budget as
 20 provided to the commission, and then still goes to the
 21 Mayor for Mayor's approval, and then the County Council.
 22 We all know how that works. It becomes the Council's
 23 budget kind of regardless. So -- but there's more of a
 24 checks and balances of the vocational understanding of
 25 these commissioners with the department to try to make

1 sure these appropriations are good.
 2 Any questions on that?
 3 I feel it's one of the most powerful duties
 4 and functions. We're the only County that has that
 5 submittal language in its Charter. Everyone -- every
 6 other commission is review and make recommendations. So
 7 that's very unique to us and, I believe, important.

8 CHAIR STONE: Very good. Commissioners, no
 9 questions on that?
 10 (Silence.)
 11 CHAIR STONE: Okay. Please continue.
 12 MR. JENKINS: Subsection 3, on Page 40, review
 13 the operations of the department and Civil Defense
 14 Agency, make recommendations for changes that may be
 15 desirable to improve the performance in emergency
 16 functions and provide -- provision of public safety
 17 services. This language is existing. Civil Defense, as
 18 you know, comes under the purview of the Fire and Public
 19 Safety Commission. I think that goes back to
 20 Commissioner DeLeon's statement, too. It didn't make
 21 sense to have, in 2001 and '2, a separate Fire
 22 Commission, separate from Public Safety Commission that
 23 had oversight over the Civil Defense Agency. I remember
 24 that was part of the discussion and report. So to try
 25 to combine them so that you can maintain seats ready to

1 be filled. That was a consideration on that.
 2 But to be able to have the commission review
 3 and make recommendations of our operations is critical.
 4 How else are we to know and have -- who else do we go to
 5 besides the chief's position on matters, the community
 6 firefighters in general, to discuss these critical
 7 aspects of -- of our department's direction? And if the
 8 commission so feels -- Fire and Public Safety Commission
 9 so feels that it's important, can make recommendations
 10 on that.

11 It also becomes a very critical evaluation
 12 tool of the commission for the performance of any Fire
 13 Chief. Because if the commission makes a
 14 recommendation, or if the Mayor makes a recommendation,
 15 and it comes to that -- that -- that bottleneck, the
 16 commission can see what the chief's disposition on those
 17 matters are. It becomes a very objective tool.

18 Any questions?
 19 CHAIR STONE: Commissioners, any questions?
 20 (Silence.)
 21 CHAIR STONE: No. Good.
 22 MR. JENKINS: Item 4, on Page 41 -- Subsection
 23 4 -- excuse me -- receive, review and investigate any
 24 charges brought forth by the public against the conduct
 25 of the Department of Fire and Public Safety or any of

1 its members, submit a written report of its findings and
 2 recommendations to the chief for disposition. The added
 3 language here is a summary of the charges filed under
 4 disposition shall be included in the annual report to
 5 the commission -- report of the commission. Excuse me.
 6 I believe this is important for transparency.
 7 If things are brought forth by the public and they're
 8 investigated, there needs to be a proper investigation.
 9 And regardless of the disposition of the matter, it
 10 should be going to the -- in the activities of the
 11 commission's annual report. And I know that if some of
 12 these matters are sensitive, to -- for any confidential
 13 purpose -- I'm talking about the stuff that is -- is up
 14 above water public record. If there's something, you
 15 know, confidential, then I'm sure that can be handled in
 16 a way where we entrust the Mayor and the Council to --
 17 to view those types of things. But it shows the
 18 character and shows the actual happenings within the
 19 department. And I believe that, no matter what -- what
 20 would want to be covered up or not, or to save face of
 21 the organization, that we are accountable to the people
 22 first. And that needs to be transparent information.
 23 And that -- I don't know. I'm not saying that the
 24 commission is not currently doing that. It very well
 25 may be that they currently have that in their annual

1 report, but it's not enumerated in the Charter, which I
2 think is important.

3 CHAIR STONE: Very good. Commissioner
4 Crivello.

5 MEMBER CRIVELLO: Clarification, Greg. Thank
6 you, first of all, for coming here today. Public is
7 also considered firefighters when they come before the
8 commission. So there may be some investigation that may
9 include -- well, towards the chief and the
10 administration, but it also may counter the firefighter
11 who may be bringing forth these charges as the
12 investigation goes further. So if it involves the
13 personnel matter and, you know, the process, it may turn
14 that the charges really falls back to the firefighter.
15 Would you -- can you clarify how that can be kept
16 confidential and, yet, it's -- I think you follow me
17 where I'm going.

18 MR. JENKINS: Thank you for the question,
19 Commissioner Crivello. I'm not -- I'm not an attorney.
20 And I think this would definitely be a Corp Counsel
21 matter. But I guess my intent here is, is that -- and
22 I'm sure there's a legal way to do it, where the matter
23 of the complaint is at least documented and on record.
24 The disposition and the confidentiality of it, I'm sure
25 we have rules that pertain to that, that I'm not privy

1 to or don't -- or -- again, I'm not an attorney. So I'm
2 sure that could be figured out. Because I would agree
3 that our -- even with freedom of speech, we need to
4 maintain integrity of the government. You can't scream
5 "fire" in a crowded movie theater. So we need to be
6 always considerate of what information and -- and the
7 method in which it's released to the public. I
8 understand that, the weight of that. So -- but
9 regardless of that, whatever the -- however far that
10 boundary could get pushed, to make sure that we're a
11 very transparent organization is my goal. And that the
12 Council and the Mayor see our organization for all its
13 activities, good and bad.

14 MEMBER CRIVELLO: Thank you.

15 CHAIR STONE: Any further clarification,
16 Commissioners?
17 (Silence.)

18 CHAIR STONE: Please continue.

19 MR. JENKINS: Okay. Subsection 5, on Page 41,
20 the information that you see deleted is a housekeeping
21 matter. It's included someplace else. The language
22 that was inserted in Subsection 5 is review the
23 personnel actions within the Fire Department for
24 conformance with the policies under 8-7.2. 8-7.2 was
25 the proposal that I included regarding the statement of

1 policy. And you'll notice -- excuse me for a moment --
2 and I'm referring back to Page 39, Subsection 2 of
3 8-7.2, promotions and other personnel actions shall be
4 in accordance with all applicable laws and based upon
5 fair and appropriate standards of merit, ability and
6 work performance.

7 Now, you might say, well, Greg, why are you
8 including this here. And I'll kind of address this,
9 because it will make sense in a lot of the proposals
10 that I'm recommending in this section of the Charter.
11 There's a lot of language that's contained throughout
12 our Charter. Especially executive powers, which is kind
13 of like the big umbrella, if you will. And over time,
14 and -- and Commissioner Crivello can correct me if I'm
15 wrong here -- many times, issues will come up where Corp
16 Counsel will -- I'm saying this as a -- Commissioner
17 Crivello was a former Fire and Public Safety
18 Commissioner, she was our chair at one time -- where a
19 matter will come up and it will be, well, that could
20 potentially being interfering with the administrative
21 affairs of the department, are you sure that that
22 matters under your duties, powers and functions. And it
23 becomes a point because it's not enumerated in the
24 Charter.

25 All of our personnel actions are -- are

1 definitely covered in Hawaii Revised Statutes. They're
2 definitely covered in other aspects of our Charter.
3 However, it does say, in executive powers of the County,
4 that all the department heads have the power to take all
5 personnel actions. So if all the department heads have
6 the power to take all personnel actions, then who is it
7 that is evaluating that -- that department head to make
8 sure that those actions are pono?

9 And regardless of whether they're established
10 in law, which is obvious, you can see in the language,
11 it creates an activity in which those can, again, be
12 made sure that they're good.

13 And so you'll see a lot of things that I --
14 the reason they're included is to enumerate them in the
15 Charter, to make sure that they're an important
16 consideration of the duties, powers and functions of
17 that particular component of our department. If they're
18 not, it falls into happenstance, whether it gets
19 addressed.

20 And you want the Fire and Public Safety
21 Commission, as well as the chief, to be effective. You
22 want them to have, if you will, teeth to get their job
23 done, to have those strategies and tactics to accomplish
24 the -- their mission of the existence of our
25 organization.

1 So that one and, especially, Number 2 is very
 2 important. Because fairness is everything in our
 3 organization, because it's the key to our integrity.
 4 And integrity is everything. You let us into your homes
 5 at the worst possible moments in your life, and you need
 6 to -- and so integrity is everything.
 7 Any questions on that?
 8 CHAIR STONE: Commissioner De Rego.
 9 MEMBER DE REGO: Yeah. I wonder if that
 10 particular section -- I'm following your logic here --
 11 doesn't actually weaken the commission in some way,
 12 shape or form. Here they are reviewing personnel
 13 actions, right, but they can't do anything about them
 14 because they can't -- they can't get into the
 15 administrative details of the department according to
 16 the Charter. Basically, the Fire Chief and the Police
 17 Chief are sort of where the buck stops. The commission
 18 can only make recommendations for disciplinary action,
 19 they can't carry them out. The only way the commission
 20 has any kind of control over the chief is the ability to
 21 hire and fire the chief and to be able to review that
 22 performance annually. I would be very, very reticent to
 23 take out that particular language as a floor to the
 24 Charter in regards to the language you have here.
 25 MR. JENKINS: Okay. So I -- Commissioner De

1 Rego, am I understanding you correctly that -- how --
 2 how are you connecting Subsection Number 5 to the
 3 evaluation of the chief? I just want to make sure I'm
 4 clear on that.
 5 MEMBER DE REGO: Well, I'm getting here
 6 you're, actually, taking out that section, right?
 7 MR. JENKINS: Oh, no, sir. It's a
 8 housekeeping matter.
 9 MEMBER DE REGO: Oh, it's housekeeping.
 10 MR. JENKINS: I'm sorry. It's a housekeeping
 11 matter that I moved to another section.
 12 MEMBER DE REGO: Okay. And where are you
 13 going to move that annual --
 14 MR. JENKINS: It just got bumped down the list
 15 to the Item Number 8.
 16 MEMBER DE REGO: Okay.
 17 MR. JENKINS: I'm very sorry to have given you
 18 that impression.
 19 MEMBER DE REGO: Okay.
 20 MR. JENKINS: I couldn't agree with you more.
 21 That's why I was like, what am I missing here. Okay.
 22 MEMBER DE REGO: Excuse me. I read this
 23 quickly, among the other 300 pages we had to review.
 24 MR. JENKINS: So just as to -- Mr. De Rego
 25 brings up a good point, is that -- is that the

