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2
3 CHARTER COMMISSION
4 REGULAR MEETING
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10 Held at the Planning Department Conference Room,
11 250 South High Street, Wailuku, Maui, Hawaii, commencing
12 at 10:02 a.m., on March 5, 2012.
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1 ATTENDANCE
2 COMMISSIONERS 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 Broder, Commission Analyst
17 Edward S. Kushi, Jr., First Deputy Corporation Counsel
18 Lisa Kahuhu, Supervising Law Technician
19 ADMINISTRATION PRESENT:
20 Alan Arakawa, Mayor
21 Michael Molina, Executive Assistant to the Mayor
22 Rob Parsons, Executive Assistant to the Mayo
23
24 OTHERS PRESENT:
25 Lloyd Fischel
William "Butch" Soares
Jim Smith
Jeff Murray, Chief, Department of Fire & Public Safety
Lance Hiromoto, Director, Department of Personnel Services
Archie Kalelpa, Ocean Safety

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1 (Monday, March 5, 2012, 10:02 a.m.)
2 * * *
3 CHAIR STONE: Hello, everybody. Thank you for
4 attending this public meeting of the Charter Commission.
5 My name is Josh Stone, I am 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. Very good.
10 As per our rules, all discussions today shall
11 be pertaining to these agenda items only, which are
12 primarily the Draft Proposals for our upcoming Charter
13 submittals.
14 Before beginning public testimony, we have a
15 few items of business to address.
16 Firstly, be careful of your laptop.
17 (Inaudible.) Thank you.
18 I would like to call this meeting to order as
19 of 10:00 a.m., and recognize our Commissioners that are
20 present or excused. Lisa.
21 MS. KAHUHU: Chair, everyone should be here
22 today. Susan let me know that she's running late. I
23 haven't heard from David or Linda, so I assume they are
24 on their way.
25 CHAIR STONE: Very good. Thank you.

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1 Also, I would like to present our staff. We
2 have Ed Kushi, Jr., our Deputy Corporation Counsel. Ed,
3 thanks for being here. Lisa, Kahuhu, our Supervising
4 Law Technician. As well as Tonya McDade, our court
5 reporter. Thank you, Tonya. And Mike Molina, the EA
6 from the Mayor's Office.
7 MR. MOLINA: Good morning.
8 CHAIR STONE: Thanks, Mike, for being here.
9 Also, we have Sherry Broder, our Analyst.
10 Thank you for being here, Sherry.
11 And, today, we also have Mayor Alan Arakawa
12 with us. Mayor, thank you for being here today.
13 MAYOR ARAKAWA: Good morning, everyone.
14 CHAIR STONE: I would like to take this time
15 to approve the minutes from our last meeting. And we
16 have no minutes. So it won't take too much time.
17 (Audio feedback.)
18 MS. KAHUHU: Chair, I'm sorry. I don't --
19 CHAIR STONE: That's all right, Lisa.
20 We'll move on to oral testimony. And before
21 we begin, I would like to go over our oral testimony
22 rules. We'll call up each public testifier in the order
23 that they registered to testify. Each person will have
24 five minutes to testify on all items in our agenda
25 today. And following a testifier's testimony, I will

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1 ask Commissioners if they need clarification of the
 2 presented testimony.
 3 Lisa, first testifier, please.
 4 MS. KAHUHU: Lloyd Fischel.
 5 ...BEGIN PUBLIC TESTIMONY...
 6 MR. FISCHEL: I think I was the second one.
 7 CHAIR STONE: Lloyd, thank you for coming
 8 today.
 9 MR. FISCHEL: Something got a little mixed up.
 10 Thank you. It's nice to be here. I want to
 11 thank all of the people here, all of the Commissioners,
 12 for the hard work that you've been doing these many
 13 months to try to improve our Charter, which is our
 14 Constitution.
 15 And as we see today in our society, there's
 16 just nothing but growing confusion in many sectors. And
 17 history is replete with situations in society where the
 18 growing confusion creates directions that concentrate
 19 power in the hands of a few leaders. And we've seen
 20 this taking place, of course, in the many proposed
 21 amendments to the Charter, having to do with increasing
 22 the power of the Mayor's Office and other rolls as well.
 23 I am here to address, this morning, the issues
 24 relative to the police chief's role, the -- and the
 25 budgets and termination issues that were raised. And

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1 very good letter to the -- to the Charter by one of the
 2 Charter Members, Mr. Hashimoto.
 3 I would like to indicate that the separation
 4 of powers between the Legislative, Judicial and
 5 Executive Branches is something that years of
 6 experience, literally decades of experience, has taught
 7 us is essential for a democratic society. In this
 8 regard, relative to the police chief, in a time where
 9 there's an increasing militarization of the police
 10 around the world, we in Maui can really help that from
 11 occurring by taking this issue of increasing the Mayor's
 12 power relative to -- not just our current Mayor, but
 13 Mayors of the future, power relative to the police chief
 14 into deep consideration.
 15 And I have a few suggestions that might help
 16 answer the good questions that were brought forward by
 17 Mr. Hashimoto.
 18 First of all, regarding budget matters, I
 19 think we all recognize that, when it comes to budget
 20 matters, this is a Council -- there's a reason that this
 21 is a Council decision, and we should keep it that way.
 22 If the Police Commission is not doing its job,
 23 there is no reason for us to tweak our Charter. The Police
 24 Commission should be held responsible. And there are
 25 mechanisms and ways to do that.

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1 Relative to things that can be done to our
 2 Charter, perhaps a little language that would make
 3 things clearer. I would like to point you to Chapter
 4 12, Section 8-12.2, "Review and submit to the mayor the
 5 department's request for an annual appropriation for the
 6 operation of the department." Review and submit.
 7 Well, I think your question was, review what,
 8 where does that come from. And one way to deal with
 9 that is to change the word "review" to "prepare."
 10 "Prepare and submit to the mayor the department's
 11 request for an annual appropriation." That allows the
 12 preparation to take place outside of the Executive
 13 Branch, which it should be in order to keep the powers
 14 separate.
 15 Another recommendation I would like to make
 16 has to do with the same section, 8-12.2.3, where it
 17 says, "Receive, review and investigate any changes
 18 brought forth by the public against the conduct of the
 19 department or any of its members and submit a written
 20 report of its findings and recommendations to the chief
 21 of police." If that word "recommendations" is
 22 conclusions, then it's settled. If there is
 23 recommendations, they can be recommended, they might not
 24 be accepted. But if there's conclusions, they have to
 25 be accepted. And if the conclusion is that the behavior

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1 of the police chief must change, or that the chief --
 2 police chief must resign for some, you know, gross
 3 misconduct, then that is the -- that is more than a
 4 recommendation; it's a conclusion. So that language,
 5 changing "recommendation" to "conclusion", would, I
 6 think, solve the problem that you're talking about.
 7 And the last point I want to mention here is
 8 that -- the idea of -- that there's nothing in the
 9 Charter, perhaps, that -- this idea came out in
 10 discussion, that there's nothing in the Charter that
 11 discusses literally removing the police chief, if
 12 needed. And I think that there is. I think 13.13 in
 13 the Charter actually addresses how one would remove an
 14 officer or an elected official. So it is in our
 15 Charter.
 16 If we are afraid that, perhaps, the police
 17 chief needs to be named, then we can add that word,
 18 "police chief", to 13.13, and we would have covered that
 19 base.
 20 MS. KAHUHU: Time.
 21 MR. FISCHEL: Of course, that's up to you.
 22 Thanks very much.
 23 CHAIR STONE: Thank you for your testimony.
 24 One second. Commissioners, any questions or
 25 clarifications from the testifier?

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1 (No Response.)
 2 CHAIR STONE: No.
 3 MR. FISCHER: Have a nice day.
 4 CHAIR STONE: Thank you for your testimony.
 5 Commissioner Moikeha, Commissioner DeLeon,
 6 thank you for joining us.
 7 Lisa, next testifier, please.
 8 MS. KAHUHU: William Soares.
 9 CHAIR STONE: William, thank you for being
 10 here.
 11 MR. SOARES: Good morning, Ladies and
 12 Gentlemen. I am speaking on behalf of the Fire and
 13 Safety Commission.
 14 And I did testify at the last meeting, and
 15 realized that my testimony may have been a little more
 16 lengthy than -- than necessary. So this time, I'll do
 17 the Reader's Digest version.
 18 (Laughter.)
 19 MR. SOARES: Okay. First of all, the Fire
 20 Commission has discussed the merger with Ocean Safety
 21 from Parks to the Fire Department for, I want to say,
 22 about seven or eight months within the commission. We
 23 have many questions. And many of our questions have not
 24 been answered.
 25 So at this point in time, the Fire Commission

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1 has taken the position that, yeah, not in -- not in
 2 favor of having the merger between the Ocean Safety and
 3 the Fire Department.
 4 As I stated last -- last week, I think I gave
 5 you around nine reasons why we were not in favor. And
 6 today, I'll just kind of do the -- like I say, the short
 7 version.
 8 Number one: When the fire chief was appointed
 9 by the commission a couple years ago, one of the things
 10 we found was that the accreditation process was never
 11 started, never implemented, although it was a major
 12 factor within the Strategic Plan. So we did assign the
 13 new chief the project of getting the accreditation
 14 started and processed. And -- and he has -- he has done
 15 that.
 16 The second thing that we found out was that
 17 the Strategic Plan for the Fire Department was very
 18 poorly updated, if any. And so, again, we assigned the
 19 chief the task of updating the Strategic Plan on a
 20 regular basis.
 21 My belief is that since the chief has been
 22 there, the updating has pretty much been done on a
 23 quarterly basis, which is -- which is, for our -- for
 24 our perspective, it's been very efficiently done.
 25 As far as the merger is concerned, there is

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1 going to be 63 employees that the Fire Department needs
 2 to be picked up. And currently, within the Fire
 3 Department, we don't see adequate staffing.
 4 The other thing that we don't see is a plan
 5 for the merger. There's -- there's many -- like I say,
 6 many questions have been asked, and -- but a few have
 7 not been answered.
 8 And that is, basically, our position with
 9 regard to the merger. Any questions?
 10 CHAIR STONE: Thank you very much.
 11 Commissioners, clarification questions from the
 12 testifier? Commissioner Moikeha.
 13 COMMISSIONER MOIKEHA: Thank you for your
 14 testimony. I wasn't here at the last meeting, so I
 15 didn't hear your testimony. So I appreciate your
 16 comments today.
 17 This moving of this department from -- or this
 18 division of Ocean Safety over to Fire Department, I
 19 mean, it could happen without -- regardless of what we
 20 do here, or whether -- regardless of whether the
 21 department -- or the commission supports it, couldn't
 22 it?
 23 MR. SOARES: You're asking a question that I
 24 think would need someone with legalese language to
 25 answer.

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1 COMMISSIONER MOIKEHA: Okay. And I guess --
 2 MR. SOARES: I -- I know what the Charter says
 3 relative to, yes, the Mayor can do that. And I -- but I
 4 also read part of the Charter that says that any -- any
 5 movements within the County is supposedly on a temporary
 6 basis and not a permanent basis. And this is my
 7 reading, so, you know, please don't quote me. Have
 8 someone else, like Mr. Kushi, give you a better answer.
 9 COMMISSIONER MOIKEHA: And I appreciate that
 10 comment. And I'll follow up later with that.
 11 The only reason I stated it that way is
 12 because there has been counties that have done it
 13 without charter, my understanding, and have moved the
 14 division into the fire department.
 15 The process of working on a plan of
 16 transition, are you -- is the commission directly
 17 involved in that, or you just receive reports from the
 18 chief and the Director of Parks and Recreation?
 19 MR. SOARES: I am going to choose my words
 20 very carefully, but --
 21 COMMISSIONER MOIKEHA: Okay.
 22 MR. SOARES: -- when this was brought to our
 23 attention, we naturally raised questions. And we had --
 24 we had the Mayor attend two of our meetings. One was
 25 maybe, I want to say, last July. And at that time, we

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1 had come to a meeting of the minds that there would be a
 2 fact-finding committee made up of members from the Fire
 3 Department and the Parks Department with the intention
 4 that someone from the commission would just be as an
 5 observer.
 6 To my knowledge, there's been meetings held,
 7 but the commission has not been involved in the
 8 meetings. We -- we hear the results of the meeting from
 9 the chief and the deputy.
 10 COMMISSIONER MOIKEHA: So who created the
 11 commission? Was it the chief that did that? This
 12 fact-finding committee, who created that?
 13 MR. SOARES: As far as I know, the committee
 14 has not really been created. I think the Mayor has
 15 instructed Parks and the Fire to meet. And they've had
 16 meetings.
 17 COMMISSIONER MOIKEHA: Okay. All right.
 18 Thank you.
 19 CHAIR STONE: Thank you. Commissioners --
 20 MR. SOARES: I just want to make one comment.
 21 Kauai and -- and the Big Island, they did merge their
 22 departments from -- from wherever it was to the Fire
 23 Department. And to our knowledge, both of these mergers
 24 have really had challenges. And, you know, our sort of
 25 independent research, in speaking to retired firemen,

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1 especially, they really have a challenge in knowing
 2 that -- you know, why -- why this merger is being --
 3 being suggested.
 4 In our conversation with the Mayor and -- and
 5 Mr. Buck, way back when, our understanding was the Ocean
 6 Safety department is a very efficient, very well run,
 7 very organized section of the Parks Department. And I
 8 guess the challenge the commission has is if they're
 9 well run and well organized, and very efficient, then we
 10 don't understand why there should be a move to another
 11 area, different supervision. So it just -- I mean,
 12 those were part of the questions that we had.
 13 CHAIR STONE: Thank you. Commissioners,
 14 further clarification or questions? Commissioner
 15 DeLeon.
 16 COMMISSIONER DELEON: Butch, when you said the
 17 -- one of the criteria you noticed that was missing in
 18 this shift was the lack of staff. You know, 65 people
 19 are moving, but there's a lack of staff. What do you
 20 mean by that?
 21 MR. SOARES: Well, first of all, you're going
 22 to need to create -- what we've been told, anyways, is a
 23 battalion chief position is going to be created that
 24 would sort of supervise this area within the department.
 25 There's going to be people that need to do payroll,

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1 Human Resources, DPS, whatever you want to call them.
 2 So right now, the department is really strained in
 3 maintaining the records and the personnel requirements
 4 for the firemen itself. With another 63, 60-odd people
 5 coming over, it's going to be an additional workload,
 6 too. And -- and everyone within the department is -- is
 7 kind of strained because of the fact that they're doing
 8 the accreditation with no increase in manpower. They're
 9 taken on the Strategic Plan, which is part of the
 10 department, but they've taken a more active and a more
 11 efficient role, and a more productive finished product.
 12 And that takes manpower, too. Manpower has not really
 13 been increased.
 14 COMMISSIONER DELEON: Okay.
 15 CHAIR STONE: Thank you. Commissioners, any
 16 further clarification?
 17 COMMISSIONER BAXA: Mr. Chair?
 18 CHAIR STONE: Yes, Commissioner Baxa.
 19 COMMISSIONER BAXA: Yeah. Sir, I was not here
 20 for the last meeting, but, if I understand correctly
 21 from your position, the department is in the process of
 22 being accredited at this time, and, if the Ocean Safety
 23 division is going to be transferred to that department,
 24 there may be some questions that may not ultimately be
 25 good for the department because it is still in the

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1 process of obtaining accreditation. So do I understand
 2 that the position of the department is this? That, in
 3 fact, the idea of having the Ocean Safety come to the
 4 Fire Department is okay, but, because of this, you
 5 cannot proceed as of now? Is that a correct statement
 6 from me, or no?
 7 MR. SOARES: Put -- put it this way: The
 8 commission has -- has, naturally, stated its position of
 9 the merger as it stands. The understanding that we have
 10 is, if the Mayor decides to do it irrespective of
 11 anything else and it's going to happen, then -- then it
 12 will happen. Our concern is the fact that, if it does
 13 happen, with -- without a proper plan and a -- and a --
 14 and an organized plan, then what will happen is, in the
 15 accreditation process, if the merger happens in the
 16 middle of the accreditation process, if the department
 17 is not really organized enough to fit the Ocean Safety
 18 within the accreditation plan, then the accreditation
 19 plan may be deferred or stalled by the people outside.
 20 And the chief is here, and maybe he can answer
 21 the question better than I can. But the concern that we
 22 had is we're moving along with the accreditation, and,
 23 somewhere along the line, there's another layer of work
 24 to be done. The accreditation plan will -- if it
 25 includes Ocean Safety, there's a whole series of

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1 requirements that would make Ocean Safety accredited to
 2 be -- to be factored in with the department itself. And
 3 that -- and we're looking at it like if -- if we have no
 4 choice in the matter, then, I guess, the choice would be
 5 to defer the merger until we get accreditation done.
 6 Because, at that point, we can -- we can deal with the
 7 accreditation with the people that do the accrediting,
 8 telling us, "Okay, now tell us what we need to do with
 9 Ocean Safety so it will blend in with the accredited
 10 department." That's the challenge that we have.
 11 COMMISSIONER BAXA: Sir, I can see the
 12 difficulties that the department is encountering at this
 13 time. The question that I have is this: If in fact the
 14 merger of the Ocean Safety to the Fire Department is a
 15 good idea, when -- when will the time be when there will
 16 be a time? That is the question that I have. Will it
 17 ever happen, or will it never happen at all?
 18 So the direct question that I have, then, for
 19 you, is this: What do you think are the problems that
 20 would be confronted -- that you would be confronted from
 21 that accreditation committee, from their point of
 22 view -- what do you think is their point of view in
 23 having the Ocean Safety be incorporated into the Fire
 24 Department? Do you have any idea what their objections
 25 would be? Because you are saying that it may jeopardize

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1 the accreditation objective.
 2 MR. SOARES: Maybe I didn't word myself --
 3 word it properly, but the accreditation process has
 4 started. From our -- from the information that the
 5 commission has received, the process can take up to
 6 about three years. There's different phases that need
 7 to be completed. And you can't move on to the next
 8 phase until the previous phase has met their standards.
 9 So the accreditation process could be anywhere from 18
 10 to 24 to 36 months. Okay. If you don't get to -- to
 11 the final stage according to their timetable, then you
 12 start all over again. Okay.
 13 So there is a definite need for a focus from
 14 the department to say, okay, we're gonna focus on
 15 accreditation and we're gonna get this done according to
 16 the timetable that they are being directed. Okay.
 17 Now, let me interject one thing that, Your
 18 Honor, you kind of worded it in a roundabout way through
 19 your question. The issue that we have -- or not -- it's
 20 not really an issue, it's just a curious question. The
 21 merger from the Ocean Safety to Fire started over 20
 22 years ago. Okay. Our understanding is it started with
 23 Mayor Lingle and then Mayor Apana and Mayor Arakawa and
 24 Mayor Tavares and now Mayor Arakawa again.
 25 COMMISSIONER HASHIMOTO: Point of order,

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1 Chair.
 2 CHAIR STONE: Yes.
 3 COMMISSIONER HASHIMOTO: I don't think --
 4 CHAIR STONE: Commissioner Hashimoto.
 5 COMMISSIONER HASHIMOTO: We've heard this
 6 before.
 7 CHAIR STONE: Cliff, sorry, this is a direct
 8 question from one of the Commissioners.
 9 COMMISSIONER HASHIMOTO: Can I be excused?
 10 CHAIR STONE: No, you can't be excused,
 11 please. Commissioner Hashimoto, please, let -- let --
 12 let the --
 13 COMMISSIONER HASHIMOTO: No. I --
 14 CHAIR STONE: -- testifier continue. Please.
 15 Thank you.
 16 MR. SOARES: At any rate, that's -- that's
 17 what we understand the history of it. And I guess the
 18 challenge that we have is for all these different people
 19 and years, it seemed like it wasn't a burning question
 20 or a burning desire to have it executed. I guess now it
 21 is.
 22 CHAIR STONE: Thank you.
 23 Chair has a question, Mr. Soares. I
 24 understand the desire for the department, and, of
 25 course, it's better for everybody for accreditation.

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1 But I think the basis of this move, and the push that we
 2 heard from a number of Ocean Safety lifeguards that came
 3 here to testify, is that Ocean Safety, bottom line,
 4 would better serve public safety being under the Fire
 5 Department. And don't you think the public safety is
 6 the most important issue here? Do you think that Ocean
 7 Safety would better serve the public safety under the
 8 Fire Department?
 9 MR. SOARES: I guess the challenge I have to
 10 your -- your question is, being what we were told, for
 11 the last 10, 15 years, Ocean Safety has performed very
 12 efficiently, very organized, very whatever -- so I guess
 13 the question we have is what -- what is -- what is the
 14 gain -- what is the gain for it? I mean, if -- to me,
 15 you know, in private enterprise, if something's working
 16 well, we don't tinker with it, we leave it alone. We --
 17 we give attention when the thing is not functioning
 18 properly and how do we make it work. But like I say,
 19 from the information we got, Ocean Safety seems to be a
 20 well run, well organized, well whatever operation at
 21 this point. And, therefore, I don't know what -- I
 22 don't know what the reason for the merger is.
 23 CHAIR STONE: So your answer is that you
 24 believe Ocean Safety better serves the public safety
 25 staying where it is?

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1 MR. SOARES: I cannot -- I cannot answer the
 2 question because you're -- you're asking me to tell you
 3 something that -- if it doesn't happen, will they still
 4 be as efficient as they are? Probably, the answer is
 5 yes. If they move, will they be as efficient as they
 6 are now? And the answer is probably yes. So I -- you
 7 know, I guess I don't -- I don't get it.
 8 The challenge within the department that we
 9 have, okay, just as one example of what -- some of the
 10 questions that we want to get answered. We're going to
 11 assume -- we're going to pick up 63 people. On a given
 12 day, if there is two lifeguards at Hookipa Park that
 13 decides that they gonna call in sick or they -- whatever
 14 they gonna do, where does the backup come for those two
 15 people? Currently, it comes from the pools, the Pool
 16 Department within Parks and Recreation. If they're with
 17 us, we got to send a fireman over there. So that means
 18 there's going to be a station that's going to be
 19 undermanned. Okay. I don't think we can afford to hire
 20 half a dozen or a couple fire -- lifeguards just to be
 21 on call. On call doesn't put money in the bank.
 22 CHAIR STONE: Okay. Commissioners, any
 23 further clarification or questions? No. Thank you very
 24 much for your testimony.
 25 MR. SOARES: Okay.

