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2
3 COUNTY OF MAUI, STATE OF HAWAII
4
5 **APPROVED 2/27/2012**
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8 CHARTER COMMISSION
9 REGULAR MEETING
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15 Held at the Planning Department Conference Room,
16 250 South High Street, Wailuku, Maui, Hawaii, commencing
17 at 10:05 a.m., on Monday, February 13, 2012.
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19
20
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1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Joshua A. Stone, Chair
4 Wayne N. Hedani, Vice-Chair
5 Artemio C. Baxa, Member
6 Stephanie S. Crivello, Member
7 David P. DeLeon, Member
8 Frank R. De Rego, Jr., Member
9 Clifford P. Hashimoto, Member
10 Susan A. Moikeha, Member
11 Linda Kay Okamoto, Member
12 Yuki Lei Sugimura, Member
13 Flo V. Wiger, Member
14
15 STAFF PRESENT:
16 Sherry P. Broder, Commission Analyst
17 Edward S. Kushi, Jr., First Deputy Corporation Counsel
18 Lisa Kahuhu, Supervising Law Technician
19 ADMINISTRATION PRESENT:
20 Bill Medeiros, Executive Assistant to the Mayor
21 Rob Parsons, Executive Assistant to the Mayor
22 OTHERS PRESENT:
23 Jim Smith
24 Archie Kalepa
25 J.D. Kim
Carla Nakata

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1 (Monday, February 13, 2012, 10:05 a.m.)
2 * * *
3 CHAIR STONE: Hello, everyone. Thank you for
4 attending this public meeting of the Charter Commission.
5 My name is Josh Stone, and I'm the Chairman of the
6 Commission.
7 If you need, there are copies of our agenda of
8 today's meeting available for everyone with Lisa Kahuhu.
9 Lisa? Right there.
10 As per our rules, all discussions today shall
11 be pertaining to these agenda items, which are primarily
12 the Draft Proposals that our Charter Commission have
13 brought forward.
14 Before beginning public testimony, we have a
15 few items of business to address.
16 First, I would like to call this meeting to
17 order as of 10:05 a.m., and recognize our Commissioners
18 that are present or excused.
19 Lisa, as you're walking around -- I wanted to
20 catch you in mid-stride -- do I have any Commissioners
21 that are excused?
22 MS. KAHUHU: Thank you, Chair. Yuki is going
23 to be a little bit late. Everyone should be here, so
24 they must be en route.
25 CHAIR STONE: Very good. I see we are just

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1 missing Yuki and Susan at the moment. And I'm sure
2 they'll both show up. Okay. Thanks so much.
3 Also, I would like to present our staff. We
4 have Ed Kushi, Jr. --
5 MR. KUSHI: Good morning.
6 CHAIR STONE: -- Deputy Corporation Counsel.
7 Ed, thank you for being here. Of course, again, Lisa
8 Kahuhu, our Supervising Law Technician. As well as
9 Tonya McDade, our court reporter. Tonya, thank you for
10 being here. Also, from the Mayor's Office, Executive
11 Assistant Bill Medeiros. Bill.
12 MR. MEDEIROS: Thank you, Chair.
13 CHAIR STONE: Thank you for filling in for
14 Mike Molina. Much appreciated.
15 MR. MEDEIROS: You're welcome.
16 CHAIR STONE: Also, I would like to welcome
17 back Sherry Broder. Sherry, we're so happy to have you
18 back here, our Analyst. Thank you so much. We
19 appreciate you being here. Thank you.
20 Also, I'd like to take this time to recognize
21 a bunch of our captains from our County lifeguard team.
22 Thank you, guys, very much for being here. I'd imagine
23 you're not here for district voting.
24 (Laughter.)
25 COMMISSIONER DELEON: Why not?

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1 COMMISSIONER OKAMOTO: Could be.
 2 CHAIR STONE: Not quite sure why they're here,
 3 but there they are. I think you all know they're here
 4 in support of, obviously, that proposal to merge the
 5 County lifeguards with the Fire Department.
 6 So thank you very much for being here, guys.
 7 I would like to take this time to approve the
 8 many minutes from our last meetings. And there are
 9 many, many, many minutes. Are there any -- of course,
 10 Wayne -- comments, please, corrections?
 11 VICE-CHAIR HEDANI: So moved.
 12 CHAIR STONE: Thank you.
 13 COMMISSIONER DE REGO: Second.
 14 CHAIR STONE: We have the motion to approve
 15 the minutes, seconded -- our first by Vice-Chair Hedani
 16 and seconded by Commissioner De Rego. Discussion,
 17 changes, please.
 18 COMMISSIONER OKAMOTO: I have just a couple of
 19 corrections, but I can just give them to Tonya, if
 20 that's okay.
 21 CHAIR STONE: No. Why don't we get them out
 22 in the open here, Kay?
 23 COMMISSIONER OKAMOTO: It's on the Wailuku --
 24 our regular meeting, Page 36, Line 3. I think it was
 25 T-A-G-I-R to T-A-G-R-E. I think that was the one.

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1 And --
 2 CHAIR STONE: Okay.
 3 COMMISSIONER OKAMOTO: Yeah, T-A-G-I-R to
 4 T-A-G-R-E. And then on the Kihei one, Page 8, Line
 5 11 -- and that one I have to double-check -- I'll ask
 6 Flo -- I believe it should be P-A-I-R to P-A-R-E. You
 7 pare something down, it's P-A-R-E, correct?
 8 COMMISSIONER WIGER: Yes.
 9 COMMISSIONER OKAMOTO: Yes. Okay. Those are
 10 my only comments.
 11 CHAIR STONE: Thank you. The world is now
 12 safe.
 13 COMMISSIONER OKAMOTO: I thought it would be.
 14 CHAIR STONE: Whew. Very good. Any other
 15 corrections, changes, anal retentive issues?
 16 (No Response.)
 17 CHAIR STONE: No. Very good. All in favor of
 18 approving all of these minutes, say "aye."
 19 (Response.)
 20 CHAIR STONE: All opposed?
 21 (No response.)
 22 CHAIR STONE: The minutes have been approved.
 23 Thank you very much.
 24 We'll now move on to oral testimony, but,
 25 before we begin, I would like to go over our oral

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1 testimony rules. We'll call up each public testifier in
 2 the order that they registered to testify. And each
 3 person will have five minutes to testify on all items on
 4 our agenda today. Following a testifier's testimony,
 5 I'll ask Commissioners if they need clarification of the
 6 presented testimony.
 7 Lisa, first testifier, please.
 8 MS. KAHUHU: Jim Smith.
 9 CHAIR STONE: Mr. Smith, thank you for being
 10 here today.
 11 ...BEGIN PUBLIC TESTIMONY...
 12 MR. SMITH: Chairperson Stone, Members of the
 13 Charter Commission, thank you once again for serving.
 14 I have a couple of notes to make.
 15 First of all, the minutes for the October
 16 (sic) 12th meeting are approved two months after the
 17 meeting. And there is a consent decree between the
 18 County and myself which says it must be done in 30 days.
 19 I have a copy of that compliance criteria which is a
 20 part of that consent decree. The number of the case
 21 is -- I believe it's 97-0536(2) is the case. This is a
 22 part of the consent decree, but I'll give it to Lisa.
 23 The second part is you canceled three
 24 meetings. Okay. And I submitted to you a proposed
 25 Charter amendment on September 26. So -- so what

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1 happened? Is there -- I don't understand why there's no
 2 connection. Why are you recessing meetings when you
 3 have other things on your agenda? So I would ask you to
 4 make clear that issue.
 5 The second is you have two items on the agenda
 6 today. One is C, and this is a letter from Mr. Kushi to
 7 Mr. Couch. But what's that doing on your agenda? It's
 8 not a letter to you. Is this the Councilmember trying
 9 to get you to take up a personal request for proposal?
 10 And if it is, he should do it as a person. Because our
 11 Council refines judgment by a group decision. So he
 12 can't bring to you, in a legitimate way, a change or
 13 proposed change that's not himself. And this is a key
 14 issue I hope you'll focus on, is the distinction between
 15 personal and public, between individual capacity and --
 16 and official capacity.
 17 On January 9th, a public official appeared at
 18 a hearing and did not know, did not know, whether he was
 19 there as a person or as an official. And that is at the
 20 core of the structural problems we face.
 21 And I ask you to get down into that core. It
 22 has to do with personal and ignoring the requirements of
 23 official work, because that's where our democracy
 24 resides, you know, willingness to be guided. And that's
 25 what's happened, is there's a loss of this notion of a

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1 distinction between that. And it comes from the Office
 2 of Corporation Counsel, because this is the
 3 authorization of power.
 4 I have distributed to you a copy of three
 5 items. And one is a first page of an opinion of
 6 Corporation Counsel regarding church and state, in which
 7 they said that 5,000 appropriation to a elementary
 8 school, Emanuel Lutheran, was okay, it was
 9 constitutional. I couldn't believe it. I pursued it.
 10 I pursued it.
 11 I called the ACLU. They said they called the
 12 Corporation Counsel and they recognize it. But they
 13 have an opinion that said it was, in fact,
 14 unconstitutional.
 15 I took it to court because here's a law that
 16 exists based upon that. At the court, Kelly Cairns --
 17 and I've got a copy of the transcript -- says, yes, it
 18 is unconstitutional, and we're telling the Mayor that.
 19 Okay.
 20 Then, in 2003, Corporation Counsel references
 21 that opinion in advising, okay, Alice Lee regarding the
 22 issue of distributing money. And using that as the
 23 basis for authorization of funding. The premise
 24 underneath which they come to court and say, is, I'm
 25 sorry, this is unconstitutional, but we got to dismiss

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1 this because he's a non-person.
 2 But now this is where I would hope these other
 3 amendments pale in comparison to the severity of this
 4 kind of breakdown in understanding, which is what our
 5 Charter must do, it must give understanding to everyone.
 6 Everyone. Public policy is created by legislative.
 7 What's the function? What's the legislative power?
 8 What's the executive power? Apply.
 9 Now, if you don't know the difference, then
 10 it's gone. And if you're the Mayor, and you can't
 11 distinguish your personal interest from the public
 12 interest, then that's gone, too.
 13 So I would ask you to shift gears and look at
 14 this deep, deep problem, and that is personal and
 15 public. You got to know the difference. And put the
 16 language in there that will allow them. But use your --
 17 study this. Study this, because it's gone if it's not
 18 there. And you're the only ones, 10 years after the
 19 fact, that can recognize, you know, there's a loss of
 20 the distinction between individual capacity and official
 21 capacity. And we need --
 22 MS. KAHUHU: Time.
 23 MR. SMITH: -- to put that in.
 24 Thank you very much for your time.
 25 CHAIR STONE: Thank you, Mr. Smith, very much

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1 for your testimony.
 2 Commissioners, any clarification or questions
 3 for Mr. Smith? No. Oh, sorry. Yes, I do have a
 4 question. Kay, go ahead, please.
 5 COMMISSIONER OKAMOTO: Where would you see
 6 putting that into the Charter, the concept that you're
 7 talking about?
 8 MR. SMITH: Well, first of all, if you'll look
 9 at the amendments that are coming through, okay,
 10 particularly in the Fire Department, particularly the
 11 declaration of policies, okay, that's all personal.
 12 That's all individuals getting screwed by a guy who is
 13 arrogant, or whatever. I don't know the specifics.
 14 This is a hypothetical. So we're going to change the
 15 Charter to stop that. But the Mayor is the Executive
 16 Branch, and he's responsible to make sure that there's
 17 fairness. It's not the Charter Commission to say you
 18 guys have been screwed, therefore, we're going to put in
 19 the Charter don't screw these guys and go to the Fire --
 20 that's not where this belongs.
 21 But you see, okay, the Corporation Counsel has
 22 taken the approach, okay, that they have the
 23 facilitating power. And they're not looking at law and
 24 saying, is this right and wrong, is this -- is this
 25 really -- I mean, \$5,000 to Emanuel Lutheran Church,

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1 where did I miss that as being a conflict of interest?
 2 Well, Corporation Counsel has to -- so I would look to
 3 Corporation Counsels and I would define the word advice,
 4 not to me, cost benefit ratio, what you can get away
 5 with unless you're caught. Okay. It's defensible, do
 6 it. Not that. Okay. Don't -- that's not the kind of
 7 advice.
 8 You might get that advice from a private
 9 attorney, okay, but, you know what, in this public
 10 arena, it's not good enough. It's not good enough. So
 11 you have to focus. I would urge you to focus entirely
 12 on the Office of Corporation Counsel, okay, and their
 13 relationship. Not as a defender of actions, but as a
 14 protector of what is integrity, what is truth, what is
 15 honorable, and the best law.
 16 Don't tell you -- don't say, okay, you know
 17 what, chances are, 20 percent you'll get caught and,
 18 therefore, I think we can do this. Say, look, here's
 19 the best law and this is a consequence of not doing it.
 20 Now you guys decide where you want to go, and then we'll
 21 decide if we're going to defend you. But you've got to
 22 make this distinction for those people as to the moral
 23 underpinning of law. And the Counsel is not doing that.
 24 COMMISSIONER OKAMOTO: Thank you.
 25 MR. SMITH: Corporation Counsel.

Page 13	<p>1 CHAIR STONE: Thank you.</p> <p>2 Commissioners, further clarification or</p> <p>3 questions?</p> <p>4 (No Response.)</p> <p>5 CHAIR STONE: No. Thank you very much, again,</p> <p>6 Mr. Smith.</p> <p>7 MR. SMITH: You're welcome.</p> <p>8 CHAIR STONE: Have a good day.</p> <p>9 Commission, I like to welcome Yuki, and, of</p> <p>10 course, Susan. Thank you, Ladies, for being here. I'm</p> <p>11 sure there's some very good excuse for you being a tiny</p> <p>12 bit tardy.</p> <p>13 COMMISSIONER MOIKEHA: Work. Mine is work.</p> <p>14 CHAIR STONE: Work works.</p> <p>15 Lisa, next testifier, please.</p> <p>16 MS. KAHUHU: Chair, there's no one else signed</p> <p>17 up.</p> <p>18 CHAIR STONE: Very good. At this time, I</p> <p>19 would like to put out to the public, if there's anybody</p> <p>20 who has not testified, if you want to come forward and</p> <p>21 testify, we invite your testimony at this time.</p> <p>22 (No Response.)</p> <p>23 CHAIR STONE: Okay. Very good. Thank you</p> <p>24 very much.</p> <p>25 Actually, Mr. Kalepa, do you think maybe,</p>	Page 15	<p>1 COMMISSIONER OKAMOTO: Mr. Chair?</p> <p>2 CHAIR STONE: Yes.</p> <p>3 COMMISSIONER OKAMOTO: I have one question.</p> <p>4 While the Ocean Safety people are still here, can we ask</p> <p>5 them a question?</p> <p>6 CHAIR STONE: Very good. Yes, go ahead.</p> <p>7 Archie, could you please come forward?</p> <p>8 COMMISSIONER OKAMOTO: It would have to do</p> <p>9 with timing is -- would be my question. If this were to</p> <p>10 go into the Charter, what timeframe would you see as</p> <p>11 phasing it in?</p> <p>12 MR. KALEPA: Well, I will say this:</p> <p>13 Currently, we are working very hard to provide the Fire</p> <p>14 Department with the requested information to help</p> <p>15 facilitate the merger. We were hoping, through the</p> <p>16 Mayor's Administration, that this would happen this</p> <p>17 coming July. Now, I don't know how the Fire Commission</p> <p>18 feels about that, and how the Fire Department feels</p> <p>19 about that, but I know that this has been going on for</p> <p>20 nearly 10 years, and it's time to put -- you know, put</p> <p>21 the tire to the pavement and address whatever concerns</p> <p>22 both departments have, whether it be the Parks</p> <p>23 Department or the Fire Department, let's get the people</p> <p>24 meeting.</p> <p>25 And I know that that is happening. It's just</p>
Page 14	<p>1 since all the guards are here, you could just clarify,</p> <p>2 purpose for --</p> <p>3 MR. KALEPA: We just -- these are all of</p> <p>4 our --</p> <p>5 CHAIR STONE: At the stand. Thank you.</p> <p>6 MR. KALEPA: Excuse me. Thank you, Mr. Stone.</p> <p>7 Thank you, Commission Members.</p> <p>8 We're just here to show our support for the</p> <p>9 Charter to consider Ocean Safety moving to the Fire</p> <p>10 Department. Behind me, I have all of our district</p> <p>11 captains. That this is a educational process for them</p> <p>12 as well, but to show our support for the merger of Ocean</p> <p>13 Safety into a public safety entity.</p> <p>14 CHAIR STONE: Okay. Thank you for the</p> <p>15 clarification. Thanks.</p> <p>16 MR. KALEPA: You're welcome.</p> <p>17 CHAIR STONE: Very good.</p> <p>18 Very good. If there are no further</p> <p>19 testifiers, I will, without objection, close public</p> <p>20 testimony at this time.</p> <p>21 ...END OF PUBLIC TESTIMONY...</p> <p>22 CHAIR STONE: Also, without objection, the</p> <p>23 Chair will accept and file all public communications for</p> <p>24 the record.</p> <p>25 Moving on.</p>	Page 16	<p>1 -- you know, it's something that needs to be done.</p> <p>2 There's a lot of things that maybe the Fire Department</p> <p>3 doesn't know how Ocean Safety runs or operates. There's</p> <p>4 a lot of unanswered questions, but we are working very</p> <p>5 hard to answer some of those questions.</p> <p>6 CHAIR STONE: Very good.</p> <p>7 Yuki, go ahead, please.</p> <p>8 COMMISSIONER SUGIMURA: Thank you, Archie, for</p> <p>9 being here and --</p> <p>10 MR. KALEPA: Yes.</p> <p>11 COMMISSIONER SUGIMURA: -- to bring your crew.</p> <p>12 So I have a question as it relates to what you</p> <p>13 just said, then. If it's not right now with Fire</p> <p>14 Department, why are you working so hard to make it</p> <p>15 happen and provide them the information, as this has not</p> <p>16 even come before the community for a vote with the</p> <p>17 Charter amendment?</p> <p>18 MR. KALEPA: Well, there's a couple of reasons</p> <p>19 why. Currently, Maui County is the only county that is</p> <p>20 not in a public safety entity. Part of what we're doing</p> <p>21 right now is we've just introduced a bill for Ocean</p> <p>22 Safety to have its own union, a public safety union.</p> <p>23 The bill did get passed through the Senate and the</p> <p>24 House, for Ocean Safety to have its own bargaining unit.</p> <p>25 And this is just part of the big picture.</p>

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1 The big picture for us is to provide a better
 2 service to the community and to put us in line with what
 3 we actually do. There's nothing that we do as Ocean
 4 Safety Officers that is related to recreation.
 5 Everything that we do today involves public safety. We
 6 don't teach surf lessons. I think I said this the last
 7 time. We don't provide any kind of -- everything we do
 8 is all public safety related. So we need to fall in
 9 that -- in that -- in that -- you know, in that field,
 10 because, if not, Maui County will be left behind.
 11 CHAIR STONE: Thank you.
 12 Yuki, go ahead.
 13 COMMISSIONER SUGIMURA: So I hear what you're
 14 saying, Archie. I guess maybe I didn't ask my question
 15 clearly because I'm wondering if -- why is this then
 16 before the Charter to put in as a Charter amendment or
 17 proposal if you are already doing it, or you're already
 18 taking actions to make it happen? Is that before -- are
 19 you doing something in preparation for this to happen or
 20 you think it's going to happen, or --
 21 MR. KALEPA: Well, you know --
 22 COMMISSIONER SUGIMURA: -- you think it's
 23 necessary to put in the Charter?
 24 MR. KALEPA: Well, I'm hoping it is going to
 25 happen. But I know that maybe the Commission isn't

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1 getting along with Administration. I don't know. But,
 2 you know, first of all, this -- for some reason, this
 3 got brought up to the Charter when we went to go and
 4 testify.
 5 And I'll say this: Eleven years ago when we
 6 approached the Charter to have Ocean Safety be public
 7 safety, they told us that it's not on the agendas, that
 8 the Commission at the time already had an agenda and
 9 that was not part of their agenda.
 10 And may I say this? This might be a -- a
 11 safety net for us, if this didn't happen come July, that
 12 it be presented or be up for -- on the ballot, you know.
 13 Does that answer your question?
 14 COMMISSIONER SUGIMURA: Yes. So in line with
 15 that, then, I know that the Mayor is having his State of
 16 the County address next week. Right?
 17 MR. KALEPA: The 24th, correct.
 18 COMMISSIONER SUGIMURA: 24th. And in that
 19 budget, I wonder if this item is being handled through
 20 the Mayor's budget as one of the proposals that he's
 21 coming down for --
 22 MR. KALEPA: Yes, I can answer that. It is.
 23 It is.
 24 COMMISSIONER SUGIMURA: So then, going back to
 25 my question, why do we need to put it in the Charter if

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1 the Mayor can just do it and make it happen without
 2 having a Charter amendment? You know what I mean?
 3 MR. KALEPA: You know, maybe Ed can answer
 4 that because that might --
 5 COMMISSIONER SUGIMURA: Maybe Ed can answer.
 6 MR. KALEPA: -- be more of a technicality
 7 question.
 8 COMMISSIONER SUGIMURA: If he has the
 9 authority to do it already, then why do it this way?
 10 Because he can just make it happen, then, is what you're
 11 saying. And you're already working with Fire right now
 12 to kind of put everything in place. So just curious.
 13 COMMISSIONER BAXA: Mr. Chair?
 14 CHAIR STONE: Yes. Go ahead, please,
 15 Commissioner Baxa.
 16 COMMISSIONER BAXA: Sir, the way I understand
 17 it, it may come to pass that it will become a part of
 18 the Fire Department.
 19 MR. KALEPA: That's correct.
 20 COMMISSIONER BAXA: But the way I feel is that
 21 you feel more comfortable if it becomes a part of the
 22 Charter proposal?
 23 MR. KALEPA: That's correct.
 24 COMMISSIONER BAXA: Thank you.
 25 MR. KALEPA: You're welcome.

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1 CHAIR STONE: Very good.
 2 Commissioners, further clarification or
 3 questions on this topic? Commissioner Hedani.
 4 VICE-CHAIR HEDANI: Archie --
 5 MR. KALEPA: Yes.
 6 VICE-CHAIR HEDANI: -- only Ocean Safety is
 7 what is being proposed to be moved to the Public Safety
 8 Department, right?
 9 MR. KALEPA: That's correct.
 10 VICE-CHAIR HEDANI: The regular pool
 11 lifeguards will still remain a part of Parks and
 12 Recreation?
 13 MR. KALEPA: That's correct. Yes.
 14 VICE-CHAIR HEDANI: Follow-up question?
 15 CHAIR STONE: Yes, please.
 16 VICE-CHAIR HEDANI: The Ocean Safety guards
 17 are accredited, based on prior testimony that we
 18 received.
 19 MR. KALEPA: That's correct.
 20 VICE-CHAIR HEDANI: What accreditation or what
 21 organization is that accreditation through?
 22 MR. KALEPA: Our accreditation is from USLA,
 23 which is United States Lifesaving Association. And
 24 that's the recognized standard for ocean rescues,
 25 strictly ocean rescue.

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1 VICE-CHAIR HEDANI: Okay. Thank you.
 2 MR. KALEPA: You're welcome.
 3 CHAIR STONE: Very good.
 4 COMMISSIONER CRIVELLO: I guess I --
 5 CHAIR STONE: Go ahead, please, Stacy.
 6 COMMISSIONER CRIVELLO: -- just would like to
 7 hear the answer for Commissioner Yuki's question.
 8 CHAIR STONE: Okay. Go ahead, Yuki. Could
 9 you repeat the question, please?
 10 COMMISSIONER CRIVELLO: Should it come from
 11 Bill or Corp Counsel?
 12 COMMISSIONER SUGIMURA: Yeah, Bill or Corp
 13 Counsel.
 14 CHAIR STONE: Go ahead and repeat the question
 15 just so I'm clear.
 16 COMMISSIONER SUGIMURA: I'm just wondering,
 17 then, if all of this is happening already -- maybe it's
 18 Junior or Bill -- and if the Mayor is going to propose
 19 this to take place in his budget, then why do this whole
 20 thing with the Charter? Because the Mayor has the right
 21 and authority do it, anyway, and sounds like they're
 22 making it happen, so I would wonder. I mean, that's
 23 what I'm just wondering.
 24 MR. MEDEIROS: I think, to your question,
 25 Commissioner -- do I turn something on here or -- it's

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1 on? Okay. Thank you. I think your question is best
 2 served by Corporation Counsel, because if it has to do
 3 with the Charter, Corporation Counsel is more in line to
 4 answer that kind of question.
 5 I know the Administration is working on the
 6 budget at this time. I'm not specifically aware of the
 7 budget for Ocean Safety to move to Public Safety.
 8 MR. KALEPA: Can I interject real quickly,
 9 just to answer Bill's question?
 10 We did have a meeting with Sandy Baz last week
 11 in regards to the budget. And the Ocean Safety budget
 12 would be moving over. Currently, the Mayor's
 13 Administration has already planned to move that -- those
 14 funds over to the Fire Department. To answer that.
 15 CHAIR STONE: Very good. Ed, do you have
 16 input on this, please?
 17 MR. KUSHI: Yeah. Let me start by saying what
 18 we are talking about is Section 8-7.4(4) of the Charter,
 19 which is the functions of the Department of Fire and
 20 Public Safety. Your proposed amendment is to add in, as
 21 a function of that department, ocean rescue and safety
 22 in various sections of the Charter, which then mandates
 23 Administration to have those functions within the Fire
 24 Department.
 25 Currently, as I understand it, they're housed

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1 or they function in the Department of Parks and
 2 Recreation. I just checked the article on the Parks and
 3 Recreation. There's nothing in there about Ocean Rescue
 4 and Safety. I guess, historically, because they're in
 5 there, because Parks Department had jurisdiction over
 6 the beach parks, so the personnel -- this is my
 7 understanding.
 8 So, anyway, again, the change is a very
 9 fundamental one. It mandates via the Charter, not by
 10 ordinance, not by rules or regulations, these functions
 11 transfer to the Fire Department.
 12 Now, I think the Commission should -- should
 13 investigate what the other jurisdictions have. My
 14 understanding is that City and County of Honolulu,
 15 they're not in the Fire Department; they're their own
 16 separate department called --
 17 MR. KALEPA: That's correct.
 18 MR. KUSHI: -- Public Safety --
 19 MR. KALEPA: Emergency Services. Department
 20 of Emergency Services.
 21 MR. KUSHI: I'm not sure what City -- County
 22 of Kauai or Big Island is, but I don't think they are in
 23 Parks.
 24 MR. KALEPA: No. Kauai and Big Island is with
 25 the Fire Department.

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1 MR. KUSHI: They are in the Fire Department?
 2 MR. KALEPA: That's correct.
 3 MR. KUSHI: So, again, we're the only ones
 4 with Parks.
 5 CHAIR STONE: Thank you very much, Ed.
 6 Flo, go ahead, please.
 7 COMMISSIONER WIGER: Okay. So as a follow-up,
 8 I guess, with -- with the response of Corp Counsel, it's
 9 -- in looking at the Charter, it's not specifically
 10 stated in the Charter that it's located in the
 11 Department of Parks and Rec; however, somehow, it's
 12 there. Am I understanding that's what you said?
 13 Correct?
 14 MR. KUSHI: As far as I know of, they've
 15 always been there.
 16 COMMISSIONER WIGER: Okay.
 17 MR. KUSHI: Again, because, my understanding,
 18 the Parks had jurisdiction over the beach parks.
 19 COMMISSIONER WIGER: Right. Right. Okay.
 20 Because I'm just trying to follow up on -- on the
 21 conversation we're having. I mean, I think part of the
 22 issue becomes if -- that we need to be aware of is that
 23 they got there because it was under the jurisdiction of
 24 the beach parks. That doesn't really mean that they
 25 ever should have been there; it just means that they

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1 sort of were. And so however it is that we need to get
 2 them out of there, which is what I'm hearing you say,
 3 and what we -- what we're hearing from other people,
 4 whichever way is the best way to go about that. I mean,
 5 can we be assured that if it -- if it's approached
 6 through the Mayor's Office that it will happen? I guess
 7 that's my question. I'm looking for the ultimate --
 8 MR. KALEPA: Thank you.
 9 COMMISSIONER WIGER: -- solution. And there
 10 may be a number of processes, but I want to know which
 11 one will get you there.
 12 CHAIR STONE: Very good. Thank you.
 13 Cliff, go ahead, please.
 14 COMMISSIONER HASHIMOTO: I have a question.
 15 My question is, do you have a mission statement or
 16 anything for -- for the -- this new department to be a
 17 newly created department? Is there a mission statement?
 18 Because using the term officer, so I just wondered if
 19 there is such a thing.
 20 MR. KALEPA: Well, currently, that is our --
 21 their title is Ocean Safety Officers. They're not
 22 lifeguards. If you looked in Personnel, our titles are
 23 -- their titles are Ocean Safety Officers.
 24 To answer your question, you know, I don't --
 25 can you repeat the question again?

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1 COMMISSIONER HASHIMOTO: Well --
 2 MR. KALEPA: Sorry.
 3 COMMISSIONER HASHIMOTO: -- what I'm trying to
 4 get at is, do you -- because you're referred to as Ocean
 5 Safety Officers --
 6 MR. KALEPA: Correct.
 7 COMMISSIONER HASHIMOTO: -- do you have some
 8 amount of police authority there --
 9 MR. KALEPA: No.
 10 COMMISSIONER HASHIMOTO: -- on the beaches?
 11 MR. KALEPA: No. No.
 12 COMMISSIONER HASHIMOTO: To --
 13 MR. KALEPA: Enforce?
 14 COMMISSIONER HASHIMOTO: Yeah. Okay. I guess
 15 that answers the question. Thank you.
 16 MR. KALEPA: But let me share something with
 17 you, just to give you a little history. The last time I
 18 came to the Charter, which was 11 years ago, they told
 19 us that our mission statement is not in line with Ocean
 20 Safety moving to Public Safety. Since then, within the
 21 Ocean Safety section, we've created a mission statement,
 22 which clearly says to provide ocean rescue throughout
 23 Maui coastal waters. So we did change our mission
 24 statement to be in line with what we actually do. And
 25 we actually changed from Water Safety Officers to Ocean

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1 Safety Officers because, on the -- for the whole state,
 2 all the other jurisdictions, they're Water Safety
 3 officers.
 4 Maui County is the only one with Ocean Safety
 5 officers. And why we did that, because we were getting
 6 calls from the sewage department, there's a sewage
 7 spill. That's why we changed it to Ocean Safety.
 8 Currently, if you assault a Ocean Safety
 9 officer or Water Safety officer, the penalties are
 10 equivalent to if you assault a police officer or EMS
 11 person. And that bill just got passed last year.
 12 So as you can see, we're moving in a direction
 13 that not only better serves the public, but provides
 14 better support to our Ocean Safety officers.
 15 CHAIR STONE: Thank you.
 16 Yuki, go ahead, please.
 17 COMMISSIONER SUGIMURA: So to answer, maybe,
 18 Flo's question about Parks and Rec, if you look in the
 19 Charter, the last -- under Section 8-6.3, powers and
 20 duties and functions of Parks, the last item, Number 3,
 21 is, "Perform such other duties and functions as shall be
 22 assigned by the Mayor." So the Mayor can just assign
 23 that to Parks Department and it then becomes part of
 24 that, which is what has been happening, according to
 25 what Junior said.

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1 And then the Fire and -- the Fire and
 2 Safety -- Public Safety Department has in there, as part
 3 of the Fire and Public Safety Commission duties, is to
 4 improve the performance of emergency functions and the
 5 provisions of public safety services.
 6 So the two, I think, would then capture, you
 7 know, your concern, that it would -- it could go over,
 8 the commission then accepts it, and, you know, it would
 9 be in the budget. I mean, I think -- from what I'm
 10 hearing this morning, I think the questions that I still
 11 haven't -- which I'm feeling is that we don't really
 12 need to do this because it's going to happen, anyway.
 13 CHAIR STONE: I don't know about that, Yuki.
 14 Commissioner Hedani.
 15 VICE-CHAIR HEDANI: This is not a question for
 16 Archie, actually. Archie is testifying as public
 17 testimony before the Commission. And we seem to be
 18 engaged in debate over one of the proposals already at
 19 this point. I think the point that -- that is being
 20 made, though, is that if it can be moved
 21 administratively from one department to another, it can
 22 be moved back administratively from that department back
 23 to what it used to be, if there were no changes to the
 24 Charter.
 25 MR. KALEPA: Correct.

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1 CHAIR STONE: Thank you.
 2 Susan.
 3 COMMISSIONER MOIKEHA: This is all interesting
 4 because you've kind of made me think about some things
 5 here. But when you look at what we actually are putting
 6 in here -- and this is where it's kind of confusing,
 7 because a lot of people think we're creating new
 8 departments, even with sustainability. All we're doing
 9 is we're asking to be more specific of certain functions
 10 or duties already there. And if you read what it says,
 11 Number 2, as its written here in our draft, provide and
 12 perform firefighting, rescue, and this is where we
 13 insert ocean rescue and safety, et cetera, et cetera. I
 14 don't see a problem with that within the Fire
 15 Department. Even if this didn't go through the
 16 Administration, and even if the public didn't vote for
 17 it, it's not something that would be a issue for me
 18 because the Fire Department does conduct ocean safety
 19 rescue, also. Right?
 20 MR. KALEPA: That's correct. Yes.
 21 COMMISSIONER MOIKEHA: So I think it's just
 22 solidifying a position and opening the door to ensure,
 23 if it doesn't happen through the Administration, that it
 24 possibly could happen through the vote of the public.
 25 And so I don't see it as doing harm to include it. And,

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1 specifically, the language that we're inserting here.
 2 And, again, it's this confusion. I've heard
 3 this before in testimony with the sustainability issue,
 4 people think we're creating a whole new department. And
 5 we're not. We're just strengthening or redefining or
 6 being more specific about certain duties that we want
 7 done under a certain department within the County. And
 8 I agree with that.
 9 MR. KALEPA: Thank you.
 10 COMMISSIONER BAXA: Mr. Chair?
 11 CHAIR STONE: Thank you.
 12 Commissioner Baxa.
 13 COMMISSIONER BAXA: Mr. Chair, I think we are
 14 complicating a simple issue here. I think the issue is
 15 this: Where does the Ocean Safety properly belongs?
 16 Department of Parks and Recreation? Does Department of
 17 Parks envision safety as much as the other department?
 18 I think that answers the question. The only question
 19 is, is it the Parks Department or is it the Fire safety
 20 department where this belongs, where the word "safety"
 21 both belongs?
 22 MR. KALEPA: Correct.
 23 COMMISSIONER BAXA: I think it belongs to the
 24 latter. Thank you, Mr. Chair.
 25 CHAIR STONE: Thank you, Commissioner.