1 commission has more review and recommend powers than
 2 actual oversight powers of hire and fire. We'll get to
 3 that. It's a very good point. But the review and
 4 recommended is very powerful because -- and you'll see I
 5 took great consideration to maintain that because you
 6 don't want to micromanage the chief. The chief is the
 7 chief. He's the coach. And the commission is going to
 8 evaluate the coach and if he's winning games or not --
 9 he or she is winning games or not. So -- but what tools
 10 does the commission have to make objective due process
 11 evaluations?
 12 I'm not suggesting that the commission make
 13 recommendations on who gets promoted. I'm not making a
 14 recommendation that the commission says where people
 15 transfer. I'm just saying that all this stuff is above
 16 water and these actions are documented. And if anybody
 17 in the public, including firefighters, has a concern, it
 18 can be brought to the attention of the commission. And
 19 if there's something that needs to be addressed or
 20 recommended, it's documented and it goes through the
 21 right channels. And that's the start to -- to, you
 22 know, as -- as -- as part of a labor union, your first
 23 action is informal. It starts there. And then you work
 24 your way up to more and more formal. This is the most
 25 informal of actions. It's the talk story part. It's

1 not making a complaint. It's -- it's -- unless it had
 2 to, but this is here before it moves up. Handle our own
 3 business, make adjustments, but it also serves as a very
 4 important warning. Because these matters are gonna be
 5 above water. They -- the Fire Chief's going to know
 6 there's going to be a report. The commission, this is
 7 part of their activities. This isn't going to be
 8 something that if it's not complying with laws, it's
 9 going to go on. All right. Because promotions are
 10 very, very important. Any personnel action is
 11 important, in fairness.
 12 The language you see here is consistent with
 13 the Hawaii Revised Statutes. It's consistent with other
 14 charters throughout the state.
 15 Any other questions on that?
 16 MEMBER DE REGO: Thank you.
 17 CHAIR STONE: Are you good?
 18 MEMBER DE REGO: Good.
 19 MR. JENKINS: Subsection Number 6, on Page 41,
 20 again, to not confuse anybody, this is -- this is moved
 21 someplace else, not deleted. I apologize for that.
 22 Review and, if deemed necessary, make recommendations on
 23 the Strategic Plan and other similar types of plans, any
 24 updated goals and objectives for the Maui County,
 25 whatever department we're end up being called, or the

1 same, which is submitted by the Fire Chief. The
 2 commission shall not have the power to approve, modify
 3 or reject the plan or any update. This was language
 4 that was -- was found in the City and County of Honolulu
 5 Police Department Commission language. And I find it
 6 very important. You heard a lot of discussion today
 7 about long-range planning and how -- how important that
 8 is in -- in appropriations of funding, how important it
 9 is in guiding a department past changes in political
 10 regime.

11 For public safety and emergency services, I
 12 would imagine that all of you would agree that you want
 13 -- you want to see us on a nice steady level track with
 14 -- with -- with responsible progression. The same would
 15 be for any department, but especially Public Safety.
 16 You don't want to see a roller coaster of activity
 17 changing every time a new chief or new Council or new
 18 Mayor comes in. I'm not saying that a Mayor and a
 19 Council and a chief don't all have their proper
 20 oversight in making sure that the overall mission of the
 21 organization is steady, and that they haven't done so,
 22 but it -- but it's important.

23 So with planning, I've always said -- and this
 24 comes from -- from a lot of training received in
 25 performance-based budgeting, is that a Strategic Plan

1 justifies a budget. And a budget enables a Strategic
 2 Plan. And so who better than the commission to
 3 understand what their Fire Chief is doing in regards to
 4 managing the organization than to be able to review and
 5 be responsible to make recommendations on that plan, and
 6 if there's anything needed to be changed? Especially
 7 with their responsibility to submit the budget. Any
 8 questions?

9 CHAIR STONE: No. Very good. Continue.

10 MR. JENKINS: Subsection 7, on Page 41, again,
 11 housekeeping on the first part that was deleted. This
 12 is really important. It ties into the Subsection 6
 13 above, compare, at least annually, the actual
 14 achievements of the -- of the department against the
 15 goals and objectives in the strategic or other similar
 16 types of plans, or latest updates submitted by the Fire
 17 Chief. It's one thing to have -- to have an annual
 18 report, which is basically, for the most part, a
 19 documentation of activity of the organization. But it's
 20 another thing to actually see achievements of the
 21 department moving in a progressive manner towards
 22 accomplishing its goals. And if -- if the coach is
 23 trying to do such, which in this case the coach is the
 24 chief, then it's important that those are actually
 25 measured. That measurement is a direct evaluation tool

1 for the chief -- I mean of the chief by the commission.
 2 None of that exists right now.

3 I -- I want to say politely, with regards to
 4 the current work of our current Fire and Public Safety
 5 Commission, that -- that I'm not questioning their
 6 integrity on the tools that they have and how they're
 7 currently trying to evaluate the Fire Chief. That would
 8 be remiss of me to do so. And I have no -- no right to
 9 say that. I have no evidence of it. But I do see a
 10 lack of support for tools that are enumerated in the
 11 Charter to make that clear what the chief could be
 12 evaluated on. And that's where it needs to lie; not in
 13 the subjective methods in which the commission
 14 determines it's part of its rules, but something the
 15 people can see, hey, this is what this department is
 16 measured by compared to its leadership.

17 Any questions?

18 CHAIR STONE: Commissioners, any questions?

19 (Silence.)

20 MR. JENKINS: Section 8, Mr. De Rego's
 21 favorite section.

22 (Laughter.)

23 MEMBER DE REGO: The floor.

24 MR. JENKINS: The floor. Evaluate, at least
 25 annually, the performance of the Fire Chief and submit a

1 report to the Mayor and Council. This would be,
 2 hopefully, the most glorious objective report one could
 3 ever create. And, you know, this comes down to fair and
 4 due process. If we have a good chief, then -- then you
 5 tell him what he's doing good and you ask him if he can
 6 do better and -- he or she, and you evaluate that person
 7 properly and fairly and impartially. And you let him
 8 continue. And you'll see later, when it talks about the
 9 chief and who the chief is hired and fired by, that this
 10 becomes even more important.

11 Of course, as any employee would want to be
 12 treated, if the chief is doing something that -- that is
 13 identified need to be improved, that that -- that
 14 individual is given a fair opportunity to receive
 15 recommendation on how to improve.

16 I'll take this note here, because we're
 17 talking about the Fire Chief, and I'm going to flip a
 18 few pages, if you'll let me. Give me one moment. On
 19 Page 48 of my report, and 49, you'll see some excerpts
 20 of the Maui County Charter with regards to executive
 21 powers.

22 I like Number 1. Pursuant to law, the
 23 administrative heads of the department shall have the
 24 power to take all personnel action -- I said that. The
 25 line above it, 6-1, the executive power, the Mayor's the

1 executive officer of the County. And I think a lot of
 2 times -- and this is probably the only negative thing
 3 I'll probably share with you guys today -- I get
 4 frustrated with the arguments about jurisdiction. I get
 5 frustrated when it's enumerated in the Charter that the
 6 Mayor, especially as identified in -- on Page 49 and
 7 7-5, Subsection 1, exercise supervision, directly or
 8 through the Managing Director, over all department
 9 heads. I thought it said "all." So as far as I'm
 10 concerned, the Mayor's the Fire Chief's boss. The Mayor
 11 owns the organization, the direction of it. So I -- if
 12 the Mayor wants the chief to do something, I -- I guess
 13 I'm going to add my own logic, as long as it's compliant
 14 with law, as long as it makes sense, as long as it's in
 15 the interest of our citizens and their health and
 16 safety, as long as it's, as much as possible, in the
 17 interest of best management practices for our service
 18 type, and probably you guys could add some other things
 19 in there, then the Mayor can tell the chief to do it.
 20 And if -- and if he doesn't, well, then the Mayor comes
 21 down the elevator, just like he was here earlier, and he
 22 sits in that commission room -- because it says here,
 23 further, that he has a voice, but no vote in all
 24 commission proceedings -- and he exercises that voice.
 25 And he is doing it in front -- he or she is doing it in

1 front of a commission. And that commission listens.
 2 That commission takes that matter under advisement and
 3 probably make a recommendation. And if that
 4 recommendation isn't heeded to, well, then, it becomes
 5 another objective evaluation matter of the chief. And
 6 it gives the -- the commission respect to make a due
 7 process decision, not something that's -- that has a
 8 chance of being subjective.

9 CHAIR STONE: Commissioners, discussion on
 10 that? Commissioner Wiger.

11 MEMBER WIGER: Going back -- well, I guess not
 12 going back, it's part of 8, evaluate annual performance
 13 of the Fire Chief, submit the report to the Mayor and
 14 the Council. And I -- I couldn't agree with you more
 15 that there needs to be a whole series of measurable
 16 performance objectives, standards, outcomes, how they
 17 get to that. And I -- it may not be anybody else on
 18 this group, maybe it's just me, but as we've heard from
 19 various people talking about exactly this, I -- I've
 20 sort of struggled for someone to really outline to me
 21 what the model is. Is there a model? Do we know what
 22 it is? Is there going to be a different model going
 23 through the accreditation process? Because I know that
 24 there are a lot of models that people can look at, doing
 25 that accreditation. Have you sort of dug around in that

1 and have some thoughts and ideas on that?
 2 MR. JENKINS: That's a really good question,
 3 Commissioner. The best I can say is that -- is that
 4 performance needs to be measured. We can agree on that.
 5 I'm sure all of us agree on that. Our current
 6 evaluation forms, for example, let's defer to that the
 7 State has, focus on quantity of work, quality of work
 8 and attitude towards work. And there's nothing
 9 problematic with those general principles as long as
 10 they're objectively actually measured. They're not
 11 subjective. And I believe HRS has a sample of that
 12 form. I think all the -- all the government entities in
 13 our state use it.
 14 I think that, for the Fire Chief, for example,
 15 under his powers, duties and functions, it's enumerated
 16 what those are. And so when the commission has the
 17 ability to review the operations of the department or
 18 the administrative rules or the personnel matters, et
 19 cetera, even things that are in -- that are missing from
 20 those duties, powers and functions that are enumerated
 21 someplace else in the Charter, all those things
 22 together -- and -- and Corp Counsel may make a different
 23 determination. Again, I'm not an attorney. That
 24 they're all part of the -- of the tools to make an
 25 objective evaluation.

