

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">COUNTY OF MAUI, STATE OF HAWAII</p> <p style="text-align: center;">APPROVED WITH CHANGES 12/12/2011</p> <p style="text-align: center;">CHARTER COMMISSION REGULAR MEETING</p> <p>Held at the Planning Department Conference Room, 250 South High Street, Wailuku, Maui, Hawaii, commencing at 10:06 a.m., on Monday, November 28, 2011.</p> <p>Reported by: Tonya McDade, CSR, CRR Certified Shorthand Reporters Maui Wells Street Professional Center 2145 Wells Street, Suite 302 Wailuku, Hawaii 96793 (808)244-3376 reporters@csrmaui.com</p>	<p style="text-align: center;">Page 3</p> <p>(Monday, November 28, 2011, 10:06 a.m.)</p> <p style="text-align: center;">* * *</p> <p>CHAIR STONE: Aloha, everybody. I'd like to thank everybody for attending this public meeting of the Charter Commission. My name is Josh Stone, and I'm the Chairman of the Commission.</p> <p>If you need, there are copies of today's agenda available for everyone with Lisa Kahuhu. Lisa. She's sitting right over there.</p> <p>And as per our rules, all discussions today shall be pertaining to these agenda items only.</p> <p>Before we begin public testimony, we have a few items of business to address.</p> <p>I would like to call this meeting to order as of 10 -- let's call it 10:08 a.m., a little late today.</p> <p>And I'd like to recognize our Commissioners that are present or excused. Lisa.</p> <p>MS. KAHUHU: Chair, Susan Moikeha is excused today, so is Flo Wiger. Yuki should be on her way. And Stacy's flight was delayed, but she'll be here.</p> <p>CHAIR STONE: Okay. We're feeling a little light today.</p> <p>Also, I would like to present our staff. We have Ed Kushi, Jr., Deputy Corporation Counsel. Ed, thank you for being here.</p>
<p style="text-align: center;">Page 2</p> <p>ATTENDANCE</p> <p>BOARD MEMBERS PRESENT:</p> <p>Joshua A. Stone, Chair</p> <p>Wayne N. Hedani, Vice-Chair</p> <p>Artemio C. Baxa, Member</p> <p>Stephanie S. Crivello, Member</p> <p>David P. DeLeon, Member</p> <p>Frank R. De Rego, Jr., Member</p> <p>Clifford P. Hashimoto, Member</p> <p>Wayne N. Hedani, Member</p> <p>Linda Kay Okamoto, Member</p> <p>Yuki Lei Sugimura, Member</p> <p>EXCUSED:</p> <p>Susan A. Moikeha, Member</p> <p>Flo V. Wiger, Member</p> <p>STAFF PRESENT:</p> <p>Ms. Sherry P. Broder</p> <p>Edward Kushi, Jr., First Deputy Corporation Counsel</p> <p>Lisa Kahuhu, Supervising Law Technician</p> <p>ADMINISTRATION PRESENT:</p> <p>Michael Molina, Executive Assistant to the Mayor</p> <p>OTHERS PRESENT:</p> <p>Jim Smith</p> <p>Bobbie Patnode</p> <p>Tony Ramil</p> <p>Sally Raisbeck</p> <p>Bill Medeiros, Geographic Services Manager in the Department of Management</p> <p>Rob Parsons, Executive Assistant to the Mayor</p>	<p style="text-align: center;">Page 4</p> <p>MR. KUSHI: Good morning.</p> <p>THE COURT: Good morning. We have Lisa Kahuhu, again, who is our Supervising Law Technician.</p> <p>MS. KAHUHU: Good morning.</p> <p>CHAIR STONE: Tonya McDade, our court reporter. Hands.</p> <p>And we have Mike Molina, our Executive Assistant from the Mayor's Office.</p> <p>MR. MOLINA: Good morning, Chairman.</p> <p>CHAIR STONE: Thanks very much.</p> <p>And I would like to say thank you for Akaku for being here and televising this to the public.</p> <p>Thanks, guys.</p> <p>At this time I would like to approve the minutes from our last meeting. The minutes were provided to the Commissioners prior to the meeting.</p> <p>Discussion.</p> <p>VICE-CHAIR HEDANI: So moved.</p> <p>CHAIR STONE: I have a motion to approve the minutes. Do I have a second?</p> <p>MEMBER DELEON: Second.</p> <p>CHAIR STONE: Motion's been seconded by Commissioner DeLeon. Discussion on the minutes? Any changes?</p> <p>MEMBER DELEON: Never mind.</p>

<p style="text-align: right;">Page 5</p> <p>1 MEMBER OKAMOTO: I just had a small one. It  2 was just a typo, I think.  3 CHAIR STONE: I'm so happy you let me scold  4 you so early on. That is really close.  5 MEMBER DELEON: Kay, you have yours? You want  6 to make your suggestion?  7 MEMBER OKAMOTO: On 205, it should say "RDP"  8 instead of "RGP." It's a committee. 205, Line 17.  9 MEMBER DELEON: I have one, too, Mr. Chair.  10 CHAIR STONE: Okay. One second. I'm sorry,  11 let's verify that again.  12 MEMBER OKAMOTO: Page 205, Line --  13 CHAIR STONE: 17.  14 MEMBER OKAMOTO: 17, it should be "RDP." "D"  15 like in dog.  16 CHAIR STONE: Thank you very much. And that's  17 good. That change is for the record.  18 Go ahead, Commissioner DeLeon.  19 MEMBER DELEON: Yeah, I have one on Page 231,  20 in reference to the Urban Design Review Board. And I'm  21 saying, basically, it's an architect's board, it came  22 out "architect sport." I say absurd things, but I  23 didn't want that to be in the record.  24 CHAIR STONE: Sorry. What line is that?  25 MEMBER DELEON: I'm sorry, line. It's 5 on --</p>	<p style="text-align: right;">Page 7</p> <p>1 (A chorus of ayes.)  2 CHAIR STONE: All opposed?  3 (No Response.)  4 CHAIR STONE: Good. The minutes are in the  5 record.  6 Moving on. We'll now move on to oral  7 testimony. Before we begin, I'd like to go over our  8 oral testimony rules. We'll call up each public  9 testifier in the order that they registered to testify.  10 Each person will have five minutes to testify on all  11 items in our agenda today. Following a testifier's  12 testimony, I'll ask the Commissioners if they need  13 clarification of the presented testimony.  14 Lisa, just for scheduling, how many testifiers  15 do we have right now?  16 MS. KAHUHU: Chair, we currently have four.  17 CHAIR STONE: Thank you. Please call our  18 first testifier.  19 MS. KAHUHU: Jim Smith.  20 CHAIR STONE: Mr. Smith, thank you for being  21 here today.  22 ...BEGIN PUBLIC TESTIMONY...  23 MR. SMITH: Chairperson Stone, Members of the  24 Maui Charter Commission, thank you very much.  25 This is getting to be a little bit difficult.</p>
<p style="text-align: right;">Page 6</p> <p>1 CHAIR STONE: An "architect sport."  2 MEMBER OKAMOTO: I thought that's what he  3 said.  4 CHAIR STONE: Tonya, is that really what  5 happened?  6 (Laughter.)  7 CHAIR STONE: Tell the truth. Okay. So what  8 should that -- what should that state, please?  9 MEMBER DELEON: "Architect's" -- apostrophe  10 S -- "board." It's a board of architects.  11 CHAIR STONE: If you'd stop with the lisp,  12 maybe we could get correct reporting. So it's,  13 basically, an architect's board, correct?  14 MEMBER DELEON: Thank you for the (inaudible)  15 in my articulation. Appreciate that.  16 CHAIR STONE: Very good. Okay. Any further  17 changes?  18 (No Response.)  19 CHAIR STONE: No. All right. We have a  20 motion to approve the minutes with changes.  21 MEMBER DELEON: We did.  22 CHAIR STONE: Vice-Chair Hedani.  23 VICE-CHAIR HEDANI: Just call for the vote.  24 CHAIR STONE: Very good. All in favor of  25 approving the minutes with changes, say "aye."</p>	<p style="text-align: right;">Page 8</p> <p>1 What's happening is that it seems to me that the Charter  2 Commission has lost sight of principle in their  3 involvement with technical -- there's a absence of an  4 attachment to good judgment. So opinion oversees  5 good -- our Charter provides for that with changing our  6 Charter by petition. That's opinion. You have X  7 number, you change. But when you have to study, it's  8 your good judgment, which is a principle, that supports  9 Article 1, Section 1 of our Charter, which I've given  10 you a copy of the draft -- of the revised Charter  11 Commission Report, Page 6, where it talks about that.  12 And it says that, fundamentally, it's to  13 confirm, okay, as primary basis for County governments,  14 each individual is recognized as having equal dignity  15 and equal worth. Now, when you apply that to whatever  16 change you make, it affects how you think.  17 Specifically, at the October 24th meeting, the  18 Mayor came and he approached you as a private citizen  19 and testified here, and was given first shot testifying  20 here. And a board member said he's exempt from the  21 five-minute rule. So then he became an ex officio  22 member. So then I became a nonperson. And that's a  23 violation of our, huh, principle of equal dignity.  24 Now, there was no member on the Charter  25 Commission who said, "Let's amend our rule, our agenda,</p>

<p style="text-align: right;">Page 9</p> <p>1 to bring forward this person." No. There was only a  2 Charter Commission Member saying he's exempt. And I sat  3 for 30 minutes wondering who's on first base.  4 Now we have district voting. District voting  5 confirms my dignity. It confirms the equal dignity of  6 each person in Lanai, each person in Molokai, each  7 person in Hana. The people who argue we should have one  8 person, one vote allegedly have a principle under that,  9 and there wouldn't be a compromise to say we're going to  10 reduce from nine to three, and be happy because we don't  11 have to vote for somebody in Lahaina or we don't have to  12 vote for this.  13 So there is no principle underneath this one  14 vote, one person argument. The fact is, it came about  15 because of a lack of equality, that notion. So we have  16 to hold on to principle. And I find it offensive that  17 there's this diversion.  18 Sustainability. Ha. That's a nonword.  19 Government doesn't do sustainability. That occurs.  20 It's like a -- it either happens or it doesn't, but it  21 comes from performance.  22 And if you have an inept Mayor in succession  23 year after year, well, then the drainage doesn't happen  24 in your subdivisions, the engineering isn't there,  25 there's no money for this and that. So what do you do?</p>	<p style="text-align: right;">Page 11</p> <p>1 get up to speed -- you read the agenda, not one question  2 asked --  3 MS. KAHUHU: Time.  4 MR. SMITH: -- did you vote. So you would  5 have to divide it in half if you wanted some number.  6 But thank you very much for your time.  7 CHAIR STONE: Thank you for your testimony.  8 One second.  9 Commissioners, any clarification on the  10 testimony?  11 (No Response.)  12 CHAIR STONE: No. Thank you very much for  13 being here today.  14 MR. SMITH: You're welcome.  15 CHAIR STONE: Lisa, next testifier, please.  16 MS. KAHUHU: Bobbie Patnode.  17 CHAIR STONE: Bobbie, thank you for being here  18 today.  19 MS. PATNODE: And thank you. I'm representing  20 the KCA. I'm Vice President of the KCA. My name is  21 Bobbie Patnode.  22 And I gave -- I brought copies of some survey  23 results that I'd like you to take a look at this  24 morning. We had a meeting on -- a general meeting of  25 the KCA on November 9th -- yes?</p>
<p style="text-align: right;">Page 10</p> <p>1 You form a division called "sustainability" and feel  2 good about it, but it means nothing. It means  3 absolutely nothing if I can't survive because of these  4 people reducing me in an economic system to a nonperson.  5 In the economic system, a manual laborer is a nonperson.  6 Here, we have equal dignity and worth, and you  7 will protect us. So I hope you'll abandon this notion  8 of districts, three districts. That's ridiculous.  9 So what, the guys in Molokai now have to come  10 across the ocean, assuming they'll get elected by  11 somebody in Kihei who would want to have somebody local  12 in there telling them what to do. Yeah, right.  13 Nine equals nine, makes me equal, gives me  14 dignity. Anything less, you take dignity away from  15 somebody. And that's the principle you avoid. And I  16 ask you, don't avoid the equality and value principle in  17 your work.  18 That sums up what I was going to say.  19 The other thing is your agenda. If I can't  20 read minutes, I don't know what you're taking up. Your  21 November 12th agenda, you received, by letter, a survey  22 that wasn't listed on your agenda, that each of you  23 reviewed, that I wasn't able to review until a month  24 later because that's when you approved the minutes.  25 That violates the Sunshine Law, in my book. If I can't</p>	<p style="text-align: right;">Page 12</p> <p>1 MEMBER DE REGO: Excuse me. Could you just  2 outline what the KCA is?  3 MS. PATNODE: Sure.  4 MEMBER DE REGO: A lot of people may -- that's  5 an acronym, and a lot of people --  6 CHAIR STONE: And, Bobbie, can you speak into  7 the microphone? Thank you.  8 MS. PATNODE: Is this better?  9 CHAIR STONE: That's better.  10 MS. PATNODE: Okay. That stands for Kula  11 Community Association. And we have about 140 paid  12 members and about 400 people on our mailing list.  13 We -- our general meeting, on November 9th, we  14 devoted entirely to the Charter changes, proposed  15 Charter changes. And Mr. Stone and Ms. Moikeha came up  16 to help us with that. We went over about four different  17 areas. And they -- the Commission Members were there to  18 give us the facts. And then we had pros and cons given  19 to us by KCA Executive Board Members.  20 These are the final results. And if you want  21 to see what the survey looked like that we took after  22 the meeting, that is on our website. We had not a great  23 attendance at our meeting, but we did have a lot of  24 people who answered the survey online afterwards.  25 So, first, the first area that we talked about</p>

<p style="text-align: right;">Page 13</p> <p>1 was proposing a reduction of the number of signatures  2 required for initiatives from 20 percent to 10 percent.  3 And what you're seeing on this chart is showing the  4 difference between the people who were attending the  5 meeting and had a good discussion and the people who  6 just saw the question online. So the people who  7 attended the meeting, we had more people in favor as  8 opposed to against, but the opposite was true when  9 people answered online.  10 And so then the third bar over shows you the  11 total. So the first line is people who were at the  12 meeting. The second line is people who took the survey  13 online. And the third line is the total. So that was a  14 noticeable difference for people who got education.  15 And the -- what we take away from this is, no  16 matter what happens with the Commission, it's going to  17 be really important to educate people and not just  18 assume they understand all the ramifications.  19 The second area was about proposing an  20 increase in term lengths and enacting term limits. And,  21 again, the first line is people who were at the meeting;  22 the second is the online survey; and the third is the  23 total. No matter what, people are showing a preference  24 for term limits regardless of whether the terms are  25 longer or not.</p>	<p style="text-align: right;">Page 15</p> <p>1 happened during the meeting that Lanai and Molokai are  2 not the same as everywhere else, and there needs to be  3 some consideration.  4 So the conclusion on this one is, no matter  5 what, the -- our membership are looking for some change  6 in how the councilmembers are elected.  7 And that's all I have to present.  8 CHAIR STONE: Thank you very much, Bobbie.  9 Commissioners, any clarification questions on  10 the testimony?  11 MEMBER DELEON: Mr. Chair?  12 CHAIR STONE: Yes, Commissioner.  13 MEMBER DELEON: Could you enlighten me on what  14 you mean by consideration for Lanai and Molokai? What  15 does that mean? And what was the survey thinking of  16 when it was asked?  17 MS. PATNODE: I can. Just a -- just a second,  18 Dave. We gave them -- on the survey, we gave them a lot  19 more information than when -- what you're saying here.  20 So we actually spelled out what 3.2, 3.3 and 3.4 were.  21 So like 3.2 is have nine districts elected by voters in  22 that district, and Molokai and Lanai might be in a  23 shared district with another community. 3.3 is nine  24 districts with a councilmember elected by voters in that  25 district without placing Lanai and Molokai in the same</p>
<p style="text-align: right;">Page 14</p> <p>1 And then, during the meeting, Josh suggested  2 that, in the comment part of the survey, we have people  3 write in what type of -- how long a term limit they  4 wanted. And that's on the next page there. You can see  5 people were more in favor of four years and more in  6 favor of two terms.  7 So that's just helpful information, I think,  8 for the Commission.  9 The third area was a Charter amendment  10 proposing a change from nonpartisan to partisan  11 elections. And more than two-thirds are showing that  12 they are against changing to partisan. So that was  13 interesting, also.  14 And then the fourth area, which is, we think,  15 the most difficult area, of course, is the conversation  16 around district elections. And to try to keep this as  17 easy to understand as possible for people not really  18 familiar, we made it as simple as keep the current  19 system, keep the at-large system; a change to some form  20 of 3.10 and 3.11, which are, basically, variations on  21 multiple councilmembers and multiple districts; and the  22 third answer was change to some form of 3.2, 3.3 or 3.4,  23 which are variations on single-member districts with  24 considerations for Lanai and Molokai.  25 And there was definitely comments that</p>	<p style="text-align: right;">Page 16</p> <p>1 district. And 3.4 is have nine districts with a  2 councilmember elected by voters in that district, with  3 self-rule for Molokai and Lanai. So when we say  4 consideration, we mean we are specifically showing that  5 they have to be handled differently.  6 MEMBER DELEON: Mr. Chair, can I follow?  7 CHAIR STONE: Yes. Please, Commissioner  8 DeLeon.  9 MEMBER DELEON: And what do you mean by  10 self-rule? What was -- I know what was intended  11 originally, but I was wondering whether or what you  12 guys --  13 MS. PATNODE: I don't know what -- I don't  14 know any more than what is on here, Dave.  15 MEMBER DELEON: Okay. Good.  16 MS. PATNODE: So whatever self-rule means to  17 the Commission.  18 CHAIR STONE: Thank you.  19 MEMBER DELEON: Thank you.  20 CHAIR STONE: Commissioners, further  21 clarification?  22 (No Response.)  23 CHAIR STONE: No. All right. Thank you,  24 Bobbie, so much for presenting this. Thank you.  25 Lisa, next testifier, please.</p>

<p style="text-align: right;">Page 17</p> <p>1 MS. KAHUHU: Chair, Dick Mayer. And I'll be  2 passing out some testimony he just gave me. And he also  3 has a PowerPoint.  4 CHAIR STONE: Thank you, Mr. Mayer. Thank you  5 for being here today.  6 MR. MAYER: Thank you very much,  7 Commissioners.  8 CHAIR STONE: Why don't we hold off until we  9 get that for your five minutes to start?  10 MR. MAYER: Please.  11 Could you please not read these right now?  12 Let me just do one other -- one other item first, and  13 then I'll come back to these two items.  14 CHAIR STONE: Hang on. Lisa, you all set?  15 MS. KAHUHU: Yes, dear.  16 CHAIR STONE: All right. Mr. Mayer, go ahead.  17 MR. MAYER: Thank you. There are three items  18 I would like to speak about; initiative, the nonpartisan  19 question, and the districts.  20 With regard to the initiative process, I would  21 urge you not to put that on the ballot. I think --  22 there's some problems that I have with it, and I think  23 there could be for the -- for the County as well.  24 Let me give you some arguments against the  25 initiative. Initiative proposals can be misleading.</p>	<p style="text-align: right;">Page 19</p> <p>1 are no limits on contributions to ballot measures. So,  2 in other words, if an initiative gets on the ballot, a  3 single individual could buy something by using heavy  4 advertising and convincing people. Let me give -- it's  5 a silly example, but let's say somebody would like to  6 sell fireworks and wants to get on the ballot an  7 initiative that says fireworks should be -- should be  8 legal all year round, anytime of the day, and puts a lot  9 of money into that, and uses cultural -- all this, the  10 cultural tradition and all kinds of things that  11 persuades voters to do it. And we end up then with  12 fireworks going off 24 hours a day in your back yard,  13 neighbors, et cetera. Something that people, generally,  14 once they realize what was happening, may not want. In  15 other words, if an individual can buy -- and that's,  16 obviously, an absurd example, but it may give tremendous  17 power to somebody. It could be a union, it could be a  18 corporation, it could be a bank, it could be a lobbyist  19 group, or whatever, to get things on the ballot. So I  20 urge you to be very careful about reducing the standard  21 on initiative.  22 Okay. Second item, nonpartisan elections.  23 That's the item -- the shorter sheet of paper that I  24 have in front of you. I'm urging you not to put the  25 nonpartisan election on the ballot. I think there are</p>
<p style="text-align: right;">Page 18</p> <p>1 Some initiative proposals use oversimplified language  2 which means are voters are at risk of making uninformed  3 decisions.  4 Number 2: Initiative undermines  5 representative government because it gives the  6 legislature, or the Council in our case here, an excuse  7 to avoid difficult questions. Councilmembers can blame  8 the initiative process for getting in their way for  9 issues like budget problems. In other words, if it  10 starts going to things.  11 Initiatives can also be passed without any  12 information about how they will be funded. For example,  13 one initiative might say that we should -- that the  14 County should go out and buy lots of land. Another  15 initiative might come along and say we should reduce  16 property taxes. And let's say they both get passed  17 where one goes against the other. By having things  18 discussed in a Council mechanism as opposed by the  19 voters, they will be able to see the interaction of the  20 various issues and perhaps not end up with conflicts.  21 Once an initiative is filed, there's no way to  22 correct drafting language errors. And that could make  23 it -- we could end up passing something that actually is  24 illegal or improper or unenforceable, et cetera.  25 And, lastly, unlike candidate campaigns, there</p>	<p style="text-align: right;">Page 20</p> <p>1 many problems with -- with partisan elections.  2 And I think the present system works extremely  3 well. It forces -- and I've given you a long list here  4 that you can go through at your leisure. Cooperation  5 with elected officials belonging to different parties is  6 more likely if you have -- don't have political parties.  7 Political parties are irrelevant to providing services  8 at the local level. Not needed at the local level where  9 major social issues are not decided. Many of the things  10 that political parties stand for, everything from civil  11 unions to abortion to all kinds of other issues, are all  12 decided at the State level, and not at the County  13 Council level.  14 The top two vote-getters from a primary will  15 compete in general election allows general election of  16 the top two candidates. In other words, if we have an  17 election where each party picks its best person, one of  18 the parties may have two excellent people, but one of  19 those people is not going to be on the general election  20 ballot because only the top person got in.  21 Good candidates would not run in a primary of  22 the weakest party. Why would a candidate, who may be a  23 good person, say I'm going to select party X which  24 always loses in the election? Republican -- and that --  25 and in our present situation, that usually means</p>

<p style="text-align: right;">Page 21</p> <p>1 republicans who are the weaker party in our state, very  2 often don't get elected. And, in fact, what happens is,  3 very often in this state, republicans run as democrats  4 in the partisan elections because they know they're not  5 going to get elected for office.  6 So there are many -- you can go through --  7 there's a list here. And I don't want to take up my  8 five minutes going through all of them, but I think  9 there are a lot of arguments against this.  10 The final item. I would like to ask if Bill  11 can help me out. Oh, it's up there already. Good. The  12 map that you have.  13 You've got some maps that were prepared by  14 Bill Medeiros, who did an excellent job in cartography  15 for you. And I applaud his efforts. I'm going to give  16 you another alternative which I would like you to look  17 at, what I'm calling as Scenario 7. He's given you six  18 of them. This has three districts here. And what I've  19 tried to do is tried to look at it from a number of  20 practical reasons.  21 Let me just describe the districts first. The  22 one with Lanai and then South and West Maui, what I  23 would call the leeward district, then the Central Maui  24 district, Kahului, Wailuku, Paia, Waikapu, would be one  25 contiguous district, and then, lastly, a district</p>	<p style="text-align: right;">Page 23</p> <p>1 workable --  2 The last thing I would say, if you decide to  3 allow Lanai and Molokai to have their own representative  4 seat that would allow for this to happen that if you  5 have the three districts, Molokai would have one  6 resident seat within that rural area and Lanai would  7 have one resident seat within the leeward district. So  8 that option is there, if you adopt -- decide that this  9 is a good variation.  10 CHAIR STONE: Very good. Thank you so much,  11 Dick. Appreciate it. Commissioners, clarification on  12 the testimony?  13 MEMBER DELEON: Mr. Chair?  14 CHAIR STONE: Yes, Commissioner DeLeon.  15 MEMBER DELEON: So, Dick, this is a variation  16 of the Tony Ramil scenario?  17 MR. MAYER: Correct.  18 MEMBER DELEON: So East Maui would have  19 three --  20 (Audio feedback.)  21 MEMBER DELEON: That's you.  22 East Maui would have three representatives,  23 three councilmembers elected in that district. And so  24 it would be Upcountry and East -- Haiku and -- and  25 through Hana.</p>
<p style="text-align: right;">Page 22</p> <p>1 Molokai, which, to me, is a much more rural area and  2 probably much more like East Maui and Upcountry Maui.  3 I've drawn the boundary lines based on the census tract  4 areas. And the census tracts come out very nicely so  5 that you have very little variation --  6 MS. KAHUHU: Time.  7 MR. MAYER: -- among these three districts.  8 MEMBER DELEON: Mr. Chair?  9 CHAIR STONE: Yes, Commissioner.  10 MEMBER DELEON: I move to allow the testifier  11 to continue, complete his testimony.  12 CHAIR STONE: Mr. Mayer, Commissioner DeLeon  13 requests you to continue.  14 MR. MAYER: Okay. And there's -- several --  15 if you notice in the Scenarios, in 5 and 6, that were  16 given to you in the maps, Waikapu, for example, is cut  17 in half. And I think that would be very difficult. It  18 would not -- it's not wise. This puts Waikapu entirely  19 in one district. The district would also go out to  20 Paia, which I think is much more like the urbanized area  21 of Central Maui and makes it -- gives you a -- gives  22 that district a contiguous area with very similar type  23 of issues, traffic, et cetera, et cetera.  24 So, I mean, I could go on if you have  25 questions on it, but I think this is a much more</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. MAYER: Correct.  2 MEMBER DELEON: And then --  3 MR. MAYER: And Molokai.  4 MEMBER DELEON: And Molokai, okay.  5 MR. MAYER: And I think those -- that area has  6 a lot of similarities in terms of the types of issues.  7 There are Hawaiian issues where Molokai would be better  8 tied with, let's say, Hana and East Maui and some of  9 their issues that they may be interested in. It is  10 rural and agriculture areas, less developed areas. And  11 conversely, the Hana -- I mean Lanai, although we think  12 of it now -- you know, in historical past, it was a  13 pineapple island. It's, basically, a tourist island  14 now. And that would, I think, put it in a better mix  15 with West and South Maui.  16 MEMBER DELEON: Mr. Chair, can I follow?  17 CHAIR STONE: Yeah. Commissioner DeLeon, go  18 ahead.  19 MEMBER DELEON: So this would be at-large  20 seats like -- like the Ramil proposal, then? So they  21 would have three --  22 (Audio feedback.)  23 MEMBER DELEON: Too close to Wayne.  24 Okay. So I got that.  25 MR. MAYER: Let me say, it's -- that would be</p>

<p style="text-align: right;">Page 25</p> <p>1 up to what you finally recommend. It could be just  2 three at-large from each district with no residential  3 representation, or a variant could be that Lanai and  4 Molokai would be guaranteed at least one seat in that  5 area. That would be something the Commission would have  6 to decide.</p> <p>7 CHAIR STONE: Commissioner DeLeon, just for  8 clarification, the Ramirez proposal --</p> <p>9 MEMBER DELEON: Ramil.</p> <p>10 CHAIR STONE: Sorry. Ramil. Excuse me. Was  11 that there were residency requirements for the three  12 councilmembers of each of the three districts, which is  13 why I think it was tantalizing to the group, because it  14 would still leave residency requirements for Lanai and  15 Molokai, who would each have their own representative.  16 Is that -- that's what you're proposing, right, Dick?</p> <p>17 MR. MAYER: Right. And this one would not  18 have, particularly, a guaranteed seat for Hana. Hana is  19 much smaller. It's only -- Lanai is small, but the  20 whole East Maui/Hana area is only two-thirds of Lanai's.  21 So it's a very -- so two thousand, I think, five hundred  22 people, roughly. And so I -- and, also, because I think  23 a lot of its issues are now tied in with the rest of the  24 area, there's -- there would not necessarily be a  25 residency. That would be something the Commission can</p>	<p style="text-align: right;">Page 27</p> <p>1 MEMBER DELEON: Okay. You're looking for  2 nonpartisan, or are you looking for districts?</p> <p>3 MEMBER BAXA: No. I'm looking for the  4 district.</p> <p>5 MEMBER DELEON: Oh, okay.</p> <p>6 MEMBER BAXA: So the only difference between  7 the Ramil proposal is about the areas being represented  8 in these three districts?</p> <p>9 MR. MAYER: What's different is that the maps  10 that Mr. Medeiros has presented to you, giving you the  11 three -- the various scenarios of how the mapping could  12 go, this is a little bit different variation on the  13 mapping. For example, Waikapu is not split in half.  14 Paia, Kahului and Wailuku and Waihee are all in one  15 district. So the lines are different on this map than  16 the ones that you'll be seeing from Mr. Medeiros.</p> <p>17 CHAIR STONE: Uh-huh.</p> <p>18 MR. MAYER: And I think -- this, to me, seems  19 to be -- with -- with relatively minor variation. Now,  20 if you felt you needed to get under, you know, one  21 percent variation, you could probably tinker a little  22 bit with the -- with the actual lines, but --</p> <p>23 But there's one other consideration that you  24 should have. And that is that the precincts -- when  25 somebody goes to a precinct, let's say, in Waikapu, you</p>
<p style="text-align: right;">Page 26</p> <p>1 decide. But I don't think -- I don't think -- if -- if  2 Molokai and this East Maui area were all put together, I  3 don't think there should be one guaranteed for Hana and  4 Molokai in that one. That would mean that the whole  5 rest of the district would only have one -- one  6 representative, and that would be Upcountry/Haiku area,  7 that would be disproportionate.</p> <p>8 CHAIR STONE: Thank you.</p> <p>9 MEMBER BAXA: Mr. Chair?</p> <p>10 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>11 MEMBER BAXA: Professor Mayer --</p> <p>12 MR. MAYER: Yes.</p> <p>13 MEMBER BAXA: -- I don't know if I am missing  14 something, but I do not see -- I know that you submitted  15 something on the nonpartisan issue --</p> <p>16 MR. MAYER: Yes.</p> <p>17 MEMBER BAXA: -- but I do not seem to have  18 that --</p> <p>19 MR. MAYER: This sheet?</p> <p>20 MEMBER BAXA: -- the three district voting  21 proposal that you have.</p> <p>22 CHAIR STONE: It's the large map --</p> <p>23 MR. MAYER: The map.</p> <p>24 CHAIR STONE: -- Commissioner Baxa.</p> <p>25 MEMBER BAXA: Oh, there it is. I'm sorry.</p>	<p style="text-align: right;">Page 28</p> <p>1 would -- it would -- there would be very great  2 difficulty if half the people in that Waikapu area voted  3 in -- a councilmember in, let's say, the Wailuku-Kahului  4 and the other half voted in South Maui. You would  5 probably want to keep a whole precinct voting the same  6 councilmember. Otherwise, you would have real problems  7 identifying who is voting for which and that would --  8 within a precinct, you would have to have it almost  9 divided into two precincts.</p> <p>10 CHAIR STONE: Dick, a quick question. How did  11 you come up with the numbers? Did you use the GIS map?  12 What did you --</p> <p>13 MR. MAYER: I used the -- yeah. Just for  14 background, I've followed census material -- I was in  15 charge of the census on Maui in '70, 40 years ago, 41  16 years ago, and I've followed the census map. So these  17 are the exact numbers right off the census tracts. Now,  18 the lines that you see here are the census tract lines.  19 Most of these lines are the ones used also at the State  20 level for the representative districts. It doesn't  21 follow exact -- for example, that Central Maui one is  22 not exactly Shan Tsutsui's seat.</p> <p>23 CHAIR STONE: Sorry to interrupt.</p> <p>24 Commissioner Sugimura, come and have a seat.</p> <p>25 MEMBER SUGIMURA: Thanks.</p>

Page 29	Page 31
<p>1 CHAIR STONE: Thank you for making it.</p> <p>2 One second.</p> <p>3 MR. MAYER: These are not exactly the same</p> <p>4 seats, same district lines exactly as State Senate</p> <p>5 Districts. One reason is because the State Senate</p> <p>6 District includes East Maui, Molokai and Lanai. And I</p> <p>7 know there's a strong desire to have Molokai and Lanai</p> <p>8 in different districts. Therefore, I had to add in some</p> <p>9 population in the Central area there.</p> <p>10 CHAIR STONE: Thank you.</p> <p>11 Commissioners, further clarification?</p> <p>12 Commissioner.</p> <p>13 MEMBER DE REGO: So what you're saying is the</p> <p>14 difference between yours and --</p> <p>15 MR. MAYER: Mr. Medeiros.</p> <p>16 MEMBER DE REGO: -- Mr. Medeiros' proposals</p> <p>17 are that you're not dividing up Waikapu in any way,</p> <p>18 shape or form?</p> <p>19 MR. MAYER: And I'm not splitting up Wailuku</p> <p>20 and Kahului into two different districts.</p> <p>21 MEMBER DE REGO: Districts.</p> <p>22 MR. MAYER: I think they have such -- many --</p> <p>23 so many interrelated issues, traffic and schools, and so</p> <p>24 many other issues, that it will be useful to have</p> <p>25 Wailuku and Kahului in the same district. And so that's</p>	<p>1 sure.</p> <p>2 MR. MAYER: My understanding was that -- like</p> <p>3 when the State representative districts are done and</p> <p>4 whatever, I think there's a -- a factor that the</p> <p>5 districts can vary. I think it's three percent that</p> <p>6 they can vary at the State level. And I think this is</p> <p>7 well under the three. This is just, you know,</p> <p>8 one-and-a-half, it's half of that. So the variation is</p> <p>9 very little between these various districts. I mean,</p> <p>10 there will always be some variation. One-and-a-half</p> <p>11 percent is -- is really a very small variation.</p> <p>12 MEMBER DELEON: Mr. Chair?</p> <p>13 CHAIR STONE: Thank you.</p> <p>14 Commissioner DeLeon.</p> <p>15 MEMBER DELEON: Let me act as devil's advocate</p> <p>16 for a minute, Dick.</p> <p>17 MR. MAYER: Please.</p> <p>18 MEMBER DELEON: So if you put Molokai in with</p> <p>19 East Maui, that means nonincumbent challengers will have</p> <p>20 to run in East Maui. And that means rather than, say,</p> <p>21 running in Central, where it's compact and they can go</p> <p>22 door to door in a relatively easy manner, they're going</p> <p>23 to have to go through a very broad rural district to get</p> <p>24 the votes. It's not a walkable district. So it's going</p> <p>25 to be much more -- I think it's going to be much more</p>
Page 30	Page 32
<p>1 what I've tried to do here. I've tried to make as much</p> <p>2 -- each district have some very common issues that a</p> <p>3 representative from that district would want to fight</p> <p>4 for.</p> <p>5 CHAIR STONE: Commissioner De Rego.</p> <p>6 MEMBER DE REGO: And so you're not crossing</p> <p>7 any census blocks at this point, or dividing any census</p> <p>8 blocks?</p> <p>9 MR. MAYER: It exactly follows the exact</p> <p>10 census lines. And, nicely, it comes out with very</p> <p>11 little variation.</p> <p>12 CHAIR STONE: Thank you very much.</p> <p>13 MEMBER BAXA: Mr. Chair?</p> <p>14 CHAIR STONE: Commissioner Baxa.</p> <p>15 MEMBER BAXA: Yeah. Professor Mayer, I do not</p> <p>16 know if you'll be able to answer this question, but the</p> <p>17 question that I have is whether this one -- I know that</p> <p>18 the numbers that you have attached to each of these</p> <p>19 districts are almost equal. So --</p> <p>20 MR. MAYER: Uh-huh.</p> <p>21 MEMBER BAXA: -- you may say that this is</p> <p>22 constitutionally okay. But I am not too sure whether</p> <p>23 this will be okay because people from one district may</p> <p>24 actually move to the other. So I don't know if that</p> <p>25 will dilute the population representation. So I'm not</p>	<p>1 challenging for a Molokai challenger, which is a problem</p> <p>2 we've had. We've had -- out of the last nine elections,</p> <p>3 we've had only one contested election off of Molokai,</p> <p>4 because we can't get a challenger because they don't --</p> <p>5 people feel like the deck is stacked and it's too hard</p> <p>6 to run in that district. They run county-wide. This is</p> <p>7 a -- this is -- I don't know, to me, rather than -- what</p> <p>8 do you say to Molokai being with Central and then --</p> <p>9 which is more important to you, dividing of Waikapu or</p> <p>10 having challengers off of Molokai?</p> <p>11 MR. MAYER: It's not just Waikapu. It's</p> <p>12 Kahului, Wailuku would be put together. That would be</p> <p>13 -- I think that a candidate from Molokai would probably</p> <p>14 feel more comfortable running in the East Maui district</p> <p>15 in terms -- and I recognize, there, you can't walk the</p> <p>16 streets, but no candidate walks the streets in East Maui</p> <p>17 because you can't do that in Kula and Haiku. It's just</p> <p>18 not -- I don't think it's particularly a disadvantage</p> <p>19 for a Molokai person versus anybody else. People in</p> <p>20 East Maui can't do that. But I think that the issues</p> <p>21 that people on Molokai have are much more similar to</p> <p>22 what people in Haiku, Kula, East Maui have than they</p> <p>23 would be -- somebody in Wailuku-Kahului and very</p> <p>24 different environment. Ethnically, I think they're even</p> <p>25 more similar to, let's say, East Maui than they would be</p>



<p style="text-align: right;">Page 33</p> <p>1 -- so for a variety of reasons.</p> <p>2 I mean, obviously, as we all know, there's no</p> <p>3 perfect way of drawing it. There will always be</p> <p>4 differences. But I think that this one comes probably</p> <p>5 closer to meeting the needs of Molokai than putting them</p> <p>6 in with Wailuku or Kahului.</p> <p>7 And that's one of the problems, I think,</p> <p>8 Wailuku and Kahului have had. Excuse me. One of the</p> <p>9 problems that Molokai has had. Central Maui, with its</p> <p>10 huge voting block, very often determines who gets</p> <p>11 elected on Molokai. This way, I think it will be less</p> <p>12 of that kind of an issue. I think they would have more</p> <p>13 simpatico in terms of the type of votes that would be</p> <p>14 going out.</p> <p>15 MEMBER DELEON: Okay.</p> <p>16 CHAIR STONE: Thank you.</p> <p>17 Yeah, Commissioner DeLeon.</p> <p>18 MEMBER DELEON: And one last thought. This is</p> <p>19 on initiative. You know, I was reading our material the</p> <p>20 last couple of days. I realized I didn't even realize</p> <p>21 that we have already changed our initiative process so</p> <p>22 that it's only 20 percent of the -- of the voters in the</p> <p>23 last election.</p> <p>24 MR. MAYER: Uh-huh.</p> <p>25 MEMBER DELEON: It's not any longer 20 percent</p>	<p style="text-align: right;">Page 35</p> <p>1 can be very good if you have a well-crafted initiative</p> <p>2 that's been legally checked out and everything else.</p> <p>3 And it would -- would -- and it could, actually, give an</p> <p>4 entree when you have a Council that -- for various</p> <p>5 reasons that's objecting to the initiative, it could get</p> <p>6 something on the ballot or get the public to do it, as</p> <p>7 long as the education is there.</p> <p>8 But we found that interesting, that when we</p> <p>9 had our little town hall meeting up in Kula, the people</p> <p>10 who were in the room, who got informed about the pluses</p> <p>11 and minuses on each of these issues, ended up voting</p> <p>12 differently in several cases than the general public who</p> <p>13 did not participate in that discussion. And I think</p> <p>14 that's the problem, that when an initiative goes out,</p> <p>15 you really need good education. And that oftentimes</p> <p>16 just doesn't happen.</p> <p>17 CHAIR STONE: Thank you very much.</p> <p>18 Commissioners, further clarification?</p> <p>19 MEMBER DE REGO: It's okay.</p> <p>20 CHAIR STONE: All right. Thank you, Dick, so</p> <p>21 much for your presentation.</p> <p>22 MR. MAYER: Thank you all.</p> <p>23 CHAIR STONE: Have a good day.</p> <p>24 Lisa, next testifier, please.</p> <p>25 MS. KAHUHU: Tony Ramil.</p>
<p style="text-align: right;">Page 34</p> <p>1 of registered voters. So I was, actually, making</p> <p>2 proposals for changing to that and not realizing it</p> <p>3 already had changed. Just for your information.</p> <p>4 MR. MAYER: Yeah. I just think that the</p> <p>5 initiative process should not be made overly easy. It</p> <p>6 can be problematic.</p> <p>7 CHAIR STONE: Thank you. Dick, just a quick</p> <p>8 clarification. In this Scenario Number 7 map, that</p> <p>9 shows Paia in the Wailuku-Kahului district --</p> <p>10 MR. MAYER: Correct.</p> <p>11 CHAIR STONE: -- correct?</p> <p>12 MR. MAYER: Right. That would be -- put the</p> <p>13 entire Kuau, from Kuau, essentially all the way into</p> <p>14 Paia, the urbanized area there.</p> <p>15 CHAIR STONE: But then Haliimaile would remain</p> <p>16 in --</p> <p>17 MR. MAYER: Upcountry.</p> <p>18 CHAIR STONE: -- Upcountry? Thank you.</p> <p>19 Commissioner De Rego.</p> <p>20 MEMBER DE REGO: It sort of begs the question</p> <p>21 for me. Under what circumstances would you see</p> <p>22 initiative as a viable option for voters and citizens?</p> <p>23 MR. MAYER: I mean, there are always the</p> <p>24 arguments that it allows the general public to be part</p> <p>25 of the -- you know, the law making process. And that</p>	<p style="text-align: right;">Page 36</p> <p>1 CHAIR STONE: Mr. Ramil, thank you for being</p> <p>2 here today.</p> <p>3 MR. RAMIL: Good morning, Mr. Chairman and</p> <p>4 Members of the Maui County Charter Review Commission. I</p> <p>5 thought I had shared with the Commission all that I have</p> <p>6 to share, but -- but, lately, I submitted a copy of a</p> <p>7 letter that I sent to The Maui News addressing some of</p> <p>8 the comments of The Maui News. And I thought that I</p> <p>9 should share my thoughts on The Maui News point of view.</p> <p>10 And I think -- that letter, I think, is a long one for a</p> <p>11 letter, so I doubt very much The Maui News will publish</p> <p>12 it because it's too long. If The Maui News will publish</p> <p>13 it, it would most likely be as a viewpoint.</p> <p>14 I think there has been too much -- and before</p> <p>15 I proceed, Your Honor, I -- Your Honor -- Mr. Chairman.</p> <p>16 CHAIR STONE: I like that. You can continue</p> <p>17 to call me Your Honor from now on.</p> <p>18 (No Response.)</p> <p>19 CHAIR STONE: Commissioners, from now on, you</p> <p>20 will refer to me as Your Honor.</p> <p>21 MEMBER DE REGO: That gives you too much</p> <p>22 credit there, Josh.</p> <p>23 (Laughter.)</p> <p>24 MEMBER OKAMOTO: We only have one Your Honor.</p> <p>25 MR. RAMIL: You know, I just like -- I had a</p>