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1 Yes, please, go ahead.
 2 COMMISSIONER CRIVELLO: You've mentioned that
 3 your timetable would be July. Is that a timetable that
 4 is in collaboration with the Fire Department and the
 5 Fire -- Public Safety and Fire Commission?
 6 MR. KALEPA: Well --
 7 COMMISSIONER CRIVELLO: Has -- a transitional
 8 plan, is it in place?
 9 MR. KALEPA: A transitional plan is being
 10 worked on. I did not attend the meeting with the Mayor
 11 and the Parks Director, but I was informed by the Parks
 12 Director and the Mayor that this is happening July. So,
 13 you know, I really can't answer that. I wasn't there,
 14 so -- I wish I was, but I wasn't.
 15 CHAIR STONE: Thank you.
 16 Commissioner De Rego.
 17 COMMISSIONER DE REGO: Just clarification from
 18 Corporation Counsel. If the Mayor decides to do it
 19 administratively, would they not need -- the
 20 Administration need the compliance or the agreement of
 21 the commission in order to do it administratively? The
 22 Fire Commission, I should say?
 23 MR. KUSHI: If the question is the Mayor --
 24 without the Charter change?
 25 COMMISSIONER DE REGO: Without the Charter

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1 change.
 2 MR. KUSHI: If the Mayor wants to shift the
 3 positions over, I think, with approval of the Council,
 4 budget-wise, maybe he could. And it would come under
 5 the category of other assigned duties as provided by
 6 law. So they would leave the Parks Department overnight
 7 to go to the Fire Department with new positions, et
 8 cetera.
 9 Technically, I guess they could, because it's
 10 not really -- they're nowhere mentioned in either
 11 sections of the Charter provisions right now,
 12 specifically Ocean Rescue Safety Officers. So
 13 technically, I guess, they could. But what you're doing
 14 here is making it official.
 15 CHAIR STONE: Uh-huh.
 16 MR. KUSHI: Mr. Chair, I have some comments
 17 about some maybe consequences. If you want to talk
 18 about it later, I can wait.
 19 CHAIR STONE: On this particular subject?
 20 Yeah. Why don't we save that until we actually bring it
 21 up for debate as a Commission?
 22 Commissioner De Rego.
 23 COMMISSIONER DE REGO: Mr. Kalepa, I have a
 24 question. Do you think -- you're talking about July
 25 of --

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<p>1 MR. KALEPA: '13. 2 COMMISSIONER DE REGO: Of 2013? 3 MR. KALEPA: 2012. 4 COMMISSIONER DE REGO: '12, okay. So that's 5 just around the corner. 6 MR. KALEPA: Correct. 7 COMMISSIONER DE REGO: Do you really think 8 that the Fire Department and Ocean Safety are ready to 9 make the changes that are being asked in that period of 10 time? I'm just asking that question. 11 MR. KALEPA: Well, I cannot speak on behalf of 12 the Fire Department, but I can speak for Ocean Safety 13 and the Parks Department. And we are ready to move in 14 that direction. Like I said, this is something that's 15 been in the -- discussed for over 10 years. And I think 16 just these guys being here is a statement in that 17 regard, that we are ready to make the move. 18 And, you know, like anything else, there's 19 going to be -- there's a lot of things that we are going 20 to have to work out, whether they be functions, duties. 21 The Fire Department might have different expectations 22 for us, but I think we're up to the challenge. We're 23 ready to move in that direction. And we look forward to 24 the possibilities of this happening, good or bad. 25 CHAIR STONE: Thank you.</p>	<p>1 COMMISSIONER SUGIMURA: So what union do you 2 have now and what union does the firefighters have? 3 MR. KALEPA: The firefighters have their own 4 union. Currently, all Ocean Safety officers are in 5 Bargaining Unit -- in HGEA Bargaining Unit 3 and 4. 6 COMMISSIONER SUGIMURA: Statewide? 7 MR. KALEPA: Statewide, correct. So this has 8 been a statewide effort. We've been plugging away for 9 the last seven years. 10 CHAIR STONE: Awesome. Thank you. 11 Commissioners, any further questions? 12 (No Response.) 13 CHAIR STONE: Archie, thanks very much for 14 being here. 15 MR. KALEPA: Thank you very much. 16 COMMISSIONER DELEON: Chair? 17 CHAIR STONE: Commissioner DeLeon. 18 COMMISSIONER DELEON: Not for Archie. 19 CHAIR STONE: No. Go ahead, Archie. Escape. 20 Run fast. 21 COMMISSIONER DELEON: Considering that we're 22 polling the audience for important persons who can 23 provide information on our Charter Amendments, the 24 Prosecutor is also here available to speak to Number 3. 25 CHAIR STONE: Very good, actually. Thank you</p>
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<p>1 COMMISSIONER DE REGO: Thank you. 2 CHAIR STONE: Commissioners? Archie, thanks 3 so much for being here today. Oh, almost. Go ahead, 4 Flo. 5 COMMISSIONER WIGER: I just want to thank you 6 for being here and expressing your views on this. And I 7 really want to commend you for your positive attitude of 8 saying, "We can do this, we can make this happen." A 9 lot of times, particularly in governmental entities, 10 there's always this, "Oh, well, it's just too much. We 11 can't take it on." 12 MR. KALEPA: Yeah. 13 COMMISSIONER WIGER: And I was just very 14 refreshed to hear you say, "We can do this, and there's 15 going to be issues, but we'll deal with it." 16 MR. KALEPA: Thank you. Appreciate that. 17 CHAIR STONE: Thank you very much. 18 Yuki. 19 COMMISSIONER SUGIMURA: One more question. 20 I'm just curious, what union is it that just got passed? 21 MR. KALEPA: HGEA Bargaining Unit 14. 22 COMMISSIONER SUGIMURA: Interesting. 23 MR. KALEPA: And the President of HGEA 24 actually went and testified in support of this new 25 bargaining unit.</p>	<p>1 very much, Commissioner DeLeon. Thanks for pointing 2 that out. 3 MR. KIM: Good morning. 4 CHAIR STONE: Good morning. Thank you for 5 being here. 6 MR. KIM: Hi. 7 CHAIR STONE: Could you just state your name 8 for the record? 9 MR. KIM: Yeah. J.D. Kim, from the Maui 10 County Prosecutor's Office. 11 CHAIR STONE: Great. Thank you. 12 MR. KIM: We proposed, I guess, Number 3 on 13 your Page 3, Paragraph -- Article 3, prosecuting 14 attorney to appoint investigators. And then we added 15 who shall have all the powers and privileges of a police 16 officer of the County, then we also added (b), prosecute 17 offense against the laws of the State under the 18 authority of the Attorney General of the State. Now, 19 Section (b) is a proposal just as a cleanup. It's in 20 the State -- under the State law that we prosecute under 21 the authority of the Attorney Generals, although we are 22 not Deputy Attorney Generals. 23 The second one was -- the first one, to have 24 police powers for our investigators was, actually, to 25 have their protection, for their own protection.</p>

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1 Currently, they have none. They can perform a citizen's
 2 arrest, but they have no police powers whatsoever. The
 3 only other county that has this is City and County of
 4 Honolulu. So Kauai and Big Island are also lacking in
 5 that section.
 6 I understand that there may be some public
 7 outcry on this. And at this point in time, my
 8 investigators are fine without having the police powers.
 9 They protect themselves by talking their way out of
 10 situations or calling the police for backup. If they
 11 know they're going into a situation where it's
 12 dangerous, they'll call police for backup.
 13 So if you -- the Commissioners or the Charter
 14 Commission is having a heartburn over this, I gladly
 15 withdrawal this article. Simple as that.
 16 CHAIR STONE: Thank you. Chair has a
 17 question. So just to clarify, Honolulu's County Charter
 18 has this -- this exact same language or similar?
 19 MR. KIM: Similar language with respect to its
 20 investigators.
 21 Now, if this passes through, then we would
 22 have to also adopt the same type of rules that the
 23 Honolulu prosecutors has with respect to their
 24 investigators on the use of force continuum and adopting
 25 all those other things. That would just add to our

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1 budget. So when I went over this and thought about it,
 2 I think it's best that we just withdraw it.
 3 COMMISSIONER SUGIMURA: Withdrawn?
 4 MR. KIM: That's correct.
 5 CHAIR STONE: Very good.
 6 MR. KIM: And if you need a formal
 7 communication, I'm glad to do that through the Mayor's
 8 Office.
 9 CHAIR STONE: No. It's okay.
 10 COMMISSIONER SUGIMURA: This one?
 11 MR. KIM: Withdrawing both.
 12 COMMISSIONER SUGIMURA: Both? All of them?
 13 COMMISSIONER HASHIMOTO: Both?
 14 CHAIR STONE: Very good. Thank you.
 15 Commissioners, clarification?
 16 COMMISSIONER DELEON: Ed's trying to get your
 17 attention.
 18 CHAIR STONE: Ed, you need clarification?
 19 MR. KUSHI: Yes. J.D., so how many
 20 investigators you talking about?
 21 MR. KIM: We have four investigators. Well,
 22 five. One is on a grant.
 23 MR. KUSHI: As far as the cleanup regarding
 24 the State law, if you withdraw that, will there be any
 25 problems?

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1 MR. KIM: No. There shouldn't be any. We've
 2 been operating under this Charter since last amended.
 3 And there's been some -- some challenges in court, but
 4 we've gone through that already. It's in the statute
 5 that we operate at the -- under the authority of the
 6 Attorney General. So we've already addressed that in
 7 some criminal cases.
 8 CHAIR STONE: Very good.
 9 Go ahead, Cliff.
 10 COMMISSIONER HASHIMOTO: Sir, would you
 11 clarify that? Under the authority of the Attorney
 12 General, would you clarify that for me?
 13 MR. KIM: Under the State statutes, under the
 14 power of Attorney Generals, and as well as under the
 15 power of the counties, if you read that in total, both
 16 sections of the law, the County has the right to --
 17 under the Charter, to have the Department of Prosecuting
 18 Attorney to prosecute criminal offenses against the
 19 State of Hawaii, and then it also goes down, against
 20 County ordinances, to enforce those.
 21 The Attorney General has the right to enforce
 22 all criminal laws in the State of Hawaii. So if the
 23 Attorney General wanted to come in and take over
 24 prosecution of any case, he can do so. But they're also
 25 on a limited budget, so you have to --

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1 (Laughter.)
 2 MR. KIM: We have County prosecutors to take
 3 care of.
 4 CHAIR STONE: Very good.
 5 Commissioner De Rego.
 6 COMMISSIONER DE REGO: So what you were saying
 7 is the suggested Article 8 here was just a housekeeping
 8 matter, to make it in line with the State law?
 9 MR. KIM: Initially, yes. Because the other
 10 charters, Kauai, Hawaii County, as well as City and
 11 County of Honolulu, has this provision, Part (b), in
 12 their charters.
 13 COMMISSIONER DE REGO: Part (b).
 14 MR. KIM: But we've been operating ever since
 15 I've been a prosecutor, since 1985. So --
 16 CHAIR STONE: Thank you.
 17 MR. KIM: -- it's not an issue. Yes.
 18 CHAIR STONE: Commissioner Baxa.
 19 COMMISSIONER BAXA: Mr. Kim, the way I
 20 understand it is that whether we incorporate this as
 21 part of the Charter, that is letter (b), it does not
 22 really matter because that is the law as of now?
 23 MR. KIM: That's correct.
 24 CHAIR STONE: Very good.
 25 Commissioners, further clarification? Yuki.

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1 COMMISSIONER SUGIMURA: J.D., I just want to
 2 say thank you and good job.
 3 MR. KIM: Thank you.
 4 COMMISSIONER SUGIMURA: I mean, to do the
 5 whole analysis and coming up with this conclusion, and
 6 saving us from having to guess at this, as you are the
 7 expert. So thank you very much.
 8 MR. KIM: Oh, thank you. As I understand,
 9 there's a whole -- whole lot, as I see it. So one less
 10 would be easier. Okay.
 11 CHAIR STONE: There may be a lot fewer after
 12 today.
 13 MR. KIM: Okay. Thank you.
 14 COMMISSIONER SUGIMURA: Thank you.
 15 CHAIR STONE: Thanks so much for your time.
 16 We really appreciate it. Very good.
 17 Okay. Any more specialists out there that any
 18 of the Commissioners might have noticed that I haven't
 19 noticed?
 20 (No Response.)
 21 CHAIR STONE: Very good.
 22 Moving forward. Commissioners, I didn't give
 23 you guys a chance to touch base on any of the
 24 communication items. I'm sorry about that. Is there
 25 any of the communication items in our agenda that

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1 anybody would like to discuss at this moment?
 2 COMMISSIONER DELEON: Chair?
 3 CHAIR STONE: Yes, please, Commissioner
 4 DeLeon.
 5 COMMISSIONER DELEON: I would like to point
 6 out that the item that Mr. Smith raised, about
 7 Mr. Couch's proposal, we have a proposal in our list
 8 basically saying to the Council, don't come up with
 9 proposals while we're in -- while we're in session, or,
 10 if you do, bring them to us. I think that, in fact,
 11 this is what he's attempting to do, is to bring it to
 12 us, bring it to our attention. So it should be noted
 13 that this is a proposal.
 14 And what they're looking at is they're running
 15 into situations where they're trying to force vacation
 16 rental laws. And in some cases, the \$1,000 a day fine
 17 that exists as their maximum now would be seen by some
 18 property owners as the cost of doing business. It
 19 wouldn't be intimidating. I mean, some of these
 20 properties go for \$5,000 a night. So -- I mean, so they
 21 take off \$1,000, they're still making money.
 22 So his concern is that they need to have more
 23 leverage with their clients. And I had hoped that
 24 somebody, either the councilmember or staff, would have
 25 been here to answer some questions, or not.

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1 So I just wanted to point out that that is
 2 being proposed as a proposal. It's not just an ad hoc
 3 statement to us.
 4 CHAIR STONE: Very good. Thank you. Thank
 5 you very much, Commissioner.
 6 Any further discussion on the communications?
 7 Commissioner Hedani.
 8 VICE-CHAIR HEDANI: In follow-up to that
 9 particular discussion on the penalties, when I was on
 10 the Planning Commission, I understood that, you know, in
 11 some cases, where you have a \$1,000 penalty, each day
 12 that the penalty occurs was considered a separate
 13 offense. So in 365 days, you would have \$365,000 worth
 14 of fines. And if they can write that off to cost of
 15 goods sold, then all the power to them, but I don't
 16 think so.
 17 CHAIR STONE: Very good. Thank you,
 18 Commissioner Hedani.
 19 Any further discussion?
 20 (No Response.)
 21 CHAIR STONE: No. Very good. All right.
 22 We're moving down our agenda. Moving on to
 23 Agenda Item Number 3, Proposed Charter Amendments
 24 Matrix.
 25 Just to super clarify, we do not have any new

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1 proposals that were received as of the December 12, 2011
 2 meeting.
 3 Yes, please, Kay.
 4 COMMISSIONER OKAMOTO: Well, a question or
 5 two. Are we considering that a new proposal, the
 6 portion about the fines?
 7 And then, as I was reading through the
 8 minutes, there's one that I don't -- I don't remember,
 9 maybe we discussed it and didn't -- was having
 10 alternates on committees. I don't know that we ever
 11 discussed it. It came out in some of the testimony.
 12 And I just couldn't remember if that was something
 13 that's kind of new, where we had talked about it and
 14 voted against it.
 15 CHAIR STONE: I understand. I recall somebody
 16 bringing forward something they said was a new proposal.
 17 I do recall that testimony.
 18 COMMISSIONER DELEON: Mr. Chair?
 19 CHAIR STONE: Ed, were you analyzing that, new
 20 proposals, for us?
 21 MR. KUSHI: I don't recall.
 22 COMMISSIONER DELEON: Chair?
 23 CHAIR STONE: Commissioner DeLeon.
 24 COMMISSIONER DELEON: That was a proposal made
 25 by Tom Croly in the first set before we went to the

<p style="text-align: right;">Page 45</p> <p>1 second public hearing. He brought it up again in the 2 Kihei meeting. And that's why it came back up again. 3 It was on our list. We decided, basically, to pass on 4 it. 5 COMMISSIONER OKAMOTO: So it did get on our 6 list at some point? 7 COMMISSIONER DELEON: It did get on our list, 8 but I think it got passed. And then -- that doesn't 9 mean it doesn't have merit and couldn't come back again. 10 It's just -- 11 COMMISSIONER OKAMOTO: Yeah. 12 COMMISSIONER DELEON: I'm not arguing one way 13 or the other. I'm just saying that's the history as I 14 remember it. 15 CHAIR STONE: I recall that, too. Very good. 16 Thank you. 17 And what were we discussing just before that? 18 COMMISSIONER OKAMOTO: The fine, the \$1,000 19 fine. 20 CHAIR STONE: Okay. 21 COMMISSIONER OKAMOTO: Are you putting that on 22 as a new proposal? 23 CHAIR STONE: Yes, I believe that would end up 24 going on as a new proposal at this stage since it's been 25 brought forward, which is something we will discuss.</p>	<p style="text-align: right;">Page 47</p> <p>1 COMMISSIONER DELEON: Okay. 2 CHAIR STONE: The point is, we have three to 3 four set meetings left, three to four set meetings left, 4 before we have to get this to Council. So in order to 5 save time, I don't want to go through a proposal, work 6 it to perfection, and then knock it off the list. 7 COMMISSIONER OKAMOTO: Yes. 8 CHAIR STONE: Okay. That's the goal. Okay. 9 So are we all ready to move forward, or are there any 10 questions? 11 COMMISSIONER DE REGO: Point of order. 12 CHAIR STONE: Yes, please, Commissioner De 13 Rego. Of course. 14 COMMISSIONER DE REGO: I would like to ask 15 Corporation Counsel exactly what are we looking for in 16 the next few weeks in terms of when we come up with our 17 final report? Could you give us an idea of what the 18 process is from here on out? Does the Council make 19 suggestions for alternate proposals, what ends up on the 20 ballot, et cetera, et cetera? So we know exactly when 21 we're doing, why we're doing it and what is going to 22 happen. 23 MR. KUSHI: Okay. Let me try to respond to 24 that. And, Sherry, chime in, please, if I slip up. 25 Based on general election date, work backwards. And the</p>
<p style="text-align: right;">Page 46</p> <p>1 I was thinking over this weekend how we attack 2 our agenda as we move forward. What I propose to the 3 Commissioners is that -- I know there's a number of 4 these proposals, all 20 of them, 20-plus, that some of 5 us may have -- we were on the fence about and some of us 6 may have already changed our minds. What I would like 7 to do is go through the list. And if a Commissioner 8 feels that they would like to no longer see this 9 proposal in the -- in the draft proposal stage, move it 10 back to active proposal below, one stage below. We 11 should go ahead and go forward and see if this list is 12 going to whittle down at this stage. Does that make 13 sense? 14 COMMISSIONER SUGIMURA: Say that again. 15 CHAIR STONE: Okay. Let me make it simpler. 16 We're going to go through the list. And if somebody 17 wants to get rid of one of the proposals, they can put a 18 motion forward saying that they -- they think that -- 19 after public testimony that this proposal is no longer 20 relevant. And if it's seconded, we will put it to vote. 21 And if it gets voted back down, then it will be removed 22 from the Draft Proposal List. 23 COMMISSIONER DELEON: Is that just the items 24 as exist here on the paper now without fine-tuning? 25 CHAIR STONE: Yes.</p>	<p style="text-align: right;">Page 48</p> <p>1 key, working backwards, is the deadline for the County 2 Clerk to issue questions on the ballot. So working 3 backwards, once this Commission decides what the 4 proposals are, the ballot questions and the exact 5 Ramseyered format language, they come up with a final 6 report, and they send it by law to the Council. Council 7 has, once they receive it, a certain time limit to 8 review it, review it, make comments back. There's some 9 language in the Charter and HRS saying they can make 10 requested revisions to your, this Commission's, 11 proposals. Once that comes back, within a timeframe, 12 this Commission meets and responds to the Council, 13 either accepting or not. And there's a go back and 14 forth again. But in any event, it's a consultation 15 process from this Commission's initiative to the Council 16 and back. 17 The final authority is whatever you decide, 18 irrespective of what the Council says. You have to 19 submit your report to the County Clerk. So that's the 20 process. I don't know the exact timelines, but we'll 21 try to chart it out. 22 CHAIR STONE: We do have our exact timeline 23 set, April 12th, to the Council. All right. So we have 24 a lot of work -- we worked this backwards previously. 25 Actually, I think you did it, Frank. So thank you.</p>

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<p>1 Go ahead, Frank, again.</p> <p>2 COMMISSIONER DE REGO: Just a clarification</p> <p>3 question following up on that. Is it possible, then,</p> <p>4 under the current Charter, if there is an alternative</p> <p>5 that the Council believes should be on the ballot,</p> <p>6 considering the deadlines, could they put an alternative</p> <p>7 amendment on the ballot in contradistinction to what the</p> <p>8 Charter Commission passes as a part of the report?</p> <p>9 MR. KUSHI: Yes. And it happened in 2003</p> <p>10 regarding the Water Department.</p> <p>11 COMMISSIONER DE REGO: Okay. I'm just</p> <p>12 clarifying.</p> <p>13 CHAIR STONE: Very good.</p> <p>14 Commissioner Baxa.</p> <p>15 COMMISSIONER BAXA: Mr. Chair, I think the</p> <p>16 First Deputy Corporation Counsel has clarified the</p> <p>17 matter for me. Because the way I understand it is that</p> <p>18 the Charter is an independent body, independent from the</p> <p>19 City Council. And they can make their own proposal as</p> <p>20 well.</p> <p>21 CHAIR STONE: Very good. Thank you.</p> <p>22 Kay.</p> <p>23 COMMISSIONER OKAMOTO: One question. Besides</p> <p>24 the actual Charter Amendments, when we're finished, can</p> <p>25 we -- or do we make a report to the Council that says</p>	<p>1 CHAIR STONE: With -- let me verify those</p> <p>2 dates exactly. I know I've been focusing on the April</p> <p>3 12th date because that's our first real deadline.</p> <p>4 Right?</p> <p>5 COMMISSIONER SUGIMURA: Right.</p> <p>6 CHAIR STONE: That's to Council. And that is</p> <p>7 the bulk of -- the bulk of the work right there, because</p> <p>8 that's going to be all of the proposals streamlined to</p> <p>9 our satisfaction, moving forward. So I will get those</p> <p>10 dates nailed down for you, all right, by the next</p> <p>11 meeting. Is that all right?</p> <p>12 COMMISSIONER SUGIMURA: Yeah.</p> <p>13 CHAIR STONE: Thank you.</p> <p>14 Commissioner DeLeon.</p> <p>15 COMMISSIONER DELEON: I wanted to follow up on</p> <p>16 the thought that Flo had -- not Flo -- I'm sorry -- Kay,</p> <p>17 in reference to the final report. It's a possibility</p> <p>18 that some of these items on here we can make</p> <p>19 recommendations on. You know, I'm thinking like the</p> <p>20 Fire Department issue, with the personnel stuff, it's</p> <p>21 something we can refer to the Fire Commission without</p> <p>22 actually putting a proposal in the Charter specific to</p> <p>23 that item. There might be other items in here we could</p> <p>24 work on. Maybe even with the -- the Ocean Safety guys</p> <p>25 could be -- if this is something we come to a conclusion</p>
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<p>1 here's an issue that, you know, has come up, but we</p> <p>2 would like more -- we think you ought to study it more,</p> <p>3 or we think it ought to go to the next commission? Do</p> <p>4 we do anything? We didn't get anything when we came in,</p> <p>5 so I don't know if that's something we're supposed to</p> <p>6 do.</p> <p>7 CHAIR STONE: I think that maybe, as a group,</p> <p>8 if, you know, time -- if we have that time, it would be</p> <p>9 kind of something nice to write maybe suggestions to the</p> <p>10 next Charter Commission, so they have a little bit of a</p> <p>11 jumping off point. As you recall, Ms. Vincl came in and</p> <p>12 gave us a little bit of insight into their last round,</p> <p>13 which was helpful. So I think, as a group, it would be</p> <p>14 kind of something nice to leave for the next group, so</p> <p>15 they have an idea. But, remember, it's so open, the</p> <p>16 rules are so open, we don't want to box them in, either.</p> <p>17 So good advice.</p> <p>18 Go ahead, Yuki.</p> <p>19 COMMISSIONER SUGIMURA: To kind of follow up</p> <p>20 with the calendar from previous meetings, according to</p> <p>21 what Junior said -- tell me if this is still correct --</p> <p>22 by August 23rd of this year, we have to submit to the</p> <p>23 Clerk the official -- the wording to the ballot that has</p> <p>24 to be done. And then June 11th is our report to the</p> <p>25 Clerk is due, or something.</p>	<p>1 on. It doesn't actually require -- raise to the point</p> <p>2 of requiring a Charter amendment.</p> <p>3 So, I mean, I didn't really work the list, but</p> <p>4 I was thinking of at least that one item, might be</p> <p>5 another way of resolving it, rather than -- than, you</p> <p>6 know, seems like a personnel dispute more than something</p> <p>7 that needs to be structurally fixed.</p> <p>8 CHAIR STONE: Let me put that forward to Ed</p> <p>9 and Sherry. What do you guys think as far as in our</p> <p>10 final report, having, say, recommendations or items such</p> <p>11 as that -- such as the Fire personnel issue? As an</p> <p>12 example, we haven't discussed it. Right? But what do</p> <p>13 you guys think, within the final report, is that a</p> <p>14 realistic thing, is it part of our Charter or --</p> <p>15 MR. KUSHI: Well, Mr. Chair, the final report</p> <p>16 is just what you call it, it's a final report. It's not</p> <p>17 mentioned anywhere in the statutes. You can call it</p> <p>18 whatever you want. The essence is the final report</p> <p>19 contains the ballot questions and the amendments. So</p> <p>20 you can make a narrative or suggested suggestions at the</p> <p>21 end of the final report, but the meat of the report</p> <p>22 would be the ballot questions and the amendments.</p> <p>23 CHAIR STONE: Very good. Thanks for the</p> <p>24 clarification, Ed.</p> <p>25 Commissioner De Rego.</p>

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1 COMMISSIONER DE REGO: Yeah. I have a
 2 concern, since we have 20 of these, that if we start
 3 getting into the weeds in terms of making
 4 recommendations for particular ones, we're going to lose
 5 focus. Because I think it's going to take us a while to
 6 really hone down which ones we want, what the language
 7 is going to be like, what the transitions are involved.
 8 I'm just thinking of everything involved in terms of
 9 nailing down what an actual Charter Amendment's going to
 10 be. And I don't know if -- I mean, it's more of a
 11 luxury at this point, from my consideration, than a
 12 necessity. We're going to have to decide what's
 13 necessary and -- and sufficient as versus what is just,
 14 you know, a luxury for us at this point. So --
 15 CHAIR STONE: Very good.
 16 Commissioner Hedani.
 17 VICE-CHAIR HEDANI: I just wanted to say that,
 18 you know, as opposed to going through the list
 19 procedurally and deciding what drops out, the
 20 alternative would be to go through the list and identify
 21 those items that we want on the ballot, in a positive
 22 definitive way. And then the ones that don't would fall
 23 by the wayside.
 24 CHAIR STONE: Okay, Wayne. I like your cup's
 25 half full method. We'll go with --

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1 (Laughter.)
 2 CHAIR STONE: I like positive attitude.
 3 Hedani positive. Very good. The rest will -- we won't
 4 call it leave it in the dust, because that's a negative.
 5 Commissioner DeLeon.
 6 COMMISSIONER DELEON: One last thought, and
 7 this might be seem a little ridiculous, but I just
 8 wanted to ask it, anyway. What's the possibility of
 9 minority reports?
 10 COMMISSIONER SUGIMURA: What does that mean?
 11 COMMISSIONER DELEON: A minority report is a
 12 statement saying about something that was not included
 13 that somebody thought should have been.
 14 COMMISSIONER BAXA: Mr. Chair?
 15 CHAIR STONE: Anybody? Let's -- again, I
 16 think -- like Frank pointed out, I think all of this is
 17 luxury talk considering we have such a limited timeframe
 18 here. So limited, I think, that we should probably get
 19 working pretty soon. But I will ask Ed.
 20 MR. KUSHI: Yeah, okay.
 21 CHAIR STONE: Ed, please.
 22 MR. KUSHI: Minority reports -- and I'll check
 23 with Sherry on this -- there's -- there's nothing saying
 24 you can't do it. Nothing saying you should do it. But,
 25 again, the final report should be a consensus report

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1 from this Commission. You put any kind of minority
 2 statements in there, what does that mean? It's not like
 3 a court decision where you have your dissenting opinion.
 4 If one of you -- one of the members want to write the
 5 minority objection to it, do it on your own as an
 6 individual.
 7 CHAIR STONE: I would -- Chair would have a
 8 issue with that simply because the idea is that we are
 9 -- we are a board meant to -- we're a commission meant
 10 to find a consensus, regardless of maybe as individuals
 11 who might not exactly agree with that consensus. But
 12 that's our whole goal and focus, is find that consensus,
 13 bring these proposals forward. Of course, some of us
 14 may agree or disagree on a personal level, which I think
 15 we take care of personally.
 16 Thanks, Dave.
 17 Commissioner Baxa.
 18 COMMISSIONER BAXA: Mr. Chair, I don't know if
 19 I have something to add, but my feeling is this: We are
 20 acting as a body. You know, it is our right to submit a
 21 minority report, but I would certainly discourage that.
 22 I would hope that, among us, there are things that we
 23 cannot fully agree, but if they (inaudible) our
 24 position, if our point of view is considered by, as a
 25 whole, as a good, I would discourage minority report.

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1 You know, in order to have a good focus on the public,
 2 you know. Again, it is your right. It is our right to
 3 do that, but I would certainly consider before doing
 4 that.
 5 CHAIR STONE: Thank you very much,
 6 Commissioner Baxa.
 7 Yuki.
 8 COMMISSIONER SUGIMURA: I have a process
 9 question. So let's take the first item, and let's say
 10 if I agree that --
 11 CHAIR STONE: As an example?
 12 COMMISSIONER SUGIMURA: As an example.
 13 CHAIR STONE: Very good.
 14 COMMISSIONER SUGIMURA: Because this is
 15 like -- has two sections, right? This is my question:
 16 If I agree with half of this section, how do we then
 17 move it forward?
 18 CHAIR STONE: Yes. See, my plan is that we --
 19 we do not discuss the content exactly at this stage.
 20 There's some proposals that I have a feeling are about
 21 to fall away. And although it is nicer to do things in
 22 a positive manner, I think, in order to move it along, I
 23 would like to go through them and just look at them in
 24 the broadest sense, all right, and just see if there's
 25 consensus to keep it on the proposal list. And then

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1 we'll go back and be very positive. Sunshine Hedani.
 2 (Laughter.)
 3 CHAIR STONE: Go ahead, Cliff.
 4 COMMISSIONER HASHIMOTO: Yes, Chair. Before
 5 we begin to review these proposals, I'd like to suggest
 6 that perhaps we should ask ourselves some basic
 7 questions, such as is this proposal good for the County,
 8 does it improve the operation of the County. Number two
 9 is -- I think the next question, is it going to be -- is
 10 the cost going to be too outlandish to -- you know,
 11 especially where the budget is going to be involved.
 12 I think we need to make certain that -- that
 13 we don't -- you know, oftentimes, I think the voters
 14 will vote for something because there's money involved,
 15 not because it's good, but because there's money
 16 involved, because they have some interest, they have
 17 their own personal interest in it. And so they would
 18 vote for it because it would benefit certain people in
 19 terms of a financial gain. So I think we need to ask
 20 ourselves that question.
 21 And then the other is, what is the benefit to
 22 that department, for example, if there's a change being
 23 proposed to -- to the operation of that particular
 24 department? A particular department, I should say. And
 25 there's only about four or five questions, perhaps, that

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1 we should -- we should agree upon before we begin this
 2 thing. Because we need to ask ourselves if these
 3 questions apply to this proposal. And -- and if we find
 4 that, yes, in fact, it does, then -- then, perhaps, you
 5 know, it's okay if we spend some time on it. But we're
 6 going to find that some of these are going to be so
 7 outlandish that we need to throw it out and not spend
 8 any time on it.
 9 Now, at the same time, though, I think we may
 10 have missed some very important ones. That is, is this
 11 good for the people of Maui. Not good for us in
 12 particular, but for the people of Maui. I think that's
 13 an important question as well. I don't know whether
 14 anybody in the room really thinks about this as we go
 15 through it and try to decide should we keep this or
 16 shouldn't we keep this. But I think we should have at
 17 least those standards to go by.
 18 CHAIR STONE: Very good. Thank you, Cliff.
 19 Very good thought. Thank you.
 20 Kay.
 21 COMMISSIONER OKAMOTO: I would add a question.
 22 If we don't do it, does it make any difference? And I
 23 think that's a real question. If we drop it, is that
 24 going to make any difference to anyone? And if it
 25 isn't, then maybe it doesn't need to be --

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1 CHAIR STONE: I think, on this first round,
 2 those are the questions that need to be asked as we go
 3 through this list initially. And, again, very broad.
 4 Before -- oh, Dave, please go ahead.
 5 COMMISSIONER DELEON: I would like to follow
 6 up on Cliff's last thought. And that is there might be
 7 a -- I got two or three things hanging out here that --
 8 well, one came up during our public information round
 9 from Mike White. If we're going to extend -- for
 10 instance, if we're going to extend the term of office
 11 for Council, the trade-off might be more liberal recall
 12 rules.
 13 So, I mean, I haven't done any work on that.
 14 I haven't -- I don't have a proposal to put out. But
 15 that might be a proposal we might want to work into that
 16 list to go with it.
 17 And the other thing that's just nagging the
 18 crap out of me is just the fact that we're leaving the
 19 Water Board hanging. And we are just leaving it hanging
 20 with no authority to do anything. People are going to
 21 be appointed to it and just sit around and learn about
 22 water systems and be ignored. And they'll spend the
 23 next 10 to 20 years lobbying to get the authority back
 24 as a result, because that's all they'll have to do.
 25 Which is why the Fire Commission is in charge of the

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1 Fire Department, the same thing happened.
 2 So those kind of things are just -- those two
 3 particular on hanging on me. And --
 4 COMMISSIONER SUGIMURA: What can we do about
 5 it?
 6 CHAIR STONE: Let's not get into that.
 7 COMMISSIONER DELEON: I'm just saying -- I'm
 8 saying that there's issues that we need to -- you know,
 9 it's not to say this list is it and --
 10 CHAIR STONE: I understand what Commissioner
 11 DeLeon is saying, is that there may be -- even at this
 12 late stage, Commissioners may want to bring up proposals
 13 they may want to push forward. Obviously, it's got to
 14 have a strong consensus, it has to have a majority
 15 saying, yes, let's move it forward. But there's nothing
 16 to stop. But I do want to keep it in the process.
 17 So, obviously, let's go through this list,
 18 okay, and we'll go -- let me consider, during this
 19 recess that I'm about to call, before we get into
 20 this -- because Tonya is going to need to be able to
 21 type fast and furious. So I want to take a brief
 22 recess, and we'll be back here in 10 minutes. So that
 23 will be 11:25. See you guys in just a second. Thank
 24 you very much.
 25 (Recess, 11:15 a.m. to 11:30 a.m.)