1 And I think that -- that as long as -- if you
 2 -- if I was a citizen and I was looking at the Fire and
 3 Public Safety Commission, and I said what were the
 4 components of your evaluation, if they showed me that it
 5 covered every aspect of the Charter, if they showed that
 6 it took consideration from consultants -- which you'll
 7 see later in here that, I believe, the commission should
 8 have the power to -- to get consultants, which is
 9 anybody, to advise them on an expert level of matters
 10 concerning their -- their duties and roles. That could
 11 be the labor unions, it could be individual members of
 12 the organization, it could be the public, it could be a
 13 person like we heard earlier that was a former police
 14 reserve officer that has an opinion. It makes sense.
 15 It's a tool. If all those things were added in that --
 16 in that basket, then I think it's good. If someone
 17 calls something missing, then that would be another
 18 matter.

19 But I don't think it's really -- I don't think
 20 we have to over -- over -- overanalyze it too much. I
 21 think the critical part, like, for me, as a citizen, who
 22 is affected by these decisions, that's really what I'm
 23 looking for.

24 I apologize if that kind of took us in a
 25 circle, but --

1 MEMBER WIGER: No, no.
 2 MR. JENKINS: I think it's dynamic. I think
 3 we can always make improvements to it. But I know
 4 there's a lot of stuff missing now. And, again, I'm not
 5 saying the commission is not including it; I'm just
 6 saying it's not enumerated anywhere. I mean, you know,
 7 what is that statement of policy, why do we exist, what
 8 do we do, you know.
 9 CHAIR STONE: Very good. Commissioner DeLeon.
 10 MEMBER DELEON: You know, Greg, I got to take
 11 my hat off to you for standing up here as an employee of
 12 a department. And actually, you know, wrestling at this
 13 level is pretty amazing.
 14 Page 24 of your report --
 15 MR. JENKINS: Yes, sir.
 16 MEMBER DELEON: -- on this item, has the
 17 following line, it says, many citizens, elected
 18 officials, government workers, firefighters do not
 19 respect or trust the commission or the Fire Chief
 20 regarding the current quality of the process to evaluate
 21 the Fire Chief. Sounds like the wheels are falling off
 22 the fire engine here. That's pretty strong language.
 23 And what do you mean by that?
 24 MR. JENKINS: The focus here would be on the
 25 respect and trust. Okay. And when I use the word

1 respect, it's like respecting information. If the
 2 commission comes -- comes to us with -- or we read an
 3 evaluation of the Fire Chief, for example, and you're a
 4 member of the public and you have some knowledge of
 5 something that -- where that's contrary or you're a
 6 member of the organization and you know something's
 7 contrary, you're going to form either subjective or
 8 objective opinions about that. And I will say -- and
 9 I'm not speaking as a -- as an employee -- I've already
 10 stated my -- my basis of testifying -- that we don't
 11 respect the quality of those evaluations in the past or
 12 -- or current, either, because of truths that we know,
 13 improvement that could be made, or things that just
 14 aren't enumerated in the Charter to give the commission
 15 the tools to effectively do it.
 16 The trust part is that I don't trust the
 17 current process, nor do I trust the current language in
 18 the Charter to effectively enumerate those
 19 responsibilities and -- and define that due process and
 20 give the tools to the commission. That's what I don't
 21 trust.
 22 And I think that -- I know people in the
 23 community, I know people that work for the department, I
 24 know other government workers that feel that way. I'm
 25 not alone in that. Now, how many of those there are and

1 whether they're willing to speak up, that's another
 2 matter. But you have to ask this question: Well, do
 3 you point finger at the problem or the mistake, because
 4 mistakes can be corrected, or do you identify the
 5 problem to try to fix it proactively and effectively
 6 through Charter language enumerated in this way?
 7 CHAIR STONE: Go ahead, Commissioner.
 8 MEMBER DELEON: Do you feel confident that the
 9 language will be honored?
 10 MR. JENKINS: Gosh. I knew you were going to
 11 give me that question, Dave. I think I'm going to
 12 answer your question later when I do talk about the
 13 hiring and firing of the chief.
 14 MEMBER DELEON: Okay.
 15 MR. JENKINS: I think -- I think I can address
 16 it then because that -- excuse me. I keep moving this
 17 forward. Apologize. Because that's where that -- where
 18 your question really comes -- comes alive. Please
 19 remind me of it at that point. Because I -- you'll see
 20 it's the one place in this recommendation where I have
 21 something pending. And it needs to be thoroughly
 22 deliberated because it is an important topic. And if --
 23 if this language isn't included, you'll -- you'll
 24 probably get the gist that I'm not going to be very
 25 supportive of going another 10 years the way things are.

1 I think that would be remiss on my part to -- to give
 2 you that impression. So then there's other
 3 considerations. But, I -- I want to give democracy a
 4 chance, right?
 5 CHAIR STONE: Go ahead, Commissioner Wiger.
 6 MEMBER WIGER: I was remiss in not expressing
 7 my appreciation to you before I asked the question, of
 8 the work that you've done on this. I mean, this is --
 9 this is absolutely great. It really is.
 10 MR. JENKINS: Thank you.
 11 MEMBER WIGER: It's a very thoughtful piece of
 12 work. And it appears as though you're very willing to
 13 take input and discourse and dialogue about how it could
 14 even be made better. Thank you for -- for giving this
 15 to us.
 16 MR. JENKINS: You're welcome.
 17 What page was I on before I --
 18 MEMBER WIGER: You were on 41.
 19 CHAIR STONE: 41, Section 9.
 20 MR. JENKINS: Okay. Thank you.
 21 MEMBER DE REGO: After my favorite.
 22 (Laughter.)
 23 MR. JENKINS: Page 41, Subsection 9.
 24 CHAIR STONE: Greg, not to -- just -- you
 25 don't -- sections that aren't changing, if you don't --

1 well, if it's not an important topic --
 2 MR. JENKINS: Yeah.
 3 CHAIR STONE: Just for time.
 4 MR. JENKINS: Got it. Sorry.
 5 CHAIR STONE: No, no problem.
 6 MR. JENKINS: You can tell by the length of
 7 the report. It's one of my -- my struggles in life.
 8 CHAIR STONE: Very good. Good job.
 9 MR. JENKINS: So Subsection 9, submit annual
 10 report to the Mayor and the Council on its activities,
 11 that's added language to -- to that -- that section.
 12 Pretty straightforward.
 13 I think -- I think for us to understand
 14 something as far as executive powers, we do have our
 15 checks and balances, we do have our separations of
 16 powers, you got the Mayor and the Council. The report
 17 guides activities that I believe are directly under the
 18 purview of both. You heard me say earlier that the
 19 Mayor, you know, owns it. It's the Mayor's -- it's the
 20 Mayor's department, as elected by our -- by our people.
 21 Our Mayor has that -- that right. But we know that with
 22 the separation of powers, we have the legislative side
 23 and the Council which deals with our budget matters. So
 24 the commission deals -- the Fire and Public Safety
 25 Commission deals with both. So to have that report go

1 to both is not only best practice, but it's also a very
 2 correct action based on the powers, duties and functions
 3 of the commission.
 4 CHAIR STONE: Commissioners, questions on
 5 that?
 6 (Silence.)
 7 CHAIR STONE: No. Continue, please.
 8 MR. JENKINS: Page 42, Subsection 10, you'll
 9 see the added language here of have others -- have such
 10 powers, duties and functions as may be provided by law.
 11 I have a lot of marbles in my head on this section
 12 because it was boilerplate, but -- I can't remember if
 13 that was added from another charter or if it already
 14 existed. Can someone help me with that?
 15 MEMBER OKAMOTO: It's from here.
 16 MR. JENKINS: It's from our Charter? Okay,
 17 good. There's a lot of cut and paste. No problem
 18 there.
 19 And then this is one I brought up to you, the
 20 administrative affairs of the department. This is
 21 constantly a topic that comes up. I can't tell you how
 22 often I hear, commissioners don't know what they're
 23 doing, commissioners aren't firefighters, the
 24 commissioners are interfering with our department,
 25 commissioners are handcuffing the chief, the

1 commissioners don't -- shouldn't be handling the budget,
 2 the commissioners shouldn't do this, the commissioners
 3 shouldn't do that, this whole thing's broken. Well,
 4 okay, give me some definitions of objectively what that
 5 is and -- and how to fix it. And then, equally so, take
 6 all those things I just stated and apply it to the Fire
 7 Chief, the same statements will be made.
 8 Well, when the commission tries to take an
 9 action, positively, regardless of the recommendations of
 10 enumerating new language, it's constantly by former --
 11 former leaders of your organization to say, well, you're
 12 -- you're interfering with the administrative affairs of
 13 the department. What's the only thing that can -- can
 14 clear that up for the commission? To enumerate the
 15 right things, under their responsibilities, to take this
 16 off the table. However, equally so -- and I won't say
 17 this in a bad way -- the chief needs to be protected
 18 from any micromanaging of the commission.
 19 We're not -- when we say administrative
 20 affairs -- if you look up affairs up in the
 21 dictionary -- I love the dictionary -- you know, you
 22 really see what affairs means -- it's dealings, it's
 23 actions, it's matters. Hey, you're getting transferred
 24 here or -- or, today, for a temporary assignment, or who
 25 you're talking to, who you're not talking to, who your

1 business dealings are with. That's what they're talking
 2 about. They're not talking about administrative rules,
 3 they're not talking about operations, not talking about
 4 budget, talking about affairs. It's very, very
 5 important to -- to define that.
 6 Questions?
 7 CHAIR STONE: Commissioners?
 8 (Silence.)
 9 CHAIR STONE: No. Go ahead.
 10 MR. JENKINS: Okay. The Fire Chief. I wish
 11 he was here. Page 42, Section 8-7 point, now, 5. It
 12 moved. The Fire Chief shall be appointed or removed by
 13 the Fire and Public Safety Commission. And it talks
 14 about the due process. I already shared with you guys
 15 the executive powers from our Charter excerpt on Page 48
 16 and 49 of this -- I know that it's been suggested and
 17 there's an undercurrent around to make recommendations
 18 to change the appointment of the chief back under the
 19 Mayor. And the only person that I could walk in the
 20 room with that -- and forgive me for it -- that could
 21 explain this for me was that excerpt, that quote from
 22 Thomas Jefferson regarding the senate suffrage and --
 23 and representation.
 24 And Jefferson just kind of makes it clear
 25 about separations of powers, makes it clear about

1 dependence upon the elector, about incurring favor,
2 looking forward to that next election, however distant
3 it is, and trying to find the system that makes --
4 creates independence, but, still, accountability to the
5 voters, to the people. And with Jefferson's quote, you
6 will see it was based on term limits.