<p style="text-align: right;">Page 37</p> <p>1 copy of these, I don't know what you call this, the  2 maps, Scenario 5 and Scenario 6. I would just like to  3 make -- the maps correctly reflect the proposal I  4 originally submitted to the Commission, but if you look  5 at Page 3 of 3, I think that there is some kind of a  6 mixup.  7 MEMBER DELEON: Yeah, there is.  8 MR. RAMIL: Yeah, yeah, yeah. Okay. So I  9 would like to start with, if you look at Sheet 3 of  10 Number 3, I think there is some kind of like, yeah,  11 wrong --  12 CHAIR STONE: We noticed that. We're aware of  13 that.  14 MR. RAMIL: Oh, okay. Thank you,  15 Mr. Chairman.  16 CHAIR STONE: Appreciate that.  17 MR. RAMIL: You know, I think there has been  18 too much talk here about shared values and non-sharing  19 of values. What I think, you know, the way I see Maui  20 is that Maui is one county. And we do share a lot.  21 There is a lot of commonality and interweaving of, I  22 mean, values and concerns throughout the islands, you  23 know. And I think we should be able to appreciate our  24 diversity and, also appreciate our shared values. And I  25 think it's very important.</p>	<p style="text-align: right;">Page 39</p> <p>1 even if I work in Wailuku. I go South Kihei and  2 Kahului, vice versa, every day. And plenty of people  3 from Kahului go to Kihei, plenty of people from Kihei go  4 to Kahului. You know, and people in Kahului work in the  5 hotels, people in -- in Kahului -- in Kihei work in  6 Kahului --  7 (Audio feedback.)  8 MR. RAMIL: So --  9 CHAIR STONE: Move that one there.  10 MR. RAMIL: Just geographic proximity, I  11 think, is -- not really defines the shared values. So  12 the Kahului people would have a lot of interest in what  13 is happening in the resort development in Kihei, because  14 they work there. Similarly, the Kihei residents would  15 have a lot of interest in what's happening in Kahului  16 because a lot of them work here. On the other hand, I  17 don't know, I live in Kihei, I hardly go to Lahaina. So  18 -- and I'm sure that a lot of Kihei residents are the  19 same, you know. I mean, I don't know if there are many  20 people. So we are talking about people here. Now, with  21 Kihei and Kahului, our link with Mokulele Highway,  22 Piilani Highway, I mean, traffic in that area would  23 affect --  24 MS. KAHUHU: Time.  25 MR. RAMIL: -- Kahului and Kihei more.</p>
<p style="text-align: right;">Page 38</p> <p>1 And these three district -- three residency  2 seats for the district, I think, not only, I think,  3 addresses, I think, our common values, but, also, our  4 diversity. And I think there is no way that --  5 especially Lanai and Molokai, I think there is no way  6 that we will be able to conform Molokai with any of the  7 areas on Maui. I think Molokai is simply unique.  8 And I think if Molokai is -- will be shared --  9 shared with any district, I think the councilmembers on  10 Maui sharing that district will have to, I think, I  11 mean, go out, in a sense, to appreciate, I think, the  12 concerns of -- of Molokai, you know. I think the  13 Molokai people would, as much possible -- if possible,  14 they will not even see anybody go in there, you know.  15 So whatever you will decide to link Molokai with, I  16 think the other two councilmen in that district will  17 have to appreciate that fact.  18 I'm sure that if somebody proposes a Halawa --  19 a resort development at Halawa -- and so that I think a  20 councilman in South Kihei or Wailuku would appreciate  21 that, you know. And I think --  22 So, now, there is talk here that Kahului and  23 Wailuku have more in common. You know, my letter would  24 show that it is not really correct. I live in Kihei.  25 But Kihei is, to me, closer than Kahului, than Wailuku,</p>	<p style="text-align: right;">Page 40</p> <p>1 CHAIR STONE: Thank you. Thank you, Mr.  2 Ramil.  3 MR. RAMIL: I was going to share, also -- but,  4 in my letter, I showed that there is -- there is more  5 shared concerns and value, also, between Wailuku and  6 Lahaina than Lahaina and -- in a sense --  7 CHAIR STONE: Thank you, Mr. Ramil.  8 MR. RAMIL: Okay. Thank you. Thank you,  9 Mr. Chairman.  10 CHAIR STONE: Commissioners? Commissioner  11 Baxa.  12 MEMBER BAXA: Mr. Ramil, thank you for coming  13 in today. You have heard Professor Mayer testify today?  14 MR. RAMIL: That's correct, Mr. Commissioner.  15 MEMBER BAXA: His proposal appears to be the  16 same as your proposal except for the residency  17 requirement, except for the residency area aspect. So  18 you think that your residential area is better than his  19 proposal in what way?  20 MR. RAMIL: Yeah. I think -- for one, I think  21 the proposal of Mr. Mayer, I understand, is, I think,  22 Hana, Keanae, and (inaudible) are not assured of a seat.  23 And I think -- I think his grouping Kahului  24 and Wailuku -- and I say that although Kahului and  25 Wailuku are maybe, I mean, more proximate than Kihei or</p>

<p style="text-align: right;">Page 41</p> <p>1 Lahaina, I believe that -- I think it is a better  2 arrangement for Kahului to share a district with South  3 Maui, and Wailuku share a district with Lahaina.  4 Wailuku, you have this -- I mean, Piilani --  5 Honoapiilani Highway, they are linked there, you know  6 what I mean. And many of Wailuku residents also work in  7 Lahaina. So, to me, I think if you group Kahului and  8 Wailuku, I mean, we are divorcing the interests of Kihei  9 residents in Kahului and residents in -- in their  10 interests, in the same concern, you know.  11 And, to me, I think -- infrastructure. I  12 think infrastructure would affect Wailuku and Lahaina  13 more as a district, as a unit, than -- I think than  14 Wailuku and Kahului. You know, Kahului and Wailuku, I  15 think you can just practically walk. But if you go to  16 Lahaina and you come from Wailuku and you go to  17 Honoapiilani Highway, then I think you have a real  18 interest in having the infrastructure between Wailuku  19 and Lahaina to be, I think, in accordance with what you  20 feel should be the state of those highways, you know.  21 And so as I said, there are plenty of Wailuku  22 residents working in Lahaina, especially in this, I  23 think, Waihee part of Wailuku. So -- so there have been  24 interests in what is happening in Lahaina. So instead  25 of -- instead of putting Wailuku and Kahului together, I</p>	<p style="text-align: right;">Page 43</p> <p>1 have three districts, three seats each district. But it  2 looks like to me that looking at this Sheet 3 of Number  3 3 that I have, I think it -- it is feasible to have more  4 or less equal -- equal number of population among the  5 proposed districts.  6 CHAIR STONE: Thank you.  7 Commissioner Hashimoto.  8 MEMBER HASHIMOTO: You know, Mr. Chair, I  9 think we've talked this thing to death. And I think we  10 should move on. We're putting so much time on this  11 that -- I'm not really sure anything -- anything that  12 we've discussed here regarding districting will even  13 appear on a ballot. Something may appear on the ballot,  14 but it may not. The thing is, we spent so much time  15 talking about this thing, and we're getting into details  16 that are unimportant.  17 Now, look, I'm from Hana. I have certain  18 feelings about Hana. Just like everybody else has about  19 where they live. Now, people who live in Kahului and --  20 and live here in Central Maui, they move around quite a  21 bit. And they also work -- as Mr. Ramil has said, they  22 work in different places here. So they really don't  23 have this -- the same kind of connections to the place  24 that they live in like we do in Hana, Molokai and Lanai.  25 It's different.</p>
<p style="text-align: right;">Page 42</p> <p>1 think it is better to connect Kahului with South Maui  2 and Wailuku with -- with West Maui.  3 CHAIR STONE: Thank you, Tony. Thank you.  4 Commissioner Baxa.  5 MEMBER BAXA: I would like to follow,  6 Mr. Chair.  7 Mr. Ramil, I don't know if you have a copy of  8 Professor Mayer's submission -- submission, the one that  9 has the map, Scenario Number 7. According to his  10 proposal, he has taken each district -- the population  11 of each district is almost equal to the population of  12 the two other districts. So he's trying to comply with  13 the constitutional requirement. I don't know the exact  14 figures in yours, but I understand -- if I understand  15 correctly from your last testimony, you said that the  16 Commission could adjust the numbers as well.  17 MR. RAMIL: That's correct. And it looks  18 like, to me, that I think --  19 MEMBER BAXA: Not the numbers, but the place.  20 MR. RAMIL: Yeah, yeah. Well, but my -- my --  21 the way I see Sheet 3 of 3, more or less, equalizes the  22 population in this proposed district of my original  23 proposal.  24 As I told the Commission before, you know, I  25 think the basic idea behind my original proposal is to</p>	<p style="text-align: right;">Page 44</p> <p>1 I'm farther away from Wailuku than the people  2 from Lanai or Molokai. So we -- we have the same kind  3 of feeling about our own area that you don't have for  4 our area. So none of you that don't live there know  5 anything about that.  6 CHAIR STONE: Thank you.  7 MEMBER HASHIMOTO: So we're discussing  8 something that should be left to the folks that live  9 there.  10 CHAIR STONE: Thank you, Commissioner  11 Hashimoto. Just note, as long as Commissioners have any  12 clarification, I'm going to let them clarify.  13 MEMBER DE REGO: Yeah.  14 CHAIR STONE: So any further clarification  15 from the testifier? Commissioner DeLeon.  16 MEMBER DELEON: I can't help it. Tony, which  17 is more well connected, Wailuku-Kahului or  18 Kahului-Kihei?  19 MR. RAMIL: I like to think that -- you know,  20 based on my experience, I think there is a stronger  21 ethnic collection between -- I think in terms of  22 proximity, yes, geographic, but I feel that I think  23 there is a stronger, I mean, connection between Kahului  24 and West Maui. Even the -- even the plantation, sugar  25 plantation, I think that is another major, I think,</p>

<p style="text-align: right;">Page 45</p> <p>1 common. That is a major thing between Kahului and --  2 and South Maui because people go through --  3 MEMBER DELEON: Thank you. Thank you. I got  4 it.  5 MR. RAMIL: All right.  6 CHAIR STONE: Thank you. Commissioners, any  7 further clarification?  8 (No Response.)  9 CHAIR STONE: No. Okay. Thank you very much,  10 Tony, for being here.  11 MR. RAMIL: Thank you. Thank you. Thank you.  12 Thank you for your patience.  13 CHAIR STONE: Thank you.  14 Lisa, any further testifiers, please?  15 MS. KAHUHU: Sally Raisbeck.  16 CHAIR STONE: Ms. Raisbeck, thank you for  17 being here.  18 MS. RAISBECK: Thank you for allowing me to  19 testify. I'm Sally Raisbeck. I'm from Wailuku.  20 And I just did want to say one thing about  21 what Mr. Ramil had to say, which is, I used to live in  22 Haiku, and many of my neighbors worked in Kaanapali.  23 People work where the jobs are and they live where they  24 like to live, if they can. So you really do need to go  25 by where they live, not by where they work.</p>	<p style="text-align: right;">Page 47</p> <p>1 I think it is clear to me now that the Police  2 Commission has an extremely narrow definition of their  3 responsibility. And maybe they're right. Maybe that's  4 the way it is in the Charter. But they take essentially  5 no responsibility. And that makes me wonder what kind  6 of supervision, public input, public supervision, there  7 is to the Police Department. I don't see any right now.  8 I sent them a letter. I asked them to let me  9 know when my letter would appear on their agenda. They  10 said it won't appear on their agenda. I can come and  11 testify for three minutes at any meeting of the Police  12 Commission, but they're not going to put a letter from  13 me on their agenda.  14 So I just would like -- my experience with  15 commissions in this county has not been a good one. And  16 I don't see that they provide the kind of public review  17 that one hopes commissions would provide. And maybe, in  18 a smaller community, they would.  19 I don't think in this one -- I don't think  20 anybody knows who is on the Police Commission, who is on  21 the Fire Commission. Probably, for a few years, they  22 may know who is on the Cost of Government Commission, if  23 they become charged with what you want to charge them  24 with, but, in a few years after that, nobody will know  25 who is on that commission.</p>
<p style="text-align: right;">Page 46</p> <p>1 I didn't come here to talk about district  2 voting. I came to talk about the Police Commission.  3 I sent a letter -- I sent a letter to the  4 Police Commission asking some questions. That was  5 because I'm concerned about the things that have been  6 happening with the Occupy Wall Street, Occupy Seattle,  7 Occupy Denver, Occupy Maui. And I wanted to find out if  8 the Police Commission had any thoughts about their  9 responsibility to see that the -- the Maui Police  10 Department was prepared with good rules about how police  11 officers react to demonstrators, different kinds of  12 demonstrations.  13 I don't want to see happening here what has  14 been happening on the mainland. And any of you who  15 watch the internet -- you don't see it much on TV, but  16 if you -- if you pay attention to the internet or  17 Facebook, you see these appalling incidents where police  18 -- the most recent one was the lady -- the 84-year-old  19 woman who is pepper sprayed. And we don't want that  20 kind of thing happening on Maui.  21 So I did send in -- I won't read them all to  22 you, but I did send in a number of questions to the  23 Police Commission, asking them various questions. And I  24 just this morning received a response answering those  25 questions.</p>	<p style="text-align: right;">Page 48</p> <p>1 And that, to me, provides a big problem  2 because it means the Corporation Counsel's office runs  3 the commissions. And I don't like that. They don't  4 have any public accountability. So I don't see  5 commissions as having public accountability.  6 I hope some of you will take the time to read  7 the questions I sent the Police Commission and the  8 answers I received. I won't try to go into it now, but  9 I -- I am very concerned about this, because you think  10 you're going to get accountability, I don't think you'll  11 get it.  12 CHAIR STONE: Thank you, Ms. Raisbeck. Just  13 clarification. Does anybody have that letter from  14 Ms. Raisbeck?  15 MS. RAISBECK: I'm sorry. I just brought it  16 in today.  17 CHAIR STONE: Okay. Thank you.  18 MS. RAISBECK: And there's only one copy.  19 CHAIR STONE: Thank you. So it will be  20 distributed.  21 MS. RAISBECK: I hope some of you will read  22 it.  23 CHAIR STONE: I'm sure we will. Thank you.  24 Commissioner Baxa, clarification.  25 MEMBER BAXA: Ms. Raisbeck, I don't want to</p>

<p style="text-align: right;">Page 49</p> <p>1 put words into your mouth, but it seems to me that you  2 have a strong feeling that the Corporation Counsel runs  3 the commissions.  4 MS. RAISBECK: Yeah. That's -- not all, but  5 most.  6 MEMBER BAXA: Most?  7 MS. RAISBECK: Not all, but most, uh-huh. I  8 do.  9 MEMBER BAXA: I see.  10 CHAIR STONE: Thank you.  11 MS. RAISBECK: Because they are told what  12 their responsibilities are and limited sometimes in what  13 they would like to do and, the entire complex of law, as  14 I'm sure you know more than most, state law, federal  15 law, County ordinances, the Charter. This is so complex  16 that you can use any -- you can use parts of it to  17 control what people can do on a commission --  18 CHAIR STONE: Thank you.  19 MS. RAISBECK: -- no matter what they want to  20 do.  21 CHAIR STONE: I would like to welcome  22 Commissioner Crivello. Stacy, thank you for making it  23 today.  24 MEMBER CRIVELLO: Rock and roll.  25 CHAIR STONE: Any further clarification?</p>	<p style="text-align: right;">Page 51</p> <p>1 different perspective with what reality is versus what I  2 see actually happening with police. So I just want to  3 put that comment in.  4 MS. RAISBECK: Okay. I'd like to say that my  5 experience with the police in demonstrations previously  6 has been fine on Maui. I'm not saying anything about --  7 CHAIR STONE: Just a point of reference here.  8 We're meant to be discussing Charter topics.  9 MEMBER SUGIMURA: Okay.  10 CHAIR STONE: All right. Not whether or not  11 we're happy with our police at the moment. So let's  12 focus on --  13 MS. RAISBECK: Okay.  14 CHAIR STONE: -- the Commission's --  15 MS. RAISBECK: The Charter topic is the -- the  16 duties and responsibilities of the Police Commission.  17 And I'm not sure that the Charter gives sufficient  18 leeway to a commission that wanted to be in charge, to  19 actually be in charge. I don't think they are in  20 charge. I think they either -- either because of the  21 Charter or because of who's on the commission, they  22 define it extremely narrowly. And if you will read my  23 letters and their response, I think you will -- you will  24 see that.  25 CHAIR STONE: Thank you. Thank you very much.</p>
<p style="text-align: right;">Page 50</p> <p>1 Commissioner Sugimura.  2 MEMBER SUGIMURA: Thank you, Sally.  3 I just want to make a statement, since this is  4 being aired on Akaku, and the question came up about the  5 Police Commission in relationship to the Occupy Wall  6 Street situation. On a very active and real level, not  7 a letter to a commission asking what is going to happen  8 and whatever, with my Wailuku First Friday, for the last  9 two months, we've had Occupy Wailuku or Occupy Maui, I  10 guess, groups parading through our event.  11 MS. RAISBECK: Uh-huh.  12 MEMBER SUGIMURA: And it is a public event. I  13 have a concern because that is an event that I put on,  14 and I'm concerned. I work very closely with police. I  15 just want you to know that what you're getting is a  16 perspective that I do not feel on the street. It is --  17 it is -- they are right there. I work with 12 police  18 officers who man my events and make sure that it's safe  19 for the community, the participants who come through.  20 And when the Occupy -- when this group comes walking in  21 with all their signs and, you know, trying to make a  22 presence at our event, police are right there. So they  23 really are -- in fact, I got an email from them even  24 before the event happened that this may happen. So  25 they're really in touch. I think you have a very</p>	<p style="text-align: right;">Page 52</p> <p>1 Further clarification? Commissioner DeLeon.  2 MEMBER DELEON: Sally, do you have any  3 suggestions for improving the Police Commission? In  4 what way would you correct this problem you're  5 perceiving?  6 MS. RAISBECK: Well, I haven't -- like I say,  7 I think that, in general, commissions are full of  8 intelligent and very well meaning people who want to do  9 a good job the way they, you know, conceive the job to  10 be. And I think they are very much held back by the  11 people they are assigned as their Deputy Corporation  12 Counsel. And how you fix that, I don't know. I don't  13 know, but I am very concerned. I don't know. I leave  14 it to, possibly, your helpers here who may have some  15 ideas how the goals of the commission could be increased  16 and changed.  17 But I do want to see something close to --  18 what the ideal is that you have public input and public  19 review of a department that has -- that is not  20 controlled by the Mayor. Normal input from the public  21 is either to the Council or to the Mayor, and you go and  22 beat on them and say this is wrong, this has to be  23 changed. There is nowhere to do that in the setup with  24 the Police Department and the Police Commission, which  25 is, as I say, very narrowly defined in its -- in its</p>

<p style="text-align: right;">Page 53</p> <p>1 oversight.</p> <p>2 CHAIR STONE: Thank you.</p> <p>3 Commissioner DeLeon.</p> <p>4 MEMBER DELEON: Sally, I'll ask you a couple</p> <p>5 questions. Real short answers would be helpful. How</p> <p>6 long have you been involved with Maui County government?</p> <p>7 MS. RAISBECK: Well, since I came, 1982.</p> <p>8 MEMBER DELEON: Okay.</p> <p>9 MS. RAISBECK: 30 years.</p> <p>10 MEMBER DELEON: Have you ever attended a</p> <p>11 Police Commission meeting?</p> <p>12 MS. RAISBECK: Once.</p> <p>13 MEMBER DELEON: Okay. Where was that?</p> <p>14 MS. RAISBECK: That was maybe five years ago.</p> <p>15 MEMBER DELEON: And in the Police Department</p> <p>16 or someplace else?</p> <p>17 MS. RAISBECK: Yeah, it was in the Police</p> <p>18 Department. And it was when -- who was the -- the</p> <p>19 previous police --</p> <p>20 MEMBER DELEON: Tom Phillips.</p> <p>21 MS. RAISBECK: Yeah, when he was -- when he</p> <p>22 was chair.</p> <p>23 MEMBER DELEON: Did you feel like that was an</p> <p>24 adequate public place?</p> <p>25 MS. RAISBECK: Well, I doubt -- I think you</p>	<p style="text-align: right;">Page 55</p> <p>1 MS. RAISBECK: I think you, right here, are</p> <p>2 able to put material into the Charter that would change</p> <p>3 the function of the Police Commission.</p> <p>4 MEMBER BAXA: What function would you like to</p> <p>5 change?</p> <p>6 MS. RAISBECK: I would like to see them have</p> <p>7 either a much increased area of responsibility or be put</p> <p>8 under the Mayor, because I think that's where you get</p> <p>9 accountability, is if it's the Mayor or if the</p> <p>10 accountability is with the Council or with -- but I</p> <p>11 don't think, with the Police Commission, there's any</p> <p>12 accountability as it is now.</p> <p>13 MEMBER BAXA: I think I have an idea. I did</p> <p>14 not get about placing some powers in the Mayor versus</p> <p>15 the commissioners.</p> <p>16 MS. RAISBECK: I don't know that that's the</p> <p>17 right way. I'm just saying that's one way.</p> <p>18 MEMBER BAXA: Okay. Thank you.</p> <p>19 CHAIR STONE: Thank you.</p> <p>20 Commissioners, further clarification on the</p> <p>21 testimony?</p> <p>22 (No Response.)</p> <p>23 CHAIR STONE: No. Thank you, Sally, so much</p> <p>24 for being here. Thank you.</p> <p>25 Lisa, any other testifiers?</p>
<p style="text-align: right;">Page 54</p> <p>1 could find that out by how many people attend their</p> <p>2 meetings. Probably zero, 12 times a year, probably.</p> <p>3 Maybe one, one time a year.</p> <p>4 MEMBER DELEON: Thank you.</p> <p>5 CHAIR STONE: Thank you.</p> <p>6 Commissioners, further clarification?</p> <p>7 MEMBER BAXA: Mr. Chair?</p> <p>8 CHAIR STONE: Commissioner Baxa.</p> <p>9 MEMBER BAXA: Ms. Raisbeck, in relation to our</p> <p>10 functions as Commissioners here, you said that you wrote</p> <p>11 a letter to the commission --</p> <p>12 MS. RAISBECK: Uh-huh.</p> <p>13 MEMBER BAXA: -- to respond to you. In what</p> <p>14 way would that letter be related to our function here?</p> <p>15 Could you please elaborate on that so that, if possible,</p> <p>16 we could act on that if there is any remedy? Or if --</p> <p>17 if it properly belongs to us or not?</p> <p>18 MS. RAISBECK: I'm sorry. Could you repeat</p> <p>19 that?</p> <p>20 MEMBER BAXA: Yeah. You said that you are</p> <p>21 coming here before the Commission, and that you wrote a</p> <p>22 letter to the Commission.</p> <p>23 MS. RAISBECK: To the Police --</p> <p>24 MEMBER BAXA: In what way would that letter be</p> <p>25 pertinent to our job here right now?</p>	<p style="text-align: right;">Page 56</p> <p>1 MS. KAHUHU: No, Chair.</p> <p>2 CHAIR STONE: Before I close public testimony,</p> <p>3 I would like to give any member of the public who has</p> <p>4 not yet spoken the chance to come forward.</p> <p>5 (No Response.)</p> <p>6 CHAIR STONE: No. Thank you very much.</p> <p>7 Without objection, I'll close oral testimony at this</p> <p>8 time.</p> <p>9 ...END OF PUBLIC TESTIMONY...</p> <p>10 CHAIR STONE: And without objection, the Chair</p> <p>11 will accept and file all public communications for the</p> <p>12 record.</p> <p>13 I would like to take a 10-minute recess before</p> <p>14 we start moving down our agenda. When we come back, we</p> <p>15 will be seeing -- let's see. What do we have next?</p> <p>16 Bill Medeiros is here from Geographic Service</p> <p>17 Management, so we will move on to that in 10 minutes,</p> <p>18 which will be at 11:20. Thanks so much. See you guys.</p> <p>19 (Recess, 11:10 a.m. to 11:26 a.m.)</p> <p>20 CHAIR STONE: I will call this meeting back to</p> <p>21 order as of 11:25. Next up on the agenda, we have Bill</p> <p>22 Medeiros here.</p> <p>23 Thank you, Bill, for being here.</p> <p>24 And he will be presenting District Scenarios 5</p> <p>25 and 6 as requested by our Commissioners.</p>

<p style="text-align: right;">Page 57</p> <p>1 Just a note, Commissioners, I just talked with  2 Bill, you'll note that there is some minor discrepancies  3 on Page -- on Sheet 3 of 3 for both of the proposals.  4 And it's just the district numbers are off. So Bill  5 will clarify that.  6 MR. MEDEIROS: Right. Actually, what it turns  7 out is that the labels on the districts on the maps are  8 incorrect.  9 CHAIR STONE: Okay.  10 MR. MEDEIROS: And then Sheet 3 of 3, the  11 numbers are -- are correct. And we can --  12 CHAIR STONE: Okay.  13 MR. MEDEIROS: -- go through that when we get  14 the live data up.  15 CHAIR STONE: Okay. Excellent. Thank you.  16 MR. MEDEIROS: Okay. And, yes. These are the  17 two scenarios that were proposed at the last meeting.  18 We had a short turnaround time. That sort of created  19 the issue with the labels. But numbers, I just verified  20 them again this morning and they're correct.  21 These are the issues -- or the -- the  22 background in terms of how to create the scenarios. I  23 just wanted to bring this up. You've seen it before  24 twice now. These are the ones that I changed for the  25 two scenarios, for the 5 and 6.</p>	<p style="text-align: right;">Page 59</p> <p>1 the leeward side. So that would be Lanai, West Maui,  2 Kihei, South Maui, Molokai, and Wailuku, a portion of  3 Kahului, East Maui, Upcountry, Paia, portion of Kahului.  4 And the place to watch, as I mentioned,  5 Kahului. Kahului gets split in both scenarios. And in  6 addition, in one scenario, Wailuku, Maui Lani gets  7 moved. This is in comparison to the State Senate  8 Districts. And I'll explain the -- the Kahului one is  9 fairly straightforward. It's because of the moving of  10 the canoe districts. When you move Molokai and Lanai  11 out of East Maui, that's a change of about 10,000  12 people. And so the 10,000 people being picked up in  13 Kahului.  14 Again, we've seen this before, but I just want  15 to make sure it's on the record as we go through. It's  16 the County Council residency districts. These are the  17 current districts and current population based on 2010  18 census.  19 Since I'm going to talk a lot about the State  20 Senate Districts in terms of comparisons, I also brought  21 that up in the -- that's the districts, you know, 4, 5,  22 and 6, which is the State Senate Districts, and the  23 population of each. And as I said, within plus or minus  24 five percent from the State Apportionment Commission.  25 And so this is -- Scenario 5 is three</p>
<p style="text-align: right;">Page 58</p> <p>1 Because there are three district scenarios,  2 what I used was the proposed State Senate District  3 boundaries, where possible. The Senate, again, has  4 three districts. And so I tried to use those boundaries  5 and made whatever adjustments based from the State  6 boundaries.  7 As I mentioned the last time, Kahoolawe and  8 Molokini are still in West Maui. I'm not going to  9 change that unless it's proposed by the Commission to  10 change that. That's how it is in the current Council  11 districts.  12 And then, finally, my attempt to stay within  13 the two percent deviation. As I mentioned earlier in  14 testimony, the State uses plus or minus five percent,  15 you know. That's currently, you know, being discussed  16 with the courts. But what I have tried to do is tried  17 to stay within plus or minus two percent. And I was  18 able to get the two additional scenarios within two  19 percent.  20 And these are the two scenarios. Scenario 5,  21 three districts of relatively equal population, based on  22 the Tony Ramil proposal. Lanai, West Maui, Wailuku;  23 Molokai, Kahului, South Maui; East Maui and Makawao,  24 Paia and Upcountry. And Scenario 6 are the three  25 districts of relatively equal population. Lanai with</p>	<p style="text-align: right;">Page 60</p> <p>1 districts based on equal population on the Tony Ramil  2 proposal. It has Lanai, West Maui, Wailuku. And so you  3 can see Lanai, West Maui, Wailuku are together. They  4 should have been -- like I said, these should have been  5 labeled District 1, labeled District 3, but the numbers  6 are correct. So these are the numbers for each of  7 those. All right. And so in the case of District 3,  8 which is this district, Makawao, Upcountry, East Maui.  9 This is the 10,000 people right here in  10 Kahului. Because of the change in terms of the canoe  11 district -- which, in the State district, the canoe  12 district includes Lanai, Molokai and all of East Maui --  13 by taking those out and reapportioning them to the other  14 two districts, I need to find 10,000 people -- actually,  15 I think it came up to like 10,486, something like that.  16 And so I picked them up out of Kahului, right in here.  17 And so when we get to the actual data itself, we can  18 actually zoom in if you want to see exactly what streets  19 I followed to get to that.  20 These are the numbers. All of them very well  21 under the two percent. And so we're able to get some  22 pretty good balance. The biggest deviation 1.12  23 percent.  24 And this is Scenario 6. This is Lanai with  25 the leeward, so Lanai, West Maui, South Maui are</p>

<p style="text-align: right;">Page 61</p> <p>1 together. Wailuku, portion of Kahului and Molokai, so  2 these guys are together. And then a portion of Kahului,  3 Paia, Makawao, Upcountry, East Maui are together.  4 And let me go to the next one.  5 So, again, you can see the 10,000 people here.  6 There was a change in the line. If you look between the  7 two, in the Maui Lani and Wailuku area, that's another  8 area I mentioned to look out for. And that's changed  9 with South Maui, Molokai, Wailuku being moved around  10 into a different configuration.  11 And, again, the numbers are under plus or  12 minus two percent. The highest is 1.79, the lowest is  13 1.57. And so we're able to do a pretty good balance.  14 The changes all comes down to -- and so  15 Mr. Mayer showed his Scenario 7, what he is calling  16 Scenario 7. And so it all comes down to an issue of two  17 things. And we talked about it early, early on. How do  18 you define a canoe district, taking Molokai and Lanai  19 and attaching to somebody? And that's 10,000 people.  20 And then once you do that, once you make that policy  21 choice, then it's building back out, and then the line  22 where it kind of juggles around as it goes. And so you  23 see this in this scenario in Kahului. If you put them  24 back, then the line changes again.  25 And then, finally, if you have specific</p>	<p style="text-align: right;">Page 63</p> <p>1 which districts go with which other districts. Then,  2 basically, it's just balancing out population from  3 there. And then --  4 MEMBER DELEON: So --  5 MR. MEDEIROS: As you see, most of the  6 balancing is done in Central Maui. Since --  7 MEMBER DELEON: Right.  8 MR. MEDEIROS: You know, you want to work your  9 way out and in. So --  10 MEMBER DELEON: Got it. Thank you.  11 CHAIR STONE: Thank you.  12 Commissioners, further clarification?  13 (No Response.)  14 CHAIR STONE: Mr. Medeiros, thank you so much  15 for coming today. We so appreciate your assistance.  16 MR. MEDEIROS: And, yes, if there's any other  17 detailed questions, like I said, I can actually pull up  18 the detailed stuff. If there aren't any, thanks a lot.  19 And then you can bring any -- any more scenarios, just  20 let us know.  21 CHAIR STONE: We actually -- sorry.  22 Commissioner De Rego.  23 MEMBER DE REGO: Yeah. Bill, when you were  24 doing this, what was your rule of thumb, to stay as  25 close to the senatorial districts as possible?</p>
<p style="text-align: right;">Page 62</p> <p>1 questions, I can pull up the actual data when we get to  2 my contact information. I can actually pull up the  3 actual data in ArcView, we can zoom in, take a look. I  4 can overlay the State District boundaries and you can  5 see exactly how they line up for each of the scenarios.  6 Any questions?  7 CHAIR STONE: Very good. Thank you so much.  8 Commissioners, clarification? Commissioner  9 DeLeon.  10 MEMBER DELEON: Thank you, Bill. Did you have  11 a chance to look at Dick Mayer's proposal?  12 MR. MEDEIROS: Just when he showed it to me  13 this morning. He wanted me to put it up on --  14 MEMBER DELEON: I know you didn't do the  15 analysis independently of him, so it's not fair to ask  16 you, you know, exactly whether it's right or not, but  17 did that look like a -- does it look like Dick's numbers  18 are right and he's got the scenarios balanced out?  19 MR. MEDEIROS: They look pretty close. And  20 I'd have to doublecheck them against the system that  21 we're using to do it. But, yeah, he does a lot of work  22 with census, so I don't think the numbers are wrong.  23 MEMBER DELEON: Uh-huh.  24 MR. MEDEIROS: It just comes down to the  25 policy choices in terms of how to aggregate districts,</p>	<p style="text-align: right;">Page 64</p> <p>1 MR. MEDEIROS: Yes. So that was one of the  2 choices I made, was that -- to try to stay with the  3 Senate Districts. And so on screen right now are the  4 Senate Districts. That's the lighter lines right here.  5 MEMBER DE REGO: Uh-huh.  6 MR. MEDEIROS: And this will be Scenario --  7 looks like Scenario 6. And so they only -- the change  8 was that Kahului area that we discussed earlier. And,  9 again, it's -- it's a zero sum game. You move people  10 out of a district, you have to find population to  11 balance it out. Once you start doing equal populations  12 among the districts, any -- anytime you move people out,  13 you have to rebalance them. And that's -- and so in the  14 case of Scenario 6, that's the -- that's the change.  15 CHAIR STONE: Commissioner De Rego.  16 MEMBER DE REGO: Okay. Let's follow up on the  17 rule of thumb. The rule of thumb for you was keeping as  18 close to the senatorial districts why?  19 MR. MEDEIROS: Well, it does two things.  20 One, it creates a consistency from scenario to  21 scenario, and it then shows you the changes. If between  22 scenarios, I -- let's say between Scenario 5 and  23 Scenario 6, I decided to take East Maui and move it up  24 into South Maui, and leave Kahului alone, you wouldn't  25 have a good idea of the difference between 5 and 6.</p>



<p style="text-align: right;">Page 65</p> <p>1 Okay.</p> <p>2 Secondly, back in June, when we talked about</p> <p>3 starting points -- you know, the last meeting when we</p> <p>4 discussed it, I said what I chose as starting points was</p> <p>5 the northern point between West Maui and Wailuku, and</p> <p>6 worked our way this way, worked our way south, the</p> <p>7 southernmost point in South Maui, and working your way</p> <p>8 north, and then East Maui following the north shore.</p> <p>9 And so what it does, when you do that, all of the</p> <p>10 elasticity, all the changes occur in that Central Maui</p> <p>11 area. So if you look at all six scenarios, you will see</p> <p>12 that's where it goes.</p> <p>13 Now, you could go inside out. You could say</p> <p>14 let's hold Kahului steady and move your way out. The</p> <p>15 danger there is you may end up with 5,000 people in Hana</p> <p>16 and 5,000 people in Molokai, or something, you know,</p> <p>17 where you would end up with the populations not close</p> <p>18 enough that you can add them together. So my thing was</p> <p>19 to start from the outside in so that the remainders from</p> <p>20 each district are close enough that you can aggregate</p> <p>21 them into one geographic area.</p> <p>22 And so if you look at the -- especially in the</p> <p>23 nine-district versions, that's kind of what happens in</p> <p>24 that South/Central Maui, that you get a portion of the</p> <p>25 northern part of South Maui, the southern part of West</p>	<p style="text-align: right;">Page 67</p> <p>1 something we can grab onto, something that's done</p> <p>2 in-house.</p> <p>3 MR. MEDEIROS: Okay. Can be done.</p> <p>4 MEMBER DELEON: Thank you.</p> <p>5 CHAIR STONE: Thank you very much.</p> <p>6 Commissioners, further clarification?</p> <p>7 (No Response.)</p> <p>8 CHAIR STONE: Bill, we're actually going to</p> <p>9 move on to districts at the beginning of our Active</p> <p>10 Matrix list here. Do you mind hanging around for maybe</p> <p>11 half hour or so?</p> <p>12 MR. MEDEIROS: Okay. That will be fine.</p> <p>13 CHAIR STONE: So if any questions pop up</p> <p>14 during that meeting, is that possible?</p> <p>15 MR. MEDEIROS: Okay. I will.</p> <p>16 CHAIR STONE: Thanks so much. And thanks for</p> <p>17 your time.</p> <p>18 All right. Moving on the agenda. We have</p> <p>19 next, review and discussion on letter dated November</p> <p>20 21st, 2011, from Commission Analyst Sherry P. Broder.</p> <p>21 And we had this letter previous -- sent out previously</p> <p>22 in our packets. These were answers to questions that we</p> <p>23 had at our last meeting.</p> <p>24 The first issue was legality to be able to</p> <p>25 require residency requirements on smaller portions of a</p>
<p style="text-align: right;">Page 66</p> <p>1 Maui, and they all get kind of lumped together. So I</p> <p>2 tried to make sure that they were not geographically</p> <p>3 separated when you get to the remainder, the folks that</p> <p>4 are not -- that don't -- that -- because no district</p> <p>5 hits -- whether it's 17,000 or 21,000, no district hits</p> <p>6 that exactly. So there's always going to be some excess</p> <p>7 people.</p> <p>8 MEMBER DE REGO: So what you're saying is</p> <p>9 Central Maui gives you the most play in order to be able</p> <p>10 to separate the districts in such a way that they're</p> <p>11 equal, but as close to senatorial districts as possible?</p> <p>12 MR. MEDEIROS: Geographically, that gets the</p> <p>13 -- you don't want to have these districts that are --</p> <p>14 you don't want to have more canoe districts than you</p> <p>15 need to. And so the idea was to work from the outside</p> <p>16 of the island inward, then you get your -- your</p> <p>17 remainder geographically in proximity. So it's easier</p> <p>18 to aggregate them to a new district.</p> <p>19 CHAIR STONE: Thank you.</p> <p>20 Commissioner DeLeon.</p> <p>21 MEMBER DELEON: Bill, can I ask you to -- for</p> <p>22 the next meeting -- or for next possibility, is to do</p> <p>23 the Mayor's scenario?</p> <p>24 MR. MEDEIROS: Sure.</p> <p>25 MEMBER DELEON: So we could have officially as</p>	<p style="text-align: right;">Page 68</p> <p>1 district. Sherry, I'm going to turn that over, if you</p> <p>2 can give us a brief overview.</p> <p>3 MS. BRODER: Okay. So this was to answer</p> <p>4 questions about residency and requiring residency,</p> <p>5 geographic residency, for districts, which we concluded,</p> <p>6 Professor Van Dyke and I both concluded, that requiring</p> <p>7 residency for districts can be utilized. And, of</p> <p>8 course, you know Maui County utilizes that right now.</p> <p>9 Mr. Kushi brought to our attention the case</p> <p>10 that was decided on the Big Island, Goodnow v. David.</p> <p>11 And in that case, there were two types of residency</p> <p>12 requirements. One was geographic residency in the</p> <p>13 district, and, also, to be residing there. And, also,</p> <p>14 in addition to residing there, there was another</p> <p>15 requirement that you had to have been registered to vote</p> <p>16 there. So both of those requirements were 90 days</p> <p>17 before the election.</p> <p>18 And the Court found that the first one was</p> <p>19 reasonable, which was being required to reside in the</p> <p>20 district, but to have a second requirement which was to</p> <p>21 be registered to vote in the district was too -- was</p> <p>22 burdensome. And so I think that the Court was looking</p> <p>23 to having it be easier, rather than harder, to qualify</p> <p>24 as a candidate. And so -- so the two requirements which</p> <p>25 actually are in conflict under the facts of that case as</p>