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<p>1 CHAIR STONE: I'd like to call this meeting 2 back to order as of 11:30. Our break went a little bit 3 longer than expected. And we're going to dive right 4 into it. 5 Looking at Section IV of our agenda, Proposed 6 Charter Amendments Active Proposal List. And, again, as 7 I stated before our break, we're going to go in very 8 broad terms over each of these items, quickly, and see 9 if they hold muster to remain on the Proposal List after 10 our public input and time to think about this. 11 COMMISSIONER DELEON: Mr. Chair? 12 CHAIR STONE: Yes, please, Commissioner 13 DeLeon. 14 COMMISSIONER DELEON: In the process, are we 15 going to ask for a proposal to keep it or proposal to 16 remove it? 17 CHAIR STONE: I would request that we have 18 somebody -- one of the Commissioners request removal of 19 the proposal. And then it needs to be seconded, and 20 then it will be a quick discussion on it and a quick 21 vote. Because, again, the content and the bulk of the 22 proposals we're going to go dig into deeper once we know 23 which ones are staying on the list. 24 So with that said, looking at Proposal Number 25 1, which is Article 3, County Council Term Limits. Yes,</p>	<p>1 COMMISSIONER SUGIMURA: Okay, so this stays. 2 CHAIR STONE: So no action to that. 3 Okay. Looking at Proposal Number 2, Article 4 8, Chapter 9, Department of Personnel Services. 5 COMMISSIONER MOIKEHA: Chair, I'd like to make 6 a motion. 7 CHAIR STONE: Yes, please. 8 COMMISSIONER MOIKEHA: To remove Number 2, 9 Article 8. 10 COMMISSIONER SUGIMURA: Second. 11 CHAIR STONE: Thank you. There's been a 12 motion put forward to remove from the draft proposal 13 stage Article 8, Chapter 9, Department of Personnel 14 Services. Discussion. There should not be too much 15 discussion. I want this to be a fairly quick vote up or 16 down on this. But, we will have discussion. Go ahead. 17 COMMISSIONER WIGER: No. I'm just hoping 18 that, within the discussion, if there can be just a -- 19 sort of a general as to why. 20 CHAIR STONE: Yes. There you go. 21 COMMISSIONER WIGER: That would be helpful. 22 CHAIR STONE: Yeah. Who is the maker of the 23 motion? Susan, would you like to point out, quickly? 24 COMMISSIONER MOIKEHA: I just think it's -- 25 there's a lot here. And I think there's more important</p>
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<p>1 Yuki. 2 COMMISSIONER SUGIMURA: This is the one I had 3 the question on. I like the Number 1(a), but I don't 4 like (b). 5 CHAIR STONE: Keep it as a whole. 6 COMMISSIONER SUGIMURA: Keep it as a whole. 7 CHAIR STONE: Let's keep it very general right 8 now. All right. So keep them both on there. And then 9 we can -- so no -- if you -- if you think that we do not 10 want to have these County Council term limits on the 11 ballot, then you would move to remove the proposal now. 12 COMMISSIONER SUGIMURA: Oh. So we're not 13 doing -- 14 CHAIR STONE: We're not getting into the nuts 15 and bolts. 16 COMMISSIONER SUGIMURA: We're not doing what 17 Wayne said; we're doing -- 18 CHAIR STONE: We're going back to 19 Mr. Negativity, Josh Stone. Chair Josh's negative 20 approach. 21 COMMISSIONER SUGIMURA: Okay. Got it. 22 CHAIR STONE: Commissioner Hedani. 23 VICE-CHAIR HEDANI: We're not pregnant yet. 24 (Laughter.) 25 CHAIR STONE: Okay.</p>	<p>1 things that we should be looking at. And I think this 2 can be handled through another venue, whether it's 3 legislative or administrative. And at this point in 4 time, I don't really recall the substance as to why it's 5 even here, honestly. 6 CHAIR STONE: Thank you. 7 Commissioner DeLeon. 8 COMMISSIONER DELEON: I did speak to the 9 Personnel Director about this. And he thinks the 10 substance is important. And I suggested, like J.D., 11 that he come here and attend the meeting to be able to 12 explain it to the Commission. I don't see him present, 13 so -- 14 CHAIR STONE: Okay. Very good. 15 Yuki. 16 COMMISSIONER SUGIMURA: I also spoke to Lance. 17 And he said that it's housekeeping and that it's already 18 part of HRS. And that whether we put it in the Charter 19 or not, they still have to do this. So -- 20 CHAIR STONE: Okay. Very good. Any further 21 discussion before I put this to a vote to remove it from 22 the Draft Proposal List? 23 (No Response.) 24 CHAIR STONE: No further discussion. All 25 right.</p>

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<p>1 Lisa, let's just do a very quick -- you know, 2 maybe we can just do this by yea or nay. All right, 3 thank you. 4 Commissioners, all in favor of removing this 5 from the Draft Proposal List, raise your hand and say 6 "aye." 7 (Response.) 8 CHAIR STONE: All opposed? 9 (No Response.) 10 CHAIR STONE: Okay. So this is now removed 11 from the Draft Proposal List. 12 Number 3. J.D. requested us to remove this 13 from the Draft Proposal List. Any discussion on this? 14 COMMISSIONER CRIVELLO: You want a motion? 15 CHAIR STONE: I do want to make a motion, 16 though. 17 COMMISSIONER CRIVELLO: I so move. 18 CHAIR STONE: Thank you very much. I've got a 19 first on that. 20 COMMISSIONER DELEON: Second. 21 CHAIR STONE: I've got a second to remove this 22 from the draft proposal stage. All in favor, say "aye." 23 (Response.) 24 CHAIR STONE: And raise your hand, "aye." 25 (Response.)</p>	<p>1 Kay. 2 COMMISSIONER OKAMOTO: I'm not saying I'm for 3 it, but I did hear people who were for it. I don't 4 think you can say everybody was against it. I think it 5 still needs to be discussed. I won't vote to remove it 6 yet. 7 CHAIR STONE: Okay. We'll take a very close 8 vote on this. Any further discussion before I take this 9 vote? Commissioner Hedani. 10 VICE-CHAIR HEDANI: I think, on this 11 particular question, I heard a lot of the public say 12 that they didn't want gridlock on the Council, ala 13 Congress. I think from the standpoint of reviewing it, 14 my own personal opinion, is that it should be 15 partitioned. There should be one question that relates 16 to the Council, there should be another question that 17 relates to the Mayor. Assuming the Mayor is not going 18 to disagree with himself and then lose the vote, and 19 then get gridlock, I think you could still have a 20 partisan mayoral election and a nonpartisan Council 21 election. 22 COMMISSIONER DELEON: Mr. Chair? 23 CHAIR STONE: Yes, Commissioner DeLeon. 24 COMMISSIONER DELEON: Then we'll end up with 25 the democrats on the Council going after the republican</p>
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<p>1 CHAIR STONE: All opposed, say "nay." 2 (No response.) 3 CHAIR STONE: Okay. Thank you. This is 4 removed from the Draft Proposal List. 5 Number 4, Article 3, Election of Council, and 6 Article 7, Election of Mayor, from nonpartisan to 7 partisan. Okay. Who is going to make a motion on that? 8 COMMISSIONER MOIKEHA: I would like to have 9 this removed. Motion. 10 CHAIR STONE: Thank you. 11 COMMISSIONER DELEON: Second. 12 CHAIR STONE: Susan, seconded by Dave. Very 13 good. 14 Quick discussion? Any discussion on that? 15 Dave, go ahead. 16 COMMISSIONER DELEON: I don't know if I 17 remember hearing anybody speak in favor of this thing at 18 our public hearings. I've heard numerous voices 19 against -- 20 CHAIR STONE: Yeah. Very good. 21 COMMISSIONER DELEON: -- continuously in the 22 community, including The Maui News and other places. So 23 I think it's very clear that the community does not want 24 to see this happen. 25 CHAIR STONE: Very good.</p>	<p>1 Mayor again. We've done that. 2 CHAIR STONE: Very good. 3 Commissioner Hedani, obviously, when we come 4 back around, if this were to be defeated, you can always 5 put that separated proposal for -- I wanted to keep this 6 just broad for now. Okay. 7 No more discussion? 8 (No Response.) 9 CHAIR STONE: All right. All in favor of 10 removing this Draft Proposal Number 4 from our list, 11 please say "aye" and raise your hand. 12 (Response.) 13 CHAIR STONE: Let's take a count. Keep your 14 hands up, please. Two, three, four, five, six, seven. 15 All opposed, say "nay." 16 (Response.) 17 CHAIR STONE: One, two, three. Very good. 18 Okay. So this has been removed from the list. 19 And, again, Commissioner Hedani, I respect 20 what you were proposing. That can be added after we go 21 through this round. Uh-huh. 22 Okay. Draft Proposal Number 5, Article 8, 23 Section 7, Department of Fire and Public Safety, adopt 24 new name for the Department of Fire and Public Safety, 25 Department of Fire and Public Safety Commission. Is</p>

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1 there -- very good. Susan.
 2 COMMISSIONER MOIKEHA: I would like to make a
 3 motion to remove this. I just think that this is not
 4 one of the most important things going on right now.
 5 And I think it kind of suddenly came up --
 6 VICE-CHAIR HEDANI: Second.
 7 COMMISSIONER MOIKEHA: -- in a discussion we
 8 had. So I would like to have it removed. That's my
 9 motion.
 10 CHAIR STONE: Very good.
 11 COMMISSIONER DE REGO: Second.
 12 CHAIR STONE: It was seconded by Commissioner
 13 Hedani. Frank, next time, just be a little quicker, you
 14 can be the second.
 15 COMMISSIONER DE REGO: I'm getting old.
 16 CHAIR STONE: All right. Discussion? Go
 17 ahead, please, Dave.
 18 COMMISSIONER DELEON: Recalling Greg's
 19 presentation to us, and his point is Public Safety
 20 usually means guns and law enforcement; it doesn't
 21 usually mean fire departments. And this grew out of
 22 something that happened in the 1980s when the purpose of
 23 the exercise was to combine Police, Fire and Civil
 24 Defense under a civil -- a Public Safety Commission.
 25 That was the original concept. And that's why the name

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1 stuck. Not because of anything else.
 2 This is primarily a fire department. It will
 3 always be a fire department.
 4 And, you know, yeah, right, it doesn't really
 5 raise to the extreme level of importance, but sometimes
 6 we are going to run across stuff that the only way
 7 you're going to correct it is by correcting. And it
 8 never raises to the point of being important, but it
 9 still should be corrected. So I'll vote against the
 10 motion.
 11 COMMISSIONER CRIVELLO: I agree with you,
 12 Dave. I think just identifying the commission and the
 13 department as the Fire Department, you know, would be in
 14 sync with their full representation. Even if Ocean
 15 Safety does transition with the Fire Department, it will
 16 still have its lead as the Fire Department, Maui County
 17 Fire Department.
 18 CHAIR STONE: Thank you, Stacy.
 19 Further discussion on this? Commissioner De
 20 Rego.
 21 COMMISSIONER DE REGO: I think my -- this
 22 comes in the list of the things that I call
 23 housekeeping, for me.
 24 In getting back to our previous discussion
 25 about how do we deal with housekeeping issues, if we're

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1 going to do anything, instead of minority reports and
 2 those kinds of things, if we just made a list of all the
 3 housekeeping ones and send them to Council and said,
 4 "Here, you've got nine years to deal with this," you
 5 know, we would probably be better off doing that and
 6 then dealing with the ones that we really have to craft.
 7 So I would be voting for the removal of this.
 8 CHAIR STONE: Commissioner DeLeon.
 9 COMMISSIONER DELEON: My experience is the
 10 Council will do the same thing you're doing, because
 11 it's not important. And it will go around in circles.
 12 If you don't fix it -- you know it's wrong, you don't
 13 fix it, it doesn't get fixed.
 14 COMMISSIONER CRIVELLO: So when --
 15 CHAIR STONE: Stacy.
 16 COMMISSIONER CRIVELLO: When do we do
 17 housekeeping? When do we -- you know, should -- should
 18 we have just one segment, just housekeeping, I mean, or
 19 do we just ignore it? I mean --
 20 COMMISSIONER DE REGO: We've already gotten
 21 rid of three housekeeping items -- I mean, two
 22 housekeeping items at this point in regards to making
 23 State law in line with the Charter. That's my point at
 24 this point. You know, it looks like all the
 25 housekeeping stuff is being taken off. If we're going

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1 to be consistent about that, we should put them on a
 2 list -- either keep them, put them on a list, call them
 3 housekeeping on the Charter, or we -- we save them for
 4 another time or for somebody else. You know, we've got
 5 to -- somehow, we've got to be consistent about this in
 6 terms of now we're going to start slicing which is the
 7 more important housekeeping issue, you know. I mean --
 8 CHAIR STONE: Thank you, Frank.
 9 COMMISSIONER CRIVELLO: Sorry. I'm trying to
 10 understand, Commissioner De Rego. In your mind, you're
 11 saying that we shouldn't pay attention to any of the
 12 housekeeping matters, or should we just umbrella it
 13 under housekeeping?
 14 COMMISSIONER DE REGO: What I'm saying is that
 15 we need to be consistent about how we're dealing with
 16 housekeeping issues. We already took two housekeeping
 17 issues and said, "Okay, they don't rise to the level of
 18 us considering this right now." Okay. But, all of a
 19 sudden, now, 5 has become an important housekeeping
 20 issue.
 21 My feeling is, if we are going to decide as a
 22 Commission to deal with housekeeping issues, then we
 23 need to deal with them all as a group, if -- if we
 24 decide to put them under housekeeping, on the ballot,
 25 however you're going to do that. But I think we need

<p style="text-align: right;">Page 73</p> <p>1 some consistency here. That's my only point. 2 COMMISSIONER CRIVELLO: Chair? 3 CHAIR STONE: Yes. Thank you. 4 Stacy. 5 COMMISSIONER CRIVELLO: I'm not looking at 6 this as housekeeping. I'm looking at actually changing 7 the name from Fire and Public Safety to Fire -- the Maui 8 County Fire Department, and it be synced with all the 9 other fire departments throughout the state. 10 CHAIR STONE: Thank you. 11 I think Wayne had something. Wayne. 12 VICE-CHAIR HEDANI: Two things, actually. The 13 first thing is, before anyone speaks, they should be 14 recognized by the Chair. 15 COMMISSIONER DE REGO: I'm sorry. 16 VICE-CHAIR HEDANI: The second thing is 17 from -- getting back to Cliff's question, you know, does 18 it serve the people of Maui County better if we change 19 the name from the Department of Fire and Public Safety 20 to the Department of -- to the Fire Department? Does it 21 function any better or does it serve the people of Maui 22 any better? Does it make any difference? From my 23 perspective, a name is a name, and it doesn't matter. 24 CHAIR STONE: Thank you, Wayne. 25 Yuki.</p>	<p style="text-align: right;">Page 75</p> <p>1 down to what is the most important thing to you. And, 2 for me, I'm just going to state it as this is not the 3 most important thing for me right now. 4 It's not to minimize that it's not important 5 to someone else, but -- we may not be consistent all the 6 way through when you start to kind of pull it together 7 here, but it's going to be an individual thing. 8 And so at this point, I think we should just 9 call for the question and see where it goes. 10 CHAIR STONE: Very good. I'll let Stacy have 11 something to say. 12 COMMISSIONER CRIVELLO: I was going to respond 13 to Commissioner Yuki. Maui Fire -- Maui County Fire 14 Department already are MFD. I mean, all the signs have 15 that. It doesn't say Fire and Public Safety. 16 COMMISSIONER SUGIMURA: Oh, it doesn't? 17 COMMISSIONER CRIVELLO: No. 18 COMMISSIONER SUGIMURA: Oh. So no change? 19 COMMISSIONER CRIVELLO: Not really. If -- you 20 know, if your check out the emblems and the shirts, it's 21 Maui County Firefighters. 22 CHAIR STONE: Very good. 23 Go ahead, please, Flo. 24 COMMISSIONER WIGER: I just wanted to thank 25 Susan for the comments that she made because they were</p>
<p style="text-align: right;">Page 74</p> <p>1 COMMISSIONER SUGIMURA: I'm just curious what 2 would be -- what are associated costs that would arise? 3 If we change the name, do we have to change all the name 4 of the trucks, do we have to change the name of 5 buildings? How much -- what impact does it make? I 6 mean, in -- that's my question. 7 CHAIR STONE: That's the -- that is part of 8 your decision-making process right now, which is we have 9 to take a pretty rough guesstimate. But like you state, 10 there will be expenses, obviously, associated with 11 changing the name. 12 COMMISSIONER SUGIMURA: Right. Might as well 13 leave it. 14 CHAIR STONE: Thank you. 15 Susan. 16 COMMISSIONER MOIKEHA: I just want to go back 17 to originally how I posed the motion. And what I said 18 is, for me, this is not the most significant thing that 19 I want to look at on this list. And I'm hearing debates 20 between all of us on our methodology and trying to 21 convince each other of what our methodology is. I 22 personally think that each one of us has our own rating 23 system. I appreciate people sharing their methodology 24 and what questions you should be asking, but I think 25 it's going to be a very personal thing when it comes</p>	<p style="text-align: right;">Page 76</p> <p>1 exactly what I was thinking, is that, you know, unless 2 we wind up with a -- God forbid that we should -- any 3 kind of point rating system -- which I would be 4 absolutely opposed to -- it is a matter of individual 5 interpretation. And people are going to come out in a 6 lot of different ways. And I don't want to feel 7 responsible for thinking that my particular 8 interpretation is better, worse or indifferent from 9 anybody else's. So I just wanted to thank Susan for 10 clarifying that, because I think it's helpful. 11 CHAIR STONE: Very good. Thank you. 12 Further discussion? 13 (No Response.) 14 CHAIR STONE: Very good. Let's put this to 15 vote. So the motion has been seconded to remove 16 Proposal Number 5 from the list. All in favor of 17 removing Proposal Number 5 from the list, raise your 18 hand and say "aye," please. 19 (Response.) 20 CHAIR STONE: Let me take a count. Please 21 keep your hands up. One, two, three, four, five, six. 22 Okay. Very good. 23 All opposed, say "nay." Raise your hands and 24 say "nay." 25 (Response.)</p>

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1 CHAIR STONE: Two, three, four. So this
 2 proposal will be removed from the list.
 3 Wait a second. Yes. Hang on. Hang on. Who
 4 is the bugger?
 5 COMMISSIONER DELEON: He's deciding over here.
 6 COMMISSIONER WIGER: He's abstaining?
 7 CHAIR STONE: You're not allowed to abstain.
 8 Judge Baxa, did you vote yea or nay?
 9 COMMISSIONER BAXA: I am voting no.
 10 CHAIR STONE: Okay. Very good. So that was
 11 five "no."
 12 Okay. Moving on, Proposal Number 6, Article
 13 8, Section 7, Department of Fire and Public Safety,
 14 assign Ocean Safety and Rescue to Department of Fire and
 15 Public Safety.
 16 (No Response.)
 17 CHAIR STONE: No motion to remove this from
 18 the list. Very good.
 19 Number 7, Article 9, Financial Procedures,
 20 adopt biennial budget and capital program in
 21 non-election years.
 22 Please, Dave.
 23 COMMISSIONER DELEON: Move to remove.
 24 CHAIR STONE: Okay. Very good. Do I have a
 25 second?

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1 COMMISSIONER CRIVELLO: Second.
 2 CHAIR STONE: Stacy seconds that. Okay.
 3 Discussion?
 4 COMMISSIONER DELEON: Mr. Chair?
 5 CHAIR STONE: Yes, please.
 6 COMMISSIONER DELEON: I've spoken to a number
 7 of councilmembers about this. They're kind of split as
 8 a group. There's a discussion about efficiency versus
 9 ability to fiscally manage the budget in a responsible
 10 manner. I think the Council Chairman spoke wisely about
 11 that at our Molokai meeting. And I've heard from folks
 12 like in the outside districts saying they like the
 13 Council to come out every once a year, that's a chance
 14 to see them. So, I mean -- and there's always been
 15 discussion about this being, well, that -- that, you
 16 know, this process that they go through is actually not
 17 doing the people's business, I really don't see. I
 18 think this is the (inaudible) most important thing that
 19 they do.
 20 The other point is, the State has a biennial
 21 budget. You wouldn't know it unless you were paying
 22 attention to it because, every year, it's the same
 23 thing, they go back and do budget again. So, I mean,
 24 you don't really escape the process by having a biennial
 25 budget. You just have a different way of doing the same

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1 thing.
 2 CHAIR STONE: Very good. Thank you.
 3 Commissioners, further discussion on this
 4 topic?
 5 (No Response.)
 6 CHAIR STONE: Okay. I'm going to -- Frank,
 7 did you have something to say? Were you raising your
 8 hand?
 9 COMMISSIONER DE REGO: I'm just going to say
 10 what I said before. I think the four-year terms,
 11 biennial budget and the auditors, I think they work as a
 12 group. I think, although what's been said here, there
 13 is a certain amount of planning that goes into the State
 14 budget over a two-year period even though there are
 15 supplementals that are often done. I think planning is
 16 a good thing. I think even though the best laid plans
 17 of mice and individuals don't always work out. That if
 18 we start looking ahead instead of always dealing with
 19 issues, let's say, in the last two weeks of budget -- I
 20 think I also heard other councilmembers say, and admit,
 21 that there's not a lot of other business of the County
 22 that gets done in the time that they're actually doing
 23 this budget as well. So, yeah, it is split, but I
 24 think, you know, it's -- it's -- it's our duty as a
 25 Commission to at least put to the public an alternative

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1 way of looking at planning and doing the budget and
 2 doing the public work of the people.
 3 So I'm going to -- I'm going to vote against
 4 removing this simply because I haven't heard anything
 5 convincing for me that -- that -- that this is not a --
 6 not a good proposal. So --
 7 CHAIR STONE: Thank you.
 8 COMMISSIONER DE REGO: That's just my opinion.
 9 CHAIR STONE: Thanks, Frank.
 10 Flo.
 11 COMMISSIONER WIGER: I'm going to vote against
 12 removing it because I come out of a system where the
 13 biennial budget is the one that we always operated
 14 under. And it really did make a difference in terms of
 15 how we did our business and the kinds of ways that we
 16 could approach planning. It really made a significant
 17 difference.
 18 I guess part of my response to the Council
 19 saying, well -- or the -- the people saying the Council
 20 comes out to present the budget, my response to the
 21 Council would be, "You have a responsibility to go visit
 22 those communities whether you're coming with a budget in
 23 your hand or not, that's why you're there." So I don't
 24 -- I don't see that they should -- that that should be
 25 the rationale for not going is because, "Oh, well, if we

Page 81	<p>1 don't do the budget." No, you go see them. 2 CHAIR STONE: Very good. Thank you. 3 Commissioners, further discussion? 4 (No Response.) 5 CHAIR STONE: All right. Let's put this to 6 vote. The vote is to -- it has been seconded to remove 7 proposed -- Draft Proposal Number 7 from our list. All 8 in favor of removing Draft Proposal Number 7, raise your 9 hand and say "aye," please. 10 (Response.) 11 CHAIR STONE: One, two, three, our, five, six. 12 Okay. 13 All opposed, say "nay" and raise your hand. 14 That's five. 15 So that is removed from the list. 16 Yes, Commissioner Hedani. 17 VICE-CHAIR HEDANI: If I raise my hand and say 18 "aye" is that two votes or -- 19 (Laughter.) 20 CHAIR STONE: Well, being that you're so 21 positive, we give you three votes. 22 (Laughter.) 23 CHAIR STONE: It's the Hedani power. 24 Moving on to Proposal Number 8, Article 8, 25 Chapter 16, Cost of Government Commission, create an</p>	Page 83	<p>1 All right. Draft Proposal Number 9, Article 2 13, General Provisions, Section 13-2, Boards and 3 Commissions, Subsection 2, nonpartisan boards and 4 commissions. 5 COMMISSIONER SUGIMURA: I move to delete or 6 remove. 7 COMMISSIONER OKAMOTO: I second. 8 CHAIR STONE: Yuki has moved to leave Draft 9 Proposal Number 9, seconded by Kay. Discussion. Go 10 ahead, Dave. 11 COMMISSIONER DELEON: This is exactly one of 12 those items where really, you know -- I, actually, 13 brought this to Council about maybe eight years ago. 14 And they, basically, said it's not important enough to 15 put on the ballot. You know, it's one of the things if 16 you don't fix, it doesn't get fixed. 17 I actually went through the list for this 18 board. And a couple of us didn't identify our parties, 19 some of us didn't even put it down. But you're required 20 to do it. 21 And when -- when the Council decides to 22 enforce that -- right now, under the Charter, they can 23 enforce it, they can make you identify your party. 24 68 percent of the people fill out the form say 25 they're nonpartisan or they're not associated with a</p>
Page 82	<p>1 office of the County Auditor with the Cost of Government 2 as part of the organization of that office. 3 We heard -- we heard a number of 4 councilmembers speak on this. And it seemed like -- and 5 Chair might be speaking a little out of turn, but I just 6 want to -- just as I -- I'm trying to help myself 7 recall. I recall that they liked -- the majority liked 8 the idea of County Auditor, but they didn't like -- they 9 wanted it under the Council. Is that kind of the -- 10 what we were hearing? Okay, good. Legislative. Okay. 11 Thank you. So that -- those -- that kind of issue, 12 obviously, can be discussed if this survives this vote. 13 All right? 14 Commissioner. 15 COMMISSIONER OKAMOTO: So if we disagree with 16 part of it, that doesn't mean we want to take it off? 17 We simply want -- 18 CHAIR STONE: That's my point. 19 COMMISSIONER OKAMOTO: -- keep it on and 20 we'll -- 21 CHAIR STONE: That was my point. Exactly. 22 All right. This stays on. Very good. 23 Moving forward. 24 Hang on. I got to put a happy face. That's 25 my Mr. Hedani happy face.</p>	Page 84	<p>1 party, they're independent. Why do we continue to do 2 this anachronism? 3 CHAIR STONE: Thank you, Dave. 4 Kay, go ahead. 5 COMMISSIONER OKAMOTO: Because the first time 6 a board comes along and every member of the board is a 7 democrat, people are going to be complaining. I mean, 8 it simply keeps it nonpartisan. And if everybody on the 9 board is nonpartisan, that's okay. It just says they're 10 not a member of the same party. 11 I think it's housekeeping that I just don't 12 think we need to deal with. 13 CHAIR STONE: Thank you. 14 Commissioner Hedani. 15 VICE-CHAIR HEDANI: I agree with Kay. When I 16 completed my form, the question that was posed on the 17 form was, are you a card-carrying member of a party. 18 And my answer is no. I didn't sign a pledge to the 19 Democratic Party. Have I always voted democrat? Yes. 20 So from my perspective, you know, this is not something 21 that rises to the level of importance for the Charter 22 Commission, the proposal. 23 CHAIR STONE: Thank you. 24 Dave. 25 COMMISSIONER DELEON: Mr. Chair, maybe I'll</p>

<p style="text-align: right;">Page 85</p> <p>1 have to go get the form for the Commissioner because 2 that's -- it doesn't ask anything about whether you have 3 a card or not. It asks specifically whether you're a 4 member of a party. Whether it's a self-identification 5 thing. There's no way to enforce it, anyway. I mean -- 6 And I'm telling you, 68 percent of the people 7 who signed up for these applications in this current 8 round, the current list on -- it's 68 percent are not 9 identifying a party. You're never going to get a board 10 with all democrats or all republicans. It's not going 11 to happen statistically. 12 COMMISSIONER OKAMOTO: So what's the problem? 13 CHAIR STONE: Thank you. 14 COMMISSIONER DELEON: Because they have to 15 identify themselves. 16 COMMISSIONER OKAMOTO: They asked. 17 COMMISSIONER DELEON: I'm sorry. May I speak? 18 CHAIR STONE: Yes. Please direct to the 19 Chair. 20 COMMISSIONER DELEON: Because -- because they 21 have to identify. And many people are offended by the 22 question. They are offended by the question. 23 CHAIR STONE: Thank you. 24 COMMISSIONER DELEON: And I noticed at least 25 two members of this Commission did not fill out the</p>	<p style="text-align: right;">Page 87</p> <p>1 my form and it said, are you -- you know, what is your 2 party affiliation, I think is what it stated, and I 3 looked at it and I thought, none of your blame business, 4 thank you very much. Everybody who knows me knows what 5 it is, but that's not the point. I shouldn't have to 6 fill that out. I mean, I just find it offensive. So is 7 there a reason why it's there, that -- that I'm missing 8 that may make good sense? 9 COMMISSIONER DELEON: Mr. Chair? 10 CHAIR STONE: Yes, Dave. 11 COMMISSIONER DELEON: It's an outgrowth of 12 when we had partisan elections. 13 COMMISSIONER WIGER: Okay. Thank you. 14 COMMISSIONER DELEON: So when -- when you went 15 to the ballot, you had to pull a democrat or republican, 16 you had to identify yourself as a democrat or 17 republican. And people actually were card-carrying 18 members of a -- of a party. And that's how they 19 identified themselves when they went to the polls. 20 We're talking 30, 40 years ago. 21 This is an anachronism. It needs to go away. 22 CHAIR STONE: Thank you. 23 Cliff, did you have something to add? No? 24 (Laughter.) 25 COMMISSIONER HASHIMOTO: It seems like it's --</p>
<p style="text-align: right;">Page 86</p> <p>1 form. 2 CHAIR STONE: I wonder who that was. Okay. 3 Susan. 4 COMMISSIONER MOIKEHA: So what happens if you 5 don't put anything there? Is there an infraction, 6 something happen? 7 CHAIR STONE: One sec. Let's see. Dave has 8 something to say about that. Go ahead, Dave. 9 COMMISSIONER DELEON: What was happening, and 10 it's not currently happening, what was happening, the 11 Council would reject that application and tell you to go 12 back and get the -- get the identification. So they 13 forced the identification. This current Council 14 currently is not doing that. 15 When I was handling those forms, I had to go 16 chase each member -- every applicant down, that I was in 17 front of the Council, to get them to fill out the line. 18 You had to identify your party; otherwise, you could not 19 be considered. And that's part of the County Code right 20 now as part of the -- based on this Charter provision. 21 CHAIR STONE: Thank you. 22 Flo. 23 COMMISSIONER WIGER: I have a question. And 24 I'm not sure who can answer it. I'm just wondering why 25 it's on there? I mean, I have to admit that, when I got</p>	<p style="text-align: right;">Page 88</p> <p>1 it's unimportant, just looking at it. Because I wrote 2 down here, it's okay the way it is, you know. But at 3 the same time, I'll have to agree with Dave on this. 4 You know, if it doesn't make sense to have it there, 5 then let's take it away. It's as simple as that, just a 6 matter of dropping it. I mean, it's not going to change 7 anything. It's not going to cost anybody any money. 8 It's not going to cost -- 9 COMMISSIONER WIGER: It will save on printing. 10 COMMISSIONER HASHIMOTO: Well, it may save, 11 you know, some -- some -- some work like he had to do, 12 if demands -- if it's demanded. Right? So then now 13 there's some cost, because he has to run around and find 14 out. So if we remove it, then they won't have to do 15 that anymore. And it's just a matter of just putting it 16 on a ballot and let the voters decide whether to take it 17 off or not. 18 COMMISSIONER DELEON: Mr. Chair, Ed's trying 19 to reach you. 20 CHAIR STONE: Very good. Thanks, Cliff. 21 Ed, go ahead. 22 MR. KUSHI: Mr. Chair, just to let you and the 23 Commission know that one consequence of this, if this 24 language goes through, it would then read members of 25 boards and commissions shall be appointed on a</p>

Page 89	<p>1 nonpartisan basis. That means if you are a</p> <p>2 card-carrying whatever, you cannot be appointed.</p> <p>3 COMMISSIONER DELEON: Well, then change the</p> <p>4 language, for Christ sake.</p> <p>5 MR. KUSHI: Well, Dave, what language you want</p> <p>6 to change? If you want to change it, I suggest you just</p> <p>7 delete the whole section.</p> <p>8 COMMISSIONER MOIKEHA: Chair?</p> <p>9 CHAIR STONE: Yes, go ahead, Susan.</p> <p>10 COMMISSIONER MOIKEHA: I can't find my draft</p> <p>11 of what this really says, what we're doing here, but</p> <p>12 when I referenced the actual 13-2, Boards and</p> <p>13 Commissions, it says, "Not more than a bare majority of</p> <p>14 the members of any board or commission shall belong to</p> <p>15 the same political party." Is that why it's on the</p> <p>16 application? Is that what we're trying to --</p> <p>17 COMMISSIONER DELEON: Yes.</p> <p>18 COMMISSIONER MOIKEHA: Okay. So right now, if</p> <p>19 anybody really checked this and did what it says, then</p> <p>20 they would be checking to see -- to make sure there's</p> <p>21 not more than a bare majority on all of these boards and</p> <p>22 commissions. Correct?</p> <p>23 CHAIR STONE: That's how it seems to read to</p> <p>24 me.</p> <p>25 MR. KUSHI: Mr. Chair?</p>
Page 91	<p>1 I'm, actually, not here on behalf of the</p> <p>2 Policy Committee Chair, but on behalf of the Council</p> <p>3 Chair who has just requested that I attend to monitor</p> <p>4 the meetings on his behalf.</p> <p>5 CHAIR STONE: Very good.</p> <p>6 Commissioners, any specific questions since</p> <p>7 we've brought this young lady up? Kay.</p> <p>8 COMMISSIONER OKAMOTO: Can you ask her if</p> <p>9 somebody does check those?</p> <p>10 CHAIR STONE: Why don't you do it?</p> <p>11 COMMISSIONER DELEON: Chair?</p> <p>12 COMMISSIONER OKAMOTO: Okay. Do you or anyone</p> <p>13 that you know in the Council check each applicant to see</p> <p>14 whether your committee is not off?</p> <p>15 MS. NAKATA: You know, the Policy Committee</p> <p>16 does receive all the applications that are submitted by</p> <p>17 the Mayor. And those applications are attached to the</p> <p>18 resolutions that the Mayor provides to the committee.</p> <p>19 So the committee members do have an opportunity to</p> <p>20 review the applications for completeness.</p> <p>21 I'm not aware that any application has been</p> <p>22 rejected so far this term on behalf of a blank political</p> <p>23 affiliation; however, the staff does make note of the</p> <p>24 political affiliations on a mass board and commission</p> <p>25 listing that it maintains. And the majority of those</p>
Page 90	<p>1 CHAIR STONE: Yes, Ed.</p> <p>2 MR. KUSHI: You have a resource person in the</p> <p>3 audience from Policy Committee who handles all these</p> <p>4 applications. And if you want to ask her if she checks</p> <p>5 the applications, be my guest. I'm sure she does.</p> <p>6 CHAIR STONE: Commissioners, would that be</p> <p>7 useful?</p> <p>8 COMMISSIONER OKAMOTO: Yes.</p> <p>9 CHAIR STONE: Yes, we would like to bring her</p> <p>10 forward. What's her name?</p> <p>11 MR. KUSHI: Carla, if you want to come up.</p> <p>12 COMMISSIONER OKAMOTO: No, she doesn't.</p> <p>13 (Laughter.)</p> <p>14 MR. KUSHI: You put me on the spot many times.</p> <p>15 And this is payback.</p> <p>16 CHAIR STONE: Don't make me get a subpoena.</p> <p>17 (Laughter.)</p> <p>18 COMMISSIONER HASHIMOTO: We can do that.</p> <p>19 COMMISSIONER DE REGO: Chair exercising some</p> <p>20 muscle.</p> <p>21 COMMISSIONER HASHIMOTO: Okay, Chair, show</p> <p>22 your muscle.</p> <p>23 CHAIR STONE: Thank you, Carla. Correct?</p> <p>24 MS. NAKATA: Good morning, Charter Commission.</p> <p>25 Carla Nakata.</p>
Page 92	<p>1 political affiliations are noted on the listings.</p> <p>2 COMMISSIONER OKAMOTO: Thank you.</p> <p>3 CHAIR STONE: Thank you.</p> <p>4 Any further questions or clarification?</p> <p>5 Commissioner Hedani.</p> <p>6 VICE-CHAIR HEDANI: Call for the question.</p> <p>7 CHAIR STONE: Very good. Okay. We're going</p> <p>8 to take a vote on whether we will be removing Draft</p> <p>9 Proposal Number 9 from our list. All in favor, say</p> <p>10 "aye" and raise your hand, please.</p> <p>11 (Response.)</p> <p>12 CHAIR STONE: So that is one -- can you keep</p> <p>13 your hands up? One, two, three, four, five, six. Okay.</p> <p>14 Very good.</p> <p>15 All opposed, say "nay" and raise your hand.</p> <p>16 (Response.)</p> <p>17 CHAIR STONE: And that would be four, plus</p> <p>18 wondering what Judge Baxa's got on his mind. Judge Baxa</p> <p>19 is --</p> <p>20 COMMISSIONER DELEON: You have to vote one way</p> <p>21 or the other.</p> <p>22 COMMISSIONER BAXA: I raised my hand the first</p> <p>23 time.</p> <p>24 CHAIR STONE: Excuse me. I didn't get the</p> <p>25 count right, then. That's seven to four.</p>

Page 93	<p>1 Excuse me, Judge Baxa.</p> <p>2 That is removed from the list.</p> <p>3 Okay. Moving on to Proposal Number 10,</p> <p>4 Article 13, General Provisions, Section 13-2, Boards and</p> <p>5 Commissions, Subsection 17, require interactive</p> <p>6 communications access for the public to all County</p> <p>7 Council and County Council meetings.</p> <p>8 Okay. Yes, Susan.</p> <p>9 COMMISSIONER MOIKEHA: I would like to have</p> <p>10 this removed. I believe there's already legislation</p> <p>11 that states that it can be done, it's just a matter of</p> <p>12 the process. So I think this is already in play and in</p> <p>13 the process and can be done. So I would ask that it be</p> <p>14 removed.</p> <p>15 COMMISSIONER SUGIMURA: I second it.</p> <p>16 CHAIR STONE: Okay. First -- so we have the</p> <p>17 proposal killers over there in that section.</p> <p>18 (Laughter.)</p> <p>19 CHAIR STONE: Proposal killer number one,</p> <p>20 Susan, with the first, and proposal killer number two,</p> <p>21 Yuki, seconds.</p> <p>22 Okay. Discussion. Flo.</p> <p>23 COMMISSIONER WIGER: Question. Where do we</p> <p>24 know that?</p> <p>25 CHAIR STONE: Go ahead, Susan.</p>
Page 94	<p>1 COMMISSIONER MOIKEHA: Actually, it's HRS.</p> <p>2 Yeah, we were given that as a resource. I think Ed can</p> <p>3 cite that.</p> <p>4 CHAIR STONE: Ed?</p> <p>5 MR. KUSHI: I think it's HRS, Chapter 92, 92,</p> <p>6 one of those end sections about interactive</p> <p>7 communications by video as well as audio. Very strict</p> <p>8 requirements.</p> <p>9 COMMISSIONER WIGER: So it is in place?</p> <p>10 MR. KUSHI: So it is permitted.</p> <p>11 COMMISSIONER WIGER: I'm sorry. It shall be</p> <p>12 done or it can be done?</p> <p>13 MR. KUSHI: It may be done. But if you do it,</p> <p>14 you have to comply with very, never strict standards.</p> <p>15 COMMISSIONER WIGER: So if they decide not to</p> <p>16 do it, then nothing is going to say it has to be done?</p> <p>17 MR. KUSHI: Correct.</p> <p>18 CHAIR STONE: Okay. Very good.</p> <p>19 Commissioner Hedani.</p> <p>20 VICE-CHAIR HEDANI: I'll be voting in favor of</p> <p>21 the motion on this particular item because I think it's</p> <p>22 very expensive to implement.</p> <p>23 CHAIR STONE: Thank you.</p> <p>24 Susan, you had something to say?</p> <p>25 COMMISSIONER MOIKEHA: No. I'm good.</p>
Page 95	<p>1 CHAIR STONE: Kay.</p> <p>2 COMMISSIONER OKAMOTO: Well, I'll be voting in</p> <p>3 favor of the motion, also. Even though, you know, we --</p> <p>4 a lot of Lanai people feel it should happen, I don't</p> <p>5 think it belongs in the Charter, which I had stated</p> <p>6 before.</p> <p>7 CHAIR STONE: Very good.</p> <p>8 Flo.</p> <p>9 COMMISSIONER WIGER: I won't be able to</p> <p>10 support withdrawing it. While I agree that I think the</p> <p>11 costs are coming down all the time, I think with the</p> <p>12 technology that we have now and the availability of</p> <p>13 systems like Skype and open meeting and things like</p> <p>14 that, it's -- it's moving very, very quickly. So I</p> <p>15 can't support it.</p> <p>16 CHAIR STONE: Very good.</p> <p>17 Further discussion? Dave.</p> <p>18 COMMISSIONER DELEON: This is not -- this,</p> <p>19 basically, is requiring it. This is making a point that</p> <p>20 it will happen. If you just left it up to the powers</p> <p>21 that be, it will fall -- I mean, it's been possible to</p> <p>22 do this for 10 years, easy. And when I talked to former</p> <p>23 Councilmember English, he was talking about doing this</p> <p>24 back when he was a councilmember. Sol Kahooalahala was</p> <p>25 very involved in trying to do this. We didn't see it</p>
Page 96	<p>1 happen. And if there is nothing in the Charter to</p> <p>2 enforce it, it probably won't happen.</p> <p>3 CHAIR STONE: Very good.</p> <p>4 Susan.</p> <p>5 COMMISSIONER MOIKEHA: Unless you reword this,</p> <p>6 the way it's worded right now, it gives the Council --</p> <p>7 "shall deem appropriate and reasonable." So they still</p> <p>8 have the same criteria as they do now under the State --</p> <p>9 under HRS. It provides the process, the law does, which</p> <p>10 this would, too, but it still gives them the opportunity</p> <p>11 to do it or not. It's not forcing anybody to do it.</p> <p>12 So I'm not going to support this motion to --</p> <p>13 I mean, I support taking it off.</p> <p>14 CHAIR STONE: I believe that the intent of the</p> <p>15 motion is to mandate it, that it doesn't -- will not</p> <p>16 give the Council the option of whether they can do it or</p> <p>17 not. That's the intent.</p> <p>18 Susan, go ahead.</p> <p>19 COMMISSIONER MOIKEHA: And by the word</p> <p>20 "shall," I mean, you could -- you could conclude that.</p> <p>21 But when you read further as to what is drafted in</p> <p>22 here -- and you may change it if this proposal goes</p> <p>23 through -- it's "shall deem appropriate." "As the</p> <p>24 Council shall deem appropriate and reasonable." So they</p> <p>25 still have the authority, they have it now, but they --</p>