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1 CHAIR STONE: Much appreciated.
 2 Lisa, next testifier, please.
 3 MS. KAHUHU: Jim Smith.
 4 CHAIR STONE: Mr. Smith, thank you for being
 5 here today.
 6 MR. SMITH: Chairperson, Members of the
 7 Planning Commission [sic], thank you for being here
 8 today. My voice has changed. Maybe I sound better.
 9 But I am here to speak to you about something that means
 10 very much to me. Okay.
 11 It has to do with structure, which has to do
 12 with protecting my existence. I'm a person or I'm a
 13 nonperson. Before you, I am a person. So that has to
 14 do with structure; not public safety in the water. So
 15 you shouldn't be concerning yourself with whether or not
 16 there's going to be an impact upon a swimmer when you're
 17 concerning yourself with an amendment to our Charter.
 18 Okay.
 19 My position is, it's illegal, okay, for the
 20 Mayor to create a department. Okay. That means that --
 21 and that means changing from one department to another.
 22 We wouldn't need a Charter if that were the case.
 23 And it may be that you need to change the
 24 Charter to provide that the Mayor, with approval of the
 25 Council, can create departments. And it's done other

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1 places. Okay. And make it a six vote or seven vote.
 2 Okay. But that would be the right way to go, okay,
 3 would be.
 4 And I -- and there was a letter sent to you by
 5 me, on October 10th, which makes that request. And it
 6 has to do with Article 7, 7.5, and that's 7.5.3. And it
 7 says, add further that establishment of an office or
 8 division of a department must be approved by ordinance
 9 by two-thirds vote of a majority of Council. And
 10 they're the people who can answer these questions in
 11 committee and then come forward on two votes and then
 12 make a law. That's where. Not this Commission thinking
 13 about a swimmer out there, is he gonna be -- or waiting
 14 to see who is going to replace this sick lifeguard.
 15 That's not your kuleana, from my perspective. Your
 16 kuleana is, hello, structure.
 17 The second point, I did on -- August, I
 18 submitted to you a -- a letter in which I proposed a
 19 system for evaluating these proposals, numerical system
 20 15, three for three. Well, I've done it. Okay. And I
 21 just -- I started as a -- as a two-third of the 15 as
 22 being a cutoff, nothing that gets -- gets -- before
 23 that, okay, gets considered. But then when you go to
 24 voter, it has to be -- it has to be two-thirds --
 25 two-thirds or three-quarters. Okay. So I am looking at

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1 the Environmental Protection Agency. And I submitted to
 2 you copies of the mission statements. I hope they were
 3 -- no, they're right there, in fact.
 4 MS. KAHUHU: I have them.
 5 MR. SMITH: Okay. But I would like them to
 6 see them.
 7 MS. KAHUHU: There's not enough copies.
 8 MR. SMITH: Well, I would like the 11 members
 9 to get one.
 10 CHAIR STONE: Mr. Smith, can you continue
 11 while she's passing them out?
 12 MR. SMITH: I was hoping that you could look
 13 at them because I am going to make reference to them, if
 14 you could suspend my time while you have had a chance to
 15 see them. I thought they would be in your packet.
 16 There are two pages there. One is the mission
 17 statement for the Environmental Management and the other
 18 is the mission statement for Human Concerns. Okay. And
 19 this concerns the proposal which is Paragraph 10,
 20 Proposal 11. Okay. And it is my -- you know, the
 21 notion of human concerns is very tied into
 22 sustainability. And if you look at the mission of the
 23 human concerns department, you'll see that it does make
 24 this very strong link to us. It says, "Our mission is
 25 to support and enhance the social well-being of the

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1 citizens of Maui County." But that's what we're talking
 2 about, sustainability. Okay. We're not just talking
 3 about windmills and solar systems; we're talking about
 4 social lifestyle. Okay. And I would say that -- that
 5 probably that's the place, or anything related to
 6 sustainability, should be. Okay.
 7 And I would say that probably the Department
 8 of Environmental Management has a lot of hard work to
 9 do, having to do with waste treatment, which is a
 10 fundamental, okay, and garbage, and that's a fundamental
 11 and it's a lotta, lotta work, and they're not concerned,
 12 I don't think, with grant writing and what's important
 13 in the long-term for social feelings, but the human
 14 concerns is. Okay.
 15 So I would ask you to remove that first
 16 provision of this paragraph that has to do with guide.
 17 Guide efforts to maximize opportunities, just remove
 18 that. And then possibly have one as it relates to
 19 developing policies, that sustainable resource
 20 development could include grants from others, it could
 21 grants for -- for environment, but that's where grants
 22 should be written, not where guys to go out with a --
 23 (Audio feedback.)
 24 MR. SMITH: That must have been important.
 25 I'm sorry, I didn't plan that.

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1 CHAIR STONE: Must have been our built-in
 2 beeping system.
 3 MR. SMITH: Well, I appreciate the -- this
 4 automatization.
 5 But, anyhow, the two points are, I don't
 6 think, really, that the Mayor can -- why would the Mayor
 7 create departments and leave this alone?
 8 And the other thing is, the place for
 9 sustainability is -- is big; it's not little. And it's
 10 the narrow focus on waste treatment. And we got to keep
 11 that. It's going to get bigger. And, historically,
 12 it's been the moving element for every culture, take
 13 care of your waste. And, to me, there's the human
 14 element that you're ignoring totally --
 15 MS. KAHUHU: Time.
 16 MR. SMITH: -- by putting it there. Thank you
 17 very much.
 18 CHAIR STONE: Thank you very much, Mr. Smith.
 19 Commissioners, any clarification or questions for
 20 Mr. Smith?
 21 (No Response.)
 22 CHAIR STONE: Thank you for your time.
 23 MR. SMITH: You're welcome. Thank you.
 24 CHAIR STONE: Very good. Lisa, next
 25 testifier, please.

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1 MS. KAHUHU: Chair, there are no further
 2 testifiers signed up.
 3 CHAIR STONE: I would like to put out to the
 4 members of the public, anybody is welcome to come
 5 forward and testify, if they have not done so at this
 6 time.
 7 (No Response.)
 8 CHAIR STONE: No. Very good. Thank you. All
 9 right. Lisa, just point of order, are we bringing the
 10 Mayor up today as a public testifier?
 11 MS. KAHUHU: Yes, Chair. It's Item Number
 12 IV-A.
 13 CHAIR STONE: Very good. So, Mayor Arakawa, I
 14 would like to invite you up.
 15 COMMISSIONER MOIKEHA: Chair, point of order.
 16 CHAIR STONE: Yes.
 17 COMMISSIONER MOIKEHA: Question.
 18 CHAIR STONE: Yes, please.
 19 COMMISSIONER MOIKEHA: Before the Mayor
 20 speaks, is he also available here for other issues
 21 relating to the proposals?
 22 CHAIR STONE: He came specifically down to
 23 discuss proposals.
 24 COMMISSIONER MOIKEHA: So if we wanted further
 25 information on moving Ocean Safety over, I have a few

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1 questions, can we address that to him as well?
 2 CHAIR STONE: I believe that's one of the
 3 primary topics.
 4 COMMISSIONER MOIKEHA: Okay. Thank you.
 5 CHAIR STONE: Okay. Thank you.
 6 Thank you very much, Mayor.
 7 MAYOR ARAKAWA: Good morning, Members of the
 8 Charter Commission.
 9 As you may or may not have noticed, after
 10 selecting all of you to be on this Commission, I pretty
 11 much let you have free rein and tried not to interfere
 12 in your decision-making or to impact a lot of the issues
 13 that have arisen before you except when you're directly
 14 asking me to appear. And I am appearing this morning at
 15 your request.
 16 So there are two topics that I was asked to
 17 address specifically. And I am -- again, as I've said
 18 before, I am perfectly happy to -- to address any
 19 questions that you may have of me.
 20 Fire Safety and Ocean Safety is the one --
 21 first topic and then Environmental Management is the
 22 second. Well, first of all, we're not creating a new
 23 department. We are working with trying to create new
 24 division. In Ocean Safety and Fire, we are not creating
 25 even a new division; we are having a movement within

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1 departments. So these already exist.
 2 The reason that I asked you to look at the
 3 Ocean is because, in the Charter, what I would have
 4 preferred to have done is I would have preferred to have
 5 actual notation and language that would be appropriate
 6 to be able to have the fire chief responsible for the
 7 division of Ocean Safety, because the verbiage of what
 8 the responsibilities are, are in the Charter. The
 9 actual movement itself, I believe I can do without a
 10 Charter amendment, but it would be much cleaner if it
 11 were in the Charter that actually defined all of the
 12 different duties and responsibilities because those are
 13 actually listed. That's the reason that I brought it
 14 before you, to begin with.
 15 As far as a lot of the discussion that I heard
 16 today -- and, Judge Baxa, I thank you for your questions
 17 specific -- the primary reason that we are trying to
 18 move Ocean Safety to Fire and the methodology that we're
 19 doing this was, first of all, to give Ocean Safety and
 20 Fire time to be able to work out an agreement.
 21 As Commissioner Soares, Fire Safety
 22 Commissioner Soares, pointed out, I met with them last
 23 July to start this discussion as to this -- of this
 24 merger. And this has been in the process for almost 20
 25 years. You would think that if we were going to be

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1 doing something, we would be wanting to find a
 2 conclusion to it after some period of time. And this
 3 merger discussion has been going on for a long time
 4 through many administrations.
 5 When first proposed, Ocean Safety was
 6 considered very, very weak. And Fire asked they bring
 7 up their standards to try and be able to incorporate
 8 within the Fire Department.
 9 And I've watched Ocean Safety over my entire
 10 term in elected office. And they've been trying to
 11 build the division up so that they can have a quality
 12 and a standard so that, if they were to move to Fire,
 13 they would be more a better fit.
 14 Now, the difference between an Administration
 15 proposal and the department proposals, I think, need to
 16 be very clear. When the Administration is looking at a
 17 proposal, we are looking at all of the departments that
 18 we have to be able to work with, and we look at all of
 19 the impacts that would occur having to do with the
 20 general public, how we can best serve the public from a
 21 global perspective. The department tends to look at a
 22 very narrow scope as how does this movement affect the
 23 department specifically and what are the benefits for
 24 the department.
 25 Most of the arguments that I have heard to

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1 this point has been this is going to affect the
 2 certification of the department. And the certification
 3 we have supported, and we would continue to support the
 4 certification process. However, from an Administration
 5 process, the benefits need to be primarily what is the
 6 community benefit going to be over and beyond what the
 7 department's positives and negatives may be.
 8 When we look at certification, it's important.
 9 Is that the primary purpose of the Fire Department? The
 10 primary purpose of the Fire Department is to be able to
 11 look at health, safety and welfare of our community.
 12 This is what we are looking at, how can we best serve
 13 the community.
 14 Many of the services that Ocean Safety have
 15 also correlate with having to work with the Fire
 16 Department and Police Department. Most of the ocean
 17 rescues have to be coordinated between Fire, Police and
 18 Ocean Safety. The kind of training that the Fire
 19 Department does -- they even have boats, they have
 20 sleds, jet skis, to be able to incorporate some of the
 21 Fire work with what they have to do in rescue. Ocean
 22 Safety is similar. And when there's an emergency that
 23 occurs, we want to have all three departments out there
 24 at the same time working hand in hand. The training,
 25 the coordination that needs to go on, we believe, fit

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1 well. And we also believe that Fire has a lot of
 2 equipment and a lot of facilities and training that
 3 would benefit Ocean Safety officers to get even better
 4 expertise and better training than they can where they
 5 are currently in -- in Parks Department.
 6 This is the reason for the move. Ocean Safety
 7 has made this very clear from the very beginning this is
 8 what they want to do.
 9 Now, as an Administration, we've tried to be
 10 very patient. And we don't want to just throw things
 11 together. So we've asked Fire and Ocean Safety to get
 12 together and work out a merger. And since last July,
 13 they've been theoretically working together to try to
 14 figure out how this is going to be done.
 15 Now, every challenge that has come up to this
 16 point -- and this was brought up, also, as a question
 17 the last time we met with the Fire Commission -- every
 18 challenge that's come up to this point, our
 19 Administration has tried to work to be able to massage
 20 it so it's workable.
 21 The question of staffing came up. And we said
 22 that we would move the entire staff from Ocean Safety,
 23 which includes the secretaries, clerks, the entire
 24 staff, over to Fire so they would have adequate
 25 operations skills and they would be able to continue as

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1 a division, not working as a combined division with
 2 Fire, but as a separate division under Fire, as almost
 3 every other department does work. You know,
 4 Environmental Management, you have two different
 5 divisions, Wastewater and Sewer Maintenance. All these
 6 different areas, they work separate, even though they
 7 are under the same general department.

8 Divisions can work separately and together in
 9 one department. So it doesn't have to be where we meld
 10 every Fire position with every Ocean Safety position so
 11 that they cross-train so that they all intermix, and it
 12 has to be coordinated on a one-to-one basis. Quite
 13 frankly, you want to be able to have Ocean Safety
 14 Division working as Ocean Safety Division under Fire as
 15 the -- the major department. So they should be able to
 16 go intact as a group doing almost exactly what they are
 17 doing right now and go under Fire.

18 We've also suggested that any other
 19 personnel -- and Fire has demanded a battalion chief --
 20 that can be accommodated, we would be perfectly happy to
 21 do that.

22 Every request that they have come up with this
 23 -- to this point, we have tried to balance off. And I
 24 believe we've been able to work it out so that there's
 25 some kind of an agreement that can be done. And any

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1 challenge they have to this point we're willing to work
 2 with.

3 Now, the one thing that's a sticking point,
 4 that seems to come up all the time, is we may be
 5 interfering with the accreditation process. Well, if
 6 we're going to wait until the accreditation process is
 7 complete, it will never be complete. Even after
 8 accredited, the department will still have to go through
 9 and maintain that accreditation.

10 The accreditation, as far as we are concerned
 11 from the Administration, is important, we want to see it
 12 done, but it is not the overriding responsibility of
 13 what we expect from the department. The overriding
 14 responsibility is, how are we going to best serve this
 15 community in health, safety, and to protect lives.

16 We want to make sure that they are the most
 17 efficient department. We have even suggested creating
 18 an auxiliary volunteer fire group to be able to help in
 19 areas where they are weak. And that was discarded
 20 because it may interfere with accreditation.

21 Now, to this point, again, we've been very
 22 supportive of accreditation. But if accreditation comes
 23 in the way of performing what needs to be done for the
 24 department, for them to be able to provide the best
 25 service for this community -- accreditation, we don't

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1 have it right now, we have a good Fire Department. Many
 2 communities have volunteer fire departments that run
 3 without a paid fire department. Throughout the United
 4 States, the standards that we have right now for Maui
 5 Fire Department is very high. We don't have to have the
 6 absolute top pinnacle of the highest in order to be able
 7 to provide this community the best service we have. We
 8 have to be able to provide them with the best fire
 9 engines, the best equipment to fight fires, the best
 10 training we possibly can.

11 Accreditation is cream on top of that, that
 12 would be very nice to have, but is not essential, in our
 13 opinion. We would like to have it. And we will work to
 14 continue to do this. But that should not be -- in my
 15 opinion, that should not be the determining factor on
 16 whether the health and safety of this community are what
 17 are being cared for. Okay.

18 And if the fire chief or this board can come
 19 up here and point out all the areas that we seem to be
 20 accused of not trying to cooperate in, I would be happy
 21 to have the discussion, even in public, because I don't
 22 believe that is true. We've tried to cooperate every
 23 way possible.

24 Now, the responsibility of Fire and Ocean
 25 Safety/Parks Department to work together to try to iron

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1 this out is the responsibility of the department. As
 2 Mayor, I do not go down and I do not conduct those
 3 meetings and I do not sit in on every one of those
 4 meetings to try and iron out all the individual
 5 differences. It's only when there are differences that
 6 cannot be reached that I get involved.

7 I don't micromanage. And I don't think it is
 8 the duty of the Mayor's Office to micromanage.

9 Over a year since July -- July will make a
 10 year -- since then, they've had that much time to be
 11 able to work out the differences.

12 We're trying to get through a budget and we
 13 have to be able to appropriate funds to the appropriate
 14 place, which is why we're trying to do this.

15 The same arguments that we heard last time,
 16 from the beginning, is it may affect accreditation. To
 17 me, that is not the criteria that needs to be addressed.

18 The criteria is, will this move actually help this
 19 community, will it help the Fire -- the Fire officers to
 20 be able to have a close understanding and being able to
 21 work closer with the lifeguards? Would it help the
 22 lifeguards to be able to respond quicker? Will it be
 23 better for us to be able to have equipment positioned at
 24 fire stations along the way because we can then combine
 25 different division work in the same department? So

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1 would it be better for us to plan all of our storage,
 2 all of our equipment storage, where we're going to
 3 spread things out, is that going to be helpful to this
 4 community? Is it going to be helpful to have everybody
 5 working with the same kind of communication gear, all
 6 ordered at the same time, through one department, rather
 7 than different divisions and different departments? I
 8 believe the coordination will be much, much better in
 9 the long run.

10 Any new concept, new idea, always has ifs
 11 about it because people are not clear as to what they
 12 are going to wind up with. And I dare say there's
 13 always that fear that something new is going to create a
 14 problem. And sometimes it does, you work through it.

15 There is nothing certain in life except we'll
 16 probably all die someday. All the other challenges need
 17 to be worked out. And that's what department heads are
 18 supposed to be doing, that's their job, to work out
 19 things to make things work more smoothly.

20 I chose not to come down and make a big issue
 21 of it, but since I am requested to and since it's
 22 becoming a big issue, that's my position on this.

23 As far as Environmental Management, we have a
 24 division --

25 CHAIR STONE: Mayor, sorry, one second. I

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1 would like to put questions to the Commissioners before
 2 we move on from this topic. Commission Moikeha.

3 COMMISSIONER MOIKEHA: Thank you, Mayor, for
 4 coming down today. I guess, all along, I've heard
 5 support for this, moving Ocean Safety to the Fire
 6 Department. And it's also been with great concern that
 7 it be done correctly, that everything --

8 MAYOR ARAKAWA: That's true.

9 COMMISSIONER MOIKEHA: -- be answered, that a
 10 plan be in place, that the transition move as slow -- as
 11 efficiently as possible. So I am surprised by some of
 12 the testimony here today that -- from the commission
 13 that they don't even support it moving at all.

14 Mr. Soares mentioned a fact-finding committee.
 15 Is there one established? Was that established by your
 16 Administration or was that established by the Fire
 17 Department?

18 MAYOR ARAKAWA: Well, quite frankly, I don't
 19 remember agreeing to a fact-finding committee. What I
 20 agreed to was that the departments would be working
 21 together, they would have meetings, they would work
 22 together to try and iron out differences. In my mind,
 23 there's no reason to have a fact-finding committee.

24 What needs to be done is the two departments
 25 need to get their heads together and actually start

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1 working to build a relationship, not fight each other
 2 and deliberately avoid each other, which is what I think
 3 is -- is happening because there's a -- there's a desire
 4 not to move Ocean Safety. And now we're creating an
 5 adversarial type position because of a difference of
 6 opinion.

7 Now, the reality is I could have ordered this
 8 to happen last year if I had wanted to, to combine the
 9 two and start getting them to work, but I deliberately
 10 chose to give them time to be able to work some of these
 11 issues out. And I believe it should be well planned. I
 12 believe I've again the department ample time to work
 13 together to try and iron out some of these differences.

14 But there comes a point where you have to say,
 15 do the work, if you're not doing the work, something
 16 must be done. And I haven't given a specific time where
 17 this must occur, because I'm still trying to get the
 18 departments to work together. And I was surprised that
 19 there was testimony from the department coming down here
 20 to try and fight against this, because I thought we were
 21 trying to work it out and I had the departments working
 22 together on this.

23 COMMISSIONER MOIKEHA: Well, I am, too,
 24 because, as I stated earlier, the meeting -- and I
 25 missed a couple, at least two, and particularly the last

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1 one, I guess, where Mr. Soares spoke, I missed that
 2 meeting. So I was surprised to hear today the Fire
 3 Commission is against moving this division into Fire --
 4 the Fire Department.

5 My question, though, is does Mr. Buck --
 6 because his name was mentioned and he does represent you
 7 as the Administration -- does he sit in all of these
 8 meetings between the departments?

9 MAYOR ARAKAWA: We have made ourselves
 10 available for every meeting if they want us there.

11 COMMISSIONER MOIKEHA: Okay.

12 MAYOR ARAKAWA: So I believe he's attended the
 13 meetings that they've asked him to be there. I would
 14 also expect the departments to have had meetings just
 15 among themselves separate. I am not going to say that
 16 on every one, no.