7 Now, I would be -- be unfair to say that as a
8 -- as a opposite opposing view that the Mayor does have
9 term limits. And so there is a check and balance there.
10 And if the Mayor has the power to hire and fire the
11 chief, there is a degree of check and balance. However,
12 that department head is appointed by a Mayor -- I mean,
13 I've never seen it, I mean -- I apologize -- but I've
14 never seen where the department heads aren't incurring
15 favor with the politician looking towards next election
16 to maintain their position. And they're taking their
17 mind off their job and what they're doing and they're
18 putting it on keeping their job. Well, I would rather
19 have the Fire Chief remain independent to be dependent
20 upon his or her performance. That's important.

21 And the only establishment we have currently
22 that -- that does the best job of that is the
23 commission. The commission has term limits. They're
24 kind of bipartisan, if not even, you know, nonpartisan
25 elections. Forgive me there. They have checks and

1 balances with the executive and legislative branch
2 approving or disapproving, and they got a term limit.

3 Now, of course, we know what the rules and the
4 Charter talks about that you can be off for a couple
5 years, right, and come back on. I think that's a real
6 good example. We don't see Commissioners do that too
7 often. If it happens, I don't think it's a big deal.
8 There's still enough of a cross-section to make it
9 clean. But right now, that, to me, is -- is the
10 cleanest as far as -- as far as the intent of our
11 democracy.

12 And -- and so without beating this to death,
13 if this -- if the recommendations to the language
14 here -- and forgive me, I heard one of the Commissioners
15 say it earlier, which one's important, which is your top
16 three, all of it is. But you can see I did put levels
17 of importance on the very end of each section to give
18 you an idea.

19 But if this language is improved, I -- I have
20 faith in giving democracy a shot here to try to, you
21 know, improve things. I -- I think two wrongs don't
22 make a right. And that's my current position.

23 So I'll be -- I guess all I can say is that
24 I'll be respectfully watching you guys' deliberations
25 and participating however possible. And if, at the very

1 end, as I stated earlier, I don't see this is a critical
2 component -- like in CPR, if you miss a critical
3 criteria, you fail in your training. Right? So if
4 there's a critical criteria of my recommendations that
5 aren't there, I'm going to be really honest with you,
6 respectful and -- and give you an alternate position,
7 which is -- which is, I think it's far better to allow
8 the volatility of it going back under the Mayor than not
9 do anything with this Charter language, because at least
10 there's a change.

11 Now, I -- I don't like saying that. So --

12 CHAIR STONE: Very good. Commissioners,
13 questions? Commissioner DeLeon.

14 MEMBER DELEON: Greg, yeah, I was kind of
15 impressed that the chief authority of the commission
16 falls under the Fire Chief's title and not under the
17 title -- not under the powers of the commission. I
18 mean, hiring and firing. The chief is their chief
19 authority. I mean, that's their chief role, and it's
20 not underneath their powers. That kind of struck me as
21 funny.

22 I did have a thought of this when I was
23 reading your stuff. And bear with me for a minute.
24 What about a hybrid process where -- where the
25 commission actually recruits and nominates a chief, and

1 the Mayor actually does the appointment? And they would
2 have to -- you know, the Mayor would have to accept the
3 nomination from the commission as opposed to a
4 straight -- you know, the commission appoints straight
5 out and they own the chief as a result. Or converse,
6 going the other way, the Mayor could fire the Fire
7 Chief, but only with consent of the commission. How's
8 that for a hand grenade to throw at you?

9 MR. JENKINS: Ironically, I've tossed those
10 things around. And they get kind of -- they get kind of
11 muddled in the middle. I think it's a very respectful
12 position and -- and question. I think it's something
13 that I -- I would need more time to consider and break
14 down in and of itself. Because it has -- in that
15 suggestion, you start -- you have -- you start breaking
16 apart more factions of pieces of dependence versus
17 independence and -- and where those boundaries lie. So
18 I think that's something I did not do as a -- as part of
19 this report. Because I -- you'll notice in the report,
20 I left it as pending and to be thoroughly deliberated.
21 So this is the one topic that I'm interested in coming
22 back and talking to you guys more about.

23 CHAIR STONE: Very good.

24 MEMBER DELEON: Can I follow up for a second?

25 CHAIR STONE: Go ahead.

1 MEMBER DELEON: Just for a second.
 2 CHAIR STONE: No problem.
 3 MEMBER DELEON: My thought was, you know, at
 4 least the evaluative authority of the commission, so the
 5 commission's closer to the department and have a better
 6 chance of, you know, doing the evaluation process. So
 7 it won't come out purely as a political process.
 8 MR. JENKINS: I guess, if anything, I would
 9 just say that to finalize my, you know, comments on that
 10 would be that, you know, I believe in the executive
 11 powers of the Mayor. They exist. They're clear. Their
 12 jurisdiction is real. I don't see a problem there. I
 13 just see people stepping up and -- and -- and doing
 14 their job as necessary. However, what I don't want to
 15 do is see the checks and balances that are offered in
 16 the separation of powers in the commission eroded
 17 because, then, you don't have those separations of
 18 powers. And so that's maybe the struggle to deliberate
 19 this one topic. And I -- and I agree, it warrants
 20 further discussion.
 21 CHAIR STONE: Commissioner De Rego.
 22 MEMBER DE REGO: And this is the conundrum
 23 that we've -- actually, just not with this department,
 24 but with every department that has an independent
 25 commission, that executive clause, which says the Mayor

1 is in charge of all the departments. But there's that
 2 little phrase, except otherwise determined by this
 3 Charter. And that, for me, is sort of the exception
 4 clause, which includes -- at least my understanding,
 5 includes all those other commissions that are
 6 independent. So, yes, the Mayor's in charge of managing
 7 the departments, but he even has limitations because of
 8 the way the Charter is set up in regards to making
 9 decisions about hiring and firing personnel. So we have
 10 this sort of hybrid, but it's a different kind of hybrid
 11 than what David is suggesting.
 12 So I would be interested to hear what you
 13 would think about the Mayor actually being able to fire,
 14 but having that along with the consent of the Fire
 15 Commission. Because this might even get our thinking
 16 going about the other independent commissions, because
 17 we also, I think -- "we" -- sorry. I -- I think -- I
 18 think that the commission at some point is going to have
 19 to deal with the consistency of how we deal with each
 20 one of these commissions that are independent based on
 21 that executive clause.
 22 MR. JENKINS: I think it's a really good
 23 point, Commissioner De Rego. But, you know, to add to
 24 it, it gets even more complicated because it escapes me
 25 exactly which section of the revised statutes -- forgive

1 me -- but I know it exists, I've seen it, it's under
 2 general provision for the counties. The provision of
 3 the fire protection services in each county does not lie
 4 with the Mayor, it lies with the Council. That's in the
 5 revised statutes. So that complicates matters even
 6 more. Now, how that works with regards to, you know,
 7 executive powers as enumerated in the Charter makes it
 8 even more complicated.
 9 So I think -- I think along the lines of your
 10 thinking, that we need to carefully look at what those
 11 executive powers are because I think all of us would
 12 agree that the Mayor is at the helm. But what none of
 13 us are gonna -- well, I shouldn't say that -- I believe
 14 that -- that -- that the Mayor owns the -- the
 15 directors. And, yeah, there's special powers enumerated
 16 under the Charter for commissions to take certain
 17 actions that have been removed for specific purposes.
 18 That's my interpretation of it.
 19 Now, again, I'm not an attorney, but I think
 20 what you're talking about, you're on to something here,
 21 and that's very important because if that's the intent,
 22 then we need to preserve it. And we need to -- we need
 23 to make it more clear if it has to be. Because, if not,
 24 then, I mean, what you're saying, if -- on the opposite
 25 side, is the Mayor can feel powerless right now over the

1 Fire Chief and feel that the only person that tells the
 2 chief what to do is the commission. I don't read that,
 3 but there's a conflict there because it doesn't say --
 4 it doesn't say that the Fire Chief shall take direction
 5 from the Fire Commission. It says other things can be
 6 assigned by the commission, but it doesn't say -- you
 7 know, no other place in the County does that happen,
 8 other departments, that I've -- I've seen. So I think
 9 it warrants further discussion because it's some of the
 10 loopholes we have here.
 11 MEMBER DE REGO: And just one follow-up?
 12 CHAIR STONE: Uh-huh.
 13 MEMBER DE REGO: It's the practicality of it,
 14 right? It may say something in the Charter, but the
 15 practical nature of it is, basically, the Mayor does not
 16 have control over the hiring and firing of the Police
 17 Chief, the Fire Chief, the Liquor Director, go on down
 18 the line. So, practically, basically, except for the
 19 budget, that executive influence or authority does not
 20 exist.
 21 MR. JENKINS: That is correct. And we have to
 22 decide whether we want that to remain with commissions,
 23 you know, for the purposes.
 24 CHAIR STONE: Very good. Commissioner
 25 Crivello.