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<p>1 the way we're wording it now, they have that opportunity 2 to do it or not, if they determine it's not reasonable. 3 CHAIR STONE: Okay. Thank you, Susan. 4 Go ahead, Wayne, Commissioner Hedani. 5 VICE-CHAIR HEDANI: Yes. As the proposal is 6 worded right now, it requires interactive communications 7 access for all Council meetings and all County Council 8 committee meetings. There are like 13 different 9 committees that the Council has. Several of those 10 meetings could be going on simultaneously. And somebody 11 needs to put a price tag on this thing if it were to 12 stay alive. 13 CHAIR STONE: Thank you, Commissioner Hedani. 14 Commissioner Baxa. 15 COMMISSIONER BAXA: Mr. Chair. I remember 16 correctly that there were also some who said that while 17 it might be useful to some, they said that it's not 18 useful to me and, besides, it's too expensive, why 19 bother with all these expenses. I am simply going to 20 vote in accordance with that position. 21 CHAIR STONE: Okay. Thank you very much. 22 Commissioners? Commissioner DeLeon. 23 COMMISSIONER DELEON: For the record, there's 24 nine councilmembers. You have to have five members to 25 have a quorum in any committee meeting. That means you</p>	<p>1 CHAIR STONE: We have a motion. 2 COMMISSIONER SUGIMURA: Second. Oh, his 3 motion. 4 COMMISSIONER DELEON: No, not mine. It's the 5 Mayor's. 6 CHAIR STONE: Okay. Very good. It's been -- 7 motion's been put forward to remove this proposal by 8 Commissioner DeLeon, seconded by Commissioner Sugimura. 9 Discussion? 10 (No Response.) 11 CHAIR STONE: Very good. Let's put this to 12 vote. All in favor of removing Proposal Number 11, 13 raise your hand and say "aye." 14 (Response.) 15 CHAIR STONE: Sorry. Keep your hands up. 16 One, two, three, four, five, six, seven, eight, nine, 17 ten. 18 And all opposed, raise your hand and say 19 "nay." Nay. 20 That's one. One, but one very savvy no. 21 COMMISSIONER WIGER: There you go. 22 CHAIR STONE: That is off the list. 23 Moving on to Proposal Number 12, Article 14, 24 Section 14-1, Initiation of Amendments, remove authority 25 of County Council to propose Charter Amendments during</p>
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<p>1 only have one committee happening at a time. 2 CHAIR STONE: Thank you very much. 3 Okay. We're going to put this to vote, no 4 further discussion. All in favor of removing Draft 5 Proposal Number 10, raise your hand and say "aye," 6 please. 7 (Response.) 8 CHAIR STONE: That's one, two, three, four 9 five. Okay. Thank you. 10 All against removing Proposal 10, raise your 11 hand and say "nay." 12 (Response.) 13 CHAIR STONE: One, two, three, four, five, 14 six. So this proposal stays. 15 COMMISSIONER DELEON: I won one. 16 (Laughter.) 17 CHAIR STONE: Proposal 11, Article 13, General 18 Provisions, Section 13-2, Boards and Commissions, 19 Subsection, 17, increase the number of days the Mayor 20 has to submit to Council the name of Mayor's nominee to 21 fill a vacancy. 22 Dave, you're on a roll, you might as well go 23 for it. 24 COMMISSIONER DELEON: Move to remove. I don't 25 think it's --</p>	<p>1 the general or special election cycle that the Charter 2 Commission is conducting -- while the Charter Commission 3 is conducting its mandatory review. 4 Susan. 5 COMMISSIONER MOIKEHA: I would like to propose 6 a motion to remove this. 7 COMMISSIONER DELEON: Second. 8 CHAIR STONE: Okay. A motion has been 9 proposed to remove Draft Proposal Number 12 by 10 Commissioner Moikeha, seconded by Commissioner DeLeon. 11 Discussion? 12 (No Response.) 13 CHAIR STONE: Very good. We'll take this -- 14 Cliff, you just made it. 15 (Laughter.) 16 COMMISSIONER HASHIMOTO: Yeah. Chair, when we 17 were on -- was it Molokai, I believe -- isn't that where 18 the Chair of the Council represents? 19 CHAIR STONE: Uh-huh. 20 COMMISSIONER HASHIMOTO: Okay. He said 21 something that I was opposed to. And that was, he said 22 that only the Legislative Branch has the right to -- to 23 make changes or something. And I said, you know, if 24 that's true, why do we have this Commission. And all 25 the things that I've read, the background I've read on</p>

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1 charter commissions, says otherwise than what he said.
 2 So I don't know why -- why he even said that. So
 3 there's a challenge about the -- whether the Council
 4 should be making amendments or not.
 5 CHAIR STONE: Yes.
 6 COMMISSIONER DE REGO: Chair?
 7 CHAIR STONE: Yes, Frank.
 8 COMMISSIONER DE REGO: The only reason I would
 9 support this is because I've been thinking about this
 10 process as we've been going over it the last year. And
 11 there's got to be some sort of line that we can follow
 12 in cooperation between the Council and the Charter
 13 Commission, while it's meeting, so that there's not dual
 14 processes occurring during the time the Charter
 15 Commission is meeting. And I -- to their credit, the
 16 Council did stop a parallel process, did start bringing
 17 their proposals to the Charter Commission while it was
 18 sitting, but it still does not stop -- let's say the
 19 Council -- let's say we want to limit ourselves because
 20 of education of the people to, let's say, six or eight
 21 Charter Amendments, right. Okay. And we've made that
 22 decision as a Charter Commission. According to what
 23 I've heard from Corporation Counsel, within the time
 24 things have to be sent to the County Clerk, it does not
 25 prevent the Council from putting up four or five more

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1 Charter Amendments that they feel are important. And
 2 then, all of a sudden, you're back to where you started,
 3 instead of like trying to -- limiting and trying to get
 4 education done for these Charter Amendments, you're up
 5 to 10, 11, 12, you know, however many there are. It --
 6 it seemed to me -- and it was -- it was characterized as
 7 an erosion of Council power, those kinds of things. All
 8 I was looking for when -- when this discussion started,
 9 personally, was some sort of consistency and some sort
 10 of clarity to the process so that we didn't end up at
 11 the end of the process with something that we tried to
 12 prevent at the beginning of the process.
 13 I thought that we could actually cooperate
 14 with the Council in terms of getting their ideas, and
 15 then, you know, for that particular year, leaving the
 16 Charter Commission to be the one who makes the final
 17 decision in terms of what's put on the ballot, in
 18 cooperation with the Council. Okay. And I still feel
 19 that way at this particular point.
 20 You know, I know Commissioner DeLeon does
 21 point out -- and it's probably true -- that, you know,
 22 in the other nine years, you know, they do have the
 23 possibility of doing things, and -- and maybe they
 24 don't. Okay. But that's a decision that the Council
 25 makes, you know.

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1 I think everything that we've heard from the
 2 councilmembers, interestingly enough, have been in
 3 reaction to something that we have done or proposed.
 4 (Laughter.)
 5 COMMISSIONER DE REGO: But I'm still searching
 6 in some way, shape or form for a process by which there
 7 is cooperation and then an ability to put the same
 8 number of amendments on the ballot that we can do a
 9 thorough education of the public as much as possible --
 10 and that's going to be one of our tasks, I think, that
 11 we haven't even talked about yet -- of those particular
 12 amendments.
 13 But, yeah, this -- this still somehow bothers
 14 me. And I'm not -- I'm not going to be voting for
 15 removing this just yet from the --
 16 COMMISSIONER BAXA: Mr. Chair?
 17 CHAIR STONE: Thank you, Frank.
 18 Sorry. I had Kay's hand up first. Kay, go
 19 ahead.
 20 COMMISSIONER OKAMOTO: I don't particularly
 21 like the way it reads now, but I think it may still need
 22 some work. I think the whole idea is that you don't end
 23 up with alternate amendments at the same time, too, like
 24 there was before. So I would be voting to keep it on.
 25 CHAIR STONE: Okay. Thank you.

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1 Commissioner Baxa.
 2 COMMISSIONER BAXA: Mr. Chair, I would vote to
 3 keep it on. I am very much aware that the Council's
 4 primary duty is to make the law, the legislative
 5 authority. But, see, I am trying to separate between
 6 the Constitution and the -- the Charter is the
 7 Constitution of the County of Maui. They can make laws
 8 pursuant to the Charter, pursuant to the Constitution of
 9 the State of Hawaii, pursuant to the United States
 10 Constitution. And I don't know, they may have this
 11 power, but I -- my main question is this: We, as a
 12 Charter Commission -- it is mandated that the County of
 13 Maui has to have a Charter Commission every 10 years.
 14 Why? You know, within the nine years, every proposal
 15 from the Council should have come, you know. And to
 16 come at this particular moment, I don't know what they
 17 will do. They may come with seven proposals after us.
 18 What have we been doing here, you know? That bothers me
 19 a lot. That really bothers me a lot.
 20 So I would vote to keep this on the ballot.
 21 CHAIR STONE: Thank you, Commissioner Baxa.
 22 COMMISSIONER BAXA: And if it passes, the
 23 County ought to follow the Charter.
 24 CHAIR STONE: Thank you, Commissioner Baxa.
 25 Go ahead, Yuki.

<p style="text-align: right;">Page 105</p> <p>1 COMMISSIONER SUGIMURA: So just to add to the 2 conversation, I guess, in terms of what I know of the 3 Council and what I've seen them do so far, is that I 4 think that they've been acknowledging the work that we 5 do as a Charter, and not trying to ramrod their position 6 or do something independently. I see them working with 7 us as, I think, in mostly all the community meetings, we 8 had councilmembers come and tell us exactly what they 9 thought for each item that was on our list. 10 And I don't think we need to have this. I 11 think that what we see are nine councilmembers working 12 with a system. I trust that they're doing the best 13 thing for the people. They're not doing it because 14 they're trying to ramrod or do something negative 15 against us. So I think this can be -- I'm going to vote 16 to remove it. 17 CHAIR STONE: Thank you. 18 Commissioner DeLeon. 19 COMMISSIONER DELEON: In the last Charter 20 Commission, there was a proposal to give full powers to 21 the Water Board. And there was a strong feeling in the 22 community that that would result in that particular 23 water director being in position for the rest of his 24 life. And there was strong feelings about why that was 25 not a good thing. And the Council took it upon itself</p>	<p style="text-align: right;">Page 107</p> <p>1 (No Response.) 2 CHAIR STONE: No. Very good. Let's take this 3 to vote, then. All in favor of removing Proposal Number 4 12 from the list, please raise your hand and say "aye." 5 (Response.) 6 CHAIR STONE: That's one, two, three, four, 7 five, six. 8 All against removing this from the list, raise 9 your hand and say "nay." 10 (Response.) 11 CHAIR STONE: That would be one, two, three, 12 four, five. Okay. This is removed from the list. 13 Moving on to Proposal Number 13, Article 14, 14 add a new section to require that the Charter be revised 15 and published to include all new significant amendments 16 adopted. 17 Susan. 18 COMMISSIONER MOIKEHA: I'm going to propose a 19 motion to remove this, you know, just because I'm 20 irritated by it. 21 (Laughter.) 22 CHAIR STONE: That is a -- 23 COMMISSIONER SUGIMURA: I second the motion. 24 CHAIR STONE: The proposal killers strike 25 again.</p>
<p style="text-align: right;">Page 106</p> <p>1 of using its power to put a counterproposal on the 2 table. You are talking about removing that potential. 3 The counterproposal was picked by the public. It wasn't 4 -- it wasn't the original proposal by the Charter 5 Commission, right or wrong. I mean, what the Commission 6 was proposing might have been absolutely correct, but 7 the political implications and the practical 8 implications of it were very obvious to those who were 9 paying attention. 10 And the Council, in my view, was correct to 11 make that proposal. And it saved us from a mess. So I 12 think you're taking away an important authority and -- 13 you're proposing to take away important authority. And 14 what you're going to end up with is you're going to have 15 councilmembers lobbying against our proposals. 16 CHAIR STONE: Thank you. 17 Kay. 18 COMMISSIONER OKAMOTO: If there is a proposal 19 that should be lobbied against, they should, that's part 20 of the process. I don't like seeing counterproposals. 21 I just think -- if that's the case, yeah. And I'm still 22 not totally sure one way or the other. I just think it 23 should stay on for further discussion. 24 CHAIR STONE: Thank you very much. 25 Further discussion, Commissioners?</p>	<p style="text-align: right;">Page 108</p> <p>1 COMMISSIONER MOIKEHA: Where is the common 2 sense that you wouldn't republish? And why do we have 3 like two things of -- sources of where this can be 4 found? Why can't somebody just publish it? 5 CHAIR STONE: Could somebody please point out 6 to Commissioner Moikeha that she just said common sense 7 and government combined? 8 COMMISSIONER WIGER: That's right. Oxymoron. 9 CHAIR STONE: Did everybody hear that? 10 COMMISSIONER MOIKEHA: And I find it annoying 11 that we would have to take time to even have it as a 12 Charter Amendment. Take it off. And, hopefully, 13 somebody will get an understanding that they should 14 republish substantial changes. It hasn't been 15 republished, what, since 2003? 16 CHAIR STONE: Thank you, Susan. 17 Kay. 18 COMMISSIONER OKAMOTO: I would vote to keep it 19 on because, obviously, somebody doesn't have common 20 sense. When we look at this book and we think we're 21 right, but then we forgot all these things and -- 22 COMMISSIONER SUGIMURA: Cost, yeah. 23 COMMISSIONER OKAMOTO: And three different 24 terms, nobody bothered to republish. So somebody 25 doesn't have the common sense to do it.</p>

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1 CHAIR STONE: Very good.
 2 Further discussion? Dave.
 3 COMMISSIONER DELEON: I was thinking about
 4 this. If you look at HRS, you find these kind of
 5 add-ons. They have whole books of add-ons. I think
 6 that's the process that the lawyers are thinking of, you
 7 know. But in this case, we're talking about a pamphlet
 8 that's like 40 pages. I mean, a clerk can do this in a
 9 week, you know. There's no reason -- you know, they
 10 could rewrite the whole damn thing in a week. So it's
 11 not like it's a big deal. I mean -- and it's -- the
 12 printing costs are minimal. It's like -- and most of it
 13 is going to be published on the web, anyway. So get
 14 over it, do it.
 15 CHAIR STONE: Very good.
 16 Stacy, did you have something?
 17 COMMISSIONER CRIVELLO: No. No.
 18 CHAIR STONE: Flo.
 19 COMMISSIONER WIGER: Well, while I agree, in
 20 theory with Susan's point, and I do, and the idea that
 21 it's common sense -- you know, it's like dealing in --
 22 it's like dealing with a child, and there are certain
 23 things that are very commonsensical. And sometimes,
 24 when it doesn't work, after two or three tries, you have
 25 to say, "This is what I said. And what is it about what

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1 I said that you don't understand? Do it." This tells
 2 them to do it. And then we won't have to go through it
 3 again. And neither will any other Charter Commission.
 4 CHAIR STONE: Very good. Thank you.
 5 Stacy, did you want to add something?
 6 COMMISSIONER CRIVELLO: She said it all.
 7 CHAIR STONE: Okay. Thank you.
 8 Commissioner Hedani.
 9 VICE-CHAIR HEDANI: Actually, instead of
 10 blaming the Administration or the County in this
 11 particular case, once the election takes place, as part
 12 of the Charter Commission's budget, we could publish the
 13 Charter in its accepted form.
 14 COMMISSIONER DELEON: We're out of business
 15 then. We're out of business.
 16 COMMISSIONER OKAMOTO: We're out of business.
 17 COMMISSIONER DE REGO: We're out of business.
 18 COMMISSIONER DELEON: Aren't we out of
 19 business after the election?
 20 CHAIR STONE: Yes. Yes, very much so.
 21 Very good. Let's put this to vote, then,
 22 please. All in favor of removing Proposal Number 13
 23 from the list, raise your hand and say "aye."
 24 (Response.)
 25 CHAIR STONE: Okay. That's one, two, three,

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1 four for removal.
 2 All opposed to removing this from the list,
 3 raise your hand and say "nay."
 4 (Response.)
 5 CHAIR STONE: That's one, two, three, four,
 6 five, six, seven. Very good. That is going to stay on
 7 the list.
 8 COMMISSIONER DELEON: Besides, that was Jim
 9 Smith's proposal. I said that after.
 10 COMMISSIONER WIGER: Be nice.
 11 CHAIR STONE: Very good.
 12 COMMISSIONER DELEON: It was.
 13 CHAIR STONE: Moving on to proposal --
 14 COMMISSIONER DE REGO: Those are two words,
 15 Dave, that just --
 16 CHAIR STONE: -- Number 14, Article 14,
 17 Section 14-3, Mandatory Review, conform the term of
 18 appointment of Charter Commissioners to the terms of
 19 other Maui County boards and commissions. Do I have a
 20 motion?
 21 COMMISSIONER SUGIMURA: Remove.
 22 CHAIR STONE: Who's going to take the motion?
 23 COMMISSIONER DELEON: I think the language on
 24 this is not what we were talking about. We were talking
 25 about having the Charter Commission term somehow match

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1 up with the other -- no. The appointment process -- the
 2 approval process matching up with the approval process
 3 for the other boards and commissions. And so right now,
 4 it stands as really there's no mechanism to force the
 5 Council to act. If the Council just decides to sit
 6 there for three or four months --
 7 COMMISSIONER DE REGO: Exactly.
 8 COMMISSIONER DELEON: -- then there's no
 9 mechanism under the existing Number 14, I think, 3 or
 10 whatever it is.
 11 CHAIR STONE: So do we have -- so our language
 12 does not --
 13 COMMISSIONER DELEON: We need to have to get
 14 better language. This is broken. This is a broken
 15 proposal as its written here.
 16 CHAIR STONE: Okay. Very good. Good to know.
 17 Go ahead, Commissioner De Rego.
 18 COMMISSIONER DE REGO: And I think -- I think
 19 it was Kay who brought this up, actually. I don't want
 20 to blame you for this, if it's not, so correct me if it
 21 is. I think we did have a discussion that the year that
 22 we had was -- was not enough considering the way the
 23 process runs. Okay. Like, for instance, if we wanted
 24 to look at a major change in County government to go
 25 from a Mayor/Council to a City Manager, right, we didn't

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<p>1 have enough time to look at that, those kinds of, you 2 know, basic fundamental changes to -- to city 3 government. So I -- 4 CHAIR STONE: Very good. 5 COMMISSIONER DE REGO: I -- my understanding 6 of this one is it's -- it's -- it is broken in some 7 sense, but there is a kernel here of where, I think, we 8 need to discuss it a bit more. So I would agree with 9 Dave on that point. 10 CHAIR STONE: Very good. 11 We presently don't have a motion -- 12 COMMISSIONER DE REGO: Okay. 13 CHAIR STONE: -- to remove. 14 COMMISSIONER DE REGO: I'm not going to make a 15 motion. 16 COMMISSIONER SUGIMURA: I move to remove this. 17 CHAIR STONE: Okay. Yuki puts a motion 18 forward to remove. Do we have a second on that motion? 19 VICE-CHAIR HEDANI: Second. 20 CHAIR STONE: Seconded by Commissioner Hedani. 21 Okay. Now we may discuss. 22 COMMISSIONER DE REGO: Oh. 23 CHAIR STONE: So very good. My understanding 24 is, as we even presented to the public, that we had some 25 errors here. And we, in fact, didn't quite even bring</p>	<p>1 COMMISSIONER SUGIMURA: Hey, Josh. 2 CHAIR STONE: Yes. One second. Yuki. 3 COMMISSIONER SUGIMURA: So, you know, the 4 problem with this is that when we went before the 5 community meetings, we kind of said, oh, disregard that 6 because this is an error. So we never got community 7 input on it. 8 CHAIR STONE: Yeah. 9 COMMISSIONER SUGIMURA: So I don't think, at 10 this point, it would be fair to just keep it alive and 11 making all these clarifications now. Because when we 12 went through our second round, we weren't honest with 13 the -- 14 CHAIR STONE: Woah. Let's back up on 15 "honest." Let's use a different -- 16 COMMISSIONER SUGIMURA: I don't mean honest, 17 but we -- 18 CHAIR STONE: Clear. Clarity. Let's talk 19 about clear. 20 COMMISSIONER SUGIMURA: Yeah. Sorry. 21 CHAIR STONE: Okay. Very good. Good point, 22 Yuki. 23 Go ahead, Susan. 24 COMMISSIONER MOIKEHA: I would support keeping 25 it on for the discussion to change and maybe move</p>
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<p>1 it forward because it was incorrect. I understand the 2 intent. I guess what -- well, not I guess. What I 3 would propose is that we look at it with the 4 understanding the proper intent would be brought forward 5 in the language and this would be moved forward under 6 those circumstances. But, still, we may want it removed 7 regardless. So we're discussing removal if it were to 8 say the right thing. 9 COMMISSIONER WIGER: Okay. 10 COMMISSIONER SUGIMURA: Which it doesn't. 11 CHAIR STONE: Which it presently doesn't. 12 COMMISSIONER DE REGO: Doesn't. 13 CHAIR STONE: Yes, Dave. 14 COMMISSIONER DELEON: I think we really have 15 parallel thought processes happening. I'm talking about 16 the appointment -- I mean, the approval process under 17 the Council. Kay was talking about having an extended 18 kind of program where more detailed research could be 19 done on the way our government operates. 20 So there are really two different things stuck 21 in the one proposal. And so -- but I just wanted to say 22 that. I'm not making an argument one way or the other 23 about it. I'm just pointing out there's more here than 24 -- we haven't really fleshed this one out well enough 25 yet to be able to say yes or no on it, I don't think.</p>	<p>1 towards what the intent was, along with anything else 2 that would add to that. And that did get public 3 process. That's been a discussion in our minutes for 4 quite some time, the intent or things that Kay brought 5 up. I even suggested two years, I think, at one time. 6 So I would support just keeping it on to -- to clean the 7 language up and to get to the intent. And then see 8 where we are. 9 CHAIR STONE: Okay. Very good. 10 Any further discussion? 11 (No Response.) 12 CHAIR STONE: No. Take that to vote. All in 13 favor of removing Proposal Number 14 from the list, 14 please raise your hand and say "aye." 15 (Response.) 16 CHAIR STONE: That's two. 17 All opposed from removing Proposal Number 14, 18 raise your hand and say "nay." 19 (Response.) 20 CHAIR STONE: And that is one, two, three, 21 four, five, six, seven, eight, nine. Okay, good. Just 22 got to make sure that we get everybody voting. That's 23 why we're counting. 24 COMMISSIONER SUGIMURA: Nine to two. 25 CHAIR STONE: Nine to two.</p>

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1 Okay, moving forward. Proposal Number 15,
 2 Article 13, general provisions, Section -- sorry. To go
 3 back to Proposal Number 14, just so the press
 4 understands that this proposal, as worded, is incorrect,
 5 because I don't want to get a bunch of press saying
 6 "they pushed through a five-year term." Okay. So
 7 moving on to Proposal Number 15, Article 13, General
 8 Provisions, Section 13-2, Boards and Commissions,
 9 Subsection 17, require the County of Maui to fund the
 10 defense of members of all County of Maui boards and
 11 commissions and to indemnify said members.
 12 (No Response.)
 13 CHAIR STONE: Okay, no discussion. Moving
 14 forward. That one stays on the list.
 15 Proposal Number 16, Article 3, Section 3-3,
 16 Qualifications, require Council candidates to be a
 17 resident of the County for a period of one year, and a
 18 resident in the area for a period of one year. And I
 19 believe -- yes. Okay. Okay. Commissioner Hedani.
 20 VICE-CHAIR HEDANI: I just have a question.
 21 Have we ever received the proposals?
 22 CHAIR STONE: No, not to date. Remember,
 23 these were the -- we took these to the public as
 24 questions. We hadn't gotten --
 25 VICE-CHAIR HEDANI: So we're going to decide

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1 the fate of the question without a proposal?
 2 CHAIR STONE: That's a valid point. This
 3 round is, basically, keeping this particular item on the
 4 list, being one-year requirements for residency and
 5 living in the area for a period of one year. And,
 6 again, just because the proposals move forward today
 7 doesn't necessarily mean that they will move forward
 8 tomorrow.
 9 Are you comfortable with that, Wayne? Yeah.
 10 So no discussion?
 11 (No response.)
 12 CHAIR STONE: Okay. Very good. This proposal
 13 stays.
 14 Proposal Number 17, Article 7, Section 7-3,
 15 Qualifications, requiring candidates for Mayor to be a
 16 resident of the County for a period of one year.
 17 (No Response.)
 18 CHAIR STONE: Okay, no discussion. That stays
 19 on the list.
 20 Proposal Number 18, Article 8, Chapter 7, new
 21 section, Department of Fire and Public Safety, create a
 22 declaration of policy; Article 8, Chapter 7, Section
 23 8-7.2, Fire and Public Safety Commission, to add review
 24 personnel actions with the Department for conformance
 25 with the policies under Article 8, Chapter 7.

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1 No -- go ahead, Commissioner DeLeon.
 2 COMMISSIONER DELEON: I'm going to propose to
 3 remove on the point that I believe that this should be
 4 to all departments, and not just -- at least the first
 5 section, (a), should be in all departments. And while I
 6 appreciate Greg's efforts and his honesty and his effort
 7 and everything, I think this is more of a personnel
 8 issue in one department that doesn't belong in the
 9 Charter. I think it belongs in a report to the Charter
 10 that -- I mean to the public, including the Fire
 11 Commission, telling them that maybe they want to get
 12 their act together. And this general section, (a), I
 13 think it should be just generally for all departments
 14 because I think we want to have the best personnel.
 15 VICE-CHAIR HEDANI: Second.
 16 CHAIR STONE: Okay. Commissioner DeLeon has
 17 put a motion forward, and it's been seconded by
 18 Commissioner Hedani.
 19 Stacy?
 20 COMMISSIONER CRIVELLO: As a past member of
 21 the Fire Commission, I think this adds strength to the
 22 Fire and Public Safety Commission. I don't think it's
 23 something that has come up because of necessarily
 24 personnel reasons. And if the other departments wanted
 25 to have some sort of comment in regard to their

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1 department, they should have stepped forward. And I
 2 don't see where the Police or Liquor the other
 3 departments found it necessary.
 4 So I am hoping that we keep this for further
 5 discussion, anyway, instead of complete removal.
 6 I think you had an individual that put in --
 7 and even with the conversations with the Fire Department
 8 as a whole, there was much collaboration and discussion
 9 to try and get this to the Charter. It wasn't something
 10 that was just picked up from the lowest hanging fruit.
 11 CHAIR STONE: Thank you, Commissioners.
 12 COMMISSIONER BAXA: Mr. Chair?
 13 CHAIR STONE: Susan.
 14 COMMISSIONER MOIKEHA: Yeah, I'll support
 15 continuing this on the list. And one of the documents
 16 we received from Ken --
 17 COMMISSIONER DELEON: Taira.
 18 COMMISSIONER MOIKEHA: -- Taira raised some
 19 questions for me because I don't know if it applies to
 20 civil servants or to non-civil servants. Because as he
 21 stated in his comments, that all employees of the County
 22 are hired through Civil Service. And doing so, unless
 23 that's incorrect, rather than debate whether it's true
 24 or not, it just raised more questions for me. And I
 25 would like to have some of those answers as to who this

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<p>1 is really addressed to and whether or not it's in and 2 above County requirements or department requirements. I 3 don't know. 4 So I'll support further discussion by keeping 5 this on the list. 6 CHAIR STONE: Thank you. 7 Commissioner Baxa. 8 COMMISSIONER BAXA: Mr. Chair, I would also 9 support for keeping this. You know, there was a lot of 10 discussions in this area. A lot of time was involved. 11 I would certainly hope that we keep this. 12 CHAIR STONE: Thank you. 13 Okay. No further discussion, very good. 14 We'll take a vote. All in favor of removing Proposal 15 Number 18 from the list, raise your hand and say "aye." 16 (Response.) 17 CHAIR STONE: That's two. 18 All opposed from removing Proposal 18 from the 19 list, raise your hand and say "nay." 20 (Response.) 21 CHAIR STONE: And you must vote. I have to 22 point this out. 23 COMMISSIONER SUGIMURA: I vote with the first 24 group. 25 CHAIR STONE: Oh, you voted -- wait. Start</p>	<p>1 forward to remove Proposal Number 19 and seconded. 2 Discussion? 3 COMMISSIONER OKAMOTO: Can I -- 4 CHAIR STONE: Kay, go ahead, as maker. 5 COMMISSIONER OKAMOTO: We have heard so many 6 things about where it should be, what it should be, I 7 just don't see that we can come up with one thing to put 8 it into one department. It was talked about in 9 different departments. It seems to be something the 10 Mayor could do. Yes, it's important, but I just don't 11 think that it's clear enough where it is and what it 12 should be doing. 13 CHAIR STONE: Thank you. 14 Commissioner DeLeon. 15 COMMISSIONER DELEON: Again, I don't think the 16 drafting is correct on this, because it isn't just 17 sustainability; it's environmental protection and 18 sustainability. Actually, two separate functions. One 19 is, you know, to protect us from all the invasive 20 species and other stuff that's happening to the 21 environment now that we lost control over, and -- or we 22 need to try to defend against. And the other one is the 23 food sustainability and trying to find other ways to 24 make life here more supportable without having to -- the 25 joke is what happens to us when the boats quit coming.</p>
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<p>1 again. Start again. Back up. 2 COMMISSIONER SUGIMURA: Sorry. 3 CHAIR STONE: Redo. Redo. All in favor of 4 removing Proposal Number 18 from the list, raise your 5 hand and say "aye." 6 (Response.) 7 CHAIR STONE: Very good. That's three. 8 All opposed, raise your hand and say "nay." 9 (Response.) 10 CHAIR STONE: Very good. Proposal 18 stays. 11 That was eight "nay," by the way, for the 12 record. Did you get that? 13 Moving on to Proposal Number 19, Article 8, 14 Chapter 15, Department of Environmental Management, 15 Section 8-15.3, to add sustainability to the powers, 16 duties and functions of the Department of Environmental 17 Management. 18 COMMISSIONER OKAMOTO: Mr. Chair? 19 CHAIR STONE: Susan. Oh, sorry. Wait, Susan. 20 Somebody else wants to be able to kill a proposal. 21 Kay. 22 COMMISSIONER OKAMOTO: I move to remove this 23 from our active. 24 VICE-CHAIR HEDANI: Second. 25 CHAIR STONE: Thank you. It's been put</p>	<p>1 In one month, we all become Amish, that's what -- you 2 know, so how do we do that? 3 So the way this is drafted, it doesn't speak 4 to environmental protection. And that's the one I'm 5 really focused on, actually. And so I think it's 6 actually a two-part question. And I would -- I think 7 sustainability, as we've heard in -- I think it was in 8 Pukalani, sustainability might fit better in the Office 9 of Economic Development. It might. But we do need a 10 section that does environmental protection. And if we 11 don't have that, we will be overrun. And if we do 12 depend on the State, good luck. 13 CHAIR STONE: Very good. 14 Susan. 15 COMMISSIONER MOIKEHA: I'm in support of 16 removing it. And it's not because I don't agree that we 17 need to preserve our resources, our environment, or that 18 sustainability isn't important, but as you listen to 19 people that testified, everybody has their own 20 definition of what's important to them under 21 sustainability. 22 And, again, I'm going to reference Mr. Ken 23 Taira's comments, which made me think again that we 24 already have a State -- that the State of Hawaii has 25 already published a sustainability plan. And then he</p>

<p style="text-align: right;">Page 125</p> <p>1 outlined a couple of those objectives. And what he 2 recommended, that it shouldn't be the responsibility of 3 just one department, that maybe a task force should be 4 put together with various department representatives, 5 State and private sector, to address this. 6 And that's kind of been my thought as I've 7 listened to the testimony, particularly Mr. Watanabe's 8 regarding agriculture, and that he felt sustainability 9 of that should remain in Economic Development. 10 So everybody has their position with all 11 reaching towards the same objective. I don't think 12 anybody can sit here, the public, and say they don't 13 disagree with sustainability. But everybody's going to 14 have their path of getting to there. 15 Before he made this comment, and I read his 16 testimony, my thought was that each department should 17 have an assigned member that would come together within 18 the County of Maui, under the Administration, to work 19 towards sustainability within their department. And to 20 give this all to environmental, I think, is not right. 21 And that came from the basis of testimony where many 22 said that, as employees speaking, that they were 23 overworked, overloaded, and this doesn't really belong 24 there just because it's environmental. 25 So I think it's an important issue. I think</p>	<p style="text-align: right;">Page 127</p> <p>1 protecting our environment and all of the natural 2 resources that come with it. And that includes our 3 agricultural lands and -- and for the farmers. 4 So I think when we just put it under the 5 Environmental Management Department, and you look at 6 what they're assigned to do, or -- you know, it's waste 7 and -- what is it -- the landfills or what-have-you. 8 COMMISSIONER DELEON: Wastewater. 9 COMMISSIONER CRIVELLO: Wastewater. And so 10 it's not so much where their purpose is for specific 11 when we talk about sustainability. So, therefore, I 12 think we need to have more discussion about how we can 13 make it so that our County will follow through with a 14 lot of protection of our environment, or the State's 15 sustainability plan, or simply malama aina, you know, 16 simple as that. And I think the Administration has the 17 power. And if that's something that he wants to pursue, 18 I'm sure we'll get the support from Council. 19 CHAIR STONE: Thank you. 20 Commissioner DeLeon. 21 COMMISSIONER DELEON: I don't disagree with 22 the points about taking it out of this particular 23 department, but I do disagree with taking it off the 24 list. I think it needs to stay there. Otherwise, we 25 won't be able to propose anything, it will just be gone.</p>
<p style="text-align: right;">Page 126</p> <p>1 it still needs vetting. I would hope that the 2 Administration might take some of these things into a 3 recommendation that they did -- would pursue either a 4 task force or pull from each of their departments 5 working towards sustainability and defining it. 6 You're going to -- as Mr. Watanabe pointed 7 out, you're going to find that agriculture works best in 8 preserving their sustainability under economics -- the 9 Department of Economics. And so I think there's too 10 many variations. You can't just say, you know, one way 11 fits everything, because I don't think it does. And 12 that we should follow the plan, the sustainability plan 13 that's already out there, and bring that down to the 14 County level. 15 So I'm not going to support keeping this on 16 the list. I think it needs to go further. 17 CHAIR STONE: Thank you, Susan. 18 Stacy. 19 COMMISSIONER CRIVELLO: I won't be supporting 20 keeping this on the list for the same reasons that Susan 21 is saying. You know, I think we've heard testimony, 22 even from our Council people, that -- or person that the 23 department can't even keep up with what they need to do. 24 And it doesn't talk about sustainability. So if we want 25 to talk about sustaining, we want to talk about</p>	<p style="text-align: right;">Page 128</p> <p>1 And so, I mean, there won't be any malama aina statement 2 anywhere if we just remove it, because that's what we're 3 doing here. So leave it on with the assumption -- it 4 doesn't have to be assumed that this is going to be 5 sustainability in the Department of Environmental 6 Management. Again, the environmental protection element 7 was not even mentioned in this -- in this article, even 8 though this is the one where it's supposed to be. 9 So I think there's more to be discussed here. 10 And I won't support removal. 11 CHAIR STONE: Thank you. 12 Frank, you had something? 13 COMMISSIONER DE REGO: Yeah, I would agree 14 with Dave on this one. I think that there's probably a 15 lot trying to be fit into this. And we did hear a lot 16 of testimony about economic development, but there's 17 something embedded in here about environmental 18 protection, which I would think is something that we 19 need to look at. I think, in spite of the State's plans 20 for sustainability, the State has already shown that 21 it's not going to provide the resources for that. The 22 counties actually have been doing a lot on their own in 23 order to do this, especially with the watershed 24 partnerships and those other entities as well. 25 So unless -- if we think the State is going to</p>