17 COMMISSIONER MOIKEHA: And just lastly, I just
 18 think there's some miscommunication going on here.
 19 Mr. Soares did say he's not a direct participant in
 20 these meetings; he's only hearing it from what is coming
 21 to him from, maybe, within the Fire Department. And I
 22 am not saying that his testimony is invalid, but what I
 23 am saying, there seems to be some disconnect here.
 24 Either there is truly a adversarial situation going on
 25 that we -- at least, I -- I'll speak for myself --

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1 wasn't aware of. Because as I stated earlier, every
 2 meeting I've attended where there's been testimony for
 3 this, with a concern that it be done the right way.
 4 Now, other counties have just done it, you
 5 know. And I've heard concerns about that. And I can
 6 see, from what I've heard, that people want to work it
 7 out and they want to do it the right way.
 8 And I am supportive of seeing that this
 9 division move. And I would like to see it done in the
 10 right way. But I also see it as an amendment that is
 11 going to probably need to happen because if it's taken
 12 20 years to get to this place, with no promise or
 13 commitment that it will be done eventually, when
 14 accreditation is done or not, that's -- that's pretty
 15 sad. And so if it takes a Charter Amendment put forth
 16 to the people, and let them decide this issue, then
 17 maybe that's what we need to do, with a caveat that
 18 there be some time given for a plan, a transitional
 19 plan, to be given and proposed so that it's done and in
 20 the right way.
 21 So I don't know. We need to hear from the
 22 fire chief, too, because a lot of things have changed.
 23 MAYOR ARAKAWA: Commissioner, quite frankly,
 24 all this time, until I heard Commissioner Soares come up
 25 here and say they don't want it, it's been a cooperative

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1 venture and the question is when.
 2 COMMISSIONER MOIKEHA: Okay.
 3 MAYOR ARAKAWA: So every meeting that I've had
 4 has been when. Even -- you know, again, this -- this is
 5 not in process from the time I've been Mayor. This has
 6 been in process for a long time.
 7 Now, I don't know what is considered a
 8 reasonable time to get something accomplished. But, if
 9 Commissioner Soares is right, 20 years. 20 years seems
 10 to be more than a reasonable amount of time, since last
 11 July, when they asked me to -- we told them to get
 12 together and start planning this thing. You know,
 13 August, September, October -- I can go through this,
 14 but, you know, it seems to be a reasonable time for
 15 people to get together and iron out their differences.
 16 Every time that they've come to me and they've
 17 had differences, we've ironed out those differences and
 18 we've been able to resolve them. We've given the Fire
 19 Department virtually everything that they requested;
 20 full staffing, the entire division moving over with
 21 everything in it.
 22 Parks Department is, actually, I believe,
 23 changing the budget this year so that the move was
 24 incorporated within the budget.
 25 The battalion chief, we're willing to work

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1 with the battalion chief. Even though, in my mind,
 2 whoever is the division chief currently under Ocean
 3 Safety should be perfectly capable working under the
 4 chief to be able to do this, because he is going to know
 5 the Ocean Safety rules much, much better than a new Fire
 6 battalion chief. But I am willing to work with it, you
 7 know.
 8 So we've been able -- to this point, I've been
 9 saying, okay, whatever it is, go ahead, go ahead, go
 10 ahead.
 11 So Commissioner Soares comes here today and
 12 say, well, they haven't had the communication as
 13 Commission Members, that's not my responsibility as
 14 Mayor. That's the department's responsibility. If the
 15 commission does not know what is going on, it's the
 16 commissioner's, their responsibility, to find out what's
 17 going on. Because they've known since I've had their
 18 meeting with them that this was supposed to be
 19 occurring.
 20 And, again, my job is not to micromanage, to
 21 take them by the hand and go through step by step. We
 22 have put down what the general rules are, what we're
 23 trying to accomplish. And they should be professional
 24 enough to be able to follow up with this procedure.
 25 CHAIR STONE: Thank you.

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1 COMMISSIONER BAXA: Chair?
 2 CHAIR STONE: Commissioner Crivello.
 3 COMMISSIONER CRIVELLO: Thank you. Thank you,
 4 Mayor, for being here today, appreciate your
 5 presentation.
 6 I have some clarification. With the
 7 department, and I know you mentioned you don't
 8 micromanage, but is there a transitional plan in place?
 9 I think you mentioned that the budget from Parks and
 10 Recreation is already incorporated. And -- and part of
 11 -- I guess my question is, with the transitional plan,
 12 is there -- the conversation going on with the
 13 bargaining units? They're both -- you know, you have
 14 your firefighters union and then you have your HGEA. So
 15 is that all included and in place that should the voters
 16 choose to have this transfer or merger be in place that
 17 we can say it's in place, we have everything in place?
 18 MAYOR ARAKAWA: I don't believe everything is
 19 in place. I know that they've been having discussions
 20 with the union. But that's in process, quite frankly.
 21 If we move the divisions, the bargaining units will have
 22 to adjust, and they will make appropriate decisions as
 23 to how that needs to occur.
 24 It's happened in other jurisdictions, so this
 25 is not brand new. Again, Kauai and the Big Island have

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1 done it, so this is not something that's new or it's
 2 unique or -- or transgressing into an area that's never
 3 been done before.

4 COMMISSIONER CRIVELLO: Mentioning Kauai, I
 5 think we had correspondence from Ocean Safety, and some
 6 of the contents of the correspondence was they wished it
 7 was better planned and they're still adjusting to it
 8 after all these years. So that kind of, you know, gives
 9 me some sort of concern. And maybe it shouldn't be.

10 But I want to sort of go back to your comments
 11 on accreditation. We -- we also recognize -- and I
 12 think the Fire Department recognizes that -- it's not so
 13 much that they don't want the merger to happen. That's
 14 my understanding. My understanding is to allow the
 15 accreditation process to follow through.

16 The other part about accreditation, from my
 17 understanding, is, financially, it uplifts the Fire
 18 Department so that they can have another avenue for
 19 funding to get some of the equipment. Okay. I see that
 20 as one of the major reasons, I think, they would want
 21 accreditation, as opposed to it just to put them high up
 22 there.

23 The other -- you mentioned storage. The Fire
 24 Department leases a building as part of -- for storage.
 25 Will that include -- has that kind of discussion taken

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1 place? And if it hasn't, I just want to throw that out,
 2 that I hope that kind of conversation will be part of
 3 the dialogue as far as what -- where do we store
 4 equipment when it comes for part of this division to --
 5 to take place, or do we need to expand into a bigger
 6 building for the lease of equipment and supplies, which,
 7 at present, I understand the Fire Department does lease.
 8 I understood that a couple years ago, so --

9 MAYOR ARAKAWA: Commissioner Crivello, just to
 10 answer your questions, first of all, the Administration,
 11 our Administration, is responsible for the funding of
 12 all the vehicles. So we're very cognizant of the fact
 13 that we need to provide the Fire Department with
 14 adequate equipment. And I believe if you go and check
 15 every fire station right now, you'll find that there are
 16 some brand new vehicles.

17 COMMISSIONER CRIVELLO: Yes.

18 MAYOR ARAKAWA: And we probably have one of
 19 the best staffed equipment-wise fire stations in the
 20 nation. So they're not accredited at this point. And
 21 we are still providing them with those equipment. So
 22 that's not and cannot be, should not be a criteria.
 23 It's up to the Administration how we're going to be able
 24 to provide for the Fire Department in cooperation with
 25 the County Council.

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1 Now, when we look at total funding -- and the
 2 reason that I say that is if we get another funding
 3 source, let's -- let's say we get a grant, we can very
 4 much cut and say, "Well, we're not going to put in
 5 funding from other areas to make up for that." So the
 6 total funding that the Fire Department gets is not
 7 dependent on a grant; it's dependent on what the
 8 Administration and the Council want to defer to the fire
 9 station. And that cannot be a criteria for having
 10 certification altogether.

11 The storage that I am talking about is --
 12 currently, you know, Ocean Safety has areas where we do
 13 store things, but working in conjunction with the
 14 different fire departments and different areas -- for
 15 instance, on Molokai, we just built a brand new fire
 16 station. Storing some of the equipment of Ocean Safety
 17 there might be more beneficial if we can work
 18 arrangements. And because we have fire stations
 19 throughout the County, being able to coordinate on those
 20 properties might be something beneficial.

21 Ocean Safety would not be giving up the spaces
 22 that they currently have at the beaches, but this would
 23 be a way to be able to share equipment and facilities.
 24 And that would be an advantage, in my mind.

25 CHAIR STONE: Thank you. Commissioners? Flo.

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1 COMMISSIONER WIGER: Thank you. Thank you for
 2 appearing here this morning, Mr. Mayor. And thank you
 3 for your remarks. Because I think that they are
 4 bringing another layer of information for people to
 5 share.

6 I just wanted to raise one point, not
 7 necessarily for the Mayor, but to clarify that, at the
 8 last meeting that we had, the discussion came up with
 9 members of the Fire Department, as to their view on
 10 making the move of Ocean Safety. And I asked the
 11 question, and that's why I want to revisit that and make
 12 sure that people understood, at least what I thought I
 13 heard, because it does get to some of the commentary
 14 that Commissioner Moikeha is raising in terms of we
 15 heard these different things. And I believe that I
 16 phrased it in such a way to say that I felt that there
 17 was an undercurrent of something that I wasn't really
 18 being able to pick up. And I wanted to be very clear
 19 about it as we were going down this road. And I believe
 20 the response -- I went back and looked at my notes, the
 21 response that I had put down here. The response was,
 22 would you -- even after certification, is this something
 23 that you really want to do. And I believe the answer I
 24 got was, on a personal basis, it would not be; however,
 25 if they were told to do it, they would, of course, do

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1 that, but that it was not something that they themselves
 2 were supportive of.
 3 Now, I don't want to overstate it, but that's
 4 what I had written in my notes. So that I think that
 5 there was -- there have been some differences. And I
 6 don't think that they were as clear, which is why I
 7 asked the question exactly the way I did, to ensure that
 8 I would get the clarity I needed. I didn't know if
 9 anybody else needed it, but I needed it.
 10 So I just wanted to bring that up.
 11 CHAIR STONE: Thank you, Commissioner.
 12 Commissioners, further clarification on this topic?
 13 COMMISSIONER BAXA: Mr. Chair?
 14 CHAIR STONE: Go ahead, Commissioner De Rego.
 15 COMMISSIONER DE REGO: Good morning,
 16 Mr. Mayor.
 17 MAYOR ARAKAWA: Good morning, Frank.
 18 COMMISSIONER DE REGO: Just to clarify the two
 19 different processes involved, a Charter Amendment versus
 20 doing this administratively. What exactly would be
 21 involved administratively for you to make the decision
 22 to just move Ocean Safety over into the Fire Department,
 23 and what would be involved in that process?
 24 MAYOR ARAKAWA: We just decree it. If we want
 25 -- if we wanted Ocean Safety to Fire Department, I

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1 believe, right now, we just make the movement. I don't
 2 need legislation to do it because it's an existing
 3 division, and we have the ability to manipulate our
 4 Administration whichever way we want.
 5 Now, we don't have to go through a Charter or
 6 we don't have to go to the Council, even, except through
 7 the budget process. So the councilmember has to agree
 8 with us on the budget process. Otherwise, we just may
 9 not have funding for an entire department, division.
 10 The major change that I am asking you for is
 11 to be able to reword the Charter document so that I
 12 actually have it codified and corrected. Because if you
 13 don't make the correction in the Charter, the
 14 responsibilities now become a little bit different.
 15 But that's really where I wanted the -- the
 16 Commission to look at and put to the -- to the voters,
 17 in changing that language, because I believe we have to
 18 respect the Charter and the language within the Charter.
 19 But the actual movement itself, I believe the
 20 Administration has the ability to be able to administer
 21 the different departments and the various parts of the
 22 department that we see fit. That's part of the
 23 management.
 24 CHAIR STONE: Thank you.
 25 Commissioner Baxa.

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1 COMMISSIONER BAXA: Mayor, thank you for
 2 coming here today. As Mayor of the County of Maui, the
 3 remarks that I have heard today from you is that you
 4 have given an overall picture of how you think the
 5 departments within your Administration should work. As
 6 Mayor, I take it to mean that you must have an overall
 7 view of how all the departments work.
 8 As head of the County -- and as I understand
 9 it from the Charter, you are the head of all the
 10 departments within the County of Maui. I do not want to
 11 put you on the spot, and you may choose not to answer,
 12 Mayor, but, as Mayor, have you tried to exercise in the
 13 best way you can, for the good of the County, your
 14 authority as Mayor of the County of Maui, to be the head
 15 of all these departments? I see that, within the County
 16 of Maui, there are charter -- commissions who appoint
 17 and discharge the department heads. And this is where I
 18 am at odds. I see the Mayor as the head of all the
 19 departments. And, yet, I see commissions being at the
 20 same level where you sit. In your experience of Mayor,
 21 how has this played? As I said, you may choose not to
 22 answer.
 23 MAYOR ARAKAWA: Okay. I always love your
 24 questions.
 25 (Laughter.)

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1 MAYOR ARAKAWA: It always puts me on the spot.
 2 The reality is, Judge, that if all the
 3 departments were under the Administration, we would be
 4 able to appoint the chiefs, the deputies, and we would
 5 be able to administer the departments much more
 6 efficiently, provided that the Mayor is efficient.
 7 Okay. The commissions give you another layer of buffer
 8 in case the Administration might not be so efficient.
 9 So it's good to have the commissions and to be
 10 able to have some of that ability to take some of the
 11 politics away from a direct appointment all the time.
 12 However, from the Administration's standpoint -- and I
 13 think this should be very clear to everyone -- we still
 14 have the ability to administer the departments.
 15 Although we don't have the ability to go down and tell
 16 the firefighters, "Go put out this fire, go put out that
 17 fire," we can say, "You will not have these positions,
 18 we will not fund these positions, we will not give you
 19 this equipment, we will not allow you to build this fire
 20 station, we will not allow you to take travel, get the
 21 training."
 22 If I didn't support certification, if we did
 23 not believe in the certification process, all I would
 24 have to do is deny all of the training that has to go on
 25 for the certification process. If I did not support the

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1 certification process, all I would have to do is deny
 2 much of the new equipment, the improvements, the new
 3 fire station that we're trying to build, or delay that.
 4 We could make it very difficult. If we were to write to
 5 the certifying board that we didn't support this, it
 6 would probably create a real problem. But we are
 7 supportive of the certification process because we want
 8 to see Maui excel, but not at the point where it's going
 9 to be able to hurt the overall community.
 10 Now, my job is to make sure that we take care
 11 the community's health, safety and welfare first, before
 12 we go for the niceties. And the certification is not a
 13 requirement; it's a nicety to be able to have, to be
 14 able to enhance what we have. But the -- the core job
 15 of the Fire Department, or the Police Department, still
 16 needs to be done on a regular basis. And that's the
 17 most important thing.
 18 Yes, it would be very nice to be able to have
 19 all the departments directly under the control of the
 20 Administration, but we do have safeguards built into the
 21 system that still allows us to have a lot of say within
 22 the departments, even though not as direct.
 23 CHAIR STONE: Thank you.
 24 COMMISSIONER BAXA: Follow up?
 25 CHAIR STONE: Please, go ahead, Commissioner

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1 Baxa.
 2 COMMISSIONER BAXA: Just one more question,
 3 Mayor. See if I understand correctly from you. There
 4 should be a clearer direction from the language of the
 5 Charter?
 6 MAYOR ARAKAWA: I would like the Charter to be
 7 changed so that it clearly defines the division so, in
 8 the responsibilities of the Fire Department, to
 9 administer the Ocean Safety be put there.
 10 Now, from a -- from a practical standpoint,
 11 when we're working with the Council and we have a
 12 clearer definition, it's much easier to say this budget
 13 should be controlled by a certain person or this budget
 14 should be run. As far as the -- you know, what was said
 15 about how to administer the paychecks and everything
 16 else, the division is doing that currently for
 17 themselves. And they don't need the Fire Department to
 18 do that. It's already being done. But if it's under
 19 Fire Department, it will be under Fire Department being
 20 done.
 21 COMMISSIONER BAXA: Mayor, the reason I asked
 22 that question, it may be out of context, but what
 23 happened in Kauai comes to mind right now. And you must
 24 be aware of what happened in Kauai. This is about the
 25 Police Department.

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1 MAYOR ARAKAWA: Kauai?
 2 COMMISSIONER BAXA: It appears that the
 3 language of the Charter in Kauai mirrors the language
 4 that we have here.
 5 MAYOR ARAKAWA: Uh-huh.
 6 COMMISSIONER BAXA: And we have a situation in
 7 Kauai where, I don't know, I have to be --
 8 MAYOR ARAKAWA: The mayor and the police
 9 chief --
 10 COMMISSIONER BAXA: I don't want to
 11 misinterpret what the record is in Kauai.
 12 MAYOR ARAKAWA: Yes.
 13 COMMISSIONER BAXA: But it appears that there
 14 had been a suspension --
 15 MAYOR ARAKAWA: Yes.
 16 COMMISSIONER BAXA: -- of the chief of police.
 17 Now, there is some contention that the Mayor cannot
 18 suspend the chief of police under the Kauai Charter; the
 19 power of suspension belongs to the Kauai Charter
 20 Commission -- oh, Police Commission. Yeah, Police
 21 Commission. I misspoke. Police Commission.
 22 Here, they don't seem to have any guidance at
 23 all right now. They seem to be fighting, that one says,
 24 "I am right," and the other says, "I am right." And I
 25 think, in some way, within this commission, that kind of

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1 problem is appearing -- in this County, I should say.
 2 MAYOR ARAKAWA: To a very large point, I
 3 believe what you're saying is true. I don't believe it
 4 is -- it's been clarified. I do -- I will say this,
 5 though: From an operational standpoint, as a deputy of
 6 Civil Defense, if there is a major emergency here on
 7 Maui, I have the authority to override every department,
 8 and I have the authority to bring in National Guard or
 9 work with the military. That is my authority as the
 10 Chief Executive Officer of Maui, as appointed through
 11 the Civil Defense. So I do have the authority to
 12 override the fire chief, the police chief in case of a
 13 national situation.
 14 In a situation where the Chief of Fire or
 15 Police, or any of these that have board appointees,
 16 occurs where the chief or deputy may be rogue, for
 17 whatever reason, the Charter, I believe, is unclear as
 18 to whether or not the commission or the Administration
 19 would have direct input as to whether or not you can
 20 hire and fire for cause. Now, I think that needs to be
 21 clarified, but -- you know, if the police chief, for
 22 some reason, starting shooting people today, the
 23 commission could not meet technically unless -- you
 24 know, under the Sunshine Rules, they have to post the
 25 meeting and do the (inaudible). So would the chief

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1 still be chief while he was out there shooting people?
 2 I think the Mayor would then have the authority to step
 3 in and remove the chief for cause and be able to then
 4 direct some -- an action.
 5 And I believe that's the point that's being
 6 fought on Kauai right now. But it would have to be
 7 because there is a specific cause that -- that would
 8 create this reaction. But it is the Charter, I believe,
 9 is unclear at this point.
 10 COMMISSIONER BAXA: Thank you.
 11 CHAIR STONE: Thank you.
 12 Commissioners, on this topic, any further
 13 clarification? Because we're going to take a -- yes.
 14 No. Go ahead, Yuki.
 15 COMMISSIONER SUGIMURA: I have a question.
 16 Mayor, thank you for being here.
 17 In the past Charter Amendments, in November of
 18 1984, that was a question that was passed. And I wonder
 19 if it covered this exact thing that we're talking about,
 20 or Ocean Safety would fall under it. It says, "Shall
 21 Section 8-7.3 of the Revised Charter of the County of
 22 Maui be amended to place the primary responsibility for
 23 rescue operations with the Department of Fire Control?"
 24 And the answer was: 52.4 percent voted "yes" or 15,456
 25 people, and "no" was 28 percent or 7,402. So is that

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1 different than Ocean Safety?
 2 MAYOR ARAKAWA: Well, according to what you're
 3 reading, Ocean Safety should have been under Fire in --
 4 whenever that date was. We shouldn't be having this
 5 discussion.
 6 COMMISSIONER SUGIMURA: Isn't it covered
 7 already? It's already an issue that was passed by the
 8 Charter in 1984, I wonder. I wonder, Junior.
 9 (Multiple speakers.)
 10 COMMISSIONER SUGIMURA: It doesn't say the
 11 word Ocean Safety, but --
 12 MAYOR ARAKAWA: Okay. Well, again, the
 13 control, I believe, should go under Fire. That's my
 14 belief. And since I am Mayor, it counts a little bit,
 15 but --
 16 (Multiple speakers.)
 17 CHAIR STONE: Commissioners. Commissioners.
 18 MAYOR ARAKAWA: -- was to delay it, to have
 19 them to work out the specifics. So, since July, we've
 20 been asking them to work out the specifics.
 21 CHAIR STONE: Thank you.
 22 Commissioner Hashimoto, please.
 23 COMMISSIONER HASHIMOTO: Yes. Thank you,
 24 Mayor, for being here. And --
 25 CHAIR STONE: Cliff, sorry, the mic. Thank

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1 you very much.
 2 COMMISSIONER HASHIMOTO: I just want to bring
 3 this -- bring this up as a question, I suppose. But
 4 under Article 10, Code of Ethics, in Section 10-2(b), it
 5 says, initiate impeachment proceedings against elected
 6 officers and -- elected officers and officers appointed
 7 to elective office that are found to be by the board --
 8 this is the Ethics Board we're talking about -- after
 9 investigation, to have violated this article. Anyway,
 10 so there is, within the Charter, a way to -- to resolve
 11 some of the questions about, you know, who has the right
 12 to do what.
 13 Now, if we go back and look at the
 14 organization of the Department of Fire and Public
 15 Safety, and, also, the Police Department, the wording
 16 leaves a lot to be desired, as far as I can figure out.
 17 It says here, there shall be a Department of Fire and
 18 Public Safety consisting of a Fire and Public Safety
 19 Commission, a Fire Chief, and necessary staff. So that
 20 indicates to me that the Fire Commission is part of the
 21 department. And if that's true, the department head of
 22 that department is the fire chief. Okay.
 23 And the question that's always bothering me
 24 is, how come the commission is hiring their boss.
 25 That's one of the questions. If you look at the Police

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1 Department, and the organization, it indicates the same
 2 thing. But if we go back to Article 6, under Executive
 3 Branch, it says that the Mayor shall have the authority
 4 to appoint, on a temporary basis, an administrative head
 5 of any department provided that such department is one
 6 where the administrative head is appointed by the Mayor.
 7 MAYOR ARAKAWA: Right. We don't appoint the
 8 Fire and Police, which is why I say it's still
 9 ambiguous.
 10 COMMISSIONER HASHIMOTO: So these are parts of
 11 this Charter that -- that makes it very difficult to
 12 figure out, you know, who is in charge.
 13 MAYOR ARAKAWA: And the one thing I would
 14 point out in the example that you pointed out, when the
 15 Ethics Committee had to make a ruling on -- well, he's
 16 no longer in office -- the Nishiki case, and they were
 17 trying to take an action, the Charter pretty much was
 18 not clear enough so that they could take this action, to
 19 be able to define whether or not they would be able to
 20 hold the position or not. And I think that segment of
 21 the Charter needs to be clarified in order to make it
 22 definitive as to what can or cannot be done. Because
 23 there needs to be some methodology to be able to enforce
 24 what the Charter says should be allowable. And I don't
 25 believe that methodology is clear.