1 MEMBER CRIVELLO: Before I go any further, I
 2 really want to thank you for giving me all this
 3 homework.
 4 (Laughter.)
 5 MEMBER CRIVELLO: I really appreciate it. You
 6 and I can agree it's not easy to travel from Molokai.
 7 So thank you for that added effort from your part. I
 8 know now it becomes open in the public, but did you, by
 9 any chance, have Fire Chief or anybody from the Fire
 10 Commission have a -- have a look at this --
 11 MR. JENKINS: No.
 12 MEMBER CRIVELLO: -- report that you've put
 13 together, that's excellent on our part?
 14 MR. JENKINS: I would hope that it being -- I
 15 mean, before I forget, because I'll forget, your guys'
 16 website, I heard you guys deliberating about that at a
 17 prior meeting. The -- the -- Lisa, and all the work
 18 that's being done with regards to getting the minutes
 19 and everything is very accessible. So I would hope that
 20 the Commissioners and the chief wants this out of the
 21 bag and will have an opportunity to look at this and
 22 provide their comments. But because I'm not
 23 representing the organization, this is the venue I chose
 24 to present the report.
 25 MEMBER CRIVELLO: Great. Thank you.

1 CHAIR STONE: Commissioners, further
 2 questions, clarification?
 3 MEMBER DE REGO: I just wanted to thank you as
 4 well. This is very well done.
 5 CHAIR STONE: I think from the entire
 6 Commission, thanks so much for your time on this. And,
 7 hopefully, you don't come at us with plagiarism if we
 8 decide to use some of this language consistently
 9 throughout the Charter.
 10 (Laughter.)
 11 MR. JENKINS: So in the spirit of time, Page
 12 42, the qualifications of the chief, let me just talk
 13 about that. I don't want to just bypass that. That's
 14 under the Fire Chief heading. There's a lot of
 15 discussion about that, setting degree requirements and
 16 all these things. I guess my best way to say this is
 17 that I'm not downplaying the importance of people's
 18 education, I'm not up-playing the importance of people's
 19 education, I'm just a realist, that our County
 20 organization -- and this doesn't apply just to
 21 department heads -- constantly struggles to improve with
 22 education.
 23 Our Fire Chief's going through a very
 24 difficult and strenuous process of accreditation. I can
 25 only imagine the complexity of that. And -- but, also,

1 It will be a good achievement. But, in so, it's an
 2 example of positively moving forward. We don't have
 3 educational incentives. We don't have tuition waivers
 4 or reimbursements by the County. We don't have tools
 5 that -- that -- besides a few points on civil service
 6 exams to get credit for education. So if that's a goal
 7 of our organization, and in our process, with the
 8 commission, the chief and the whole -- and the Strategic
 9 Plan, well, then, in the future, that could be something
 10 that could come up for a future Charter recommendation,
 11 I would -- I would imagine. But right now, it's
 12 premature because those opportunities are not fairly,
 13 you know, offered for vocational training within the
 14 organization currently. And I said it, it's very
 15 selective. And so that would -- that would give unfair
 16 advantages to specific individuals. So to keep the
 17 requirements as -- as reasonable as possible, to open it
 18 up to as many qualified people as possible, than what it
 19 currently says, is what's responsible, I believe, now.
 20 I'm not -- my wife's a teacher. And I'm going
 21 to college, too. So I -- I'm a strong proponent of
 22 education; however, there comes a point in time where
 23 that's, actually, a disadvantage to fairness in this
 24 case.
 25 CHAIR STONE: Commissioners, further

1 questions, clarifications?
 2 (Silence.)
 3 CHAIR STONE: Very good. Is there anything
 4 else that you want to touch base on since you're here?
 5 MR. JENKINS: The only other language that
 6 you'll see that is added, that wasn't boilerplate, was
 7 on Section 8, on Page 43, talks about the chief's
 8 responsibility being enumerated to create the plans.
 9 That directly coincides with the prior recommendation
 10 the Commission would have. And you'll notice I put
 11 strategic or other types of plan because the other types
 12 of plans is -- if they don't want to call it a Strategic
 13 Plan, then does it get reviewed. So it's any type of a
 14 long-range or mid-range planning for the organization
 15 that will deal with our services or our budget.
 16 CHAIR STONE: Very good. Wow. Commissioners,
 17 anything we want to clarify?
 18 (Silence.)
 19 CHAIR STONE: No. I think we should even give
 20 this young man a hand as well.
 21 (Applause.)
 22 CHAIR STONE: Good job. Thank you so much for
 23 being here. Really, it's appreciated. And this hard
 24 work is really amazing. Thank you.
 25 MR. JENKINS: Thank you.

1 CHAIR STONE: Commissioner Wiger.
 2 MEMBER WIGER: Just -- just curious. You said
 3 you're in college. In a particular program?
 4 MR. JENKINS: Working towards a public
 5 administration bachelor's degree.
 6 MEMBER WIGER: Okay. Well, this is good
 7 enough that -- no, it really is. This is good enough
 8 that your faculty member -- you ought to be able to
 9 fluff this up a bit. This could be turned in as a major
 10 project. It's that good.
 11 MR. JENKINS: Thank you.
 12 MEMBER DELEON: You got an A.
 13 MEMBER WIGER: It is.
 14 MR. JENKINS: I must say my biggest education
 15 came from the opportunities I was given as a -- as an
 16 employee by -- by various people. And -- and I think
 17 all of you would agree that, in our County -- you know,
 18 even Ed over there, he's not looking at me, but he's
 19 taught me a lot, you know. So everybody that I've run
 20 around with over the years is that good group of people
 21 that has a common interest in mind, which is to do good
 22 to the people. And you -- if you open your ears and
 23 your minds, you can learn a lot. And so I can't take
 24 credit for this. This is a -- this is a result of a lot
 25 of people that have invested time in me, other -- other

1 people I've worked with and I run around with, and
 2 people I've listened to. These are the ideas of
 3 countless peoples in our community and in government
 4 that feel this way, too. And that if -- and I'm just
 5 sharing their views. So I would appreciate if I could
 6 share that credit with -- with all of them.
 7 CHAIR STONE: Thank you again. Thanks so
 8 much. Have a great day.
 9 Next on our agenda is the appearance by our
 10 own illustrious Frank De Rego, Jr.
 11 MEMBER DELEON: You got 10 minutes.
 12 MEMBER DE REGO: I got five minutes.
 13 CHAIR STONE: And before we get to that.
 14 Tonya, do you need a -- okay, Frank. So the long
 15 awaited --
 16 MEMBER DE REGO: Yeah. I get to change places
 17 here. This is going to be very short, actually. A lot
 18 of this has been covered.
 19 CHAIR STONE: Frank, I find that very hard to
 20 believe.
 21 (Laughter.)
 22 MR. DE REGO: Hello, Commissioners. My name
 23 is Frank De Rego, Jr. I am the Chair of the Cost of
 24 Government Commission.
 25 What you have in your exhibits is, basically,

1 the recommendations that were arrived at, at our Cost of
 2 Government Commission meeting on July 14th, 2001 [sic].
 3 As you know, the mandate of the Cost of
 4 Government Commission is outlined in the Charter.
 5 8-16.1, is to provide economy, efficiency and improved
 6 service in the transaction of the public business and
 7 the legislative and executive branches of the County.
 8 In line with that mandate, the commission decided to
 9 limit its recommendations in an effort to effect
 10 structural change in the County which, in the
 11 estimations of the commissioners, would have the optimal
 12 positive effect.
 13 So, basically, we have three recommendations.
 14 The first recommendation is as follows: To
 15 change the County's budget cycle from an annual budget
 16 to a biannual budget cycle.
 17 I think you've heard this before. I don't
 18 think it needs to be repeated. Basically, we've heard
 19 how the County departments, the Mayor, actually, made it
 20 start in August up until February. It's lessening the
 21 burden on the County departments to engage in extensive
 22 budget preparations each fiscal year.
 23 It also opens the possibility for more
 24 in-depth discussions and policymaking on other issues.
 25 If you're not dealing with the budget every year, it

1 allows -- if you've seen the last -- I mean, this
 2 happened two years in a row. If you've seen the budget
 3 discussions, all of a sudden, the property tax rate gets
 4 very in-depthly discussed in the last five days before
 5 the budget is supposed to be approved. There's got to
 6 be a way of being able to break that cycle where
 7 in-depth discussion can be done on very important issues
 8 that would have a long-term effect on County operations
 9 and the efficiency of County government. And last, but
 10 not least, obviating the time and expense of holding
 11 annual public hearings on the budget in each Council
 12 district. This is sort of an annual thing that happens.
 13 It also puts the Council itself. Once the departments
 14 are sort of put in a standstill, then the Council is
 15 sort of put on a standstill for a few months while
 16 they're going around to all these public hearings and,
 17 also, just dealing with the budget up until it's
 18 approved in June.
 19 The commission recognizes that instituting a
 20 biannual budget or any kind of system is not an
 21 operational panacea. Okay. It's not going to solve all
 22 the issues in terms of making the Council and the
 23 departments work more efficiently in the budget
 24 situation. That notwithstanding, the commission
 25 contends that sufficient processes could be set in place

1 to deal with economic challenges as they arise within
2 the context of biannual framework.
3 One of the things about biannual budgets, they
4 work in stable times. When you start getting problems
5 like we had with the economic downturn, when you have to
6 start resetting property tax rates and those kinds of
7 challenges, then it is a real challenge to -- to develop
8 a biannual budget.

9 By and large, though, those kinds of issues
10 can be dealt with during the supplemental time. Right?
11 At least that's the way the Cost of Government
12 Commission sees it, that they could put processes and
13 rules in place of how to deal with those kinds of
14 particular issues during the second year of the
15 biannual.

16 Now, in regards to this, we don't think, as
17 the Cost of Government Commission, that, you know, all
18 this is interwoven and interconnected. You need the
19 structural kinds of decision-making processes in place
20 in order to support a biannual budget. So the
21 commission believes that in order to make a biannual
22 budget work, that there needs to be a change from
23 two-year terms to four-year terms for councilmembers.

24 Now, I've heard a lot of the arguments
25 about -- you know, that we've heard earlier. We don't

1 have a luxury of a bicameral institution. Right? I
2 mean a lot of the reason why the House of
3 Representatives and Congress is two years is because we
4 have a six-year Senate. Okay. So there sensed to be,
5 you know, that continuity. We only have one legislative
6 body.