<p style="text-align: right;">Page 129</p> <p>1 be doing this for the County, I think we're -- we're so 2 sorely very, very much -- I don't want to say deluded, 3 but that's the first word that comes to mind at this 4 point. For me -- and I would agree with Dave that we 5 should, you know, if this thing needs refining in terms 6 of, you know, honing in on environmental protection, I 7 would agree with keeping it on at this point. 8 COMMISSIONER BAXA: Mr. Chair? 9 CHAIR STONE: Thank you. 10 Commissioner Baxa. 11 COMMISSIONER BAXA: Mr. Chair, my little say 12 on this is this: It seems like we are under the 13 assumption that the sustainability issue will always be 14 taken care of. That is not what I foresee. There may 15 be a time when Administration will not see that 16 sustainability is an important issue. Whether we put it 17 in the Charter, whether we put it in this department 18 here, or someplace else, there is the -- it is there. 19 So it will be (inaudible). So I would support the 20 position that we should keep it there. 21 CHAIR STONE: Thank you. 22 Stacy. 23 COMMISSIONER CRIVELLO: I may sound 24 wishy-washy, but if we can be assured that, when we 25 address this, we will make some determination under what</p>	<p style="text-align: right;">Page 131</p> <p>1 with -- it's putting it under a department. I could see 2 putting it in the Preamble, just something that we do 3 recognize, but the problem, to me, also, is the term. 4 Nobody agrees on what the term means. Sustainability, I 5 think, Cliff brought it up one time, okay, does that 6 mean sustaining all the cane fields and burning. That's 7 sustainability. That's what we've done all along. 8 Everybody has a different view of the term. And I guess 9 if we could come up with, you know, something more 10 talking about protecting our natural resources, I would 11 probably be more for that, in the beginning of the 12 Charter, not putting it under any department, but just 13 saying that we affirm that particular idea of sustaining 14 our natural resources. 15 CHAIR STONE: Thank you. 16 Any further -- 17 COMMISSIONER OKAMOTO: But as it is, I'm 18 voting to drop it off. 19 CHAIR STONE: Thank you very much. 20 Chair's thought is in line with Commissioner 21 Baxa. I feel that, oftentimes, government lacks 22 political will. And if you don't mandate something -- 23 COMMISSIONER WIGER: Oh, I can't imagine that. 24 CHAIR STONE: -- it's very difficult for them, 25 even if it's the right thing to do it, because it's</p>
<p style="text-align: right;">Page 130</p> <p>1 umbrella, if you will, or its own standalone, 2 sustainability will be addressed. I just cannot see it 3 where recycling, litter control, and, you know, maintain 4 solid waste collection coming under there. 5 CHAIR STONE: I'm sure that we can -- that 6 when we get to that bulk discussion, that would, 7 obviously, be an issue. 8 Susan, go ahead. 9 COMMISSIONER MOIKEHA: You know, I support 10 what Stacy has just said, too. If there's an intent to 11 look for a different way of proposing this and not 12 making it just one department's responsibility, I would 13 be open to having further discussion. However, we only 14 have four meetings before we have to have a final draft 15 out, is that correct? I don't know where that -- the 16 time's going to come to have that much in-depth 17 conversation. I would have hoped the Administration 18 would have had a Plan B, you know, come up with a 19 different thought of how this could have been done, 20 rather than just one department being responsible for 21 it. I don't know. So if there's the votes to keep it 22 on, I'll support it. 23 CHAIR STONE: Thank you. 24 Kay. 25 COMMISSIONER OKAMOTO: I have two problems</p>	<p style="text-align: right;">Page 132</p> <p>1 politically difficult. I agree that there was very good 2 discussion in our public outreach about, for example, 3 what department something like this would properly fall 4 under. That makes sense. But I do believe that it's 5 time for our County to start truly taking on the task of 6 environmental protection and sustainability in a real 7 way. I believe that it has to be mandated in order for 8 the politicians to be able to fund it properly. 9 Otherwise, they're always going to find an excuse not to 10 fund it. So that's just my thoughts. 11 Flo. 12 COMMISSIONER WIGER: I thought I had read 13 this, and that's why I was sort of going back and 14 reviewing. And in the information, in the letters 15 today, that we received, we received one from a student 16 at the college, from the sustainability program. And 17 there's a lot of information that's out there, 18 internationally, about sustainability and what it is and 19 how it's measured and all of that. And they actually 20 list for us some websites that we can go to and look at. 21 Now, I haven't looked at them, so I have no idea what 22 they're going to say. 23 But I'm going to support keeping it on because 24 I do want to go back to these websites and look at them 25 and see if there's something there that could be</p>

<p style="text-align: right;">Page 133</p> <p>1 gleaned, that we could then look at here and say, well, 2 this makes some sense. And maybe it's a way of us 3 looking at it across the entire structure or maybe it's 4 a way of saying there's a place. So I'm going to 5 support leaving it in because I think I want more 6 information. 7 CHAIR STONE: Thank you. 8 Commissioners, further discussion? 9 (No Response.) 10 CHAIR STONE: We're ready to take a vote. 11 Very good. All right. We're going to take this to 12 vote. All in favor of removing Proposal Number 19 from 13 the list, please raise your hand and say "aye." 14 (Response.) 15 CHAIR STONE: That's two. All -- oh, three. 16 Thank you. 17 All opposed for removing 19 from the list, 18 raise your hand and say "nay." 19 (Response.) 20 CHAIR STONE: One, two, three, four, five, 21 six, seven. Okay. Good. That's eight "nay," three 22 "for," so this stays on the list. 23 Moving forward, Proposal Number 20, Article 8, 24 Chapter 7, Department of Fire and Public Safety, Section 25 8-7.2; Article 8, Chapter 9, Department of Personnel</p>	<p style="text-align: right;">Page 135</p> <p>1 six, seven, eight, nine -- 2 COMMISSIONER DELEON: Chair, why don't you go 3 down number by number? 4 CHAIR STONE: Very good, Dave. That's a good 5 idea. Let's do it. That way, if I improper smileyed my 6 page, we'll know. Okay. Proposal Number 1, that was a 7 smiley. That's one. 8 COMMISSIONER DE REGO: He knows this is on the 9 record. 10 CHAIR STONE: Proposal Number 2 was taken off 11 the list. Proposal Number 3, off the list. Number 4, 12 off the list. Number 5, off the list. Number 6 was a 13 smiley. Number 7 was off the list. Number 8 was a 14 smiley. So that's three. That's that page. Number 9 15 was a off the list. Number 10 was a smiley. 11 off the 16 list. 12 off the list. 13, smiley. That's five 17 smileys. 14, smiley. 15, smiley. 16, smiley. 17, 18 smiley. 18, smiley. That's 10 smileys. Moving on. 19 19, smiley. 20 smiley and 21 smiley. That's 13 20 smileys. So 13 proposals remain on the list. 21 COMMISSIONER OKAMOTO: Mr. Chair? 22 CHAIR STONE: Yes, Kay. 23 COMMISSIONER OKAMOTO: Does that mean you're 24 always better to be at the end of the list? 25 (Laughter.)</p>
<p style="text-align: right;">Page 134</p> <p>1 Services, Section 8-9.4, Article 8, Chapter 12, 2 Department of Police; Section 8-2.2, Article 8, Chapter 3 13, Department of Liquor Control; Section 8-13.2, create 4 consistency in the powers, duties and functions of Fire 5 and Public Safety Commission with the Civil Service, 6 Police and Liquor Commissions. 7 (No Response.) 8 CHAIR STONE: All right. No discussion. This 9 is going to stay on the list for now. 10 Proposal Number 21, Article 8, County 11 Departments, create a declaration of policy. Any 12 discussion on that? 13 (No Response.) 14 CHAIR STONE: No. Very good. All right. 15 Commissioners, thank you very much. We are through our 16 list. And let me just count the -- 17 COMMISSIONER WIGER: Count your smileys. 18 CHAIR STONE: -- survival smileys. One, two, 19 three, four, five, six, seven, eight, nine, ten, 11 -- 20 11, 12, 13 smileys. And I will make sure that, during 21 our lunch break, Sherry verifies 13 smileys. That is 13 22 proposals that remain. Oh, wait a second. My smiley 23 count may be wrong already. 24 COMMISSIONER SUGIMURA: I think it was 12. 25 CHAIR STONE: One, two, three, four, five,</p>	<p style="text-align: right;">Page 136</p> <p>1 CHAIR STONE: You know, it sure would seem 2 that way, Kay. 3 COMMISSIONER DELEON: Also, have a proposal 4 come up at 4:00. 5 COMMISSIONER OKAMOTO: Yes. 6 CHAIR STONE: So it's time for us to take a 7 lunch break. 8 COMMISSIONER DE REGO: Exactly. 9 CHAIR STONE: All right. So I'm going to give 10 us -- Judge Baxa wants dismissal. Sorry, sir, no 11 dismissal yet. 12 COMMISSIONER SUGIMURA: So what's the plan? 13 CHAIR STONE: The plan, now we're going to get 14 into the heavies. So when we come back from our lunch 15 break, we're going to go back to the first smiley 16 surviving proposal, which happens to be Proposal Number 17 1, and we're going to get into it. So we will take a 18 break. And let's meet back here at 1:30, after lunch. 19 Everyone dismissed. 20 COMMISSIONER OKAMOTO: We are planning to stop 21 at 4:00? 22 CHAIR STONE: Yes, we will be stopping at 4:00 23 today. And I may possibly add another day or two, if it 24 looks like we need it. But we seem to be doing pretty 25 good right now. So we'll see how it goes. Thank you.</p>

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1 (Recess, 12:56 p.m. to 1:35 p.m.)
 2 CHAIR STONE: I would like to call this
 3 meeting back to order as of 1:40 p.m. I hope everybody
 4 had a very good lunch.
 5 And, actually, something very interesting
 6 happened while we were on lunch break. Terryl Venc
 7 showed up and she brought with her their pamphlet from
 8 10 years ago which is a sample of what they sent out for
 9 their Charter proposals, which is excellent, very, very
 10 good. I'm going to have Lisa make copies for all of us.
 11 MS. KAHUHU: Chair?
 12 CHAIR STONE: Yes.
 13 MS. KAHUHU: We already have copies of those.
 14 CHAIR STONE: Great, Lisa. Very good. Okay.
 15 Well, we have copies.
 16 So this -- what was interesting about this,
 17 and it was kind of what we were touching base on, was
 18 there were 17 proposals in this, but what they did was,
 19 there were -- no. Wait. Hang on one second. This
 20 touches base on something we discussed. There was 14
 21 proposals, and they put it right at the top, in plain
 22 language, by the Charter Commission, all right, the
 23 remainder were from the Council. And they labeled, like
 24 the Council -- Council proposals versus the Charter
 25 proposals, which, I think, is very interesting. They

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1 listed every proposal in number, they wrote down briefly
 2 what the proposal was, and then a pro and a con for each
 3 proposal, which I think is very good, too, so people can
 4 have the debate.
 5 One thing this does not have is, there's a
 6 tear-off sheet that somebody could go through and do yes
 7 and no for each proposal and bring with them to the
 8 ballot, which is very useful. So that was nice of
 9 Terryl to bring that in. And it's something that maybe
 10 we should consider.
 11 She said she can't quite remember the cost,
 12 but she estimated around \$30,000 to send it out.
 13 Frank.
 14 COMMISSIONER DELEON: To send it out, it went
 15 to all voters?
 16 CHAIR STONE: Yeah, all registered voters.
 17 COMMISSIONER DE REGO: So that was mailed out?
 18 CHAIR STONE: It was mailed, yeah.
 19 I think it's a very interesting smart thing,
 20 something we should consider. And we'll discuss once --
 21 yeah.
 22 COMMISSIONER DELEON: Mr. Chair, it looks like
 23 they had like a PR company or somebody --
 24 CHAIR STONE: They did.
 25 COMMISSIONER DELEON: (Inaudible.)

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1 CHAIR STONE: Right, Dave. And she, actually,
 2 gave me the name of the company. Because maybe they
 3 have the format already still intact, and we could
 4 probably, you know, save money there. So, anyways, that
 5 was just something very cool of her to do. I wanted to
 6 point that out.
 7 COMMISSIONER DE REGO: Mr. Chair?
 8 CHAIR STONE: Yes.
 9 COMMISSIONER DE REGO: Does that mailing --
 10 how is that paid for? Does it come out of the Charter
 11 Commission's budget?
 12 COMMISSIONER DELEON: Your personal taxes.
 13 CHAIR STONE: No, Frank. We all chip in.
 14 (Laughter.)
 15 COMMISSIONER WIGER: Taking donations.
 16 COMMISSIONER DE REGO: I'm wondering if we
 17 were to go after the Council for general funds in order
 18 to do this.
 19 COMMISSIONER WIGER: Oh, that would go well.
 20 COMMISSIONER DE REGO: Yeah, exactly.
 21 CHAIR STONE: Actually, we'll take a look at
 22 what our budget is as we --
 23 COMMISSIONER DE REGO: Yeah. That was --
 24 CHAIR STONE: -- in the final stage and --
 25 COMMISSIONER DE REGO: That was the question.

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1 CHAIR STONE: -- find out where we're at.
 2 COMMISSIONER DE REGO: That was going to be my
 3 next question, is do we know what our budget is at this
 4 stage in terms of what we got left.
 5 CHAIR STONE: We can determine how big of a
 6 party we can really have at the end of this thing.
 7 Okay. So we're going to get into the -- go back to the
 8 smiley proposals.
 9 COMMISSIONER OKAMOTO: Smiley faces.
 10 COMMISSIONER WIGER: Smileys.
 11 CHAIR STONE: These are the proposals that
 12 have survived the last round of --
 13 COMMISSIONER BAXA: Thank you.
 14 CHAIR STONE: -- scrutiny. And there are 13
 15 proposals presently on the list. And I would like to
 16 now get into the nuts and bolts of each particular
 17 proposal.
 18 Yes, Kay.
 19 COMMISSIONER OKAMOTO: I would assume that,
 20 today, at least we're going to try to clean up language,
 21 separate, do that kind of stuff, then we would have them
 22 back at the next meeting. Is that --
 23 CHAIR STONE: Actually, we're going to go each
 24 proposal, one by one, and nail them down.
 25 COMMISSIONER OKAMOTO: So as to how we want

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1 them divided --

2 CHAIR STONE: Exactly.

3 COMMISSIONER OKAMOTO: We're not going to

4 worry about the language?

5 CHAIR STONE: No.

6 COMMISSIONER OKAMOTO: Right. We're going to

7 send that back to Sherry.

8 CHAIR STONE: Exactly.

9 COMMISSIONER OKAMOTO: Then, at our next

10 meeting --

11 CHAIR STONE: And then we'll bring back the

12 language and redo and then we'll have like the green

13 light, or removal, possibly, that's always a possibility

14 down the road. And, also, what I would like to do is,

15 at a certain stage in our meeting, probably towards the

16 end, around 3:30, depending on how we're doing on this

17 list, if there are new proposals -- I need to think

18 about how we're going to work that, actually. Because,

19 you know, we're going to have to, obviously, go to vote,

20 do we keep this active, do we move it on to the draft

21 proposal. There would be a quick move if it's going to

22 move. But we do want the -- I want to leave the ability

23 to the Commissioners if they -- if something were to

24 come up, especially in review, that needs to be

25 additionally added or something we just plain forgot

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1 that needs to go. So we'll figure that one out as we

2 move forward.

3 But let's get into it. And we'll let it

4 organically grow.

5 COMMISSIONER CRIVELLO: Rinse it good.

6 CHAIR STONE: I will.

7 COMMISSIONER DE REGO: Is this sustainable

8 organic or --

9 CHAIR STONE: Sustainably organically grow.

10 Not that I'm plugging any one proposal. Okay.

11 So our first proposal is Article 3, County

12 Council Term Limits. And let me just define quickly,

13 for the viewers, we're looking at, "Shall Section 3-2 of

14 the Charter be amended to: (a), Increase the term of

15 office for councilmembers from two years to four

16 years" -- okay, that's one part -- and, (b), "Limit the

17 service of councilmembers from five consecutive two-year

18 terms to three full four-year terms, whether consecutive

19 or not." My understanding of that is no further terms

20 after that period. Correct?

21 Yes, Susan.

22 COMMISSIONER MOIKEHA: I just have some

23 questions. And maybe --

24 CHAIR STONE: Sherry.

25 COMMISSIONER MOIKEHA: -- other members can

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1 help recall for me. I almost thought, in the public

2 testimony throughout this process, that it was almost

3 kind of even. There were those that wanted to retain

4 the two years, others that wanted a four-year. Is there

5 any way to post this amendment so they could have a

6 choice, whether to retain two years or four years? And

7 the only reason I would do that is because, to me, what

8 I think has more consensus, as I heard it -- maybe

9 others can help fill in on that, whether that was

10 accurate -- is that people would like, probably, and

11 would support a maximum term never to return, whether it

12 was two or four. So I'm trying to see if this would be

13 a consensus of this group to propose it as a choice of

14 two or four. But certainly, whatever it is, whether

15 it's retained at two, or goes to four, there would be a

16 maximum term never to return.

17 CHAIR STONE: Okay. Thank you. Let me get

18 some clarification from Ed and Sherry on that.

19 Did you guys understand --

20 MS. BRODER: Yeah. I guess the thing that you

21 have to think about is that, you know, the, you know,

22 voter will have to vote for or against. So how do you

23 word that? I mean, you could always just separate out

24 the other issue, which is the term limit, total number

25 of years a person would serve. So maybe if, like,

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1 between the two and four doesn't seem to you, anyways,

2 that it's that important one way or the other, that the

3 thing that is really important is the 12-year absolute

4 limit, you could -- you know, you could just leave it

5 the way it is, with the two years. Or you could make

6 them two separate questions, you could have, do you

7 want -- you know, do you want to change from the

8 two-year to four-year, that would be one question. The

9 second question would be, do you want an absolute limit

10 on the number of --

11 COMMISSIONER MOIKEHA: Okay. And they would

12 be independent of each other?

13 MS. BRODER: They would be separate questions.

14 COMMISSIONER MOIKEHA: Okay.

15 MS. BRODER: Because people have to answer yes

16 or no.

17 COMMISSIONER MOIKEHA: Personally, I would

18 like to see four years, but I'm just kind of gauging on

19 what I heard, and that's a sampling, how do you think,

20 guesstimating, who -- you know, how many people would

21 support that or not. But, definitely, I think there

22 would be more consensus from everyone to make sure there

23 was a maximum term, whether it stays two or goes to

24 four. And I would like that to be independent of each

25 other.

<p style="text-align: right;">Page 145</p> <p>1 MS. BRODER: Right. Okay. 2 CHAIR STONE: What I'm hearing is we would 3 have to split this into two different questions. 4 COMMISSIONER WIGER: Yeah, two questions. 5 CHAIR STONE: Should we -- would it be easier, 6 just in reference, to title it 1(a), 1(b?). 7 COMMISSIONER DELEON: No. Separate them. 8 CHAIR STONE: Separate them, 1 and 2. Okay. 9 COMMISSIONER DE REGO: Mr. Chair? 10 CHAIR STONE: Very good. Yeah, Frank. 11 COMMISSIONER DE REGO: Yeah, I would agree 12 with Commissioner Moikeha. Actually, when I was writing 13 some notes on here, I actually put County Council term 14 and term limits, when I was making notes on this, 15 because they seem to be, to me, at least, two separate 16 issues. 17 I agree with Commissioner Moikeha that there 18 was some debate on whether there was a desire for five 19 two-year terms or three four-year terms. I think 20 there -- I think some people wanted a bite at the apple 21 in terms of whether or not they wanted to vote more 22 often as versus, you know, every four years. I thought 23 that was pretty -- from my observation, I thought it was 24 somewhat evenly divided. I heard -- I also heard kind 25 of a split on the -- the four full-year terms in terms</p>	<p style="text-align: right;">Page 147</p> <p>1 CHAIR STONE: Got it. 2 COMMISSIONER OKAMOTO: Well, you don't have to 3 do a choice because if four is voted down -- 4 COMMISSIONER WIGER: Yeah. 5 COMMISSIONER OKAMOTO: -- it automatically 6 stays two. 7 COMMISSIONER DE REGO: Two. 8 COMMISSIONER OKAMOTO: Isn't that correct? 9 CHAIR STONE: That's why it's interesting on 10 the absolute term limit -- 11 COMMISSIONER WIGER: Yeah. 12 CHAIR STONE: -- having just a set amount of 13 years. 14 COMMISSIONER OKAMOTO: Yes. 15 CHAIR STONE: Because two and four will go 16 into a lot of things. 17 COMMISSIONER OKAMOTO: Right. Yeah. 18 CHAIR STONE: Very good. 19 Okay. Wayne. 20 VICE-CHAIR HEDANI: The only thing I wanted to 21 add is that I believe this particular issue has come up 22 twice before, it's been on the Charter twice before, and 23 it's been shot down twice before, I think by a 24 two-to-one majority. 25 CHAIR STONE: Thank you.</p>
<p style="text-align: right;">Page 146</p> <p>1 of an absolute term limit. But I think this is 2 something that needs to go before the voters in terms of 3 whether they believe that an absolute term limit or not 4 is something that they would like. So -- but I do see 5 them as two separate. 6 CHAIR STONE: Thank you. 7 I have a suggestion. Maybe we could have a 8 motion put forward. 9 COMMISSIONER BAXA: Mr. Chair? 10 CHAIR STONE: Go ahead, Commissioner Baxa. 11 COMMISSIONER BAXA: I would suggest that the 12 proper way to do this is to consider (a) and (b) 13 separately. 14 CHAIR STONE: Uh-huh. 15 COMMISSIONER BAXA: So as far as (a) is 16 concerned, I was also -- I tried to attend as many 17 meetings as I could. And I think I attended most of the 18 meetings. There was a division in the testimony of 19 people. So what I would suggest is that as far as (a) 20 is concerned, they should be given the choice whether to 21 return to the present system of two years and to 22 increase from two to four years, either way. 23 CHAIR STONE: Very good. 24 Kay. 25 COMMISSIONER BAXA: For (a).</p>	<p style="text-align: right;">Page 148</p> <p>1 Wayne, just a question. Has the absolute -- 2 did you notice if the absolute term limits had come up 3 as well? I didn't recall seeing that. 4 COMMISSIONER DE REGO: I think that's 5 something that's -- what from what I've seen of the 6 Charter, there's been nothing about absolute term 7 limits. 8 COMMISSIONER WIGER: Yeah. 9 COMMISSIONER DE REGO: It was just lengthening 10 the terms. 11 CHAIR STONE: Right. 12 COMMISSIONER DE REGO: And so we have to be 13 careful about how we characterize that when we go out, 14 because I think this would be the first time we bring 15 before the voters an absolute term limit for 16 councilmembers. 17 CHAIR STONE: Thank you. 18 COMMISSIONER DE REGO: No, it's not true? 19 There was something there before? 20 MR. KUSHI: Yeah. I can recall Councilman 21 Hokama, Senior Hokama, he served forever. So that's -- 22 so they changed the term limits at that point. Prior, 23 before that, there were no term limits. 24 COMMISSIONER DE REGO: Okay. But absolute 25 term limits in terms of no matter where you serve it.</p>

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1 MR. KUSHI: Absolute correct. The wording is
 2 consecutive.
 3 COMMISSIONER DE REGO: Consecutive.
 4 MR. KUSHI: So you can rest.
 5 COMMISSIONER DE REGO: Right.
 6 MR. KUSHI: And come back.
 7 COMMISSIONER DE REGO: Okay.
 8 CHAIR STONE: Okay. Very good.
 9 Kay, you had something?
 10 COMMISSIONER OKAMOTO: Well, I was just going
 11 to say, I knew that the term limits themselves just came
 12 in not too long ago. I used to be one who was very
 13 strongly for term limits until I watched the last
 14 national legislature that has a whole bunch of new
 15 people on, and it's been the most disastrous thing that
 16 ever happened. And I know a lot of people say it's
 17 republican and democrat. It's not just that; it's a lot
 18 of new people. And so I'm real torn on term limits now.
 19 I'm going, you know -- I don't know. I -- but I think
 20 that, yeah, probably does have to go out there and vote.
 21 But I think that it's also rather split --
 22 COMMISSIONER DE REGO: Yeah, that's right.
 23 COMMISSIONER OKAMOTO: -- in the community --
 24 COMMISSIONER DE REGO: Yeah.
 25 COMMISSIONER OKAMOTO: -- because some people

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1 -- I mean, they always look at Inouye as an example.
 2 And so, you know, it's hard to say.
 3 CHAIR STONE: Very good.
 4 Flo.
 5 COMMISSIONER WIGER: Well, I agree that I
 6 think the split was clearly there. And I think it comes
 7 down to two philosophical distinctions. One is, do you
 8 believe that public service should be a lifetime
 9 employment. And people -- I mean, a number of people
 10 said that, you know, do we want our people -- is this
 11 their job kind of thing. And other people saying, well,
 12 if they do a really good job, you know, then we ought to
 13 return them to it. And I think -- and both of those, I
 14 think, are very valid perspectives, but they're
 15 significantly different. And I think they're different
 16 enough that we ought to run it out again to the folks in
 17 the community and say, "Take a whack at it, because
 18 you're going to have to live with this one way or the
 19 other, you know, for good, bad or indifferent, you have
 20 to live with it." But I think that there was -- I think
 21 that there is a decided philosophical difference about
 22 how that -- how that works.
 23 CHAIR STONE: Good.
 24 Kay.
 25 COMMISSIONER OKAMOTO: In the past, when you

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1 had two to four-year, was it -- was it staggered, do you
 2 remember the vote? Did we vote --
 3 COMMISSIONER DELEON: Never have before.
 4 COMMISSIONER OKAMOTO: No.
 5 COMMISSIONER DELEON: You mean the question?
 6 COMMISSIONER OKAMOTO: When the question went
 7 out.
 8 COMMISSIONER DELEON: It was a straight four.
 9 COMMISSIONER OKAMOTO: Okay. So at least the
 10 question there is a little different.
 11 COMMISSIONER WIGER: Yeah.
 12 COMMISSIONER OKAMOTO: If you went to the
 13 four-year terms, had them staggered, some people can see
 14 you're not voting on as many people. So that might be a
 15 little different than what the vote was before.
 16 COMMISSIONER WIGER: That's true. That's
 17 true.
 18 CHAIR STONE: Dave, you had something?
 19 COMMISSIONER DELEON: Yeah, I think we need to
 20 just split this. So I'm going to propose that we do a
 21 four-year scattered -- I mean staggered --
 22 COMMISSIONER DE REGO: Scattered.
 23 COMMISSIONER DELEON: Staggered.
 24 COMMISSIONER WIGER: Scattered.
 25 COMMISSIONER DELEON: Scattered, too.

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1 CHAIR STONE: Very good. I think -- I don't
 2 think we have to put that -- we'll do a just quick
 3 consensus. All right?
 4 COMMISSIONER DELEON: Yeah. I wanted to break
 5 it up and get it going.
 6 CHAIR STONE: Very good.
 7 COMMISSIONER DE REGO: Yeah.
 8 COMMISSIONER DELEON: I think the real trick
 9 is in the second part.
 10 CHAIR STONE: Agreed. Okay. So this is --
 11 this is what I suggest. And I just want a consensus
 12 show of hands.
 13 Oh, bad, naughty. Naughty, Commissioners.
 14 We're getting stink-eye from our court reporter. That
 15 means we're talking too much.
 16 Okay, focus in. Yeah, let's do it -- let's do
 17 it with -- go ahead, Dave, make a proposal -- a motion.
 18 COMMISSIONER DELEON: So I move --
 19 COMMISSIONER WIGER: Scattered.
 20 COMMISSIONER DELEON: -- to split the measure.
 21 I won't make a motion for the second part; I'm only
 22 going to make a motion for the first. The motion will
 23 be four-year terms for the County Council, staggered.
 24 CHAIR STONE: Staggered.
 25 COMMISSIONER DELEON: Staggered.

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<p>1 COMMISSIONER DE REGO: Second.</p> <p>2 CHAIR STONE: There's a motion been put</p> <p>3 forward and seconded. We had some discussion already.</p> <p>4 Why don't we just vote to separate the issues, all</p> <p>5 right? Okay. All in favor, say "aye," raise your hand,</p> <p>6 please.</p> <p>7 (Response.)</p> <p>8 CHAIR STONE: Cliff, I'm missing you?</p> <p>9 COMMISSIONER HASHIMOTO: No.</p> <p>10 CHAIR STONE: Are you in favor? Oh, okay.</p> <p>11 COMMISSIONER HASHIMOTO: In favor of -- of --</p> <p>12 CHAIR STONE: Of splitting the issues. Of</p> <p>13 splitting the issues.</p> <p>14 COMMISSIONER WIGER: Splitting the issues.</p> <p>15 CHAIR STONE: Splitting the issues as two</p> <p>16 separate --</p> <p>17 COMMISSIONER WIGER: Yeah, yeah.</p> <p>18 COMMISSIONER DELEON: Okay.</p> <p>19 CHAIR STONE: Very good.</p> <p>20 COMMISSIONER DELEON: All right.</p> <p>21 COMMISSIONER WIGER: Splitting, okay.</p> <p>22 CHAIR STONE: So --</p> <p>23 COMMISSIONER WIGER: Split now.</p> <p>24 COMMISSIONER DELEON: Just split it.</p> <p>25 COMMISSIONER WIGER: Yeah.</p>	<p>1 was proposing the last time.</p> <p>2 COMMISSIONER HASHIMOTO: Second.</p> <p>3 CHAIR STONE: Okay. The Chair needs to check</p> <p>4 himself before he wrecks himself. Okay. So what we're</p> <p>5 going to do --</p> <p>6 COMMISSIONER DE REGO: Check himself before he</p> <p>7 wrecks himself, did he say that?</p> <p>8 CHAIR STONE: -- is we are going to restate</p> <p>9 Dave's motion, and Frank will re-second it, I believe.</p> <p>10 Go ahead, Dave.</p> <p>11 COMMISSIONER DELEON: So the motion is</p> <p>12 four-year terms, staggered, for County Council.</p> <p>13 COMMISSIONER DE REGO: Second.</p> <p>14 CHAIR STONE: Seconded. So that's what we're</p> <p>15 voting on.</p> <p>16 COMMISSIONER WIGER: Okay.</p> <p>17 CHAIR STONE: And Sherry will -- if we vote</p> <p>18 this forward, Sherry will write up a beautiful,</p> <p>19 beautiful proposal for us.</p> <p>20 Ed.</p> <p>21 MR. KUSHI: Mr. Chair, staggered, are you</p> <p>22 going to define what staggered means?</p> <p>23 CHAIR STONE: That's what we should be</p> <p>24 discussing. Yes.</p> <p>25 MR. KUSHI: Is that a separate motion?</p>
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<p>1 CHAIR STONE: Issue number one, increasing to</p> <p>2 four-year terms for County Council, staggered. Okay.</p> <p>3 So that's issue number one. Issue number two, absolute</p> <p>4 term limits, which we should discuss right now. But</p> <p>5 it's been split off, so now we have two, two proposals.</p> <p>6 So according to our math, from what we were talking</p> <p>7 about, three full four-year terms, that would be 12-year</p> <p>8 absolute limits.</p> <p>9 COMMISSIONER WIGER: Yeah.</p> <p>10 CHAIR STONE: So that's question number one</p> <p>11 for that Proposal Number 2. And number two is, is it</p> <p>12 retro or not. So --</p> <p>13 COMMISSIONER DELEON: Let's take care of the</p> <p>14 first part first.</p> <p>15 COMMISSIONER DE REGO: Yeah.</p> <p>16 CHAIR STONE: Okay.</p> <p>17 COMMISSIONER DELEON: So let's have a vote on</p> <p>18 whether we're going to do four-year staggered. And</p> <p>19 then --</p> <p>20 CHAIR STONE: Okay. If you like, Dave, go</p> <p>21 ahead.</p> <p>22 COMMISSIONER DELEON: I mean, that's my</p> <p>23 proposal.</p> <p>24 CHAIR STONE: Okay. Great.</p> <p>25 COMMISSIONER DELEON: That's what I thought I</p>	<p>1 COMMISSIONER WIGER: No.</p> <p>2 MR. KUSHI: You just want to go from two to</p> <p>3 four first?</p> <p>4 MS. BRODER: It's staggered, so --</p> <p>5 MR. KUSHI: Who is going to get the four and</p> <p>6 who's going to get the two? If you stagger it, then</p> <p>7 you'll have elections every two years.</p> <p>8 CHAIR STONE: I have a question for Dave as</p> <p>9 Chair. Dave, why is it vital to stagger?</p> <p>10 COMMISSIONER DELEON: So you don't have the</p> <p>11 whole Council possibly going off at the same time.</p> <p>12 COMMISSIONER DE REGO: Time.</p> <p>13 CHAIR STONE: Is that a realistic like</p> <p>14 real-life scenario in the first round?</p> <p>15 MR. KUSHI: They do now.</p> <p>16 COMMISSIONER CRIVELLO: They do now.</p> <p>17 COMMISSIONER OKAMOTO: They do now.</p> <p>18 COMMISSIONER DE REGO: They do it now.</p> <p>19 CHAIR STONE: They do it now, exactly. You</p> <p>20 could have the entire Council removed, anyway.</p> <p>21 COMMISSIONER DELEON: It offers the public</p> <p>22 more an opportunity to get at the -- at their public</p> <p>23 officials. So every two years, you will have a vote on</p> <p>24 the Council. The Council won't have -- the full Council</p> <p>25 won't be protected for four years, before they have to</p>

<p style="text-align: right;">Page 157</p> <p>1 face an election. Some of them will have to face an 2 election in two years. 3 CHAIR STONE: Question. Would that require a 4 special election every two years -- 5 COMMISSIONER DELEON: No. 6 CHAIR STONE: -- just for Council? 7 COMMISSIONER DELEON: No. 8 CHAIR STONE: No, we would have to go -- we go 9 -- okay. Okay. Interesting. 10 Sorry. Yuki. 11 COMMISSIONER SUGIMURA: So in 1976, according 12 to the Charter amendment that was voted on, what Wayne 13 was talking about, the way that it was worded, which may 14 be less confusing than staggering, it says, "Shall the 15 revised Charter of the County of Maui be adopted? Yes, 16 no." If the vote -- "If the revised Charter is adopted, 17 I vote for one of the options below." Option 1, 18 two-year term for councilmember, Option 2 is four-year 19 term for councilman. Sorry. And option -- the two-year 20 term won by 15,000 votes versus the four-year term was 21 3,254. That was the results. But that's probably 22 easier to understand than what we're talking about. 23 Just is it two or is it four. 24 COMMISSIONER BAXA: Mr. Chair? 25 CHAIR STONE: Yes, Commissioner Baxa.</p>	<p style="text-align: right;">Page 159</p> <p>1 that makes sense. Well, that's what I was saying when 2 she mentioned options. That's kind of what I was saying 3 before. But it seems redundant because it already is 4 two. So why do you have to vote for two? 5 COMMISSIONER WIGER: Yeah. 6 COMMISSIONER MOIKEHA: The change you want 7 is -- 8 COMMISSIONER WIGER: Is four. 9 COMMISSIONER MOIKEHA: -- what is current, 10 present -- 11 COMMISSIONER WIGER: Yeah. 12 COMMISSIONER MOIKEHA: -- to something else. 13 MS. BRODER: Well, the easy way to start a 14 process of staggering terms is, the first election, all 15 nine people are elected, and the people that get the 16 five highest votes get the four-year terms, and the 17 other four people get the two -- 18 COMMISSIONER WIGER: Two year. 19 MS. BRODER: -- year terms. So if that's what 20 you want to do, you want to divide it up, that's the 21 easy way to do it. 22 COMMISSIONER MOIKEHA: And I think that was -- 23 I think the Mayor had proposed that as a suggestion, 24 too, in his -- 25 COMMISSIONER WIGER: Yeah.</p>
<p style="text-align: right;">Page 158</p> <p>1 COMMISSIONER BAXA: It seems to make sense, 2 what she's looking at. 3 CHAIR STONE: Good. 4 Go ahead, Kay. 5 COMMISSIONER OKAMOTO: I first didn't like the 6 idea of staggered terms. But what I was hearing from a 7 lot of people, that they felt if the staggered terms 8 were there, they could study four candidates or five 9 candidates a little easier. If we're simply going to 10 say, go two or four, then it's kind of like, "Well, 11 haven't we asked you that three other times and you've 12 always said no?" And at first, I thought, No, I think 13 there's some other things, if you go staggered, as far 14 as the operation of the Council that may become a 15 problem that we're not -- that I believe Ed brought up. 16 But it does give people that opportunity to say, okay, I 17 have just got to study four of them this time, and, next 18 time, I study five. 19 CHAIR STONE: Okay. Thank you. 20 Susan. 21 COMMISSIONER MOIKEHA: Does anybody know how 22 they did it when they first introduced term limits? 23 Everybody was open immediately to -- 24 COMMISSIONER DELEON: Term limits. 25 COMMISSIONER MOIKEHA: Term limits. Okay,</p>	<p style="text-align: right;">Page 160</p> <p>1 COMMISSIONER MOIKEHA: Or somebody did. 2 COMMISSIONER HASHIMOTO: Somebody did. 3 COMMISSIONER DE REGO: Somebody did. 4 COMMISSIONER MOIKEHA: It was in testimony. 5 COMMISSIONER DE REGO: Yeah. 6 COMMISSIONER OKAMOTO: That's the wording. 7 COMMISSIONER WIGER: Yeah. 8 CHAIR STONE: Okay. 9 COMMISSIONER DE REGO: Mr. Chair? 10 CHAIR STONE: Yes, go ahead. 11 COMMISSIONER DE REGO: Yeah, I think part of 12 the other reasoning for this was that -- besides 13 allowing people a chance to concentrate on a certain 14 number of councilmembers at a time was also this idea of 15 institutional memory. We kept hearing this, you know, 16 that, you know, if you stagger the terms, you know, you 17 have some people returning, some people the chance of 18 leaving, you know, that -- that you'll always have at 19 least four or five returning members from the -- from 20 the previous year -- from the previous election, I 21 should say, returning. So -- 22 CHAIR STONE: Very good. Thank you. 23 So, presently, we have a motion on the floor 24 for -- the proposal to increase from two to four years, 25 councilmember terms, staggered, in the first election,</p>