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1 CHAIR STONE: Thank you.
 2 Thank you, Cliff. That was -- are you through
 3 questioning?
 4 Any further questions? Commissioner DeLeon.
 5 COMMISSIONER DELEON: Hi, Mayor. Nice seeing
 6 you today.
 7 There was a proposal put before this
 8 Commission that said that the Fire Commission would be
 9 the recruiting and the nominating authority for the
 10 hiring of the chief, and then the final authority would
 11 be the Mayor. Would that work for you?
 12 MAYOR ARAKAWA: That's probably the most
 13 difficult question that I would have to answer today.
 14 I think both systems have merit. Because I am
 15 Mayor, I would prefer to have that authority, but, at
 16 times, there -- when I have not been in this position, I
 17 have hoped that somebody else besides the Mayor would
 18 have the authority to appoint. In your case, I would
 19 suggest the Planning Commission. You know, Planning
 20 Department head might have been somebody that might have
 21 wanted to be able to appoint through a commission rather
 22 than through the Administration, but that's -- you know,
 23 individual that occurs.
 24 When you ask me to be able to administer all
 25 of the departments and all of the authorities of the

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1 County, it's always easier to be able to have control of
 2 the departments and to be able to get things
 3 administered, if you're the administrator, the head
 4 administrator. The way that it's split up right now,
 5 the actual administration of the Fire Department would
 6 be with the fire chief and the commission. So how they
 7 want to administer the day-to-day operations, make
 8 corrections or not make corrections, we don't have
 9 direct control over. And that can be very troublesome
 10 in certain circumstances.
 11 With the Police Commission, it's the same
 12 direction. Let's just say, for instance, I did not
 13 agree with the drug control program or the education
 14 program for drug control. Under the Police Commission
 15 right now, I have no control over what actually is going
 16 to get administered or not, or how those forfeiture
 17 funds are going to be spent and what kind of programs
 18 are going to be worked on. And as Mayor, it would be
 19 much easier and much better to administer these programs
 20 having control of it rather than just make suggestions.
 21 So it's kind of a way of me wiggling out this
 22 direct answer, but it's always better, as an
 23 administrator, to have control of all the departments.
 24 At the same time, I can see the benefits in not having
 25 total control at all times.

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1 COMMISSIONER DELEON: Thank you for your
 2 nonanswer.
 3 CHAIR STONE: Very good political dodge,
 4 Mayor.
 5 I have -- Chair has one question. One of the
 6 -- one of the sticking points of this proposal has been
 7 for the commission in discussion of the transition
 8 period. Would you have any recommendation on the
 9 timeframe of a transitional period for something of this
 10 magnitude?
 11 MAYOR ARAKAWA: When I met with the commission
 12 in July, June or July. I suggested that -- you know,
 13 they asked me if they could have a year to transition.
 14 And I agreed to it because the fiscal year starts in
 15 July. So that's what -- the timeframe that I had been
 16 working on. Now, as we get closer to this year's
 17 budgeting and trying to be able to get into next year's
 18 budget, they're requesting further delays.
 19 And, you know, the position that they're
 20 taking is that, well, we don't have adequate
 21 information, we haven't had adequate meetings, we don't
 22 have our questions answered. At the same time, when you
 23 asked Commissioner Soares, have you been meeting with
 24 these people or have they been informing you to what it
 25 is, the answer was no, they're not really getting

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1 involved in a lot of these discussions or getting their
 2 questions answered. You know, there's a responsible
 3 point where each commissioner, if they have questions
 4 that are not being answered, they should be speaking up
 5 in their commission meetings and say, "Hey, where are
 6 the answers? Why aren't these being developed out?"
 7 And that, I don't believe, is being done.
 8 So with the statement, no, we don't want the
 9 -- the division now being said, I can understand why
 10 dragging the feet, not asking the right questions to get
 11 the answers where you need to go. Every meeting that
 12 I've been in, we've been asking the questions, and any
 13 challenge that has come up, we've been finding the
 14 answers for.
 15 So, you know, I -- as an individual, I could
 16 always find a question that hasn't been answered. I can
 17 do that on almost any topic. But to -- to get to the
 18 conclusions that you need, is there a timeframe that's
 19 going to be certain that we can do this kind of thing.
 20 We had set July as the -- the transition point because
 21 of the fiscal year. And I thought that a year time was
 22 adequate to be able to iron out most of the differences
 23 to be able to come to these conclusions.
 24 And to this point, I really don't see anything
 25 that's happened within the division or the department

<p style="text-align: right;">Page 65</p> <p>1 that would be so overly difficult that it could not 2 transition in July. Because the personnel, that's 3 really not an issue. Battalion chief, that's really not 4 an issue. 5 The only -- the only major thing is, is it 6 going to be disruptive to certification. And in my 7 mind, certification is secondary to public health, 8 safety and welfare and the general benefit to the 9 community. So that's really not an issue in my mind. 10 It is with the commission members and it is 11 with police chief, the deputy, but it's not in my mind. 12 The important thing for me is, at the end of the day, 13 when I am looking at our community at-large, am I taking 14 care of this community in the best way possible. 15 If I could, I would ask for volunteer 16 firefighters at all of the undermanned stations. Even 17 on the fully manned stations, I would try to get 18 volunteers so that, if there is any kind of a problem, 19 there would be support staff and public buy-in. There 20 are plenty of retired firefighters and there are people 21 that are here from other communities that have been on 22 the force to be able to create some of these positions, 23 volunteer. 24 But that's administration within the Fire 25 Department as to how they choose to staff. They're</p>	<p style="text-align: right;">Page 67</p> <p>1 COMMISSIONER SUGIMURA: -- and operate. And 2 you're saying, then, from July to -- you've given 3 them -- 4 MAYOR ARAKAWA: To July. Basically, a year. 5 COMMISSIONER SUGIMURA: And I know that this 6 month, now, we have our new budget that you're going to 7 be presenting to the Council. 8 MAYOR ARAKAWA: Yes. 9 COMMISSIONER SUGIMURA: So are you including 10 this plunk in total with -- and the 64 or 63 members 11 that -- the number that I heard today, I don't know who 12 these Ocean Safety people are. But does it also include 13 all of the clerical, all of the supervisors, all of the 14 -- everybody? 15 MAYOR ARAKAWA: We plunk it in, the whole 16 group, all 60-some-odd members, yes. And all of the -- 17 all of the -- when you look at that, that includes all 18 the clerical and all the middle management and all that 19 group. They all go at one time. 20 COMMISSIONER SUGIMURA: So is it -- did you 21 already -- I don't know if it's a secret, so -- but did 22 you already include it in your -- in this new fiscal 23 year budget that we're going to see -- 24 MAYOR ARAKAWA: I am not going to tell you. 25 COMMISSIONER SUGIMURA: -- in March?</p>
<p style="text-align: right;">Page 66</p> <p>1 going to have to go to the Council, they're going to 2 have to explain why they need all the personnel that 3 they have or why they -- what they request, even in 4 future dates. And if they can do that and the Council 5 buys into it, that's fine. And we'll support the 6 department in much of what they're requesting within 7 reason. 8 But our goal, again, are the same. We want to 9 be able to create the best department that we can. It's 10 just a question of timing. And I believe are -- we have 11 a very big difference in what we think the reasons for 12 not doing it in a timely manner are, and where that time 13 should be. 14 CHAIR STONE: So, Mayor, just for 15 clarification, your recommendation would be by following 16 budget year? 17 MAYOR ARAKAWA: Yes. 18 CHAIR STONE: Okay. Thank you. 19 Yuki. 20 COMMISSIONER SUGIMURA: That was part of my 21 question. So you're saying, then, from what you just 22 said about the whole department of Ocean Safety division 23 can be plunked, basically, into the Fire Department, 24 whole -- 25 MAYOR ARAKAWA: Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 MAYOR ARAKAWA: At this point, I don't think 2 that should be the criteria that this Commission looks 3 at. So I am not going to tell you what that decision is 4 at this point. But we are -- we are trying to work this 5 out. 6 Again, I wouldn't have come down except that 7 I've been asked to come down. 8 CHAIR STONE: Thank you very much. I just 9 want to check with our special Analyst. Plunking, is 10 that a word? 11 MS. BRODER: I think it is an official word. 12 CHAIR STONE: Who would have known. Very 13 good. Thank you. That's why you get paid the big 14 bucks. Thank you. 15 Any further questions at this time for the 16 Mayor? 17 (No Response.) 18 CHAIR STONE: All right. Thank you, Mayor. 19 We've been informed that you have an appointment I 20 believe you need to -- 21 MAYOR ARAKAWA: Well, I've had three different 22 appointments that I've canceled, I believe. But we 23 didn't get to the second topic that I wanted to get to. 24 And that is -- 25 CHAIR STONE: One just point -- point of</p>

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1 order. We -- we -- I believe EA Molina requested that
 2 we bring you back later for that because, apparently,
 3 you have something you need to get to. And we will set
 4 up a time in the next few hours to bring you back for
 5 that. We're here -- we're here until very late this
 6 evening, so --
 7 MAYOR ARAKAWA: Okay.
 8 CHAIR STONE: So we have --
 9 MAYOR ARAKAWA: That would be better for me.
 10 CHAIR STONE: I believe so. Because we need
 11 to take a break right now as well.
 12 MAYOR ARAKAWA: Okay. Thank you.
 13 CHAIR STONE: Tonya's fingers are falling off.
 14 So thanks very much, Mayor, for being here.
 15 MAYOR ARAKAWA: Thank you very much. Let me
 16 know and I'll come back up.
 17 CHAIR STONE: Definitely. We'll give you a
 18 call a little later.
 19 Okay. Without objection, I would like to
 20 accept public communication into the record. And, also,
 21 at this time, without objection, I will close oral
 22 testimony.
 23 ...END PUBLIC TESTIMONY...
 24 CHAIR STONE: And next order of business will
 25 be a break. So let's take a much needed 10-minute break

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1 here. And we will be back at -- let's make it 11:45.
 2 All right. Thank you very much.
 3 (Recess, 11:37 a.m. to 11:45 a.m.)
 4 CHAIR STONE: Okay. I would like to call this
 5 meeting back to order as of 11:50 a.m. And moving on,
 6 we have resource people here from -- from Maui County.
 7 And I would like to give the Fire Chief an
 8 opportunity to speak. So, Chief, thank you for being
 9 here.
 10 CHIEF MURRAY: Good morning. Thank you for
 11 having me.
 12 CHAIR STONE: Chief, sorry, one second.
 13 Commissioner DeLeon just pointed out something very
 14 valuable. Commissioner Moikeha was the one who
 15 requested to see the Fire Chief.
 16 COMMISSIONER DELEON: Right.
 17 CHAIR STONE: Let me ask Commissioner -- I'm
 18 sorry, E.A. Molina, can you knock on the door and just
 19 have her come in? So how's the weather?
 20 CHIEF MURRAY: It's nice and rainy.
 21 CHAIR STONE: It's good for fighting fire,
 22 huh?
 23 CHIEF MURRAY: Absolutely.
 24 COMMISSIONER HASHIMOTO: What's the Fire
 25 Department going to do? They gonna shut it off, the

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1 rain?
 2 CHIEF MURRAY: No. We want to let it run. In
 3 fact, we want all the rain that was on Kauai here.
 4 Yeah, we'll deal with the flooding, yeah.
 5 CHAIR STONE: Okay. Good. Very good. Go
 6 ahead, please, Chief Murray.
 7 CHIEF MURRAY: Thank you for having me here.
 8 I am here to answer any of your questions. I gave
 9 public testimony last week. And, again, I am here to
 10 answer any of your questions.
 11 CHAIR STONE: Very good. Commissioner
 12 Hashimoto.
 13 COMMISSIONER HASHIMOTO: Yes, I do have a
 14 question, Chief. And my -- thank you for coming. I do
 15 have a question. And this is in regards to the language
 16 of the organization that's so stated in the Charter, the
 17 present Charter.
 18 CHIEF MURRAY: Yes.
 19 COMMISSIONER HASHIMOTO: Do you find that --
 20 that language in there, is it disconcerting for you,
 21 too, as well, as I do?
 22 CHIEF MURRAY: I see it a little different. I
 23 believe there is clarity that the commission is the
 24 authority as far as hiring and firing the position of
 25 fire chief. I think it is clear there. If you wanted

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1 to add more language to -- to define it even clearer, I
 2 don't see an issue with that.
 3 COMMISSIONER HASHIMOTO: Well, I don't have
 4 any problem with the commission seeking, you know,
 5 candidates and perhaps making recommendations to -- for
 6 the hiring of the chief. That's not a real problem as
 7 far as I am concerned. But my -- my thoughts are, if
 8 the commission is part of that department and you're --
 9 and the chief is the department head, they're hiring
 10 their boss.
 11 CHIEF MURRAY: Yeah, I don't -- I don't see it
 12 that way. I see it the other way. I see it --
 13 COMMISSIONER HASHIMOTO: But that's what the
 14 language says.
 15 CHIEF MURRAY: I see.
 16 COMMISSIONER HASHIMOTO: Okay. And, also, the
 17 part that I read, an earlier article, in regard to the
 18 Mayor --
 19 CHIEF MURRAY: Uh-huh.
 20 COMMISSIONER HASHIMOTO: -- and you can see
 21 there that with the Mayor exactly -- that's the language
 22 he was talking about, about him being cut off from the
 23 department head.
 24 CHIEF MURRAY: Right. I understand that. I
 25 believe there is a common courtesy, as far as our

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<p>1 business that we deal with on a daily basis, that we do 2 adhere to everything that the Mayor asks us to do. 3 COMMISSIONER HASHIMOTO: Okay. I don't see a 4 problem with -- with you in particular as chief, but 5 it's going to happen. 6 CHIEF MURRAY: Oh, absolutely. 7 COMMISSIONER HASHIMOTO: You know, another 8 chief could come along and take advantage of that. 9 CHIEF MURRAY: Absolutely. 10 COMMISSIONER HASHIMOTO: So that's the concern 11 I have. 12 CHIEF MURRAY: I'm glad you brought that up 13 because I think accreditation would solve that problem. 14 I don't think it's the number one thing in the whole 15 wide world, but I think it's very important for the 16 community to be able to have accountability for 17 everybody in the department. And that's what I think 18 accreditation solves. 19 COMMISSIONER HASHIMOTO: Okay. Thank you. 20 CHAIR STONE: Flo, go ahead. 21 COMMISSIONER WIGER: I want to follow up on 22 what -- what Cliff raised. I think that the issue with 23 the language -- it doesn't really have anything to do 24 with the -- I mean, it says, the fire chief will be 25 appointed and may be removed, Fire and Public Safety</p>	<p>1 commission itself, there are specific rules, then you 2 see how it's laid out. 3 COMMISSIONER WIGER: Right. 4 CHIEF MURRAY: Yeah. So -- 5 COMMISSIONER WIGER: Yeah. 6 CHIEF MURRAY: I agree if that's reworded, 7 probably would solve some issues. 8 CHAIR STONE: Very good. Thank you. 9 Commissioners? Commissioner Moikeha. 10 COMMISSIONER MOIKEHA: Thank you, Chief, for 11 being here today. Is there a fact-finding committee, as 12 Mr. Soares has stated? 13 CHIEF MURRAY: An unofficial fact-finding 14 committee has been established by our department and 15 Parks. 16 COMMISSIONER MOIKEHA: By Parks and your 17 department? 18 CHIEF MURRAY: Yes. 19 COMMISSIONER MOIKEHA: Okay. And who is that 20 comprised of? 21 CHIEF MURRAY: It's comprised of myself, my 22 deputy, and whoever else fits in during that meeting 23 that we need to bring in from our department, and Parks 24 brings in their personnel as well, which is the Parks 25 Director, Deputy Parks Director, and his staff.</p>
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<p>1 Commission. The problem is in the organization. That 2 one sentence where it says, there shall be a Department 3 of Fire and Public Safety consisting of a Fire and 4 Public Safety Commission, a fire chief, necessary staff, 5 the way the sentence is structured, it means -- it 6 really does mean this -- that there is a department 7 which consists of Fire and Public Safety Commission, 8 then a fire chief. Now, there's got to be some kind of 9 a hierarchical structure. And the way that that 10 sentence is stated doesn't really do that. That's -- I 11 think that's the frustration in part that -- that my 12 colleague has, that I have, when I read it, it -- it's 13 not a well done sentence and it ought to be fixed 14 somehow. 15 CHIEF MURRAY: I'm sorry. I didn't write 16 that. 17 (Laughter.) 18 COMMISSIONER WIGER: No. No. No, I am not 19 blaming you, I am just saying that that's how -- 20 CHIEF MURRAY: Yeah. I know. I fully 21 understand. 22 COMMISSIONER WIGER: That's where I think the 23 challenge is. The rest of it -- the rest of it all 24 makes sense. 25 CHIEF MURRAY: I know when it breaks down the</p>	<p>1 COMMISSIONER MOIKEHA: Okay. And then the -- 2 the commission is not -- Mr. Soares stated that they're 3 not represented at these meetings. 4 CHIEF MURRAY: Well, four months ago, they 5 sent a letter to the Mayor's Office asking to actually 6 establish a committee so that one of the commissioners 7 could sit within that. And they're just asking for 8 clarification. So they want to be sure that the Mayor's 9 Office has the buy-in. I believe Executive Assistant 10 John Buck also comes and sits in as well. 11 COMMISSIONER MOIKEHA: He does, Mr. Buck does? 12 CHIEF MURRAY: Uh-huh. 13 COMMISSIONER MOIKEHA: So he's there pretty 14 much at every one of these meetings? 15 CHIEF MURRAY: Most of them. I don't think he 16 is at all of them. 17 COMMISSIONER MOIKEHA: Okay. All right. I 18 guess a lot has changed since I was gone at the last 19 meeting. And I do recall you coming. And my 20 recollection throughout this entire discussion of moving 21 Ocean Safety over to Fire Department was there was 22 support from you. 23 CHIEF MURRAY: Uh-huh. 24 COMMISSIONER MOIKEHA: And much testimony to 25 support it. And -- but there was always that very</p>

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1 strong concern about how we do it.
 2 CHIEF MURRAY: Absolutely.
 3 COMMISSIONER MOIKEHA: And I can totally
 4 understand that. So your position today is what? Do
 5 you support Ocean Safety moving over to the Fire
 6 Department?
 7 CHIEF MURRAY: I support it.
 8 COMMISSIONER MOIKEHA: Okay. So, really, the
 9 issues to be worked out is the transitional plan? Okay.
 10 Has there been a timeframe established in any of these
 11 meetings thus far?
 12 CHIEF MURRAY: No timeframe established. You
 13 know, there's a lot of questions that need to be
 14 answered.
 15 COMMISSIONER MOIKEHA: Right.
 16 CHIEF MURRAY: And we've asked them. And
 17 Parks is working on it now. But then there's also a lot
 18 of questions for us as far as personnel that -- even
 19 though they're going to bring over their staff --
 20 COMMISSIONER MOIKEHA: Right.
 21 CHIEF MURRAY: -- there's still going to be
 22 support from our department that needs to take place.
 23 And right now, we're pretty busy as it is. I mean, very
 24 busy, to put it, you know, bluntly. And we want to be
 25 able to support our department as well as theirs; not --

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1 not one or the other or half-half. We want to be able
 2 to support all of it.
 3 And I believe when the positions become
 4 established from Council to our department, then -- then
 5 the green light is go for me. I would like to have
 6 those -- those personnel at least six months prior to
 7 the actual takeover, or even a year, for key personnel
 8 to work out the bugs and the rules and the regulations
 9 and all of those things. I don't think it's much to
 10 ask. That's all I am asking for.
 11 COMMISSIONER MOIKEHA: So is there some
 12 resistance to what you're asking from the
 13 Administration?
 14 CHIEF MURRAY: The battalion chief that he
 15 spoke about, the Mayor did --
 16 COMMISSIONER MOIKEHA: Uh-huh.
 17 CHIEF MURRAY: -- he did put that in the
 18 budget. There are other positions that we asked for.
 19 Because if you look at our staff, we have 300 uniform
 20 personnel, we have 12 support staff. Three of those are
 21 mechanics, I cannot use them to do paperwork. And I
 22 know I've said this before, but the percentage is not
 23 where it should be. My two assistant chiefs, my deputy
 24 do not have clerical staff. There are people in other
 25 departments that are much less in grade that have staff.