7 And I think in terms -- what happens, at least
8 from the Cost of Government's position, is that there's
9 a lot of strategic planning going on, but not a lot of
10 long-range planning. And a four-year term would give
11 the opportunity, along with the biannual budget, to do a
12 lot more long-term planning within the Council and
13 within the departments as well.

14 So our recommendation would be to change the
15 present system of five two-year terms of councilmembers
16 to three four-year terms. The term of councilmembers
17 would be staggered. In contrast to the present status,
18 the limit of the three four-year terms for any
19 individual would be absolute whether or not the terms
20 are served consecutively.

21 Now, I don't know how this would affect the
22 state or the federal Constitution in terms of, you know,
23 due process or equal protection or anything else, but,
24 you know, it follows the person, even if you're on for
25 four years, off for four years, on for four years, after

1 12 years, you're done. So this, we feel, would solve
2 the incumbency problem.
3 We were looking for the balance between
4 experience and getting new blood and new ideas and new
5 people. Okay. Like any human system, there's no
6 guarantees. Correct? But as far as we were concerned,
7 this gave a balance. 12 years is a long time, and then,
8 you know, give somebody else a chance, even if it's 12
9 years that is broken up. So this is something that we
10 would request the Charter Commission at least to look
11 into in terms of the constitutionality of that as well.

12 The last recommendation by the Charter
13 Commission -- I mean, by the -- by the Cost of
14 Government Commission would be the creation of the
15 Office of County Auditor and the incorporation of the
16 Cost of Government Commission within the office. We
17 feel that, as a matter of management audits or
18 performance audits and fiscal audits or finance audits,
19 it's very, very important to have an independent
20 auditor.

21 We know that the Mayor has made movements
22 toward having a finance auditor within the departments.
23 We applaud him for that. We applaud the -- the
24 Legislative Branch, the Council, for also, you know,
25 trying to perform audits on the departments. But the

1 Cost of Government Commission believes an independent
2 auditor would make the whole situation a clean one.
3 Okay. That it would be independent of both the
4 legislative branch and the Mayor's branch, the Executive
5 Branch. And that the auditor would have a six-year term
6 as outlined by -- in Councilman White's resolution,
7 which we added as an attachment, but that all audit
8 functions then would be invested in the Office of County
9 Auditor. And that's what it says in -- in Councilman
10 White's resolution. Therefore, there wouldn't be this
11 duplication of audits in the Legislative Branch and in
12 the Executive Branch. That all audit functions,
13 management and fiscal audits, would be moved into the
14 Office of County Auditor.

15 And it only makes sense if the Cost of
16 Government Commission, which has been in -- under the
17 Mayor's Office for years, has acted as sort of a quasi
18 auditor, if you look at it. Right? You know, over the
19 past three years, if you looked at some of the reports
20 that have looked at performance in terms of energy, in
21 terms of transportation, the use of vehicles, well,
22 these are all performance audits, basically, in terms of
23 how the County operates.

24 What the Cost of Government Commission could
25 do is, while the county auditor is looking at specific

1 issues in the departments, the Cost of Government
2 Commission could be looking at certain issues and making
3 recommendations of what the office of auditor should be
4 out looking at as well. So we could be working in
5 tandem with the county of office -- the Office of County
6 Auditor.

7 One thing I did not include in here, which I
8 will be sending an addendum on the basis of the -- our
9 minutes from the Cost of Government Commission, is I
10 forgot to add the extension of terms for the Cost of
11 Government Commission from two years to four years. We
12 would love the legislative -- our legislative
13 investigator here to have the Commission find out why it
14 was two years in the first place, if anybody can
15 enlighten us on that one. But every other commission
16 has five years. The cost of Government Commission was
17 the only commission in the Charter which was limited to
18 two years. So we figured we would double our time. Or,
19 as the Mayor suggests, have two five-year terms. So --

20 And that's it.

21 CHAIR STONE: Great. Frank, impressive.
22 Thank you very much, Chairman

23 MEMBER DELEON: Five minutes over. I'm sorry.

24 CHAIR STONE: Actually, this is great. I'm
25 going to open up the floor, if there's any questions for

1 Frank from the Commission. Cliff.

2 MEMBER HASHIMOTO: Frank, I'm amazed. I have
3 to tell you that. Because what I expected on your
4 report, because you took so long, that there was going
5 to be a whole bunch of numbers that we had to look at.
6 And it turns out you didn't do that, so I'm proud of
7 you.

8 CHAIR STONE: Great job, Frank. Really great
9 job. Commissioners, clarifications or questions?
10 Commissioner DeLeon.

11 MEMBER DELEON: Any thoughts about
12 qualifications for being on the Cost of Government?

13 MR. DE REGO: Now, as an individual -- I'm
14 going to speak as an individual now and not as the Chair
15 of the Cost of the Government Commission -- that has run
16 through my mind in terms of -- right now, if you want to
17 know what we're looking at, we're actually looking at
18 leasehold properties in the County and that whole issue
19 in terms of County office space. I won't let our
20 thunder out right now, but it is a considerable issue
21 that we're investigating right now. We're lucky we have
22 somebody who is actually a property manager and also an
23 accountant on our commission right now. So that ran
24 through my mind, you know, some of these issues are very
25 specialized. It would help to, at least, again, have a

1 floor. Maybe not all nine commissioners have some sort
2 of role, but at least have two or three that would, you
3 know, own a business or be an accountant or a property
4 manager or something in those regards when we're looking
5 at specific County issues. So, yeah, I, as an
6 individual, have thought about, you know, at least two
7 or three of those positions being directed in some way,
8 shape or form to have some sort of qualifications. So
9 that is a point that's well-taken.

10 CHAIR STONE: Good. Commissioner, please.

11 VICE-CHAIR HEDANI: Frank, one of the items
12 that you mentioned in the course of the discussion was
13 that the auditor's office should be housed -- or the
14 Cost of Government Commission should be housed within
15 the auditor's department, like the Police Commission,
16 like the Fire and Public Safety Commission. Have you
17 given any thought to the Cost of Government Commission
18 selecting the auditor and hiring and firing the auditor
19 like the Fire and Public Safety or the Police Commission
20 does?

21 MR. DE REGO: We have not. Under the present
22 system, what it would be would be the Council would
23 select the auditor and then they would have a term of
24 six years. We're perfectly willing to go back and
25 discuss that issue. It did cross my mind, at least, but

1 it wasn't something that came up in our discussions. So
2 I could go back and discuss that with them in terms of
3 looking at the recommendations.

4 But, of course, the Charter Commission could
5 decide that that would be a good way to go, to make the
6 auditor, in a sense, truly independent, in a sense.

7 But, yeah. No, we could go -- take that back
8 and discuss it with the Cost of Government Commission.

9 CHAIR STONE: Thank you, Commissioner Hedani.
10 Commissioners, any further questions or clarifications?
11 (Silence.)

12 CHAIR STONE: Frank, great job, dude. Thanks
13 very much. Fantastic. You were worth the wait.

14 Next on our agenda, we quickly want to touch
15 base, update on the matrix with Sherry.

16 MS. BRODER: Okay. Well, I've continued to
17 work on the matrix. And I'm going to circulate the full
18 matrix before the next meeting.

19 (Applause.)

20 CHAIR STONE: Yay. Which, if I may chime in
21 here, that also means that our date for receiving
22 proposals is coming very closely to an end. So,
23 Commissioners, if you guys -- basically, all proposals
24 are going to need to be received by next week in order
25 for our matrix to be completed in time. So if you know

1 of anybody who wants to get their proposals in, please
 2 let them know that it has to happen very soon.
 3 MS. BRODER: Okay. So I'm going to have this
 4 Draft 1 of the matrix completed and circulated at the
 5 same time as the agenda. So if you are doing new
 6 proposals beyond that, it will have to be added on, I
 7 guess.
 8 CHAIR STONE: Sherry and I had this discussion
 9 before this meeting. And the issue we're going to run
 10 into is that we are going to be moving through the
 11 master list, our matrix. And to start jumping back with
 12 new proposals, going back to the beginning, is going to
 13 be pretty difficult. I think we're going to -- we're
 14 going to have to put a end to receiving proposals. And
 15 I believe that ends next week. So --
 16 MEMBER DELEON: Mr. Chair, I think you got to
 17 give the public at least some kind of notice on that.
 18 You can't just cut it off and say you're not going to
 19 take any more proposals without giving the public some
 20 kind of --
 21 CHAIR STONE: I respect that.
 22 MEMBER DELEON: -- knowledge of that.
 23 CHAIR STONE: I respect that, Commissioner
 24 DeLeon. It's just, as you know, we're up against a time
 25 crunch. And we just have to make sure we do not miss

1 that time crunch.
 2 Commissioner Moikeha.
 3 MEMBER MOIKEHA: I don't see any problem with
 4 receiving it. It's just that we may not get to it. And
 5 the priority list will be what we've already received
 6 and put into a matrix form. So we don't necessarily
 7 have to cut anyone off. You'll continue to receive, you
 8 know, proposals, possibly.
 9 I have a feeling it's just going to be more of
 10 what's already out there. I think everybody pretty much
 11 has a good idea of what some key issues are and what the
 12 proposals are. And I don't think there's anything new
 13 and not heard of yet that might come through. But it
 14 might. But we don't have to cut it off.
 15 CHAIR STONE: So what is your recommendation,
 16 Commissioner DeLeon, here?
 17 MEMBER DELEON: Put out a press release, make
 18 an announcement of, you know, what the deadline is to
 19 give a firm date. And then, as Susan mentioned, say
 20 we'll still continue to take proposals, but -- because
 21 it's an open mic kind of deal, anybody can walk in and
 22 give us a proposal, but it doesn't mean -- at some point
 23 we have to stop and start, you know, digesting what we
 24 heard.
 25 CHAIR STONE: Exactly. Of course, we're going