<p style="text-align: right;">Page 69</p> <p>1 being burdensome. So I think that there should only be  2 one requirement in terms of the time and the district.  3 Then, perhaps, just to be cautious, you might want to  4 follow the one that was upheld, which was one which was  5 just pure residency, rather than being -- being required  6 to be there.  7       Okay. That same letter -- shall I go on to  8 the rest of it? Okay. All right. Then I also  9 addressed issues on -- okay. I also brought up, I  10 think, what we've seen from our -- from the expert that  11 just testified, is that the State uses a very good --  12 already has very good practices with regards to  13 population deviation, and is -- is using low  14 percentages. So I think that the materials that have  15 been presented to you through the prior testifier seem  16 to be good materials because they're using -- they're  17 using low percentage deviations. And I think that's  18 what the goals should be.  19       All right. Then what is the difference  20 between initiatives and referendum? Well, Maui County  21 calls it initiative. And that's very typical, even  22 though it's initiative, and, strictly speaking, could  23 call it referendum. So the Charter, Article 11, is  24 really dealing with both initiative and referendum.  25 And, actually -- so, initiative is, you know, solely by</p>	<p style="text-align: right;">Page 71</p> <p>1 specific, recall of the mayor, recall of the  2 councilperson, recall of the prosecuting attorney. So  3 those are in the -- in the last part of the letter, if  4 anybody is actually interested in any of the fine  5 details.  6       Thank you.  7       CHAIR STONE: Thank you very much, Sherry.  8 Commissioners, clarification on the letter?  9       MEMBER OKAMOTO: Quick question on the Number  10 1 part.  11       MS. BRODER: Okay.  12       MEMBER OKAMOTO: You were talking residency,  13 but are you -- from this, are you also saying that the  14 current way -- the current system, not the three, but  15 the current, would be considered legal because of the  16 geographic differences?  17       MS. BRODER: Yes.  18       MEMBER OKAMOTO: And then the three sections  19 would follow the same idea?  20       MS. BRODER: Yes.  21       MEMBER OKAMOTO: Thank you.  22       CHAIR STONE: Very good.  23 Further clarification? Commissioner DeLeon.  24       MEMBER DELEON: Sherry, I think, in some  25 jurisdictions on mainland, if I understand it correctly,</p>
<p style="text-align: right;">Page 70</p> <p>1 the voters, they want to put something on the ballot.  2 Referendum, which is called initiative, as it can be,  3 here on Maui is when the voters object to some ordinance  4 that the Council has passed. So the voters have the  5 right to, basically, recall the ordinance and reject it.  6       But you might note from my letter that I  7 pointed out that, in 2002, the Charter was already  8 amended. And the number of votes needed to get a matter  9 on the ballot for initiative has been reduced. So it's  10 20 percent of those who voted in the last election. So  11 it was reduced from 20 percent of those who are  12 registered to vote. 20 percent of those who voted in  13 the last election.  14       Recall, however, was not changed. So recall  15 does have a higher standard, a higher number of  16 signatures required to get on the ballot.  17       I also reviewed -- as well as the Charter,  18 yes.  19       And I also reviewed other counties here in  20 Hawaii, Kauai, Hawaii and City and County of Honolulu,  21 what are their requirements for initiative, referendum  22 and recall. I also looked at California. So that's all  23 recorded on Pages 4 and 5. And I will spare you the  24 fine details. But --  25       And then, also, in Honolulu, it's even more</p>	<p style="text-align: right;">Page 72</p> <p>1 they have built-in referendums on like capital  2 improvement initiatives and like building schools and  3 stuff like that, don't they? I mean, it's part of their  4 -- the voters get to sign off on a lot of things  5 automatically as opposed to something's initiated by the  6 voter. Is that true?  7       MS. BRODER: I would have to research that  8 further.  9       MEMBER DELEON: Okay.  10       MS. BRODER: Okay.  11       MEMBER DELEON: All right.  12       CHAIR STONE: Thank you.  13 Commissioner De Rego.  14       MEMBER DE REGO: Sherry, since I was absent at  15 the last meeting, no one asked -- and I didn't have --  16 thank God -- any connection to the internet on my  17 vacation, which was really great. No one asked the  18 question about length of residency in terms of whether  19 the -- would there be any constitutional limits to, you  20 know, one year as versus three years? Or did you answer  21 that question before, I may have been out of the loop?  22       MS. BRODER: I wrote a letter earlier about  23 residency requirements, just general residency  24 requirements, and reviewed the Hawaii State Constitution  25 and what requirements there are. You know, like to</p>

<p style="text-align: right;">Page 73</p> <p>1 become Governor, you have to have resided in Hawaii, if  2 my memory serves me correctly, five years.  3 And even for the State House or Senate, I  4 believe it was three years. So I did review other  5 longer residency requirements than the 90 days.  6 But if you look at the letter that you have in  7 front of you, November 21st, I did show you what the  8 other, I believe, counties do.  9 Did I? Not on this one. Okay. I didn't.  10 So in the other letter, the earlier letter  11 that I wrote, I did review other residency requirements  12 here in Hawaii and what they are.  13 MEMBER DE REGO: So there wouldn't be any  14 obstacle to us increasing the residency requirements?  15 MS. BRODER: Well, you have to have a reason  16 for making the change. And so -- and it has to be a  17 good faith legitimate type of reason. So, you know, for  18 instance, to be governor, you know, the courts have  19 upheld the longer residency requirement because of the  20 complications of the job and the need to, you know,  21 really understand the whole state and, you know, the  22 bigger job assignment that it is and everything. So you  23 would have to be able to articulate, you know, a good  24 faith reason for changing -- changing the residency  25 requirement.</p>	<p style="text-align: right;">Page 75</p> <p>1 MEMBER BAXA: Following on Commissioner  2 Sugimura's question, I think to the question of  3 residency was whether it would be okay to say that the  4 person has resided in a certain area and that he had  5 voted during the last election. Would it be okay to add  6 that provision there as a part of the residency  7 requirement?  8 MS. BRODER: That he had resided in that  9 district and he had voted?  10 MEMBER BAXA: Yes.  11 MS. BRODER: Okay. Well, the case that I was  12 discussing disallowed having two requirements --  13 MEMBER BAXA: I see.  14 MS. BRODER: -- one of which differed slightly  15 from the other one. So, in other words, she had lived  16 in the district more than 90 days, but had registered to  17 vote approximately 85 or 89 days in advance of the  18 candidate taking out her candidacy papers. And the  19 court -- the court rejected having two different  20 standards like that, and went for the more liberal  21 standard which was the full 90 days, rejected the more  22 difficult standard to meet.  23 MEMBER BAXA: Thank you.  24 CHAIR STONE: Thank you.  25 And, Sherry, quick question. What, in your --</p>
<p style="text-align: right;">Page 74</p> <p>1 And, I mean, I think if it was in line with  2 what the other counties do, that would, you know, sort  3 of seem like that's what county type people think is  4 reasonable.  5 MEMBER DE REGO: Or unreasonable.  6 (Laughter.)  7 CHAIR STONE: Thank you.  8 MS. BRODER: Okay.  9 CHAIR STONE: Commissioner Sugimura.  10 MEMBER SUGIMURA: So, Sherry, when we went to  11 Lanai, especially, the community said, you know, to  12 tighten up the residency requirement. So what could we  13 do as a commission to their -- to their question, I  14 guess?  15 MS. BRODER: Well, I mean, you want to make it  16 more than 90 days prior to, you know, residing in a  17 district, more than 90 days prior to the election. I  18 mean, I guess that would be the answer. I mean, it  19 would be to make some kind of extension, extension to  20 the length of time that you need to reside in the  21 district, to be able to, you know, file for office as a  22 candidate. That's what you're talking about, filing for  23 office as a candidate. But, you know --  24 MEMBER BAXA: Mr. Chair?  25 CHAIR STONE: Commissioner Baxa.</p>	<p style="text-align: right;">Page 76</p> <p>1 in your opinion, if you have one, is a realistic amount  2 of time to require -- or what would be unchallenged --  3 or not unchallenged, but what would survive a challenge?  4 MS. BRODER: Okay. Well -- okay, this is --  5 you know, this is the United States, and people file  6 lawsuits all the time. So, you know, to make something  7 unchallenged, you know --  8 CHAIR STONE: Survive a challenge.  9 MS. BRODER: Survive a challenge. Well, I  10 guess I would -- I think it's a policy question for you  11 to decide. And then when you decide how many days you  12 are really interested in and what is the reason for  13 extending the time from 90 days, you know, then I think  14 I would be able to better respond. I think it's kind of  15 difficult to respond without knowing what the reason is.  16 I mean, you have to have some -- some legitimate reason,  17 you know, to -- to do that.  18 So I don't know what concerns the people of  19 Lanai had, but, I mean, if they were -- the concerns  20 that were being expressed were based on one particular  21 case, one particular experience that they had, you know,  22 I don't know. Might not -- you know, might not be that  23 you need -- that the Charter needs to be changed in  24 order to deal with a very specific circumstance, which  25 the courts dealt with, anyways. So -- and -- and</p>

<p style="text-align: right;">Page 77</p> <p>1 considered the concerns of the people of Lanai, and,  2 actually deferred to their view of what was residency,  3 or accepted their view, anyways.  4 CHAIR STONE: Thank you.  5 Commissioner Okamoto.  6 MEMBER OKAMOTO: I think part of it is the  7 idea, it says 90 days preceding you filing papers a  8 resident of the County, but you only have to be a  9 resident the day you declare the area. And it is not a  10 onetime happening with Lanai. In the past, we had a man  11 who was going to move there because it was an easier  12 district to run from. And I don't think that's just  13 Lanai. So maybe if -- if it said not just 90 days in  14 the county, but could it say, and 90 days in that area  15 that they're choosing to run from?  16 MS. BRODER: Well, that's what it does say.  17 MEMBER DE REGO: Say --  18 MS. BRODER: It does say that. If you look at  19 3-2, it says a voter in the county, a resident in the  20 county for a period of 90 days preceding the filing of  21 nomination papers, and, at the time of filing nomination  22 papers, a resident of the area from which the person  23 seeks to be elected.  24 MEMBER OKAMOTO: That's the problem right  25 there. That says I can move there today and file papers</p>	<p style="text-align: right;">Page 79</p> <p>1 (No Response.)  2 CHAIR STONE: Sherry, do you have something to  3 say? Sorry. One second.  4 MS. BRODER: I guess we just have to make --  5 you just have to make sure that it complied with not  6 having two different standards like they had on -- they  7 had on the island of Hawaii. So I think I'd have to  8 look at the case one more time to make sure that --  9 MEMBER DE REGO: Is there a way --  10 MS. BRODER: But the answer to that --  11 MEMBER DE REGO: Is there a way of wording it  12 that would conflict the two, that they would be one  13 streamlined requirement instead of assuming they're two?  14 MS. BRODER: I think that -- the problem in  15 that case is being both a resident and registered voter.  16 So I think if you did do it just resident, 90 days,  17 resident of the county and resident of the district at  18 least 90 days, I think that that would probably be okay.  19 MEMBER DE REGO: Or a year?  20 MS. BRODER: Well, I think to change it to a  21 year, I would have to look into it further before I  22 could respond to that. And I would need to know what  23 your -- you know, what the reason was for extending it  24 from 90 days to a year.  25 MEMBER DE REGO: Venue shopping.</p>
<p style="text-align: right;">Page 78</p> <p>1 today. I can move from Kula down to Kahului because,  2 oh, there's an open seat there. So it's not just Lanai.  3 But could we then have that 90-day residency in the  4 area, not just in the county? Is that -- would that be  5 something that would hold up?  6 MS. BRODER: Yes, I think so.  7 MEMBER OKAMOTO: I think that would help at  8 least with the Lanai issue this past term. But I think  9 it's other areas, too.  10 MS. BRODER: Yeah, it doesn't say it like  11 that.  12 CHAIR STONE: Thank you.  13 Any further questions on the letter?  14 MEMBER DE REGO: Yeah. I just --  15 CHAIR STONE: Commissioner De Rego.  16 MEMBER DE REGO: -- want to agree with  17 Commissioner Okamoto, because I think that's what I was  18 trying to get at, is that 90 days prior to filing is one  19 thing, but residency in the district is quite another.  20 And this might -- actually, putting a requirement for a  21 residency in the district might help the problem of  22 venue shopping at that -- at that particular point.  23 CHAIR STONE: Very good.  24 Commissioners, any further clarification or  25 questions?</p>	<p style="text-align: right;">Page 80</p> <p>1 MS. BRODER: What?  2 MEMBER DE REGO: Venue shopping. I mean,  3 people moving from district to district trying to find a  4 good place to get elected.  5 I mean, they should be -- you know, even with  6 the district voting, if -- you know, whatever happens,  7 they should be invested in the place in which they live.  8 And I think this is part of the problem. So I think  9 there is a grounds to be able to look at making a more  10 stringent residency requirement to make sure people are  11 invested in the areas in which they live, and they're  12 not making this movement from place to place simply to  13 find a place where they can get elected.  14 So that would be my comment on that.  15 CHAIR STONE: Thank you.  16 Commissioner Hashimoto.  17 MEMBER HASHIMOTO: Yeah, I just want to make  18 this point. I think we can cut off our legs in spite of  19 our faces, whatever the saying is, by making the rule so  20 stringent that a good candidate who lives in another  21 district -- we may want that person to run in our  22 district and -- and that -- we will not be able to do  23 that if we made it -- made it too stringent. So, you  24 know, we can make a lot of rules that can -- can, you  25 know, cut off our nose in spite of our face at some</p>

<p style="text-align: right;">Page 81</p> <p>1 period in the future, we never know. So I think it's up  2 to the voters -- left up to the voters to decide who  3 they should elect, because we're trying to decide that  4 now. And I think it should be left to the voters.  5 MEMBER DELEON: Well --  6 CHAIR STONE: Thank you very much.  7 Commissioners, further -- Commissioner DeLeon.  8 MEMBER DELEON: I just want to correct the  9 record. The proper term is carpetbagging.  10 MEMBER OKAMOTO: Oh, I like venue shopping.  11 (No Response.)  12 CHAIR STONE: Thanks for the clarification.  13 Commissioners, any further discussion?  14 Obviously, this will -- this letter will come up again  15 when we start getting to the topic.  16 (No Response.)  17 CHAIR STONE: No further discussion, okay.  18 Very good. We're moving on.  19 Sharpen your pencils, Commissioners. We are  20 now going back into the Active Proposals for Substantive  21 Changes to the Maui County Charter.  22 MEMBER SUGIMURA: Where did we leave off?  23 CHAIR STONE: Just a quick note. My plan is,  24 if we're not able to get through our Active Proposal  25 List today, we'll go into recess and have another</p>	<p style="text-align: right;">Page 83</p> <p>1 talking about leaving it as is, go strict district, or  2 go the three?  3 CHAIR STONE: I think that in order -- in  4 order to -- in order to meet our time constraints, we  5 need to determine whether or not we're -- we are  6 considering any proposal scenario here. So that's the  7 focus. Whether or not the scenario is moved around, we  8 can discuss that after we make that discussion on  9 whether or not we want to move forward with a specific  10 proposal.  11 Commissioner Baxa.  12 MEMBER BAXA: Yeah. Mr. Chair, since this is  13 just a suggestion to consider any other proposal aside  14 from existing system right now, I would like to propose  15 that we consider the proposal by Mr. Ramil.  16 CHAIR STONE: Thank you very much. Is that a  17 motion?  18 MEMBER BAXA: That is a motion, Mr. Chair.  19 CHAIR STONE: We have a motion by Commissioner  20 Baxa. And we're talking about the general, is that  21 correct, no specific scenario, but the general proposal  22 from Mr. Ramil?  23 MEMBER BAXA: Yeah. General proposal from  24 Mr. Ramil.  25 CHAIR STONE: Very good. There's a motion put</p>
<p style="text-align: right;">Page 82</p> <p>1 meeting this week. So as -- the issue is we need to go  2 back out to the public soon. And you'll see when we get  3 to the scheduling part of our agenda. So that is the  4 intent. So we'll work very hard to get it done today.  5 If we don't, then we will have another meeting this  6 week. So --  7 MEMBER SUGIMURA: What day?  8 CHAIR STONE: I don't know yet. We will  9 discuss it when we get to that point. I just wanted you  10 guys to be aware of that. This is the -- this is the --  11 all right.  12 So starting with Page 1, Article 3, County  13 Council, District Elections. And I'd like to say that  14 we have a number of these scenarios in front of us,  15 which we should be discussing, if appropriate, the  16 Commission. Or if there's other proposals that the  17 Commissioners would like to discuss. So I open the  18 floor to discussion.  19 MEMBER OKAMOTO: Can we limit it --  20 CHAIR STONE: Commissioner Okamoto.  21 MEMBER OKAMOTO: -- to the three major things  22 we're talking about, not get into should it be Kahului  23 here and Wailuku here?  24 CHAIR STONE: Yes.  25 MEMBER OKAMOTO: Can we say either we're</p>	<p style="text-align: right;">Page 84</p> <p>1 forward to accept to draft language stage the basic  2 concept of Mr. Ramil's proposal of three districts of  3 equal proportion with residency requirements in those  4 districts.  5 MEMBER DELEON: Mr. Chair?  6 CHAIR STONE: Yes, please, Commissioner  7 DeLeon.  8 MEMBER DELEON: One point of order. If the  9 Commission approves this, that excludes all other  10 scenarios?  11 CHAIR STONE: Yes. Yes.  12 Do we have a second for that motion?  13 (No Response.)  14 CHAIR STONE: No second. Okay.  15 Further discussion? Don't be afraid,  16 Commissioners.  17 MEMBER DELEON: Mr. Chair?  18 CHAIR STONE: Yes, Commissioner DeLeon.  19 MEMBER DELEON: I would like to make a motion  20 for district elections, nine individual districts.  21 CHAIR STONE: Very good. There's a motion put  22 forward for district elections, nine separate districts.  23 Is there a second on that motion?  24 VICE-CHAIR HEDANI: I have a question.  25 CHAIR STONE: Sure. Of course.</p>

<p style="text-align: right;">Page 85</p> <p>1 VICE-CHAIR HEDANI: We have like 10 proposals  2 before us on district elections right now. And I'd like  3 to know which one we're talking about.  4 CHAIR STONE: Commissioner DeLeon, could you  5 clarify your motion, please?  6 MEMBER DELEON: I think it's the -- I don't  7 have the maps in front of me, all the other maps that we  8 had, but the one we did where it was the equally divided  9 districts, nine separate individual districts, Lanai and  10 Molokai are included, they are canoed to another part of  11 Maui.  12 CHAIR STONE: Do you have a specific proposal  13 number?  14 MEMBER DELEON: No, I don't have that in front  15 of me.  16 CHAIR STONE: Is that on --  17 MEMBER DELEON: No, not 7. 3.4 without the  18 self-rule element.  19 MEMBER SUGIMURA: So it's not 3.4?  20 MEMBER OKAMOTO: Try 3.3.  21 CHAIR STONE: Commissioner DeLeon.  22 MEMBER DELEON: Well, I've made this  23 recommendation in the past, so it should have been in  24 this list.  25 MR. MAYER: 3.3.</p>	<p style="text-align: right;">Page 87</p> <p>1 MEMBER SUGIMURA: Okay. So that's no.  2 MEMBER DELEON: 3.11 is not Ramil. Ramil is  3 not on here, really.  4 CHAIR STONE: It's -- actually, Ramil, I  5 believe, is on the back of this particular active  6 proposal.  7 MEMBER CRIVELLO: 3.11.  8 MS. BRODER: 3.10.  9 MEMBER CRIVELLO: 3.10.  10 CHAIR STONE: 3.10, yeah, that's correct.  11 MEMBER CRIVELLO: I have a question.  12 CHAIR STONE: Yes, Commissioner Crivello.  13 MEMBER CRIVELLO: Today, we were presented  14 with Scenario Number 7. Would that be part of this list  15 or would that come back again?  16 CHAIR STONE: Well, Commissioner Baxa put  17 forward a motion to take this general discussion to the  18 draft stage, meaning whether or not Mr. Ramil's concept  19 would move forward.  20 MEMBER CRIVELLO: But this isn't Mr. Ramil's.  21 CHAIR STONE: Well, it is part of the concept,  22 as a scenario of the entire concept.  23 MEMBER CRIVELLO: I think if you look at the  24 population breakdown, it's -- so the scenario, you  25 know -- so for -- I guess, for consideration purposes, I</p>
<p style="text-align: right;">Page 86</p> <p>1 CHAIR STONE: Would that be 3.3, Commissioner  2 DeLeon?  3 MEMBER CRIVELLO: Or 3.2. You're talking  4 about single-member districts?  5 MEMBER DELEON: Right.  6 CHAIR STONE: Yes. I guess we could --  7 MEMBER DELEON: Yeah, 3.2. Yeah.  8 CHAIR STONE: So Number 3.2. We have a  9 motion -- very good. Thank you. We have a motion put  10 forward to take to draft stage Proposal Number 3.2,  11 which is amend proposal to have a general discussion on  12 proposals of single-member districts. Is there a second  13 to that motion?  14 (No Response.)  15 CHAIR STONE: No second. Okay.  16 Further discussion here?  17 (No Response.)  18 CHAIR STONE: Now I know how to keep everybody  19 quiet.  20 (Laughter.)  21 CHAIR STONE: Open a discussion on district  22 voting. Nobody's ever seemed shy before, Commissioners.  23 MEMBER SUGIMURA: So 3.11 is out, right, which  24 is Mr. Ramil's?  25 CHAIR STONE: 3.11 did not move forward.</p>	<p style="text-align: right;">Page 88</p> <p>1 would like to move that the present -- the Scenario  2 Number 7 be included in the active proposals, I guess.  3 MEMBER DELEON: Second.  4 CHAIR STONE: Would you like to --  5 MEMBER BAXA: I would like to second. Is that  6 the Ramil proposal?  7 CHAIR STONE: That is -- just for  8 clarification --  9 MEMBER CRIVELLO: No. It's not Ramil's  10 proposal.  11 CHAIR STONE: Understood. I'm sorry. I guess  12 I was unclear. I apologize. What Commissioner Baxa had  13 put forward --  14 MEMBER DELEON: The concept.  15 CHAIR STONE: -- is the concept as a whole.  16 MEMBER CRIVELLO: Yeah, but I think we have to  17 take into consideration where you need to compare --  18 CHAIR STONE: We --  19 MEMBER CRIVELLO: -- the population portion  20 and not necessarily the concept as far as what -- but  21 adds, I guess, more meat to it. I guess my question, or  22 my concern is, will this scenario, has it been  23 eliminated because there was no second to Ramil's?  24 CHAIR STONE: As of right now, yes, because  25 there's no second. It hasn't been eliminated, but it</p>

<p style="text-align: right;">Page 89</p> <p>1 has not moved forward.</p> <p>2 MEMBER BAXA: Mr. Chair?</p> <p>3 CHAIR STONE: Commissioner Baxa.</p> <p>4 MEMBER BAXA: Yeah. I would like to</p> <p>5 elaborate. If it pertains to the population</p> <p>6 distribution, I think, under the Ramil proposal, his</p> <p>7 proposal was that there is no objection to equalizing</p> <p>8 the populations within the three areas.</p> <p>9 CHAIR STONE: Uh-huh.</p> <p>10 MEMBER BAXA: So I just put a motion to have</p> <p>11 that to be considered by the -- by the Commission.</p> <p>12 CHAIR STONE: Uh-huh.</p> <p>13 MEMBER DELEON: Mr. Chair, do we have a motion</p> <p>14 on the floor?</p> <p>15 CHAIR STONE: Was that a -- you can put a</p> <p>16 motion. Okay.</p> <p>17 MEMBER DELEON: He moved and I seconded.</p> <p>18 CHAIR STONE: That's correct. I just want to</p> <p>19 clarify for Commissioner --</p> <p>20 MEMBER BAXA: The Ramil proposal --</p> <p>21 CHAIR STONE: One second. I wanted to clarify</p> <p>22 for Commissioner Crivello that that was a motion to put</p> <p>23 Scenario Number 7 --</p> <p>24 MEMBER CRIVELLO: Right.</p> <p>25 CHAIR STONE: -- on the floor.</p>	<p style="text-align: right;">Page 91</p> <p>1 down, please.</p> <p>2 MEMBER HASHIMOTO: Do them all at one time</p> <p>3 and --</p> <p>4 CHAIR STONE: Cliff, please. Please, please.</p> <p>5 Our goal today --</p> <p>6 (Audio feedback.)</p> <p>7 CHAIR STONE: It must be me.</p> <p>8 MEMBER OKAMOTO: It must be.</p> <p>9 CHAIR STONE: Our goal today is we are moving</p> <p>10 through our Active Proposal List and determining whether</p> <p>11 or not these proposals are going to move to draft</p> <p>12 proposal stage. That's what we've been doing for the</p> <p>13 last two meetings. And this meeting is going to</p> <p>14 continue what we're doing. If -- just to clarify. Was</p> <p>15 that a motion to move this -- this to draft proposal</p> <p>16 stage?</p> <p>17 MEMBER CRIVELLO: I have to admit that I'm</p> <p>18 rather confused on the process that we're doing right</p> <p>19 now. Because I heard you state earlier that if -- if it</p> <p>20 doesn't pass or anything, it's completely eliminated</p> <p>21 from the Active List, or any sort of proposal.</p> <p>22 CHAIR STONE: No, not eliminated; just not</p> <p>23 moving forward. Nothing is eliminated until we're done</p> <p>24 with this process. For example, we're in the process of</p> <p>25 discussing district voting. Okay?</p>
<p style="text-align: right;">Page 90</p> <p>1 MEMBER BAXA: That is the Ramil proposal.</p> <p>2 CHAIR STONE: So Scenario Number 7 is -- a</p> <p>3 motion has been put forward to put Scenario Number 7 on</p> <p>4 the floor to discuss going to draft proposal stage. And</p> <p>5 it has been seconded by Commissioner DeLeon. So at the</p> <p>6 moment, we're looking at Scenario Number 7, which was</p> <p>7 presented to us by Mr. Mayer today. Discussion?</p> <p>8 MEMBER HASHIMOTO: That came up for --</p> <p>9 CHAIR STONE: Discussion?</p> <p>10 MEMBER HASHIMOTO: It's the same motion.</p> <p>11 MEMBER CRIVELLO: I'm sorry. I just -- I just</p> <p>12 want this to be considered as part of the active</p> <p>13 proposal because it was just presented today.</p> <p>14 MEMBER SUGIMURA: You don't want it to come up</p> <p>15 later.</p> <p>16 MEMBER DELEON: This is for going to --</p> <p>17 CHAIR STONE: This is going to draft -- this</p> <p>18 is discussion to potentially go into draft proposal</p> <p>19 stage.</p> <p>20 MEMBER CRIVELLO: Rather confusing, what we're</p> <p>21 doing. It is. It's very confusing.</p> <p>22 MEMBER HASHIMOTO: You know, that keeps making</p> <p>23 the thing go on and on and on. We've got to stop doing</p> <p>24 that.</p> <p>25 CHAIR STONE: Guys, sorry. Hang on. Slow</p>	<p style="text-align: right;">Page 92</p> <p>1 MEMBER CRIVELLO: Okay.</p> <p>2 CHAIR STONE: Now, if, for example, it was put</p> <p>3 forward by Commissioner Baxa whether the Ramil style or</p> <p>4 Ramil --</p> <p>5 MEMBER DELEON: Concept.</p> <p>6 CHAIR STONE: -- concept would move forward to</p> <p>7 discussion, to draft proposal stage, nobody seconded</p> <p>8 that motion.</p> <p>9 MEMBER CRIVELLO: Right.</p> <p>10 CHAIR STONE: All right.</p> <p>11 MEMBER BAXA: Mr. Chair, I know you have</p> <p>12 already -- there was already a vote on my motion, but I</p> <p>13 think the whole Commission should be -- should know what</p> <p>14 they're voting for. There is the Ramil proposal and</p> <p>15 there is the Mr. -- Professor Mayer's proposal. The</p> <p>16 only difference between Ramil's proposal is about the</p> <p>17 areas being covered in the three districts. So I want</p> <p>18 the Commissioners to be fully aware of that.</p> <p>19 And I don't know if you can reconsider the</p> <p>20 vote that you have put on my motion, but I would like</p> <p>21 the Commissioners to be fully aware of the distinct</p> <p>22 areas that are being covered in the three districts.</p> <p>23 And I believe, at this point, that the Ramil proposal is</p> <p>24 better than the proposal by Professor Mayer.</p> <p>25 CHAIR STONE: Okay. Thank you.</p>

<p style="text-align: right;">Page 93</p> <p>1 Commissioner DeLeon.</p> <p>2 MEMBER DELEON: I think the key difference</p> <p>3 between the Ramil proposal and the -- and the Mayer</p> <p>4 proposal is that Hana's treated as a separate district</p> <p>5 in Tony's proposals. And it's not treated as a separate</p> <p>6 district in the Mayer proposal.</p> <p>7 CHAIR STONE: Thank you.</p> <p>8 Yes, Commissioner Okamoto.</p> <p>9 MEMBER OKAMOTO: In looking at just the</p> <p>10 concept of -- the Ramil concept. And last time, I know</p> <p>11 Susan talked about a compromise. And I think sometimes</p> <p>12 -- and, at first, I thought, hey, that sounds like a</p> <p>13 good idea, but it's not satisfying the people who want</p> <p>14 district, it's not satisfying the people who still want</p> <p>15 their nine votes. So a compromise -- I don't know that</p> <p>16 it is worth compromising. That's just my own particular</p> <p>17 feeling. And it's also very -- as Dave has pointed out,</p> <p>18 it's very difficult for people to understand. I think</p> <p>19 the idea of the compromise, you know, might work. I</p> <p>20 don't know that we're ready for it.</p> <p>21 MEMBER BAXA: Mr. Chair?</p> <p>22 CHAIR STONE: Thank you.</p> <p>23 Commissioner Baxa.</p> <p>24 MEMBER BAXA: I just would like to add, when</p> <p>25 you -- it looks like that we're dealing with -- dealing</p>	<p style="text-align: right;">Page 95</p> <p>1 MEMBER CRIVELLO: No. We'll --</p> <p>2 CHAIR STONE: Okay. We have a motion on the</p> <p>3 floor looking at Scenario Number 7.</p> <p>4 VICE-CHAIR HEDANI: Which is not on the sheet.</p> <p>5 MEMBER CRIVELLO: Which is not on the sheet.</p> <p>6 That's why I'm saying it's a proposal.</p> <p>7 CHAIR STONE: Yes, it is a proposal. But</p> <p>8 recall as well, guys, that the Commission makes up the</p> <p>9 end decisions. Any ideas that come forward, the</p> <p>10 Commission can discuss. When I -- when I refer to the</p> <p>11 Ramil concept, I consider Scenario 7 similar to the</p> <p>12 Ramil concept of three separate districts. What we're</p> <p>13 -- this is what we are discussing at the moment. The</p> <p>14 motion's on the floor, let's have discussion about it.</p> <p>15 If it doesn't -- if it goes to vote and doesn't pass --</p> <p>16 MEMBER CRIVELLO: Excuse me, Mr. Chair. So if</p> <p>17 you're considering Scenario Number 7 identical or the</p> <p>18 same concept as the Ramil concept, then why am I</p> <p>19 proposing it? Because it was never seconded.</p> <p>20 CHAIR STONE: It was seconded by Commissioner</p> <p>21 DeLeon.</p> <p>22 MEMBER CRIVELLO: No. But when Commissioner</p> <p>23 Baxa, Judge Baxa submitted --</p> <p>24 CHAIR STONE: Commissioner Crivello, you</p> <p>25 brought it forward.</p>
<p style="text-align: right;">Page 94</p> <p>1 with this problem as if it were the final solution. No,</p> <p>2 I don't think -- I don't think that is the understanding</p> <p>3 that I had. And I hope to be clarified by the Chair if</p> <p>4 that is the understanding that I have. My understanding</p> <p>5 is that this is just one of the proposals that will be</p> <p>6 kept alive.</p> <p>7 CHAIR STONE: Commissioners, we are running</p> <p>8 out of time to keep proposals alive. That's my point.</p> <p>9 We don't have the ability --</p> <p>10 MEMBER BAXA: It's not a final solution?</p> <p>11 MEMBER SUGIMURA: This is a final vote.</p> <p>12 CHAIR STONE: We are discussing district</p> <p>13 voting today. Whether or not we have to have other</p> <p>14 meetings, we'll see where we go today. But the</p> <p>15 discussion of district voting is happening right now.</p> <p>16 MEMBER SUGIMURA: Right now.</p> <p>17 CHAIR STONE: Is that -- is that clear to</p> <p>18 everybody?</p> <p>19 MEMBER SUGIMURA: Yes.</p> <p>20 CHAIR STONE: Okay. Good. So let's continue.</p> <p>21 Commissioner Crivello, just because I don't know if I</p> <p>22 was clear, would you like to table your motion at this</p> <p>23 time?</p> <p>24 VICE-CHAIR HEDANI: Withdraw.</p> <p>25 CHAIR STONE: Commissioner Crivello.</p>	<p style="text-align: right;">Page 96</p> <p>1 MEMBER CRIVELLO: I did, but --</p> <p>2 CHAIR STONE: I didn't bring this forward.</p> <p>3 MEMBER CRIVELLO: -- you're saying it's the</p> <p>4 same thing as the Ramil concept. I don't know --</p> <p>5 CHAIR STONE: Commissioners, let me be clear.</p> <p>6 District voting and these concepts, these are ideas</p> <p>7 presented to us. We are allowed to change these ideas</p> <p>8 in any way or form. We don't -- we're not tied to any</p> <p>9 one idea. If the discussion is about the general idea,</p> <p>10 then we should have this discussion now since we're</p> <p>11 discussing district voting.</p> <p>12 MEMBER BAXA: Yeah.</p> <p>13 CHAIR STONE: And a potential proposal. If we</p> <p>14 don't want to discuss district voting, then we shouldn't</p> <p>15 be discussing district voting.</p> <p>16 MEMBER CRIVELLO: I didn't say we don't</p> <p>17 discuss district voting.</p> <p>18 MEMBER BAXA: Mr. Chair?</p> <p>19 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>20 MEMBER BAXA: I am really sorry for trying to</p> <p>21 interfere, but I think there is some misunderstanding</p> <p>22 here. The Ramil proposal and the proposal of Professor</p> <p>23 Mayer, basically, in concept, are the same. And so my</p> <p>24 understanding is that they should be kept alive. I made</p> <p>25 a motion for the Ramil proposal which, in concept,</p>



<p style="text-align: right;">Page 97</p> <p>1 seems -- appears to be the same with the proposal of  2 Professor Mayer except for some questions in the place  3 of residency -- residency. So I would like to have  4 those proposals alive. Which one of the two will be  5 finally recommended, I think that will be a separate  6 issue.</p> <p>7 CHAIR STONE: At this moment, these -- these  8 are alive. They're on the table for discussion. That's  9 what the proposal presently is. So if we have  10 discussion on these -- this -- these proposals,  11 Scenarios 1 through 7, I think that we should have the  12 discussion now. It's very -- it's very clear.</p> <p>13 Commissioner Hashimoto.</p> <p>14 MEMBER HASHIMOTO: Yes. Chair, I call for a  15 vote on this so that we can either put it on the list to  16 be looked at later on and -- and adjusted in some way  17 that we want to, but let's get it off the table as fast  18 as possible and -- and take a vote on it.</p> <p>19 MEMBER DELEON: Mr. Chair, we haven't had a  20 chance --</p> <p>21 CHAIR STONE: I appreciate that, Commissioner  22 Hashimoto, but we need discussion on it.</p> <p>23 MEMBER DE REGO: Point of clarification,  24 Mr. Chair.</p> <p>25 CHAIR STONE: Yes, Commissioner.</p>	<p style="text-align: right;">Page 99</p> <p>1 this the last two meetings. We have an Active Proposal  2 List, all right. These are active proposals. These  3 proposals are not specifically what has to go to draft  4 proposal language, but we are working from these  5 proposals to give us ideas if we are going to go to  6 draft language proposals.</p> <p>7 District voting is what we're discussing right  8 now, all right, from the Active Proposal List. We are  9 not making motions to move anything to the Active  10 Proposal List because they exist on the Active Proposal  11 List.</p> <p>12 I agree that Scenario Number 7 has come in  13 today. That's an idea. It's an idea that is very  14 similar to the Ramil idea. That's all I'm saying.</p> <p>15 Judge Baxa put forward a motion to discuss the  16 Ramil idea. He didn't say Scenario Number 1 through 7.  17 So, Judge Baxa, would you like to put that motion  18 forward now that people understand what we're  19 discussing?</p> <p>20 MEMBER BAXA: Mr. Chair, before I can do that,  21 I hope the Chair will undo the previous --</p> <p>22 MEMBER DELEON: We did.</p> <p>23 CHAIR STONE: We did. That was --</p> <p>24 MEMBER BAXA: We did already. I just want to  25 make it on the record, Mr. Chair. Mr. Chair, I would</p>
<p style="text-align: right;">Page 98</p> <p>1 MEMBER DE REGO: Is this a motion to put this  2 proposal on the Active List or is it a proposal to move  3 it to the draft amendment stage?</p> <p>4 CHAIR STONE: This is a proposal to move it to  5 draft amendment stage. There are no more --</p> <p>6 MEMBER DE REGO: Is that what your  7 understanding --</p> <p>8 MEMBER CRIVELLO: My motion was to put it on  9 the Active List.</p> <p>10 CHAIR STONE: It is on the Active List. We  11 are working off the Active List, Commissioners.</p> <p>12 MEMBER CRIVELLO: This is the first time this  13 proposal was presented.</p> <p>14 CHAIR STONE: All right. For clarification  15 purposes --</p> <p>16 MEMBER DE REGO: I was just trying to clarify  17 what the motion was.</p> <p>18 MEMBER CRIVELLO: You know what, I'll withdraw  19 my motion.</p> <p>20 MEMBER DELEON: I'll withdraw my second.  21 Let's start from scratch.</p> <p>22 CHAIR STONE: Thank you. Let's start over  23 again. Thank you very much. Okay.</p> <p>24 (Audio feedback.)</p> <p>25 CHAIR STONE: Okay. You guys, we have done</p>	<p style="text-align: right;">Page 100</p> <p>1 like to propose that from the Active List that you have,  2 that we go for a while to, what you call, put it in the  3 proposal stage --</p> <p>4 CHAIR STONE: The draft language stage.</p> <p>5 MEMBER BAXA: Draft language stage on the  6 based on the Ramil proposal.</p> <p>7 CHAIR STONE: Thank you.</p> <p>8 Do we have a second?</p> <p>9 Do we have an understanding, first of all,  10 that we are discussing this concept?</p> <p>11 Does that include Scenarios 1 through 7, Judge  12 Baxa?</p> <p>13 MEMBER BAXA: That is covered under the Ramil  14 proposal, yes, Mr. Chair.</p> <p>15 CHAIR STONE: Thank you.</p> <p>16 Do I have a second?</p> <p>17 MEMBER DELEON: Second for discussion.</p> <p>18 CHAIR STONE: We have a second from  19 Commissioner DeLeon.</p> <p>20 Now, we have the Ramil concept -- a motion to  21 move the Ramil concept, to be discussed, to the draft  22 language stage. And it has been seconded by  23 Commissioner DeLeon. Do we have discussion on this  24 concept?</p> <p>25 MEMBER DE REGO: Point of clarification,</p>