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1 And they have probably more than -- than what we have.
 2 We have none for those people.
 3 COMMISSIONER MOIKEHA: Okay. So there is --
 4 there's -- so I am clear, there's support from you as
 5 the chief --
 6 CHIEF MURRAY: Uh-huh.
 7 COMMISSIONER MOIKEHA: -- for this move?
 8 CHIEF MURRAY: Uh-huh.
 9 COMMISSIONER MOIKEHA: The question seems to
 10 be, there's still some transition plan that has to be
 11 defined?
 12 CHIEF MURRAY: Absolutely.
 13 COMMISSIONER MOIKEHA: How much more time
 14 would you think you would need to just define a plan of
 15 transition?
 16 CHIEF MURRAY: It all depends on who is going
 17 to actually document that. Is it me myself or is it my
 18 staff who are already overburdened? That -- that's my
 19 question. And that's where the battalion chief would
 20 come in. You know, if it gets the support from Council
 21 and it moves and we get it in July -- because now you
 22 have to look at we do have to hire that position as
 23 well.
 24 COMMISSIONER MOIKEHA: Right.
 25 CHIEF MURRAY: So that may be a process that

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1 may take anywhere from three months, you know.
 2 COMMISSIONER MOIKEHA: Okay. Say that all
 3 happens, you get your battalion chief.
 4 CHIEF MURRAY: That's the person that will put
 5 everything together.
 6 COMMISSIONER MOIKEHA: He will put it
 7 together?
 8 CHIEF MURRAY: Yes, he or she.
 9 COMMISSIONER MOIKEHA: Transitional plan.
 10 Would there be a guestimate as to a time -- if he was in
 11 position, ready to go, how much time do you think it
 12 would take him to put it together, a transitional plan?
 13 CHIEF MURRAY: I would think it would take
 14 that individual about a year. But you would still have
 15 to have all the buy-in from the collective bargaining
 16 units. That -- that would be an issue that we have zero
 17 control over.
 18 And -- and for good reason, because the union
 19 actually looks out for their employees. So they would
 20 have to take the -- take a look at all the rules and
 21 regulations and what changes will be given to their
 22 employees.
 23 And I think it's very important that we look
 24 at that first, because those are the employees that will
 25 be impacted. I mean, as well as our department being,

<p style="text-align: right;">Page 81</p> <p>1 you know, accepting to all of those things as well. But 2 that should be clearly delineated for me. 3 COMMISSIONER MOIKEHA: Okay. 4 CHIEF MURRAY: That's my issue. 5 COMMISSIONER MOIKEHA: And I totally 6 understand that. And I agree to that. So everybody 7 seems to be in support, it is just a matter of figuring 8 out a timeframe and the transitional plan. 9 CHIEF MURRAY: Yeah, and the resources. 10 COMMISSIONER MOIKEHA: And the resources, 11 which I heard commitment to today. So, again, that will 12 be up to -- 13 CHIEF MURRAY: I mean, I would want more 14 commitment as far as the resources, as far as personnel 15 and employees. But I understand there's an attrition 16 policy in place. All of these decisions for personnel, 17 for employee expansion or what-have-you, has to pass the 18 Council. So if -- if it doesn't pass the Council, we're 19 back to square one. And that's my only apprehension, is 20 that if -- if the support is not completely all the way 21 around legislatively, administratively -- 22 COMMISSIONER MOIKEHA: So then now it's much 23 clear as to why this is important to be a Charter 24 Amendment, because then they're mandated to do it. And 25 this might be better for you as the chief, in overseeing</p>	<p style="text-align: right;">Page 83</p> <p>1 might arise from -- from the new division within the 2 accreditation process within that timeframe of a year 3 and-a-half to three years. 4 COMMISSIONER MOIKEHA: And how long has the 5 accreditation process been ongoing even -- 6 CHIEF MURRAY: Well -- 7 COMMISSIONER MOIKEHA: -- in terms of years 8 even prior to you coming on? You've been here how long 9 as the chief? 10 CHIEF MURRAY: Four years. 11 COMMISSIONER MOIKEHA: So was that the start 12 of it, four years ago, where there's been discussion to 13 move towards -- 14 CHIEF MURRAY: The actual start has been done, 15 since I took over. There have been many discussions 16 between the commission, the Fire and Public Safety 17 Commission, with previous administrations. Nothing was 18 sent forward. We actually have the documentation to 19 move forward. 20 COMMISSIONER MOIKEHA: Okay. So now that you 21 have this documentation to move forward -- and I don't 22 even know what that entails -- 23 CHIEF MURRAY: Quite a bit. 24 COMMISSIONER MOIKEHA: -- the next step is to 25 submit an application?</p>
<p style="text-align: right;">Page 82</p> <p>1 the duties within your department, if they give you what 2 you're requesting so that this can be done in the right 3 way. 4 CHIEF MURRAY: Absolutely. One of the 5 questions is, though, is this body, as far as the 6 Charter Commission, able to actually put that personnel 7 into a bill or a change that would -- I don't believe -- 8 COMMISSIONER MOIKEHA: I don't think that's, 9 yeah, our purview, but it's certainly our purview to put 10 language in here that determines or mandates that this 11 division will move. 12 CHIEF MURRAY: Right. 13 COMMISSIONER MOIKEHA: And whatever the 14 resources are to make it efficiently work, you know, the 15 County's going to have to, you know, step up to it. 16 My other question is, I think, at the last 17 time I was here with your testimony, you talked about 18 the accreditation. And where are you today in the 19 accreditation? Has the application been submitted? 20 CHIEF MURRAY: Well, we are -- we haven't 21 submitted the application yet. We have been waiting 22 because I -- there's no way I could pull off both of 23 these things without having the resources. If I get all 24 the resources, we can do it simultaneously. I am hoping 25 that we would be able to solve whatever problems that</p>	<p style="text-align: right;">Page 84</p> <p>1 CHIEF MURRAY: Yes. We submit an application 2 and start the process of fulfilling all of -- all of the 3 256 criteria that we need to fulfill. 4 COMMISSIONER MOIKEHA: So then this would be 5 the best time for the Ocean Safety to move? 6 CHIEF MURRAY: Not necessarily. Because we 7 have front-loaded everything we have on our department. 8 So we're ready -- we're about 85 to 90 percent ready to 9 roll. So as we identify new items that we need to fix, 10 then we'll fix it at that moment by -- we haven't -- we 11 don't understand the process enough to confidently say, 12 yes, it's not an issue. 13 It has been told by us, by -- by the 14 accreditation agency, that it may and will cause a 15 hindrance. 16 COMMISSIONER MOIKEHA: It may -- 17 CHIEF MURRAY: Yes. 18 COMMISSIONER MOIKEHA: -- or will? And how is 19 that so. 20 CHIEF MURRAY: The word that they used was 21 "will". 22 COMMISSIONER MOIKEHA: And how will it? I am 23 not following how that fits in, how that would create a 24 barrier or a challenge. 25 CHIEF MURRAY: The barrier or challenge is</p>

<p style="text-align: right;">Page 85</p> <p>1 specifically in documentation, whether it's reports, 2 maintenance, whatever it is to do with all the 3 documentation. In order to start your accreditation 4 process, you have to -- you need to have three to five 5 years of all that data clear and concise. And I cannot 6 account for that right now.</p> <p>7 COMMISSIONER MOIKEHA: Okay. I can understand 8 that. But isn't Ocean Safety already accredited itself? 9 CHIEF MURRAY: The program that they use is 10 accredited.</p> <p>11 COMMISSIONER MOIKEHA: Is accredited. So -- 12 CHIEF MURRAY: The program that they use. 13 COMMISSIONER MOIKEHA: Okay. 14 CHIEF MURRAY: USLA is an accredited program. 15 COMMISSIONER MOIKEHA: Okay. 16 CHIEF MURRAY: As far as all the other 17 functions within that division, I cannot answer that. 18 COMMISSIONER MOIKEHA: Okay. So within the 19 accreditation, and they're already accredited as a 20 program, and they have to be certified every year? I 21 don't know how much -- 22 CHIEF MURRAY: Yes. 23 COMMISSIONER MOIKEHA: -- you know about this. 24 CHIEF MURRAY: That certification for them is 25 annually, they have to take a test. But that's only</p>	<p style="text-align: right;">Page 87</p> <p>1 is "yes" as well. And I just think it can be worked 2 out. And I can see when there's a pressure of a 3 timeframe, whether it's the Administration, maybe the 4 Ocean Safety, maybe you, I can see where people are 5 pulling back, and where there's not clear communication. 6 And there is a lot of miscommunication going on here, 7 you know. 8 And I don't know how to resolve that. And 9 that's not my responsibility, but I -- I would say to 10 get as many key people involved, representation from the 11 Ocean Safety department, besides the director, if you 12 want the commission there, that's fine, too, your staff, 13 the staff -- work it out. It's going to happen. And 14 you can either get it shoved down your throat -- I'm 15 sorry, but, really -- 16 CHIEF MURRAY: That's what it feels like. 17 COMMISSIONER MOIKEHA: -- as other counties 18 have done. And you're gonna have to live with that, and 19 create even more problems. Or you guys can all sit down 20 and let's just work it out, let's agree to a timeframe. 21 I mean, I can't even see anywhere there's any agreement 22 as to a timeframe. And I just believe that this could 23 be worked out if all key players just take a cleansing 24 breath, come together and just do it. Because it's 25 gonna happen.</p>
<p style="text-align: right;">Page 86</p> <p>1 specifically to that function of -- of them responding 2 in the ocean. 3 COMMISSIONER MOIKEHA: Now, do they sort -- do 4 they train your department, Ocean Safety, firefighters, 5 or -- I don't know what their title is. 6 CHIEF MURRAY: No. At one point in time, both 7 departments partook in a -- in a training class that was 8 put on by USLA instructors, and we have certified 9 individuals and they have certified individuals, and we 10 went, basically -- 11 COMMISSIONER MOIKEHA: But that certification 12 would be at the same level? 13 CHIEF MURRAY: It should be. 14 COMMISSIONER MOIKEHA: Okay. All right. You 15 know, I understand the process as you've explained it. 16 And I am certainly not in it, so I don't know all these 17 details. And I appreciate your information. But I 18 really think that if everybody is in agreement, the 19 Administration, yourself, the department, Ocean Safety, 20 this could be worked out to everybody's benefit. 21 CHIEF MURRAY: Absolutely. 22 COMMISSIONER MOIKEHA: I mean, I -- I look to 23 the Chair's statement, is it not better served to have 24 Ocean Safety under the Fire Department. And for me, 25 it's yes. I don't know how -- I believe your answer now</p>	<p style="text-align: right;">Page 88</p> <p>1 CHIEF MURRAY: I agree. 2 COMMISSIONER MOIKEHA: And I agree -- I, even 3 more than ever, believe that this needs to be a Charter 4 Amendment, and with a transitional plan that works for 5 everyone. That's my comments. 6 CHAIR STONE: Thank you. Thank you, Susan. 7 Flo, you had your hand up first. 8 COMMISSIONER WIGER: Thank you. Hi again, 9 Chief. 10 CHIEF MURRAY: Hello. 11 COMMISSIONER WIGER: Here we go. Okay. So 12 just want to be clear. You support it being 13 transferred? 14 CHIEF MURRAY: Yes. 15 COMMISSIONER WIGER: Okay. And given the plan 16 in place, which is a little different than what -- where 17 you were at our last meeting. 18 CHIEF MURRAY: Well, you asked me personally 19 what I thought. 20 COMMISSIONER WIGER: Okay. And -- 21 CHIEF MURRAY: And I think you made a 22 statement earlier about how a transition -- actually, 23 you just asked me that question, and that was the answer 24 that I gave you. There was nothing else involved with 25 that.</p>

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1 COMMISSIONER WIGER: Okay. So the fact --
 2 then, let's take it out of the personal. From a
 3 professional standpoint, you will support the movement,
 4 and -- and, obviously, that means that, if you support
 5 it professionally, you will show the leadership, in your
 6 department, that things will then move along. Because I
 7 firmly believe that if you don't have leadership from
 8 the top that says, "Look, folks, we're going to do this,
 9 we're going to do it right, and let's move on here," if
 10 that comes from your voice, and you say that to folks,
 11 it's going to influence the people in your department
 12 and it's going to influence the commission. But I think
 13 that has to be a real key component of this happening.
 14 Because if people sense that you're not on board, we've
 15 all been around the block enough times to know that
 16 subversive stuff happens and then nothing happens.
 17 CHIEF MURRAY: Well, as you know, this was a
 18 part of our Strategic Plan.
 19 COMMISSIONER WIGER: I know.
 20 CHIEF MURRAY: So --
 21 COMMISSIONER WIGER: Yeah.
 22 CHIEF MURRAY: -- for me to come here
 23 prepared --
 24 COMMISSIONER WIGER: Yeah. No.
 25 CHIEF MURRAY: -- having a plan, everything

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1 ready for you --
 2 COMMISSIONER WIGER: No.
 3 CHIEF MURRAY: Which if somebody gave that to
 4 me four years ago, it would have been done already. But
 5 that wasn't the case. And I don't feel we have
 6 appropriate amount of time to put together a plan. You
 7 know, this accreditation thing has taken every -- every
 8 bit of energy to put -- set forth. And we spent a lot
 9 of time and energy and money. That I think, you know,
 10 our department should move forward now because this is
 11 the best opportunity we've ever had. And I think we
 12 should move because those opportunities only come once
 13 in a while. And for us not to do that, and for the
 14 public's well-being, I -- I think we should take
 15 advantage of that wholeheartedly, because that's what
 16 we've spent our energy on.
 17 CHAIR STONE: Thank you.
 18 Commissioner Baxa.
 19 COMMISSIONER BAXA: Chief, actually, I do not
 20 have a question for you. I would like to make this
 21 comment. Thank you for coming in today.
 22 CHIEF MURRAY: You're welcome.
 23 COMMISSIONER BAXA: There's a lot of things
 24 that have been clarified as far as I am concerned. And
 25 I appreciate very much this calm professional dialogue

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1 that have been going on this morning. To me, that is
 2 what leadership is about. Things have cleared up for
 3 me. Thank you very much.
 4 CHIEF MURRAY: You're welcome.
 5 CHAIR STONE: Thank you.
 6 Wayne, go ahead.
 7 VICE-CHAIR HEDANI: Chief, I just wanted to
 8 say from a personal perspective that I appreciate the
 9 fact that, when you come before the commission, you give
 10 an opinion from a personal perspective as well as
 11 respecting, you know, what you believe is the greater
 12 good, you know, from that perspective.
 13 What we need to decide is just whether or not
 14 this particular question should go on the ballot or not.
 15 And it's a relatively simple question, you know, from
 16 our perspective.
 17 The other thing that I wanted to say was, from
 18 the standpoint of accreditation, I was quite proud of
 19 the fact the Police Department, you know, had attained
 20 accreditation. Only five percent of the departments in
 21 the country attained accreditation. And they had
 22 managed to do that. I would guess that the percentage
 23 probably is the same at the Fire Department.
 24 CHIEF MURRAY: It's much less for Fire.
 25 VICE-CHAIR HEDANI: Okay. So less than five

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1 percent of the departments are accredited.
 2 In order to achieve that -- and this is, you
 3 know, if this goes onto the balance, if it gets approved
 4 by the voters, if it gets crammed down your throat, from
 5 that perspective -- it might be because the goalposts
 6 are changing from what the goalposts were when you hired
 7 on as the Fire Chief for the Maui Fire Department, it
 8 might be incumbent upon the Fire Commission to
 9 reevaluate the goalposts to make sure that they
 10 understand that there's been a hickey thrown into this
 11 whole thing and that the goalposts are now different, or
 12 should be different. Maybe you should hold off on
 13 accreditation until you have three years' worth of
 14 records, all the "I"s dotted, all the "T"s in place,
 15 before you even apply. So that, when you apply, you
 16 have a much greater chance of succeeding.
 17 That would just be my perspective.
 18 CHAIR STONE: Thank you.
 19 Stacy.
 20 COMMISSIONER CRIVELLO: Thank you, Chief, for
 21 being here.
 22 I guess to segue off the conversation about
 23 accreditation, and for the lay people, like me, can you
 24 -- you know, if that -- we were to put that on hold,
 25 what is, in your opinion -- and coming from the Fire

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1 Department and your networking throughout the nation, I
 2 am assuming -- is the value of accreditation for the
 3 welfare of our community and the public safety of our
 4 community? Can you kind of educate me about
 5 accreditation, why you sense that is a value? And, if
 6 not, then is it okay to kind of put it on -- on hold?
 7 CHIEF MURRAY: Thank you for that question.
 8 Accreditation as a whole is two things.
 9 Accountability. Not accountability just within the
 10 department, but accountability to the community. After
 11 that is done, a document would be completely done on the
 12 accountability of the whole department.
 13 For instance, equipment that is -- that should
 14 be required by each engine company, each ladder company,
 15 each rescue company, and how they will do their business
 16 with that specific equipment, how the department
 17 maintains that equipment.
 18 Earlier mentioned about a rogue leader or a
 19 rogue politician. That was good. This -- this would
 20 not allow things like that to happen, yeah. An
 21 accreditation exposes the best of your department and
 22 the worst of your department. So now you're able to
 23 identify the things clearly by a third-party of what has
 24 not been addressed. Yeah, you can talk about all the
 25 great things that you do and how we conduct business

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1 now, but what about the things that we're not conducting
 2 or the things that we are conducting that we shouldn't
 3 be? That's what gets identified. And that's what's
 4 ultimately the final product for the community. And
 5 that's why I feel that that's the most important thing.
 6 And accredited departments, there's only 144
 7 in the world out of over 8,000 paid departments and
 8 volunteer departments throughout the world. 144. Now,
 9 doesn't Maui County deserve that? To at least go
 10 through the process and identify what we do well and
 11 what we don't do well, and how we can work on those
 12 things to make it better in our response to the
 13 community, and focus our funding, our training and
 14 everything towards that? That's where the
 15 accountability comes.
 16 So say a rogue chief comes in. That person
 17 won't be able to go right or left too far because that
 18 accountability will be there. All the personnel in the
 19 department will know what is required by that chief.
 20 And the chief would know that from taking that job, you
 21 know.
 22 I often really, really feel, deeply, that
 23 politics serves no purpose in public safety because it
 24 should be our oath that we take that goes -- set forth
 25 for our product to the community, you know. I mean,

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1 some people take it differently. I don't take it
 2 differently.
 3 You know, there's been a lot of sleepless
 4 nights, a lot of evenings, a lot of weekends that I've
 5 spent away from my family to build this process for this
 6 accreditation. Not just me, I mean, there's 30 other
 7 people that have worked towards this. And they feel the
 8 passion of doing this as well, because it's for the
 9 people. They want to be able to retire from this
 10 department and walk away and knowing that the department
 11 will have set that standard and won't slip, regardless
 12 of who is in charge.
 13 And, you know, I respect the Mayor's answer to
 14 you, Judge, that -- when you posed him with that
 15 question. That was perfect. That's exactly how it
 16 should be. And whether we disagree with how the process
 17 goes, the accountability should be there. The bottom
 18 line is what the end product is should be best for the
 19 community.
 20 And right now, as it stands, I don't think we
 21 would change our process of how we respond together as
 22 Ocean Safety and Fire Department. I think that would
 23 stay the same. I think through the changes of the
 24 policies is when we can make one difference. As far as
 25 going from sunrise to sunset, all of those things need

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1 to be worked out through the union. Then we can make
 2 one difference. Right now, it's not going to change.
 3 Everything that Kauai talked about, where it's
 4 as far as communications with radios, equipment,
 5 response, all of those things. No other department was
 6 doing it the way we did it.
 7 And you can ask these guys here, I was one of
 8 the individuals that helped with the process of them
 9 getting radios, working with the ICS system. I've --
 10 you know, I've tried to make this process work for the
 11 people.
 12 And all I am asking for is some time and some
 13 legitimate time and a plan to just get this thing done.
 14 I don't think they disagree with that, you know.
 15 Ultimately, it's the product that we put
 16 forward. If it's not going to change, then we should
 17 take our time; if it does change, then we should make it
 18 now.
 19 CHAIR STONE: Thank you, Chief.
 20 Go ahead, Kay.
 21 COMMISSIONER OKAMOTO: Thank you for coming
 22 in. Two things.
 23 As a school teacher, we go through
 24 accreditation every five to seven years. And, yes, it's
 25 -- it's vital for -- for schools. If you're not

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1 accredited, you almost don't exist. Obviously, it may
 2 not be quite as much because there's a fewer number that
 3 are accredited.
 4 My big concern is the unions. I just see that
 5 as a huge -- your firefighters are in one union, your
 6 lifeguards are another union. I don't see, without
 7 having that in place, how is that going to -- and have
 8 you had any talks with the unions?
 9 CHIEF MURRAY: I've made -- I've reached out
 10 to HGEA to come in. But they've sent a letter to the
 11 Mayor's Office stating that they're not in favor of it
 12 at this time. They want to see a plan. And -- and
 13 rightfully so. It's their employees that they need to
 14 protect.
 15 But how can -- together, cooperatively, can we
 16 make a product that is better for our community? I
 17 don't really care how they do it in any other county; I
 18 care about how we do it here. And, to me, that's
 19 ultimate, you know.
 20 So I appreciate that. And, yes, accreditation
 21 would be key to all of us.
 22 CHAIR STONE: Yes. Go ahead, Kay.
 23 COMMISSIONER OKAMOTO: One follow-up. So at
 24 this time -- and I am kind of maybe on the different
 25 side of the fence than some -- do you see actual

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1 procedures changing one way or the other?
 2 CHIEF MURRAY: Absolutely.
 3 COMMISSIONER OKAMOTO: Procedures within your
 4 department or for the public?
 5 CHIEF MURRAY: I would say procedures in both
 6 divisions, Fire and Ocean Safety, I would see changes.
 7 There's changes that need to be made.
 8 COMMISSIONER OKAMOTO: Okay. Can you give me
 9 an example?
 10 CHIEF MURRAY: Just response hours to meet. I
 11 mean, there's -- there's been occasions where we worked
 12 directly with them. For instance, if we had a large
 13 brush fire, and I had all of my units out there,
 14 including my rescue company, who does ocean, I would ask
 15 Archie -- I would actually call him to see if his boss
 16 would allow them to work overtime to stay in the
 17 districts that our people couldn't respond to. And they
 18 would always oblige us. That's -- that's the working
 19 relationship that we have. We already have a working
 20 relationship. I think we just need to work out the
 21 details.
 22 COMMISSIONER OKAMOTO: So if you already have
 23 that working relationship, when they come in with you,
 24 it just means you didn't have to ask somebody else if
 25 they could work overtime?