1 to continue taking oral testimony, communication and all
 2 public testimony will still be coming in. I think that,
 3 to be fair to the public as well, we need to define what
 4 the Commission is going to start looking at seriously.
 5 So we have to get to work. So I -- I like the idea of a
 6 press release. I think we should --
 7 MEMBER DELEON: Give me a date. Maybe a sense
 8 of how many -- how many items we got already.
 9 CHAIR STONE: Sherry, where are we at right
 10 now?
 11 MS. BRODER: Well, I'm probably at about 65.
 12 And I -- I will say, I think, that what I'm discovering
 13 is you're going to see a lot of repetition. I tried to
 14 be fair to everybody. And unless it was really
 15 identical, then I gave it a new number and I included
 16 it. But you'll see, I think, that, as you were saying,
 17 that you're seeing a lot of repetition now. So we'll
 18 probably have -- but I think what I could do is, we
 19 talked about it -- the chairman and I talked about it,
 20 and we were thinking, I would do the matrix, which would
 21 be everything all numbered, and then I would start an
 22 active consideration matrix. And that would be, as you
 23 go through each section of the Charter, and you decide
 24 the ones that you're interested in, actually interested
 25 in, might actually consider proposing to the voters,

1 then that would go on the active list.
 2 So what I can do, I think, is if you're going
 3 to be making -- you know, if there are going to be
 4 proposals from the Commission itself, the Commissioners
 5 themselves, you know, obviously, we're going to do it.
 6 And if you have a week to do it -- I won't be able to
 7 include it in Number 1, Matrix Number 1. So, you know,
 8 we could do Matrix Number 2 for, then, the next meeting
 9 in the event that -- I mean, I don't think you'll be
 10 able to get through the whole list, anyway. I was
 11 probably going to do it by section. And so -- and then
 12 what we could do, so we kept the numbering the same, is
 13 any new ones that came in -- let's say we're in the
 14 County departments, Department of Prosecuting Attorney,
 15 and the last one in that section is Number 39, and we
 16 get any new proposals in, I'll start -- especially if
 17 they're from the Commissioners, I'll merge them in. But
 18 I'll label it 39A, 39B, so that we don't -- you guys
 19 don't get stuck going crazy with all the different
 20 numbers and have everything re-numbered. So -- so then,
 21 that way, you can get something from the public that's
 22 really brand new and add it on. But, that way, you'll
 23 also know that it's been added on. Right? Because it
 24 won't have just a number, it will be number and a
 25 letter. So you'll know those are all late submissions.

1 CHAIR STONE: Commissioner De Rego.
 2 MEMBER DE REGO: Yeah. I'm wrestling with
 3 this right now because there's certain issues I think
 4 that we're going to have to deal with as a Commission
 5 and maybe certain ones that we recommend that the
 6 Council deal with as Charter issues later on. I don't
 7 know if we can do that or not, but, you know, there's a
 8 lot of housekeeping ones that maybe would be better to
 9 recommend to the Council, that, at some point, they
 10 maybe, with their Charter making authority, after we're
 11 over, would look at. At the same time, there's certain
 12 kinds of very extensive kinds of issues that have come
 13 up, at least in my mind, that we really haven't had a
 14 chance to -- to look at or to kind of -- I mean, what
 15 Mr. Jenkins did here just got my mind going, I mean,
 16 about the consistency in all of the commissions that are
 17 a part of the Charter that are not -- you know, that
 18 hire and fire their directors. And if, through his
 19 research, he's discovered some discrepancies and some,
 20 you know, things that we need to look at, you know,
 21 that's large structural change. Because, I mean -- I
 22 mean, I had pointed out with the fire -- Police Chief
 23 that there's not a consistency across the board of
 24 what's even expected as a floor, right, in terms of what
 25 these commissions are expected to do. And I think

1 that's a large issue. But how you get your hands around
 2 that and make it into something that's going to be
 3 understandable for the voters, that's a whole other
 4 story.
 5 CHAIR STONE: True. Commissioner De Rego, it
 6 must be the seat, because the statement becomes much
 7 longer when you get back to your --
 8 MEMBER DE REGO: Yeah. So you want me to
 9 stand up there from now on, is that it?
 10 (Laughter.)
 11 CHAIR STONE: It's your space. Commissioner
 12 DeLeon.
 13 MEMBER DE REGO: It's me thinking out loud,
 14 Mr. Chair.
 15 MEMBER DELEON: Yeah. Actually, I've been
 16 sitting on a couple of proposals of my own that I didn't
 17 have really a good place or time to put it in. My first
 18 one was so well received, I kind of backed off.
 19 (Laughter.)
 20 MEMBER DELEON: But as noted today, and the
 21 thing with -- the thing with the Council rejecting
 22 Mayor's appointments, and then -- and they absolutely
 23 have the right to reject. I meant taking over the
 24 authority of the Mayor to appoint. I think that's a
 25 real structural problem that's bothered me for a long

1 time, because that used to be my home. I used to be
 2 involved with that all the time. So that's something
 3 that was like an example, one of the thoughts that I
 4 have been chewing on. That's why I kind went off when
 5 it came up, because I just needed to have that
 6 opportunity to express it. But there is two or three of
 7 those that are sitting out there that I would like to
 8 try to articulate.
 9 And then the thing that the Mayor brought up
 10 today that I think we have to think in terms of a
 11 broader proposal to the future is do we look at a city
 12 manager approach. That's a whole new form of the
 13 government. It's not what we have now. And -- no, my
 14 point, though, is, you know, do we make a -- do we think
 15 about recommendations for the future, not just proposals
 16 to the -- the voters in this run.
 17 MEMBER DE REGO: Right.
 18 MEMBER DELEON: But a list of recommendations
 19 of things that have to happen. And what, you know,
 20 Frank suggested -- I mean, I'm looking at Greg's
 21 proposal here. It's so in-depth and so well studied,
 22 but we don't have that for all the other departments.
 23 So how do you have the consistency in all of the
 24 departments, not just the ones that are appointed by a
 25 commission? So, I mean, where do you get that

1 consistency? I mean, do we have enough time to do that
 2 kind of digestion to be able to get there?
 3 CHAIR STONE: I think that's my point, is that
 4 we need to get going. So that when we run into those
 5 issues and we hit that particular part of our Charter,
 6 we have enough time to be educated ourselves on the
 7 proposals we are going to work on.
 8 Commissioner DeLeon.
 9 MEMBER DELEON: Well, my thought is maybe that
 10 might be -- we might have to back that off. Because,
 11 you know, all due respect to Greg, but he's opened up a
 12 can of worms. So we have to have all these other
 13 departments we have to try to be consistent with. And,
 14 you know, if the Fire Commission's portion of the
 15 Charter runs four pages, then Public Works runs half a
 16 page, it's a little bit of mismatch there.
 17 CHAIR STONE: I have no comment to that.
 18 Thank you, commissioner DeLeon. I think we're going to
 19 have to -- okay. This is -- this is really -- this --
 20 all of this will come up. And I think we need to start
 21 working so that we can bring this to the forefront.
 22 That's all I'm saying. We need to get going.
 23 I like Sherry's idea of new proposals coming
 24 in join the matrix, but listed as new after this period
 25 once we start it, so we don't get confused.

1 Commissioner Wiger.
 2 MEMBER WIGER: The question that I had, and
 3 it's only a housekeeping thing internally, with how
 4 you're going to arrange it.
 5 CHAIR STONE: Commissioner Wiger --
 6 MEMBER WIGER: I'm sorry.
 7 CHAIR STONE: -- microphone.
 8 MEMBER WIGER: Yeah, sorry. You said there's
 9 like 65 or --
 10 MS. BRODER: Or more.
 11 MEMBER WIGER: Or more. They're going to
 12 be -- you're clumping them, I am hoping.
 13 MS. BRODER: Yes, I'm working this along the
 14 Charter. So --
 15 MEMBER WIGER: Okay.
 16 MS. BRODER: Proposal for --
 17 MEMBER WIGER: Clumping is a very professional
 18 word. Yeah. Yeah.
 19 MS. BRODER: So, for instance, mandatory
 20 review by the Charter Commission, Section 14.3, you
 21 know, Article 14, Charter amendment. Okay. Anything
 22 that has to do with that is -- they're all grouped
 23 together.
 24 MEMBER WIGER: Thank you. That's all.
 25 CHAIR STONE: Commissioner Moikeha.

1 MEMBER MOIKEHA: So just to clarify, when you
 2 say you have this many, it's -- you're taking the exact
 3 words of people out of the minutes and putting it in
 4 there, even though it has the same basis of --
 5 MS. BRODER: No. I didn't take the exact
 6 words of --
 7 MEMBER MOIKEHA: So you kind of summarized and
 8 then it goes under this category, and there was that
 9 many different approaches? Wow.
 10 CHAIR STONE: Because -- explain there was --
 11 MS. BRODER: Yeah. So, for instance, you
 12 know, like just take district elections, County Council,
 13 right, single-member districts, I'm just reading you
 14 some of the titles of the proposals as I did it,
 15 single-member districts with Lanai and Molokai in
 16 separate districts, single-member districts with
 17 self-rule for Lanai and Molokai, proposals to retain
 18 at-large districts with geographic residency, residency
 19 requirement for County Council, member proposals. So
 20 that's like some people wanted 60 days, some people
 21 wanted 90.
 22 MEMBER MOIKEHA: So the variations within that
 23 block.
 24 MS. BRODER: Yeah. Five-year requirement for
 25 County councilmembers. Proposal to require

1 Apportionment Commission every 10 years, you know. So
 2 that's kind of, you know --
 3 CHAIR STONE: And all of those variations are
 4 grouped together, so that we can immediately look at all
 5 of the variations in that and then target in on what
 6 we're going to be discussing, or if it's something we're
 7 working on. So the idea is that we take the best of all
 8 the proposals that are available in that category.
 9 MEMBER MOIKEHA: And how are we going to
 10 review this? Are we going to do it in the order of the
 11 matrix as it corresponds with the order of the Charter?
 12 CHAIR STONE: It's at my discretion. I think
 13 what I want to do is start from the beginning and I'll
 14 work through. But I want to -- I want to let you all
 15 know that I am seriously putting district voting at the
 16 end because I do not want to take up all of our time on
 17 district voting. There's a lot of good proposals out
 18 there, and I think --
 19 MEMBER DELEON: You're going to leave no time
 20 for it.
 21 CHAIR STONE: I don't want us to get bogged
 22 down until we go through the less contentious proposals.
 23 MEMBER MOIKEHA: Well, there's one way to
 24 manage it. And I'll just throw it out there as a
 25 suggestion. Even if you took it in chronological order,

1 as she's put it out in the matrix, corresponding with
 2 chronological order of the Charter, what you do is put a
 3 time limit on the discussion. So the proposal is put
 4 out there, stated on the floor, there's discussion, and
 5 you can say half hour for discussion of this subject
 6 matter, and then we need a motion either to move it on
 7 or to leave it out or take it out, or maybe we need to
 8 defer it because we need more information. And then you
 9 be real strict about how many times we can go around and
 10 debate this. So there's this general information time
 11 where we can just have at it and then you get down to
 12 actually making a decision. And it's -- and use
 13 Robert's rules to enforce that. You know, you get twice
 14 around the table, that's it, and then we go to a vote.
 15 But you can take any one of those proposals, no matter
 16 how controversial they are and you can control it by
 17 time.
 18 CHAIR STONE: There's something that I'm
 19 noticing in the matrix that you guys don't see yet, is
 20 the bulk of options per proposal. And that is going to
 21 become the time constraint. Because when we do talk
 22 about, say, district voting, there's so many different
 23 proposals on district voting that we can't give it half
 24 hour to discuss because we're going to have to go
 25 through like everything that's been proposed.