<p style="text-align: right;">Page 101</p> <p>1 Mr. Chair?</p> <p>2 CHAIR STONE: Yes, Commissioner.</p> <p>3 MEMBER DE REGO: If we are going to give</p> <p>4 instructions to the Commission Analyst to develop a</p> <p>5 proposal around the three-district scenario -- that's</p> <p>6 what I'm going to call it right now instead of the Ramil</p> <p>7 scenario -- the three-district scenario, what kind of</p> <p>8 instructions are we to give the Commission Analyst on</p> <p>9 what direction she should take the division into? Are</p> <p>10 we going to vote for a particular model or is she going</p> <p>11 to be only asked to give general language for three</p> <p>12 districts with one representative -- residency</p> <p>13 requirement, each from Lanai, Molokai and Hana, or just</p> <p>14 Lanai and Molokai?</p> <p>15 CHAIR STONE: That is up to the Commission to</p> <p>16 discuss at this time. She's not a Commission member.</p> <p>17 MEMBER DE REGO: Yeah. But it's not in --</p> <p>18 it's not in the motion. Do you see what I'm saying?</p> <p>19 We're voting for the general concept, we're moving it</p> <p>20 forward, but we have to give her instructions in terms</p> <p>21 of how the thing is going to be written.</p> <p>22 CHAIR STONE: Yes. I agree, Commissioner De</p> <p>23 Rego. That's why, in this discussion, that would have</p> <p>24 to be determined, I believe, before anybody would vote</p> <p>25 this forward.</p>	<p style="text-align: right;">Page 103</p> <p>1 get a second for discussion on districts, so it kind of</p> <p>2 shows me I don't have any support on this Commission to</p> <p>3 do that.</p> <p>4 I will back one of the Ramil proposals. They</p> <p>5 do have some of the problems we have with the current</p> <p>6 at-large system in that the Lanai and -- Lanai and</p> <p>7 Molokai candidates will have to run on Maui and have --</p> <p>8 and it would be difficult for non -- nonincumbents to</p> <p>9 survive that contest. It's not as difficult, however,</p> <p>10 as it is now running county-wide. So I think that is a</p> <p>11 positive change.</p> <p>12 I think it's also interesting how this -- this</p> <p>13 brings similar interests together. East Maui is</p> <p>14 together as an entity, Central could be together as an</p> <p>15 entity, and the leeward coast could be drawn as an</p> <p>16 entity. I think there's a logic to that, that I can buy</p> <p>17 into. There's also a logic into it in that they're</p> <p>18 nearly walkable districts. I know. Kind of -- if you</p> <p>19 really go for it. Some people do walk the senatorial</p> <p>20 district. I've known people who have done it. And that</p> <p>21 is, basically, the leeward district.</p> <p>22 So I'm torn, though, by the Mayer proposal. I</p> <p>23 don't like seeing Hana lose its seat. But, at the same</p> <p>24 time, I like -- when I see what happens when -- when</p> <p>25 Bill Medeiros showed us what's happening in Central and</p>
<p style="text-align: right;">Page 102</p> <p>1 MEMBER DE REGO: Okay.</p> <p>2 CHAIR STONE: So I think that this is the time</p> <p>3 to have that discussion.</p> <p>4 MEMBER DE REGO: Good.</p> <p>5 CHAIR STONE: Thank you.</p> <p>6 So is there discussion on the three-district</p> <p>7 scenario? Commissioner Baxa.</p> <p>8 MEMBER BAXA: Mr. Chair, since there is a</p> <p>9 mention of Hana, and, if that is not currently covered,</p> <p>10 I would like to include Hana as having a separate</p> <p>11 councilman, from Hana, as a part of that.</p> <p>12 CHAIR STONE: Okay. Thank you.</p> <p>13 MEMBER BAXA: Belonging to a particular</p> <p>14 district.</p> <p>15 CHAIR STONE: Thank you.</p> <p>16 Commissioner DeLeon.</p> <p>17 MEMBER DELEON: Yeah, Mr. Chair. I'm kind of</p> <p>18 hesitant to support this motion because my real support</p> <p>19 is for districts. And I think the voters have made it</p> <p>20 clear in the QMark survey, the RAM survey, Kula</p> <p>21 Community Association survey, public testimony ad</p> <p>22 nauseam, we have support in this community for district</p> <p>23 voting. We are -- this Commission is, obviously, going</p> <p>24 to ignore that support and go ahead with something else.</p> <p>25 In lieu of that lack of support -- I mean, I could not</p>	<p style="text-align: right;">Page 104</p> <p>1 the other scenarios, I don't like seeing Kahului cut in</p> <p>2 half. That doesn't work for me. I mean, I'm more</p> <p>3 concerned about Kahului being cut in half than Waikapu.</p> <p>4 It's a larger impact. It separates out a central part</p> <p>5 of the community and puts it into a place where it</p> <p>6 doesn't belong. I think Paia and Kuau could survive</p> <p>7 better in Central than -- than cutting Central up in</p> <p>8 two. But it happens all the time in State senatorial</p> <p>9 districts, it happens all the time in representatives'</p> <p>10 districts. So I don't know why it couldn't work here as</p> <p>11 well.</p> <p>12 I could support some -- some system.</p> <p>13 I didn't like the original Ramil proposal</p> <p>14 because I can't see people in Wailea and people in</p> <p>15 Molokai being on the same wavelength of voting in the</p> <p>16 same district. It just doesn't seem to work for me.</p> <p>17 But I do see -- see people on Molokai working with</p> <p>18 Central. I can see them working with East Maui, easily,</p> <p>19 because it's sort of a connection with the community.</p> <p>20 So reducing it down, after -- after I studied</p> <p>21 it for a while, reducing it down from county at-large to</p> <p>22 three large districts works for me. So I'll support one</p> <p>23 of the scenarios.</p> <p>24 THE COURT: Thank you very much.</p> <p>25 Commissioner Sugimura.</p>

<p style="text-align: right;">Page 105</p> <p>1 MEMBER SUGIMURA: So I'm voting against it</p> <p>2 because I believe that I would like to vote for nine</p> <p>3 people and not have to figure out what three I want to</p> <p>4 vote for. But I would like the councilmembers to be</p> <p>5 accountable to all. I would like to vote for all nine.</p> <p>6 I would like to be able to talk to any one of them. And</p> <p>7 for them to know about the areas, and not only know</p> <p>8 mostly about the three areas that they are accountable</p> <p>9 to. So I'm going to vote against it.</p> <p>10 CHAIR STONE: Thank you, Commissioner.</p> <p>11 Commissioner Okamoto.</p> <p>12 MEMBER OKAMOTO: Well, I just found it very</p> <p>13 interesting today, when Tony Ramil mentioned about, you</p> <p>14 know, living in one area and working in another. And I</p> <p>15 don't think we really talked about it that much, but I</p> <p>16 think that's one of the real push for keeping the</p> <p>17 overall. People don't just have one district. You may</p> <p>18 work in one side and live in the other, and you really</p> <p>19 do have a interest in both. And so I'm going to be</p> <p>20 voting against it, also.</p> <p>21 CHAIR STONE: Okay. Thank you very much.</p> <p>22 Please, Commissioner.</p> <p>23 VICE-CHAIR HEDANI: I kind of agree with both</p> <p>24 Yuki and Kay on this. When you look at the map, the</p> <p>25 districts as they're proposed are not walkable. That's</p>	<p style="text-align: right;">Page 107</p> <p>1 Commissioner Hashimoto.</p> <p>2 MEMBER HASHIMOTO: Yeah. I believe the same</p> <p>3 thing as well. Even with the three districts, wind up</p> <p>4 with the same thing of representing those -- those</p> <p>5 outside districts such as Lanai and Molokai. So the</p> <p>6 same result, we're going to get the same result,</p> <p>7 actually, by just leaving it the way it is currently.</p> <p>8 So I'll be voting against it.</p> <p>9 CHAIR STONE: I think you mean you would be</p> <p>10 voting no.</p> <p>11 (Laughter.)</p> <p>12 CHAIR STONE: Okay. Thank you.</p> <p>13 Commissioners, further discussion?</p> <p>14 (No Response.)</p> <p>15 CHAIR STONE: No further discussion. All</p> <p>16 right. We'll take a vote.</p> <p>17 Lisa, roll call, please.</p> <p>18 MS. KAHUHU: Member Baxa.</p> <p>19 MEMBER BAXA: Yes.</p> <p>20 MS. KAHUHU: Member Crivello.</p> <p>21 MEMBER CRIVELLO: No.</p> <p>22 MS. KAHUHU: Member DeLeon.</p> <p>23 MEMBER DELEON: Yes.</p> <p>24 MS. KAHUHU: Member De Rego.</p> <p>25 MEMBER DE REGO: No.</p>
<p style="text-align: right;">Page 106</p> <p>1 not walkable. That's not walkable. I know one guy that</p> <p>2 walked around the entire Island of Maui as a Planning</p> <p>3 Commissioner, but (inaudible).</p> <p>4 I'm kind of -- it's kind of a situation where</p> <p>5 you almost have to go with the single-member district</p> <p>6 concept, if that's what your goal is, is to create</p> <p>7 accountable people within an accountable district that's</p> <p>8 walkable and knowable. And compromise in this</p> <p>9 particular case takes the worst of both sides and</p> <p>10 combines it together.</p> <p>11 In the Dick Mayer proposal, there's no way the</p> <p>12 people of Molokai, who have 13 percent unemployment or</p> <p>13 whatever it is, can relate to the people in Kula who</p> <p>14 have zero percent unemployment, or, if they're</p> <p>15 unemployed, it's by choice and they're independently</p> <p>16 wealthy and retired. I can't see the Molokai people</p> <p>17 going to the Kula Community Association meeting to</p> <p>18 express their concerns about what's happening in</p> <p>19 Maunaloa.</p> <p>20 And I think the only way that you're going to</p> <p>21 have representation for the displaced districts, the</p> <p>22 disenfranchised districts, Lanai, Molokai and Hana, is</p> <p>23 to include them. And that's what we have now.</p> <p>24 So I'll be voting against it.</p> <p>25 CHAIR STONE: Thank you.</p>	<p style="text-align: right;">Page 108</p> <p>1 MS. KAHUHU: Member Hashimoto.</p> <p>2 MEMBER HASHIMOTO: No.</p> <p>3 MS. KAHUHU: Member Hedani.</p> <p>4 VICE-CHAIR HEDANI: No.</p> <p>5 MS. KAHUHU: Member Moikeha, excused.</p> <p>6 Member Okamoto.</p> <p>7 MEMBER OKAMOTO: No.</p> <p>8 MS. KAHUHU: Member Sugimura.</p> <p>9 MEMBER SUGIMURA: No.</p> <p>10 MS. KAHUHU: Member Wiger, excused.</p> <p>11 Chair Stone.</p> <p>12 CHAIR STONE: Yes.</p> <p>13 MS. KAHUHU: Six "no." Motion fails.</p> <p>14 CHAIR STONE: Very good. Thank you,</p> <p>15 Commissioners. Motion has failed to move the</p> <p>16 three-district scenario, aka Tony Ramil concept forward</p> <p>17 to draft proposal language.</p> <p>18 Further discussion on district elections or</p> <p>19 any of the other proposals, or any motion?</p> <p>20 (No Response.)</p> <p>21 CHAIR STONE: No further discussion. No</p> <p>22 action taken on district elections.</p> <p>23 Moving forward.</p> <p>24 MEMBER DELEON: Mr. Chair?</p> <p>25 CHAIR STONE: Yes, Commissioner DeLeon.</p>

<p style="text-align: right;">Page 109</p> <p>1 MEMBER DELEON: I can't help myself. Let's  2 just ignore the voters and go ahead and do what we want  3 to do. Thank you.  4 MEMBER OKAMOTO: I can't ignore, either. I'm  5 sorry. We've had many voters come out and say they want  6 to keep the same nine votes. So I'm -- you're saying  7 ignore the people that you support. Well, I would say  8 you ignore the people that I support. So I don't think  9 we can go there.  10 CHAIR STONE: Okay. First of all,  11 Commissioners, let's not get personal with each other.  12 All right?  13 MEMBER OKAMOTO: I'm sorry.  14 CHAIR STONE: Thank you very much. And please  15 raise your hand.  16 Commissioner Crivello.  17 MEMBER CRIVELLO: I think it's a matter of not  18 getting personal, but to -- also, as Commissioner DeLeon  19 feels that there's been a number of voters, but, you  20 know, there are voters from each area that have  21 expressed, and a number of residents from Lanai or  22 Molokai have expressed otherwise. Likewise, from Maui,  23 also. So we still have another opportunity to take this  24 out to the different communities, and they can voice  25 their opinions at that time, too, whether or not we're</p>	<p style="text-align: right;">Page 111</p> <p>1 time. So I'll go through it -- I'll go through every  2 subject just so we know where we're at.  3 So the next subject matter after district  4 voting was nonpartisan elections. We've already moved  5 that forward to draft language stage.  6 So now we are moving on to the -- the next  7 section that is active, which is residency requirements.  8 So the discussion now is to -- if we're going to move a  9 change in residency requirements to draft language  10 stage.  11 MEMBER OKAMOTO: According to the red, we  12 already have. That's my --  13 CHAIR STONE: Actually -- I'm sorry. That is  14 for -- have we -- I'm sorry. Excuse me. I don't  15 believe we have. In my notes, I don't have that moving  16 forward.  17 MEMBER OKAMOTO: So that isn't. I'll cross  18 that out. Thank you.  19 CHAIR STONE: That is a --  20 MEMBER OKAMOTO: Thank you.  21 MS. BRODER: To be done.  22 CHAIR STONE: So we will delete that from --  23 that has not gone to amendment. Oh, wait a second.  24 Wait a second. Wait a second. Let me go -- let me just  25 check something really fast, please. Sherry, we --</p>
<p style="text-align: right;">Page 110</p> <p>1 doing the right thing or not. But when it comes to  2 changing what we have, consideration has to be taken for  3 the districts that, more or less, would be having a hard  4 time.  5 MEMBER DELEON: Mr. Chair?  6 CHAIR STONE: Thank you very much,  7 Commissioners.  8 Commissioner DeLeon.  9 MEMBER DELEON: Excuse my blowing off steam.  10 Mahalo.  11 CHAIR STONE: Thank you very much.  12 Okay. We're moving forward. Subject  13 matter -- we're on Page 2 now. We are discussing  14 residency requirements. And we can reference back to  15 the letter from Sherry to help us out. And we happily  16 have Sherry here with us as well today.  17 MEMBER OKAMOTO: Question, Mr. Chair?  18 CHAIR STONE: This is already on to draft  19 proposal stage.  20 Yes.  21 MEMBER OKAMOTO: So the things in red, we're  22 skipping for right now, correct?  23 CHAIR STONE: No. The way that it's -- it's  24 laid out -- I know it is a little confusing because the  25 active lists have changed from the last time to this</p>	<p style="text-align: right;">Page 112</p> <p>1 MS. BRODER: I'm looking to see if I did draft  2 something. Because we don't -- we have some --  3 CHAIR STONE: Here.  4 MS. BRODER: I'm just making a quick look to  5 see if I did already draft something. Although some of  6 the ones that were already drafted are attached, other  7 ones were attached to my letters. So maybe there was  8 some confusion.  9 But back to one of the questions I was asked  10 earlier, I see that the County of Kauai has a two-year  11 residency requirement for running for Council. It  12 doesn't say the specific residency requirement for being  13 from a specific geographic district, but I don't know  14 off the top of my head if they have geographic districts  15 in Kauai. But just to sort of follow up on your -- on  16 our earlier discussion. Okay. So Kauai has two. So  17 now I'm looking for -- I'm pretty sure I must have  18 drafted something. So now --  19 MEMBER DELEON: You did.  20 MS. BRODER: I'm looking for it.  21 MEMBER DE REGO: Yeah. I think Kauai,  22 actually, has like the top vote-getters down in a row in  23 the districts. Yeah. I forget how many.  24 CHAIR STONE: Hang on one second. I'm going  25 back to my old notes to verify this.</p>

<p style="text-align: right;">Page 113</p> <p>1 MEMBER DELEON: Mr. Chair, short recess?</p> <p>2 CHAIR STONE: Yes. Let's take a -- might as</p> <p>3 well. I'm going to have to take a -- I want to be sure</p> <p>4 on this. So let's take a quick five-minute recess,</p> <p>5 coming back here at 12 -- let's say 12:45. Thank you.</p> <p>6 (Recess, 12:35 p.m. to 12:46 p.m.)</p> <p>7 CHAIR STONE: I would like to call this</p> <p>8 meeting back to order as of 12:48. Thank you,</p> <p>9 Commissioners. One of the Commissioners asked the</p> <p>10 question -- and I realize that maybe -- maybe it hasn't</p> <p>11 been clear -- or I realize it hasn't been clear. The</p> <p>12 reason why we have to go to the draft proposal stage now</p> <p>13 is because we have our public outreach meetings. And we</p> <p>14 need to go with our draft proposals, because that's what</p> <p>15 the whole purpose of going back out to the public is.</p> <p>16 Just because a proposal has gone to draft language stage</p> <p>17 doesn't mean it's going to survive.</p> <p>18 When we come back after our public meetings,</p> <p>19 we will discuss whether or not the proposals still have</p> <p>20 merit, after hearing from the public, and whether they</p> <p>21 will survive. And that will be the time, in February,</p> <p>22 early February, when we will start getting more</p> <p>23 information on the proposals determining costs, all</p> <p>24 these questions that everybody has. So that it's --</p> <p>25 We're not going into this as blindly as you</p>	<p style="text-align: right;">Page 115</p> <p>1 CHAIR STONE: Yes. Unless it comes to --</p> <p>2 works itself into the draft proposal stage in some way</p> <p>3 or form. But that is correct, Commissioner Baxa, simply</p> <p>4 because --</p> <p>5 MEMBER BAXA: Thank you, Mr. Chair.</p> <p>6 CHAIR STONE: Simply because we owe it to the</p> <p>7 public to bring anything that goes to a proposal stage</p> <p>8 to the public prior to it going to proposal stage. So</p> <p>9 we do not have the time to go for a second round -- or</p> <p>10 third round -- excuse me -- of public input. We just</p> <p>11 simply do not have the time. So, yes, in all -- in all</p> <p>12 reality, it falls off the table if we don't act on it.</p> <p>13 MEMBER DELEON: Okay.</p> <p>14 CHAIR STONE: Thank you very much.</p> <p>15 All right. So we've clarified that we have</p> <p>16 not gone to proposal stage for residency requirements.</p> <p>17 It was a small typo.</p> <p>18 MEMBER OKAMOTO: Mr. Chair, I move that we</p> <p>19 take Section 3.15 of the second 3.3, and amend it to</p> <p>20 say, qualifications to require that candidates have</p> <p>21 lived in the district 90 days prior to filing of --</p> <p>22 filing of nomination papers.</p> <p>23 CHAIR STONE: Okay. Thank you. Thank you.</p> <p>24 There's a motion put forward. Do I have a second for</p> <p>25 that motion?</p>
<p style="text-align: right;">Page 114</p> <p>1 think at the moment. What we're trying to do is get the</p> <p>2 ideas out there to the public so the public can have</p> <p>3 their input, and then we can come back and intelligently</p> <p>4 make decisions on the proposals. And we have from early</p> <p>5 February through April 12th. That's our timeframe.</p> <p>6 April 12th is our cutoff day when it must go</p> <p>7 to the Council for review. So that's where we're at</p> <p>8 right now. And that's why we are going -- we are not</p> <p>9 adding active proposals; we are only moving forward the</p> <p>10 proposed draft language.</p> <p>11 And I'm sorry if I wasn't clear on that</p> <p>12 before.</p> <p>13 Commission Baxa.</p> <p>14 MEMBER BAXA: Mr. Chair, I think I understand</p> <p>15 what you are saying, but I just want to make it clear.</p> <p>16 The draft proposals that went through, that may not be</p> <p>17 the end of it, but, for those that died this morning,</p> <p>18 that was the end of it?</p> <p>19 CHAIR STONE: Yes.</p> <p>20 MEMBER BAXA: Okay. Thank you.</p> <p>21 MEMBER DELEON: No.</p> <p>22 CHAIR STONE: Sorry. I'm sorry. Anything on</p> <p>23 the Active Proposal List that hasn't moved forward is</p> <p>24 off of our radar.</p> <p>25 MEMBER SUGIMURA: Yes.</p>	<p style="text-align: right;">Page 116</p> <p>1 MEMBER HASHIMOTO: Second.</p> <p>2 CHAIR STONE: The motion has been seconded.</p> <p>3 And, Commissioner Okamoto, I'm sorry, I didn't</p> <p>4 have my Charter open.</p> <p>5 MEMBER OKAMOTO: Well, please open it.</p> <p>6 CHAIR STONE: One second. Let me get to that</p> <p>7 section.</p> <p>8 MEMBER OKAMOTO: Section 3.3, Qualifications.</p> <p>9 CHAIR STONE: Very good. Specifically --</p> <p>10 MEMBER OKAMOTO: Simply add 90 days to the</p> <p>11 residency in the area prior to filing. It already has</p> <p>12 90 days in the county.</p> <p>13 MEMBER BAXA: Mr. Chair?</p> <p>14 CHAIR STONE: Yes, please, Commissioner Baxa.</p> <p>15 MEMBER BAXA: Yeah. I will be against the</p> <p>16 motion because I believe that the one year, as proposed,</p> <p>17 is better because I believe that a candidate should have</p> <p>18 more time to really know the community. And one year,</p> <p>19 in my humble judgment, will give him sufficient time to</p> <p>20 really know the problems, the community and the people</p> <p>21 as well.</p> <p>22 MEMBER OKAMOTO: I would be willing to amend</p> <p>23 it to one year. The reason I said the 90 days was</p> <p>24 simply to make it consistent with the other. If we're</p> <p>25 -- if we want to go with one year, we need to change</p>

Page 117	Page 119
<p>1 both places.</p> <p>2 CHAIR STONE: Very good. So a friendly</p> <p>3 amendment to the motion to change?</p> <p>4 MEMBER OKAMOTO: No. I would withdraw my</p> <p>5 motion and reword it.</p> <p>6 CHAIR STONE: So you would like -- okay. The</p> <p>7 motion has been withdrawn.</p> <p>8 MEMBER OKAMOTO: I would move, then, to -- oh,</p> <p>9 wait. I'm sorry.</p> <p>10 CHAIR STONE: Go ahead.</p> <p>11 MEMBER OKAMOTO: Was there a second?</p> <p>12 CHAIR STONE: There needs to be a second for</p> <p>13 withdrawing the motion. Who seconded?</p> <p>14 MEMBER DELEON: Clifford.</p> <p>15 CHAIR STONE: Cliff?</p> <p>16 MEMBER OKAMOTO: Is it okay to withdraw?</p> <p>17 CHAIR STONE: Very good.</p> <p>18 MEMBER OKAMOTO: I would move that Section 3.3</p> <p>19 would be amended that a resident of the County for a</p> <p>20 period of one year prior to filing and a resident of the</p> <p>21 area for one year prior to filing.</p> <p>22 MEMBER BAXA: I would second the motion,</p> <p>23 Mr. Chair.</p> <p>24 CHAIR STONE: All right. We have a motion on</p> <p>25 the floor that has been seconded. Discussion on</p>	<p>1 MEMBER OKAMOTO: -- different section, right?</p> <p>2 CHAIR STONE: We could move on to that section</p> <p>3 following this discussion.</p> <p>4 MEMBER BAXA: Yeah. Mr. Chair?</p> <p>5 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>6 MEMBER BAXA: I have -- as to the question</p> <p>7 with the Mayor, there is no question that the Mayor</p> <p>8 lives within the county. All that's required is the</p> <p>9 Mayor to live in the county. He does not have to live</p> <p>10 in a particular district.</p> <p>11 MEMBER DELEON: Only 90 days.</p> <p>12 MEMBER DE REGO: But it's only 90 days.</p> <p>13 MEMBER BAXA: 90 days?</p> <p>14 CHAIR STONE: That's the --</p> <p>15 MEMBER BAXA: Oh.</p> <p>16 CHAIR STONE: It's not consistent.</p> <p>17 MEMBER BAXA: Yeah, I understand.</p> <p>18 CHAIR STONE: However, let's discuss this at</p> <p>19 the moment.</p> <p>20 Commissioner DeLeon.</p> <p>21 MEMBER DELEON: My problem with this proposal</p> <p>22 is there's no functional way, except if this case</p> <p>23 happens to be on Lanai, to be able to determine when</p> <p>24 somebody lives someplace. I mean, because, in Lanai,</p> <p>25 the unique case of people -- I'm not seeing people going</p>
Page 118	Page 120
<p>1 qualifications? Yes, Commissioner Sugimura.</p> <p>2 MEMBER SUGIMURA: I want to check with Sherry,</p> <p>3 if that's okay with the report she gave us earlier.</p> <p>4 It's two items.</p> <p>5 MS. BRODER: Well, I see Kauai has a two-year</p> <p>6 residency requirement, but they don't have the</p> <p>7 districts. So I guess, superficially, it sounds okay.</p> <p>8 It's just across the board.</p> <p>9 I don't know if Ed has any further thoughts on</p> <p>10 it.</p> <p>11 MR. KUSHI: Yeah, Mr. Chair. First of all, I</p> <p>12 think staff, Sherry and I, would need to check with the</p> <p>13 state law, state elections law, to be consistent, we're</p> <p>14 not overstepping our authority, but I think if you make</p> <p>15 it consistent -- if it's okay with the state law,</p> <p>16 consistent being a resident of the county as well as the</p> <p>17 area, if it's consistent, be it one year, 90 days, et</p> <p>18 cetera.</p> <p>19 The other concern I had is that now you're</p> <p>20 making councilmembers requirement of one year, county as</p> <p>21 well as area residents, the Mayor is only 90 days. So</p> <p>22 what are you saying?</p> <p>23 MEMBER OKAMOTO: I think we need to change</p> <p>24 that, also. But that's in a --</p> <p>25 CHAIR STONE: Very good. We could --</p>	<p>1 to the post office, not seeing people go to the store,</p> <p>2 et cetera, they know when -- the community knows when</p> <p>3 somebody is not living there. In other parts of the</p> <p>4 county -- you talk about Makawao -- we had a case of a</p> <p>5 councilmember, a Council candidate who was living in</p> <p>6 Pukalani, supposedly, but was actually living in</p> <p>7 Kahului. And no names, but, I mean, that was a reality.</p> <p>8 And there was no way to prove it. There is still not</p> <p>9 going to be any way to prove it with this requirement.</p> <p>10 How can you determine when somebody's actually</p> <p>11 lived there for a year?</p> <p>12 That's why I was arguing earlier that --</p> <p>13 instead of this kind of approach, that we use they have</p> <p>14 to have been there in the last election and continued to</p> <p>15 live in the district. That way, you have proof positive</p> <p>16 that they at least voted in the district. You have no</p> <p>17 proof positive when somebody moved into a district.</p> <p>18 MEMBER DE REGO: Right.</p> <p>19 MEMBER DELEON: You have no idea at all. They</p> <p>20 may or may not have residency receipts, but how are you</p> <p>21 going to chase that down? How are you going to even</p> <p>22 start to certify when somebody moved into a district?</p> <p>23 MEMBER BAXA: Mr. Chair?</p> <p>24 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>25 MEMBER BAXA: In that case, I don't know if</p>

<p style="text-align: right;">Page 121</p> <p>1 Commissioner Okamoto would -- oh, but I think there was  2 a second already. I was going to move for amendment of  3 the motion to the effect that instead of putting  4 residential, in order to avoid the dual subject matter,  5 instead of putting residency, must have voted in the  6 district within the last 90 days or one year.  7 MEMBER DELEON: No. Just the last election.  8 MEMBER BAXA: Yeah, in the last -- voted in  9 the last election.  10 MEMBER OKAMOTO: I think that's --  11 MEMBER BAXA: Because the objection was -- oh,  12 I'm so sorry. Because the objection was  13 constitutionally, I mean, it's still two subject matter  14 at same time.  15 MEMBER OKAMOTO: I wouldn't object to that.  16 Although, I do think it's very easy to tell where -- you  17 know, you got rental or you've got a house you  18 purchased. Yes, we can't follow everybody. You can't  19 on Lanai, either, which was obvious. But if voting, I  20 wouldn't object to that. If -- but I agree that we have  21 to go one or the other, it seems like, from the legal.  22 So if we said voted in the last election in that  23 district, then, if that covers it, I'm okay with that.  24 CHAIR STONE: Would you like to amend your  25 motion?</p>	<p style="text-align: right;">Page 123</p> <p>1 CHAIR STONE: That's correct.  2 MS. BRODER: So people are being elected  3 at-large by everybody on Maui. And that -- so their job  4 assignment is to represent everybody because they've  5 been elected by everybody. And in addition, because of  6 the unique characteristics of Maui and its history and  7 its multiple islands, you have your geographic  8 representation, but, still, the -- the main job is to  9 represent everybody. So I don't know about -- I just  10 would have -- I just don't really know about then making  11 a two-year requirement for geographic representation.  12 I don't know. What does Ed think?  13 CHAIR STONE: Ed?  14 MR. KUSHI: No comment.  15 (Laughter.)  16 MEMBER DE REGO: Come on, you run -- you run  17 all the boards and commissions.  18 CHAIR STONE: I don't know if we can let Ed  19 get away with no comment.  20 MEMBER OKAMOTO: As the maker of the motion --  21 CHAIR STONE: Commissioner Okamoto.  22 MEMBER OKAMOTO: -- I'll leave it as it is  23 right now, the one year, the one year prior to filing of  24 nomination papers.  25 CHAIR STONE: Okay. Very good.</p>
<p style="text-align: right;">Page 122</p> <p>1 MEMBER OKAMOTO: Okay. Well, then doesn't it  2 become a whole new --  3 CHAIR STONE: Or would you like to just  4 continue discussion on this motion first?  5 MEMBER OKAMOTO: Okay. Let's discuss it a  6 minute.  7 CHAIR STONE: Okay.  8 MEMBER OKAMOTO: Then I'll work at it.  9 CHAIR STONE: Okay. Thank you.  10 Commissioner De Rego.  11 MEMBER DE REGO: No. Dave what you're  12 suggesting is the language would be a qualified elector  13 in the district from the last election?  14 MEMBER DELEON: Yes. Qualified as a resident  15 elector.  16 MEMBER DE REGO: Resident elector.  17 CHAIR STONE: Chair just has a quick question  18 for Sherry. Sherry, legalities on that?  19 MS. BRODER: Well, I guess, then, you're --  20 now you're making it a two-year requirement, going from  21 one to two years. And, you know, I haven't really been  22 able to -- I haven't had time since your last vote to  23 research this. But, you know, now you decided to keep  24 the at-large election with the geographic requirement,  25 or at least my understanding what the vote was.</p>	<p style="text-align: right;">Page 124</p> <p>1 Commissioner Hedani.  2 VICE-CHAIR HEDANI: So the motion is residency  3 for one year or an elector for one election?  4 MEMBER OKAMOTO: I'll leave it as residency  5 for one year. Then if we want -- that's the motion.  6 I'll leave it at that.  7 CHAIR STONE: Commissioner Baxa.  8 MEMBER BAXA: Mr. Chair, I think there was  9 already a second to the motion.  10 MEMBER OKAMOTO: Yes.  11 MEMBER BAXA: But if there is a second to the  12 motion --  13 MEMBER DELEON: There's a motion.  14 CHAIR STONE: There's a motion.  15 MEMBER DELEON: There's a motion on the floor.  16 CHAIR STONE: It's been seconded.  17 MEMBER BAXA: It has been seconded?  18 CHAIR STONE: Yes, it has.  19 MEMBER BAXA: Yeah. The only reason why I  20 preferred the other language was because between having  21 voted during the last election and the residency, it  22 would be harder, I think, to determine residency than  23 having voted during the last election. It will be  24 simpler. All they have to do is to check whether he has  25 voted or not.</p>

Page 125	Page 127
<p>1 CHAIR STONE: Thank you.  2 Commissioner Hedani.  3 VICE-CHAIR HEDANI: The question that I have  4 is, in order to be able to qualify to vote in that  5 particular district, do you have to prove residence?  6 CHAIR STONE: That is a very good question.  7 Let's -- Sherry?  8 MS. BRODER: Yeah. Well, you don't have -- I  9 mean, you -- it's the honor system.  10 MEMBER OKAMOTO: Yeah.  11 MS. BRODER: When you register to vote, you  12 say, I live in Hana and, therefore, I'm registering to  13 vote in Hana. So it's the honor system, unless somebody  14 challenges you, you know, goes to the County Clerk and  15 complains.  16 VICE-CHAIR HEDANI: So all politicians are  17 honest?  18 (Laughter.)  19 MEMBER DE REGO: Are we creating a syllogism  20 here or --  21 (Laughter.)  22 MEMBER DELEON: I don't know. The election  23 police came to my house.  24 (Laughter.)  25 MEMBER BAXA: I think having voted during the</p>	<p>1 MS. BRODER: No. Everybody will vote --  2 everybody --  3 MEMBER SUGIMURA: Oh. Sorry.  4 MEMBER DELEON: Two years --  5 MEMBER DE REGO: Or staggered.  6 MEMBER OKAMOTO: Any vote.  7 MEMBER DELEON: Any vote.  8 MEMBER BAXA: Mr. Chair?  9 CHAIR STONE: Yes, Commissioner Baxa.  10 MEMBER BAXA: Thank you, Mr. Chair. I think  11 the wording "qualified voters" is still more -- it's a  12 little murky than having "voted during the last  13 election." "Qualified voter" sometimes is hard to  14 determine.  15 CHAIR STONE: Thank you. Thank you very much.  16 MEMBER DELEON: Mr. Chair?  17 CHAIR STONE: Yes, Commissioner DeLeon.  18 MEMBER DELEON: I would accept an amendment to  19 the amendment.  20 CHAIR STONE: How about we call it a friendly  21 amendment at this stage?  22 MEMBER BAXA: Okay.  23 MEMBER DELEON: "Having voted in the last  24 election."  25 CHAIR STONE: "Having voted in the last</p>
Page 126	Page 128
<p>1 last election is the simplest way. You can avoid  2 (inaudible).  3 CHAIR STONE: Very good.  4 Commissioner DeLeon.  5 MEMBER DELEON: Mr. Chair, I would like to  6 propose an amendment to the motion.  7 CHAIR STONE: Yes.  8 MEMBER DELEON: And I'd like to change out the  9 language "one year" to "having been a qualified resident  10 elector in the last election."  11 CHAIR STONE: Is there a second to that  12 amendment?  13 MEMBER DE REGO: I'll second.  14 CHAIR STONE: The amendment has been seconded.  15 Discussion on the amendment? Yes, Commissioner  16 Sugimura.  17 MEMBER SUGIMURA: So this is the problem that  18 I'm seeing with that being the criteria, is if we so  19 decide to change the term limits of the councilmembers  20 to four years, maybe just the wording is wrong, then we  21 have a problem about we're not going to be able to do  22 this, anyway, because now it will be four years since  23 the last time the -- that person would have voted for  24 that. No?  25 MEMBER DELEON: No.</p>	<p>1 election." Who seconded that motion?  2 MEMBER DE REGO: I'll withdraw my second.  3 CHAIR STONE: Very good. Do you second the  4 friendly amendment?  5 MEMBER DE REGO: Yeah, I'll second the  6 friendly amendment.  7 MR. KUSHI: Chair?  8 CHAIR STONE: Yes.  9 MR. KUSHI: Couple of technical issues. Are  10 we saying qualified voter, registered voter or actual  11 vote, that person had to vote?  12 MEMBER BAXA: Had to vote.  13 MEMBER DELEON: Right now, we're saying  14 "having voted in the last election."  15 MEMBER DE REGO: Last election.  16 MR. KUSHI: And I believe the County Clerk  17 sent you a memo and they can check --  18 MEMBER DELEON: They can verify.  19 CHAIR STONE: They can, yes.  20 MR. KUSHI: Now, what happens in a scenario  21 where he voted in Lahaina, he claims he represents the  22 Lahaina area, then he moves within a year, and then, you  23 know, for whatever reason, then he --  24 MEMBER DELEON: That's a qualified voter --  25 MR. KUSHI: -- then he comes back within one</p>



<p style="text-align: right;">Page 129</p> <p>1 year, or 90 days, or right before the filing deadline?</p> <p>2 MEMBER DELEON: Okay.</p> <p>3 CHAIR STONE: Very good. Thank you, Ed.</p> <p>4 That's something to think about.</p> <p>5 Commissioner DeLeon.</p> <p>6 MEMBER DELEON: Well, that was the idea of the</p> <p>7 qualified --</p> <p>8 MEMBER DE REGO: Elector.</p> <p>9 MEMBER DELEON: -- elector who had voted in</p> <p>10 the last election. If you do both, qualified means</p> <p>11 registered voter, and he voted in the last election. To</p> <p>12 remain a registered voter in the district, he still has</p> <p>13 to meet the residency requirements to -- for being a</p> <p>14 voter in that district.</p> <p>15 CHAIR STONE: Ed, do you see anything -- you</p> <p>16 don't agree with that?</p> <p>17 MR. KUSHI: I can register in Lahaina and vote</p> <p>18 in Lahaina two years ago, and I can wait until the last</p> <p>19 deadline for registering in Makawao, I don't have to</p> <p>20 stay in Makawao for the last two years, right? I can</p> <p>21 always change my registration.</p> <p>22 CHAIR STONE: Uh-huh.</p> <p>23 MEMBER HASHIMOTO: Mr. Chair?</p> <p>24 CHAIR STONE: Commissioner Hashimoto.</p> <p>25 MEMBER HASHIMOTO: Yeah, as I understand the</p>	<p style="text-align: right;">Page 131</p> <p>1 MEMBER DELEON: It's getting messed up.</p> <p>2 MEMBER BAXA: No. That is just the point I</p> <p>3 was trying to make, you know. I mean, I don't have a</p> <p>4 question about residency or having voted, but, in order</p> <p>5 to make it simple, you know, in order to avoid lawsuits,</p> <p>6 why don't we go the short way, the simple way, make it</p> <p>7 simple?</p> <p>8 MEMBER DELEON: "Voted in the last election."</p> <p>9 MEMBER OKAMOTO: Excuse me, but --</p> <p>10 CHAIR STONE: Thank you.</p> <p>11 MEMBER OKAMOTO: -- what --</p> <p>12 CHAIR STONE: Hang on, guys. Let's raise</p> <p>13 hands. Thank you. Commissioner.</p> <p>14 MEMBER OKAMOTO: Which one do you think is the</p> <p>15 simplest? That's what I am --</p> <p>16 MEMBER BAXA: It would be more simple, ma'am,</p> <p>17 to say that having voted in the district during the last</p> <p>18 election.</p> <p>19 MEMBER OKAMOTO: Okay.</p> <p>20 MEMBER BAXA: That's not the exact language,</p> <p>21 but that is the idea.</p> <p>22 CHAIR STONE: Okay. So we have a -- we have</p> <p>23 an amendment to a motion on the floor right now.</p> <p>24 Commissioner DeLeon, for clarification, could you</p> <p>25 restate that amendment that had been seconded?</p>
<p style="text-align: right;">Page 130</p> <p>1 Corp Counsel, there's that possibility where -- where,</p> <p>2 because of the timeframe, two years, if something</p> <p>3 changes, that can change with that voter who voted in</p> <p>4 that particular district and claim residency there based</p> <p>5 on that, right? Then he moves away for a while because</p> <p>6 of a job assignment or something, and then, later on,</p> <p>7 comes back, but then stay within that same two-year</p> <p>8 period. So he would still be qualified to vote or run</p> <p>9 for office in that --</p> <p>10 CHAIR STONE: Thank you.</p> <p>11 MEMBER HASHIMOTO: -- district.</p> <p>12 CHAIR STONE: Yes. Good point.</p> <p>13 Commissioner DeLeon.</p> <p>14 MEMBER DELEON: The point is the person has</p> <p>15 knowledge and is a resident -- has enough residency in</p> <p>16 the community to know of the community and have --</p> <p>17 understand its values and be able to represent it</p> <p>18 adequately. If he lived there for two years previously</p> <p>19 and then came back, at least he lived there twice.</p> <p>20 (Laughter.)</p> <p>21 MEMBER HASHIMOTO: (Inaudible).</p> <p>22 CHAIR STONE: Thank you.</p> <p>23 MEMBER SUGIMURA: As Judge Baxa says, it's</p> <p>24 getting murky.</p> <p>25 MEMBER OKAMOTO: It is.</p>	<p style="text-align: right;">Page 132</p> <p>1 MEMBER DELEON: It was Kay's. We removed the</p> <p>2 language that Kay had for one year and put in "having</p> <p>3 voted in the last election in that district."</p> <p>4 CHAIR STONE: Okay. Very good. Is there</p> <p>5 further discussion on that amendment?</p> <p>6 (No Response.)</p> <p>7 CHAIR STONE: Let's take a quick vote on the</p> <p>8 amendment to Kay's proposal. Or unless, Kay, you would</p> <p>9 accept the amendment?</p> <p>10 MEMBER OKAMOTO: I will accept the amendment.</p> <p>11 CHAIR STONE: All right. Very good.</p> <p>12 MEMBER DELEON: Secunder?</p> <p>13 CHAIR STONE: We need to ask if the secunder</p> <p>14 will make the amendment.</p> <p>15 MEMBER BAXA: Second.</p> <p>16 MEMBER HASHIMOTO: Wait. Let's finish with</p> <p>17 that amendment. Get over the amendment now. I was --</p> <p>18 my second was for the main --</p> <p>19 CHAIR STONE: The one --</p> <p>20 MEMBER HASHIMOTO: -- motion.</p> <p>21 CHAIR STONE: -- year, yes. Yes.</p> <p>22 MEMBER OKAMOTO: Okay.</p> <p>23 MEMBER HASHIMOTO: So I don't have to do</p> <p>24 anything.</p> <p>25 CHAIR STONE: No, you don't.</p>