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1 CHIEF MURRAY: Yeah, I can make the decision
 2 myself. And I think that would be a great thing. But
 3 we still need to have those details. And -- and it's
 4 better to front-load the details, get that all worked
 5 out, get the unions to agree early, train the personnel,
 6 whether it's our personnel or their personnel, all the
 7 personnel, on how we're going to conduct business. Then
 8 the product's good to go from the beginning, not after
 9 the fact.
 10 COMMISSIONER OKAMOTO: Thank you.
 11 CHAIR STONE: Chief, the Chair has a quick
 12 question. You strike me as a very intelligent,
 13 passionate, resourceful and motivated individual.
 14 CHIEF MURRAY: Thank you very much.
 15 CHAIR STONE: I think -- I think that you're
 16 -- you know, you and the commission can overcome any
 17 obstacles if they were put in front of you, given the
 18 right resources, that's what I am hearing.
 19 What we are looking for, really, I believe, as
 20 a commission, is we need -- we need to get a set
 21 timeframe that allows for -- if this transition were to
 22 be accepted, if -- first of all, if we put it forward
 23 and if it's accepted, because that's not decided exactly
 24 yet, we need to work on that timeframe. I think that's
 25 the most critical thing here. I heard a few things like

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1 three months to hire a battalion chief.
 2 CHIEF MURRAY: Possibility. I've seen it
 3 worse, you know.
 4 CHAIR STONE: Okay. So, you know, that's a
 5 good start. So we're looking at, okay, say come the
 6 election, three months to hire a battalion chief, after,
 7 you know, that -- that happens, I imagine it would be
 8 the commission that would end up doing that, then there
 9 has to be a negotiating -- negotiation period between
 10 the unions, clearly.
 11 CHIEF MURRAY: Uh-huh.
 12 CHAIR STONE: So I am not savvy to how long
 13 those type of negotiations take. I know they happen all
 14 the time, so, you know --
 15 CHIEF MURRAY: Not all the time in a timely
 16 manner. It is very costly to put personnel on there.
 17 So that's why I am saying, if the battalion chief could
 18 be in position minimum a year out, that that person
 19 would be the focal point to give you about six months to
 20 four months out, everyone, "Eh, we can move on this in
 21 July or we can move on this in January." That -- you
 22 know, and then, that way, the budget could move forward
 23 on the personnel that needs to come, resources that
 24 needs to be there. Then it would be a time fashioned
 25 and everybody would be well aware of what their job

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1 duties is from whatever date you choose.
 2 It's hard for me to answer that question
 3 because I don't have all of that before me. I mean,
 4 we've -- we are trying to. I just can't give you an
 5 answer that, you know, three years, five years. I don't
 6 know.
 7 But one of the other things is that the Fire
 8 Department, because they're the accepting department,
 9 should -- should have a final say on -- on the
 10 acceptance and where everything should be. Because we
 11 can work through anything. And we do it all the time.
 12 When we respond to something, we don't know what we're
 13 coming against. But this is different. We have an
 14 opportunity to put it down in writing to actually see
 15 this thing through.
 16 And, yeah, we're going to get bugs at some
 17 point in time. But once you get all of that done, I
 18 mean, it will be minimized. My whole thing is to
 19 minimize that because people have to do the work for
 20 that. That -- that's the issue.
 21 CHAIR STONE: Very good. So, Chief,
 22 obviously, this timeframe has to fall like before
 23 budget, clearly.
 24 CHIEF MURRAY: Yes.
 25 CHAIR STONE: So the Mayor had suggested from

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1 election to next budget, which is like a seven-month
 2 period. Does that seem like a tight fit to you?
 3 CHIEF MURRAY: That's a tight fit.
 4 CHAIR STONE: Tight fit. Okay. So something
 5 more along the lines of from election to next following
 6 year's budget. Not the next budget, but the year after
 7 that.
 8 CHIEF MURRAY: See, the Mayor put -- has
 9 approved it to go into this budget, so 2013 FY.
 10 So if we get it in July, then we would be able
 11 to kind of see where everything would end up, because
 12 that individual would be, hopefully, by -- in that
 13 position by September. But now you have a focal point,
 14 one person doing all of the work and -- and, hopefully,
 15 getting a staff at some point in time to finish the
 16 work.
 17 CHAIR STONE: Very good. Thank you.
 18 CHIEF MURRAY: You're welcome.
 19 CHAIR STONE: That's helpful.
 20 Commissioner De Rego.
 21 COMMISSIONER DE REGO: This is from a
 22 professional and not a personal standpoint. Would you
 23 prefer, in terms of the form that this takes, that the
 24 Charter Commission put forward a Charter Amendment with
 25 Ocean Safety added in within the change to the Charter,

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1 or would you prefer to have the political process play
 2 out between the departments, the Mayor and the Council,
 3 so that some sort of agreement is made administratively
 4 on this? Because, as we've heard, the Mayor can do
 5 this, anyway, if he wants, but the Council has to fund
 6 it. Which process would you prefer have play out?
 7 CHIEF MURRAY: I think the most efficient
 8 process would be through a Charter decision, efficient.
 9 Because you cannot -- none of us can answer for
 10 political angles, you know. I find that hard to deal
 11 with, to begin with. But my opinion would be go through
 12 the Charter process.
 13 COMMISSIONER DE REGO: Okay.
 14 CHAIR STONE: Thank you.
 15 Commissioner Moikeha.
 16 COMMISSIONER MOIKEHA: If I -- I don't know if
 17 you have a copy of the actual wording that we received.
 18 And if you could please just take a look at that. And I
 19 would like to ask you if you're okay with the language.
 20 This is Article 8, Section 7.
 21 CHAIR STONE: Commissioners, I just want to
 22 point out, we do have a representative from Personnel
 23 Services, who has been waiting, and Parks as well.
 24 Right.
 25 COMMISSIONER DE REGO: Okay.

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1 CHAIR STONE: Just to point out.
 2 COMMISSIONER MOIKEHA: And this -- I'll be
 3 real quick. Number 2, 3 and 4, all we're doing is we're
 4 adding specifically "ocean rescue and safety". And
 5 then, down below, under a new section, it would state:
 6 "The Maui County Fire Department shall provide the
 7 timetable for the transition to include the functions of
 8 ocean rescue and safety."
 9 So I am not real clear what Josh had stated
 10 earlier, that we had to have a specific timeframe
 11 because the way -- sorry -- the way this is reading to
 12 me is that it's up to you as the County Fire Department
 13 to determine the timetable. And that we could be as
 14 general as that.
 15 CHAIR STONE: Okay.
 16 COMMISSIONER MOIKEHA: What is your opinion,
 17 Jeff?
 18 CHIEF MURRAY: Well, I believe we already take
 19 care of ocean rescue and safety. I think we need to
 20 specifically look at the beach, the term or the word
 21 "beach" might -- might be added to solve that problem.
 22 And I think the added new section would suffice our
 23 department, but, again, ultimately, it comes down to the
 24 positions that are requested and if they could be in
 25 that.

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1 COMMISSIONER MOIKEHA: Okay. I'm sorry.
 2 Where would you add "beach"? After 2?
 3 MR. KALEPA: What's that? Beach and ocean
 4 safety services, both of them.
 5 CHIEF MURRAY: Yeah, beach and ocean safety,
 6 yeah.
 7 CHAIR STONE: Got it.
 8 COMMISSIONER MOIKEHA: Okay. So we just add
 9 that --
 10 CHIEF MURRAY: Because we already do ocean
 11 rescue and safety.
 12 COMMISSIONER MOIKEHA: Okay. So "beach, ocean
 13 rescue and safety". Okay.
 14 CHAIR STONE: Sorry. Just to be -- so
 15 following -- let's get it -- let's get it right here.
 16 So, "Provide and perform firefighting, rescue" --
 17 COMMISSIONER SUGIMURA: Beach.
 18 CHAIR STONE: Beach -- or do ocean rescue and
 19 safety or would you --
 20 CHIEF MURRAY: You can add that.
 21 CHAIR STONE: So beach, ocean rescue and
 22 safety.
 23 CHIEF MURRAY: Or ocean.
 24 CHAIR STONE: Beach --
 25 CHIEF MURRAY: Just fit it in somewhere. It

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1 sounds better.
 2 COMMISSIONER DE REGO: Point of order,
 3 Mr. Chair.
 4 CHAIR STONE: Yes, please. Go ahead.
 5 COMMISSIONER DE REGO: I think Mr. Kalepa and
 6 Chief said "beach and ocean safety". So it would be
 7 "rescue, beach and ocean safety, and first responder
 8 emergency services in order to save lives and property".
 9 That's what I heard.
 10 CHIEF MURRAY: That sounds good.
 11 MR. KALEPA: That's correct. That's good.
 12 CHAIR STONE: Okay. Very good. Beach -- so
 13 let me just -- one second.
 14 COMMISSIONER HASHIMOTO: Shoreline.
 15 CHIEF MURRAY: Shoreline.
 16 COMMISSIONER HASHIMOTO: That covers
 17 everything, because the beach, you know, you would think
 18 of it being --
 19 CHIEF MURRAY: Most people think of beach as
 20 sand. And beach is actually where the water meets the
 21 earth.
 22 COMMISSIONER HASHIMOTO: (Inaudible.)
 23 CHIEF MURRAY: Okay.
 24 CHAIR STONE: Thank you.
 25 So, Chief, Commissioner Moikeha had a good

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1 point, actually. I was a little bit off target there
 2 discussing timeframe. And the reason why Commissioner
 3 Moikeha brought it up, because the Mayor had proposed a
 4 set timeframe, which might be beneficial as well because
 5 it puts pressure on Council to make a decision on
 6 budget. But, Chief -- Chief --
 7 CHIEF MURRAY: Good luck with that. I mean,
 8 you know, you would have to actually get their buy-in,
 9 you know. And -- and the dynamics of that change every
 10 two years, so -- I mean --
 11 CHAIR STONE: Under our proposal, it does --
 12 it does -- as written as of right now, our draft, is
 13 that the timetable for the transition is up to the Maui
 14 County Fire Department.
 15 CHIEF MURRAY: Yeah, that sounds good.
 16 CHAIR STONE: It does sound good, but it
 17 doesn't mean like, you know, endless.
 18 COMMISSIONER DELEON: That's what it means
 19 right now.
 20 CHAIR STONE: That's what it does mean at the
 21 moment, if so desired. So I guess that was -- okay.
 22 COMMISSIONER DELEON: Mr. Chair?
 23 CHAIR STONE: Commissioner DeLeon.
 24 COMMISSIONER DELEON: This is driving me a
 25 little bit crazy because we did have all of this

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1 conversation last week.
 2 COMMISSIONER DE REGO: Last week.
 3 COMMISSIONER DELEON: We did, chapter and
 4 verse. There was a proposal that did not -- did not
 5 succeed to put a three-year limitation on this -- in
 6 this. So I don't know, is it appropriate to make a
 7 motion at this point or are we --
 8 CHAIR STONE: No.
 9 COMMISSIONER DELEON: -- still in discussion?
 10 CHAIR STONE: Not at this point. This is
 11 going to come up.
 12 COMMISSIONER DELEON: My point was that this
 13 is a veto authority. You can veto anything in this,
 14 because they're not ready, and I'm not ready, I'm not
 15 ready, I'm not ready. 20 years of not ready. So -- so
 16 if we can, at some point, we need to have a -- have a
 17 point. The reason for the three years was that was the
 18 outside line for the accreditation.
 19 CHAIR STONE: Uh-huh.
 20 COMMISSIONER DELEON: So that gives enough
 21 time to be able to finish that process in an orderly
 22 manner. And if they don't make it, then I guess they're
 23 not going to make it. But, I mean, you know, the -- the
 24 language that Yuki pointed out earlier, fairly clear to
 25 me that it was already intended for this to happen at

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1 some point earlier.
 2 COMMISSIONER DE REGO: Exactly.
 3 COMMISSIONER DELEON: And, obviously, it
 4 didn't. So we need to move along.
 5 CHAIR STONE: Okay. Thank you.
 6 Commissioner Moikeha.
 7 COMMISSIONER MOIKEHA: Yeah. I just want to
 8 say that I appreciate my colleagues for being patient
 9 with us that weren't here the last time, but I think, as
 10 what we've heard in testimony, things have changed once
 11 again from the last meeting to today. So, you know,
 12 it's all a journey.
 13 And to the Chief, I can see your passion for
 14 this accreditation. And I totally, totally support
 15 that. I just don't feel -- I think maybe there's some
 16 pressure here where you're feeling like you have to give
 17 up that to address this, and there might be a
 18 sacrificial lamb here. And I don't -- I don't see it
 19 that way, but I am not involved to the extent that you
 20 are. And I totally see your passion. I totally believe
 21 this could be worked out. And, you know, it will be a
 22 benefit to the entire community. And -- I don't know.
 23 CHIEF MURRAY: I have a question of
 24 clarification. So if it does get on the ballot and it
 25 does pass, when would the three years mark start from?

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1 CHAIR STONE: It would start the day after it
 2 passed, I believe.
 3 CHIEF MURRAY: So January 1st --
 4 CHAIR STONE: It would be --
 5 CHIEF MURRAY: Of 2013 --
 6 COMMISSIONER CRIVELLO: January 2nd.
 7 CHIEF MURRAY: January 2nd?
 8 CHAIR STONE: Let me ask my Analyst to be
 9 sure.
 10 MS. BRODER: January 2nd.
 11 CHAIR STONE: January 2nd. Very good.
 12 CHIEF MURRAY: So I could start accreditation
 13 next month and that would give me within three years to
 14 get it done. I don't know. Your call.
 15 CHAIR STONE: I don't know about
 16 accreditation. That's your call.
 17 Yuki.
 18 COMMISSIONER SUGIMURA: I think that it's
 19 micromanaging for us to say, okay, Chief, now you gotta
 20 give us three years, or you're gonna give us three years
 21 and six months or whatever. I mean, I think you just
 22 got to do it and it's going to fall in its right path.
 23 But I don't think it's for us to say you got to do it
 24 within a certain time. I mean, I think --
 25 CHIEF MURRAY: I appreciate that. And I am

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1 just trying to answer the question of --
 2 COMMISSIONER SUGIMURA: Yeah, yeah, yeah.
 3 CHIEF MURRAY: -- timeframe so that others can
 4 feel confident that it will actually get done.
 5 COMMISSIONER SUGIMURA: But I think, to me,
 6 the most valuable information that has come out is
 7 listening to you talk about this accreditation. Because
 8 you've talked to us before. I think maybe you've talked
 9 to us three or four times.
 10 CHIEF MURRAY: Uh-huh.
 11 COMMISSIONER SUGIMURA: But just listening to
 12 you today, the conviction that you have for the public
 13 safety and for the people of Maui County, which you --
 14 is truly what you said before is your first boss, not
 15 the Fire Commission and not the Mayor, but you have this
 16 great heart and soul for the community. That I would
 17 not like us to see us say, okay, you only have three
 18 years to do this and we're going to throw this at you
 19 and you gotta, you know -- I mean, do it right. I mean,
 20 this is -- I mean, 144 accredited fire stations in the
 21 -- or fire departments out of 8,000 in the world, and
 22 we're going to be one of them. We're going to be 145.
 23 Go for it.
 24 CHIEF MURRAY: It opens a lot of doors.
 25 COMMISSIONER SUGIMURA: Yeah, opens a lot of

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1 doors.
 2 CHIEF MURRAY: And it helps our -- our
 3 personnel stay educated.
 4 COMMISSIONER DELEON: Chair?
 5 CHAIR STONE: Thank you.
 6 MR. KUSHI: Chair?
 7 CHAIR STONE: Go ahead, Ed.
 8 MR. KUSHI: Mr. Chair, point of clarification,
 9 since the Chief is here, and for your deliberation
 10 purposes. This timetable, is it supposed to be a
 11 report, and who is it provided to?
 12 CHAIR STONE: Are you asking me, Ed?
 13 MR. KUSHI: Well, the language is kind of
 14 vague.
 15 COMMISSIONER DELEON: Mr. Chair?
 16 CHAIR STONE: Yeah, Commissioner DeLeon.
 17 COMMISSIONER DELEON: It's -- the act of
 18 incorporating this division into the Fire Department is
 19 three years, within three years. It's a transitional
 20 period for incorporating the action that the Charter
 21 would be requiring.
 22 MR. KUSHI: So this is some sort of report
 23 that the Chief -- that the department would produce to
 24 who?
 25 COMMISSIONER DELEON: Not a report. It's a --

<p style="text-align: right;">Page 113</p> <p>1 it's to be a final incorporation of the division into 2 the department. They got three years to do the 3 incorporation. 4 MR. KUSHI: So it's not a report, it's not -- 5 it's a timetable and you're just saying do it within 6 three years. 7 COMMISSIONER DELEON: Right. 8 MR. KUSHI: And if you don't do it, then it's 9 subject to -- they're subject to a violation of the 10 Charter. 11 COMMISSIONER DELEON: If the Charter's now 12 required, then they will have to be answerable to 13 whoever the Charter police is. 14 MR. KUSHI: Fine. 15 CHAIR STONE: Thank you. 16 COMMISSIONER SUGIMURA: Who is the Charter 17 police? 18 CHAIR STONE: Stacy. 19 COMMISSIONER OKAMOTO: Charter police? 20 COMMISSIONER CRIVELLO: Mr. Kushi, wouldn't 21 this be part of the work or, I guess, not so much a 22 report, but part of the transitional provisions? 23 MR. KUSHI: Yes. 24 COMMISSIONER CRIVELLO: So if we get specific, 25 then it's a violation. So if we sort of generically say</p>	<p style="text-align: right;">Page 115</p> <p>1 COMMISSIONER BAXA: Yeah. Mr. Chair, we're 2 talking about three years, but I don't think, the way I 3 hear it right now, there was nothing really decided 4 about the three years. 5 CHAIR STONE: I'm sorry. Let's -- you know, I 6 want to put an end to this discussion -- 7 COMMISSIONER BAXA: Yes. 8 CHAIR STONE: -- about three years at the 9 moment. 10 COMMISSIONER BAXA: I just want to be clear as 11 well. 12 CHAIR STONE: Very good. 13 COMMISSIONER BAXA: Because we -- we are going 14 too far, I think, in our discussion. It is essential 15 for us as a commission if we go on this route, to 16 establish a transitional period. If we (inaudible) the 17 transitional period, that it will not be effected, then 18 people will be responsible for not effecting it. We 19 should put that. Whether it is two years or three 20 years, we should do that. 21 CHAIR STONE: Okay. 22 COMMISSIONER BAXA: Thank you, Mr. Chair. 23 CHAIR STONE: Thank you very much, 24 Commissioner Baxa. 25 Again, we're going to have many, many hours to</p>
<p style="text-align: right;">Page 114</p> <p>1 it, then the chances of violation is, is this? And who 2 is in violation, the Fire Department? 3 MR. KUSHI: Fire Department, Fire Commission, 4 maybe the Mayor. 5 COMMISSIONER CRIVELLO: Okay. 6 COMMISSIONER BAXA: Mr. Chair? 7 CHAIR STONE: Thank you. 8 Go ahead. Wayne had his hand up first. 9 VICE-CHAIR HEDANI: Well, I think -- and 10 everybody can correct me if I am wrong -- the last 11 meeting when we discussed this, we voted on the issue of 12 a timeframe for incorporation. We discussed a 13 three-year timeframe. The motion was lost. 14 COMMISSIONER DE REGO: Lost, right. 15 VICE-CHAIR HEDANI: And we moved forward, 16 basically, with a request for additional information. 17 Plus, the language that you see here which allows -- 18 allows the department to determine the timeframe. So 19 that was where our discussion was left at the last 20 meeting. And I haven't heard any motion or proposals at 21 this meeting yet. 22 CHAIR STONE: Which we're not going to be 23 taking at this time. We'll work on that later. Thank 24 you, Wayne. 25 Commissioner Baxa.</p>	<p style="text-align: right;">Page 116</p> <p>1 discuss this after our resource people go on to do their 2 jobs. So any further clarification for the Chief? Then 3 we can move on to the other resource people. 4 (No Response.) 5 CHAIR STONE: Chief, thank you again so much. 6 CHIEF MURRAY: Thank you very much for your 7 time. I really appreciate it. 8 CHAIR STONE: Thank you. 9 And we do have Mr. Kalepa is here as well from 10 Ocean Safety, if you guys -- as well as Parks Director, 11 and Personnel Services. Okay. So no -- let's call up 12 Personnel Services at this time. I believe there was -- 13 he's been waiting the longest. 14 Thank you so much for being here today. Sorry 15 for the delay. 16 MR. HIROMOTO: No problem. Thank you. Good 17 morning. 18 COMMISSIONER SUGIMURA: Good morning. 19 CHAIR STONE: Oh, okay. So let's start 20 shooting away, shall we? Commissioner Moikeha. 21 COMMISSIONER MOIKEHA: Thank you for being 22 here. I don't know if you've made a previous statement 23 or not to this Commission, but what is your stance on 24 moving Ocean Safety to the Fire Department, 25 professionally?</p>

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1 MR. HIROMOTO: Professionally. I don't have
 2 any issues with it as long as it's done correctly. I
 3 think it sounds like there's a lot of information that's
 4 lost or not being provided and so I think, once that is
 5 done, it should be good.
 6 COMMISSIONER MOIKEHA: So to this point in
 7 time, it's just been meetings between the Fire
 8 Department chief, maybe his deputy, yourself, maybe a
 9 deputy director?
 10 MR. HIROMOTO: Most of the meetings, I
 11 understand, is between the Parks Department, the Mayor's
 12 Office and Department of Fire and Public Safety.
 13 COMMISSIONER MOIKEHA: As far as a reasonable
 14 timeframe, if you were to give one, how long do you
 15 think this would take for this transition?
 16 MR. HIROMOTO: I think it's hard to give a
 17 target timeframe. My experience is the department's
 18 going to need to consult with the various unions
 19 involved with this. The clearer picture that they can
 20 give to the unions, the shorter the process is going to
 21 be. Because the union's going to, you know, speak to
 22 the member -- membership. And they do this to represent
 23 their members, and they want to make sure that their
 24 members are comfortable with this transfer of the
 25 function to Fire.