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<p>1 with the five highest vote-getters getting a four-year 2 term and the remaining four vote-getters getting 3 two-year terms as the best way to stagger that. So that 4 is what we have on the table presently. Is that okay, 5 Dave, if we amend it, friendly amendment? 6 COMMISSIONER DELEON: A little fancier than I 7 proposed, but go for it. 8 CHAIR STONE: Okay. Very good. 9 Any further discussion on that? 10 (No Response.) 11 CHAIR STONE: And, if not, then Sherry is 12 going to go hardcore proposal on us. All right? 13 Okay. All in favor, raise your hand and say 14 "aye." 15 (Response.) 16 CHAIR STONE: All opposed, raise your hand and 17 say "nay." 18 (Response.) 19 CHAIR STONE: So we have three "nays" versus 20 eight "ayes." 21 Okay. So moving on to the second part, or 22 let's call it now Proposal 2, is there -- this is a 23 proposal concerning absolute term limits. Presently, we 24 agreed the math is 12 years absolute term limit. And 25 the discussion needs to focus on whether this is retro</p>	<p>1 could only have two full and that one-half, because he 2 would have already served. 3 CHAIR STONE: In the first election. 4 COMMISSIONER OKAMOTO: Yeah. So he would 5 really be limited by 10. I don't know if that's -- 6 CHAIR STONE: Maybe that's going to have to be 7 consideration for that first special election. 8 COMMISSIONER WIGER: But four, theoretically. 9 CHAIR STONE: It's 12 or less. 10 COMMISSIONER DE REGO: That's the way it goes. 11 COMMISSIONER OKAMOTO: Yeah. And then I would 12 like to hear Ed on retro, because I wouldn't think you 13 could go retroactive. But I would like to hear his 14 opinion on that. 15 CHAIR STONE: Ed. 16 MR. KUSHI: You mean about the current 17 existing members? 18 COMMISSIONER OKAMOTO: Yeah. 19 MR. KUSHI: And whether you credit or debit 20 their time served? 21 (Laughter.) 22 COMMISSIONER DE REGO: Time served. 23 COMMISSIONER OKAMOTO: Yeah. 24 COMMISSIONER DE REGO: This is like being on 25 probation.</p>
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<p>1 or not retro, et cetera, et cetera. 2 Susan. 3 COMMISSIONER MOIKEHA: Well, this is where my 4 issue comes into play, is I don't care whether it's four 5 years or two years, how the vote falls out, either way, 6 I want it absolute. So how do we work that into this? 7 CHAIR STONE: That would be this. 8 COMMISSIONER MOIKEHA: Because now you're just 9 pertaining to the four years, say the four-year -- 10 CHAIR STONE: No. 11 COMMISSIONER MOIKEHA: You're saying it's good 12 for two or four? 13 CHAIR STONE: What we're suggesting is that we 14 come up with an absolute term limit. 15 COMMISSIONER MOIKEHA: Okay. 16 CHAIR STONE: So I believe, in order to 17 justify two or four, it has to be a number that can work 18 for two or four. 19 COMMISSIONER MOIKEHA: Okay. 20 CHAIR STONE: Possibly, as a suggestion, by 21 the way. 22 Kay. 23 COMMISSIONER OKAMOTO: The 12-year, the only 24 problem I see is if the first guy gets elected as a 25 two-year term, then he cannot have three full terms. He</p>	<p>1 MR. KUSHI: I really don't know the answer. I 2 mean -- but I know, for sure, these amendments will come 3 up for this election. So whatever you do, it's not 4 effective until 2014. 5 COMMISSIONER DE REGO: '14. 6 MR. KUSHI: And you will have two 7 councilmembers who currently will go out at the end of 8 this term. 9 COMMISSIONER WIGER: Right. 10 MR. KUSHI: And if this thing is effective in 11 2014, if they rest for one term, they could come back 12 under the current rules. If you change the rules, you 13 know, I don't think they have any vested rights because 14 they're not existing councilmembers. 15 COMMISSIONER WIGER: Right. They'd have to -- 16 MR. KUSHI: But for the others, who may have 17 succeeded, or continued, I would have to look at it, 18 with Sherry's help, and see what kind of rights, if at 19 all, that they have. This is not -- you're not talking 20 about consecutive terms; you're talking about absolute 21 terms? 22 CHAIR STONE: Uh-huh. 23 COMMISSIONER DE REGO: Right. 24 COMMISSIONER WIGER: Yes. 25 CHAIR STONE: Commissioners, let's have a</p>

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1 discussion on that retro topic. All right? I mean,
 2 this is -- it's a pretty serious issue there. Any
 3 thoughts? Kay.
 4 COMMISSIONER OKAMOTO: Well, I don't see how
 5 you can go retro. And the point would be you would have
 6 to throw a few council people off the minute you passed
 7 it. They couldn't -- you know, because they would have
 8 already served that amount. Even though they were doing
 9 it under different rules, I think somehow you have to
 10 start --
 11 COMMISSIONER DE REGO: Clean.
 12 COMMISSIONER OKAMOTO: -- the rules --
 13 COMMISSIONER SUGIMURA: Clean slate.
 14 COMMISSIONER OKAMOTO: Yeah, I think you have
 15 to.
 16 CHAIR STONE: Uh-huh. Dave, did you have
 17 something? You looked like you --
 18 COMMISSIONER DELEON: I've been mulling on
 19 this one for a long time. The problem -- the problem
 20 that I see is, is we have a structure where we have
 21 certain councilmembers, because of the nature of the
 22 system, will get on the Council and be there for the
 23 full set, no matter what. So that's the main reason for
 24 me to want this absolute, is so we don't have a repeat
 25 -- I mean, no offense to Mr. Hokama. I mean, 40 years,

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1 you become -- you feel entitled after a while. And
 2 that's just the political nature of human beings. I
 3 mean, after a while, you own the position. So, yeah, we
 4 do need an absolute to be able to assure that that
 5 doesn't happen.
 6 How you deal with these guys that are
 7 currently there -- apparently, they didn't create the
 8 rules, but I think the former Charter -- existing
 9 Charter was set up, actually, it was actually meant to
 10 have been a five term and final. And it just wasn't
 11 written right. I don't think there was an intent to
 12 allow the thing to run on and on and on, where you can
 13 jump out and come back and jump out and come back. I'm
 14 pretty certain that was meant to be a -- you know, the
 15 thought process was a five term max. And it just wasn't
 16 thought through.
 17 And so everybody was kind of surprised when
 18 the current Mr. Hokama came back. Because, in fact, you
 19 know, he was right, there was no rule that said he
 20 couldn't come back.
 21 But it's because of the way we have it
 22 structured. And especially for Molokai and Lanai seats.
 23 When one -- one incumbent gets to run one time and then
 24 he gets, for the rest of his life, an entitled seat.
 25 That's a problem. I mean, it's not really what I

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1 consider democracy.
 2 CHAIR STONE: Okay. Flo.
 3 COMMISSIONER WIGER: I just -- in any kind of
 4 -- in any kind of electoral process, I have just never
 5 been comfortable with the idea of retro. In my mind,
 6 it's sort of like if something -- if something new gets
 7 instituted, if this passes and it gets instituted,
 8 that's a new set of rules. And everybody comes to the
 9 table under a new set of, okay, this is how we're going
 10 to do business, starting now, going forward, until it
 11 gets changed again. Rather than trying to go back and
 12 say, okay, well, yes, it's changed, but we're going to
 13 do this and this and this. So I just -- for me, the
 14 idea of retro is not something that I am comfortable
 15 with. I am comfortable with the idea of term limits or
 16 only so many years. That's it. Absolute, absolute.
 17 CHAIR STONE: Very good.
 18 Just as a consensus, show of hands --
 19 COMMISSIONER BAXA: Mr. Chair?
 20 CHAIR STONE: Yes, Commissioner Baxa.
 21 COMMISSIONER BAXA: There are two things that
 22 I want to speak about here. Concerning the retro, I
 23 don't think we should do that. I don't think that would
 24 be right. It should -- law should always be forward
 25 looking. And I think there may be a challenge there as

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1 well legally.
 2 Second: As far as the absolute term limit, I
 3 have really thought about this very, very -- you know, I
 4 have two thoughts about this. One thought is this: The
 5 idea of perpetuating people in politics does not seem to
 6 be right, but, at the same time, though, when a person
 7 is doing a good job, I don't see any reason why,
 8 especially in the Legislative Branch of the
 9 government -- for an executive, I can see, because there
 10 is only one man who is going to be there, but for
 11 councilman, for congressman, I do not see that. There
 12 are so many of them. And Maui County is just a small
 13 place. If you really want to get rid of somebody, no
 14 matter how powerful that person is, the people will
 15 throw that person away. So I am against absolute term
 16 in terms of councilmen. In terms of Mayor, I may, but
 17 not for councilmen.
 18 CHAIR STONE: Thank you.
 19 COMMISSIONER BAXA: One point is, we have to
 20 remember that the legislative process is not a simple
 21 process. It's not a onetime process. It is a
 22 long-range process. There's so many things that go to
 23 the Council, you know. To take away somebody who's
 24 effective there just because of a term limit, to me,
 25 that is not right for the people.

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<p>1 CHAIR STONE: Thank you, Commissioner. 2 Susan. 3 COMMISSIONER MOIKEHA: I, too, would not 4 support retro. I prefer to see, wherever the law is 5 changed, that we move forward with that. 6 I'm having a real challenge trying to buy into 7 the argument that if you have a good person, wouldn't 8 you want him to stay as long as he could. I think this 9 is, again, where it's people's different perspective or 10 opinions of whether somebody is good or not. Your good 11 definition of this particular representative may be very 12 different from my good, or standards or values or 13 whatever it is. So to me, that's not enough to -- to 14 take away the argument that there should be absolute 15 limits. 16 If you're that good, you'll move on, you'll do 17 something better. 18 And I think everybody -- we're a changing 19 community. We're a changing county. We need new people 20 to come in and have different perspectives. And I 21 think, by limiting the term of representation, you'll 22 have that. You'll have a greater opportunity to turn 23 that over. 24 And you may not always like the way people 25 are. You may not like them, how they vote on this</p>	<p>1 been voted on in four elections. The Lanai seat's very 2 closely been the same. I mean, unless there's a 3 transition where one person gets sick or dies or 4 something, or has to have a transition because of a term 5 limit, those positions stay locked in and forever. I 6 mean, it just keeps on going. So if we don't have some 7 kind of -- the voters do not get a shot when there's no 8 -- no contest, there is no shot. You don't get a chance 9 to remove the person for cause. 10 CHAIR STONE: Thank you. 11 Stacy. 12 COMMISSIONER CRIVELLO: I think voters should 13 have the opportunity to make that decision. I don't 14 think it's only Molokai and Lanai that have returned 15 their incumbents. It's not only on the county level; I 16 think that's just political world we live in. So to 17 just pinpoint Molokai and Lanai, I think, is unfair, 18 Commissioner DeLeon. But your point is well-taken. And 19 people have that choice. They even have the choice to 20 step up to the plate and run against an incumbent and 21 perhaps people choose not to. 22 So I think the absolute is questionable on our 23 side. I think if they want to continue serving the 24 public, why deprive? If the voters want to reelect that 25 hana hou again, just do the hana hou, I think that's the</p>
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<p>1 particular issue, but you can find support with them on 2 something else. 3 So you know, those are just my feelings about 4 that. Like or dislike is a really subjective thing. 5 And I just believe the process has to be defined. And, 6 for me, it's absolute terms, never to return. 7 CHAIR STONE: Very good. 8 Commissioner Hedani. 9 VICE-CHAIR HEDANI: I agree with Judge Baxa's 10 position. From my perspective, if the person is doing a 11 good job, he should be allowed to continue to do a good 12 job. If he's not, we should have the opportunity to 13 kick him out of office. 14 Personally, I believe that the voters are 15 smart enough to make that decision, and, also, that they 16 should be given that opportunity to make that decision 17 as frequently as possible. 18 So from the standpoint of two years versus 19 four years, my preference would be for two years. So 20 that's just my perspective. 21 CHAIR STONE: Thank you, Commissioner. 22 Dave. 23 COMMISSIONER DELEON: I just want to point out 24 that we left in position an election system where the 25 voters don't get a choice. Molokai, the seat has not</p>	<p>1 voters' prerogative, too. 2 CHAIR STONE: Thank you, Commissioner. 3 Yuki. 4 COMMISSIONER SUGIMURA: I think we always hear 5 Molokai getting brought up is unfair because nobody 6 wants to run against Danny Mateo, is who we're talking 7 about. And I think when we went to Molokai, what the 8 voters said -- or the people who came to testify, the 9 community said really loud and clear that they thought 10 he was doing a good job. So I don't think it was 11 because there was no choice, but I think it's because 12 they like what he was doing. So they told us that they 13 sent him back or, you know, nobody else ran against him. 14 So I just wanted to make that comment. 15 I'm not against -- I'm against retro. I think 16 we shouldn't look back; I think we should look forward. 17 And on term limits, I think, also, that the 18 voter has a right to elect people to come back to office 19 or not, you know. And I see great value in experience. 20 And I, too, look at Senator Inouye, Senator Akaka, our 21 congressional people who run every two years. And we 22 keep on electing them back if they're doing a good job. 23 And same thing with Council. So I don't think we should 24 set a limit. 25 CHAIR STONE: Thank you.</p>

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1 Flo.

2 COMMISSIONER WIGER: I guess, for me, it comes

3 down to whether or not we think we should send it to the

4 voters. If the voters don't want term limits, that's

5 their choice. If the voters do want term limits, that's

6 their choice. And I guess I don't feel comfortable in

7 me making the decision to the voters to say, you should

8 have term limits or you shouldn't have term limits.

9 That's why I want to see it on the ballot, so that the

10 voters can speak however they wish to speak, and that --

11 and it's their choice. I mean, they may choose to come

12 back and say, "No, we want to do this. We want to allow

13 people to just keep serving." Or they may say, "No,

14 this is what we want." But, I mean, if we put it on

15 there that says, "Here's the limit," if they vote it

16 down, they vote it down. But it's their choice, not my

17 choice.

18 CHAIR STONE: Very good. Thank you.

19 Susan.

20 COMMISSIONER MOIKEHA: I think you're right

21 about that. And I can see where the sample that Yuki

22 read for us, where they had an Option A and B would work

23 here. So if it was posed as Option A would be, if it's

24 a two-year term, then absolute 10 years, if it's -- if

25 it does win a four-year term, then absolute 12 years,

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1 and let them decide if they want absolute or not.

2 COMMISSIONER WIGER: If they want it.

3 COMMISSIONER MOIKEHA: I don't know if that's

4 confusing.

5 COMMISSIONER OKAMOTO: Yeah. Because that --

6 I don't know.

7 CHAIR STONE: Go ahead, Kay.

8 COMMISSIONER OKAMOTO: That option

9 automatically makes absolute term limits. It just makes

10 that, is the option 12 years or 10 years. By giving

11 that kind of an option, you've automatically said it's

12 one thing. I mean, maybe there's another wording to do

13 it where there's option, but that one wouldn't.

14 CHAIR STONE: Go ahead, Susan.

15 COMMISSIONER MOIKEHA: Yeah. Yeah, maybe the

16 way I'm phrasing it isn't exactly correct. My intent is

17 to put it out there, as you suggested, and word it

18 however is necessary to give that choice.

19 I'm still a firm believer there's a lot of

20 powerhouse voting going on, no matter what the

21 population is. Your unions, your cultural, you know,

22 the demographics. If you -- when they take polls, they

23 tell you what groups are voting for a particular

24 candidate. I think those things play a huge, huge

25 influence on voters.

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1 And while I can understand Dave's position on

2 the district voting, and population is an issue, I think

3 those issues -- those things are much more influential.

4 It doesn't matter whether you split it equally

5 population-wise, those things are still very, very

6 strong and they have great influence on people's votes.

7 So that's just my opinion.

8 CHAIR STONE: Thank you. Yuki.

9 COMMISSIONER SUGIMURA: So I want to complete

10 my research. In 1984, on the -- on the ballot, it was

11 asked that question, about terms of office, should it be

12 two years to four years. And yes was 8,300, and noes

13 was 17,000. So that's why it's still two years.

14 COMMISSIONER BAXA: Mr. Chair?

15 COMMISSIONER DELEON: No. It was again this

16 time, 2000.

17 CHAIR STONE: Yes, Commissioner Baxa.

18 COMMISSIONER BAXA: I would like to follow

19 from Ms. Sugimura's comments. Actually, as I said, we

20 should separate considerations of the two. The first is

21 about term, and the second is about term limits.

22 COMMISSIONER WIGER: Right.

23 COMMISSIONER BAXA: The two are not the same.

24 COMMISSIONER DE REGO: Same. Exactly.

25 COMMISSIONER BAXA: So what she said is just

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1 about the terms.

2 COMMISSIONER DE REGO: Terms.

3 COMMISSIONER BAXA: So we should finish that

4 first before we go to the second.

5 CHAIR STONE: Just to be clear, Commissioners,

6 that's finished. So we don't need to --

7 COMMISSIONER WIGER: We did finish the first.

8 CHAIR STONE: Yeah. We've already moved past.

9 We're putting -- we're going to put forward a proposal

10 two to four, regardless of the past. We've already

11 voted.

12 COMMISSIONER WIGER: Okay. So, question.

13 Given -- given the discussion that Sherry and Ed are

14 privy to and what people are saying, if we decide -- if

15 we decide, as the commission, to put something on the

16 ballot that says to the voters, you have a choice

17 between term limits, not term limits, without us having

18 to get into 10 years, 12 years, whatever, do you think

19 that the two of you have enough now of the discussion

20 that we've shared so that you could come back with

21 wording that would get at what we're trying to give to

22 the voters, which is, do you want absolute term limits

23 or not, irrespective of whether it's 10 or 12 years?

24 CHAIR STONE: Commissioner, let me -- Sherry,

25 let me just jump in there. Actually, Flo, I don't think

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<p>1 we can put something out so vague. I think we need to 2 -- what -- 3 COMMISSIONER WIGER: No. I'm asking if they 4 would be able to come up with language. 5 CHAIR STONE: We haven't given them years, 6 duration. We haven't given them if it's two, is it -- 7 COMMISSIONER WIGER: Right. 8 CHAIR STONE: -- 10, if -- 9 COMMISSIONER WIGER: Right. 10 CHAIR STONE: -- it's four, is -- 11 COMMISSIONER WIGER: Is it 12. 12 CHAIR STONE: Let us -- 13 COMMISSIONER WIGER: Yeah. 14 CHAIR STONE: Let's nail down -- 15 COMMISSIONER WIGER: Okay. 16 CHAIR STONE: -- those parameters so they 17 can -- 18 COMMISSIONER WIGER: Okay. 19 CHAIR STONE: -- come back with something that 20 makes sense. I don't want to leave it too open-ended 21 there. 22 COMMISSIONER WIGER: Okay. 23 CHAIR STONE: That's too vague. So just 24 quickly, so we can put this part aside, I don't -- I 25 didn't hear any Commissioners think that retro was a</p>	<p>1 MR. KUSHI: It should be January 1, 2015. 2 CHAIR STONE: I'm sorry, Ed. What was it, 3 January 1 -- 4 MR. KUSHI: 2015. 5 CHAIR STONE: 2015. 6 COMMISSIONER DELEON: I meant it to be the 7 2014 election. 8 MR. KUSHI: But they take effect in 2015. 9 COMMISSIONER DELEON: Oh. This won't take 10 effect until then, anyway. So we're talking two 11 elections out. 12 MR. KUSHI: Two elections? 13 CHAIR STONE: So January 1, 2015, correct? 14 COMMISSIONER DELEON: So it won't really have 15 effect until the 2016 election. 16 MS. BRODER: No. 17 CHAIR STONE: No. 18 MS. BRODER: If you vote on it in 2012, it 19 will become effective in the election of 2014. But Ed 20 is correct, they don't take office until January 1st -- 21 COMMISSIONER WIGER: Right. 22 MS. BRODER: -- 2015. 23 COMMISSIONER WIGER: Right. 24 MS. BRODER: So it wouldn't -- 25 COMMISSIONER WIGER: Right.</p>
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<p>1 good idea. 2 COMMISSIONER WIGER: No. 3 COMMISSIONER DE REGO: No. 4 CHAIR STONE: So any Commissioner who thinks 5 that retro is a good idea? No. Okay. So that's -- 6 COMMISSIONER SUGIMURA: That's a motion, 7 right? 8 CHAIR STONE: That's out of the discussion. 9 COMMISSIONER WIGER: Yeah. 10 COMMISSIONER SUGIMURA: It wasn't a motion? 11 CHAIR STONE: No, it wasn't in our language. 12 It's a discussion. It's no longer -- if it was in the 13 language, I'd say we need to vote it out. Okay. Very 14 good. 15 So now we're talking about absolute limits. 16 All right? Can somebody put forward a motion with the 17 timeframe or proposed language so that we have something 18 to discuss and vote on? Dave. 19 COMMISSIONER DELEON: Mr. Chair, so proposing 20 a limit of service for councilmembers from the current 21 five consecutive two-year terms to 12 years as an 22 absolute limitation, effective 2014. 23 CHAIR STONE: Very good. Do I have a second 24 to that motion? 25 COMMISSIONER WIGER: Second.</p>	<p>1 MS. BRODER: -- make any sense -- 2 COMMISSIONER DELEON: Okay. 3 MS. BRODER: -- to have it effective as of the 4 date of the election. 5 COMMISSIONER WIGER: Right. Right. 6 MS. BRODER: Because, then, you've knocked off 7 two months of their potential time to serve at the other 8 end. 9 COMMISSIONER DELEON: Got it. 10 COMMISSIONER WIGER: Okay. 11 COMMISSIONER DELEON: Okay. So, Mr. Chairman, 12 I amend my motion to what he said. 13 (Laughter.) 14 COMMISSIONER DE REGO: To what you said. 15 There you go. 16 COMMISSIONER WIGER: Thank you, Ed. 17 CHAIR STONE: Great. 18 MR. KUSHI: Mr. Chair? 19 CHAIR STONE: Yes. 20 MR. KUSHI: Point of information. Are you 21 going to do -- we're talking about absolute years now? 22 CHAIR STONE: Uh-huh. 23 MR. KUSHI: Okay. I would suggest you state 24 it in years, not terms. Because if the first proposal 25 passes, because of the staggered terms, you're going to</p>

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<p>1 have --</p> <p>2 COMMISSIONER DELEON: So the motion --</p> <p>3 CHAIR STONE: Let's propose --</p> <p>4 MR. KUSHI: Possibly a two-year term and --</p> <p>5 COMMISSIONER DELEON: 12 years.</p> <p>6 CHAIR STONE: Hang on, Dave. Dave. It was</p> <p>7 proposed as 12-year time limit.</p> <p>8 MR. KUSHI: Okay. Not five full terms?</p> <p>9 CHAIR STONE: 12 year as an absolute limit,</p> <p>10 would that be proper?</p> <p>11 MR. KUSHI: I would caution against stating it</p> <p>12 in terms of terms, because the terms may change.</p> <p>13 CHAIR STONE: Very good.</p> <p>14 COMMISSIONER WIGER: In years.</p> <p>15 CHAIR STONE: Very good. Okay. So we have a</p> <p>16 motion on the table that's been seconded.</p> <p>17 And, Sherry, maybe you could clean that</p> <p>18 language up for me here. Very good. It's so good to</p> <p>19 have Sherry back. Okay.</p> <p>20 So the proposal is, "Shall Section 3-2 of the</p> <p>21 Charter be amended to limit the service of</p> <p>22 councilmembers from five consecutive two-year terms to</p> <p>23 12 years total, whether consecutive or not, effective</p> <p>24 January 1st, 2015." And that is the motion, correct?</p> <p>25 COMMISSIONER DELEON: Yes.</p>	<p>1 position again, Mr. Chair. I'm going to vote against</p> <p>2 that proposal.</p> <p>3 CHAIR STONE: Okay. Thank you.</p> <p>4 Commissioners, any further discussion? Okay.</p> <p>5 Very good. Oh, Commissioner Hedani.</p> <p>6 VICE-CHAIR HEDANI: Ditto.</p> <p>7 CHAIR STONE: Thank you.</p> <p>8 Okay. Let's take this to vote by show of</p> <p>9 hands.</p> <p>10 COMMISSIONER CRIVELLO: Can you read the</p> <p>11 motion again, please?</p> <p>12 CHAIR STONE: Yes.</p> <p>13 COMMISSIONER CRIVELLO: And I want to hear if</p> <p>14 it says "absolute" in the motion.</p> <p>15 CHAIR STONE: Very good. Okay. It doesn't</p> <p>16 say "absolute" just before -- there's a disclaimer</p> <p>17 before I read it, but I think it implies absolute.</p> <p>18 COMMISSIONER CRIVELLO: I don't want to go</p> <p>19 implications.</p> <p>20 COMMISSIONER DELEON: No.</p> <p>21 CHAIR STONE: Okay. Okay.</p> <p>22 COMMISSIONER MOIKEHA: It needs to say it.</p> <p>23 CHAIR STONE: Okay. Hang on one second. Then</p> <p>24 let's work on this language. Here you go. "Shall</p> <p>25 Section 3-2 of the Charter be amended to limit the</p>
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<p>1 CHAIR STONE: And it was seconded. Very good.</p> <p>2 Commissioner?</p> <p>3 COMMISSIONER CRIVELLO: Absolute?</p> <p>4 CHAIR STONE: Absolute.</p> <p>5 COMMISSIONER OKAMOTO: I didn't second it.</p> <p>6 COMMISSIONER WIGER: No. I did.</p> <p>7 CHAIR STONE: Flo. I'm sorry. Flo seconded.</p> <p>8 Yes, that would be absolute.</p> <p>9 Discussion. Susan.</p> <p>10 COMMISSIONER MOIKEHA: Question: So say they</p> <p>11 retain the two-year terms, but, if this passes, you're</p> <p>12 saying they can go to 12 years? Okay.</p> <p>13 COMMISSIONER DE REGO: It would be six</p> <p>14 two-year terms instead of --</p> <p>15 MS. BRODER: If you pass the four-year terms,</p> <p>16 then some people will only get to serve 10 years.</p> <p>17 COMMISSIONER WIGER: Yeah.</p> <p>18 COMMISSIONER MOIKEHA: That's fine.</p> <p>19 CHAIR STONE: So this language would work for</p> <p>20 both two and four year.</p> <p>21 COMMISSIONER WIGER: Yeah. Yeah.</p> <p>22 COMMISSIONER MOIKEHA: I'm good with that.</p> <p>23 COMMISSIONER WIGER: Yeah.</p> <p>24 CHAIR STONE: Discussion. Judge Baxa.</p> <p>25 COMMISSIONER BAXA: I just want to make my</p>	<p>1 service of councilmembers from five consecutive two-year</p> <p>2 terms to 12 years total, whether consecutive or not,</p> <p>3 effective January 1st, 2015." To me, the language</p> <p>4 "total" makes it an absolute. Does everyone agree or</p> <p>5 no?</p> <p>6 COMMISSIONER DELEON: I don't think it's clear</p> <p>7 enough.</p> <p>8 COMMISSIONER BAXA: Mr. Chair?</p> <p>9 CHAIR STONE: Yes.</p> <p>10 COMMISSIONER BAXA: I agree. The total is</p> <p>11 absolute.</p> <p>12 COMMISSIONER WIGER: Yeah.</p> <p>13 COMMISSIONER OKAMOTO: Yeah, I think so.</p> <p>14 CHAIR STONE: Okay. Anybody want to reword</p> <p>15 this? We can discuss this right now.</p> <p>16 COMMISSIONER DELEON: Mr. Chair?</p> <p>17 CHAIR STONE: Yeah.</p> <p>18 COMMISSIONER DELEON: Can I ask Sherry?</p> <p>19 Sherry, is it your position this leaves it as an</p> <p>20 absolute?</p> <p>21 MS. BRODER: I think "12 years total, whether</p> <p>22 consecutive or not" is pretty clear.</p> <p>23 COMMISSIONER DELEON: Pretty final.</p> <p>24 MS. BRODER: It's 12 years. Do you agree, Ed?</p> <p>25 MR. KUSHI: Yeah.</p>

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<p>1 COMMISSIONER DELEON: Okay.</p> <p>2 COMMISSIONER WIGER: Okay.</p> <p>3 COMMISSIONER DELEON: That's good enough for</p> <p>4 me, Mr. Chair.</p> <p>5 CHAIR STONE: Okay. Very good. Let's put</p> <p>6 that to vote, then. All in favor of Sherry taking this</p> <p>7 to super proposal stage --</p> <p>8 COMMISSIONER DE REGO: With the smileys.</p> <p>9 CHAIR STONE: Since I have smiley proposal --</p> <p>10 we've already passed smiley proposal to super proposal</p> <p>11 stage. Raise your hand and say "aye," please.</p> <p>12 (Response.)</p> <p>13 CHAIR STONE: That is one, two, three, four,</p> <p>14 five.</p> <p>15 All opposed from taking this to super proposal</p> <p>16 stage, that is -- say "nay" and raise your hand. Keep</p> <p>17 your hands up. One, two, three, four, five, six. Huh.</p> <p>18 Very good.</p> <p>19 COMMISSIONER HASHIMOTO: So that's out?</p> <p>20 COMMISSIONER DELEON: (Inaudible).</p> <p>21 CHAIR STONE: That term limit is out. Very</p> <p>22 good. Moving on.</p> <p>23 Did you get that, Sherry, that's out?</p> <p>24 MS. BRODER: Look. It already re-numbered</p> <p>25 them.</p>	<p>1 COMMISSIONER WIGER: This is why this is such</p> <p>2 an issue. Very, very good point.</p> <p>3 (Multiple speakers.)</p> <p>4 CHAIR STONE: Yeah, Susan.</p> <p>5 COMMISSIONER MOIKEHA: So what the other side</p> <p>6 needs to do is propose a term limit without absolute.</p> <p>7 CHAIR STONE: That's correct.</p> <p>8 COMMISSIONER OKAMOTO: Not necessarily.</p> <p>9 COMMISSIONER DELEON: What the heck's</p> <p>10 happening here?</p> <p>11 CHAIR STONE: You're okay with 20 years?</p> <p>12 (Multiple speakers.)</p> <p>13 CHAIR STONE: Oh, sorry. Sorry, sorry, guys.</p> <p>14 Let's bring it -- I know it's been in here a long time,</p> <p>15 but poor Tonya. Okay. Let's keep it together. Sorry.</p> <p>16 ...(gavel)... There you go.</p> <p>17 That's a very good point, Ed. So if we -- if</p> <p>18 that were to pass, just to be clear for everybody, if we</p> <p>19 were to go from two to four-year terms, it presently</p> <p>20 would read that they have five consecutive terms</p> <p>21 allowed, which would be a total of 20 years before break</p> <p>22 was required.</p> <p>23 Susan.</p> <p>24 COMMISSIONER MOIKEHA: Also, Chair, you would</p> <p>25 need it to be separated because it would be conditioned</p>
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<p>1 CHAIR STONE: Delete it. Okay. Very good.</p> <p>2 Going to the next smiley, Smiley Number 6.</p> <p>3 COMMISSIONER OKAMOTO: 6.</p> <p>4 CHAIR STONE: I'm sorry. That was five "yea,"</p> <p>5 six "nay." Very good.</p> <p>6 Okay. So this is now going to be Proposal</p> <p>7 Number 2, correct? Yeah. Article 8, Section 7,</p> <p>8 Department of Fire and Public Safety, assign Ocean</p> <p>9 Safety and Rescue to Department of Fire and Public</p> <p>10 Safety.</p> <p>11 MR. KUSHI: Mr. Chair?</p> <p>12 CHAIR STONE: Yes, please.</p> <p>13 MR. KUSHI: Just a point of information.</p> <p>14 Going back to the initial consecutive versus absolute</p> <p>15 terms. Because you have not decided the issue of</p> <p>16 absolute versus consecutive, so the Charter provision</p> <p>17 language remains, which means that no councilmember</p> <p>18 shall serve more than five consecutive full terms. If</p> <p>19 the first issue passes --</p> <p>20 COMMISSIONER DELEON: 20.</p> <p>21 MR. KUSHI: -- and it's four-year terms, then</p> <p>22 we're talking about 20 years.</p> <p>23 CHAIR STONE: Very good point, Ed.</p> <p>24 COMMISSIONER WIGER: This is a real issue.</p> <p>25 CHAIR STONE: Oh.</p>	<p>1 on the first, and you could have the two together.</p> <p>2 Since we -- since the absolute part didn't take</p> <p>3 majority.</p> <p>4 CHAIR STONE: That's correct. Well, actually,</p> <p>5 Susan, we'd just stay with the language in the Charter</p> <p>6 as is, which is five consecutive terms. So it would</p> <p>7 just remain five consecutive terms.</p> <p>8 COMMISSIONER MOIKEHA: Follow-up? As far as</p> <p>9 if it doesn't pass the four years, it will remain as is,</p> <p>10 but what if the four-year passes?</p> <p>11 CHAIR STONE: That's the point, is that it</p> <p>12 will remain five consecutive terms.</p> <p>13 COMMISSIONER MOIKEHA: Which is 20 years.</p> <p>14 CHAIR STONE: That's what I said, yeah.</p> <p>15 COMMISSIONER MOIKEHA: So that's why I</p> <p>16 suggested that if that's -- I don't see anybody wanted</p> <p>17 20 years.</p> <p>18 CHAIR STONE: I don't think so. We really did</p> <p>19 a role reversal here.</p> <p>20 COMMISSIONER MOIKEHA: So we would need an</p> <p>21 amendment, a proposal to address that, which would be</p> <p>22 directly connected to if it passes. If it doesn't pass,</p> <p>23 then it's moot.</p> <p>24 CHAIR STONE: Irrelevant, correct.</p> <p>25 COMMISSIONER WIGER: Right.</p>

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1 CHAIR STONE: Yes, Kay.
 2 COMMISSIONER OKAMOTO: Well, the original one,
 3 where it went to four years and you put three four-year
 4 terms, it didn't have the absolute in it, but that might
 5 -- that might satisfy. Because that was part of the --
 6 instead of -- you're right, you don't need to separate
 7 them if that's the case.
 8 CHAIR STONE: Very good. So are you proposing
 9 that we amend that?
 10 COMMISSIONER OKAMOTO: No.
 11 CHAIR STONE: No, okay.
 12 Cliff.
 13 One second, Cliff. Actually, Judge Baxa was
 14 -- sorry, Cliff. One second.
 15 COMMISSIONER BAXA: I don't know if I am
 16 misunderstanding something, but I think the intent of
 17 the last proposal that we voted upon was that there is
 18 no term limit at all. I think, to me, it's as clear as
 19 that. Did anybody understand it any other way?
 20 CHAIR STONE: The proposal that was put
 21 forward is the change from two to four.
 22 COMMISSIONER BAXA: No, no. The term limit.
 23 I'm talking about the term limit.
 24 CHAIR STONE: Uh-huh.
 25 COMMISSIONER BAXA: There is no -- the way I

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1 understood it was that there is no prohibition at all,
 2 there is no limit at all, for any councilman to run for
 3 office.
 4 CHAIR STONE: No. We would have to alter that
 5 language if we wanted to have no term limits at all.
 6 Presently, the Charter reads five consecutive terms. So
 7 that would still be in the Charter, if this were to go
 8 through presently, without changing -- without having
 9 something attached to this moving forward, which would
 10 give somebody 20 solid years.
 11 Kay.
 12 COMMISSIONER OKAMOTO: I think, if I am
 13 understanding the Judge right, those of us who voted to
 14 drop that with the absolute -- I, for myself, speaking
 15 only for myself, it wasn't just the absolute. It was
 16 the term limit and the absolute that I was voting
 17 against. Yes, the 10 years, right now, the five is
 18 still there, but, personally, I was voting against the
 19 philosophy of term limits.
 20 CHAIR STONE: Okay. No. That wasn't --
 21 COMMISSIONER OKAMOTO: No. It was not --
 22 CHAIR STONE: That wasn't what the vote was
 23 about.
 24 COMMISSIONER OKAMOTO: But that was what --
 25 CHAIR STONE: I understand what you're saying.