Page 133	Page 135
<p>1 MEMBER DELEON: Okay.</p> <p>2 CHAIR STONE: Okay. Very good. So we need to</p> <p>3 take a vote on the amendment.</p> <p>4 MEMBER DE REGO: And I had already seconded</p> <p>5 the change, so --</p> <p>6 MEMBER DELEON: Right.</p> <p>7 CHAIR STONE: Oh, very good. Yes. Let's take</p> <p>8 a vote on the amendment to change the language of Kay's</p> <p>9 proposal from one year to voted in the district.</p> <p>10 Commissioner Hedani.</p> <p>11 VICE-CHAIR HEDANI: Will you please state the</p> <p>12 amendment that we're voting on?</p> <p>13 CHAIR STONE: It's an amendment to the</p> <p>14 proposal. Commissioner DeLeon, please, one more time,</p> <p>15 for clarification.</p> <p>16 MEMBER DELEON: It requires that the -- that</p> <p>17 the candidate had voted in the last election in that</p> <p>18 district.</p> <p>19 CHAIR STONE: Let's take this to vote on the</p> <p>20 amendment to proposal.</p> <p>21 Please, Lisa.</p> <p>22 MS. KAHUHU: Commissioner Wiger, excused.</p> <p>23 Commissioner Sugimura.</p> <p>24 MEMBER SUGIMURA: No.</p> <p>25 MS. KAHUHU: Commissioner Okamoto.</p>	<p>1 CHAIR STONE: No further discussion, let's</p> <p>2 take that to vote.</p> <p>3 Lisa, roll call, please.</p> <p>4 MS. KAHUHU: Commissioner --</p> <p>5 CHAIR STONE: First of all -- sorry -- excuse</p> <p>6 me -- is everybody clear on what we're voting on?</p> <p>7 MEMBER DELEON: Yes.</p> <p>8 CHAIR STONE: Very good. Let's take a vote.</p> <p>9 MS. KAHUHU: Commissioner Baxa.</p> <p>10 MEMBER BAXA: Yes.</p> <p>11 MS. KAHUHU: Commissioner Crivello.</p> <p>12 MEMBER CRIVELLO: Yes.</p> <p>13 MS. KAHUHU: Commissioner DeLeon.</p> <p>14 MEMBER DELEON: Yes.</p> <p>15 MS. KAHUHU: Commissioner De Rego.</p> <p>16 MEMBER DE REGO: Yes.</p> <p>17 MS. KAHUHU: Commissioner Hashimoto.</p> <p>18 MEMBER HASHIMOTO: Yes.</p> <p>19 MS. KAHUHU: Commissioner Hedani?</p> <p>20 VICE-CHAIR HEDANI: Yes.</p> <p>21 MS. KAHUHU: Commissioner Moikeha, excused.</p> <p>22 Commissioner Okamoto.</p> <p>23 MEMBER OKAMOTO: Yes.</p> <p>24 MS. KAHUHU: Commissioner Sugimura.</p> <p>25 MEMBER SUGIMURA: Yes.</p>
Page 134	Page 136
<p>1 MEMBER OKAMOTO: No.</p> <p>2 MS. KAHUHU: Commissioner Moikeha, excused.</p> <p>3 Commissioner Hashimoto.</p> <p>4 MEMBER HASHIMOTO: No.</p> <p>5 MS. KAHUHU: Commissioner Hedani.</p> <p>6 VICE-CHAIR HEDANI: No.</p> <p>7 MS. KAHUHU: Commissioner DeLeon.</p> <p>8 MEMBER DELEON: Yes.</p> <p>9 MS. KAHUHU: Commissioner De Rego.</p> <p>10 MEMBER DE REGO: Yes.</p> <p>11 MS. KAHUHU: Commissioner Crivello.</p> <p>12 MEMBER CRIVELLO: No.</p> <p>13 MS. KAHUHU: Commissioner Baxa.</p> <p>14 MEMBER BAXA: Yes.</p> <p>15 MS. KAHUHU: Chair Stone.</p> <p>16 CHAIR STONE: Yes.</p> <p>17 MS. KAHUHU: Five "no." Motion fails.</p> <p>18 CHAIR STONE: All right. So the motion is not</p> <p>19 amended -- or, I'm sorry, the proposal is not amended</p> <p>20 from Kay. We were discussing changing it to one year</p> <p>21 and one year for residency.</p> <p>22 MEMBER OKAMOTO: Within the district.</p> <p>23 CHAIR STONE: Within the district, yes. All</p> <p>24 right. Is there any further discussion on that?</p> <p>25 (No response.)</p>	<p>1 MS. KAHUHU: Commissioner Wiger, excused.</p> <p>2 Chair Stone.</p> <p>3 CHAIR STONE: Yes.</p> <p>4 MS. KAHUHU: Motion passes.</p> <p>5 CHAIR STONE: Motion passes.</p> <p>6 MEMBER DELEON: Mr. Chair?</p> <p>7 CHAIR STONE: Yes, please, Commissioner</p> <p>8 DeLeon.</p> <p>9 MEMBER DELEON: Please note that we have to go</p> <p>10 back to the Mayor now.</p> <p>11 CHAIR STONE: Yes. We have our -- we have</p> <p>12 that point marked.</p> <p>13 So as a matter of consistency, please look at</p> <p>14 Section 7-3, Qualifications for the Mayor, in the</p> <p>15 Charter. Let me know when you guys are there. It's</p> <p>16 Page 12. It's not on the Active List.</p> <p>17 MEMBER OKAMOTO: I move that we send to --</p> <p>18 CHAIR STONE: Yes.</p> <p>19 MEMBER OKAMOTO: I move that we send to</p> <p>20 proposal amending Section 7.3, to change the 90 days to</p> <p>21 one year for the Mayor.</p> <p>22 MEMBER DE REGO: Second.</p> <p>23 CHAIR STONE: Very good. We have a motion,</p> <p>24 and that has been seconded, to change Section 7-3,</p> <p>25 Qualifications, to read: "Any citizen of the United</p>

Page 137	Page 139
<p>1 States who is a voter of the county and a resident of  2 the county for a period of at least one year preceding  3 the filing of nomination papers." Very good.  4 MEMBER DE REGO: Call for the question.  5 CHAIR STONE: Okay. Very good. Without  6 discussion, we'll go to vote.  7 Roll call, please.  8 MS. KAHUHU: Commissioner Wiger, excused.  9 Commissioner Sugimura.  10 MEMBER SUGIMURA: Yes.  11 MS. KAHUHU: Commissioner Okamoto.  12 MEMBER OKAMOTO: Yes.  13 MS. KAHUHU: Commissioner Moikeha, excused.  14 Commissioner Hashimoto.  15 MEMBER HASHIMOTO: Yes.  16 MS. KAHUHU: Commissioner Hedani.  17 VICE-CHAIR HEDANI: Yes.  18 MS. KAHUHU: Commissioner DeLeon.  19 MEMBER DELEON: Yes.  20 MS. KAHUHU: Commissioner De Rego.  21 MEMBER DE REGO: Yes.  22 MS. KAHUHU: Commissioner Crivello.  23 MEMBER CRIVELLO: Yes.  24 MS. KAHUHU: Commissioner Baxa.  25 MEMBER BAXA: Yes.</p>	<p>1 concerning this topic from Greg Jenkins. It's this  2 letter, dated November 16, 2011. Does everybody have  3 that?  4 MEMBER DE REGO: Got it.  5 CHAIR STONE: It's a seven-page document, Item  6 Number -- it's Item Number 2B.  7 MEMBER BAXA: What page are we, Mr. Chair?  8 CHAIR STONE: Oh, sorry. Okay. On the Active  9 Proposal List, we're on Page 6, Number 8.7.5 and 8.7.5  10 Corrected.  11 MEMBER OKAMOTO: Excuse me. Does it say, at  12 the bottom, 11-28-11, Item Number 2B?  13 CHAIR STONE: Yes, that's it.  14 MEMBER OKAMOTO: Okay.  15 CHAIR STONE: Correct.  16 MEMBER OKAMOTO: Got it.  17 CHAIR STONE: And it's seven pages long.  18 MEMBER OKAMOTO: Seven pages long.  19 CHAIR STONE: Stacy, I read it. Okay.  20 Discussion?  21 MEMBER OKAMOTO: That's it.  22 MEMBER CRIVELLO: Mr. Chair?  23 CHAIR STONE: Yes, Commissioner.  24 MEMBER CRIVELLO: Are we going to have a  25 discussion? But if not, I would like to make a motion</p>
Page 138	Page 140
<p>1 MS. KAHUHU: Chair Stone.  2 CHAIR STONE: Yes.  3 MS. KAHUHU: Motion passes.  4 CHAIR STONE: Motion passes to take that  5 amendment to the proposal statement. Moving forward.  6 Thank you.  7 If we're going through the Active List that we  8 have presently, just a note we've already done term  9 limits, that has moved to proposal stage. Council power  10 was removed from the Active List. Moving on to Page 4,  11 Structure of Office of the Executive was removed.  12 Chapter 1, Department of Management removed from the  13 list. So now we're on Page 4 at the bottom, Chapter 3,  14 Department of Prosecuting -- I'm sorry. Excuse me.  15 That has been moved to the proposal -- draft proposal  16 language.  17 Moving on to Chapter 7. 8.7.1 and 8.7.2 have  18 been removed. 8.7.3 was moved to draft proposal  19 language. And we are now to at the bottom of Page 5 --  20 or, actually, at the top of Page 6, Number 8.7.5,  21 proposal to amend Chapter 7, Department of Fire and  22 Public Safety, Section 8-7.2, Fire and Public Safety  23 Commission, to delete the current language and to add  24 new language on a statement of policy.  25 I believe we got a letter in our packet</p>	<p>1 to accept the draft language of Page 2 of 7 of  2 Mr. Jenkins' correspondence.  3 CHAIR STONE: Very good. We have a motion.  4 MEMBER CRIVELLO: Statement of policy.  5 CHAIR STONE: Very good.  6 MEMBER BAXA: Second the motion, Mr. Chair.  7 CHAIR STONE: The motion's been put forward  8 and seconded to accept on Page 2 of 7, of Item Number  9 2B, the draft language which runs through -- no, just  10 that page. Very good. Discussion? All right. Very  11 good.  12 MEMBER DELEON: Mr. Chair, clarification?  13 CHAIR STONE: Yes.  14 MEMBER DELEON: Is this both items? Because  15 there's like two items. There's an item on Page 2 and  16 another smaller item on Page 3.  17 CHAIR STONE: I think the item on Page --  18 MEMBER DELEON: Separate places in the  19 Charter.  20 CHAIR STONE: -- 3 is in reference --  21 MEMBER DELEON: Yeah, but it's -- it's a  22 numbered item to be included underneath --  23 MEMBER CRIVELLO: You're talking about under  24 section --  25 CHAIR STONE: Under --</p>

<p style="text-align: right;">Page 141</p> <p>1 MEMBER CRIVELLO: -- Section 8.7 --</p> <p>2 CHAIR STONE: Yeah.</p> <p>3 MEMBER CRIVELLO: -- review personnel actions</p> <p>4 within the department for conformance with the policies?</p> <p>5 CHAIR STONE: We will get to that under 8.7.7.</p> <p>6 But, however, as I recalled from the testifier, that the</p> <p>7 whole purpose was that these two --</p> <p>8 MEMBER DELEON: Be married.</p> <p>9 CHAIR STONE: -- proposals went through</p> <p>10 together. Otherwise, they seemed irrelevant.</p> <p>11 MEMBER CRIVELLO: Right.</p> <p>12 CHAIR STONE: So would you like to add to</p> <p>13 that?</p> <p>14 MEMBER CRIVELLO: Add from Page 3 of 7,</p> <p>15 continuation of the review of personnel actions with</p> <p>16 that draft language.</p> <p>17 CHAIR STONE: Okay. So --</p> <p>18 MEMBER CRIVELLO: Section point 7 --</p> <p>19 CHAIR STONE: 7.7.8, okay. So for --</p> <p>20 MEMBER BAXA: Second the motion.</p> <p>21 CHAIR STONE: Thank you very much.</p> <p>22 Okay. So for clarification, there's been a</p> <p>23 friendly amendment to the motion to add, along with the</p> <p>24 draft language from Page 2 of 7, the -- to include the</p> <p>25 draft language from Page 3 of 7 of Item number 2B. It</p>	<p style="text-align: right;">Page 143</p> <p>1 problem I am having with this language is, however,</p> <p>2 standards of recruitment shall be designed to attract to</p> <p>3 the department persons of the highest degree, education,</p> <p>4 intelligence and personnel stability -- or personal</p> <p>5 stability. Don't we want that in all our departments?</p> <p>6 I mean, each one of these items seem to be -- like I</p> <p>7 wouldn't want to exclude it from the Police Department,</p> <p>8 wouldn't want to exclude it from Public Works or Parks</p> <p>9 or wherever. I mean, the problem I'm having here is</p> <p>10 this is so broad that -- and it kind of seems like if we</p> <p>11 put it just under Fire, well, the other guys can skip</p> <p>12 out, they don't have to have personal stability.</p> <p>13 CHAIR STONE: Just a point. In this document</p> <p>14 as well, it shows the City and County of Honolulu Fire</p> <p>15 Department statement of policy as well as the Hawaii</p> <p>16 Fire Department statement of policy. And it looks</p> <p>17 identical, has identical language in those policies.</p> <p>18 I think, as I recall from the testifier, the</p> <p>19 intent was to give the commission a little more</p> <p>20 oversight over the chief.</p> <p>21 Maybe it is in our best interest to look at</p> <p>22 the other boards and commissions, but I think we need to</p> <p>23 start somewhere. If we're going to look at this</p> <p>24 statement of policy concept.</p> <p>25 What I would propose, if we do move forward,</p>
<p style="text-align: right;">Page 142</p> <p>1 has been seconded.</p> <p>2 Discussion? Commissioner Sugimura.</p> <p>3 MEMBER SUGIMURA: So can I ask, I guess, maybe</p> <p>4 Stacy to, basically, summarize what this says and -- and</p> <p>5 where it would be added. Because it looks like it's</p> <p>6 already covered already.</p> <p>7 MEMBER CRIVELLO: I think, for one thing, it's</p> <p>8 trying to be in consistency with the other fire</p> <p>9 departments throughout the state that already have a</p> <p>10 statement of policy, but the declaration of policy is</p> <p>11 being -- instead of saying statement of policy, the</p> <p>12 declaration is staying consistent with what we mentioned</p> <p>13 in our Maui Charter. But it adds more professionalism,</p> <p>14 I think, within the -- or ownership for the commission.</p> <p>15 And they can, more or less, define when they try to</p> <p>16 evaluate and work with the Administration. And</p> <p>17 likewise, this is also a benefit for the department. I</p> <p>18 would put that first. More importance to the department</p> <p>19 as well as to the Administration.</p> <p>20 CHAIR STONE: Thank you.</p> <p>21 Commissioner DeLeon.</p> <p>22 MEMBER DELEON: You know, I really appreciate</p> <p>23 the energy, the truth, the forthcoming that Greg brought</p> <p>24 to this. I think he is really sincere and really trying</p> <p>25 to do something very important in this definition. The</p>	<p style="text-align: right;">Page 144</p> <p>1 we do need to determine where, within Chapter 7, this</p> <p>2 would fall. It's been proposed to come before the</p> <p>3 commission and the Fire Chief sections, so that it has</p> <p>4 over -- overbearing on -- on those sections.</p> <p>5 Commissioner Hedani.</p> <p>6 VICE-CHAIR HEDANI: The question is, do we</p> <p>7 have a statement of policy anywhere else in the Charter</p> <p>8 for any other department?</p> <p>9 CHAIR STONE: One second.</p> <p>10 MEMBER OKAMOTO: Mr. Chair?</p> <p>11 CHAIR STONE: Yes.</p> <p>12 MEMBER OKAMOTO: Cost of Government</p> <p>13 Commission, there's a declaration of policy on Page 29.</p> <p>14 MEMBER DELEON: Mr. Chair?</p> <p>15 CHAIR STONE: Yes.</p> <p>16 MEMBER DELEON: The Cost of Government</p> <p>17 Commission needed to have an explanation what it exists</p> <p>18 for. It's not obvious like the Fire Department is. So,</p> <p>19 I mean, that's why it has a statement of policy, because</p> <p>20 -- because it needs to have some kind of definition on</p> <p>21 what it's doing.</p> <p>22 I'm going back to where -- I think Wayne and I</p> <p>23 are on the same wavelength here -- it's just that it</p> <p>24 seems odd to have this kind of language for only one</p> <p>25 department. I mean, we might want to go back and</p>

<p style="text-align: right;">Page 145</p> <p>1 consider all the departments like this. I mean -- or  2 have some kind of broader statement somewhere else in  3 the Charter that covers all the departments in this  4 matter.  5 But I know what Greg's trying to get to. And  6 I really sincerely appreciate his effort to get there.  7 And this has taken a lot of effort on his part to boil  8 it down to this. I don't want to blow it off, but it  9 just seems so inconsistent with the other departments.  10 I mean, I would like to have the Police Department  11 properly trained and be stable and have, you know,  12 positive personnel policies, you know. Why not?  13 So why are we just singling out one  14 department? It's because it's being driven by one  15 department is why.  16 And -- but I just wanted to raise the  17 inconsistency to the other departments.  18 CHAIR STONE: Thank you, Commissioner.  19 Commissioner Crivello.  20 MEMBER CRIVELLO: Okay. So Code of Ethics  21 also has a declaration of policy. But I think if we  22 start somewhere, with the Maui County Fire Department --  23 or commission, it's a starting point for other  24 commissioners or -- or the public, the Police Commission  25 or Police Department, or any other to -- to make that</p>	<p style="text-align: right;">Page 147</p> <p>1 provisions that he wanted to incorporate, that there  2 would be a strong basis for it. Like, for example, when  3 he said that the commissioners shall review the  4 personnel action of the director, so he wanted that.  5 Because I did question him, probably the employment  6 information was more important than the policy because  7 the policy is just a general statement. But he wanted  8 to have a strong basis for that implementation.  9 And I second Commissioner Crivello.  10 CHAIR STONE: Thank you.  11 Commissioner DeLeon.  12 MEMBER DELEON: Call for the question.  13 CHAIR STONE: Very good. No further  14 discussion, we will -- I'm sorry. Commissioner  15 Hashimoto.  16 MEMBER HASHIMOTO: So this vote is only on  17 Section 8-7, is that correct?  18 CHAIR STONE: 8-7.1.  19 MEMBER HASHIMOTO: That's it?  20 CHAIR STONE: What we would -- what I would  21 propose -- I just talked with Sherry about where would  22 declaration of policy fit in. It should go in at the  23 very start of the section. So this would be 8-7.1, to  24 be clear. And the draft language on the review of  25 personnel action would fall under whatever new section</p>
<p style="text-align: right;">Page 146</p> <p>1 move. Or if you wish to add more language to the  2 others. But I think not only because the individual  3 has, you know, driven much of his time to get this  4 proposal for our consideration, but, more so, I think it  5 adds more meat for the commission. My personal opinion,  6 it adds more meat. Taking the efforts that have come  7 before through certain individuals to do away with Fire  8 Commission, I believe this declaration of policy  9 provides the kind of strength that the commissions need.  10 CHAIR STONE: Thank you.  11 Commissioner Baxa.  12 MEMBER BAXA: Yeah, Mr. Chair. I would like  13 to second the statement made by Commissioner from  14 Molokai, Crivello. The testifier here had come here  15 many times. He's not from this island, he spent his own  16 money. And the way I got it from his testimony, it was  17 from disinterested testimony, although he is an employee  18 of the Fire Department. There is (inaudible) to his  19 statement of policy here. I might agree that probably a  20 general statement of policy in the beginning of the  21 Charter would be okay, but since there is a (inaudible),  22 I would not be objecting to it.  23 If I remember it correctly from the testimony  24 of Mr. Jenkins, he wanted that policy statement there  25 because he wanted a very strong foundation for the other</p>	<p style="text-align: right;">Page 148</p> <p>1 the duties and functions of the -- yes. Does everyone  2 understand? Yeah.  3 I'm sorry, Ed. Go ahead.  4 MR. KUSHI: Mr. Chair, are you voting on,  5 also, the draft language about reviewing personnel  6 actions?  7 CHAIR STONE: Yes. It's part of the proposal.  8 MR. KUSHI: If I may? This would be included  9 in one of the functions of the commission itself?  10 CHAIR STONE: Yes.  11 MEMBER DE REGO: Right. Right.  12 MR. KUSHI: Just from a staff standpoint and  13 knowing the operations, is it the intent that the  14 commission, Fire Commission, review personnel actions  15 before they're implemented by the Administration?  16 MEMBER DELEON: No.  17 CHAIR STONE: No.  18 MEMBER CRIVELLO: That's not my understanding.  19 CHAIR STONE: That was not the understanding.  20 MEMBER BAXA: That was not -- Mr. Chair?  21 CHAIR STONE: Sorry. Commissioner Baxa.  22 MEMBER BAXA: No. I don't want to go ahead of  23 you, Mr. Chair. That was not the understanding that we  24 had.  25 MEMBER DELEON: Mr. Chair?</p>

<p style="text-align: right;">Page 149</p> <p>1 CHAIR STONE: Yes, Commissioner DeLeon.</p> <p>2 MEMBER DELEON: Greg, in his comments, had</p> <p>3 made it very clear that it's not supposed to be</p> <p>4 administrative; it's supposed to be an overall annual</p> <p>5 review as opposed -- and to make sure that there's a</p> <p>6 fairness and correctness in the policies undertaken as</p> <p>7 part of the review of the Fire Chief. It's not as a</p> <p>8 review of actual individual actions as they happen.</p> <p>9 MR. KUSHI: My own purpose in saying that,</p> <p>10 Mr. Chair, is all departments, including the Fire</p> <p>11 Department, are concerned with personnel actions. We</p> <p>12 have the Department of Personnel Services, we deal with</p> <p>13 the merit system, we deal with grievances, suspensions,</p> <p>14 et cetera. Most of them deal with collective bargaining</p> <p>15 agreements. Now, if the Commission is -- by this</p> <p>16 language, your intent is to put it in the middle of this</p> <p>17 process, you may have a problem.</p> <p>18 CHAIR STONE: Thank you.</p> <p>19 Commissioner Hedani, you had something?</p> <p>20 VICE-CHAIR HEDANI: I wanted to hear the rest</p> <p>21 of Corp Counsel's thoughts on the matter which he just</p> <p>22 provided.</p> <p>23 MR. KUSHI: Well, again, you know, the</p> <p>24 existing language of the Fire Commission, you have the</p> <p>25 laundry list of functions. The bottom line is it says,</p>	<p style="text-align: right;">Page 151</p> <p>1 language. We don't know -- I know nothing about the</p> <p>2 Honolulu Fire Department. I do know something about the</p> <p>3 Maui Fire Department, but I don't know the operations of</p> <p>4 Honolulu Fire Department.</p> <p>5 CHAIR STONE: Thank you.</p> <p>6 MEMBER HASHIMOTO: So what I'm trying to say</p> <p>7 is this: Do we adopt the language of another fire</p> <p>8 department without knowing how effective they are?</p> <p>9 CHAIR STONE: Thank you, Cliff.</p> <p>10 Commissioner Sugimura.</p> <p>11 MEMBER SUGIMURA: So what I want to ask is</p> <p>12 could we ask -- before we vote on this, could we ask for</p> <p>13 the personnel --</p> <p>14 MEMBER DELEON: Chair, we called for the</p> <p>15 question about five minutes ago.</p> <p>16 MEMBER DE REGO: Yeah, exactly. I was just</p> <p>17 waiting.</p> <p>18 CHAIR STONE: Yes. Thank you. That's a good</p> <p>19 point. But we still have discussion, exactly.</p> <p>20 MEMBER OKAMOTO: Chair?</p> <p>21 CHAIR STONE: Commissioner Sugimura, go ahead.</p> <p>22 MEMBER SUGIMURA: So can we ask for someone</p> <p>23 from Personnel to come by and explain to us, the</p> <p>24 director, what kind of impact this has so we can tie</p> <p>25 into what Junior is telling us? Because I would think</p>
<p style="text-align: right;">Page 150</p> <p>1 except for purposes of inquiry as far as otherwise</p> <p>2 provided in this Charter, either the commission or its</p> <p>3 members shall not interfere in any way with the</p> <p>4 administrative affairs of the department. Now, you put</p> <p>5 this type of language in, what is your intent? If it's</p> <p>6 just to review, fine. If it's to review and then come</p> <p>7 up with some concerns, so what? Does it interfere with</p> <p>8 the administrative affairs?</p> <p>9 CHAIR STONE: One second, Ed. Just -- Sherry</p> <p>10 pointed out that under the -- that's Honolulu, correct?</p> <p>11 That this exact language actually is found in the</p> <p>12 Charter under powers, duties and functions of the Fire</p> <p>13 Commission for Honolulu County. I can read it. E,</p> <p>14 under Powers, Duties and Functions, the Fire Commission</p> <p>15 shall, E, review personnel actions within the department</p> <p>16 for conformance with the policies under Section 6-1002</p> <p>17 of this Charter. Okay.</p> <p>18 Commissioner Hashimoto.</p> <p>19 MEMBER HASHIMOTO: Chair, I wonder if there</p> <p>20 was -- if we have time to find out from the Honolulu</p> <p>21 Fire Department, or find out from somebody, in regards</p> <p>22 to the operation of the departments with which -- which</p> <p>23 Fire Department, through Maui and Honolulu, has a better</p> <p>24 degree of effectiveness. And then we could decide</p> <p>25 whether we like the language or we don't like the</p>	<p style="text-align: right;">Page 152</p> <p>1 that, of course, they want to, you know, kind of hire</p> <p>2 the best person, and those kind of standards -- or these</p> <p>3 statements are, to me, kind of a given. Of course we</p> <p>4 want to have good leadership and honesty and all those</p> <p>5 things that are part of leadership. So I'm just</p> <p>6 wondering --</p> <p>7 CHAIR STONE: Well, we presently have a motion</p> <p>8 on the floor, so we need to complete this motion.</p> <p>9 Commissioner Okamoto.</p> <p>10 MEMBER OKAMOTO: Can we amend the motion to</p> <p>11 take out just that personnel part and deal with the rest</p> <p>12 of it?</p> <p>13 CHAIR STONE: I think that was the primary</p> <p>14 intent of the --</p> <p>15 MEMBER OKAMOTO: Okay. All right. That's</p> <p>16 fine.</p> <p>17 CHAIR STONE: -- of the language.</p> <p>18 Why don't we take this to vote and see where</p> <p>19 it ends up? All right?</p> <p>20 Roll call, please, Lisa.</p> <p>21 MS. KAHUHU: Commissioner Baxa.</p> <p>22 MEMBER BAXA: I seconded the motion, so I'm</p> <p>23 going to vote for it.</p> <p>24 MEMBER DE REGO: So say "yes."</p> <p>25 MEMBER BAXA: Yes.</p>

Page 153	Page 155
<p>1 MS. KAHUHU: Commissioner Crivello.  2 MEMBER CRIVELLO: Yes.  3 MS. KAHUHU: Commissioner DeLeon.  4 MEMBER DELEON: Yes.  5 MS. KAHUHU: Commissioner De Rego.  6 MEMBER DE REGO: Yes.  7 MS. KAHUHU: Commissioner Hashimoto.  8 MEMBER HASHIMOTO: I'm not going to vote in  9 support of it if this is the final language, that --  10 that we can --  11 CHAIR STONE: Yeah. The language -- it's just  12 the draft proposal stage, the language can be altered.  13 MEMBER HASHIMOTO: Yeah.  14 CHAIR STONE: So that's a yes?  15 MEMBER HASHIMOTO: Yes.  16 MS. KAHUHU: Commissioner Hedani.  17 VICE-CHAIR HEDANI: Yes.  18 MS. KAHUHU: Commissioner Moikeha, excused.  19 Commissioner Okamoto.  20 MEMBER OKAMOTO: Yes.  21 MS. KAHUHU: Commissioner Sugimura.  22 MEMBER SUGIMURA: No.  23 MS. KAHUHU: Commissioner Wiger, excused.  24 Chair Stone.  25 CHAIR STONE: Yes.</p>	<p>1 interrupted, I was saying moving to draft proposal  2 language, Section 8-7.1, Declaration of Policy, as well  3 as under duties and powers of the commission, review  4 personnel actions within the department for conformance  5 with the policies under Section 8-7 dot to be  6 determined. Okay. Very good.  7 Moving forward.  8 MEMBER BAXA: So moved, Mr. Chair.  9 CHAIR STONE: Yes.  10 MEMBER BAXA: I moved.  11 MEMBER DELEON: What for?  12 CHAIR STONE: To move forward. We will move  13 forward to lunch.  14 MEMBER OKAMOTO: To lunch.  15 CHAIR STONE: So  16 MEMBER DELEON: Good job.  17 CHAIR STONE: I will call our lunch break, our  18 lunch recess here at 1:35. Let's return back here at  19 2:05. Thank you very much.  20 (Recess, 1:33 p.m. to 2:17 p.m.)  21 CHAIR STONE: So let's call this meeting back  22 to order as of 2:20.  23 And moving through our Active List, we are now  24 on Page 10 of the Active List, Chapter 15, Department of  25 Environmental Management. And we are looking at</p>
Page 154	Page 156
<p>1 MS. KAHUHU: Eight "yes." Motion passes.  2 CHAIR STONE: Thank you very much. Motion has  3 passed to move to the draft proposal stage Section --  4 draft language referenced in --  5 MEMBER DE REGO: Mr. Chair, point of  6 clarification.  7 CHAIR STONE: One second, please.  8 MEMBER DE REGO: The last vote -- hang on.  9 She said eight "yes." There was, actually, a "no" vote  10 here. So I think it's seven to one, right?  11 MEMBER CRIVELLO: No. There's nine of us.  12 MEMBER DE REGO: Oh, nine of us. Okay. Eight  13 with --  14 CHAIR STONE: Commissioner De Rego, we can  15 discuss mathematics --  16 MEMBER DE REGO: I'm still on vacation.  17 MEMBER OKAMOTO: He just wasn't counting.  18 CHAIR STONE: That's what they say about these  19 smart guys, right? They know everything except how to  20 count on their fingers.  21 Welcome back from vacation, Frank.  22 MEMBER DE REGO: Oh, boy.  23 CHAIR STONE: Moving forward.  24 MEMBER HASHIMOTO: See what happens.  25 CHAIR STONE: Motion passed. Before I was</p>	<p>1 Proposal Number 8.15.1, proposal to amend Article 8,  2 County Departments, Chapter 15, Department of  3 Environmental Management, to add the function of  4 sustainability to the Department of Environmental  5 Management, and change the name of the department to  6 Department of Sustainability and Environmental  7 Management, and, thus, create a new department entitled  8 the Department of Sustainability and Environmental  9 Management.  10 So let's open that up to discussion. I think,  11 in our last meeting, we discussed not changing the name,  12 simply because it's such a long, burdensome --  13 MEMBER DE REGO: Costly.  14 CHAIR STONE: -- name, but I do believe we  15 left off seeing some benefit to this. So let's begin  16 the discussion there.  17 Commissioner De Rego.  18 MEMBER OKAMOTO: Just what page are you on?  19 CHAIR STONE: Oh, Page --  20 MEMBER DE REGO: 10.  21 CHAIR STONE: -- 10. Proposal 8.15.1.  22 MEMBER OKAMOTO: Thank you.  23 MEMBER SUGIMURA: Mike has something.  24 CHAIR STONE: Sorry. One second.  25 Mr. Molina.</p>

<p style="text-align: right;">Page 157</p> <p>1 MR. MOLINA: Thank you, Mr. Chairman. And my  2 apologies for the interruption. We do have Mr. Parsons  3 from the Mayor's Office as a resource for the  4 Commission, for any questions related to this matter.  5 CHAIR STONE: Very good. Thank you. Thank  6 you so much.  7 And, Mr. Parsons, thank you for being here  8 today. I'm sure we will have questions for you.  9 Go ahead, Commissioner De Rego.  10 MEMBER DE REGO: For purposes of discussion, I  11 would like to move that we add these two functions to  12 the description of the Department of Environmental  13 Management, and move it to the draft proposal stage.  14 CHAIR STONE: Thank you. We have a motion on  15 the floor. Do we have a second on that motion?  16 Commissioners?  17 VICE-CHAIR HEDANI: Second for purposes of  18 discussion.  19 CHAIR STONE: Very good. Proposal to move to  20 draft proposal stage Proposal Number 18.15.1 has been  21 seconded. So let's have discussion.  22 Frank, since you were the maker of the motion,  23 go ahead.  24 MEMBER DE REGO: Yeah. I still think that  25 this provides a foundation. And I think some of that</p>	<p style="text-align: right;">Page 159</p> <p>1 County a leg up on -- on making that a reality for us.  2 I think -- I think we know that, you know,  3 there's been a discussion that the Mayor could do this  4 on his own, he could create a division, if he wanted to,  5 he could go to the Council and try to get them to set up  6 a division, but I think this would be a statement on the  7 part of the County within the foundation of the Charter  8 to make this a reality. And it would be something that  9 the Council or the Mayor could not ignore in the future.  10 So that's my feeling about these two functions  11 that would be added to the Department of Environmental  12 Management.  13 I agree, the change of name, I think, was more  14 a cosmetic change than anything else, although, in a  15 sense, some people would see it as symbolic. I see the  16 guts of the matter in these two provisions and allowing  17 the Mayor to move forward to realize that and to  18 organize around those two functions.  19 CHAIR STONE: Thank you very much.  20 Commissioner Baxa.  21 MEMBER BAXA: Mr. Chair, I like the amendment.  22 The only question that I have is that it says here,  23 proposal to amend Chapter 15, Department of  24 Environmental Management, to add to the function of  25 sustainability, but then, when you read the title, the</p>
<p style="text-align: right;">Page 158</p> <p>1 discussion occurred, from what I read from the minutes  2 of the last meeting, that this -- all this does is  3 provide a foundation for the Mayor to go in a direction,  4 I think, of integrating sustainability. And I think  5 Mr. Parsons and others have, I think, defined  6 sustainability in such a way, I think, that's  7 understandable, it's integrated into the goals and  8 direction of the Department of Environmental Management.  9 And I think that this is not -- it's not the wave of the  10 future; it's the goal of the present at this point that  11 we start looking at these issues in an integrated  12 fashion.  13 So I'm going to support this motion just based  14 on that. I think it provides a platform.  15 When you look at the Charter, the Charter  16 provides a foundation and a platform. And -- and in  17 this area, I think it's important that we, as a county,  18 make a statement about our support for integrated  19 management of our resources and how we look at things  20 like waste and trash and our waters and, you know, all  21 the things that are involved not only in terms of energy  22 and water and waste disposal, but, also, the things that  23 affect our economy as a whole. And I think this -- this  24 is a perfect example of, you know, us stepping into the  25 21st Century with foundational language that gives the</p>	<p style="text-align: right;">Page 160</p> <p>1 sustainability comes first, then the environment. So I  2 don't know what -- what it meant. I don't know if it  3 makes a difference, but I just -- I still like the way  4 how it is proposed, sustainability first and then  5 environment comes after the word.  6 THE COURT: Very good. Thank you. Of course,  7 we do have Mr. Parsons here if you want to ask any  8 questions.  9 MEMBER BAXA: Yeah. Mr. Parsons -- can we ask  10 Mr. Parsons?  11 CHAIR STONE: Yes, please.  12 Thank you, Mr. Parsons.  13 MEMBER BAXA: Mr. Parsons, I think you have  14 heard the comment that I made to add the function of  15 sustainability to the present department, and, yet, when  16 the change is made, the word "sustainability" comes  17 first.  18 MR. PARSONS: Thank you, Chair. Thank you,  19 Commissioners, Commissioner Baxa.  20 I don't know that I heard the last time that  21 the Commission discussed this particularly, but, Chair,  22 from your comments, it sounds like there was some  23 discussion of going ahead with the language as  24 Commissioner De Rego just suggested, but not going ahead  25 with changing the name of the department itself. And I</p>



<p style="text-align: right;">Page 161</p> <p>1 tend to agree with that. I tend to concede -- to</p> <p>2 concede that point, that it's more important to get the</p> <p>3 language in place than it is to change the name of the</p> <p>4 department.</p> <p>5 And the reason that I feel this is because it</p> <p>6 could be unwieldy. It's such a long name, as was</p> <p>7 pointed out, 17 syllables, if -- if you add the five</p> <p>8 syllable word "sustainability" to what is already there.</p> <p>9 And that you have logos on County vehicles, you have</p> <p>10 logos on shirts and letterhead and business cards, and a</p> <p>11 lot -- a lot of things you would have to change. And</p> <p>12 there would be some expense involved with that.</p> <p>13 And it's not the most unwieldy thing, but I --</p> <p>14 but I tend to agree with the previous Commissioner's</p> <p>15 comments that what really is important is the language</p> <p>16 that would be in place of the powers, duties and</p> <p>17 functions of the Director of the Department of</p> <p>18 Environmental Management.</p> <p>19 CHAIR STONE: Thank you.</p> <p>20 Commissioners, further discussion?</p> <p>21 (No Response.)</p> <p>22 CHAIR STONE: Chair has a point. I think</p> <p>23 there was an argument that I heard at our last meeting</p> <p>24 that, hey, this is something that the Mayor could do.</p> <p>25 Well, my concern is there may be a Mayor that is</p>	<p style="text-align: right;">Page 163</p> <p>1 we add new things, use a lot of fancy language, but it</p> <p>2 doesn't really say what the goal is. So I think we need</p> <p>3 to say that they must attain some goal.</p> <p>4 CHAIR STONE: Good.</p> <p>5 MEMBER HASHIMOTO: Otherwise, it will be kind</p> <p>6 of useless just sitting there.</p> <p>7 CHAIR STONE: Thank you. Would you be</p> <p>8 comfortable with working on that in the draft proposal</p> <p>9 stage?</p> <p>10 MEMBER HASHIMOTO: Yeah.</p> <p>11 CHAIR STONE: Thank you very much.</p> <p>12 Commissioner Hedani.</p> <p>13 VICE-CHAIR HEDANI: Although I seconded the</p> <p>14 motion for purposes of discussion, I'm going to vote</p> <p>15 against this particular motion because, from the</p> <p>16 standpoint of priorities within the County government, I</p> <p>17 think sustainability is nice, but not necessary. I</p> <p>18 think it has the possibility of creating situations or</p> <p>19 issues that would be contrary to progress being made on</p> <p>20 the economic development side. It could be the counter</p> <p>21 to economic development, to some degree, where we're</p> <p>22 doing this on one side and doing exactly the opposite on</p> <p>23 the other.</p> <p>24 I do still feel that we're chasing after</p> <p>25 windmills on this one. And that -- the Mayor is not</p>
<p style="text-align: right;">Page 162</p> <p>1 proactive presently and he takes on what I consider to</p> <p>2 be a must-do program; however, if the language is not</p> <p>3 spelled out in the Charter that it must continue, then</p> <p>4 the next Mayor could simply say, I disagree with that</p> <p>5 and I don't want to go in this direction, or we don't</p> <p>6 have the money or -- there's so many excuses that could</p> <p>7 be made in politics. So I think it's important that the</p> <p>8 Charter specifies the direction, and a consistent</p> <p>9 direction, so that it can't go from -- it can't change</p> <p>10 from Mayor to Mayor to decide whether or not to do it.</p> <p>11 And, again, it's -- what I like about the</p> <p>12 discussion that I've heard about it is it's integrated</p> <p>13 management. I think what people understand now is that</p> <p>14 when we talk about sustainability, it's not just about</p> <p>15 preservation, it's about economy, it's about so many</p> <p>16 different levels and aspects of government that it's</p> <p>17 important now to have a group that can -- that can focus</p> <p>18 on putting all of it together. So I'm going to vote in</p> <p>19 favor of this proposal.</p> <p>20 Any further discussion? Commissioner</p> <p>21 Hashimoto.</p> <p>22 MEMBER HASHIMOTO: Yes. I would vote for --</p> <p>23 for this proposed amendment only if, in its language,</p> <p>24 it's final language, includes a -- like a goal, you</p> <p>25 know, for the -- for this new department. Oftentimes,</p>	<p style="text-align: right;">Page 164</p> <p>1 going to like that. And that James Wagoner wrote a</p> <p>2 letter to the editor, and I highly respect his opinion,</p> <p>3 where he said, in a time when the economy is in dire</p> <p>4 straits, we should be miserly in the way we spend money,</p> <p>5 and this would not be one of the things that we should</p> <p>6 be spending money on. I kind of agree with that.</p> <p>7 I think when you look at environmental</p> <p>8 management, we haven't taken care of the solid waste</p> <p>9 management problems. We haven't taken care of the</p> <p>10 wastewater management problems. There's a lot of stuff,</p> <p>11 basic stuff. We haven't covered the potholes on the</p> <p>12 roads. And our cars are falling apart as a result of</p> <p>13 that. But there's a lot of stuff that needs to be paid</p> <p>14 attention to. And this is nice, but not necessary, from</p> <p>15 my perspective.</p> <p>16 CHAIR STONE: Thank you.</p> <p>17 Commissioner De Rego.</p> <p>18 MEMBER DE REGO: I would like to ask</p> <p>19 Mr. Parsons his reaction to that last comment.</p> <p>20 MR. PARSONS: Thank you, Commissioner.</p> <p>21 I take a contrary position to that statement.</p> <p>22 And this has been a concern that I've heard from two</p> <p>23 letters that I've -- that I've seen, that this isn't a</p> <p>24 time when we can afford to implement these kind of</p> <p>25 measures. I feel that we can't afford not to. That by</p>