1 Yes, we're going to get very strict.
 2 MEMBER MOIKEHA: And it may be at the end of
 3 that discussion, using that as an example -- not to say
 4 it's going to happen this way -- that this is something
 5 that's going to be referred to the next 10 years or to
 6 the Council. I mean, we can't delve, as you said, into
 7 every single option and know --
 8 CHAIR STONE: Agreed.
 9 MEMBER MOIKEHA: -- which one is the best.
 10 CHAIR STONE: Agreed.
 11 MEMBER MOIKEHA: And so it might go to the
 12 fact that we do make a recommendation to the Council
 13 that you guys take it up in the next two years or
 14 whatever.
 15 CHAIR STONE: That is a possibility. What I'm
 16 saying is let's start discussing them.
 17 MEMBER MOIKEHA: My other question is -- and
 18 maybe this is for Corp Counsel -- how much of this as
 19 housekeeping, re-numbering or even correction of words,
 20 can be done without Charter amendments to clean it up
 21 and have consistency? Or does everything have to be
 22 through the Charter, like the inconsistency of --
 23 housekeeping.
 24 MS. BRODER: You could just have one amendment
 25 at the end, which is called technical amendments, and it

1 could have, you know, all of that stuff. We could kind
 2 of just, you know, start compiling it as you go along,
 3 and, you know, come up with something at the end that
 4 would be -- conform the Charter, you know, whether it's
 5 he/she or grammatical errors or you want to conform the
 6 different titles in these little different sections.
 7 MEMBER MOIKEHA: So a name change of a
 8 department, would that be considered housekeeping or
 9 would that have to go to a Charter amendment?
 10 MS. BRODER: I think the name change of the
 11 department would have to go to the people for approval.
 12 But to conform, you know, everything in the Charter to
 13 it, that probably would have to be in a Charter
 14 amendment. But if you're talking about grammatical
 15 changes or corrections or something like that, then I
 16 think you could have one amendment at the end, which is
 17 just a technical amendment, to clean up the Charter.
 18 MEMBER MOIKEHA: Yeah. And, see, this is my
 19 question -- I'm going to look to the Analyst and Corp
 20 Counsel to tell us as we go through this -- which things
 21 can really be done administratively. I mean, it's a
 22 question that was posed to the Mayor today. And I heard
 23 some things that he said could be done administratively,
 24 oh, I just want to codify it, or, you know, make it even
 25 stronger by putting it in the Charter. You know,

1 Council can do that, you know. He can work through the
 2 Council to do those kind of things. So I'm kind of
 3 looking, as I go through this, as like what are the most
 4 important things that must be done through the Charter
 5 and have no other venue to get it done and it's that
 6 important. So --
 7 CHAIR STONE: Commissioners, any further
 8 discussion about the matrix at this point? Chair -- oh,
 9 Commissioner DeLeon.
 10 MEMBER DELEON: So I need a deadline for -- I
 11 mean, a deadline for the public for proposals. And
 12 while I'm on that, I'm going to need a real clear idea
 13 when the next meeting is. Because we got like exactly
 14 two weeks, and I need to get a press release out on the
 15 next meeting.
 16 CHAIR STONE: Right. So I will make this part
 17 of our announcement. Our next regular meeting is
 18 Monday, September 12th, 2011, 12:00 p.m., here in the
 19 Planning Conference Room, Kalana Pakui Building.
 20 As you know, Dave, we have to -- with Sunshine
 21 Law, we have to have seven days prior to that meeting,
 22 so that would be September 5th.
 23 MEMBER DELEON: What, for my -- for me to get
 24 the information?
 25 CHAIR STONE: No. It would be -- if -- if

1 we're able -- if we're going to complete the matrix, our
 2 first round of matrix, which we can -- actually, we can
 3 complete now, because now we have a good system for new
 4 proposals coming in. So maybe it's not necessary to put
 5 it out to the public that they -- they cannot put in
 6 proposals. Because we're going to put them on the
 7 matrix. So I think, Dave, it's kind of a moot point.
 8 MEMBER DELEON: You said October 12th. That's
 9 a Wednesday.
 10 CHAIR STONE: That is a -- I'm sorry.
 11 September 12th. Excuse me. September 12th, Monday.
 12 Is there any discussion on that? So I don't
 13 think we need to put out a press release. We'll accept
 14 proposals. But this first matrix is going to be
 15 finalized and on our agenda on -- by the 5th, correct?
 16 MS. BRODER: Right.
 17 CHAIR STONE: Correct.
 18 MS. KAHUHU: Chair?
 19 CHAIR STONE: Yes. Lisa, yes.
 20 MS. KAHUHU: September 5th is a holiday, just
 21 to let you know that, it's Labor Day.
 22 CHAIR STONE: Great. So it's going to have to
 23 be --
 24 MS. BRODER: Friday.
 25 CHAIR STONE: You better get cracking. Okay.

1 MEMBER DELEON: Let's go back again. You said
 2 we don't need a press release for what?
 3 CHAIR STONE: We don't need to notify the
 4 public that we're cutting off the proposals. We're
 5 going to continue taking proposals.
 6 MEMBER DELEON: Okay.
 7 CHAIR STONE: I guess the primary point here
 8 is that, our next meeting, we are going to jump into
 9 looking at the proposals we have and starting with
 10 preamble to whatever. Depending on what I see out of
 11 the matrix, I will make the -- I'll set the agenda,
 12 assuming that I have a good guess on what we're going to
 13 end up -- how long we're going to take.
 14 Commissioner Hedani.
 15 VICE-CHAIR HEDANI: Josh, just as a matter of
 16 process, the question that I had was how do we -- I feel
 17 like we've been approaching everything from different
 18 parts of the elephant, you know, feeling the tail,
 19 feeling the trunk, and not really getting from beginning
 20 to the end of the Charter, getting through those 51
 21 pages. From the standpoint of process, do we start with
 22 the preamble and dovetail the proposals that have come
 23 in to each paragraph?
 24 CHAIR STONE: Yes. Yes. There has to be some
 25 format and we have to move through it efficiently. And

1 I think that's the only possible way we can move through
 2 it.
 3 MEMBER DELEON: That means you're going to do
 4 districts early, then?
 5 CHAIR STONE: Well, except for maybe that one
 6 particular section. I will think about -- I'm thinking
 7 about it. Let's see how -- I want to see how we handle
 8 ourselves going through the first round. Basically,
 9 there's so many great proposals out there that we'll
 10 probably say, wow, this is great, but if we're bogged
 11 down on one particular thing, they could be missed
 12 because of time constraints.
 13 Yes, Commissioner Moikeha.
 14 MEMBER MOIKEHA: Since you're talking about
 15 what we're going to do, we're going to actually get into
 16 it, timeframe, are we going to cut the meeting at 4:00
 17 or are we going to extend to now working an eight-hour
 18 day?
 19 CHAIR STONE: Well, actually, Sherry pointed
 20 out to me that, in looking at the past Charter
 21 Commission, we've given ourselves a lot of meetings
 22 compared to how long it took them to get through their
 23 proposals. So, hopefully -- answer to your question,
 24 we're going to see -- we're going to have to see how we
 25 do. If we are going slow and we're not doing a very

1 good job, we're going to have to put more hours in.
 2 MEMBER MOIKEHA: Okay. So we should plan that
 3 we're having a four-hour meeting and then we'll see how
 4 it goes from there?
 5 CHAIR STONE: We'll see how it goes from
 6 there.
 7 MEMBER MOIKEHA: And I just want to throw this
 8 out there because I know Lisa did an email prior to our
 9 last meeting about looking at room availability here.
 10 And I don't know if it was discussed after I left. I
 11 cannot give another day to this Commission. It's either
 12 going to have to be same day, extended hours --
 13 CHAIR STONE: Right. We looked into that.
 14 And so we can get everybody here at 10:00 a.m. And,
 15 obviously, we'll go as long as we need to go. So --
 16 MEMBER DE REGO: 6:00.
 17 CHAIR STONE: It was something -- the max was
 18 6:00. So we're looking at the maximum being 10:00 to
 19 6:00. And that way, we should avoid having to add days
 20 to the calendar. And, again, we need to get started so
 21 we can see where we are and how we act.
 22 Any further discussion?
 23 (Silence.)
 24 CHAIR STONE: Okay. Great. Well, I will --
 25 without objection, I will adjourn this meeting as of

1 4:30 p.m. Thank you, everybody, for being here.
 2 MEMBER SUGIMURA: Great meeting.
 3 CHAIR STONE: Yeah, very good meeting. Thank
 4 you, guys.
 5 (Meeting adjourned, 4:30 p.m.)
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CERTIFICATE

I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney nor an employee of any of the parties hereto, nor in any way concerned with the cause.

DATED this 7th day of September, 2011.

Tonya McDade
Certified Shorthand Reporter #447
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