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1 If that --
 2 COMMISSIONER OKAMOTO: I think what he is
 3 saying is the philosophy of those who did vote.
 4 COMMISSIONER BAXA: Yeah. Yeah.
 5 CHAIR STONE: That's the intent of the
 6 Commissioners in that specifying a new motion, because
 7 that was -- the intent was just whether or not this
 8 language was going to go to proposal.
 9 Stacy.
 10 COMMISSIONER CRIVELLO: So if I understand it,
 11 if the voters accept the four-year term --
 12 CHAIR STONE: Uh-huh.
 13 COMMISSIONER CRIVELLO: -- and then the
 14 five-year -- there's a break after --
 15 CHAIR STONE: Five terms.
 16 COMMISSIONER CRIVELLO: -- five terms, take a
 17 break for, what, four years or -- they would have to
 18 take a break for four years?
 19 CHAIR STONE: It would be a four-year break,
 20 yeah.
 21 COMMISSIONER CRIVELLO: Four-year break. Then
 22 they can decide to come back again. Okay.
 23 CHAIR STONE: Hey, Dave.
 24 COMMISSIONER HASHIMOTO: Chair --
 25 COMMISSIONER DELEON: I'd like to make --

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1 COMMISSIONER HASHIMOTO: Point of order.
 2 Point of order, Chair.
 3 CHAIR STONE: Sure, Cliff.
 4 COMMISSIONER HASHIMOTO: We don't have a
 5 motion on the floor. I don't know what the heck we're
 6 discussing.
 7 COMMISSIONER DELEON: I'm about to make a
 8 motion, Cliff.
 9 COMMISSIONER HASHIMOTO: Oh.
 10 COMMISSIONER DELEON: Do you mind? Okay.
 11 I would like to make a motion that we have --
 12 we change the -- make it one -- put the two topics
 13 together, if you change it to four-year terms, then you
 14 change it to three consecutive terms of four years.
 15 CHAIR STONE: So to amend the --
 16 COMMISSIONER DELEON: So, essentially, it's
 17 the process we have now, you can have a break, it's not
 18 consecutive, not total, it's not absolute, but you have
 19 three terms and then you have to take a break.
 20 CHAIR STONE: Very good.
 21 And, Cliff, just to point out that when we
 22 start moving forward, there's going to be reaction, say,
 23 from Corp Counsel or from our Analyst that point out
 24 items that we weren't -- we weren't savvy to before we
 25 made the decision. So this going back is going to

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1 probably happen with a number of proposals, because, for
 2 example, we didn't consider the consequences until Ed
 3 pointed it out. So we have to be able to discuss this
 4 openly. Otherwise, we're going to be --
 5 COMMISSIONER HASHIMOTO: So what happened to
 6 that motion that --
 7 CHAIR STONE: So, presently, there's a motion
 8 -- there was a motion that passed.
 9 COMMISSIONER HASHIMOTO: Yeah.
 10 CHAIR STONE: That we are going to put forward
 11 to super draft stage to increase two to four and
 12 staggered. But now Commissioner DeLeon is putting a
 13 motion forward to amend that because we have just found
 14 out from Corp Counsel that that would lead to 20 years
 15 consecutive terms. So there's a motion put forward to
 16 amend what we had passed.
 17 COMMISSIONER DE REGO: I second the motion.
 18 CHAIR STONE: It's been seconded by
 19 Commissioner De Rego.
 20 And, Dave, could you please restate that
 21 motion, so it's clear?
 22 COMMISSIONER DELEON: So the proposal is for
 23 -- to put the two items together back into one -- one
 24 question, changing to a four-year term, staggered, with
 25 a term limit of three terms, not to be served -- after

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1 which you have to have a break.
 2 COMMISSIONER DE REGO: Three consecutive
 3 terms.
 4 COMMISSIONER DELEON: Three consecutive. You
 5 can have a total of three consecutive terms, not
 6 precluding a councilmember from coming back again after
 7 that.
 8 CHAIR STONE: Okay. Everybody understood? So
 9 discussion on that motion?
 10 COMMISSIONER BAXA: Mr. Chair?
 11 CHAIR STONE: Commissioner Baxa.
 12 COMMISSIONER BAXA: I am getting really
 13 confused. You know, when we speak about terms, we're
 14 speaking -- excuse me -- when we speak about term, we
 15 speak about two years or four years. You know, we do
 16 not speak about with the right to be reelected again or
 17 so. No, that's not what -- excuse me if my
 18 understanding is wrong. And you can promptly say I am
 19 wrong, but that's the way I understand. Term is either
 20 four years, five years, ten years, either two or four,
 21 not any other thing.
 22 CHAIR STONE: Yes, Commissioner Baxa. Thank
 23 you. But try to keep in mind that, with this term
 24 change --
 25 COMMISSIONER BAXA: Yeah. But --

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1 CHAIR STONE: -- there's a condition being
 2 proposed --
 3 COMMISSIONER BAXA: There is -- Mr. Chair, we
 4 have to take the two questions separately. Otherwise,
 5 we will be having two questions in one -- two proposals
 6 in one question. No. That's not the way how we make
 7 deals.
 8 CHAIR STONE: Commissioner Baxa, this is one
 9 question. One question. And the question is, shall we
 10 increase -- if -- because it's based on whether or not
 11 the term changes to four years. So do you understand
 12 the -- we can't -- you can't put them into separate
 13 questions, it won't make logical sense. One question is
 14 tied to the fact that this term were to change to four
 15 years. If we -- if we don't put them together, they
 16 don't make sense at all.
 17 COMMISSIONER BAXA: Yeah. Mr. Chair, again --
 18 CHAIR STONE: Commissioner Baxa.
 19 COMMISSIONER BAXA: -- when we speak of term,
 20 we do not speak in terms of term limits. The next
 21 question will determine the term limits.
 22 CHAIR STONE: There is no question right now
 23 concerning term limits. That was -- that was erased.
 24 We do not have a term limit question at the moment,
 25 Mr. Baxa.

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1 COMMISSIONER BAXA: Precisely.
 2 CHAIR STONE: Commissioner Hedani.
 3 VICE-CHAIR HEDANI: I believe Commissioner
 4 Baxa is correct from the standpoint that I think the
 5 guiding principle is that, when you propose something
 6 for the voters to decide, voters are going to come into
 7 the booth, if we are confused here, and they have 30
 8 seconds to decide which way they're going to vote on the
 9 Charter amendment, it has to be simple, it has to be
 10 clear, it has to be concise, it has to be unconfused.
 11 And the way you do that is by separating the issues so
 12 that you know what you're voting for. If you lump them
 13 all together, then, if this happens, then this happens,
 14 then you end up with 20 years, and who is going to
 15 explain that to the person? I mean, we're not going to
 16 be able to do it.
 17 CHAIR STONE: So would you say, Commissioner,
 18 that the proposal would be that you would have a second
 19 proposal to change term limits from five to three? But
 20 I put forward, if that were the case, what happens if it
 21 doesn't change? What if they don't vote for two years,
 22 and they go to three? So, now, councilmembers have six
 23 years only in office.
 24 VICE-CHAIR HEDANI: That's why you have to
 25 keep it simple.

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1 CHAIR STONE: Okay. Okay.
 2 Susan.
 3 COMMISSIONER MOIKEHA: I think what's getting
 4 confusing is I think there are people, like Kay stated,
 5 that don't want any term limits at all. And that's a
 6 whole separate issue. But from what you're trying to
 7 explain, and I agree with, is that, right now, these two
 8 issues are linked, if it passes, four-year.
 9 CHAIR STONE: Yes.
 10 COMMISSIONER WIGER: That's right.
 11 COMMISSIONER MOIKEHA: Then you got to deal
 12 with that. Then the other issue is, there's some people
 13 here, I'm gathering, that don't want any limits at all,
 14 which is whole separate other thing.
 15 CHAIR STONE: It's a different issue
 16 completely, which never was brought forward yet on the
 17 Active Proposal List, which, considering we scratched
 18 term limits, and now we're talking about no limits,
 19 seems confusing to the Chair at the moment.
 20 Yes, please.
 21 COMMISSIONER OKAMOTO: Well, I don't think
 22 we're talking about no limits. There's already limits
 23 in the Charter. I may not agree with that, but it's
 24 there. So I think, to me, if you go with four years,
 25 you either accept the consequences of what that does,

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1 and maybe, at a future time, you do something different,
 2 or you tie them together, which I agree is just so
 3 confusing for people, that it's -- because some will
 4 say, yeah, I want four years term, but I don't want, you
 5 know -- so then they don't know how to vote. I think it
 6 has to be kept clear and simple. And we may have to
 7 say, well, if four years is an overriding thing, that's
 8 what you deal with this time, and, the next time around,
 9 you know, somebody can deal with term limits. That's --
 10 it is a difficult situation when you change one part of
 11 the equation, but not the other.
 12 CHAIR STONE: Okay. Very good. Here is --
 13 here's some language proposed by Sherry that maybe could
 14 be acceptable.
 15 Sherry, you read it so I don't mess it up.
 16 MS. BRODER: The term of office of
 17 councilmembers shall be for four years beginning January
 18 -- actually, it's 12:00, January 2nd, following their
 19 election. No member of the County Council shall serve
 20 more than three consecutive full terms of office. The
 21 terms of the councilmembers shall be staggered. The
 22 staggering of the terms shall commence on January 2,
 23 2015, and be implemented in accordance with this section
 24 and as follows. In the 2014 election, the five
 25 councilmembers who have received the highest number of

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1 votes shall be elected to four-year terms, the remaining
 2 four councilmembers shall be elected to two-year regular
 3 terms commencing on the same date.
 4 So I think for the actual question that goes
 5 to the voters, all you have to do is to say that the
 6 terms shall be staggered and then the rest of the two
 7 sentences that I read would be in full explanation. But
 8 I don't think that actually has to be on the ballot. So
 9 do you want me to read it again?
 10 CHAIR STONE: Yes, please.
 11 MS. BRODER: The term of office of
 12 councilmembers shall be for four years beginning at
 13 12:00, on the 2nd day of January following their
 14 election. No member of the County Council should serve
 15 more than three consecutive full terms of office. The
 16 terms of the councilmembers shall be staggered. That
 17 would be what would be presented to the voters. And
 18 then the definition of staggering would be in the full
 19 explanation, which is, you know, the --
 20 COMMISSIONER WIGER: What we hand out.
 21 CHAIR STONE: Thank you, Sherry. I think that
 22 makes sense. I mean, now we're -- we're resolving the
 23 issue with a single question.
 24 COMMISSIONER BAXA: Mr. Chair? That does
 25 resolve the question whether a councilman would be able

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1 to run forever.
 2 CHAIR STONE: If this does not get the support
 3 of the voters, the present situation stays in place,
 4 where it's two years with five consecutive terms. If
 5 this does get voted through, it becomes four-year terms
 6 with three consecutive terms, but no maximum, they just
 7 have to leave and come back.
 8 COMMISSIONER WIGER: Come back.
 9 CHAIR STONE: So it's, basically, the exact
 10 same thing, except four-year terms.
 11 COMMISSIONER WIGER: Instead of two-year
 12 terms.
 13 CHAIR STONE: Instead of two-year terms.
 14 COMMISSIONER WIGER: Yeah.
 15 CHAIR STONE: But it has to be -- it has to be
 16 combined that way, or it won't make any sense at all.
 17 COMMISSIONER WIGER: No. That's good.
 18 COMMISSIONER SUGIMURA: I have a question.
 19 CHAIR STONE: Yuki.
 20 COMMISSIONER SUGIMURA: This is about
 21 staggering. Okay. So let's say I run and I'm like the
 22 lowest on the totem pole, so I get two-year term. Okay.
 23 I run again, I get the two-year again? That's my second
 24 -- no?
 25 COMMISSIONER DELEON: No. Just the first

<p style="text-align: right;">Page 201</p> <p>1 time.</p> <p>2 COMMISSIONER SUGIMURA: Then what happens the</p> <p>3 second time?</p> <p>4 MS. BRODER: Okay. It would only be the very</p> <p>5 first time.</p> <p>6 (Multiple speakers.)</p> <p>7 COMMISSIONER DE REGO: Transitional provision.</p> <p>8 MS. BRODER: Because you want to have</p> <p>9 staggered terms, so the top five vote-getters would get</p> <p>10 four-year terms and then the four lesser vote-getters</p> <p>11 would get two-year terms. But the next time around --</p> <p>12 (Multiple speakers.)</p> <p>13 MS. BRODER: -- when those -- those four with</p> <p>14 the two-year term run two years later, they can then get</p> <p>15 elected to four-year terms.</p> <p>16 COMMISSIONER SUGIMURA: Only the very first</p> <p>17 time?</p> <p>18 MS. BRODER: Right.</p> <p>19 COMMISSIONER WIGER: Yeah.</p> <p>20 MS. BRODER: So, actually, I think I need to</p> <p>21 just make one correction to what I've read you, which is</p> <p>22 that the three consecutive terms of office should not</p> <p>23 say "full" because that would be the four-year term. So</p> <p>24 some people, in that very first election, will have the</p> <p>25 opportunity to be elected for 12 years, but other people</p>	<p style="text-align: right;">Page 203</p> <p>1 the bottom dweller on the first election, you get two</p> <p>2 years. If you're successful for the next two elections,</p> <p>3 you will have 12.</p> <p>4 COMMISSIONER WIGER: Yeah, yeah.</p> <p>5 MR. KUSHI: You will only have 10.</p> <p>6 COMMISSIONER WIGER: Ten, yeah.</p> <p>7 CHAIR STONE: Don't we achieve that by pulling</p> <p>8 out "full," "full term," the term "full?"</p> <p>9 MR. KUSHI: If you say "full" -- let's say you</p> <p>10 -- the first two years, then you get -- you elected two</p> <p>11 more elections, you're only two and-a-half. You're not</p> <p>12 three full. You go to 16.</p> <p>13 CHAIR STONE: Very good.</p> <p>14 MS. BRODER: Yeah. But is it really a half</p> <p>15 term? Isn't it a full term? I mean if that's the term</p> <p>16 you got elected to, you only got --</p> <p>17 COMMISSIONER WIGER: Was the two.</p> <p>18 MR. KUSHI: As long as it's defined. As long</p> <p>19 as it's understood --</p> <p>20 COMMISSIONER WIGER: Yeah, yeah.</p> <p>21 MR. KUSHI: -- that, you know, your first</p> <p>22 term, whether it's two or four, is a full term.</p> <p>23 CHAIR STONE: Because it's only that</p> <p>24 transitional year. Yeah, I think I prefer to define the</p> <p>25 term. Okay. Very good.</p>
<p style="text-align: right;">Page 202</p> <p>1 will only have the opportunity to be elected for 10</p> <p>2 years, because their first term will only be two years.</p> <p>3 CHAIR STONE: Okay. It sounds more confusing</p> <p>4 than we're making it, actually. So I think it's -- I</p> <p>5 think that's clear language. I think that's the intent.</p> <p>6 I think -- is there further discussion because I would</p> <p>7 like to take -- Dave is this the motion that you --</p> <p>8 COMMISSIONER DELEON: That's what I said.</p> <p>9 CHAIR STONE: Okay. Very good.</p> <p>10 MR. KUSHI: Mr. Chair?</p> <p>11 CHAIR STONE: Yes, Ed.</p> <p>12 MR. KUSHI: Because of the staggering, instead</p> <p>13 of full terms, terms of reference, 12 consecutive years.</p> <p>14 MS. BRODER: Well, I took out the word "full,"</p> <p>15 so it's three.</p> <p>16 MR. KUSHI: Just 12 consecutive. Then you get</p> <p>17 over the hump about the staggering.</p> <p>18 MS. BRODER: You'd say no more than 12.</p> <p>19 MR. KUSHI: No more than 12 consecutive.</p> <p>20 COMMISSIONER WIGER: Yeah.</p> <p>21 MR. KUSHI: Thank you.</p> <p>22 COMMISSIONER WIGER: Oh, okay.</p> <p>23 CHAIR STONE: I don't think that's -- Ed, why</p> <p>24 would you consider that to be necessary?</p> <p>25 MR. KUSHI: Because some -- let's say you're</p>	<p style="text-align: right;">Page 204</p> <p>1 Any further discussion before we vote on this</p> <p>2 amendment to Proposal Number 1? One step forward, two</p> <p>3 steps back.</p> <p>4 COMMISSIONER SUGIMURA: Read the whole thing</p> <p>5 again.</p> <p>6 CHAIR STONE: You're just doing that to mess</p> <p>7 with me, Yuki.</p> <p>8 Sherry, could you read it one more time,</p> <p>9 please?</p> <p>10 MS. BRODER: Okay. The term of office of</p> <p>11 councilmember shall be for four years beginning at 12:00</p> <p>12 (inaudible) on the 2nd day of January following their</p> <p>13 election. No member of the County Council shall serve</p> <p>14 more than three consecutive terms of office and no more</p> <p>15 than 12 years. The terms of the councilmembers shall be</p> <p>16 staggered. Then the staggering shall -- as we explained</p> <p>17 before, the staggering shall be the five highest</p> <p>18 vote-getters will get the four-year terms and the four</p> <p>19 lower vote-getters will get two-year terms.</p> <p>20 CHAIR STONE: That would be a term, two-year</p> <p>21 term.</p> <p>22 MS. BRODER: It would be a two-year term.</p> <p>23 Well, that's what it says. That's how I wrote it.</p> <p>24 CHAIR STONE: Right.</p> <p>25 MS. BRODER: The four remaining councilmembers</p>

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1 shall be elected to two-year regular terms commencing on
 2 the same date. But based on what Ed said, I added that
 3 it shall be three consecutive terms of office and no
 4 more than 12 years. So I think that makes it abundantly
 5 clear.
 6 CHAIR STONE: Very good.
 7 Okay. Commissioners, no further discussion?
 8 Commissioner Hedani.
 9 VICE-CHAIR HEDANI: That presumes that the
 10 four years will pass.
 11 MS. BRODER: It's one -- would be one
 12 question. If four-year passes, then the term limits are
 13 changed from five consecutive two-year terms to three
 14 consecutive terms of four years each, but, in no event,
 15 more than 12 years. So some -- four people would only
 16 get the serve the maximum of 10 years.
 17 COMMISSIONER SUGIMURA: So, in other words,
 18 then, if the four-year fails and it's two-year --
 19 CHAIR STONE: Nothing changes.
 20 MS. BRODER: Nothing changes.
 21 COMMISSIONER WIGER: It goes back to --
 22 CHAIR STONE: Nothing changes. It stays
 23 exactly the same.
 24 COMMISSIONER WIGER: Same as --
 25 COMMISSIONER SUGIMURA: So my initial comment

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1 about this one item is that it's a lot of words, very
 2 confusing. And when you get the people in the voting
 3 booth, they're going to go, "Now what is this, vote no."
 4 CHAIR STONE: But -- Yuki, that may be the
 5 case, but there's -- there's really no other way to word
 6 this to structure this.
 7 Commissioner Hedani.
 8 VICE-CHAIR HEDANI: So the question has to
 9 read, if the voters prevail for a four-year term, then
 10 everything that you said.
 11 COMMISSIONER WIGER: Yeah. Yeah.
 12 CHAIR STONE: Well, actually, the proposal
 13 would be put forward as worded by Sherry just now,
 14 meaning that it's all one body.
 15 COMMISSIONER WIGER: Yeah.
 16 CHAIR STONE: So it's either going to go four
 17 with three consecutive years or it's going to stay two
 18 with five consecutive years. There's no other option.
 19 VICE-CHAIR HEDANI: Okay. I'm just -- I'm
 20 just trying to get a clarification. So we're voting on
 21 Proposal 1(a)?
 22 CHAIR STONE: 1.
 23 COMMISSIONER SUGIMURA: 1.
 24 (Multiple speakers.)
 25 COMMISSIONER DE REGO: On the -- oh, I'm

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1 sorry. Mr. Chair?
 2 CHAIR STONE: Frank.
 3 COMMISSIONER DE REGO: There's, actually, an
 4 example in our ballots, which says -- I forget which
 5 ballot this is, actually. There should be a date
 6 somewhere on this one. I think it might be the 2002.
 7 It says should the terms of councilmembers be lengthened
 8 from two to four years with term limits of three
 9 consecutive terms --
 10 COMMISSIONER DELEON: It's the same thing.
 11 COMMISSIONER DE REGO: -- or 12 consecutive
 12 years, whichever shall be longer, beginning in 2004,
 13 with terms to be staggered.
 14 COMMISSIONER WIGER: There it is.
 15 COMMISSIONER SUGIMURA: And what was the vote?
 16 COMMISSIONER CRIVELLO: That right there.
 17 MS. BRODER: Why didn't you tell me that
 18 before?
 19 COMMISSIONER DE REGO: I was just doing my
 20 research while you guys were talking.
 21 CHAIR STONE: You made Sherry do all that work
 22 for nothing, Frank.
 23 Cliff.
 24 COMMISSIONER HASHIMOTO: Yeah. Yeah. Can you
 25 tell us what the results were of the vote?

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1 COMMISSIONER DE REGO: Yeah. We -- we're
 2 actually revisiting this.
 3 COMMISSIONER SUGIMURA: Which page?
 4 COMMISSIONER DE REGO: It should be on the
 5 page before, right, or the next page.
 6 VICE-CHAIR HEDANI: It was absolutely not.
 7 (Laughter.)
 8 CHAIR STONE: Well, nobody said this job was
 9 going to be easy, folks.
 10 Proposal Number 1.
 11 MS. BRODER: Staggered?
 12 COMMISSIONER DE REGO: Yes, with the terms to
 13 be staggered. I can show you. It's exactly -- yeah,
 14 that's exactly -- that's what the question is.
 15 (Multiple speakers.)
 16 CHAIR STONE: Okay. All right. So the gist
 17 is -- it's exactly what we're discussing. All right.
 18 COMMISSIONER DE REGO: Yeah.
 19 CHAIR STONE: Regardless of which way we word
 20 it, it's exactly what we're discussing.
 21 COMMISSIONER DE REGO: Yeah.
 22 CHAIR STONE: So the proposal -- the motion to
 23 -- to amend Proposal Number 1 to be that is on the
 24 table. I'm going to take it to vote. All in favor of
 25 amending Proposal Number 1 to be that, raise your hand

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<p>1 and say "aye." Wait one second, please. We need all 2 Commissioners on this. 3 VICE-CHAIR HEDANI: Question. 4 CHAIR STONE: Yes, Commissioner Hedani. 5 COMMISSIONER OKAMOTO: Did we get an answer on 6 what the vote was? 7 CHAIR STONE: Yeah. What was the vote, Frank, 8 since we have time? 9 COMMISSIONER DE REGO: I can't find the 10 tabulations for that one right now. Let's see. 2002. 11 Length of term, Salary Commission -- 12 COMMISSIONER OKAMOTO: They didn't tally it. 13 COMMISSIONER DE REGO: Four-year Council 14 terms, yeah. 15 COMMISSIONER SUGIMURA: So it's 20,000 no -- 16 24,000 no, and 14,000 yes. 17 COMMISSIONER DE REGO: Yes. 18 COMMISSIONER DELEON: Getting better. 19 COMMISSIONER WIGER: No. I think -- but I 20 think -- I think -- well, at least for me, the issue 21 becomes that, as we went out and had our hearings, this 22 was a topic that a lot of people spoke about, one side 23 or the other. It's something that people are interested 24 in. They want to know, they want to have their voices 25 heard, they want to have a say. And that's why, you</p>	<p>1 motion? 2 CHAIR STONE: Yes. We'll read it again. 3 MS. BRODER: Okay. Here's the revised version 4 based on what we -- what they did last time. Shall the 5 terms of office of councilmembers be lengthened from two 6 years to four years, term limits of three consecutive 7 terms, or 12 consecutive years, whichever shall be 8 longer, beginning in January 2015, with terms to be 9 staggered. 10 COMMISSIONER SUGIMURA: That's exactly what 11 this says. 12 MS. BRODER: Right. 13 CHAIR STONE: She just copied it. 14 COMMISSIONER SUGIMURA: Oh, you did? Okay. 15 Wow. That's good. 16 CHAIR STONE: All right. 17 COMMISSIONER DELEON: Call for the question. 18 COMMISSIONER WIGER: Please. 19 CHAIR STONE: Commissioner Hedani, did you 20 have something to say? 21 VICE-CHAIR HEDANI: Can we add to that, you 22 know, because we didn't like your answer the first three 23 times? 24 (Laughter.) 25 CHAIR STONE: Is that reference to me? Nobody</p>
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<p>1 know, I've been one of the loudest voices about saying, 2 this is something of such priority, it ought to go out 3 to them. They can turn it down if they choose, up to 4 them. They can accept it if they choose. But I guess 5 I'm convinced by reading, and I'm not thin-skinned, but 6 by reading enough of the letters to the editor, getting 7 enough telephone calls, seeing enough things coming 8 across that says, you know, the voters have a right to 9 make a choice, to have their voices heard. And not only 10 on this, but on any number of issues. And so on things 11 that are big enough -- and I think this is a big 12 enough -- it's not housekeeping -- I'm all for giving it 13 to them and having them take a whack at it again. 14 CHAIR STONE: Thank you, Flo. 15 Okay, Commissioners, we're all here. Let's 16 put this to vote. All in favor of the motion to amend 17 Proposal Number 1, to include the language that 18 specifies three consecutive terms with a 12-year 19 maximum, all in favor, say "aye" and raise your hand. 20 COMMISSIONER SUGIMURA: 12 consecutive years? 21 CHAIR STONE: 12 consecutive years, yes. 22 COMMISSIONER DELEON: Three terms. 23 CHAIR STONE: Wait a second. Are we clear or 24 not? 25 COMMISSIONER MOIKEHA: Can you read the actual</p>	<p>1 was voting. Okay. 2 In favor of the amendment, raise your hand and 3 say "aye." 4 (Response.) 5 CHAIR STONE: Okay. One, two, three, four, 6 five, six, seven. 7 Opposed, raise your hand and say "nay." 8 (Response.) 9 CHAIR STONE: Four "nay." Very good. Seven 10 approved, okay. So now Number 1 has been completed. 11 Thank you very much. 12 COMMISSIONER DELEON: Mr. Chair, can we take a 13 break? Can we take a break? 14 CHAIR STONE: Never, Dave. 15 COMMISSIONER DELEON: Oh, okay. 16 CHAIR STONE: No, just kidding. Yeah, let's 17 take a -- after that fun little round, let's take a 18 break until 3:00. Make it quick, though, and let's 19 start up at 3:00 -- 20 COMMISSIONER WIGER: Yes. 21 CHAIR STONE: -- because we have a lot to do. 22 And we're not patting us on the back right now. 23 (Recess, 2:53 p.m. to 3:08 p.m.) 24 CHAIR STONE: Thank you. I'll call this 25 meeting back to order. So that Yuki can leave now.</p>

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<p>1 COMMISSIONER SUGIMURA: Yeah, sorry. 2 CHAIR STONE: Yuki, is there any controversial 3 issue that you want us to touch base on while you're 4 leaving? 5 COMMISSIONER DELEON: Yuki, you'll be here for 6 next meeting? 7 COMMISSIONER SUGIMURA: Yes. 8 CHAIR STONE: Just quickly, by show of hands, 9 the next meeting is on the 27th of February, 10:00 a.m. 10 We'll possibly go past 4:00. Chair will not be here, so 11 Vice-Chair will be taking the meeting. You know him, 12 he'll take it to like 7:00 p.m. 13 (Laughter.) 14 CHAIR STONE: Anyways, is there anybody else 15 who is not going to be at that 27th meeting? So it's 16 two of us here. Okay. Good, we'll have quorum. 17 Perfect. 18 COMMISSIONER OKAMOTO: The following one is 19 like a week later? 20 CHAIR STONE: You know -- sorry. One second. 21 MS. KAHUHU: Yes, Chair. After the 27th, the 22 agenda for the 5th will need to be filed the next day. 23 CHAIR STONE: Okay. Very good. We better be 24 on that. 25 MS. KAHUHU: I apologize, but that was due to</p>	<p>1 under Powers, Duties and Functions, the Fire Chief 2 shall, number two. And that is inserted after "provide 3 and perform firefighting, rescue," and then insert 4 "Ocean Rescue and Safety," et cetera. 5 COMMISSIONER DE REGO: Second. 6 COMMISSIONER OKAMOTO: Question. 7 CHAIR STONE: Yes. Go ahead. 8 COMMISSIONER OKAMOTO: Are you also including 9 Number 3 and 4 as listed? 10 COMMISSIONER MOIKEHA: Yes. 11 COMMISSIONER OKAMOTO: Thank you. 12 CHAIR STONE: One second. Sherry, did you get 13 that? 14 MS. BRODER: I think if you take a look at the 15 handout today, what was already written up, I think that 16 it's clear that, actually, that, when she says 8-7.4, 17 all of those, 1, 2, 3, 4, 5, 6, 7, 8, are included in 18 that. And then, don't forget, at the bottom of that is 19 the transition, how to do the transition. 20 COMMISSIONER DE REGO: Transition, yeah. 21 That's a -- 22 COMMISSIONER WIGER: Yeah. 23 MS. BRODER: So I don't know if, Susan, you 24 were including it, Commissioner, if you were -- 25 COMMISSIONER MOIKEHA: Yeah. If I could just</p>
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<p>1 the 20th being a holiday. 2 CHAIR STONE: Okay. Thank you. 3 Bye, Yuki. 4 COMMISSIONER DE REGO: Sign the bill. 5 COMMISSIONER SUGIMURA: Sign the bill. 6 CHAIR STONE: Sign the bill, pour me a drink. 7 (Laughter.) 8 CHAIR STONE: I would like to point out that 9 we have an Executive Assistant Rob Parsons here stepping 10 in. Rob, thanks so much for coming down. Appreciate 11 it. 12 COMMISSIONER DE REGO: Where is Ed? 13 CHAIR STONE: Now we're moving on. I would 14 like to point out that the Draft Proposals that we have 15 written were in our packets today, which is fantastic 16 news. 17 Next -- next smiley proposal is Article 8, 18 Section 7, Department of Fire and Public Safety, Assign 19 Ocean Safety and Rescue to the Department of Fire and 20 Public Safety. If you note in your packets, there's -- 21 it's not a huge -- within the language, not a massive 22 change in the Charter. 23 Go ahead, Susan. 24 COMMISSIONER MOIKEHA: I would like to make a 25 motion to include Ocean Rescue and Safety on 8-7.4,</p>	<p>1 adopt this entire draft, that would be my motion. 2 CHAIR STONE: Okay. Very good. 3 COMMISSIONER WIGER: Second. 4 CHAIR STONE: Okay. Motion's been forwarded 5 and seconded to adopt this entire draft. Any 6 discussion? 7 (No Response.) 8 CHAIR STONE: No discussion. All in favor, 9 raise your hand and say "aye." 10 (Response.) 11 CHAIR STONE: All opposed, raise your hand and 12 say "nay." 13 Cliff, you didn't raise your hand. Are you an 14 aye or a nay? 15 COMMISSIONER HASHIMOTO: I don't know. 16 CHAIR STONE: Cliff, you got to make a vote, 17 buddy. 18 COMMISSIONER HASHIMOTO: I don't know that it 19 makes any difference. 20 CHAIR STONE: Cliff, is that a aye or a nay? 21 I need a aye or a nay. 22 COMMISSIONER OKAMOTO: One abstain. 23 CHAIR STONE: Okay. That was Number 6. All 24 right. 25 COMMISSIONER DELEON: We get closer to 4:00 --</p>

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1 CHAIR STONE: The count was unanimous.
 2 COMMISSIONER WIGER: Yes.
 3 COMMISSIONER MOIKEHA: Question, Chair.
 4 CHAIR STONE: Yes, Susan.
 5 COMMISSIONER MOIKEHA: The transitional, do we
 6 have to provide that for you, or are you going to come
 7 up with some --
 8 MS. BRODER: That's already provided, right,
 9 because it says -- this is what -- based on your
 10 discussion at the time at the meeting that you had when
 11 you moved this to the Active List --
 12 CHAIR STONE: Proposal stage.
 13 MS. BRODER: Draft proposal stage, when you
 14 moved to the draft, this is what you, the Commissioners,
 15 talked about, and so I added it. So if you look at the
 16 next one, which is the -- about the auditor, okay, that
 17 one, you had discussions, but I had questions. And so I
 18 made the questions in red. So this prior one was based
 19 on what I thought your discussions were and what you
 20 wanted. You wanted to have a transition. That won't
 21 have to actually be on the ballot, the transition --
 22 COMMISSIONER WIGER: Right. Right. Right.
 23 MS. BRODER: -- but it would be in the
 24 explanation.
 25 COMMISSIONER WIGER: Yeah.

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1 COMMISSIONER MOIKEHA: Okay.
 2 MS. BRODER: There were some Commissioners
 3 that wanted to make sure that there would be a timetable
 4 to move from Planning (sic) to Ocean and Fire.
 5 COMMISSIONER DE REGO: Point of --
 6 CHAIR STONE: Very good. Frank.
 7 COMMISSIONER DE REGO: -- order. Now that I'm
 8 thinking about this, as we get to the 4:00 hour, there
 9 was something mentioned here that there was a proposal
 10 to get this moving by July. Are we -- so what are we
 11 proposing, a maximum limit on this in terms of what we
 12 discussed the last time or -- I'm trying to remember our
 13 discussions from last time. Or is the Maui Fire
 14 Department setting the timetable?
 15 COMMISSIONER CRIVELLO: I read it as the Maui
 16 Fire Department is setting the timetable.
 17 COMMISSIONER DE REGO: Okay. I could totally
 18 agree with that.
 19 CHAIR STONE: Very good.
 20 COMMISSIONER MOIKEHA: Question.
 21 CHAIR STONE: Yeah, Susan.
 22 COMMISSIONER MOIKEHA: Shouldn't the Ocean
 23 Safety -- Rescue and Safety also be involved in helping
 24 to determine the timetable, or is it only going to be
 25 left up to the Fire Department?

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1 MS. BRODER: Well, I just tried to listen to
 2 what was discussed here and tried to reflect what I
 3 thought what it was at the time. So I don't have a
 4 personal opinion one way or the other, if it should
 5 include Ocean Safety. But you certainly could amend it,
 6 if that's what you wanted to do.
 7 COMMISSIONER MOIKEHA: I guess, Chair, I would
 8 like to know how the group feels about that. I don't
 9 know if it was just me, but I got the impression that
 10 Mr. Kalepa, representing this entity, wasn't always
 11 involved in conversations that dealt with this subject.
 12 It seemed to be more the department head, maybe the
 13 Parks and Recreation, and Fire, or Administration. So,
 14 I mean, it sounds like he eventually gets the info, but
 15 -- I don't know how important that is to everyone that
 16 he -- that that group be involved in this.
 17 CHAIR STONE: I believe, upon adoption, I
 18 mean -- I believe, upon adoption -- I understand what
 19 you're saying.
 20 COMMISSIONER MOIKEHA: Yeah.
 21 CHAIR STONE: Is that this could be left up --
 22 if it were to be left to Maui County Fire Department to
 23 set the timetable, would they ever --
 24 COMMISSIONER MOIKEHA: Yeah.
 25 CHAIR STONE: -- set the timetable.

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1 COMMISSIONER MOIKEHA: And this is not a
 2 negative reflection on the department, either. It's
 3 just --
 4 CHAIR STONE: From what we heard.
 5 COMMISSIONER MOIKEHA: Yes.
 6 CHAIR STONE: Okay. Thank you.
 7 Dave.
 8 COMMISSIONER DELEON: I think the Mayor has a
 9 position in favor of this. If this passes, the Mayor
 10 will have all the wind at his back to push everything
 11 forward. It's really not our kuleana to figure out how
 12 it's going to be negotiated and worked through the
 13 system. We're talking about structure. And I think
 14 we're in agreement that the structure should happen. So
 15 let's just move along. We don't have to worry about --
 16 we don't have to worry about this.
 17 COMMISSIONER MOIKEHA: Chair?
 18 CHAIR STONE: Yes.
 19 COMMISSIONER MOIKEHA: It wasn't my concern to
 20 worry about it or to try and devise a timetable. I'm
 21 just trying to look at this statement as to does it
 22 involve all of the key players. If this Commission
 23 feels that it's fine the way it, that's fine. It was
 24 just a question.
 25 CHAIR STONE: Okay. Thank you.

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1 Kay.

2 COMMISSIONER OKAMOTO: I think they have to be

3 mentioned. You're not just asking the Fire Department

4 for a timetable. It's saying two groups have to meld.

5 Then I think they ought to both be mentioned. And like

6 she said, it's not -- they are not voting on it, it's

7 just that part on the timetable.

8 CHAIR STONE: Very good.

9 Stacy.

10 COMMISSIONER CRIVELLO: I think the Fire

11 Department was asking for some say in that because they

12 are going through the accreditation stage right now.

13 And in all fairness, you know, I think we forget to ask

14 the questions, if the transitional plan is in place when

15 it comes to the budget, and the Fire Department will be

16 absorbing all of that cost. And if -- if we need to

17 have them come back to the table and give us -- not so

18 much -- but from the Parks and Recreation director as

19 well as the Fire Chief, if they can give us specifics

20 where the discussion is today. I think you'll find it's

21 not that way ahead.

22 So in all fairness, I think we've accepted the

23 fact that the Ocean Safety will transition to the Fire

24 Department, as who will be absorbing everything and all

25 the inventory, as well as the manpower under their

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1 structure, would be the Fire Department.

2 CHAIR STONE: Let me ask Sherry quickly.

3 Sherry, what are your thoughts on that, leaving the

4 timetable, say, in one department's hands?

5 MS. BRODER: I really think that's a policy

6 question. I mean, it's not really a legal question. So

7 it depends on whether or not you feel confident in the

8 Fire Department that if the -- if the Charter is changed

9 so that they are assigned these new functions, that they

10 are going to want to bring those functions over there

11 and work diligently on a timetable.

12 COMMISSIONER DELEON: I'll be back.

13 CHAIR STONE: Okay. Dave is excused.

14 Any further discussion on that, guys? Susan,

15 any further discussion?

16 COMMISSIONER MOIKEHA: No. Thank you.

17 CHAIR STONE: Okay. Great. Okay. Thank you.

18 That is two proposals. Very good.

19 COMMISSIONER WIGER: Moving along.

20 CHAIR STONE: Very good. Moving on to the

21 next smiley proposal, Article 8, Chapter 16, Cost of

22 Government Commission, create an Office of the County

23 Auditor, with the Cost of Government as part of the

24 organization of that office. The question is, shall the

25 Charter be amended to establish an independent Office of

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1 the County Auditor, and that the County Auditor be

2 appointed and subject to removal by the Cost of

3 Government Commission. And we received a lot of

4 testimony on this topic.

5 So I shall open it up to the floor right now.

6 And what page is that?

7 COMMISSIONER CRIVELLO: Page 1 of this.

8 COMMISSIONER WIGER: Yeah.

9 CHAIR STONE: That's perfect, Sherry. Thank

10 you. Okay. So we have some staff comments right away.

11 The Commission's current proposal would

12 greatly increase the power and authority of the Cost of

13 Government from the current Charter created, advisory

14 commission, whose task it is to complete and submit a

15 report to the Council, to board or commission,

16 (inaudible) power or authority, the Police and Fire

17 Commissions, which directly appoint its CEO, i.e. the

18 Fire and Police Chiefs. Accordingly, Section 8, Chapter

19 16 would probably need to be amended further to reflect

20 the creation of such authority.

21 What I would like to do first is, from the

22 majority of councilmembers that came to our public

23 outreach meetings, I remember their thoughts were, yes,

24 it's a good idea to have an office -- well, half and half

25 thought it was a good idea to have an Office of County

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1 Auditor, but they felt it should stay under the

2 Legislative Branch. So why don't we start that

3 discussion there?

4 Frank, you were kind of the maker of this

5 proposal, so let's have your thoughts initially.