<p style="text-align: right;">Page 165</p> <p>1 focusing on sustainability, we're not looking at things  2 just through an economic lens, but sustainability, by  3 definition, has what they call a triple bottom line; the  4 economy, the environment, and social considerations. So  5 it seems to me that sometimes we get in trouble when we  6 just look at the economics of the situation.  7 I see this as something that would pay very  8 quick dividends. That this is an investment, not an  9 expense. And I found some studies to back this up.  10 There's a National Association of Counties  11 study that was done with a survey that went out to --  12 well, there's over 3,000 counties nationwide. They got  13 about 750 responses. And they asked about  14 sustainability, current and future investments and  15 benefits and barriers. And they got responses back  16 that, currently, about 34 percent of counties that  17 reported have dedicated staff positions to coordinate  18 green effort through sustainability efforts. And  19 there's a variety of places on the piechart saying --  20 they might be an environment department such as being  21 suggested here, in operations department, in a mayor's  22 office, or in the standalone office of sustainability.  23 And covered, you know, kind of a gamut of things that we  24 perceived to be green economy interests or  25 sustainability interests.</p>	<p style="text-align: right;">Page 167</p> <p>1 National Association of Counties survey is that the  2 counties listed the greatest barrier to increase  3 sustainability is lack of funding. So if we don't fund  4 these things, we're not going to achieve the savings.  5 CHAIR STONE: Thank you.  6 Commissioner Baxa.  7 MEMBER BAXA: Mr. Chair?  8 CHAIR STONE: Yes.  9 MEMBER BAXA: I am indicating that I will vote  10 for this, but I would like to make an amendment, though,  11 just to show that the -- in this case the (inaudible) of  12 the department should be the environmental aspect. So I  13 would change the wording, Department of Environmental  14 and Sustainability Management, instead of the other way  15 around.  16 CHAIR STONE: Okay. Presently, I believe that  17 the motion would read -- maintain the name Department of  18 Environmental Management, not inclusive of  19 sustainability anywhere in the name. This proposal, I  20 believe that's the way --  21 MEMBER DE REGO: Yes.  22 MEMBER BAXA: No. It says here --  23 CHAIR STONE: Frank -- I'm sorry.  24 Commissioner De Rego.  25 MEMBER DE REGO: The motion I made is to keep</p>
<p style="text-align: right;">Page 166</p> <p>1 And the reporting shows that the greatest  2 benefit from sustainability efforts is reducing the cost  3 of government. So this doesn't wind up being an  4 expense; it's a savings.  5 And I think we need to look no further than to  6 what our present Energy Commissioner, Doug McLeod, has  7 done with his efforts that, with the solar contracts  8 that have been issued, he believes that, in our first  9 calendar year, after the solar PV arrays are in place,  10 that there will be savings to the County of \$517,000.  11 So I see this kind of effort -- you know, it  12 would be up to the Administration how they want to  13 restructure to meet these powers, duties and functions  14 being in place in this Environmental Management  15 Department. It might be that some things that are in  16 other areas, Recycling is -- is under the Solid Waste  17 Division now, that gets moved, that our Energy  18 Commissioner's efforts move from economic development to  19 this area. That's not for me or you or the voters to  20 understand, but I -- but I agree that bringing this to  21 the voters will be a way that we will get either a  22 thumbs up or a thumbs down on what our community really  23 wants here. And I think that's important about this  24 effort.  25 The other thing that I would say about the</p>	<p style="text-align: right;">Page 168</p> <p>1 the name as Department of Environmental Management. And  2 I think that was stated clearly in my motion. I  3 wouldn't be in favor of changing the name at this point  4 for various reasons. But what you would be doing is  5 amending my --  6 MEMBER BAXA: Oh, I see. Okay.  7 MEMBER DE REGO: So, yeah, I would not be in  8 favor of changing the name. I think the most important  9 thing at this point is adding, or discussing, at least,  10 a draft amendment that would include the functions  11 and -- you know, it would include any goals, concrete  12 goals that Clifford or anybody else would want to add to  13 this.  14 But I would -- I would, hopefully, see the  15 Commissioners move this forward, at least for discussion  16 on the amendment stage, so we can talk about language  17 that would be acceptable to everyone.  18 I don't think this is chasing windmills, which  19 are prominently placed on our mountains, anyway, which  20 are a reality in our life at this point, but I think it  21 would be a way of integrating a lot of the things that  22 Rob would say under one division within environmental  23 management, put some concerted effort and, I think, in  24 the long run, reap some dividends for the County. Not  25 only in terms of our economy, in terms of the tourist</p>

<p style="text-align: right;">Page 169</p> <p>1 industry, I think our reefs are badly in need of looking  2 at, at this point. We're going to end up like Jamaica  3 in the next 10 years if we don't. I think -- well, I  4 could go on, but let me -- let me just leave it there.  5 CHAIR STONE: Thank you, Commissioner De Rego.  6 Commissioner Sugimura.  7 MEMBER SUGIMURA: So this is what I see today,  8 is that there have been a lot of effort by Rob, who is  9 second round for us to have him in that seat, and he's  10 done a really good job. And OED, Office of Economic  11 Development has done a great job. And I guess the  12 question -- maybe this is a Junior question -- if we're  13 not going to change the name of the department -- right,  14 it's going to stay the same -- and we want to add these  15 functions, is it a Charter Commission thing that we need  16 to do to change the function or can this just be  17 integrated by the Mayor?  18 I mean, that's the thing that I keep on coming  19 up with because I think it can be just done now. And I  20 think the Mayor's doing a great job of it. And I think  21 future mayors, if they are the leaders that they should  22 be when we elect them, are going to include this in what  23 they do for the County of Maui because of the kind of  24 state we are.  25 MEMBER DE REGO: Mr. Chair, can I reply to</p>	<p style="text-align: right;">Page 171</p> <p>1 We heard a lot of testimony on this. And when I heard  2 the testifiers, they really centered in on the word  3 "sustainability." And I know that the present motion,  4 and was seconded, is just to say Department of  5 Environmental Management, without mentioning the word  6 "sustainability" in that heading of the department. I  7 think if we do that, we will lose sight of the -- what  8 they testified to for so many times. And that is just  9 the problem that I have here.  10 I wanted to change the title, but I thought I  11 was out of -- I did not really understood the motion,  12 because I wanted to mean that the (inaudible) in the  13 department should be the environment, but there should  14 be mention of sustainability in the title of the  15 department. Of course, I may be out of order again,  16 but, you know, I just want to emphasize that without  17 mentioning the word "sustainability" in the title, we  18 may lose sight of the clear impact of what they  19 testified to before this Commission.  20 CHAIR STONE: Thank you.  21 MEMBER DE REGO: I think Mr. Parsons has  22 conceded on that point. I think that the more important  23 thing is the functions at this point. There is, you  24 know, going to be a cost involved in expanding this.  25 And I don't think we need to add to the costs by having</p>
<p style="text-align: right;">Page 170</p> <p>1 that?  2 CHAIR STONE: Yeah. Hang on. Let's let Ed  3 have a chance to make a reply.  4 MEMBER DE REGO: Oh, Junior.  5 MR. KUSHI: If I understand the question, is  6 this a function of the Charter Commission?  7 MEMBER SUGIMURA: Yeah.  8 MR. KUSHI: Well, as I understand the issue is  9 that you want to add two more functions to the powers  10 and duties of the department. And they seem to be more  11 specific in nature to what is already listed. And  12 that's my understanding of what you are voting on.  13 Now, whether or not it comes to fruition in  14 terms of a new division or new personnel, that's solely  15 a function of the Council --  16 MEMBER SUGIMURA: Oh, Council.  17 MR. KUSHI: -- for appropriation. You're not  18 creating a new department and you're not saying to  19 create a new division; you're just saying that this is  20 part of the department's duties and functions. So,  21 again, I mean, I don't see a problem. It's within your  22 power to add duties and functions to a department via  23 the Charter, Charter Commission.  24 CHAIR STONE: Yes, Commissioner Baxa.  25 MEMBER BAXA: I seem to get lost, you know.</p>	<p style="text-align: right;">Page 172</p> <p>1 to change cars and letterhead and business cards. And,  2 you know, I think -- as long as the functions are there,  3 I think -- I think those can be weaved in. And they  4 have to do with the environment, you know. And I think  5 Environmental Management involves sustainability.  6 So I -- this was the other thing I couldn't  7 see. I mean, I think the large umbrella is  8 environmental management, within that umbrella, you  9 know, is sustainability. So I didn't see the need to  10 change the name. So --  11 CHAIR STONE: Thank you.  12 Commissioner Crivello.  13 MEMBER CRIVELLO: I agree with Commissioner De  14 Rego, that when one says "environmental management," you  15 manage your environment, land, sea. And, I mean, it's  16 happening now with the energy, you know, initiatives  17 that are happening with Maui County. You may consider  18 from one aspect that windmills is sustainable, but, in a  19 different area, it may not be. So I think then that  20 comes to how do you manage the environment.  21 So I also feel that if Administration wishes  22 to add these different functions to the existing  23 department, they can do so collaboratively with Council,  24 instead of us putting that out again. I agree with you,  25 to sustain is to manage our environment.</p>

<p style="text-align: right;">Page 173</p> <p>1 CHAIR STONE: Thank you.  2 Commissioner Baxa.  3 MEMBER BAXA: If that -- well, I'm not  4 speaking directly to Commissioner Crivello, but if the  5 thought is that it is already within the department,  6 there is no -- there is no need for us to be dealing  7 with that in this Commission right now, if that is the  8 case.  9 CHAIR STONE: Thank you.  10 In hearing the testimony from the other  11 Commissioners, I would say that one of the primary  12 issues in politics is political will. I think,  13 oftentimes, politicians will always fall back on the  14 argument that it's too expensive now. Well, it's always  15 too expensive to politicians. And I think that if we  16 leave it in the hands of the politicians to decide, that  17 there will always be a politician that will look towards  18 austerity and not move forward on what is the right  19 thing to do. I think that if you give it direction, you  20 give it teeth. And if it doesn't have teeth, you give  21 it the ability to be wishy-washy and every new mayor  22 coming through can decide on what way he wants to go.  23 I think -- I think that, truly, the time has  24 come for every county, every human being to realize that  25 our situation globally has completely changed. And it's</p>	<p style="text-align: right;">Page 175</p> <p>1 against adding "sustainability" to the name. So is  2 there a second for Commissioner Baxa's motion?  3 (No Response.)  4 CHAIR STONE: Okay. No second. So we will  5 maintain with the present proposal.  6 Commissioner Crivello.  7 MEMBER CRIVELLO: May I ask Mr. Parsons a  8 question?  9 CHAIR STONE: Please, yes.  10 MEMBER CRIVELLO: Thank you for taking the  11 time. It has here that we -- requesting we propose to  12 add specific language. Are we saying today that the  13 Environmental Management Department does not guide  14 efforts to maximize opportunities for natural resource  15 protection, conservation and restoration? Is this why  16 you want to propose that? Is it because it doesn't have  17 that function at all as something that comes under  18 environmental management?  19 MR. PARSONS: Thank you for your question,  20 Commissioner. I don't feel that the language is  21 currently represented under that chapter of the Charter.  22 There are four paragraphs that outline the powers,  23 duties and functions. And they, basically, describe  24 management of solid waste and wastewater reclamation.  25 And I think that if we're going to more comprehensively</p>
<p style="text-align: right;">Page 174</p> <p>1 the responsibility of every human being to do the best  2 thing they can do to survive, simply. And I think that  3 these hard decisions have to be made. And I -- I would  4 fear these decisions be left in the hands of  5 politicians. Thank you.  6 Commissioner Baxa.  7 MEMBER BAXA: I have to agree with everything  8 that you said, Mr. Chair. In that sense, I would like  9 to make -- propose an amendment to the motion, that the  10 title should include the word "sustainability," only  11 that "sustainability" should come after the other word.  12 CHAIR STONE: Very good. There's a motion on  13 the floor to amend the proposal. Is there a second to  14 the motion?  15 MEMBER DELEON: Is that to -- Mr. Chair, can I  16 ask for understanding?  17 CHAIR STONE: Yeah. Sorry. Okay. So,  18 Commissioner DeLeon, we are -- there is a motion put  19 forward to accept Proposal Number 8.15.1 and take it to  20 the draft language stage, but keeping the name of the  21 department as Department of Environmental Management.  22 There's now an amendment put forward by Commissioner  23 Baxa to add "sustainability" to the motion.  24 MEMBER DELEON: Thank you.  25 CHAIR STONE: There's been an argument for and</p>	<p style="text-align: right;">Page 176</p> <p>1 address broader environmental management, such as the  2 Mayor spoke to you, you know, functions such as invasive  3 species management and watershed protection and those  4 sorts of things, and to also encompass sustainability,  5 that we would need to add these sections that are  6 proposed.  7 CHAIR STONE: Thank you.  8 Commissioner Crivello, any --  9 MEMBER CRIVELLO: No. And invasive species,  10 is that something that comes under our State government?  11 Is that something that our department could be  12 collaborating with our State --  13 MR. PARSONS: Yes. Currently, these are  14 collaborative efforts. And I think they would continue  15 to be. It would just be having the right people in the  16 right place to maximize our ability to do those things.  17 And I think we also heard the Mayor say that  18 he's not certain in the future that we can count on the  19 State and the Federal Government to support some of  20 these things at the level they currently are.  21 We -- we are the leader in Maui County as far  22 as what we contribute to our watershed partnerships and  23 invasive species efforts. And, you know, that's great.  24 But I think there's so much more that could be addressed  25 with this additional language to support the</p>

<p style="text-align: right;">Page 177</p> <p>1 bureaucratic structure to do more.</p> <p>2 CHAIR STONE: Thank you.</p> <p>3 Commissioner Hedani.</p> <p>4 VICE-CHAIR HEDANI: One last college try.</p> <p>5 (Laughter.)</p> <p>6 VICE-CHAIR HEDANI: Once was a time when I was</p> <p>7 growing up that I wanted to pull up the gangplanks on</p> <p>8 Maui. I thought we were growing too fast, I thought the</p> <p>9 population was growing too fast, the lifestyle that I</p> <p>10 had come to accept was being invaded, I was being abused</p> <p>11 and used, and I felt degraded. I've come full circle</p> <p>12 from that at this point.</p> <p>13 When you think sustainability, you need to</p> <p>14 control the population of the island. You need to</p> <p>15 control in-migration to the island. You need to stop</p> <p>16 development -- you need to stop zoning land or</p> <p>17 development if it can be used for other purposes. You</p> <p>18 need to control water resources. You need to control</p> <p>19 land and zoning. All of the things that government</p> <p>20 creates a mess of by impeding affordable housing</p> <p>21 development, making the cost of living <del>sustainable</del> <b>unsustainable</b></p> <p>22 the island.</p> <p>23 In many ways, I think government is not the</p> <p>24 solution, but is the problem.</p> <p>25 And what I heard, to some degree was, well,</p>	<p style="text-align: right;">Page 179</p> <p>1 In reference to coqui frogs, I had some</p> <p>2 friends who stayed on the Big Island recently. They</p> <p>3 told me about being kept up all night, because there was</p> <p>4 no effort on that island really. When the effort</p> <p>5 started, it was too late and the frogs took over. On</p> <p>6 Maui, we've had a concerted effort based out of the</p> <p>7 Mayor's Office and based out of the nonprofit so far.</p> <p>8 But the threats coming -- we're connected to</p> <p>9 the whole world. The threats are coming at us every</p> <p>10 which way.</p> <p>11 And in reference to Wayne's comments, we're</p> <p>12 not talking about zoning here. This is not the</p> <p>13 Department of Planning we're talking about. This is not</p> <p>14 the County Council. Those kind of policies happen at</p> <p>15 the County Council. They don't happen in a bureaucratic</p> <p>16 operation inside of a department.</p> <p>17 So, yeah, I think probably that particular</p> <p>18 argument is that why are we increasing the size of</p> <p>19 government when we should be shrinking it. And to me --</p> <p>20 to me, that's a matter that the voters can decide when</p> <p>21 they see it on the voting slip, and make a decision at</p> <p>22 that point whether they think we got enough bureaucrats</p> <p>23 already, let the frogs come, let the ants come, let all</p> <p>24 the other things that are going to be bothering us in</p> <p>25 the future, we have no comprehension of what it is. And</p>
<p style="text-align: right;">Page 178</p> <p>1 you know, I'm only one person, I can only do so much,</p> <p>2 you know, there's six people that need to be hired to</p> <p>3 handle this department appropriately. And from my</p> <p>4 perspective, you know, you got one person in economic</p> <p>5 development, you got six people in maximizing</p> <p>6 opportunities for resource protection, conservation and</p> <p>7 restoration, which, in my head, means downzoning, it's</p> <p>8 moving not necessarily in the right direction from my</p> <p>9 perspective.</p> <p>10 MEMBER SUGIMURA: Interesting.</p> <p>11 VICE-CHAIR HEDANI: I'll stop speaking.</p> <p>12 CHAIR STONE: Thank you, Commissioner.</p> <p>13 Commissioner DeLeon.</p> <p>14 MEMBER DELEON: Sorry for being AWOL.</p> <p>15 In reference to Stacy's question, what you</p> <p>16 have now in that department is a -- it's an engineering</p> <p>17 operation. They run wastewater systems. They run --</p> <p>18 they run solid waste systems. And it's, basically,</p> <p>19 engineers doing engineering work. They're not going to</p> <p>20 -- you're not going to get those folks chasing coqui</p> <p>21 frogs. You're not going to get them up in the</p> <p>22 rainforest. They don't care less. They have their</p> <p>23 well-defined engineering functions, and they want to</p> <p>24 stay with that. So, right now, that department does</p> <p>25 none of those kind of functions.</p>	<p style="text-align: right;">Page 180</p> <p>1 I'll tell you, if you're waiting for the State to save</p> <p>2 you or you're waiting for the Federal Government to save</p> <p>3 you, good luck.</p> <p>4 CHAIR STONE: Thank you.</p> <p>5 Commissioner.</p> <p>6 MEMBER DE REGO: I would, actually, like to</p> <p>7 support a lot of what Commissioner Hedani has shared.</p> <p>8 I've had the same misgivings after coming home. But, at</p> <p>9 the same time, I think, as Commissioner DeLeon has</p> <p>10 outlined, there needs to be an integrated approach to a</p> <p>11 lot of the environmental and sustainable aspects of the</p> <p>12 County in regards to energy to water. And right now,</p> <p>13 what I hear is that there's this sort of disintegration,</p> <p>14 it's a very fragmented approach. And I think all this</p> <p>15 is asking for is that we're setting a floor again.</p> <p>16 We're not hitting a ceiling. Okay. How -- how this is</p> <p>17 going to be organized is going to be up to the Mayor,</p> <p>18 but we put in front of the Mayor and the Council</p> <p>19 something that they cannot ignore. And this is -- this</p> <p>20 is why I support this language. We're providing a</p> <p>21 foundation, you know.</p> <p>22 This has been something I've said in almost</p> <p>23 all my, you know, ideas about the Charter, is that we</p> <p>24 sometimes, you know, think we're attempting to set the</p> <p>25 ceiling. No. We're actually setting a floor. Okay.</p>

<p style="text-align: right;">Page 181</p> <p>1 And these issues are something that cannot be ignored.  2 Okay. And I guess that's where I'm coming from with  3 this. We're setting the floor.  4 Now, whether or not they want to shoot for the  5 stars, that's going to be up to the Administration and  6 the Council. But at least within the Charter, we've  7 made a statement of commitment which sets a floor for  8 sustainability and how it affects all aspects of our  9 culture, our society, our economy, as -- as well as our  10 resources. So --  11 CHAIR STONE: Thank you.  12 Is there any further discussion? Commissioner  13 Crivello.  14 MEMBER CRIVELLO: So, Commissioner De Rego, to  15 clarify, if I'm hearing you right, is as a Department of  16 Environmental Management, but adding the language as so  17 listed?  18 MEMBER DE REGO: Yes.  19 CHAIR STONE: Very good. Further discussion?  20 (No Response.)  21 CHAIR STONE: No further discussion. Let's  22 take it to vote.  23 Roll call, please.  24 MS. KAHUHU: Member Wiger, excused.  25 Commissioner Sugimura.</p>	<p style="text-align: right;">Page 183</p> <p>1 right now.  2 MEMBER DE REGO: We're in a vote.  3 CHAIR STONE: We're in the middle of a vote.  4 MS. KAHUHU: Chair Stone.  5 CHAIR STONE: Yes.  6 MS. KAHUHU: Seven "yes." Motion passes.  7 (Laughter.)  8 CHAIR STONE: Motion passes to take to draft  9 language stage number -- Proposal Number 8.15.1, keeping  10 the name al management, Department of Environmental  11 Management, and adding the specified language. Very  12 good.  13 Mr. Parsons, thanks for your time, by the way.  14 MR. PARSONS: Thank you so much.  15 CHAIR STONE: Moving on, Chapter 16, Cost of  16 Government Commission. And I want to check -- you  17 notice we are -- we have gone to proposal stage with  18 8.16.8. So we may have already gone through this, but I  19 just wanted to be sure. So let me just check my notes.  20 Hang on one second.  21 Sherry --  22 MS. BRODER: Yeah.  23 CHAIR STONE: -- can you verify that?  24 MS. BRODER: What's that?  25 CHAIR STONE: For Cost of Government</p>
<p style="text-align: right;">Page 182</p> <p>1 MEMBER SUGIMURA: I never heard speaker -- not  2 speaker, but Chair speak so passionately about an issue,  3 so I have to vote yes.  4 MS. KAHUHU: Commissioner Okamoto.  5 MEMBER OKAMOTO: No.  6 MS. KAHUHU: Commissioner Moikeha, excused.  7 Commissioner Hashimoto.  8 MEMBER HASHIMOTO: Yes.  9 MS. KAHUHU: Commissioner Hedani.  10 VICE-CHAIR HEDANI: No.  11 MS. KAHUHU: Commissioner DeLeon.  12 MEMBER DELEON: Yes.  13 MS. KAHUHU: Commissioner De Rego.  14 MEMBER DE REGO: Yes.  15 MS. KAHUHU: Commissioner Crivello.  16 MEMBER CRIVELLO: Yes.  17 MS. KAHUHU: Commissioner Baxa.  18 MEMBER BAXA: My vote is yes, but I would be  19 happier if the word "sustainability" were in it.  20 (Laughter.)  21 MEMBER DE REGO: We can work on that.  22 CHAIR STONE: It's just going to draft  23 language stage.  24 MEMBER BAXA: Again, you know --  25 CHAIR STONE: Wait, wait, wait. No discussion</p>	<p style="text-align: right;">Page 184</p> <p>1 Commission, we had a proposal 8.16.8.  2 MS. BRODER: Yeah.  3 CHAIR STONE: And I believe that we went to  4 draft language stage on that proposal. That was Office  5 of Auditor.  6 MS. BRODER: I did draft something for the  7 Cost of Government Commission to be included with the  8 Auditor.  9 CHAIR STONE: And did that encompass all of  10 the other proposals here? I mean, did we -- was that in  11 the discussion?  12 MS. BRODER: I also drafted something to  13 conform the terms of the Cost of Government  14 Commission --  15 CHAIR STONE: Right.  16 MS. BRODER: -- to Boards and Commissions.  17 So --  18 CHAIR STONE: So that was moved to Boards and  19 Commissions.  20 MS. BRODER: And so --  21 CHAIR STONE: But where is that section? Page  22 13.  23 MEMBER DELEON: There's draft language in  24 Sherry's notes.  25 CHAIR STONE: Page 13. All right. Possible</p>

<p style="text-align: right;">Page 185</p> <p>1 amendment language. So we've already done that.</p> <p>2 MS. BRODER: So I made the terms -- I drafted</p> <p>3 something to make the terms of the good government</p> <p>4 commissioners the same as other boards and commissions.</p> <p>5 And then I also drafted a separate proposal that</p> <p>6 combined -- that combined the Cost of Government</p> <p>7 Commission with the County Auditor's Office. Although,</p> <p>8 that proposal I have a number of questions for you at</p> <p>9 the end. So when you get to it --</p> <p>10 CHAIR STONE: When we get to it.</p> <p>11 MS. BRODER: Yeah. But the rest of these</p> <p>12 things -- well, they're all, I mean, two years to four,</p> <p>13 two years to four, (inaudible) compensation. I can't</p> <p>14 remember what all the terms of the good government</p> <p>15 commission were.</p> <p>16 MEMBER DE REGO: Cost of --</p> <p>17 CHAIR STONE: Cost of Government.</p> <p>18 MS. BRODER: Cost of Government Commission,</p> <p>19 but -- I don't know about -- I can't recall.</p> <p>20 CHAIR STONE: So we didn't specifically</p> <p>21 discuss the terms of Cost of Government Commission?</p> <p>22 MS. BRODER: No. The terms we discussed.</p> <p>23 CHAIR STONE: Yes.</p> <p>24 MS. BRODER: I mean, you made that the same as</p> <p>25 other boards and commissions.</p>	<p style="text-align: right;">Page 187</p> <p>1 MEMBER OKAMOTO: Yeah. No. But I mean is</p> <p>2 that where it normally right now would be?</p> <p>3 CHAIR STONE: I'm not sure.</p> <p>4 MEMBER DE REGO: Yes.</p> <p>5 CHAIR STONE: Let me ask Ed. Ed, is that</p> <p>6 where that duty would be?</p> <p>7 MR. KUSHI: Yes.</p> <p>8 MEMBER DE REGO: Yes.</p> <p>9 CHAIR STONE: Very good.</p> <p>10 MEMBER DE REGO: Mr. Chair?</p> <p>11 CHAIR STONE: Yes.</p> <p>12 MEMBER DE REGO: Trying to find -- that's not</p> <p>13 the one with the red, right? You made another one that</p> <p>14 actually had --</p> <p>15 CHAIR STONE: The Active Proposal List?</p> <p>16 MEMBER DE REGO: Well, no. That had the Cost</p> <p>17 of Government already written into the -- I'm trying to</p> <p>18 find that right now.</p> <p>19 CHAIR STONE: This is --</p> <p>20 MEMBER HASHIMOTO: On the last page, 18.16.8.</p> <p>21 MS. BRODER: I think that is the one.</p> <p>22 MEMBER SUGIMURA: It is the one.</p> <p>23 MEMBER DE REGO: Oh, it is the one?</p> <p>24 MS. BRODER: Yeah. Because then, if you look</p> <p>25 at the page after that, you'll see it's all underlined.</p>
<p style="text-align: right;">Page 186</p> <p>1 CHAIR STONE: Okay.</p> <p>2 MS. BRODER: Okay.</p> <p>3 CHAIR STONE: Okay. All right. Let me just</p> <p>4 make sure we're not missing anything.</p> <p>5 MS. BRODER: So I would say that -- okay. You</p> <p>6 didn't -- you didn't make them be elected. You made --</p> <p>7 they're still appointed. And I guess the one thing that</p> <p>8 I'm -- seems like maybe you haven't decided is 18.16.1</p> <p>9 under the powers and duties.</p> <p>10 CHAIR STONE: Okay. Very good. So that's the</p> <p>11 one item we haven't really touched base with. Okay.</p> <p>12 Very good.</p> <p>13 Page 10, Proposal Number 8.16.1, proposal to</p> <p>14 amend Article 8-16.2, Cost of Government Commission, to</p> <p>15 require that its annual appropriation not be less than</p> <p>16 the year before, and that the commission decide the</p> <p>17 compensation of elected officials, appointed directors,</p> <p>18 and deputy directors of all departments, consulting with</p> <p>19 the boards and commissions which have appointing</p> <p>20 authority for department heads. Is there any discussion</p> <p>21 or a motion on this?</p> <p>22 MEMBER OKAMOTO: Question. Is that currently</p> <p>23 under the Salary Commission?</p> <p>24 CHAIR STONE: This is just a proposal.</p> <p>25 That's --</p>	<p style="text-align: right;">Page 188</p> <p>1 MEMBER DE REGO: Yes.</p> <p>2 MS. BRODER: Okay. So that was all new.</p> <p>3 MEMBER SUGIMURA: Looking at Sherry's</p> <p>4 proposal.</p> <p>5 MEMBER HASHIMOTO: Last page, 16.</p> <p>6 CHAIR STONE: Yeah. On Page 16, there's</p> <p>7 Number 8.16.8. Thanks, Cliff. And that states -- oh,</p> <p>8 sorry. Excuse me. That's right. I forgot. I'm the</p> <p>9 Chair. Okay.</p> <p>10 Commissioner DeLeon.</p> <p>11 MEMBER DELEON: Okay. Well, actually, I do.</p> <p>12 I mean, so what's being proposed is this will replace</p> <p>13 the Salary Commission?</p> <p>14 CHAIR STONE: This is just a -- we haven't --</p> <p>15 when we went through the Active List, or, actually, the</p> <p>16 Matrix, the initial Matrix, we just moved everything in</p> <p>17 reference to Cost of Government to the Active List.</p> <p>18 MEMBER DELEON: Okay.</p> <p>19 CHAIR STONE: So we just haven't touched base</p> <p>20 on this one particular --</p> <p>21 MEMBER DELEON: This is just a new item we</p> <p>22 haven't touched on.</p> <p>23 MEMBER SUGIMURA: No action.</p> <p>24 CHAIR STONE: If there's no action, there's no</p> <p>25 action. So just asking if there's --</p>

Page 189	Page 191
<p>1 MEMBER DELEON: So moved.</p> <p>2 CHAIR STONE: -- a motion.</p> <p>3 Commissioner Hedani.</p> <p>4 VICE-CHAIR HEDANI: I can't resist. 18.16.1,</p> <p>5 it strikes me as odd that the Cost of Government</p> <p>6 Commission, being in control of the cost of government,</p> <p>7 would be the one commission that would have an</p> <p>8 appropriation that will not be less than that of --</p> <p>9 MEMBER SUGIMURA: Frank wrote it. Frank wrote</p> <p>10 it.</p> <p>11 MEMBER DE REGO: I didn't write that.</p> <p>12 CHAIR STONE: That one didn't come --</p> <p>13 MEMBER DE REGO: I didn't write that one.</p> <p>14 CHAIR STONE: That didn't come from Frank.</p> <p>15 MEMBER DE REGO: That didn't come from me.</p> <p>16 MEMBER BAXA: I have to agree.</p> <p>17 CHAIR STONE: Commissioner --</p> <p>18 MEMBER DE REGO: You won't find that in any of</p> <p>19 my documents.</p> <p>20 MEMBER HASHIMOTO: Same motion?</p> <p>21 CHAIR STONE: No, no. No, no. There's no</p> <p>22 motion right now. We're just --</p> <p>23 MEMBER SUGIMURA: Can I ask a question?</p> <p>24 CHAIR STONE: Yes.</p> <p>25 MEMBER SUGIMURA: This is -- and maybe I'm out</p>	<p>1 independently get an auditor without him having any kind</p> <p>2 of allegiance politically? That would be the purpose of</p> <p>3 the -- one of the purposes of the Cost of Government</p> <p>4 Commission, is to appoint that auditor outside of a</p> <p>5 political field.</p> <p>6 And, Commissioner De Rego --</p> <p>7 MEMBER DE REGO: And --</p> <p>8 CHAIR STONE: -- this is kind of your baby, so</p> <p>9 why don't --</p> <p>10 MEMBER DE REGO: And -- and as in the other</p> <p>11 departments that are quasi-independent, if you want to</p> <p>12 put it that way, of the structure, they would also be</p> <p>13 evaluating the auditor, doing yearly performance</p> <p>14 evaluations, et cetera. So this would be truly,</p> <p>15 hopefully, independent of both the Legislative and the</p> <p>16 Executive Branch in terms of its auditing function and</p> <p>17 ability to look in both fields at the same time, doing</p> <p>18 performance and fiscal audits.</p> <p>19 CHAIR STONE: Commissioner Sugimura.</p> <p>20 MEMBER SUGIMURA: So the thing that's still</p> <p>21 odd with me, it's just odd with me, is that we're like</p> <p>22 creating, then, a third branch of government. No?</p> <p>23 CHAIR STONE: Huh-uh.</p> <p>24 MEMBER SUGIMURA: So -- because the Mayor has</p> <p>25 the authority over the, basically, administrative</p>
Page 190	Page 192
<p>1 of order, so just tell me, but one of the things that</p> <p>2 ever since that we elected to have the Department of the</p> <p>3 Auditor created, and the Cost of Government to be under</p> <p>4 -- I don't know who's top or bottom -- and then the way</p> <p>5 that it gets -- the Cost of Government that hires the</p> <p>6 Auditor. I always wondered do we then need the Cost of</p> <p>7 Government. If we're going to have a Department of the</p> <p>8 Auditor, we don't need Cost of Government anymore</p> <p>9 because they would do, to me, a similar function which</p> <p>10 is why we needed Cost of Government before, because we</p> <p>11 didn't have the Department of the Auditor. So I --</p> <p>12 CHAIR STONE: I believe -- I believe the</p> <p>13 intent of keeping the Cost of Government Commission --</p> <p>14 one of the purposes -- and I want to defer this to</p> <p>15 Frank, but one of the purposes, I believe, is that they</p> <p>16 would be an independent body that appointed the auditor,</p> <p>17 keeping it out of the control of the Council or the</p> <p>18 Mayor.</p> <p>19 MEMBER DE REGO: Other than the fact that they</p> <p>20 appoint and approve the members on the commission.</p> <p>21 MEMBER SUGIMURA: Who?</p> <p>22 MEMBER DE REGO: The Mayor and the --</p> <p>23 CHAIR STONE: Right. Right.</p> <p>24 MEMBER DE REGO: -- Council.</p> <p>25 CHAIR STONE: So, in other words, how do you</p>	<p>1 section, and the -- and the Council then has their own</p> <p>2 legislative and, you know, fiscal powers and duties.</p> <p>3 Then, now, we have somebody who we're going to ask to</p> <p>4 hire and fire and be in control of a whole nother</p> <p>5 segment of the government, it sounds like to me. I may</p> <p>6 be missing the point, but it's kind of like what it</p> <p>7 feels like.</p> <p>8 CHAIR STONE: Commissioner De Rego, would you</p> <p>9 like --</p> <p>10 MEMBER DE REGO: No.</p> <p>11 CHAIR STONE: Commissioner Hedani.</p> <p>12 VICE-CHAIR HEDANI: Actually, the boards and</p> <p>13 commissions, I think, to some degree, are the third</p> <p>14 branch of government, yeah. You have the legislative,</p> <p>15 you have the executive, and you have boards and</p> <p>16 commissions. Which kind of like the Police Commission</p> <p>17 is to the Police Department, this commission would be to</p> <p>18 the auditor. Just because you have a police chief</p> <p>19 doesn't mean he shouldn't be accountable to somebody.</p> <p>20 MEMBER DE REGO: Somebody, yeah.</p> <p>21 VICE-CHAIR HEDANI: They could receive</p> <p>22 complaints from the public, they could receive</p> <p>23 complaints from the legislative department, they could</p> <p>24 receive complaints from the executive department, and</p> <p>25 they could direct the Auditor to look into things that</p>



<p style="text-align: right;">Page 193</p> <p>1 need to be looked into is the way I look at it.</p> <p>2 MEMBER BAXA: Mr. Chair?</p> <p>3 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>4 MEMBER BAXA: Mr. Chair, thank you. I think</p> <p>5 there is something in what Commissioner Sugimura is</p> <p>6 saying, you know, is an independent auditor, and then</p> <p>7 you put somebody independent of the independent auditor.</p> <p>8 That is the question, the big question that I have. So</p> <p>9 what do we have?</p> <p>10 CHAIR STONE: Just to clarify, Commissioners,</p> <p>11 this -- the discussion on the auditor has already gone</p> <p>12 to draft proposal stage.</p> <p>13 MEMBER SUGIMURA: Too late.</p> <p>14 CHAIR STONE: No, not too late. Of course</p> <p>15 not. But when we get to the draft proposal review is</p> <p>16 when we should --</p> <p>17 MEMBER SUGIMURA: Okay.</p> <p>18 CHAIR STONE: -- really get into that.</p> <p>19 Because at this stage, we're not going to go back to the</p> <p>20 draft proposal. However, I think the discussion right</p> <p>21 now is about the Cost of Government Commission</p> <p>22 specifically. So these are very interesting and valid</p> <p>23 points, but let's discuss it when we get to that draft</p> <p>24 proposal stage because we've already pushed forward the</p> <p>25 Office of County Auditor.</p>	<p style="text-align: right;">Page 195</p> <p>1 -- a good thing to have. So with that, I would</p> <p>2 certainly support this -- this --</p> <p>3 CHAIR STONE: Very good.</p> <p>4 MEMBER HASHIMOTO: -- proposal.</p> <p>5 CHAIR STONE: Thank you. Thank you,</p> <p>6 Commissioner.</p> <p>7 Okay. So we're at Proposal Number 8.16.1. Is</p> <p>8 there any action -- any motion to move that forward?</p> <p>9 (No Response.)</p> <p>10 CHAIR STONE: No, no motion. Okay.</p> <p>11 Commissioner Hedani.</p> <p>12 VICE-CHAIR HEDANI: Are we going to go through</p> <p>13 all of these or --</p> <p>14 CHAIR STONE: No.</p> <p>15 VICE-CHAIR HEDANI: -- is this one --</p> <p>16 CHAIR STONE: No.</p> <p>17 VICE-CHAIR HEDANI: -- proposal that we've</p> <p>18 already worked on?</p> <p>19 CHAIR STONE: These -- the other proposals</p> <p>20 referred to the term of the commission, and that has</p> <p>21 already been worked out. We just did not touch base on</p> <p>22 this actual proposal. And I just wanted to make sure we</p> <p>23 gave it its due time on the floor. Every other aspect</p> <p>24 has been touched.</p> <p>25 MEMBER DE REGO: Yeah. I point out --</p>
<p style="text-align: right;">Page 194</p> <p>1 MEMBER SUGIMURA: Okay.</p> <p>2 CHAIR STONE: And maybe we were right or wrong</p> <p>3 in that action, but we'll find out when we discuss it.</p> <p>4 MEMBER SUGIMURA: Okay. Thank you.</p> <p>5 CHAIR STONE: Commissioner Hedani.</p> <p>6 VICE-CHAIR HEDANI: Oh, sorry. Commissioner</p> <p>7 Hashimoto.</p> <p>8 MEMBER HASHIMOTO: Yes, Chair. I thought</p> <p>9 about this over the weekend, about why would we need a</p> <p>10 board and commission such as a Cost of Government</p> <p>11 Commission and a independent auditor. And I thought</p> <p>12 about it, and I said, why do we need both, both the</p> <p>13 commission and the auditor. I came to the conclusion</p> <p>14 that it's great to have that because it would certainly</p> <p>15 help the next Charter Commission, because they can take</p> <p>16 the reports from the Cost of Government, because that's</p> <p>17 what we're really interested in. I think the Charter</p> <p>18 Commission is really interested in cost of government,</p> <p>19 how effective the Charter is to run the County. And</p> <p>20 that would be one -- one of the ways that we -- you</p> <p>21 know, we would have a baseline to -- to work from, to</p> <p>22 see what department is being affected and which is not</p> <p>23 through the report of the Auditor and the Cost of</p> <p>24 Government Commission. So with that thought, I said,</p> <p>25 well, you know, I really think that this would be a good</p>	<p style="text-align: right;">Page 196</p> <p>1 CHAIR STONE: Is that correct word?</p> <p>2 MEMBER DE REGO: -- that once the commission</p> <p>3 is moved into the -- if we agree to that at the end and</p> <p>4 push that amendment forward, that would essentially</p> <p>5 repeal Chapter 16 as it stands, which would mean the</p> <p>6 Cost of Government would be like any other board and</p> <p>7 commission in terms of their terms. So -- because in</p> <p>8 transition, you just excise Chapter 16 completely.</p> <p>9 CHAIR STONE: Very good.</p> <p>10 MEMBER DE REGO: I did have one -- we're not</p> <p>11 there yet, so let's --</p> <p>12 CHAIR STONE: No, no. Was this in reference</p> <p>13 to --</p> <p>14 MEMBER DE REGO: Well, I do have a concern</p> <p>15 about the -- where it's placed, the placement of the --</p> <p>16 and I think that was one of the questions that Sherry</p> <p>17 had, was, it's, right now, placed under the departments.</p> <p>18 Right. And I'm not quite sure, I'm still working</p> <p>19 through this in my head, whether or not that's the</p> <p>20 correct placement for the Independent County Auditor,</p> <p>21 that perhaps we should be thinking about creating a</p> <p>22 separate article outside of the department structures.</p> <p>23 CHAIR STONE: Okay. Yeah. That would be more</p> <p>24 appropriate during draft --</p> <p>25 MEMBER DE REGO: Okay.</p>