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1 COMMISSIONER MOIKEHA: And my understanding
 2 from the Mayor's statement earlier that he started this
 3 conversation back in July of last year. So there has
 4 not been that -- any progress at all in reaching any
 5 information to help transition?
 6 MR. HIROMOTO: The Mayor had asked for my
 7 comments back in March of last year, and which we
 8 provided. I don't know -- I've got sporadic reports on
 9 what's -- the progress on the discussions, but not been
 10 totally involved in the discussion.
 11 COMMISSIONER MOIKEHA: Okay. So sounds like
 12 the department -- the Fire Department is the one that's
 13 leading the conversation as to when you meet, when we
 14 talk about things, is that correct?
 15 MR. HIROMOTO: I don't know.
 16 COMMISSIONER MOIKEHA: You don't know?
 17 MR. HIROMOTO: No. I would suspect that both
 18 departments need to come together and discuss what
 19 function and what employees are going over to Fire. And
 20 my understanding is that their administrative staff in
 21 Aquatics is going over to Fire, which would mean that
 22 they're leaving their pool staff, pool guards, in Parks.
 23 You know, my question would be -- and this is probably
 24 answered, because I don't know -- is now who is going to
 25 take over the pool guards in Parks and who is going to

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1 do their time sheets, all of that. Because now, it
 2 sounds like the administrative staff is going over to
 3 Fire. But I am -- I am sure that they worked that out.
 4 I mean -- but those things need to be answered,
 5 addressed and proposed, and a plan, a written plan, and
 6 provided to the union.
 7 COMMISSIONER MOIKEHA: Right. Thank you.
 8 CHAIR STONE: Thank you. Lance, just for a
 9 point of order, can you just state your name for the
 10 record? Sorry. I forgot to take care of that at the
 11 beginning. Go ahead.
 12 MR. HIROMOTO: My name is Lance Hiromoto. I
 13 am the Director of Personnel Services for the County of
 14 Maui.
 15 CHAIR STONE: Thank you, Lance.
 16 Lance, Chair has a quick question. Do you
 17 think, in these situations, it's beneficial to set a
 18 timeframe so that the groups actively start working
 19 towards a solution?
 20 MR. HIROMOTO: I -- I don't know. I can see
 21 that, if you set a timeframe, maybe things are not going
 22 to get addressed. And you don't want that to happen.
 23 You don't want, for example, a beach to not be staffed
 24 because of shortages because of sick leave, things like
 25 that. So you want things to be addressed. But I can

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1 see, on the other side, you want to set a pace, you
 2 know, an established pace. But, you know, I think
 3 there's good points and bad points of setting that --
 4 those deadlines.
 5 CHAIR STONE: Thank you.
 6 Stacy.
 7 COMMISSIONER CRIVELLO: Thank you, Mr. Chair.
 8 Thank you for being here. Coming from the -- a
 9 personnel or human resource perspective, in your
 10 opinion, if the unions are not -- do not buy in and we
 11 just go ahead and do it, do you feel the consequences
 12 can be costly for County and the delay could be, also,
 13 costly? Do you think there would be some cost factors
 14 involved, you know, for -- I don't know if there's such
 15 a thing as in the event the unions don't accept it or --
 16 would the union have to vote on it or -- try help me to
 17 understand this.
 18 MR. HIROMOTO: Normal process, you know, what
 19 I will call a reorganization, because this is a
 20 reorganization, is that the departments involved would
 21 get a plan together, written plan, and transmit that to
 22 the union. The union normally would survey the
 23 effective -- affected members, get a feel from them, and
 24 then respond to the -- to the departments, both with
 25 questions and comments on the proposal.

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1 If the department were to ignore all of that
 2 and just implement, I am pretty sure that the union will
 3 file either a grievance -- they will go through the
 4 grievance process and go -- culminate in an arbitration,
 5 or the department -- excuse me -- the union may file a
 6 prohibited practice complaint with the Hawaiian Labor
 7 Relations Board for unfair bargaining. And in both
 8 cases, that would involve Corporation Counsel's attorney
 9 representing the County, you know, in those matters.
 10 So it would behoove the department to come up
 11 with a good detailed plan so that the union knows what
 12 is happening to every one of the affected employees.
 13 COMMISSIONER CRIVELLO: Thank you.
 14 CHAIR STONE: Thank you.
 15 Go ahead, Wayne.
 16 VICE-CHAIR HEDANI: Lance, from the
 17 discussions that I've heard so far, to me, it seems like
 18 the unions shouldn't be dictating policy to the County
 19 of Maui as to whether or not a department should be or a
 20 division should be reporting to one department under
 21 another.
 22 From the standpoint of the membership of the
 23 guys that are on the beaches, I would think that, you
 24 know, they could -- they could vote to decertify the
 25 union, they could vote to form a new union, they could

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1 move to another union if they weren't happy with the
 2 union that was representing them, looking out after
 3 their own interest. Which it appears that they're not
 4 doing because they're saying, "No, we don't support
 5 this," when they're saying, "Hey, we want this to
 6 happen." So how does that work from the union
 7 perspective?
 8 MR. HIROMOTO: With regard to decertifying a
 9 union, that can only happen on a certain time when
 10 there's no contract involved. So they would not
 11 probably do that now. They have a contract.
 12 VICE-CHAIR HEDANI: What about if they wanted
 13 to form a new union for the State of Hawaii that
 14 involved lifesaving.
 15 MR. HIROMOTO: There is a bill in the State
 16 Legislature currently that proposes that Ocean Safety
 17 employees be separated out of Bargaining Unit 3 and
 18 Bargaining Unit 4, I believe, of the current union,
 19 HGEA. I don't know who will be representing that -- if
 20 that bill does pass, what union would represent that
 21 Bargaining Unit 14.
 22 VICE-CHAIR HEDANI: So that would be a
 23 possibility, anyway?
 24 MR. HIROMOTO: I beg your pardon?
 25 VICE-CHAIR HEDANI: That would be a

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1 possibility?
 2 MR. HIROMOTO: That a new union is formed for
 3 them, correct. Yes. There is a bill in the State
 4 Legislature.
 5 CHAIR STONE: Good. Did that answer your
 6 question, Wayne?
 7 VICE-CHAIR HEDANI: Yeah.
 8 CHAIR STONE: Very good.
 9 Any further questions? Kay.
 10 COMMISSIONER OKAMOTO: Well, those who were
 11 here last time, correct me if I am wrong, but I thought
 12 we were going to discuss with the Personnel Services
 13 some other items. I didn't recall that we were
 14 discussing -- refresh my memory.
 15 CHAIR STONE: Thank you. Would you like to
 16 clarify?
 17 COMMISSIONER SUGIMURA: The reason why we
 18 wanted Lance here was that we wanted him to look at
 19 proposals that had to, again, relate to the Department
 20 of Fire and Public Safety as it relates to personnel
 21 actions within the department for conformance with the
 22 policies under Article 8, Chapter 7. So as well as even
 23 Department of Environmental Management section. That's
 24 personnel actions.
 25 CHAIR STONE: Thank you.

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1 COMMISSIONER OKAMOTO: Civil Service
 2 Commission?
 3 COMMISSIONER SUGIMURA: Oh, Number 12.
 4 CHAIR STONE: Yuki, could you do me a favor?
 5 What specific Proposal Number?
 6 COMMISSIONER SUGIMURA: Okay. Proposal
 7 Number 10.
 8 MS. BRODER: 10, 11, 12.
 9 COMMISSIONER SUGIMURA: 10, 11, 12.
 10 CHAIR STONE: 10, 11, 12. Although, it is
 11 nice to have them here for our discussion as well.
 12 COMMISSIONER OKAMOTO: But there were other
 13 items as well.
 14 CHAIR STONE: Very good. Before we move to
 15 that, though, is there any further question -- any
 16 further questions discussing Ocean Safety's move to --
 17 MR. KUSHI: Mr. Chair?
 18 CHAIR STONE: Yes.
 19 MR. KUSHI: Since he's here, so the Commission
 20 knows all of the intended consequences, Lance, you're
 21 moving 60-some-odd positions from Parks to Fire. You
 22 deal with the Salary Commission?
 23 MR. HIROMOTO: I am a member on the Salary
 24 Commission; I am not a voting member.
 25 MR. KUSHI: Right. Right. So is that like a

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1 big deal for the salaries of the various -- the
 2 department heads of Parks as well Fire?
 3 MR. HIROMOTO: I am sure -- I don't know if
 4 the Salary Commission would take that -- take issue with
 5 that. You're saying that maybe the -- they're going to
 6 look at how many employees the Fire Chief now would
 7 supervise compared to the Parks Director?
 8 MR. KUSHI: Right. (Inaudible) and more
 9 responsibility versus Parks being --
 10 MR. HIROMOTO: Correct. The Salary Commission
 11 may look at that because, now, you're transferring a
 12 function that was under Parks now to Fire. They may --
 13 Salary Commission may take that under consideration in
 14 determining the salaries for both the Chief and the
 15 Parks Director.
 16 CHAIR STONE: But is this a -- is that an
 17 unsurmountable obstacle?
 18 MR. HIROMOTO: No. I am not a voting member
 19 on the Salary Commission or any way sway the Salary
 20 Commission. That -- I am just saying that that may be
 21 an issue with the Salary Commission.
 22 CHAIR STONE: Okay. Thank you, Ed.
 23 MR. KUSHI: Because I see Mr. Correa is
 24 present.
 25 (Laughter.)

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1 CHAIR STONE: Oh, talking about his money.
 2 Okay. Got it. Okay, very good.
 3 Also, if you guys don't mind, because, I
 4 believe, we have representative from Parks here,
 5 concerning Ocean Safety, specifically, so before we move
 6 to 10, 11, 12 and 13, why don't we hear this last
 7 resource person on that. And, Lance, I know you've been
 8 here forever, but do you mind waiting just a few more
 9 minutes?
 10 MR. HIROMOTO: No problem.
 11 CHAIR STONE: Thank you, Lance, very much.
 12 All right.
 13 So let's go ahead and call up our
 14 representative from Parks. Lisa, could you please
 15 introduce --
 16 MS. KAHUHU: Glen Correa, Parks Director.
 17 CHAIR STONE: Glen, thank you so much for
 18 being here.
 19 MR. CORREA: Good afternoon.
 20 CHAIR STONE: Much appreciated. So, Glen, do
 21 you have anything specific to add about the proposal to
 22 move Ocean Safety from Parks to Fire?
 23 MR. CORREA: My concern is that -- let me give
 24 a little bit history of why talks is in this area. A
 25 long time ago, I believe was either Hannibal, even

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1 Elmer, was Mayor, decided to put a pool guard down at
 2 Kamaole III, because the public wanted somebody down
 3 here because (inaudible). And from that, we started to
 4 put people here and there from the pools. Then they
 5 started to get Ocean Safety officers. Now, them days,
 6 we had maybe two or three (inaudible) units in Parks.
 7 Right now, we get five. I believe the most employees
 8 420. And, yet, I am not making six figures that
 9 Mr. Kushi is thinking about.
 10 (Laughter.)
 11 MR. CORREA: So it can work both ways, yeah.
 12 So I am here to answer some of the questions,
 13 if I can.
 14 CHAIR STONE: Great. Thank you.
 15 For me, the most pertinent question is, do you
 16 see it as a smart move to move Ocean Safety from Parks
 17 to Fire? In your opinion, is that a good move?
 18 MS. CORREA: Yes, it is. I also took the time
 19 to bring in the Ocean Safety officers and talk to them,
 20 and we decide to see how many wanted to go and how many
 21 didn't want to go. What we found out was 44 yes; 13 no;
 22 and five was excused. So about 70 percent.
 23 CHAIR STONE: Very useful. Thank you. Very
 24 useful.
 25 Commissioners, any further questions,

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1 clarifications? Commissioner Moikeha.
 2 COMMISSIONER MOIKEHA: I apologize to Lance, I
 3 thought he was the Parks.
 4 (Laughter.)
 5 COMMISSIONER MOIKEHA: That's why my questions
 6 didn't make sense. Sorry. You didn't introduce
 7 yourself.
 8 Mr. Correa, let me repeat myself. What is --
 9 are you -- this fact-finding committee, is there such
 10 one established?
 11 MS. CORREA: I didn't know it was a
 12 fact-finding committee, yeah.
 13 (Laughter.)
 14 MR. CORREA: I believe we was ordered by the
 15 Mayor to meet and come up with the best decisions. And
 16 I believe we gave the Fire Department whatever
 17 information they wanted, A, B and C accounts. Also, in
 18 the process of taking pictures of all the equipments
 19 that's going to be turned over to them and the serial
 20 numbers and everything to make sure everything is legit.
 21 And we're 80 percent complete with that.
 22 Now, I believe it's about 2.3 million that we
 23 talking about that's going over to Fire. With all that
 24 part of personnels, like division chief, secretary,
 25 clerk. And the pools would still have a person in

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<p>1 charge, and a clerk to assist them.</p> <p>2 COMMISSIONER MOIKEHA: Okay. So it seems,</p> <p>3 from what you've just stated to us, Parks is making</p> <p>4 progress here.</p> <p>5 MS. CORREA: Yes.</p> <p>6 COMMISSIONER MOIKEHA: But I am getting</p> <p>7 conflicting that Fire is still not -- doesn't have</p> <p>8 enough information.</p> <p>9 MS. CORREA: I don't know what more</p> <p>10 information we need to give. We give them all the</p> <p>11 personnels involved, the PR numbers and everything, the</p> <p>12 amount, equipment. The towers are gonna remain in the</p> <p>13 same place, on the beach.</p> <p>14 (Laughter.)</p> <p>15 COMMISSIONER BAXA: Mr. Chair?</p> <p>16 CHAIR STONE: Thank you, Glen.</p> <p>17 Any further questions? Commissioner Baxa.</p> <p>18 COMMISSIONER BAXA: Director Correa, in the</p> <p>19 normal course of events, a director or the head of an</p> <p>20 office, would not want the park -- would not want the</p> <p>21 division of his department to be taken away from him.</p> <p>22 Why would you support the Ocean Safety to be taken out</p> <p>23 of your department?</p> <p>24 MS. CORREA: That's why I wanted to see how</p> <p>25 many wanted to go. So 70 percent told me they want to</p>	<p>1 Let's bring back Lance.</p> <p>2 COMMISSIONER MOIKEHA: Wait. Mr. Kalepa, from</p> <p>3 Ocean?</p> <p>4 CHAIR STONE: Sure, of course. Archie, please</p> <p>5 come forward. For the record, Archie, so we don't make</p> <p>6 that mistake again, please state your name.</p> <p>7 MR. KALEPA: Good afternoon, Members. My name</p> <p>8 is Archie Kalepa. And I am a Ocean Safety officer. I,</p> <p>9 actually, am chief of the Ocean Safety section.</p> <p>10 CHAIR STONE: Okay. Archie, I've been asking</p> <p>11 this question today quite often. Talking timetable, in</p> <p>12 your opinion, what's a realistic timetable to get this</p> <p>13 moved on?</p> <p>14 MR. KALEPA: You want my professional opinion</p> <p>15 or my personal opinion?</p> <p>16 CHAIR STONE: Professional. Professional,</p> <p>17 please.</p> <p>18 MR. KALEPA: Well, my professional opinion,</p> <p>19 based on what I heard Chief Murray say -- and we both</p> <p>20 share the same passion, because we have -- we have the</p> <p>21 same goal. And the goal is to keep people safe. Our</p> <p>22 beliefs might be different, but, ultimately, we share</p> <p>23 the same vision. And it was -- we shared a lot of</p> <p>24 information, things that I was never aware about in</p> <p>25 regards to the accreditation.</p>
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<p>1 go, so --</p> <p>2 COMMISSIONER BAXA: Besides that, what do you</p> <p>3 think are the advantages?</p> <p>4 MS. CORREA: Well, I believe rescue. And</p> <p>5 that's what Ocean Safety officers are, rescue. And they</p> <p>6 should be with the department that does the rescue.</p> <p>7 Actually, my jurisdiction only supposed to end at the</p> <p>8 high water line, not in the ocean. So --</p> <p>9 CHAIR STONE: Wayne, go ahead, please.</p> <p>10 VICE-CHAIR HEDANI: Glen, how come you make</p> <p>11 the lifeguards try to rescue people using lawnmowers?</p> <p>12 (Laughter.)</p> <p>13 MS. CORREA: Well, at that stage, we try</p> <p>14 whatever. We find a lawnmower sinks, so we find a way</p> <p>15 to do jet skis.</p> <p>16 (Laughter.)</p> <p>17 CHAIR STONE: Good. Any further questions,</p> <p>18 clarification?</p> <p>19 (No response.)</p> <p>20 CHAIR STONE: No. Thank you so much for being</p> <p>21 here, sir.</p> <p>22 MS. CORREA: Thank you.</p> <p>23 CHAIR STONE: Much appreciated, Glen.</p> <p>24 MS. CORREA: Thank you.</p> <p>25 CHAIR STONE: Thank you. Very concise.</p>	<p>1 And right now, I think I need, personally,</p> <p>2 more information in regards to accreditation so that I</p> <p>3 can have a spin-off opinion in regards to what you're</p> <p>4 asking me. So I am not going to give you my</p> <p>5 professional opinion; I am going to give you my personal</p> <p>6 opinion.</p> <p>7 My personal opinion is that this should not</p> <p>8 take three years. I don't -- I don't know how long it</p> <p>9 should take, but it shouldn't take three years. And,</p> <p>10 you know, it's been -- it hasn't been 20 years that</p> <p>11 we've tried to make this happen. If it was, it's been a</p> <p>12 long road. But I know for sure that we've been working</p> <p>13 on this for over 15 years.</p> <p>14 And every time when a new fire chief came on</p> <p>15 board, was, no, no, then was, yeah, we can start talking</p> <p>16 about this. And I've talked to three fire chiefs. This</p> <p>17 is the third fire chief that we've made our case to.</p> <p>18 And, you know, here we are.</p> <p>19 And it's -- it just saddens me that although</p> <p>20 we share the same vision, which is to provide the best</p> <p>21 public safety to the community -- and, yeah, Maui County</p> <p>22 was the first Ocean Safety to be put on 911. And here</p> <p>23 we are today, and we are still not even a public safety</p> <p>24 entity.</p> <p>25 And I agree with Murray, as part of his</p>

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1 accreditation, it's the best service that you can
 2 provide to the public and to his employees. And that's
 3 my fight here, is part of the best way that we can serve
 4 the community and the people that go out there and
 5 actually make the rescues, is to put them in a public
 6 safety forum. And right now, the Fire Department wears
 7 that hat.
 8 So I am here to plead our case on behalf of
 9 all the Ocean Safety officers. But, more importantly,
 10 on behalf of the lives that we did save.
 11 CHAIR STONE: Thank you.
 12 Commissioners, clarification? Susan.
 13 COMMISSIONER MOIKEHA: Thank you for coming
 14 today. Your institution -- or Ocean Safety has its own
 15 accreditation?
 16 MR. KALEPA: Yeah, that's correct. And we
 17 have over 400 dots and "T"s to cross to maintain that
 18 certification. And -- and through the Pacific region,
 19 Maui County is an accredited Ocean Safety lifeguard
 20 agency. And I am going to say what I said to the Fire
 21 Commission. Is for us to maintain an accreditation, we
 22 wear one hat. And that one hat is ocean safety, ocean
 23 rescue. We're one job specific driven, and that is to
 24 perform ocean rescues. And by that, us getting
 25 accredited, is -- we don't -- we don't quite -- you

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1 know, we don't wear as much hats as the -- as the Fire
 2 Department. You know, we don't HazMat. They have a
 3 bunch of other things that I don't have any knowledge
 4 in. But, for us, we are -- we are good at one thing
 5 and, that's ocean rescue. And we are accredited in that
 6 one thing.
 7 COMMISSIONER MOIKEHA: So the process that you
 8 went through in the accreditation, were you responsible
 9 in working towards that?
 10 MR. KALEPA: Yes. In 1987, we applied for a
 11 USLA accreditation, and part of that accreditation prior
 12 to that was we never did perform a yearly performance
 13 test. Part of being accredited was we have to perform
 14 this yearly -- yearly criteria to maintain that
 15 certification.
 16 And we had a lot of mixed feelings within our
 17 own department. A lot of guys did not want to go to
 18 that level because now we holding ourselves more
 19 accountable.
 20 And I see what Murray is saying about being
 21 accredited, is, yeah, you're holding your -- your agency
 22 more accountable, you're finding out what you can and
 23 cannot do, what you need to do, and what you need to get
 24 better at, and, you know, through our accreditation,
 25 which we've had well over 12 years now, we have met

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1 those.
 2 COMMISSIONER MOIKEHA: Do you have any
 3 knowledge or experience at all in knowing whether or not
 4 your Ocean Safety having its accreditation being a plus
 5 for a department like the Fire Department getting their
 6 accreditation? I would think that your an expertise in
 7 your field, you've reached this national requirement,
 8 you maintain it, I would see it as a plus to helping
 9 them through the process, not as a negative.
 10 MR. KALEPA: Well, I don't know if I can
 11 answer that, but, you know, I don't know what standards
 12 are -- or what accreditation agency that went through,
 13 what the standards are of that accreditation. And I do
 14 know, like for us, for Ocean Safety, for us to maintain
 15 our accreditation, we have to perform a yearly physical
 16 performance test to keep our people at that level. So I
 17 would -- in my professional opinion, that should help or
 18 enhance the Fire Department's accreditation. And that's
 19 my professional personal opinion.
 20 COMMISSIONER MOIKEHA: Thank you.
 21 CHAIR STONE: Thank you.
 22 Commissioner Baxa.
 23 COMMISSIONER BAXA: Now, Mr. Kalepa, I know
 24 that you said that the two years is not based on your
 25 professional experience, but your personal opinion, the

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1 two-year period is a reasonable period for transition.
 2 Although you said personal opinion, am I safe to
 3 conclude, also, that that personal opinion is based on
 4 your experience as a person involved in Ocean Safety in
 5 your dealings with other departments, especially the
 6 Fire Department?
 7 MR. KALEPA: To an extent, yes.
 8 COMMISSIONER BAXA: Thank you.
 9 CHAIR STONE: Thank you. Cliff.
 10 COMMISSIONER HASHIMOTO: Yes. Thank you,
 11 Chair.
 12 Mr. Kalepa, thank you for coming.
 13 MR. KALEPA: Yes.
 14 COMMISSIONER HASHIMOTO: My question is, to
 15 you, I noticed that the Fire Department has -- the Fire
 16 Department, right now, has equipment that they have
 17 available to them to do ocean rescue.
 18 MR. KALEPA: Correct.
 19 COMMISSIONER HASHIMOTO: Isn't that right?
 20 MR. KALEPA: That's correct.
 21 COMMISSIONER HASHIMOTO: Do those folks have
 22 the same kind of requirement that you do as -- do they
 23 go through the same process for Ocean Safety?
 24 MR. KALEPA: In regards to what kind of
 25 equipment are you talking about?