6 COMMISSIONER DE REGO: I think what we were

7 trying to deal with -- and I think Commissioner Moikeha

8 put it when she was asking her questions -- I forget who

9 it was -- I think it was Gladys Baisa -- that we were

10 trying to figure out the political implications of --

11 the Cost of Government, actually, at the beginning, when

12 they proposed this, actually took Mike White's proposal

13 and were perfectly comfortable with a legislative

14 entity, and possibly moving the Cost of Government over

15 as an advisory commission. But the Commissioners here

16 posed a question of whether or not it might be wise to

17 have like the Fire Commission or the Liquor Commission,

18 or the other commissions, to -- you can't take politics

19 out of everything. I admit that. But to limit the kind

20 of political influence on either side, to have the Cost

21 of Government Commission hire and fire the County

22 Auditor.

23 At this point, I think it's up to the

24 Commissioners to decide what they feel is the best way

25 of approaching this. If we're going to follow the State

<p style="text-align: right;">Page 225</p> <p>1 model, it's the legislature that comes in joint session 2 and hires the County Auditor. In terms of the Cost of 3 Government's present function, it acts as a quasi kind 4 of auditing function for the departments because it asks 5 very pointed questions about procedures, about 6 performance, about costs, et cetera. 7 I still think it would be probably 8 advantageous for the Cost of Government to move into the 9 Auditor's Office, no matter what happens, whether they 10 have the authority, or not, to hire or fire. It just 11 seems like a better place for it to be than in the 12 Mayor's Office at this point. And they could be 13 supporting the auditor in that function. Or, as Danny 14 Mateo suggested, once we have an auditor, maybe we 15 should entertain the possibility of repealing Chapter 16 16, Chapter 8, and abolish the Cost of Government 17 completely. You know, that's another option that's open 18 to the Commission at this point. 19 So it's -- as I said, it was the Commissioners 20 who actually asked and requested that they go back to 21 the Cost of Government and see what their feeling was 22 about changing the function of the Cost of Government in 23 regards to the County Auditor. 24 Number one, we need an auditor's office, 25 performance and financial. How that is going to be</p>	<p style="text-align: right;">Page 227</p> <p>1 Prior, I guess, Commissions, as Dave reminds 2 us, weren't always that way. But it was awful hard to 3 get rid of a entity in the -- as we are finding out now, 4 in the Charter. You know, once something is sort of 5 institutionalized, it's awful hard to kill. 6 But, you know, this leaves, I think, the 7 Charter Commission with an open opportunity to make this 8 what it thinks it should be, you know. I have no vested 9 interest in this whatsoever other than making sure that 10 efficiency, quality and economical government occurs. 11 And if the Commission comes up with a better widget in 12 terms of making that happen, I think, in a way of 13 organizing that process -- and I am not discounting 14 anything that the councilmembers have said. I think 15 some of them came with the -- you know, they weren't 16 quite sure about that. And then others were very like, 17 this is a legislative function, you know. So, you know, 18 we've got a range of opinions, mostly from 19 councilmembers at this point. And I think it's up to us 20 to decide, you know, how it would be put on the ballot 21 and what you feel would be the best way to organize it. 22 CHAIR STONE: Thank you. 23 Yes. 24 COMMISSIONER DE REGO: We -- 25 CHAIR STONE: Susan -- Susan had her hand up</p>
<p style="text-align: right;">Page 226</p> <p>1 viewed and who is going to be the final say in terms of 2 vetting and hiring, I think that's open for discussion. 3 And that's my feeling at this point. I mean, to the 4 point where if we find there's no need for a Cost of 5 Government Commission after this, then I think we should 6 just go ahead and repeal Chapter 16 of Section 8 under 7 the department. 8 CHAIR STONE: Thank you, Frank. 9 Susan, before I go to you, Frank, quick 10 question. In your work in the Cost of Government, what 11 would you say are the real differences between what the 12 Cost of Government presently does versus what a County 13 Auditor would specifically do? 14 COMMISSIONER DE REGO: The County Auditor 15 would be able, because, hopefully, the County would give 16 it the resources, to go into the questions that we deal 17 with a lot deeper and with a lot more thoroughness and 18 efficiency than the current Cost of Government. You're 19 talking about volunteers who meet once a month. I am 20 actually in awe of what past commissions have put out in 21 terms of looking at various County functions. And to 22 their credit, the Council and the Mayor have been very 23 attentive to the reports of the Cost of Government 24 Commission over the last three or four years. That's 25 because the Commission stepped up to the plate.</p>	<p style="text-align: right;">Page 228</p> <p>1 first. 2 COMMISSIONER MOIKEHA: This is one of those 3 that I -- I think there was a lot of support for the 4 County Auditor. Again, that debate, again, was over how 5 the process of electing that or appointing an auditor 6 would take place. I still, in my mind, think that the 7 Cost of Government Commission could do -- could do that. 8 But I'm not, you know, absolutely has to be that way. 9 So I could see where it would be -- this would be 10 separated, should we create an office of the County 11 Auditor as one, and then the second part, if so, who is 12 to do it, would it be Cost of Government Commission or 13 would it be the legislative, and let the people decide. 14 For me, I could probably live with either one. The more 15 important thing is that one would be established. So -- 16 CHAIR STONE: Great. Thank you. 17 Stacy. 18 COMMISSIONER CRIVELLO: So, Frank, with your 19 involvement in this particular proposal, can you tell me 20 what the other counties, or the City and County of 21 Honolulu, if they have auditors, and is it legislative, 22 is it appointed by council people? 23 COMMISSIONER DE REGO: I think the other three 24 counties, from my understanding, it's all legislative 25 auditors. Each county has an auditor and it's elected</p>

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1 by the councils.
 2 CHAIR STONE: Is that good, Stacy?
 3 Yes, Commissioner Baxa.
 4 COMMISSIONER BAXA: Yeah. I have no question,
 5 Mr. Chair, that the Office of County Auditor should be
 6 established. Again, I am one of those who believe that
 7 because the one thing that will be properly involved
 8 here is about how the monies are spent. I know that the
 9 Council has jurisdiction over money matters. And they
 10 have a great interest in how monies are spent. I would
 11 give the supervision to the Council.
 12 CHAIR STONE: Thank you.
 13 Kay.
 14 COMMISSIONER OKAMOTO: Can I make a motion?
 15 We're not ready for a motion?
 16 COMMISSIONER DE REGO: Yeah. I --
 17 CHAIR STONE: Actually, just let me just
 18 finish up on these broad points.
 19 Go ahead, Cliff.
 20 COMMISSIONER HASHIMOTO: I just want to say,
 21 Chair, that I had communications with an attorney friend
 22 of mine who deals in these matters, just like Sherry
 23 does. And he's been doing it for a long time. He said
 24 in most cases that he's dealt with, where counties, or
 25 institutions such as Maui County, he said, in nearly

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1 every case, the auditors were -- were -- the auditor was
 2 under the legislature or the Council.
 3 CHAIR STONE: Very good. Thank you.
 4 I recall, also, in some of the testimony that
 5 wasn't from councilmembers, a few of the testifiers
 6 pointed out that if it were -- if the appointments came
 7 under the Cost of Government, well, then the political
 8 aspect would be under the Executive Branch because the
 9 Executive Branch appoints the Cost of Government. So I
 10 do recall that in some of our meetings.
 11 COMMISSIONER DE REGO: Unless we remember what
 12 Mike White said, that you change the Charter so that the
 13 Cost of Government Commissioners are appointed by the
 14 Legislative Branch solely. That's what -- I think Mike
 15 White suggested the fact that if you're going to go in
 16 that direction, that it should not be the Mayor
 17 nominating the Cost of Government and the Council
 18 approving, it should be an appointment solely by the
 19 Legislative Branch.
 20 CHAIR STONE: Cliff.
 21 COMMISSIONER HASHIMOTO: Yeah. One other
 22 thing, Chair. I think one of our councilmen also
 23 mentioned this, but my friend also said that you can
 24 elect your auditor if you want to. And that way, you
 25 can -- you get away from this -- this problem. I think

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1 one of the councilmen mentioned that as well.
 2 COMMISSIONER DE REGO: Yeah.
 3 COMMISSIONER SUGIMURA: I don't remember
 4 who --
 5 COMMISSIONER DE REGO: A long time ago, the
 6 County Treasurer.
 7 CHAIR STONE: Kay.
 8 COMMISSIONER OKAMOTO: Not a motion. A
 9 question made me think of -- we had so much -- the whole
 10 idea of Police Commission and Fire Commission and Liquor
 11 Commission. I'm not feeling real comfortable about
 12 putting hiring and firing under yet another commission
 13 when there's a lot of people that didn't feel totally
 14 comfortable with the three we have. So my feeling is
 15 that it go under the Council. But I do have the idea of
 16 possibly if the -- the Council themselves chose that
 17 group, that might be a little more acceptable.
 18 CHAIR STONE: Thank you.
 19 I have a question. The only -- the only thing
 20 I see there is the Cost of Government's made up of nine
 21 members. Correct? And so if the Council of nine
 22 members appoints a nine-member group to then choose the
 23 auditor, it seems like -- I don't know -- Frank, what do
 24 you think -- it seems like maybe we're putting --
 25 putting like just a middleman in there --

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1 COMMISSIONER WIGER: Yeah.
 2 COMMISSIONER DE REGO: Yeah.
 3 CHAIR STONE: -- for no apparent reason.
 4 COMMISSIONER DE REGO: Yeah. Well, then my --
 5 my suggestion would be going back to the original Mike
 6 White proposal, but then incorporating the Legislative
 7 Branch appointing the Cost of Government as an advisory
 8 function, as it does in the Mayor's branch right now. I
 9 mean, we produce a report every year. We just finished
 10 producing our last report. But then moving that
 11 function to the County Auditor and making it advisory
 12 function. Or considering the fact that just repealing
 13 Chapter 16, that would be up to the Commission
 14 completely, and abolishing the Cost of Government. If
 15 you feel that, you know, there's no necessity for these
 16 nine people, then, you know, and we have an auditor that
 17 will be doing performance and financial audits, then
 18 there's no necessity to -- to keep a group functioning.
 19 Now, you know, you have to understand, then,
 20 that there would be no, let's say, citizen group
 21 involved in the auditing function at all at that point.
 22 Okay. So that would be something you would have to
 23 consider. Because I think it would still -- even if
 24 they didn't hire and fire, still have a Fire Commission
 25 or a -- you know, a Police Commission.

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1 So, you know, I -- I -- my suggestion would be
 2 if we're uncomfortable with the Cost of Government
 3 appointing and hiring and firing, that it would be a
 4 more appropriate place for them to be with the Office of
 5 County Auditor, but what -- performing the function it
 6 does now as an advisory group, maybe put out with a
 7 report, looking at various things that maybe the auditor
 8 isn't looking at, making a report, maybe you should
 9 investigate this, maybe you should investigate that,
 10 those kinds of things, you know. And, basically, that's
 11 what we do with the Mayor right now, with the
 12 departments. So --
 13 CHAIR STONE: Very good.
 14 Stacy.
 15 COMMISSIONER CRIVELLO: I like the suggestion
 16 that you've just mentioned, because you're not going to
 17 always be on Cost of Government, Frank.
 18 COMMISSIONER DE REGO: Yeah. I'm waiting to
 19 get out of it.
 20 COMMISSIONER CRIVELLO: So I can see if -- if
 21 it's legislative that the auditor be appointed by the
 22 Council, and the Cost of Government can remain as the
 23 advisory. I don't see why we have to change the process
 24 of the appointment and the role as advisory as so stated
 25 now.

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1 COMMISSIONER DE REGO: Well, right now, you
 2 have the Mayor and the --
 3 COMMISSIONER CRIVELLO: But the Council makes
 4 the final approval.
 5 CHAIR STONE: Frank, a question from the
 6 Chair. Because that -- with Stacy's, I was thinking a
 7 similar thing. What would be the disadvantage of the
 8 Mayor appointing the Cost of Government Commission? In
 9 a sense, it would almost seem like there's -- like
 10 there's -- two branches of government both have their
 11 efficiency hawks.
 12 COMMISSIONER DE REGO: That's fine.
 13 CHAIR STONE: Would you see --
 14 COMMISSIONER DE REGO: I could see --
 15 CHAIR STONE: -- (inaudible) audit Cost of
 16 Government?
 17 COMMISSIONER DE REGO: I think Mike White
 18 brought up a --
 19 CHAIR STONE: It's the recess bell.
 20 COMMISSIONER DE REGO: I think all the
 21 councilmembers brought up and kept emphasizing the fact
 22 that auditing, performance and financial, is primarily a
 23 legislative function, as Commissioner Baxa has reminded
 24 us that the Legislative Branch, you know, is the holder
 25 of the purse. I would have no problems, as long as the

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1 Council would have no problems, if the Cost of
 2 Government Commission was under the auditor's office,
 3 and they were comfortable with the Mayor appointing and
 4 them approving those -- those nominees at this point.
 5 I would suggest, though, that we get out of
 6 this two and four-year thing -- I mean, two four-year
 7 terms. I think they should just have, you know, the
 8 regular terms like any other commissioner. It's -- it's
 9 kind of a strange thing right now the way it -- the way
 10 it's done. I can go into that later, if you want more
 11 information on that. But I would have no problems with
 12 that, either.
 13 But I think there's this perception, at least
 14 on the Legislative Branch, that they -- and maybe I'm
 15 wrong -- that they -- they see that as a -- a solely
 16 legislative function, and they would, I think, feel
 17 uncomfortable with the Mayor having the ability to
 18 appoint commissioners of what they see as a legislative
 19 priority. So I think that that's just a caution, from
 20 what I heard from the testimony from the councilmembers.
 21 CHAIR STONE: Good. Very good.
 22 Susan.
 23 COMMISSIONER MOIKEHA: I guess I am a little
 24 bit confused on that, because if it -- if the Cost of
 25 Government remains as advisory and moves under the

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1 Office of Auditor, you still think they would have an
 2 issue with that, if they were the ones appointing the
 3 auditor?
 4 COMMISSIONER DE REGO: I'm not quite sure. I
 5 mean, you know, I would have to get reactions from that.
 6 Maybe not, but -- but it's up to us, you know, if --
 7 COMMISSIONER MOIKEHA: I mean, my opinion, and
 8 what I heard from those that spoke, especially those
 9 that were councilmembers, is that they do believe it
 10 should be hired and fired under the legislative part. I
 11 have always seen these boards and commissions as
 12 collaboration between Administration and legislative,
 13 you know. And they both have power. It's -- you know,
 14 I keep hearing them say, "Oh, yeah, it's an
 15 administrative decision, we won't have any say." That's
 16 not true. They have all the power to approve. And we
 17 have seen it over time and at various boards and
 18 commissions, especially highly political ones, where
 19 they can stall it, they can reject it, they can do many
 20 things to change that and have their say.
 21 So, you know, at this point, I would say allow
 22 the legislative to appoint the County Auditor, have the
 23 Cost of Government move under the County Auditor's
 24 department, but it perform and be elected and process be
 25 the same as any other board or commission.

<p style="text-align: right;">Page 237</p> <p>1 Administratively and legislatively, they work together 2 to get an advisory report. 3 CHAIR STONE: Very good. 4 Flo. 5 COMMISSIONER WIGER: Yeah. I think I would 6 really support that as a model. I'm always very suspect 7 of concentrating power in one entity. I think the more 8 balance of power and sharing of power that one has is -- 9 is always a good thing. 10 And I think the Cost of Government, I think, 11 performs a hugely important function within our system, 12 hugely important. And I think the fact that it is a 13 citizen committee is hugely important. And so putting 14 it under the auditor, I think, makes perfect sense. But 15 appointment comes through the same line, the same model 16 as everybody else. They can have the auditor. 17 COMMISSIONER DE REGO: So, Mr. Chair, are we 18 ready for a motion? 19 CHAIR STONE: I believe now we are ready for a 20 motion. So go ahead, Frank. 21 COMMISSIONER DE REGO: I would move that the 22 -- we create an Office of County Auditor with the Cost 23 of Government Commission being an advisory group, 24 commission under the Office of the County Auditor, and 25 that the auditor be hired and fired by the Legislative</p>	<p style="text-align: right;">Page 239</p> <p>1 COMMISSIONER DE REGO: Was I too muddled? 2 CHAIR STONE: Good job, Commissioners. 3 Clarity, clarity, clarity. 4 Moving on to our next smiley face, Number 10, 5 Article 13, General Provisions, Section 13-2, Boards and 6 Commissions, Subsection 17, require interactive 7 communication access for the public to all County 8 Council and County Council committee meetings. Question 9 is, shall Article 13 of the Charter be amended to add a 10 provision which would require the Council to provide for 11 interactive communications access for all Council 12 meetings for residents of Hana, Lanai, Molokai, and 13 other geographic areas the Council deems appropriate and 14 reasonable. 15 And just as a reminder, in our Lahaina 16 meeting, a testifier requested to include Lahaina in 17 that list. 18 COMMISSIONER WIGER: Yes, they did. 19 CHAIR STONE: Very good. 20 COMMISSIONER WIGER: The person did. 21 CHAIR STONE: Discussion. It would be 22 interesting -- I guess Chair will start this. It will 23 be interesting to find out, because it's -- obviously, 24 everybody believes this is a very good, important thing 25 to have. The big question that's been coming up is</p>
<p style="text-align: right;">Page 238</p> <p>1 Branch, by the Council. 2 CHAIR STONE: And the Cost of Government -- 3 COMMISSIONER DE REGO: And the Cost of 4 Government would be an advisory commission under -- 5 CHAIR STONE: Appointed by? 6 COMMISSIONER DE REGO: Appointed by the Mayor. 7 COMMISSIONER WIGER: Yes. That's all -- 8 COMMISSIONER DE REGO: And -- well, follow the 9 regular function of boards and commissions. 10 COMMISSIONER WIGER: Yeah. 11 COMMISSIONER OKAMOTO: Second. 12 COMMISSIONER WIGER: Yeah. 13 CHAIR STONE: The motion has been forwarded 14 and seconded. Any further discussion? 15 (No Response.) 16 CHAIR STONE: No. Very good. We'll put this 17 to a vote. All in favor of this proposal, raise your 18 hand and say "aye." 19 (Response.) 20 CHAIR STONE: That is unanimous. Missing two 21 councilmembers (sic), so that was nine. Very good. 22 Moving forward. 23 Did you get all that, Sherry? 24 MS. BRODER: No. I'm sure the court reporter 25 did.</p>	<p style="text-align: right;">Page 240</p> <p>1 expense and cost. What would be interesting is to find 2 out what the actual expense of implementing it would be. 3 What I would suggest is, if we all believe this is a 4 very important, good thing to do, without knowing the 5 cost at this stage, get the proposal completed, and, at 6 this time, start really diving into what the expense of 7 the system would cost so that we can make that decision 8 when we get the price tag. 9 COMMISSIONER WIGER: Yeah. 10 CHAIR STONE: So, Commissioner De Rego. 11 COMMISSIONER DE REGO: Mr. Chair, is it 12 possible, as in the implementation of any program, is 13 often piecemeal and over time, getting a full cost 14 oftentimes doesn't give you an idea of how to do it or 15 establish a program that would actually establish this 16 over time. In other words, in our transitional 17 provisions, is there a way of saying, you know, that 18 full implementation of this, or something like that, you 19 know, as determined by the Council, or whatever, would 20 happen within five years or, you know, something like 21 that. That would at least cover those areas which are 22 most in need of this kind of interactive access. I 23 don't know. That might be just too policy oriented and 24 too getting too much into the weeds. But it would seem 25 to me that there would have to be some kind of limit or</p>

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1 kind of push, poke, if you want to put it that way.
 2 CHAIR STONE: I understand what you're saying,
 3 Frank. You wouldn't want to implement -- you wouldn't
 4 want it to hurt the ability of government to function
 5 simply because they haven't implemented --
 6 COMMISSIONER WIGER: Right.
 7 COMMISSIONER DE REGO: Right. Exactly.
 8 COMMISSIONER WIGER: Right. Right. Right.
 9 CHAIR STONE: -- all in the transitional
 10 period.
 11 COMMISSIONER WIGER: Yeah.
 12 COMMISSIONER DE REGO: Right.
 13 CHAIR STONE: And that would be a major
 14 concern, obviously.
 15 COMMISSIONER DE REGO: Yeah.
 16 CHAIR STONE: Kay?
 17 COMMISSIONER OKAMOTO: My concern is, I know
 18 with Lanai, and probably with Hana and Molokai, we don't
 19 always get good internet access, so forth. If it is
 20 required, the Council acts on something and, oh, gee,
 21 our internet was down that day --
 22 COMMISSIONER DE REGO: Day, yeah, exactly.
 23 COMMISSIONER OKAMOTO: -- then can people go
 24 back and say --
 25 COMMISSIONER DE REGO: Exactly.

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1 COMMISSIONER OKAMOTO: -- your decisions don't
 2 -- because you did follow Sunshine Law.
 3 COMMISSIONER DE REGO: Law, right.
 4 COMMISSIONER OKAMOTO: That would be a real
 5 concern because we frequently have all sorts of
 6 technology problems, when you're dealing with that kind
 7 of thing.
 8 And Ed isn't here, so I would ask Sherry.
 9 CHAIR STONE: Sherry, input on that?
 10 MS. BRODER: Well, yeah, I think once you
 11 notice, you send out your notice that you're going to
 12 have your meeting and you're going to allow for video,
 13 if you can't do it, I'm pretty sure that -- I'm just --
 14 COMMISSIONER DE REGO: You can't have
 15 (inaudible), right?
 16 MS. BRODER: -- recalling, but I'm pretty sure
 17 the Sunshine Law requires you to do what you told the
 18 public you were --
 19 COMMISSIONER DE REGO: Going to do.
 20 MS. BRODER: -- going to do. I think the way
 21 the proposal was written was, to some extent, in
 22 response to some of the concerns that the Commissioners
 23 had, when you discussed it the last time around, which
 24 was like how much was it going to cost. So that's why
 25 the words "appropriate" and "reasonable" were

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1 included --
 2 COMMISSIONER WIGER: Right.
 3 MS. BRODER: -- to give the Council some
 4 flexibility. You know, let's say they're having a
 5 congratulatory resolution, maybe it's not actually
 6 necessary to have video with Lanai, you know, for that
 7 kind of an activity. So it was sort of added to give
 8 them the flexibility. But then it seemed like when you
 9 talked about it today, you thought maybe the flexibility
 10 was too broad. But, still, even if you had it in the
 11 Charter and you had, you know, a lot of discretion given
 12 to the Council as to when it would be appropriate and
 13 reasonable, still, it would seem like a strong policy
 14 statement that, you know, the priority, if possible, and
 15 if it doesn't cost too much, is to do this kind of a
 16 thing.
 17 COMMISSIONER BAXA: Mr. Chair?
 18 CHAIR STONE: Yes, Commissioner Baxa.
 19 COMMISSIONER BAXA: Yeah. Following on
 20 Professor Broder's comments, our Analyst, yeah, to me,
 21 there may be a defect in this proposal. The word
 22 "would," I would interpret it to mean shall.
 23 And then, there is another section of the
 24 proposal which says, councilmembers -- the Council to
 25 provide, in other geographic areas. The other

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1 geographic areas totally falls under discretion. In the
 2 first part, it is "would" for "shall." I do not think
 3 that would fare well. If you cannot give that, we
 4 cannot do that.
 5 CHAIR STONE: Commissioner Baxa, just for
 6 clarification, are you saying that you would change --
 7 COMMISSIONER BAXA: No. No, I'm not going to
 8 change. But in this proposal as now, in the first -- in
 9 the first part, it says the Council would be required to
 10 provide for interactive communication as far as Lanai,
 11 Hana and Molokai are concerned. But for the other
 12 districts, you are leaving that to the discretion of the
 13 Council.
 14 COMMISSIONER WIGER: Oh, I see.
 15 COMMISSIONER BAXA: I don't think it's right.
 16 COMMISSIONER WIGER: I see what you're saying.
 17 CHAIR STONE: I think that it would be best to
 18 define the areas at this time. And we all pretty much
 19 know what areas are significant. The only other
 20 proposed area was Lahaina, that we received from public
 21 testimony, if any other --
 22 COMMISSIONER OKAMOTO: I believe somebody from
 23 Kihei brought it up, seriously, that said, "Well, we
 24 should be included, too." I can't remember who it was.
 25 CHAIR STONE: It's kind of tough because

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1 what's the hardship of driving from Kihei over to
 2 Wailuku?
 3 COMMISSIONER DE REGO: (Inaudible.)
 4 CHAIR STONE: Gas money.
 5 COMMISSIONER WIGER: Mr. Chair?
 6 CHAIR STONE: Yes.
 7 COMMISSIONER BAXA: It comes down to legality
 8 on this one.
 9 CHAIR STONE: Sorry. One second.
 10 Commissioner Baxa, go ahead. Legality?
 11 COMMISSIONER BAXA: Yes.
 12 CHAIR STONE: Yes. Thank you.
 13 Flo.
 14 COMMISSIONER WIGER: I'm also -- I mean, I
 15 also would like to -- I also would like to have more
 16 information about cost and about potential technologies
 17 that are available. I just think it would be helpful if
 18 we could get some people who are expert in those fields
 19 to tell us this is or this isn't, or there's no point in
 20 even going down that road.
 21 CHAIR STONE: Good point, Flo. Actually, that
 22 was a question that I had for Ed, who just walked back
 23 in the door.
 24 COMMISSIONER WIGER: Oh, good.
 25 CHAIR STONE: Ed, you said that the State has

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1 a statute concerning this kind of communication,
 2 interactive communication. Is there a definition of
 3 what technology needs to be used?
 4 MR. KUSHI: Yes. At the next meeting, I'll
 5 make copies for you.
 6 CHAIR STONE: Okay. So it's defined? It's
 7 defined?
 8 MR. KUSHI: It's defined. And they specify
 9 what needs to be done, who needs to be there, and what
 10 happens in cases of breakdowns, you know. So, you know,
 11 let's say you have a Council meeting here, you set up
 12 something in Molokai where they have the facilities, for
 13 whatever reason, the video goes blank, not just audio,
 14 you need to stop the meeting.
 15 CHAIR STONE: And is it like a TV quality
 16 broadcast that's required?
 17 MR. KUSHI: I'm not sure.
 18 CHAIR STONE: Or is it -- are we talking Skype
 19 as a realistic avenue?
 20 COMMISSIONER WIGER: That's what we need to
 21 find out.
 22 CHAIR STONE: Those are the questions.
 23 COMMISSIONER WIGER: Those are the questions.
 24 MR. KUSHI: Right.
 25 COMMISSIONER WIGER: Yeah.

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1 CHAIR STONE: Kay.
 2 COMMISSIONER OKAMOTO: Also, does the County
 3 have a technology kind of department? You know, do they
 4 have an expert at the County level that --
 5 CHAIR STONE: Very good question, Kay.
 6 Actually, that would be good to have at the next
 7 meeting, is maybe somebody from the IT Department who is
 8 -- or interactive department. I don't know. Do they
 9 have a specific department that deals --
 10 MR. KUSHI: That would be Council Services
 11 Offices for the Council meetings. And then the Clerk's
 12 Office for the full Council meetings.
 13 COMMISSIONER WIGER: That would be good.
 14 CHAIR STONE: It will be good to know.
 15 Because we don't know what technology is required. So
 16 we can't possibly fathom the costs at this stage. Maybe
 17 if we could have them -- because they must set up these
 18 interactive meetings now, on occasion. Never? They've
 19 never had an interactive meeting?
 20 MR. KUSHI: The only one, in my experience,
 21 was the Board of Water Supply. At one point in time,
 22 they set up something on Molokai, where one of the
 23 members could not make it. And then they had the MCC
 24 annex, they set it up.
 25 CHAIR STONE: And the purpose -- is it

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1 possible -- sorry to keep jumping in. Is it possible
 2 for the County's requirements to be less, say, of a
 3 standard than the State? So, for example, can the
 4 County say Skype is acceptable, like as an example?
 5 MR. KUSHI: In my estimation, no. Because I
 6 think the State, the OIP, rules the Sunshine Law. And I
 7 also believe that they issued a memo, Office of
 8 Information Practices issued a memo as far as what
 9 happens in these video conferences.
 10 COMMISSIONER DE REGO: Yeah.
 11 MR. KUSHI: As a consequence of this, you
 12 know, if you mandate that they have to have these
 13 meetings, Council may choose not to have meetings, if
 14 they don't have facilities. One.
 15 Secondly, the presence of councilmembers,
 16 usually they're all here --
 17 COMMISSIONER WIGER: Right.
 18 MR. KUSHI: -- on the 8th floor. They may
 19 just choose to stay home. That's just another
 20 consequence.
 21 CHAIR STONE: Could save money.
 22 MR. KUSHI: Fine, they don't have their per
 23 diem. But at the same time, they're not available for
 24 the interaction at the full Council level.
 25 CHAIR STONE: Understood. Thanks, Ed. That's

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1 very helpful. Can you get us a package, maybe, for the
 2 next meeting?
 3 MR. KUSHI: Right. Right. And we'll make
 4 inquiries as far as Council Services and Clerk's Office
 5 as far as what capabilities they have, what they are
 6 looking into, and maybe cost factor. I'm not sure if we
 7 have the budget.
 8 CHAIR STONE: I think like, for example, we
 9 could take something like that, hand it off to, say, a
 10 team like Akaku and say, "Well, how much does this cost
 11 to do," you know, roughly, and not as a bid. We just
 12 need to find the rough estimated cost of holding these
 13 meetings that could be -- that could be outrageous. We
 14 should find that information. Thanks, Ed.
 15 Flo.
 16 COMMISSIONER WIGER: Well, and it could be
 17 that -- I mean, if -- if the Commission feels strongly
 18 that we want to really support this, to change the
 19 language and not say "shall," but "strongly encourage,"
 20 so that the people in the communities know that there is
 21 some push for that kind of interactive relationship,
 22 rather than just, "Well, we just can't make it happen."
 23 CHAIR STONE: Uh-huh.
 24 COMMISSIONER WIGER: Because technology being
 25 what it is, and realizing that there are rules and

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1 regulations that we have to follow, I just think it
 2 would be helpful if we knew what the options were. And
 3 there are people, Akaku, Mike over at the college, who
 4 runs the whole shooting match for that. We could get
 5 all kinds of information.
 6 CHAIR STONE: Very good point, Flo. Thank
 7 you.
 8 Kay.
 9 COMMISSIONER OKAMOTO: I move we table this
 10 proposal until the next meeting.
 11 CHAIR STONE: One second. Let Dave have a
 12 comment. But very good.
 13 COMMISSIONER DELEON: I just wanted to make a
 14 simple point that what we're really talking about is the
 15 ability to testify at the beginning of the meeting. The
 16 rest of the time, the meeting is -- the meetings are
 17 already broadcast on Akaku. And the public does not
 18 need to interact with the Council outside of the public
 19 testimony session. So if there is outer district
 20 testimony, that could be heard first, and then your
 21 window for technical failure, shutting down that -- that
 22 bridge will be much narrower. And then you can just be
 23 done with that part of it. The rest of it is on Akaku,
 24 they can see it from Akaku. And it's live on Akaku.
 25 CHAIR STONE: Valid point.

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1 COMMISSIONER OKAMOTO: It's live? I mean,
 2 it's in realtime?
 3 COMMISSIONER DELEON: Yes.
 4 COMMISSIONER WIGER: Yeah.
 5 COMMISSIONER OKAMOTO: Oh, I did not realize
 6 that. See, we, obviously, don't know that.
 7 CHAIR STONE: Commissioner Baxa.
 8 COMMISSIONER BAXA: Mr. Chair, at this time, I
 9 would go along with the suggestion of Commissioner
 10 Wiger. I still have a question, really, on the way, how
 11 the proposal is worded. It seems to me that (inaudible)
 12 or pass legislation, we cannot give the Council the
 13 discretion to determine what others -- you know, what --
 14 and the others, they are required for Molokai, Lanai and
 15 Molokai.
 16 COMMISSIONER WIGER: That's why, table it and
 17 come back.
 18 CHAIR STONE: So what would be your
 19 suggestion, Judge Baxa, language-wise?
 20 COMMISSIONER BAXA: I'm in favor of her
 21 suggestion.
 22 COMMISSIONER WIGER: Kay made the motion,
 23 right?
 24 COMMISSIONER OKAMOTO: Yeah, I made a motion.
 25 CHAIR STONE: Yeah. But before we move

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1 forward --
 2 COMMISSIONER DE REGO: I'll defer to Wayne
 3 first.
 4 VICE-CHAIR HEDANI: I'm sorry. This is just a
 5 question. Ed, on the State statutes, what is the
 6 relationship between the State statutes and the County
 7 Charter requirement that we're considering? Is it a
 8 moot question and it's already required by statute, or
 9 is it something that we -- is it something that we have
 10 to do because of the State statute or something that we
 11 can do by incorporating it in the Charter?
 12 MR. KUSHI: On issues and matters such as
 13 this, of a statewide interest, where OIP administers the
 14 Sunshine Law, and Sunshine Law applies statewide, I'd
 15 say State statutes overrules the Charter, because it's a
 16 general law applied statewide to all boards and
 17 commissions. So I don't think you can go less than what
 18 the State statute says.
 19 CHAIR STONE: Thank you.
 20 Frank.
 21 COMMISSIONER DE REGO: I had another question
 22 for Ed. Ed, once one is interactive and allowed into
 23 one part of the meeting, wouldn't it be -- follow from
 24 the Sunshine rule that they would have to be allowed to
 25 have access to all the meeting? In other words, you

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1 know, not just public testimony, and then you can go to
 2 Akaku, but, once you have established the precedent of,
 3 you know, establishing interactive process for public
 4 testimony, wouldn't you also have to allow them access
 5 to the rest of the meeting, even if it's in the passive
 6 sense of watching the meeting through that medium, once
 7 it's been established, in terms of the Sunshine Law?
 8 MR. KUSHI: I believe, for each individual
 9 meeting, if they choose to do it, I think the video has
 10 to continue for the balance of the meeting. And I'm
 11 almost sure that OIP wrote a memo, that you cannot just
 12 shut it off at the public testimony period. And the
 13 problem is, if something breaks down, you need to cancel
 14 this meeting up here.
 15 CHAIR STONE: That's a big responsibility.
 16 COMMISSIONER WIGER: Yes.
 17 CHAIR STONE: Okay. Very good. Is there a
 18 second to table this motion?
 19 COMMISSIONER CRIVELLO: Second.
 20 CHAIR STONE: Very good. Okay. The motion
 21 has been seconded by Stacy.
 22 So all in favor of tabling this motion until
 23 we get further information, say "aye" and raise your
 24 hand.
 25 (Response.)

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1 CHAIR STONE: Unanimous. Very good. Okay.
 2 So let's take on one more, one more smiley
 3 face, before we call it a day.
 4 COMMISSIONER OKAMOTO: That one is an easy
 5 one.
 6 CHAIR STONE: This is Smiley Face 13. Oh,
 7 this one's too easy.
 8 COMMISSIONER OKAMOTO: I move to approve that
 9 one.
 10 CHAIR STONE: Add a new section to require
 11 that the Charter be revised and published to include all
 12 new significant amendments adopted. Sherry, do we have
 13 a -- do we have a proposal on where that would fall into
 14 the Charter and the language? We're not there yet?
 15 COMMISSIONER WIGER: Yeah.
 16 MS. BRODER: Okay. Here.
 17 CHAIR STONE: Thank you. Very good. So that
 18 would fall under Article 14, Charter Amendments. Go
 19 ahead and check it out. That's -- that looks good to
 20 me. Okay. Discussion? So be 14-4. Okay. So the
 21 actual number would be 14-4, just for your records. Any
 22 issues with that, or are we just ready to leave that --
 23 let that roll? Good. Everybody good?
 24 Great. Okay. Let's roll. Smiley stays
 25 smiley. Done.

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1 And -- all right. I'll let you guys off the
 2 hook. You know, deep down, I wanted to push it, but all
 3 right. So let's see here. We are leaving off on Smiley
 4 Face 14, all right, which leaves us an additional one,
 5 two, three, four, five, six, seven, eight. Well, not
 6 bad, guys. Not bad at all. Not bad. Very good. Okay.
 7 So --
 8 Kay, if you have to roll, that's cool.
 9 COMMISSIONER OKAMOTO: Yeah, I got to go.
 10 CHAIR STONE: Okay. So we have no Old
 11 Business.
 12 As New Business, we had discussion on
 13 communication items, which we have already done.
 14 Next meeting. Next meeting is scheduled for
 15 February 27th, 2012, that's a Monday, 10:00 a.m., here
 16 at the Planning Conference Room, Kalana Pakui Building.
 17 Any issues with that? Again, we already decided we'd
 18 have a majority here, so that's good.
 19 And just a notification, Vice-Chair Hedani
 20 will be taking that. So I bet all your work will be
 21 done by the time I get back.
 22 Any other discussion before I adjourn the
 23 meeting? Commissioner Hedani.
 24 VICE-CHAIR HEDANI: Do we get the proposed
 25 Charter Amendment Proposals for 16 through 21 before

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1 then?
 2 CHAIR STONE: That's a good question.
 3 MR. KUSHI: Sherry and I will try our best to
 4 get something in writing to you in terms of Ramseyered
 5 format.
 6 CHAIR STONE: Okay. Very good. So then we
 7 are going to need to, after that next meeting, get,
 8 basically, all of our proposals to full draft for review
 9 at the following meeting. Is that cool?
 10 MS. BRODER: Cool.
 11 CHAIR STONE: Got it. Okay. Very good.
 12 Okay. Without objection, I'll adjourn this
 13 meeting exactly at 4:00 p.m. Thank you, everybody.
 14 Aloha.
 15 And thank you to Akaku for being here.
 16 Everybody take care. See you guys next
 17 meeting.
 18 (Meeting adjourned, 4:00 p.m.)
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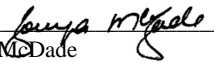
CERTIFICATE

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

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

DATED this 22d day of February, 2012.



Tonya McDade
Certified Shorthand Reporter #447
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