<p style="text-align: right;">Page 197</p> <p>1 CHAIR STONE: -- proposal discussion.</p> <p>2 MEMBER DE REGO: That's all right.</p> <p>3 CHAIR STONE: Any further discussion? No.</p> <p>4 Okay. Sorry.</p> <p>5 MEMBER OKAMOTO: On anything or --</p> <p>6 MEMBER DE REGO: I'm sorry. I didn't mean to</p> <p>7 do that.</p> <p>8 MEMBER OKAMOTO: I kept hearing -- you know,</p> <p>9 we kept putting things to boards and commission, boards</p> <p>10 and commissions. Did we ever resolve all of those?</p> <p>11 Because I know -- it seemed like we put a lot of things</p> <p>12 to boards and commissions discussion. Now maybe we've</p> <p>13 resolved them all, I'm just not sure.</p> <p>14 CHAIR STONE: We have. If you notice in the</p> <p>15 back of --</p> <p>16 MEMBER DELEON: 13.</p> <p>17 CHAIR STONE: What page was that, guys? Page</p> <p>18 13?</p> <p>19 MEMBER DELEON: No, no.</p> <p>20 CHAIR STONE: 16, right? 13. Page 13, yeah.</p> <p>21 That's right. We did go through that, Kay.</p> <p>22 MEMBER OKAMOTO: I just wanted to be sure.</p> <p>23 CHAIR STONE: There was only one aspect that</p> <p>24 we didn't touch base on, which we'll get to.</p> <p>25 MEMBER OKAMOTO: Okay.</p>	<p style="text-align: right;">Page 199</p> <p>1 MEMBER DELEON: (Inaudible).</p> <p>2 CHAIR STONE: It's pretty easy to put an</p> <p>3 initiative on the ballot in California.</p> <p>4 So quick overview. In Honolulu, across the</p> <p>5 board -- and correct me if I'm wrong.</p> <p>6 MS. BRODER: Okay.</p> <p>7 CHAIR STONE: All right.</p> <p>8 MS. BRODER: I will.</p> <p>9 CHAIR STONE: In Honolulu, I noticed across</p> <p>10 the board that it's 10 percent of registered voters for</p> <p>11 all aspects, initiative, charter and recall. In Hawaii</p> <p>12 County -- what was Hawaii County, Sherry? There was a</p> <p>13 difference in Hawaii County. I believe Charter</p> <p>14 amendments were five percent?</p> <p>15 MEMBER HASHIMOTO: Kauai, Hawaii?</p> <p>16 CHAIR STONE: Let me get to that page so I</p> <p>17 don't misstate. Oops. No wonder. I'm reading the</p> <p>18 wrong letter.</p> <p>19 MS. BRODER: Oh, you have the letter?</p> <p>20 CHAIR STONE: It's right here. Okay. Here we</p> <p>21 go. Got it. So for Kauai County, charter amendments</p> <p>22 require five percent of voters registered in the last</p> <p>23 general election; initiatives, 20 percent of eligible</p> <p>24 voters in the last preceding election; and recall, 20</p> <p>25 percent of voters registered in the last general</p>
<p style="text-align: right;">Page 198</p> <p>1 CHAIR STONE: Okay. So moving through the</p> <p>2 list, Subject Matter, Independent Counsel for Boards and</p> <p>3 Commissions was removed. Subject Matter, Financial</p> <p>4 Procedures is moved to draft language.</p> <p>5 Subject Matter, Discussion on Voter Initiative</p> <p>6 Ballot is what we are on next. Page 12, Article 11,</p> <p>7 Initiative.</p> <p>8 And, again, we have a very good letter from</p> <p>9 Sherry. And I found interesting the reference to other</p> <p>10 -- our other counties as well as the reference to</p> <p>11 California, which I asked -- the reason why I asked the</p> <p>12 question for California is, in my humble opinion, it</p> <p>13 seems that they're an initiative state, and it seems to</p> <p>14 be too far. So I kind of wanted to see, in my opinion,</p> <p>15 what too far was for allowing initiatives. And it is</p> <p>16 interesting. I mean, in Sherry's letter, it states five</p> <p>17 percent, I believe, of voters that voted in the last</p> <p>18 election, right? So that's a very, very low bar to</p> <p>19 create an initiative.</p> <p>20 MEMBER DELEON: Statewide</p> <p>21 CHAIR STONE: Statewide.</p> <p>22 MEMBER DELEON: (Inaudible).</p> <p>23 CHAIR STONE: Right.</p> <p>24 MEMBER DELEON: (Inaudible).</p> <p>25 CHAIR STONE: Yeah.</p>	<p style="text-align: right;">Page 200</p> <p>1 election.</p> <p>2 County of Hawaii, initiative is 15 percent of</p> <p>3 the persons who voted for the office of mayor in the</p> <p>4 last mayoral election. Charter amendments in County of</p> <p>5 Hawaii, 20 percent of the total ballots cast in the last</p> <p>6 preceding general election. And for recall, that is 25</p> <p>7 percent of the total valid votes cast for the office</p> <p>8 subject to the recall petition last election.</p> <p>9 And, again, as I stated in County of Honolulu,</p> <p>10 it's very standardized for all of those. It's 10</p> <p>11 percent of registered voters.</p> <p>12 So there are some examples.</p> <p>13 And, presently, ours reads -- and I -- I have</p> <p>14 to apologize, but I had it incorrect in my own mind, but</p> <p>15 presently it reads, for initiatives, 20 percent of</p> <p>16 voters in the last election; however, that is not the</p> <p>17 same for Charter amendments. Is that correct?</p> <p>18 MS. BRODER: That's correct. It's different.</p> <p>19 CHAIR STONE: Could you -- could you just --</p> <p>20 MS. BRODER: Charter amendments, it is --</p> <p>21 okay. The Charter was -- oh, for -- okay. Initiative</p> <p>22 is 20 percent of the total number of votes. Okay.</p> <p>23 Voters who cast ballots in the prior general mayoral</p> <p>24 election. So that was changed in 2002. And then --</p> <p>25 okay. For recall, it's 20 percent of the registered</p>

Page 201	Page 203
<p>1 voters. So you need more signatures to get a recall on  2 there. And for Charter amendment, I guess --  3 MR. KUSHI: 20 percent of registered voters.  4 MS. BRODER: Okay. Charter amendment is 20  5 percent of registered voters.  6 CHAIR STONE: Okay. Got it.  7 So let's start there. Discussion?  8 (No response.)  9 CHAIR STONE: No discussion. No motion?  10 (No Response.)  11 CHAIR STONE: Commissioner De Rego, did you  12 have something to say?  13 MEMBER DE REGO: No.  14 CHAIR STONE: Okay. Very good.  15 Moving on. Moving on to next topic, which is  16 still active, Article 12, Recall. We just did that.  17 Charter -- we just did that. So we're on Page 13 -- no.  18 Moving forward. Okay. General Provisions  19 already moved to draft language. Require Interactive  20 Access moved to draft language. Proposal to amend  21 Article 13, General Provisions, create a new section to  22 require telecommunication, moved to draft language.  23 Okay. Next active, Page 14, additional  24 information about the current situation requested  25 11.14.11. Okay. We're on Proposal Number 13.7,</p>	<p>1 the items are bound by Sunshine Law, anyway?  2 MEMBER SUGIMURA: Yeah.  3 CHAIR STONE: So those items definitely make  4 it when they need to. Any further discussion on this?  5 MEMBER DELEON: Mr. Chair?  6 CHAIR STONE: Yes, Commissioner DeLeon.  7 MEMBER DELEON: I think, if we tried, we would  8 be like the sixth blind man trying to (inaudible). I  9 don't think we have a good handle of what we're trying  10 to do here, so we shouldn't try.  11 MEMBER DE REGO: Exactly.  12 CHAIR STONE: Very good. No motion?  13 (No Response.)  14 CHAIR STONE: Okay. Thank you.  15 Moving forward. Proposal to delete Section  16 13.2, Boards and Commissions, Subsection 2, has moved to  17 proposal draft language.  18 Article 14, Charter Amendments. Proposal  19 Number 14.3, to amend Article 14, Charter Amendment,  20 Section 14-1, Initiation of Amendments, has moved to  21 draft language.  22 Proposal Number 14.4, proposal to amend the  23 Charter Commission appointment process, moved to draft  24 language.  25 Proposal Number 14.10, proposal to require the</p>
Page 202	Page 204
<p>1 proposal to amend Article 13, General Provisions, to add  2 a new section entitled "Reports," to make available all  3 reports required by Charter, Code or ordinance to be  4 posted and available to the public at no cost.  5 We -- there were requests put out concerning  6 how this is taken care of right now in the County. And  7 a number of reports are posted diligently. Some --  8 some, obviously, take longer than others. And we just  9 -- we pushed this forward just to understand how many --  10 you know, the questions were, well, what reports make  11 it. There's so many items, it was next -- really close  12 to impossible to have an understanding of it. So -- so  13 any discussion on this?  14 MEMBER SUGIMURA: So we should drop this, is  15 what you're saying?  16 CHAIR STONE: I can't recommend. You guys  17 have to decide.  18 MEMBER SUGIMURA: I think from -- I think  19 you're right. Just because there's so many departments,  20 so many things going on, so I think we should take no  21 action, just let it -- I think the MIS department,  22 everybody, Mayor's Office is trying to do the best they  23 can to get information out to the community because --  24 especially with internet nowadays.  25 CHAIR STONE: And, also, a lot of -- a lot of</p>	<p>1 Charter be republished has moved to draft language.  2 We're now on Page 15, include -- let's see.  3 New Article, Office of County Auditor. That has moved  4 to draft language.  5 Number 3.4 was involved with district voting,  6 which we have moved past.  7 Moving on to Page 16. I have these still  8 marked as active, but they were in reference to the Fire  9 Department. And we have not acted on these yet.  10 Proposal Number 8.7.13, proposal to add to Number 8.7.2,  11 to include the following language: "Or out of the nine  12 members of the Fire and Public Safety Commission shall  13 be nominated to the Mayor by the firefighters labor  14 union. Discussion?  15 (No Response.)  16 CHAIR STONE: No discussion, no action.  17 Okay, moving on. Number 8.7.14, proposal to  18 change the names to Fire Department and Fire Commission  19 and to amend Section -- actually, I believe we've acted  20 on this. That has moved to have draft proposal  21 language.  22 Number 8.7.15, to create -- okay, here we go.  23 Number 8.7.15, proposal to amend Sections 8-9.4, 8-12.2,  24 8-13.2 and 8-13.4 to create consistency in the powers  25 and duties of the Fire and Public Safety, Police,</p>

<p style="text-align: right;">Page 205</p> <p>1 Liquor, and the Civil Service Commissions and the due 2 process afforded directors of these departments in the 3 event of dismissal.</p> <p>4 Discussion? Commissioner Okamoto.</p> <p>5 MEMBER OKAMOTO: I think we do need to look at 6 -- and I don't know if it's something that Sherry can 7 just do -- but we do need to have some consistency in 8 each one of them. As I was looking today, even with the 9 Fire Commission, there's a whole list, and the Police 10 Commission, it's a little bitty list. It would seem 11 like we need some consistency in those. And I'm not 12 sure what's the best way to do that. I don't think we 13 want to pick apart each individual one. But if there's 14 a way to make them all have a little more consistent 15 format and duties.</p> <p>16 CHAIR STONE: Thank you.</p> <p>17 Commissioners, further questions? We'll start 18 at the end of the table. Commissioner De Rego.</p> <p>19 MEMBER DE REGO: I would agree with 20 Commissioner Okamoto. I think this is something I've 21 been saying for a while, is that, you know, even our 22 discussion today about the -- about the Fire Department 23 brings up the subject matter of not only being 24 consistent about due process afforded directors in the 25 event of dismissal. If you notice, the Liquor</p>	<p style="text-align: right;">Page 207</p> <p>1 where there is a commission that is in charge of 2 evaluating and hiring and dismissing their director. So 3 I think it's -- I think it's an important thing that 4 maybe we should either discuss or ask Sherry, you know, 5 what her feelings are about that, or, you know, is it 6 possible just to get the language consistent across 7 departments, or is that too overwhelming for the voters.</p> <p>8 I mean, the other thing we have to think about 9 is, you know, we gotta put this on the ballot. Right? 10 You know, so how -- how do we make that visually 11 pleasing enough and understandable, you know, that they 12 realize what we're trying to do is just make this 13 language consistent across departments in terms of the 14 administrative functions that are going on.</p> <p>15 CHAIR STONE: Good. Thank you.</p> <p>16 Commissioner Sugimura.</p> <p>17 MEMBER SUGIMURA: So the statement in this 18 8.7.15 proposal, and the due process afforded directors 19 of these departments in the event of dismissal, right, 20 so not only -- we're talking about all these 21 departments, to create consistency, powers and duties 22 with these commissions, but, also, due process afforded 23 directors of these departments. Don't they already have 24 due process in case of dismissal? So what is that 25 statement about? I mean, I think we need to get the</p>
<p style="text-align: right;">Page 206</p> <p>1 Commissioner is not afforded the same kind of due 2 process that is afforded the Police Chief and the Fire 3 Chief. It's just not there. But it really is a broader 4 question of if we're going to make these changes just in 5 the Fire Department, you know, like the statement of 6 policy, for instance, well, why isn't that statement of 7 policy for each of the commissions that are hiring and 8 firing their directors and, also, evaluating their 9 directors, evaluating the performance of the 10 departments. I think this is an important thing. And 11 then it would be important for the Cost of Government 12 Commission, if it passes through this -- the Charter 13 Commission, that that goes on to the ballot, then it 14 would be important that, when we're writing up, you 15 know, the -- the duties of the Charter Commission, that 16 there be a statement of policy there as well. And, 17 also, outlining exactly what their duties are in terms 18 of evaluating their -- the -- the auditor, et cetera, 19 you know.</p> <p>20 I think -- I think Wayne brought this up 21 earlier that, you know, we -- we can go about this 22 either one way -- we can either leave it out, you know, 23 because we realize that there's going to be this 24 consistency problem, or we need to be consistent and 25 start adding this language everywhere in the Charter</p>	<p style="text-align: right;">Page 208</p> <p>1 Personnel Department to come down here and talk to us 2 about, you know, how they handle hiring and firing of 3 different -- we're making assumptions that I think are 4 already being covered because we all have to follow 5 federal and state laws, anyway. So --</p> <p>6 CHAIR STONE: Thank you.</p> <p>7 MEMBER SUGIMURA: -- it's not necessary.</p> <p>8 CHAIR STONE: Thank you.</p> <p>9 Commissioner DeLeon.</p> <p>10 MEMBER DELEON: Yeah. I think Kay has a 11 point. And we need to be consistent with our 12 departments. That was the problem I was having with the 13 fire proposal. It's very elaborate, very detailed. 14 Then you look at the Police Department, there's almost 15 nothing there. So, I mean, it's really inconsistent. 16 As for this item, in regard to dismissal, in the 30 17 years I've been involved with Maui County, I don't think 18 I've ever seen a department head, not appointed by the 19 Mayor, but appointed by a commission, removed from 20 office on a dismissal basis. None comes to mind, and 21 some of them should have been. But -- but, I mean, I 22 just don't see it. I mean, I don't see what the issue 23 is. The Fire Department has -- I mean, the Fire and 24 Police Commission can, on review, I mean, change 25 department heads. I mean, that's part of the function.</p>

<p style="text-align: right;">Page 209</p> <p>1 That's not necessarily a dismissal. A dismissal, I'm  2 assuming, would be for -- for inappropriate conduct or  3 activity, some kind of discipline action. It's just --  4 I mean, we have a problem. It's the other way around.  5 It's not enough -- not tight enough.  6 So, to me, I don't know why we would bother  7 with this because I don't see that we have a real issue.  8 CHAIR STONE: Thank you.  9 Commissioner Okamoto.  10 MEMBER OKAMOTO: Well, I would say if they're  11 going to review the head every year, then there needs to  12 be a procedure that, after review, if this person wasn't  13 meeting the criteria they wanted, they could dismiss  14 them. Now maybe it's understood, I don't know, but --  15 and maybe it's never happened, but that doesn't mean we  16 shouldn't prepare for it because it might. And, like  17 you say, maybe it should. But I think that if they're  18 going to be expected to review the chief, Fire Chief,  19 Police Chief, review their process every year, then that  20 leads to the next step, why review it if you can't do  21 anything about it.  22 CHAIR STONE: Yes. Thank you.  23 Commissioner De Rego.  24 MEMBER DE REGO: I'd like to point -- just --  25 just for argument sake, okay, to -- I'm in the book</p>	<p style="text-align: right;">Page 211</p> <p>1 and investigate any -- let's see. Yeah. It says review  2 and investigate any charges brought forth by the public  3 against the conduct of the Fire and Public Safety or any  4 of its members and submit a written report of its  5 findings and recommendation of the Fire Chief for  6 disposition. And there's nothing here -- I'm going back  7 to Page 27 -- and I don't want to pick on the Liquor  8 Commission -- but, you know, there's nothing about that.  9 You know, and I'm sure there's a lot of complaints that  10 come about Liquor inspectors, et cetera, I mean. You  11 know, I'm sorry, I -- I'll stop there.  12 MEMBER DELEON: Well --  13 CHAIR STONE: Okay. Thank you. Yes.  14 MEMBER DE REGO: Yeah.  15 CHAIR STONE: Commissioner DeLeon.  16 MEMBER DELEON: It's not my -- I'm not sure  17 this is true or not, but because the Liquor Commission  18 is mandated to hire and fire the -- the director through  19 state law, that the procedure for -- for dismissal or  20 for disciplinary action might be in state law.  21 MEMBER DE REGO: Well, you can ask them.  22 MEMBER DELEON: I haven't gone there. I don't  23 know.  24 MEMBER DE REGO: Okay.  25 MEMBER DELEON: But that might be --</p>
<p style="text-align: right;">Page 210</p> <p>1 here, and not the -- Page 19 in the -- and where it --  2 it's, actually, Section 8-7.2, and it's the Fire and  3 Public Safety Commission. And if you look at the -- the  4 duties of the commission, it says evaluate -- Number 5  5 says evaluate, at least annually, the performance of the  6 Fire Chief, submit a report to the Mayor and the  7 Council. Let's see. It says submit an annual report to  8 the Mayor and the Council on its activities. Let's see.  9 Okay.  10 And if you look at the Liquor Commission, on  11 Page 27 and 28, there's nothing to do with the Liquor  12 Commission either reviewing -- now, it may be happening.  13 I'm not saying that it's not happening, but, you know,  14 why is it in the Charter in one section for the Fire  15 Chief, it's not there for the Police Chief? I know  16 that, from our last discussion on the -- on the Police  17 Commission, and it's -- and there's nothing here, right,  18 for the Liquor Commissioner. It concerns me that --  19 MEMBER DELEON: Sorry. The thought just came  20 to mind, maybe that's why he's had his job for 25 years.  21 MEMBER DE REGO: But it seems to me -- let's  22 look at Number 4, actually, for the -- for the -- let's  23 see.  24 MEMBER OKAMOTO: What page?  25 MEMBER DE REGO: On Page 19, it says review</p>	<p style="text-align: right;">Page 212</p> <p>1 CHAIR STONE: Let me check with Corp -- Corp  2 Counsel on that. Ed?  3 MR. KUSHI: Mr. Chair, I'm not sure. We'll  4 confirm that. I believe it is by state law.  5 CHAIR STONE: I recall when we had the Liquor  6 Director here and the Commission and Adjudication Board,  7 I recall, and this is -- we need to check, but I do  8 recall that it was a State mandate issue and it kind of  9 put Liquor --  10 MEMBER DE REGO: In a separate --  11 CHAIR STONE: -- in a separate category from  12 say Fire and Police.  13 MEMBER DE REGO: Would this be the same for  14 the Department of Personnel Services as well?  15 CHAIR STONE: I'm not sure. Ed?  16 MEMBER DE REGO: Ed?  17 MR. KUSHI: Yes.  18 MEMBER DE REGO: Would that be the same for  19 the Department of Personnel Services, since a lot of it  20 is regulated by state law?  21 MR. KUSHI: Maybe, but the Charter takes care  22 of that, the Director of Personnel Services.  23 MEMBER DE REGO: Okay.  24 MR. KUSHI: It does provide for a hearing. So  25 I --</p>

Page 213	Page 215
<p>1 MEMBER DE REGO: And evaluation?</p> <p>2 MR. KUSHI: I don't about evaluation.</p> <p>3 MEMBER DE REGO: Yeah. See, this is -- this</p> <p>4 is the point, you know.</p> <p>5 MR. KUSHI: Well, again, you know,</p> <p>6 Mr. Chair -- if I may?</p> <p>7 CHAIR STONE: Yes, please continue.</p> <p>8 MR. KUSHI: You say evaluation, annually or</p> <p>9 semiannually. Again, you got to start from the point</p> <p>10 that these people are appointed. And nowhere in the</p> <p>11 Charter does it say for how long a term, I mean, one</p> <p>12 year, two years, five years. So, you know, again,</p> <p>13 that's something that you should think about if you want</p> <p>14 to think about it, and whether or not you want to do an</p> <p>15 annual evaluation.</p> <p>16 Again, the whole issue about due process,</p> <p>17 regardless of the Charter, due process is a</p> <p>18 constitutional requirement.</p> <p>19 MEMBER DE REGO: Uh-huh.</p> <p>20 MR. KUSHI: Entitlement. Regardless of what</p> <p>21 the Charter says, if somebody just hired and fired the</p> <p>22 next day, regardless of what the Charter doesn't say,</p> <p>23 you can be sure that they will do something.</p> <p>24 CHAIR STONE: Thank you.</p> <p>25 Commissioner Okamoto.</p>	<p>1 8.9.2, after being informed in writing of the charges</p> <p>2 and given a hearing. And the Chief of Police is the</p> <p>3 same thing, informed in writing and given a hearing. So</p> <p>4 I think those three are already the same. So the only</p> <p>5 one that's different is the Liquor Commission.</p> <p>6 MEMBER DE REGO: That might be because of</p> <p>7 state law.</p> <p>8 MEMBER OKAMOTO: I would be more looking at</p> <p>9 the powers of the Commission.</p> <p>10 MEMBER DE REGO: Commission.</p> <p>11 MEMBER OKAMOTO: That those seem to be a</p> <p>12 little more consistent, that, you know, some of them</p> <p>13 have three things and some have six. Maybe they don't</p> <p>14 need but three, I don't know. But it's hard for us to</p> <p>15 go back and forth, back and forth. It's good to know</p> <p>16 that, you know, as far as the way they're evaluated,</p> <p>17 maybe we don't need to touch. But if you could look at</p> <p>18 the commissions themselves, not necessarily the chiefs.</p> <p>19 CHAIR STONE: Was that a motion?</p> <p>20 MEMBER OKAMOTO: Oh, why not? If that will</p> <p>21 move it forward, sure.</p> <p>22 MEMBER DE REGO: I think Dave had his hand up.</p> <p>23 CHAIR STONE: Hang on one second, though. I</p> <p>24 believe Kay's intention was a motion.</p> <p>25 MEMBER OKAMOTO: Yes. I move that we request</p>
Page 214	Page 216
<p>1 MEMBER OKAMOTO: Well, to move this along,</p> <p>2 because I think this is one of our more important ones,</p> <p>3 is it possible for us to have Sherry take each of these</p> <p>4 commissions -- woops -- take each of these four</p> <p>5 commissions, line up, okay, here's -- here's what it</p> <p>6 says for Fire, here's what it's -- in one format, and</p> <p>7 here's how she would propose or we would propose making</p> <p>8 them more consistent? And if the Liquor comes under</p> <p>9 state law, I think it ought to say --</p> <p>10 MEMBER DE REGO: Say that.</p> <p>11 MEMBER OKAMOTO: -- so on there so people know</p> <p>12 that it's -- it's under state law, the way they do, so</p> <p>13 that it's all really clear.</p> <p>14 CHAIR STONE: Very good. Let me -- we'll pass</p> <p>15 that off to Sherry.</p> <p>16 MS. BRODER: Okay. I can't comment on the</p> <p>17 Liquor Commission because that one is different.</p> <p>18 Although Ed tried to tell me what HRS Section it was,</p> <p>19 but I couldn't hear him. But if you actually look at</p> <p>20 the Fire Chief, the Police Chief and the --</p> <p>21 MEMBER OKAMOTO: Personnel.</p> <p>22 MS. BRODER: -- Personnel, it's, basically,</p> <p>23 the same. I mean, each of those are -- they get</p> <p>24 informed of the writing of the charges and they're given</p> <p>25 a hearing. So that's the Fire Chief, 8-7.3. Personnel,</p>	<p>1 from the Analyst that information.</p> <p>2 CHAIR STONE: The only issue with that is the</p> <p>3 timing issue. If we do request that information, we</p> <p>4 must come back at another meeting.</p> <p>5 MEMBER OKAMOTO: That we request she write up</p> <p>6 a proposal that would make the Commissions' duties</p> <p>7 consistent.</p> <p>8 CHAIR STONE: We have to meet --</p> <p>9 MEMBER OKAMOTO: No. We would request that</p> <p>10 she put it in draft proposal.</p> <p>11 CHAIR STONE: Oh, you're saying put it into</p> <p>12 draft proposal.</p> <p>13 MEMBER OKAMOTO: Yes.</p> <p>14 CHAIR STONE: Okay. I understand.</p> <p>15 MEMBER OKAMOTO: Yes.</p> <p>16 CHAIR STONE: So, for clarification, there's a</p> <p>17 motion on the floor to put to proposal -- to draft</p> <p>18 proposal language, consistent commission powers, duties</p> <p>19 and function language for Fire, Police --</p> <p>20 MEMBER OKAMOTO: Cost of Government, I guess,</p> <p>21 too.</p> <p>22 MEMBER DE REGO: Yeah.</p> <p>23 MEMBER DELEON: No. That's not a department.</p> <p>24 CHAIR STONE: Police. And I --</p> <p>25 MEMBER OKAMOTO: No. It's going to --</p>

Page 217	Page 219
<p>1 CHAIR STONE: Let's be clear on the motion.  2 MEMBER DELEON: Yeah. That's right.  3 CHAIR STONE: Fire, Police --  4 MEMBER CRIVELLO: Personnel.  5 CHAIR STONE: -- Personnel. Is that Civil  6 Service, Civil Service Commission?  7 MEMBER OKAMOTO: Liquor.  8 MEMBER DE REGO: Civil Service Commission.  9 CHAIR STONE: I believe -- I believe that  10 we're going to find out Liquor is out of our hands.  11 MEMBER OKAMOTO: No, but the powers of --  12 CHAIR STONE: Oh, the Commission. Okay.  13 MEMBER OKAMOTO: -- the Commission, we're just  14 looking at the Commission.  15 CHAIR STONE: Okay. So do me a favor, go  16 ahead and list them for the motion.  17 MEMBER OKAMOTO: Okay. Fire, Police,  18 Personnel, Liquor and Cost of Government.  19 MEMBER DE REGO: I second the motion.  20 CHAIR STONE: Okay. The motion has been  21 seconded. So the proposal is on -- the motion is on the  22 floor to move to draft language stage consistent  23 language for powers, duties and functions of the  24 commissions for Fire, Police, Liquor --  25 MS. BRODER: No.</p>	<p>1 language should be general to all of the departments, if  2 we want to have good, healthy, strong, capable,  3 intelligent personnel that are well-trained and that  4 they're treated properly and in accordance with law.  5 That's not something that, you know, should be just to  6 the Fire Department.  7 So my -- I haven't had a chance to even begin  8 to investigate, but I would think maybe we could find a  9 place in the Charter for a general statement to that  10 effect. Not necessarily have that under the Fire  11 Department, but have something that all the commissions  12 can refer back to as the underpinning. And Greg will  13 have his underpinning, but it will affect all the  14 departments and affect all the Maui County personnel.  15 CHAIR STONE: Commissioner DeLeon, let me ask  16 Sherry.  17 MS. BRODER: Yeah.  18 CHAIR STONE: Is that a realistic request,  19 that we have a general provision for all commissions?  20 MS. BRODER: Well, I guess I'm a little  21 concerned because it seems like the issue of, you know,  22 what really are the different functions that the  23 different commissions do and, you know, what are their  24 responsibilities and everything. And, you know, I mean  25 I could, you know, do something, but I don't -- I feel a</p>
Page 218	Page 220
<p>1 CHAIR STONE: Yes. Liquor, Personnel and Cost  2 of Government. Discussion? Commissioner Baxa.  3 MEMBER BAXA: Mr. Chair, why can we not have  4 just one language to the effect, all Commissioners  5 within Maui shall have the same powers as any other  6 commission except as provided by state and federal law?  7 CHAIR STONE: That seems too easy,  8 Commissioner Baxa.  9 MEMBER OKAMOTO: That's right.  10 MEMBER DELEON: Can I answer that?  11 CHAIR STONE: Yes. Commissioner DeLeon.  12 MEMBER DELEON: Boards and commissions do  13 different things. So the Planning Commission doesn't  14 appoint the Planning Director, it doesn't oversee the  15 operation of the Planning Department. There's three  16 Planning Commissions. They would be bumping into each  17 other. So, I mean, there's different functions. And so  18 the commissions are not equal.  19 The concern I'm having is that the language we  20 just passed for the Fire Department has -- has prefaced  21 that it's pretty long and elaborate, and that's not  22 powers and duties of the commission, that's the overall  23 department. And we're not going back to these other  24 commissions with similar kind of language or --  25 personally, I think that -- I almost feel like that</p>	<p>1 little hesitant just because I'm not sure that I have  2 all the information on, you know, are they really doing  3 different things, and what is the problem that is being  4 addressed by making the change. So I'm just -- I'm just  5 not sure, you know, if the Director of the Department of  6 Personnel Services' job assignment is really the same as  7 -- or the commission's job assignment is really the same  8 as the -- the Police Commission. I mean, it would seem  9 like, actually, their responsibility and duties would be  10 somewhat different. So I don't -- I mean, I guess, you  11 know, we could make them all the same, but --  12 CHAIR STONE: Yes, Commissioner.  13 MEMBER OKAMOTO: Well, just, in fact, talking  14 like the budget, if I look at Fire, it says review and  15 submit to the Mayor the department's budget. But over  16 in Personnel, it says request something like funds. I  17 mean, it's just that the statements seem so -- where  18 it's the same idea, it has to do with budgeting, but  19 they don't -- they don't come out in the same way. And  20 so I think it just says be responsible for the personnel  21 management. This is under personnel, so it would seem  22 like just having that language consistent.  23 MEMBER DE REGO: Can I -- can I --  24 CHAIR STONE: Chair would just like to make a  25 quick point. Sorry.</p>

<p style="text-align: right;">Page 221</p> <p>1 MEMBER DE REGO: Okay.</p> <p>2 MEMBER OKAMOTO: Yes.</p> <p>3 CHAIR STONE: I am all for consistency. I</p> <p>4 think it's for clarity. My concern is we are talking</p> <p>5 about a broad grasp on a number of different commissions</p> <p>6 here that I personally would be very nervous about</p> <p>7 trying to generalize it when some of them have very</p> <p>8 specific duties to accomplish. And I fear that, in our</p> <p>9 attempt to make things clearer, we make it messy. And</p> <p>10 we remove appropriate language that had to be. So --</p> <p>11 Commissioner DeLeon.</p> <p>12 MEMBER DELEON: Why don't we amend Kay's</p> <p>13 motion to the words -- include the words "where</p> <p>14 appropriate?"</p> <p>15 MEMBER OKAMOTO: Yeah. Yes.</p> <p>16 MEMBER DELEON: So it's, you know,</p> <p>17 specifically Fire or specifically Police or specifically</p> <p>18 Civil Service, I mean, you leave that alone. But where</p> <p>19 it's budget, management of the department, oversight,</p> <p>20 where the things -- where the functions are -- are</p> <p>21 consistent, but they're just worded differently or not</p> <p>22 worded at all, or not included when it might want to be</p> <p>23 included, then include those. You get some consistency</p> <p>24 that way. Then I'll defer to Frank, but I want to come</p> <p>25 back.</p>	<p style="text-align: right;">Page 223</p> <p>1 other ones. I mean, we had that whole discussion with</p> <p>2 the Police Chief, and I asked him would you be adverse</p> <p>3 to, right, having being -- having, in the Charter, being</p> <p>4 evaluated annually. Now, he told me --</p> <p>5 MEMBER DELEON: Then you got the parking</p> <p>6 ticket, right?</p> <p>7 (Laughter.)</p> <p>8 MEMBER DE REGO: Yeah. You know, we had that</p> <p>9 whole discussion. And, you know, those were one of the</p> <p>10 functions that I had outlined in -- when I sent in that</p> <p>11 proposal. And part of it is we're talking about</p> <p>12 something that's truncated here, when there's actually</p> <p>13 the language that I sent in, was very specific about --</p> <p>14 I think there were three functions that I thought could</p> <p>15 be handled across the board.</p> <p>16 CHAIR STONE: Uh-huh. Commissioner -- Frank,</p> <p>17 now you're --</p> <p>18 MEMBER DE REGO: I'm so used to being in</p> <p>19 charge. I --</p> <p>20 CHAIR STONE: You can speak as much as you</p> <p>21 want, but (inaudible) --</p> <p>22 (Laughter.)</p> <p>23 MEMBER DE REGO: I defer.</p> <p>24 CHAIR STONE: Remember, I'm Your Honor.</p> <p>25 MEMBER DE REGO: I'm sorry.</p>
<p style="text-align: right;">Page 222</p> <p>1 MEMBER DE REGO: Okay.</p> <p>2 CHAIR STONE: So there's a friendly amendment</p> <p>3 to Kay's initial proposal.</p> <p>4 MEMBER OKAMOTO: And I accept.</p> <p>5 CHAIR STONE: Accepted. Seconded. Who</p> <p>6 seconded that motion?</p> <p>7 MEMBER DE REGO: Yeah, I'll second.</p> <p>8 MEMBER DELEON: I'll second.</p> <p>9 CHAIR STONE: Okay.</p> <p>10 MEMBER DE REGO: Can I make a comment about</p> <p>11 the general discussion?</p> <p>12 CHAIR STONE: Yeah.</p> <p>13 MEMBER DE REGO: This is part of the problem</p> <p>14 about summarizing these things, because when I</p> <p>15 originally sent this proposal -- because this is from</p> <p>16 me -- it actually outlined the language that was</p> <p>17 different and inconsistent in the three. So if you go</p> <p>18 back and look at some of the stuff I sent in, it will</p> <p>19 give you the language that you're looking for. One of</p> <p>20 it had to do with the evaluation function, some people</p> <p>21 have it, some people don't. If it's because, you know,</p> <p>22 the Liquor is different, then we'll find that out. But</p> <p>23 there seemed -- I think there was like three functions</p> <p>24 that were mentioned in the Fire and Police -- Fire</p> <p>25 Department's, Commissions that weren't mentioned in the</p>	<p style="text-align: right;">Page 224</p> <p>1 MEMBER SUGIMURA: Speaker.</p> <p>2 MEMBER DE REGO: Mr. Speaker.</p> <p>3 CHAIR STONE: Vice-Chair Hedani.</p> <p>4 VICE-CHAIR HEDANI: I'm glad you clarified</p> <p>5 that, Frank, because, if I read this particular proposal</p> <p>6 verbatim, what it means is that the powers and duties of</p> <p>7 the Fire Department would be to stop crime, the Police</p> <p>8 Department to stop fires, and the Liquor Commission can</p> <p>9 burn and shoot anybody.</p> <p>10 MEMBER DE REGO: Yeah.</p> <p>11 (Laughter.)</p> <p>12 MEMBER DE REGO: Exactly. Exactly.</p> <p>13 CHAIR STONE: Commissioner DeLeon.</p> <p>14 MEMBER DE REGO: I agree with Commissioner</p> <p>15 Hedani.</p> <p>16 MEMBER DELEON: We're talking about actual</p> <p>17 functions of the commissions again. I'm talking about</p> <p>18 the earlier language that we had passed for the Fire</p> <p>19 Department, the general language (inaudible), and at the</p> <p>20 beginning of the part of the -- of the Charter that</p> <p>21 starts, the departments. So that it -- it's an umbrella</p> <p>22 for all the departments that we have good personnel who</p> <p>23 try to do the right thing, follow the appropriate laws</p> <p>24 and procedures. And rather than just have that for the</p> <p>25 Fire Department, that we have it for all the</p>



Page 225	Page 227
<p>1 departments.</p> <p>2 CHAIR STONE: Very good. I believe we're</p> <p>3 talking about two different things here now.</p> <p>4 MEMBER DELEON: Well, it's still a matter of</p> <p>5 consistency.</p> <p>6 CHAIR STONE: They are two important things --</p> <p>7 MEMBER DELEON: Yeah.</p> <p>8 CHAIR STONE: -- but one item is creating --</p> <p>9 MEMBER DELEON: Okay.</p> <p>10 CHAIR STONE: -- that general overview about</p> <p>11 -- about policy as a general concept for all of the</p> <p>12 boards and commissions. And then the other discussion</p> <p>13 is bringing into consistency the -- the commission</p> <p>14 abilities for review and reporting, et cetera, et</p> <p>15 cetera. Is that correct?</p> <p>16 MEMBER DE REGO: Yeah. Especially those -- I</p> <p>17 mean, my focus here was on those that actually evaluate.</p> <p>18 CHAIR STONE: Uh-huh.</p> <p>19 MEMBER DE REGO: Are expected to evaluate and</p> <p>20 hire or and/or dismiss. That's why those four sections</p> <p>21 are particularly related to Fire, Police, Public Safety</p> <p>22 -- I mean, Police, Department of Personnel Services</p> <p>23 and --</p> <p>24 MEMBER DELEON: Liquor.</p> <p>25 MEMBER DE REGO: -- Liquor Commission.</p>	<p>1 that's -- the amendment makes sense.</p> <p>2 CHAIR STONE: Okay. Very good.</p> <p>3 Commissioner Hashimoto.</p> <p>4 MEMBER HASHIMOTO: My biggest concern -- my</p> <p>5 biggest concern is that we need to keep in mind that one</p> <p>6 shoe doesn't fit all. You know, oftentimes, when we sit</p> <p>7 and -- as a group like this and discussing these</p> <p>8 matters, we tend to want to make everything the same,</p> <p>9 the same size, in other words, and the same color. And</p> <p>10 that doesn't fit everybody. Each -- each department has</p> <p>11 a different function. The only thing general about the</p> <p>12 commission for each one of these is the commission</p> <p>13 itself, the name, okay, and what it means in that</p> <p>14 context. But each one of these departments do different</p> <p>15 things. So it's kind of difficult to have a general --</p> <p>16 I think very difficult to -- to make -- generalize</p> <p>17 everything, you know, to make one shoe fit all. It just</p> <p>18 doesn't work that way. I think that's one of the</p> <p>19 biggest problems in government, is we always try to make</p> <p>20 shoe -- the one shoe fit all.</p> <p>21 CHAIR STONE: Very good. Thank you.</p> <p>22 Commissioner De Rego.</p> <p>23 MEMBER DE REGO: I'm going to stop after this</p> <p>24 because this is, actually, a lot simpler and a lot less</p> <p>25 complicated than I think everybody is trying to make</p>
Page 226	Page 228
<p>1 CHAIR STONE: Could I make a suggestion, that</p> <p>2 maybe we table the initial motion, and then, Frank,</p> <p>3 restate the motion? Simply because now the motion does</p> <p>4 not reflect what the intent of the proposal was.</p> <p>5 MEMBER DE REGO: No. I think it does. I</p> <p>6 think it does.</p> <p>7 CHAIR STONE: All right.</p> <p>8 MEMBER CRIVELLO: Where appropriate, right?</p> <p>9 That's the amendment.</p> <p>10 CHAIR STONE: Where appropriate, yes.</p> <p>11 MEMBER CRIVELLO: Where it's appropriate.</p> <p>12 CHAIR STONE: Okay. Good. Good. Good.</p> <p>13 MEMBER DE REGO: I have no --</p> <p>14 CHAIR STONE: It stays --</p> <p>15 MEMBER DE REGO: -- objection to friendly --</p> <p>16 CHAIR STONE: I'm sorry.</p> <p>17 MEMBER DE REGO: -- amendment.</p> <p>18 CHAIR STONE: Commissioner Crivello.</p> <p>19 MEMBER CRIVELLO: I just --</p> <p>20 MEMBER DE REGO: We need to --</p> <p>21 MEMBER CRIVELLO: -- wanted that clarification</p> <p>22 as --</p> <p>23 MEMBER DE REGO: -- vote on the amendment.</p> <p>24 MEMBER CRIVELLO: -- we're going on and on,</p> <p>25 it's actually where it's appropriate, and I think</p>	<p>1 this at this point. Because there's some basic</p> <p>2 functions that are mentioned in the Fire Chief's -- I</p> <p>3 mean, Fire Commission's mandate that aren't mentioned in</p> <p>4 the other ones. One of them is evaluation. We're</p> <p>5 setting a floor, not a ceiling. Right? I mean, there's</p> <p>6 certain basic functions that should be listed and</p> <p>7 consistent among these four departments. And that's the</p> <p>8 only point that's trying to be made here. The language,</p> <p>9 other than one that's truncated here, is available in</p> <p>10 terms of what I sent in, if, you know, they want to look</p> <p>11 at it and put it in. But, yeah, I think there was only</p> <p>12 like two or three functions in that. So I think this is</p> <p>13 a lot more complicated than it actually is.</p> <p>14 CHAIR STONE: Okay. Very good. Very good.</p> <p>15 Any further discussion before we go to vote? Did you</p> <p>16 have a discussion?</p> <p>17 MEMBER OKAMOTO: No.</p> <p>18 CHAIR STONE: Commissioner Baxa.</p> <p>19 MEMBER DE REGO: Let's do it.</p> <p>20 MEMBER BAXA: Mr. Chair, I think you had a</p> <p>21 point when you said that the departments being governed</p> <p>22 by different commissions probably, in a great way, are</p> <p>23 different. So I do not know if consistency is really</p> <p>24 the key word to remedy something that we foresee is not</p> <p>25 okay. But I just wanted to say that sometimes there is</p>

Page 229	Page 231
<p>1 truth to the saying that consistency (inaudible).  2 MEMBER OKAMOTO: That's us.  3 MEMBER DE REGO: That's us.  4 MEMBER DELEON: I resemble that.  5 MEMBER HASHIMOTO: Would you repeat that?  6 MEMBER BAXA: Thank you.  7 CHAIR STONE: Thank you, Commissioner Baxa.  8 (Laughter.)  9 CHAIR STONE: Okay. No further discussion?  10 MR. KUSHI: Mr. Chair?  11 CHAIR STONE: Yes.  12 MR. KUSHI: I did find the section on the  13 Liquor Control Director.  14 CHAIR STONE: Please, go ahead.  15 MEMBER DE REGO: Go ahead.  16 MR. KUSHI: It's set forth in Chapter 281-17,  17 Section 281-17(a)(5). And it just kind of basically  18 says, the Liquor Commission of each county, subject to  19 Chapter 76, shall appoint and remove an administrator  20 who may be appointed, et cetera, et cetera. Chapter 76  21 is the State Civil Service law regarding appointments,  22 civil service -- general civil service law for people  23 who are not covered under collective bargaining. So  24 pursuant to state law, what I'm saying, is each county,  25 Liquor -- Liquor Commission has the authority to appoint</p>	<p>1 blank department and make recommendations for changes.  2 That can apply to any. Receive, review and investigate  3 any charges brought forth by the public against that  4 department. Evaluate, at least annually, the  5 performance of the chief of that. Submit an annual  6 report to the Mayor and the Council. You know, they're  7 all -- they're not really that specific. The chief is  8 more specific, but the commission is -- and some of them  9 have four things, some have three, some have seven. You  10 know, just that we get them consistent.  11 CHAIR STONE: I think we understand the intent  12 now. I think we understand the intent. When it comes  13 to the general provision of the commission's duties,  14 that we find some consistency on their abilities. Okay.  15 Very good.  16 Any further discussion before we take this to  17 a vote? Again, this is -- we are proposing the draft  18 language, correct?  19 MEMBER OKAMOTO: Yes.  20 CHAIR STONE: Very draft. Okay.  21 No further discussion, roll call, please,  22 Lisa.  23 MS. KAHUHU: Commissioner Baxa.  24 MEMBER BAXA: No.  25 MS. KAHUHU: Commissioner Crivello.</p>
Page 230	Page 232
<p>1 and remove.  2 CHAIR STONE: Okay.  3 MR. KUSHI: If in the removal basis, the  4 director feels something was unfair, then he looks to  5 Chapter 76.  6 CHAIR STONE: Very good.  7 MEMBER BAXA: Mr. Chair?  8 CHAIR STONE: Yes, Commissioner Baxa.  9 MEMBER BAXA: On that basis, I move that we do  10 not take any action on this.  11 MEMBER OKAMOTO: We have a motion on the  12 floor.  13 CHAIR STONE: We have a motion on the floor.  14 MEMBER DELEON: Nice try.  15 CHAIR STONE: Can't go -- well --  16 MEMBER OKAMOTO: I -- then --  17 CHAIR STONE: Commissioner.  18 MEMBER OKAMOTO: Okay. I'm looking at one of  19 the sections. And if I read you the duties of this  20 particular commission and simply leave out the name, it  21 fits all of them. Adopts such rules as may be  22 considered necessary for the conduct of business, that's  23 one. Review and submit to the Mayor the department's  24 request for an annual budget, that's two. It's worded  25 differently other places. Review the operations of the</p>	<p>1 MEMBER CRIVELLO: Yes.  2 MS. KAHUHU: Commissioner DeLeon.  3 MEMBER DELEON: Yes.  4 MS. KAHUHU: Commissioner De Rego.  5 MEMBER DE REGO: Yes.  6 MS. KAHUHU: Commissioner Hashimoto.  7 MEMBER HASHIMOTO: Yes.  8 MS. KAHUHU: Commissioner Hedani.  9 VICE-CHAIR HEDANI: Yes.  10 MS. KAHUHU: Commissioner Moikeha, excused.  11 Commissioner Okamoto.  12 MEMBER OKAMOTO: Yes.  13 MS. KAHUHU: Commissioner Sugimura.  14 MEMBER SUGIMURA: Just that section, right?  15 Yes.  16 MS. KAHUHU: Commissioner Wiger, excused.  17 Chair Stone.  18 CHAIR STONE: Yes.  19 MS. KAHUHU: Eight "yes." Motion passes.  20 CHAIR STONE: Very good. Motion passes move  21 to draft proposal stage, Proposal Number 8.7.15.  22 MEMBER DELEON: Mr. Chair?  23 CHAIR STONE: Yes.  24 MEMBER DELEON: Can we go back to the other  25 item? Which is what we've -- the language we passed for</p>

Page 233	Page 235
<p>1 the Fire Department this morning?</p> <p>2 CHAIR STONE: The draft language proposal?</p> <p>3 MEMBER DELEON: Yeah, the draft language that</p> <p>4 maybe should be applied to all departments as opposed to</p> <p>5 just the Fire Department.</p> <p>6 CHAIR STONE: Okay. Let me just -- let me</p> <p>7 just say this thing because I've been dying to say it.</p> <p>8 Congratulations. We've moved through the Active</p> <p>9 Proposal List. Very, very good job.</p> <p>10 I do believe --</p> <p>11 MEMBER DE REGO: Balloon moment.</p> <p>12 CHAIR STONE: -- that Commissioner DeLeon has</p> <p>13 something else to add. So please go ahead now.</p> <p>14 MEMBER DELEON: So, yeah. I'll go back to the</p> <p>15 language we passed this morning. Same language, apply</p> <p>16 to all the departments, and find a place in the</p> <p>17 beginning of, probably, Chapter 8, where it can act as</p> <p>18 an umbrella. As we're doing for the Fire Department, we</p> <p>19 can do it for every other department as well.</p> <p>20 VICE-CHAIR HEDANI: Second.</p> <p>21 CHAIR STONE: Thank you. There's been a</p> <p>22 motion put forward and seconded to take the similar</p> <p>23 language as moved to proposal draft language for Fire</p> <p>24 Department, establishing a declaration of policy, and</p> <p>25 have that become a general declaration of policy for all</p>	<p>1 Dave.</p> <p>2 MEMBER DELEON: Yes, sir.</p> <p>3 MEMBER DE REGO: This would be under Article</p> <p>4 8, somewhere in the introduction, you can say like --</p> <p>5 there would be a statement of policy and --</p> <p>6 MEMBER DELEON: Right.</p> <p>7 MEMBER DE REGO: -- they would be for all the</p> <p>8 departments. I could support that. Thank you.</p> <p>9 CHAIR STONE: Just a question, Commissioner</p> <p>10 DeLeon.</p> <p>11 MEMBER DELEON: Yes, Chair.</p> <p>12 CHAIR STONE: For example, it discusses</p> <p>13 recruitment. I -- I think that's -- it's a good</p> <p>14 concept, but just -- just to clarify, I mean, when we're</p> <p>15 generalizing about all of the boards and commissions,</p> <p>16 I'm reading through this declaration policy, which the</p> <p>17 best way to see is it is the draft language.</p> <p>18 MEMBER CRIVELLO: Excuse me, Mr. Chair.</p> <p>19 CHAIR STONE: Yes.</p> <p>20 MEMBER CRIVELLO: And it's specific for the</p> <p>21 Fire Department. So maybe we can amend his motion as</p> <p>22 generically (inaudible) to add that language.</p> <p>23 CHAIR STONE: Yeah.</p> <p>24 MEMBER DELEON: Of course, yeah.</p> <p>25 MEMBER CRIVELLO: Yeah? Of course.</p>
Page 234	Page 236
<p>1 commissions.</p> <p>2 MEMBER DELEON: All departments.</p> <p>3 CHAIR STONE: All departments.</p> <p>4 MEMBER DELEON: Yes.</p> <p>5 CHAIR STONE: Very good. It's been moved and</p> <p>6 seconded.</p> <p>7 Further discussion? Commissioner Hedani.</p> <p>8 VICE-CHAIR HEDANI: After the traumatic</p> <p>9 opening of this particular meeting, I think Commissioner</p> <p>10 DeLeon deserves to have something approved.</p> <p>11 (Laughter.)</p> <p>12 MEMBER DELEON: Yeah.</p> <p>13 (Laughter.)</p> <p>14 CHAIR STONE: I'd say, "What the hell, it's</p> <p>15 only draft."</p> <p>16 MEMBER DE REGO: Ouch.</p> <p>17 (Laughter.)</p> <p>18 CHAIR STONE: We can always -- we can always</p> <p>19 shoot them down.</p> <p>20 MEMBER DELEON: The reason I went out for so</p> <p>21 long for lunch, I had to get out to get an asbestos suit</p> <p>22 to wear underneath, so when I flame out.</p> <p>23 CHAIR STONE: Okay. Further discussion on</p> <p>24 this proposal?</p> <p>25 MEMBER DE REGO: So just a clarification,</p>	<p>1 CHAIR STONE: Friendly amendment.</p> <p>2 MEMBER CRIVELLO: You want everybody's vote.</p> <p>3 MEMBER DELEON: Yeah. So we're gonna take out</p> <p>4 the --</p> <p>5 MEMBER DE REGO: So we're horse trading.</p> <p>6 MEMBER DELEON: -- County of Maui Fire</p> <p>7 Department.</p> <p>8 CHAIR STONE: No, no. That's not -- that's</p> <p>9 not what I'm discussing. For example, I'm just -- this</p> <p>10 is just for matter of discussion, recruitment,</p> <p>11 promotions and personnel actions, appropriate training.</p> <p>12 Is that applicable to all boards and commissions or --</p> <p>13 MEMBER CRIVELLO: No.</p> <p>14 MEMBER OKAMOTO: No.</p> <p>15 MEMBER CRIVELLO: So, Dave --</p> <p>16 MEMBER DELEON: Don't blame me. I mean, what</p> <p>17 department doesn't have appropriate training?</p> <p>18 MEMBER CRIVELLO: Because you're making --</p> <p>19 MEMBER DELEON: Of course, they have training.</p> <p>20 CHAIR STONE: Just asking. Please don't get</p> <p>21 defensive.</p> <p>22 MEMBER DELEON: Grr.</p> <p>23 CHAIR STONE: Thank you. Okay. That's enough</p> <p>24 discussion on that. Any further discussion?</p> <p>25 (No Response.)</p>

Page 237	Page 239
<p>1 CHAIR STONE: Okay.</p> <p>2 MEMBER DELEON: Sorry.</p> <p>3 CHAIR STONE: Let's go to vote on, we'll call</p> <p>4 it, the DeLeon proposal.</p> <p>5 MEMBER DELEON: Okay. Could we say that this</p> <p>6 is -- the language is to be -- to be massaged so it's</p> <p>7 appropriate for all departments, Police, Fire</p> <p>8 Department?</p> <p>9 CHAIR STONE: Very good. Roll call, please.</p> <p>10 MEMBER BAXA: Mr. Chair?</p> <p>11 CHAIR STONE: Sorry. Commissioner.</p> <p>12 MEMBER BAXA: Mr. DeLeon mentioned about</p> <p>13 massage, but I don't want the language in the Fire</p> <p>14 Department to be massaged.</p> <p>15 MEMBER CRIVELLO: Yes. I agree with you.</p> <p>16 CHAIR STONE: I --</p> <p>17 MEMBER DELEON: This will apply to --</p> <p>18 CHAIR STONE: No, no. This --</p> <p>19 MEMBER DELEON: -- the Fire Department as</p> <p>20 well, then.</p> <p>21 MEMBER BAXA: Yeah. No. I mean, you are</p> <p>22 saying it should be applied to all departments. I mean,</p> <p>23 then you're going to massage the language. And I do not</p> <p>24 want the language we already approved for the Fire</p> <p>25 Department to be massaged. It should come in the way it</p>	<p>1 Baxa's concern, actually, you know, my proposal is to</p> <p>2 remove it out of the Fire Department and put it in</p> <p>3 general for the whole -- I mean, not the one line about</p> <p>4 personnel, that remains in their -- in their -- the</p> <p>5 commission's role. This is to apply to all the</p> <p>6 departments. So it applies to the Fire Department, too,</p> <p>7 when it applies to all of the departments. It doesn't</p> <p>8 have to have a repeat of this same statement just in the</p> <p>9 Fire Department to be able to apply to all departments.</p> <p>10 So the goal is -- this is a noble statement, it should</p> <p>11 be applied generally as opposed to just specifically to</p> <p>12 one department.</p> <p>13 CHAIR STONE: What I'd propose at this stage,</p> <p>14 Commissioner DeLeon, is that we move forward to see if</p> <p>15 this goes to draft language proposal. And then once we</p> <p>16 get into the discussion of draft language proposal, we</p> <p>17 can either marry the Fire Department with this --</p> <p>18 MEMBER DELEON: Okay.</p> <p>19 CHAIR STONE: Is that okay? Because we've</p> <p>20 already -- we've already proposed to send that to draft,</p> <p>21 and we really don't want --</p> <p>22 MEMBER DELEON: I'm just doing my best to lose</p> <p>23 my --</p> <p>24 CHAIR STONE: Yeah. Commissioner DeLeon, you</p> <p>25 have a fantastic way of losing votes.</p>
Page 238	Page 240
<p>1 was.</p> <p>2 CHAIR STONE: Commissioner Baxa, that draft</p> <p>3 proposal is going to remain for the Fire Department.</p> <p>4 MEMBER BAXA: Thank you, sir.</p> <p>5 CHAIR STONE: That's two different --</p> <p>6 MEMBER CRIVELLO: Thank you, Commissioner</p> <p>7 Baxa.</p> <p>8 CHAIR STONE: Thank you.</p> <p>9 Commissioner Sugimura.</p> <p>10 MEMBER SUGIMURA: I guess I go back to -- the</p> <p>11 same thoughts that I get to is that if I remember Terryl</p> <p>12 Vencl when she came before us and said when the last</p> <p>13 Charter amendments that were proposed to the -- to the</p> <p>14 electorate, it was just 12 items. And I wonder if this</p> <p>15 is really necessary to say when we have so many other</p> <p>16 things that maybe are more important. Because I think</p> <p>17 we all want to have these things as kind of a given. So</p> <p>18 I don't know if we really need to make a statement that</p> <p>19 will apply to all the department. That's kind of my</p> <p>20 general feeling about it. I think it's unnecessary.</p> <p>21 Sorry, Dave.</p> <p>22 CHAIR STONE: Okay. Thank you.</p> <p>23 MEMBER DELEON: Well, Mr. Chair?</p> <p>24 CHAIR STONE: Commissioner DeLeon.</p> <p>25 MEMBER DELEON: In reference to Commissioner</p>	<p>1 Commissioner.</p> <p>2 MEMBER OKAMOTO: I just have to say I'm going</p> <p>3 to vote with him on this.</p> <p>4 (Laughter.)</p> <p>5 CHAIR STONE: I think if you would just stop</p> <p>6 talking, we might -- roll call, please, Lisa, as soon as</p> <p>7 possible.</p> <p>8 MS. KAHUHU: Commissioner Wiger, excused.</p> <p>9 Commissioner Sugimura.</p> <p>10 MEMBER SUGIMURA: One for Dave, yes.</p> <p>11 MS. KAHUHU: Commissioner Okamoto.</p> <p>12 MEMBER OKAMOTO: Yes.</p> <p>13 MS. KAHUHU: Commissioner Moikeha, excused.</p> <p>14 Commissioner Hashimoto.</p> <p>15 MEMBER HASHIMOTO: Yes.</p> <p>16 MS. KAHUHU: Commissioner Hedani.</p> <p>17 VICE-CHAIR HEDANI: Yes.</p> <p>18 MS. KAHUHU: Commissioner DeLeon.</p> <p>19 MEMBER DELEON: Yeah.</p> <p>20 MS. KAHUHU: Commissioner De Rego.</p> <p>21 MEMBER DE REGO: Yes.</p> <p>22 MS. KAHUHU: Commissioner Crivello.</p> <p>23 MEMBER CRIVELLO: Yes.</p> <p>24 MS. KAHUHU: Commissioner Baxa.</p> <p>25 MEMBER BAXA: What are we voting for now?</p>

<p style="text-align: right;">Page 241</p> <p>1 MEMBER DELEON: General statement for all 2 departments. 3 MEMBER BAXA: Yes. 4 MS. KAHUHU: Chair Stone. 5 CHAIR STONE: Yes. 6 MS. KAHUHU: Motion passes. 7 CHAIR STONE: That was a unanimous decision in 8 support of Commissioner DeLeon's proposal. He can walk 9 out of here with his head high. 10 And congratulations, Commissioners, we have 11 gotten through our Active Proposal List. You may put 12 this aside, burn it, rip it, whatever you like. 13 MEMBER CRIVELLO: Chair? 14 CHAIR STONE: Yes. 15 MEMBER CRIVELLO: I have a question. When we 16 move to submit the proposal for the Ocean Safety to be 17 included, will the transitional -- will we be setting 18 the transitional language on the ballot with that? Like 19 it says here, add a new section under adoption of the 20 proposed 2012 amendment to section, Maui County Fire 21 Department shall provide the timetable for the 22 transition to include the functions of the Ocean -- 23 CHAIR STONE: I -- 24 MEMBER CRIVELLO: Am I to understand that as 25 being included?</p>	<p style="text-align: right;">Page 243</p> <p>1 your general question is one we should keep in mind when 2 we do get to look specifically at each of the proposals 3 as to whether or not they also need a transition 4 section. 5 CHAIR STONE: Good point. 6 MS. BRODER: At which point, you can make 7 another decision. 8 CHAIR STONE: At which point as well, I think 9 we would bring in, let's say, experts to discuss the 10 situation, such as people from the department, the 11 Mayor's Office, and really get an understanding of how 12 we need to implement that. That's a great question, 13 though. Very good question. We'll look into it. 14 Commissioner De Rego. 15 MEMBER DE REGO: Yeah, I'd like to second that 16 because if we're going to move from a annual to a 17 biennial budget, there's going to be a lot of transition 18 involved in that. 19 CHAIR STONE: Of course, yeah. 20 MEMBER DE REGO: I'd like to be able to see 21 what that's going to look like, the language. 22 CHAIR STONE: Okay. Very good. 23 At this time we're not going to review our 24 draft amendment languages. 25 MEMBER DELEON: Why not?</p>
<p style="text-align: right;">Page 242</p> <p>1 CHAIR STONE: I believe -- and, again, now 2 we're discussing proposals, but I believe that I'm going 3 to pass that one off to Ed and Sherry because I'm not 4 sure exactly. 5 MEMBER CRIVELLO: I know we talked about 6 transitional. 7 CHAIR STONE: Yeah, there's a transitional 8 provision in Article 15, I believe. 9 MEMBER CRIVELLO: So I wasn't sure if -- if 10 that was -- because I see -- 11 CHAIR STONE: It's a good -- it's a very valid 12 question. And -- 13 MS. BRODER: Okay. That's what I did draft 14 up, what you're looking at, do the transition. I think 15 that's in the -- 16 MEMBER CRIVELLO: No, no. I just wanted to 17 clarify, is it just the Fire Department or is -- 18 MS. BRODER: I just did that to the Fire 19 Department. The motion -- whatever was discussed and 20 whatever my assignment was, I did. But there is -- 21 there is a transition section right here. 22 CHAIR STONE: Here you go. Talk in the 23 microphone. 24 MS. BRODER: There is a transition section 25 right here in the Charter, but I couldn't, you know,</p>	<p style="text-align: right;">Page 244</p> <p>1 CHAIR STONE: And the primary reason is, not 2 because it's 4:00 and we all want to get out, but 3 because we have to take consistent draft language 4 proposals out to the public. And we can't be changing 5 the draft language proposals between meetings. 6 Otherwise, we're not bringing a consistent document to 7 the public. 8 So with that said, I also don't believe that 9 we're going to need any business meetings, any normal 10 meetings, during this public outreach period because we 11 really can't change any of the draft proposals. 12 However, however, there may be other items that we need 13 to discuss. So I'm putting this discussion out there. 14 And, actually, I'm jumping -- excuse me. I jumped a 15 little bit ahead in our agenda. 16 Firstly, before we get to that discussion, is 17 there any discussion on the Communication Items? 18 (No Response.) 19 CHAIR STONE: No. Very good. Okay. 20 Now back to that discussion. It's important 21 that the public and the community has a consistent 22 document in front of it. So if there is a reason that 23 any of the Commissioners can see meeting in between 24 these public outreach meetings, let me know now, because 25 we can't really change any of our proposals.</p>

<p style="text-align: right;">Page 245</p> <p>1 MEMBER OKAMOTO: Are you saying the 12th is --</p> <p>2 you would --</p> <p>3 CHAIR STONE: I would not have the meeting on</p> <p>4 the --</p> <p>5 MEMBER OKAMOTO: See, I</p> <p>6 CHAIR STONE: On the --</p> <p>7 MEMBER OKAMOTO: -- definitely think we need</p> <p>8 the 12th because we haven't even really -- so that at</p> <p>9 least we're versed when we go out.</p> <p>10 CHAIR STONE: We have all of the draft</p> <p>11 language here.</p> <p>12 MEMBER OKAMOTO: Right.</p> <p>13 CHAIR STONE: We could meet and discuss it, of</p> <p>14 course, but we can't change it.</p> <p>15 MEMBER OKAMOTO: Right. But I think we need</p> <p>16 to -- you know, as people are asking questions, we're</p> <p>17 going to look pretty foolish if you think it says one</p> <p>18 thing and I think it says one, and Sherry is going, no,</p> <p>19 that's not what I said. I think we need to prepare</p> <p>20 ourselves for the beginning of those meetings. It may</p> <p>21 not have to be that long, may only need to be an hour or</p> <p>22 so, but I think we need to prepare before we start the</p> <p>23 second round.</p> <p>24 CHAIR STONE: I'm fine with that as long as</p> <p>25 it's not a debate about altering the draft language.</p>	<p style="text-align: right;">Page 247</p> <p>1 the proposals I did have questions, a couple of</p> <p>2 questions on, because I wasn't, you know, sure of the</p> <p>3 fine details. Would it be possible, on the 12th, to</p> <p>4 fill in those?</p> <p>5 VICE-CHAIR HEDANI: Do it now.</p> <p>6 CHAIR STONE: We could do it now.</p> <p>7 MS. BRODER: I think it's going to take a</p> <p>8 while.</p> <p>9 CHAIR STONE: No. I don't feel -- sorry.</p> <p>10 MS. BRODER: Okay. Go ahead.</p> <p>11 CHAIR STONE: I think -- I don't -- obviously,</p> <p>12 we're bound by Sunshine Law, so those items -- and</p> <p>13 please chime in, Ed and Lisa -- but those items need to</p> <p>14 be submitted seven days prior to our first public</p> <p>15 outreach meeting, correct?</p> <p>16 MS. BRODER: When is that?</p> <p>17 MS. KAHUHU: The agenda filing for the Lahaina</p> <p>18 public meeting on the 12th -- let's see. I would have</p> <p>19 to file by --</p> <p>20 CHAIR STONE: So we would have to have that --</p> <p>21 MS. KAHUHU: No later than Tuesday, December</p> <p>22 6th. Chair, can I also ask, did you want to publicize</p> <p>23 these, publish these draft amendments as well?</p> <p>24 CHAIR STONE: Yes. When we're at that -- when</p> <p>25 we're there. Let me just -- let's clarify this first,</p>
<p style="text-align: right;">Page 246</p> <p>1 MEMBER OKAMOTO: Right.</p> <p>2 MEMBER CRIVELLO: I think we understand that,</p> <p>3 but it's just making sure that --</p> <p>4 CHAIR STONE: Very good.</p> <p>5 MEMBER CRIVELLO: -- we're all on the same</p> <p>6 page when we go out there.</p> <p>7 CHAIR STONE: Okay. Very good. Okay. Good.</p> <p>8 Okay. So --</p> <p>9 MEMBER DE REGO: We'll still give you</p> <p>10 indigestion some way.</p> <p>11 CHAIR STONE: Okay. So --</p> <p>12 VICE-CHAIR HEDANI: You can't surf.</p> <p>13 CHAIR STONE: I can't go surfing.</p> <p>14 (Laughter.)</p> <p>15 CHAIR STONE: December 12th was meant to be a</p> <p>16 big swell.</p> <p>17 MEMBER OKAMOTO: That's all you care about?</p> <p>18 CHAIR STONE: No.</p> <p>19 (Laughter.)</p> <p>20 CHAIR STONE: Okay. So with that said, we</p> <p>21 will have our next regular meeting Monday, December</p> <p>22 12th.</p> <p>23 MS. BRODER: Can I just say something?</p> <p>24 CHAIR STONE: Sure.</p> <p>25 MS. BRODER: I'm sorry. In case -- some of</p>	<p style="text-align: right;">Page 248</p> <p>1 then we'll go back to that.</p> <p>2 Okay. So, basically, either we take care of</p> <p>3 these questions -- there's three options: We take the</p> <p>4 questions on the proposals today; we take care of the</p> <p>5 questions on these proposals at a meeting later on this</p> <p>6 week; or we don't take care of the questions on the</p> <p>7 proposal. So I would prefer to take care of the</p> <p>8 questions on the proposal, but we're going to lose a</p> <p>9 couple Commissioners coming up here pretty soon.</p> <p>10 MEMBER SUGIMURA: I think Sherry --</p> <p>11 THE COURT: And we're going to lose our</p> <p>12 Analyst, at which point it's moot.</p> <p>13 What time do you need to leave, Sherry?</p> <p>14 MS. BRODER: In about five to 10 minutes. I'm</p> <p>15 sorry.</p> <p>16 MEMBER BAXA: Mr. Chair, I have a question.</p> <p>17 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>18 MEMBER BAXA: I don't know if there is --</p> <p>19 there will be a dilemma here, but the question that</p> <p>20 Professor Broder said, meant for you was, could it be</p> <p>21 that it is something that she and you can talk about?</p> <p>22 MEMBER DELEON: It's not a consensus.</p> <p>23 CHAIR STONE: Hang on one second.</p> <p>24 MS. BRODER: Okay. Let me just -- let me show</p> <p>25 you like --</p>

<p style="text-align: right;">Page 249</p> <p>1 CHAIR STONE: A sample.</p> <p>2 MS. BRODER: A big example, which is at the</p> <p>3 bottom of what you have today, which is the indemnity</p> <p>4 issue, indemnifying boards and commissions.</p> <p>5 I mean, maybe -- maybe it's okay to go out</p> <p>6 with these questions because it's -- it's honest and</p> <p>7 forthright. And maybe you'll get input from the</p> <p>8 community, too, on the questions. But, you know, I just</p> <p>9 question whether or not you actually need this -- this</p> <p>10 is to defend and indemnify board members -- because</p> <p>11 state law has been changed and now board members have</p> <p>12 immunity.</p> <p>13 MEMBER SUGIMURA: So we don't need?</p> <p>14 MS. BRODER: Well, I questioned that, and I</p> <p>15 write some issues about it and everything, but, you</p> <p>16 know, I think maybe if you follow the Chair's proposal,</p> <p>17 which is stick with what you've got, go out to the</p> <p>18 community with what you've got -- I mean, this is just a</p> <p>19 fair and honest appraisal of -- you know, of your</p> <p>20 Analyst responding to your concern. And maybe you'll</p> <p>21 get input back from the community. Maybe the community</p> <p>22 will say, well, we want you to do it, anyway, even if</p> <p>23 it's not necessary, or they'll say this is really</p> <p>24 boring, we don't even want it read it because it's too</p> <p>25 long, or something like that. So, you know, maybe -- I</p>	<p style="text-align: right;">Page 251</p> <p>1 MEMBER BAXA: Mr. Chair?</p> <p>2 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>3 MEMBER BAXA: Yeah. The suggestion from the</p> <p>4 Analyst, I think that is a good idea, you know. I</p> <p>5 mean -- and then that is not final, anyway. We submit</p> <p>6 it to them and we can still refine it. But I think it</p> <p>7 is essential that the public get to learn about it, they</p> <p>8 may have some input.</p> <p>9 Like the one -- I have to agree that there may</p> <p>10 be need for the provision to defend and indemnify, but</p> <p>11 the big question came about because there was a question</p> <p>12 from Commissioner Moikeha. And so we came up with the</p> <p>13 words "shall defend and indemnify."</p> <p>14 But I do have to agree with you that whether</p> <p>15 we put it there, the County's liable. I mean, the</p> <p>16 immunity is there, you know, but I think it's essential</p> <p>17 that the public have to know.</p> <p>18 CHAIR STONE: Uh-huh. So that -- that relates</p> <p>19 back to my discussion about the next meeting. If we're</p> <p>20 going out to the community with this as is, is it</p> <p>21 necessary to sit down and read it together?</p> <p>22 MEMBER OKAMOTO: Before it --</p> <p>23 MEMBER DE REGO: I don't --</p> <p>24 MEMBER OKAMOTO: -- goes out?</p> <p>25 MEMBER DE REGO: -- comfortable with that.</p>
<p style="text-align: right;">Page 250</p> <p>1 don't know. So that's the thing.</p> <p>2 But, you know, there were a few others where I</p> <p>3 had some questions. And then I think there's, also --</p> <p>4 your -- Commissioner De Rego, your concern about the</p> <p>5 County Auditor and how it's exactly structured. But I</p> <p>6 think you can -- you could probably just go out with it</p> <p>7 the way it is.</p> <p>8 MEMBER DE REGO: Yeah, I --</p> <p>9 MS. BRODER: And then --</p> <p>10 MEMBER DE REGO: I agree.</p> <p>11 MS. BRODER: And then --</p> <p>12 MEMBER DE REGO: And then --</p> <p>13 MS. BRODER: -- you'll get input. I mean,</p> <p>14 because that's the purpose is to get input to improve</p> <p>15 the product.</p> <p>16 CHAIR STONE: Uh-huh.</p> <p>17 MEMBER DE REGO: And I --</p> <p>18 MS. BRODER: So --</p> <p>19 MEMBER DE REGO: -- understand we can still</p> <p>20 have input --</p> <p>21 MS. BRODER: And so maybe my questions --</p> <p>22 MEMBER DE REGO: -- after that is over.</p> <p>23 MS. BRODER: -- will --</p> <p>24 MEMBER DE REGO: So I have no problems with</p> <p>25 the way it's structured right now.</p>	<p style="text-align: right;">Page 252</p> <p>1 CHAIR STONE: Commissioner De Rego, you would</p> <p>2 prefer to sit down and everybody have a quick discussion</p> <p>3 to understand. And, Commissioner Crivello? Okay, very</p> <p>4 good. Then let's stick with that meeting date. We are</p> <p>5 not going to be -- at that meeting, we're going to</p> <p>6 clarify the information with ourselves as a Commission.</p> <p>7 MEMBER DE REGO: Yeah.</p> <p>8 MEMBER OKAMOTO: And the new ones that she</p> <p>9 will have prepared from today.</p> <p>10 CHAIR STONE: The proposals from today, very</p> <p>11 good. Then we have an understanding, we're not going to</p> <p>12 be changing them.</p> <p>13 MEMBER DE REGO: Right. Exactly.</p> <p>14 CHAIR STONE: Because we won't have the time.</p> <p>15 Obviously, we have a meeting that night.</p> <p>16 MEMBER SUGIMURA: Oh, okay. So I was just</p> <p>17 going to ask you about that. So the Lahaina meeting</p> <p>18 still stands?</p> <p>19 CHAIR STONE: I'll go through it. I'll go</p> <p>20 through it right now.</p> <p>21 Commissioner DeLeon.</p> <p>22 MEMBER DELEON: As the P.R. guy, I have a</p> <p>23 concern about how we're going to get the word out to the</p> <p>24 public and how exactly we're going to articulate that.</p> <p>25 Does anybody have a clue of how many proposals we have</p>

<p style="text-align: right;">Page 253</p> <p>1 at this point?</p> <p>2 CHAIR STONE: Here we go.</p> <p>3 MEMBER OKAMOTO: There were 15 as of before we</p> <p>4 started today.</p> <p>5 MEMBER DELEON: Okay. So maybe 20. Okay.</p> <p>6 CHAIR STONE: We did a couple today, so we'll</p> <p>7 ask Sherry that.</p> <p>8 MS. BRODER: We must have done -- we must have</p> <p>9 passed about five or six today. We must have passed</p> <p>10 about six today. So you must -- you have -- I'm sure</p> <p>11 you have more than 20.</p> <p>12 MEMBER DELEON: Okay. So we need to be able</p> <p>13 to articulate to the public what all this is before -- I</p> <p>14 mean, within the next week, I need to be able to put out</p> <p>15 a clear statement of what it is we propose. And maybe</p> <p>16 think about some op ed pieces or the Chair meeting with</p> <p>17 the local newspaper, getting on Akaku, or some other</p> <p>18 kind of format, in order to be able to articulate to the</p> <p>19 public what it is that's coming, so that we don't have</p> <p>20 meetings like we had the last time where we got three</p> <p>21 people showing up. I mean, we need to be able to, you</p> <p>22 know, get a good response. I mean, I don't want to go</p> <p>23 through this exercise and not have anybody show up</p> <p>24 except on Lanai and Molokai.</p> <p>25 CHAIR STONE: So --</p>	<p style="text-align: right;">Page 255</p> <p>1 CHAIR STONE: I think that our -- is it our</p> <p>2 standing committee, our -- our promotional committee is</p> <p>3 still intact. So let's -- let's take that to the</p> <p>4 promotional committee.</p> <p>5 MEMBER DELEON: Okay.</p> <p>6 CHAIR STONE: All right. Very good.</p> <p>7 MEMBER DE REGO: Chair, in line with that --</p> <p>8 CHAIR STONE: Commissioner De Rego.</p> <p>9 MEMBER DE REGO: -- I think there was a</p> <p>10 suggestion that we do -- I bet you mentioned this</p> <p>11 already, but the 30-second spots with --</p> <p>12 MEMBER SUGIMURA: Akaku.</p> <p>13 MEMBER DE REGO: -- Akaku.</p> <p>14 CHAIR STONE: Yes. They've already -- in</p> <p>15 fact, Akaku approached us -- thank you again -- to</p> <p>16 really get that going.</p> <p>17 MEMBER DE REGO: And that would be, I think,</p> <p>18 great, if we could follow up on that --</p> <p>19 CHAIR STONE: Very good. That will happen --</p> <p>20 MEMBER DE REGO: -- beforehand.</p> <p>21 CHAIR STONE: -- this week.</p> <p>22 MEMBER DE REGO: Good.</p> <p>23 CHAIR STONE: Commissioner Sugimura.</p> <p>24 MEMBER SUGIMURA: I know it's going to come to</p> <p>25 our committee, but there's also Tom Blackburn-Rodriguez</p>
<p style="text-align: right;">Page 254</p> <p>1 (Laughter.)</p> <p>2 CHAIR STONE: So, Commissioner DeLeon --</p> <p>3 MEMBER DE REGO: Ouch.</p> <p>4 CHAIR STONE: -- Akaku has committed to</p> <p>5 putting on continual segments for us up until our</p> <p>6 meeting dates.</p> <p>7 MEMBER DELEON: Oh, cool.</p> <p>8 CHAIR STONE: Which I can do -- Chair can do a</p> <p>9 quick summary of the amendments.</p> <p>10 MEMBER DELEON: Okay. Or we can -- or they</p> <p>11 can run like a -- a roll of them.</p> <p>12 CHAIR STONE: A roll of them, yeah.</p> <p>13 MEMBER DELEON: Yeah, yeah, yeah.</p> <p>14 CHAIR STONE: And then I potentially could get</p> <p>15 together with Maui News and discuss -- Ilima is back</p> <p>16 there, maybe we have an opportunity to go over this at</p> <p>17 some point.</p> <p>18 MEMBER DELEON: Mr. Chair, there's also weekly</p> <p>19 (inaudible) --</p> <p>20 CHAIR STONE: I'm sorry, Dave, in the</p> <p>21 microphone, please.</p> <p>22 MEMBER DELEON: Oh, sorry. Getting relaxed.</p> <p>23 Yeah, I mean, there's weeklies, there's the</p> <p>24 Molokai paper, and other locations we need to think</p> <p>25 about in terms of trying to have penetration.</p>	<p style="text-align: right;">Page 256</p> <p>1 who said he would love to have you come on the show</p> <p>2 again.</p> <p>3 CHAIR STONE: Very good. Yeah. I think now</p> <p>4 education is going to be our primary focus during this</p> <p>5 phase, and we go back to sharpening the pencils and we</p> <p>6 go back to education of the public. So at -- yes, Lisa.</p> <p>7 MS. KAHUHU: Sorry to interrupt, Chair. I</p> <p>8 just wanted to know, like I asked earlier, if you wanted</p> <p>9 to publish this. Because --</p> <p>10 CHAIR STONE: Yes.</p> <p>11 MS. KAHUHU: -- there's going to be a fee,</p> <p>12 so -- and that's not the point. I just want to know</p> <p>13 because it takes some time to get the drafts to the</p> <p>14 newspaper so that it can be --</p> <p>15 MEMBER DELEON: Mr. Chair?</p> <p>16 MS. KAHUHU: -- approved, sent and so forth.</p> <p>17 CHAIR STONE: Very good, Lisa.</p> <p>18 Commissioner DeLeon.</p> <p>19 MEMBER DELEON: I don't recommend that. I</p> <p>20 mean, a formal ad in The Maui News, you're just spending</p> <p>21 money when you can do it practically free doing the same</p> <p>22 thing. I mean -- I don't know. Maybe -- maybe one time</p> <p>23 get it done and, you know, get it clearly stated as an</p> <p>24 official document someplace.</p> <p>25 But as Lisa said, though, it's a complicated</p>



<p style="text-align: right;">Page 257</p> <p>1 process, it's an expensive process. And it's not  2 necessarily where people go to read about stuff like  3 that.  4 CHAIR STONE: Lisa, why don't we discuss with  5 Maui News maybe, potentially, we could have an article  6 with a list and the -- and the website to find the  7 documentation.  8 MS. KAHUHU: I think something like that,  9 Chair, could be done by the committee that handled it.  10 I think that's not a free service. It just would be  11 publishing the actual draft languages, that would cost a  12 fee, as opposed to just putting the information out  13 there --  14 CHAIR STONE: Could we get that expense?  15 MS. KAHUHU: -- in summary.  16 CHAIR STONE: Could you get me that expense so  17 I have an understanding how much that will cost?  18 MS. KAHUHU: Sure.  19 CHAIR STONE: Okay. Thank you.  20 MEMBER OKAMOTO: I wouldn't particularly think  21 we want to publish all the draft language. That may be  22 more confusing. I think a summary is more what you're  23 looking at. And certainly maybe an ad saying here are  24 the dates for the different meetings, yes, and the  25 locations.</p>	<p style="text-align: right;">Page 259</p> <p>1 will happen if they disagree with one of the proposals  2 and submit a alternative, and how that will look or be  3 put on the ballot. So just a clarification, but that's  4 after this process is over. Just a heads up.  5 CHAIR STONE: Thank you very much. Sherry  6 will look into that. All right.  7 So let's open to our calendaring, so we all  8 understand and there's no mistakes. Our next regular  9 meeting will be here, Planning Conference Room, Kalana  10 Pakui Building, Monday, December 12th, 2011, at 10:00  11 a.m. And that's the time when we will be going over all  12 of our draft proposals. That evening -- if you notice  13 on the calendar that you have in front of you, the top  14 three events have been rescheduled. So go ahead and  15 just cross those out so you don't get confused, which  16 I'm going to do myself. So that evening, on December  17 12th, 2011, at 6:30 p.m., we're going to meet at the  18 Lahaina Civic Center in Lahaina. The following evening,  19 Tuesday, December 13th, 2011, at 6:30 p.m., we're going  20 to meet in the Kihei Community Center in Kihei. And the  21 following evening, Wednesday, December 14th, 2011, at  22 6:30 p.m., we are going to meet at the Mitchell Pauole  23 Center in Kaunakakai, Molokai. And then we have a,  24 let's call it, Christmas break. We have no meetings  25 planned in between that last December 14th meeting. We</p>
<p style="text-align: right;">Page 258</p> <p>1 CHAIR STONE: The Maui News has been very  2 accommodating about our scheduling, so I think -- how  3 about we -- I'll work it out. All right. Leave that  4 with the Chair and Lisa. We'll discuss it further.  5 Commissioner Hedani.  6 VICE-CHAIR HEDANI: So we're going to get,  7 before the 12th, the new proposals that we had today as  8 well as all of the ones that are --  9 CHAIR STONE: Correct.  10 VICE-CHAIR HEDANI: -- in effect?  11 CHAIR STONE: Correct. The same as -- since  12 we're going under a regular meeting, it will happen the  13 exact same way that these proposals ended up with us.  14 All right. And we'll have all the proposals to read  15 previously -- correct?  16 MS. BRODER: Yes.  17 CHAIR STONE: Read previously, before we get  18 here. And there's a lot. So everybody do their  19 homework. Okay.  20 Commissioner De Rego.  21 MEMBER DE REGO: This is something that's  22 going to happen, I think, after we get back, but I just  23 want to put it on the front burner now, for the Analyst,  24 is that, at some point, when we send this to the Council  25 for its reaction, I'd like a clear idea exactly what</p>	<p style="text-align: right;">Page 260</p> <p>1 will continue with public testimony on Monday, January  2 9th, 2012, at 6:30 p.m., Paia Community Center, in Paia,  3 followed by Wednesday, January 11th, 2012, 6:30 p.m.,  4 Lanai Community Center, Lanai City, followed by  5 Wednesday, January 18th, 2012, 6:30 p.m., at Wailuku  6 Community Center, in Wailuku, followed by Thursday,  7 January 19th, 2012, 6:30 p.m., Helene Hall, in Hana.  8 And our last public outreach meeting will be Wednesday,  9 January 25th, 2012, 6:30 p.m., at the Mayor Hannibal  10 Tavares Community Center in Pukalani.  11 Any discussion?  12 MEMBER OKAMOTO: I would like on the agenda,  13 on the 12th, that we go over our rules for how we are  14 dealing with public. You know, I notice sometimes  15 somebody runs out of time and we say, oh, let them  16 finish, and then the next guy we don't let finish. And  17 just so that we are all consistent in the way we're  18 dealing with the public.  19 CHAIR STONE: Very good. I'll put a review of  20 our oral testimony rules on our agenda. Thank you very  21 much, Kay.  22 Any further discussion? Lisa.  23 MS. KAHUHU: Clarification. The regular  24 meeting on January 9th and January 23rd, are those  25 canceled or are we still having them?</p>

Page 261

1 CHAIR STONE: I don't see any purpose for  
2 those meetings because we can't discuss, really, the  
3 draft proposals until we finalize our public outreach.  
4 I just don't see what the point of the meetings would  
5 be. So I'm going to -- unless there's a commissioner  
6 who sees a point for those meetings, I'm going to cancel  
7 those meetings. All right?

8 MEMBER SUGIMURA: Okay.

9 CHAIR STONE: Thanks, Sherry. Thanks so much,  
10 everybody.

11 And if there are no objections, I'll adjourn  
12 this meeting as of 4:20 p.m.

13 Commissioners, thank you so much for being  
14 here. Tonya, thank you. Akaku, thanks very much.  
15 (Meeting adjourned at 4:19 p.m.)  
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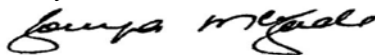
Page 262

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

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

15 DATED this 7th day of December, 2011.  
16



17  
18 Tonya McDade  
19 Certified Shorthand Reporter #447  
20 Registered Professional Reporter  
21 Certified Realtime Reporter  
22 Certified Broadcast Reporter  
23  
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