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1 COMMISSIONER HASHIMOTO: As I recall, because
 2 they do come out to Hana once in a while, come to Hana,
 3 they always come out with a pickup truck and, in back of
 4 it, they have a jet ski.
 5 MR. KALEPA: Correct.
 6 COMMISSIONER HASHIMOTO: And that's from the
 7 Fire Department, because I noticed that they -- they
 8 house there at the fire station.
 9 MR. KALEPA: Correct.
 10 COMMISSIONER HASHIMOTO: So that means they
 11 have ocean rescue within that department, within that
 12 fire station, right?
 13 MR. KALEPA: That's correct.
 14 COMMISSIONER HASHIMOTO: But you're not
 15 connected with that at all, right?
 16 MR. KALEPA: Well, initially, when they first
 17 got the jet skis, we provided the training for them.
 18 COMMISSIONER HASHIMOTO: That's it?
 19 MR. KALEPA: So we did. But after that, based
 20 on their needs, they tailored the training to suit their
 21 department. Does that answer your question?
 22 COMMISSIONER HASHIMOTO: Yeah, somewhat. But
 23 I can't quite figure out why -- why they would object to
 24 having, you know, Ocean Safety now go right -- move
 25 right over to -- to their department because they

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1 already have such a -- at least a partial unit there
 2 now.
 3 MR. KALEPA: Uh-huh.
 4 COMMISSIONER HASHIMOTO: So I don't know what
 5 their real big objection would have -- would have been
 6 to -- to merging.
 7 MR. KALEPA: Well, you know, in listening to
 8 Chief Murray speak, I think part of what he said, which
 9 I was not aware of, was the documentation. We do
 10 actually have, for Ocean Safety throughout the states --
 11 throughout the state, we do have documentation, logs
 12 that we have to fill out that we actually submit every
 13 year to the National Department of Health. And what
 14 that provides the National Department of Health is --
 15 the United States Department of Health, what that
 16 provides them is the amount of drownings, the amount of
 17 rescues, the amount of activity that's taking place in
 18 -- in the ocean.
 19 I do know that the Fire Department has a
 20 different system. And, you know, I don't know if our --
 21 our current documentation process is in line with what
 22 they trying to achieve, but I think, if we work
 23 together, we can probably generate some kind of
 24 information-based material to help -- help them answer
 25 some of the questions.

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1 COMMISSIONER HASHIMOTO: Thank you.
 2 CHAIR STONE: Thank you, Archie. Any further
 3 clarification?
 4 (No response.)
 5 CHAIR STONE: No. Archie, thanks so much for
 6 being here again today.
 7 MR. KALEPA: You guys mind if I take a few
 8 minutes? I just want to explain one of the questions
 9 Mr. Hedani --
 10 CHAIR STONE: Go ahead.
 11 MR. KALEPA: -- asked, and DPS tried to
 12 answer. We have submitted a house bill and a
 13 legislative bill for Ocean Safety, lifeguard services,
 14 in the State of Hawaii, to become its own union. And we
 15 have done that because of why I am here today. Because
 16 our current bargaining unit, which is HGEA Bargaining
 17 Unit 3, is 90 -- or 80 percent of the members are
 18 clerical and secretarial. When we go to ask the union
 19 to support our needs, they don't know how to address
 20 Ocean Safety's concerns.
 21 So what we did was we approached the union, we
 22 presented our case to HGEA. HGEA is 100 percent in
 23 support. And they've testified at the Leg. for Ocean
 24 Safety to have its own bargaining unit. That's how much
 25 Ocean Safety on a State level has grown. So this is

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1 part of the process.
 2 And it would stay in HGEA, it would be its own
 3 Bargaining Unit 14, specifically to deal with the needs
 4 of ocean safety and the services they provide. So to
 5 answer your question, give a more clear answer, that's
 6 what we're working at -- working at.
 7 And it did pass the House and it did pass the
 8 Senate. It's in committee. All mayors from all islands
 9 endorsed and supported this bill. And I got to say
 10 thank you to Mr. Arakawa because he was the first to
 11 step forward and support that bill. After he did that,
 12 every mayor followed his suit and supported that bill.
 13 And the -- it was came -- it came back to Maui that, you
 14 know what, Maui's Mayor got all the other mayors off the
 15 couch. So --
 16 And, you know, this is a process that --
 17 everybody's afraid of change. And believe me, I think
 18 we're more afraid than the Fire Department for this
 19 change because somebody going to get hurt along the way,
 20 but I got to remember, we all have to remember, as
 21 public safety servants, we have one objective, is
 22 that -- that's to keep the public safe. And how can we
 23 best do that and move forward. And this is part of the
 24 process.
 25 You know, I don't want to be able -- I don't

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1 want to be the one to make the decision that says, you
 2 know, two years, five years is enough, but I will say
 3 this: We've been waiting for over 15 years for this to
 4 happen. So I am going to leave it at that.
 5 Thank you.
 6 CHAIR STONE: Thank you, Archie. Thanks,
 7 again, for coming.
 8 MR. KALEPA: Thank you.
 9 CHAIR STONE: Much appreciated.
 10 Let's bring Lance back up before we take a
 11 break, since poor Lance has been here for hours and
 12 hours. Okay.
 13 So, Lance, we have you here now to take a look
 14 at Proposals Number 10, Number 11, Number 12 and Number
 15 13 in our list. And, Commissioners, why don't we open
 16 with questions as Lance familiarizes himself with those
 17 proposals?
 18 All right. You're a speed-reader, Lance.
 19 MR. HIROMOTO: Proposal 10 is only with --
 20 deals with Fire, Department of Fire Control.
 21 COMMISSIONER OKAMOTO: Yes.
 22 MR. HIROMOTO: Fire and Public Safety.
 23 CHAIR STONE: Okay. Thank you. Thanks, Yuki,
 24 for throwing me under the bus.
 25 COMMISSIONER SUGIMURA: Sorry.

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1 CHAIR STONE: Okay. So, Yuki, if you can just
 2 verify again what proposal numbers specifically.
 3 COMMISSIONER SUGIMURA: Number 10, Lance.
 4 MR. HIROMOTO: Uh-huh.
 5 COMMISSIONER SUGIMURA: It deals with
 6 personnel, so we thought that it would be good if we
 7 could have your input. This may be redundant --
 8 CHAIR STONE: Yuki, sorry, your microphone.
 9 COMMISSIONER SUGIMURA: Oh, sorry. So we
 10 thought that it would be good for you to come here
 11 because what was proposed within the Charter, we thought
 12 maybe you were already doing it as part of process and
 13 personnel, and probably do not need it, but --
 14 MR. HIROMOTO: For Proposal 10, it looks like
 15 it just deals with the Department of Fire and Public
 16 Safety. I don't know whether their commission does
 17 review the personnel actions. Not too sure if they do
 18 that.
 19 COMMISSIONER SUGIMURA: The Fire Commission.
 20 MR. HIROMOTO: The Fire Commission. Excuse
 21 me. And to review, I am not sure what review means. Is
 22 it like the department would just implement and they
 23 just present the paperwork to the commission?
 24 CHAIR STONE: Go ahead, Wayne.
 25 VICE-CHAIR HEDANI: I think the question,

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1 Lance, that came up was should they, could they, would
 2 they get involved in the question of promotions from one
 3 position to -- for an individual from one position to
 4 another.
 5 MR. HIROMOTO: I would suspect that the chief
 6 would want to keep that his responsibility. And I would
 7 think that, you know, whatever interview committee he
 8 puts together to determine who gets the promotion would
 9 be the best people, you know, the subject matter expert,
 10 you know, for that promotional position, and not -- you
 11 know, not the commission.
 12 CHAIR STONE: Thank you.
 13 Commissioner De Rego.
 14 COMMISSIONER DE REGO: I would also think
 15 reviewing personnel actions would also involve
 16 disciplinary action as well. I think we were looking at
 17 that as well in what impact that would have from the
 18 Department of Personnel Services viewpoint.
 19 MR. HIROMOTO: I would think that if the
 20 commission were involved in the disciplinary action,
 21 then that would not be appropriate. The unions, for
 22 example, would want to subpoena and request everyone
 23 that's involved in making the disciplinary decision at
 24 the arbitration hearing, or even if they pursue it to
 25 Circuit Court, to be there. I don't think the

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1 commission would want to be involved at that -- you
 2 know, at that level.
 3 CHAIR STONE: Thank you.
 4 Commissioner DeLeon.
 5 COMMISSIONER DELEON: Lance, the way I
 6 remember this proposal, and it's not stated here that
 7 well, I don't believe, that this was supposed to be an
 8 annual review of the general trend in personnel actions;
 9 not an individual issue by issue kind of review and
 10 discussion and participation in the actual actions.
 11 So it's supposed to be -- it's grown out of
 12 concern that there were issues in the department and
 13 that -- and it was brought by a member of the
 14 department. And the goal being that there needs to be
 15 some kind of oversight of the chief's decision-making.
 16 And, currently, there isn't any. There isn't any place
 17 to -- for members of the department to make a complaint.
 18 So this is supposed to be a place to say, well, wait a
 19 minute, we don't think X, Y and Z were fair, or
 20 something like that. But on an annual basis as opposed
 21 to an issue by issue basis.
 22 That's the way I remember it. If anybody else
 23 remembers it some other way, they can correct me.
 24 COMMISSIONER SUGIMURA: Yeah.
 25 COMMISSIONER DELEON: It's not really written

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<p>1 that way here, so it kind of makes --</p> <p>2 CHAIR STONE: Any input on that?</p> <p>3 MR. HIROMOTO: If the commission -- if any</p> <p>4 commission wanted to see personnel actions, we can --</p> <p>5 our department can compile a list of personnel actions,</p> <p>6 if it's not like what she just mentioned, you know, a</p> <p>7 case by -- a person by person type of action --</p> <p>8 personnel action.</p> <p>9 CHAIR STONE: Any further questions? Cliff.</p> <p>10 COMMISSIONER HASHIMOTO: Yes. I don't know</p> <p>11 whether I missed it or not, but I -- if I did miss it, I</p> <p>12 hope you'll explain it again. So I am going to ask the</p> <p>13 questions so that you can. I wanted -- I want to know</p> <p>14 how the -- the promotions are handled? Is it handled --</p> <p>15 I believe -- I think you indicated that the chief</p> <p>16 handles that, right, who gets promoted, rather than the</p> <p>17 Personnel Department or the commission?</p> <p>18 MR. HIROMOTO: We do get involved -- the</p> <p>19 Department of Personnel Services -- what would happen is</p> <p>20 that we would try to maintain a list for promotions.</p> <p>21 For -- in the Fire Department, it'd be for the Rescue</p> <p>22 Firefighter II, for their Drivers, and Inspectors,</p> <p>23 Firefighter III, for their Captains. We would try to</p> <p>24 maintain a list, a viable list all the time.</p> <p>25 So the department -- we would contact the</p>	<p>1 to fill a vacancy, for example, for Captain, Fire</p> <p>2 Captain, we would send the top five names. Right now,</p> <p>3 we're using a rule of five. So we'll send the top five</p> <p>4 names down to the department. The department then would</p> <p>5 gather a interview committee and then conduct its</p> <p>6 screening at their level.</p> <p>7 At that point, the department does not know</p> <p>8 the individual scores. We never give the departments</p> <p>9 individual scores. So they don't know who ranked number</p> <p>10 one. All these are the top five, they're all equal.</p> <p>11 You go and determine which one is the number one, number</p> <p>12 one person.</p> <p>13 So we do get involved in the promotional</p> <p>14 process.</p> <p>15 CHAIR STONE: That's interesting. Very</p> <p>16 interesting.</p> <p>17 COMMISSIONER HASHIMOTO: I guess the real big</p> <p>18 concern on -- on promotions like that, would be -- you</p> <p>19 know, we used to have this problem in the service, a lot</p> <p>20 of people getting promoted, and, you know, the ones that</p> <p>21 don't get promoted always have this complaint that they</p> <p>22 -- you know, it wasn't fair, the way the -- the way the</p> <p>23 selections were made. So that's why that's --</p> <p>24 MR. HIROMOTO: This does not prevent that.</p> <p>25 COMMISSIONER HASHIMOTO: Pardon me?</p>
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<p>1 department, for example, and say, hey, we've -- the list</p> <p>2 is going to expire. The lists with good for one year.</p> <p>3 And the list is going to expire, maybe, in May of this</p> <p>4 year. So -- and there is still 10 more names on the</p> <p>5 list. We want to go out and recruit. Should we go out</p> <p>6 and recruit. And the chief would say, yeah, maybe we</p> <p>7 should go out and recruit, go out and advertise that.</p> <p>8 So we would -- and he would say, we just want to do it</p> <p>9 in-house, for Fire, promotion is all done in-house.</p> <p>10 So we would publish what is called a</p> <p>11 Recruitment Announcement. My department would publish a</p> <p>12 Recruitment Announcement. It would be distributed in</p> <p>13 all of the fire stations. We would have a deadline to</p> <p>14 file for -- your application for that promotion. The</p> <p>15 applications would come into my department, my staff</p> <p>16 would screen the applications, make sure that they have</p> <p>17 the requisite education and experience background.</p> <p>18 We would then administer a written test. We</p> <p>19 would then -- of those that passed the written test, we</p> <p>20 would do a -- what's called a training and experience</p> <p>21 evaluation. That score would be combined with the</p> <p>22 written test score. And we would come out with a total</p> <p>23 score for that individual. We would then rank them from</p> <p>24 highest score to lowest score.</p> <p>25 And whenever the department -- the chief wants</p>	<p>1 MR. HIROMOTO: This process does not prevent</p> <p>2 that.</p> <p>3 COMMISSIONER HASHIMOTO: Yeah. Okay. I can</p> <p>4 see that. Thank you.</p> <p>5 CHAIR STONE: Okay. Thank you.</p> <p>6 Yuki.</p> <p>7 COMMISSIONER SUGIMURA: Thank you for</p> <p>8 explaining that, Lance. Because, just hearing you, I</p> <p>9 mean, it's hard to think that if you work in government</p> <p>10 that you would be able to hire your friends if there's</p> <p>11 that rigorous of a screening process from -- you know,</p> <p>12 from your office to the department and to this -- you</p> <p>13 know, this other committee. You answered a lot of my</p> <p>14 questions.</p> <p>15 MR. HIROMOTO: That's what civil service is</p> <p>16 about. And that's what my office is always entrusted to</p> <p>17 enforce is the civil service process.</p> <p>18 COMMISSIONER SUGIMURA: Fairness.</p> <p>19 MR. HIROMOTO: The fairness and no political</p> <p>20 influence --</p> <p>21 COMMISSIONER SUGIMURA: Right.</p> <p>22 MR. HIROMOTO: -- in the decision-making.</p> <p>23 COMMISSIONER SUGIMURA: Thank you for doing</p> <p>24 your job.</p> <p>25 CHAIR STONE: Thank you.</p>

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1 Commissioners, any further clarifications?
 2 Kay? Are you sure? Okay. Good.
 3 Lance, thanks so much for your patience.
 4 COMMISSIONER OKAMOTO: No. Sorry. I thought
 5 you meant just on that one.
 6 CHAIR STONE: Sorry.
 7 COMMISSIONER OKAMOTO: The one I had question
 8 on was the one that -- something about Civil Service
 9 Commission that we were adding. I think that's Number
 10 12. Number 12. Second page of Number 12, 2.5. It's
 11 next to the -- third from the last page.
 12 CHAIR STONE: Kay, could you specify your
 13 question?
 14 COMMISSIONER OKAMOTO: Oh. I just wondered on
 15 that, because we're adding in a review and evaluation of
 16 the director, is that -- had you seen that before and is
 17 that something that you would be for or against?
 18 MR. HIROMOTO: Personally?
 19 COMMISSIONER OKAMOTO: Either personally --
 20 MR. HIROMOTO: Personally or professionally?
 21 COMMISSIONER OKAMOTO: Either way. Either
 22 way.
 23 MR. HIROMOTO: I would be in favor of this. I
 24 don't see any problem with that.
 25 COMMISSIONER SUGIMURA: Do you do it already?

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1 MR. HIROMOTO: The -- my commission or -- the
 2 Civil Service Commission, so far, has not done -- not
 3 come out and done a formal evaluation of my performance.
 4 I would not be adverse to that.
 5 CHAIR STONE: Good. Thank you.
 6 Wayne.
 7 VICE-CHAIR HEDANI: Lance, does your -- does
 8 your department get involved in a question of whether a
 9 promotion is based on whether somebody worked on
 10 somebody's house improvements or not?
 11 MR. HIROMOTO: We could get involved in that
 12 if there was a complaint made, either through perhaps
 13 the grievance process, someone didn't get the promotion,
 14 they allege that and file a grievance with the union.
 15 And my department would get involved as the Mayor's
 16 representative because the Fire -- it depends on what
 17 contract, collective bargaining contract you're dealing
 18 with, but the Fire contract has, I guess, three steps.
 19 The first step is with the division head that made the
 20 decision. The second would be the chief.
 21 So in your -- in that example, where someone
 22 doesn't get a promotion, it's most likely the union is
 23 going to file at the chief level. If the chief denies
 24 that grievance, it will -- the union will file with the
 25 Mayor. And the Mayor normally refers that down to my

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1 office. And we would conduct the -- the third step
 2 hearing with the union and with the chief to determine
 3 whether there was a violation of contract. And then if
 4 we decide that the department is correct, there was no
 5 violation of contract, the union is free to follow it to
 6 the fourth step, which is the arbitration process, where
 7 Corporation Counsel would get involved and there would
 8 be attorneys involved and a hearing to determine that
 9 matter.
 10 VICE-CHAIR HEDANI: Thank you.
 11 CHAIR STONE: Thank you.
 12 Dave, go ahead.
 13 COMMISSIONER DELEON: The last page -- the
 14 last item on this thing, this Item 4, "Remove the
 15 Director of Liquor Control only after being informed in
 16 writing of the charges," et cetera. The Director of
 17 Liquor Control is under civil service, isn't he?
 18 MR. HIROMOTO: No, he's not.
 19 COMMISSIONER DELEON: He's not?
 20 MR. HIROMOTO: Director of Liquor Control is
 21 appointed by the Liquor Commission.
 22 COMMISSIONER DELEON: Okay. So he gave us the
 23 impression there was some kind of civil service rules
 24 that applied to his position when he was here before.
 25 MR. HIROMOTO: He has to -- in governing his

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1 --
 2 COMMISSIONER DELEON: He's had the job for 25
 3 years, so nobody would remember how that happened.
 4 (Laughter.)
 5 MR. HIROMOTO: Perhaps he was in civil service
 6 before.
 7 (Laughter.)
 8 COMMISSIONER DELEON: Okay. Never mind.
 9 MR. HIROMOTO: Yeah. But the liquor -- the
 10 department of -- excuse me -- the Director of Liquor
 11 Control is appointed by the Liquor Commission, not a
 12 civil service position.
 13 COMMISSIONER DELEON: Okay. I had the
 14 impression from his discussion that he had some kind of
 15 civil service rights.
 16 MR. HIROMOTO: Not that I know of.
 17 CHAIR STONE: All right. Thank you.
 18 Commissioners, any further clarification
 19 questions?
 20 (No Response.)
 21 CHAIR STONE: All right. Thanks, Lance, so
 22 much, again, for being here, dedicating your entire day.
 23 (Laughter.)
 24 CHAIR STONE: It's appreciated.
 25 MR. HIROMOTO: Thank you.

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1 CHAIR STONE: And looking at Tonya not
 2 laughing at jokes any longer, I think that we need to
 3 take a break immediately. So we're going to have a
 4 lunch break. We'll be back here at 2:00. All right?
 5 Adjourn the meeting at 1:30 and be back at 2:00.
 6 (Recess, 1:29 p.m. to 2:17 p.m.)
 7 CHAIR STONE: So I want to call this meeting
 8 back to order as of 2:15 p.m. And we have Mayor Arakawa
 9 back here. Mayor, would you like to step forward,
 10 please? And he is here to discuss Sustainability being
 11 added as a -- not as a department; as --
 12 COMMISSIONER DE REGO: As a function.
 13 CHAIR STONE: Function. Thank you very much,
 14 Frank.
 15 So, Mayor, take it away.
 16 MAYOR ARAKAWA: Thank you very much. And I
 17 apologize for being so long. And I know it's cold down
 18 here as well, which is why I have my hot chocolate with
 19 me.
 20 (Laughter.)
 21 MAYOR ARAKAWA: The topic that we're trying to
 22 address with this move is dealing with all of the
 23 environmental issues that come before the County. And
 24 there is a magnitude of environmental issues that come
 25 before the County. To this point, what we have tried to

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1 do is we have tried to have an Executive Assistant, Rob
 2 Parsons, working on a lot of these issues.
 3 The trouble is, when you -- when you have an
 4 individual of the Mayor's Office, you don't have the
 5 support staff, you don't have the budget, and you don't
 6 have any kind of permanency in being able to work with
 7 an issue by having staff that's going to be tracking it
 8 from beginning to end. So it's going to be sporadic at
 9 the -- whatever Administration level wants to be able to
 10 address a lot of these environmental issues.
 11 Now, as I am looking at the history of Maui
 12 County as far as -- as long as I've been involved in it,
 13 we've been growing in the area of environmental issues
 14 rather than getting a reduced number of issues. And
 15 when they come to our office, often, they're at a
 16 magnitude where it requires a lot of manpower to be able
 17 to address these issues.
 18 Let's just take some of the simple ones. Axis
 19 deer. The axis deer are becoming a major challenge
 20 throughout our entire county. They're affecting our
 21 watershed areas. They're becoming a danger to the
 22 general public. We've had automobiles hitting the axis
 23 deer more frequently. We actually have had axis deer
 24 swimming in hotel swimming pools. I know, from
 25 firsthand experience, trying do some farming, you

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1 know -- I am planting an orchard with lemons, limes,
 2 avocados -- the deer jump over the fence, go through the
 3 fence. They've been eating our -- our -- the trees.
 4 They're not mature trees yet.
 5 So they're a real problem in discussion with
 6 all of the different people in ag. And the range is all
 7 over the county. So someone having to try and deal with
 8 the State DLNR and trying to deal with the forestry
 9 service, trying to deal with all the private landowners,
 10 could spend more than complete workdays on this just one
 11 issue. We had to work with the coqui frog. We had to
 12 work with trying to deal with miconia in our -- in Hana
 13 and the spread of miconia, to protect our watershed
 14 area. This is a major issue.
 15 And it's taken, while I've been active in this
 16 and trying to fund it through the County, for -- since
 17 '94, you know. I think it was '94 when we started the
 18 miconia. But it's been -- in any case, somewhere around
 19 that time, it's been a long time that we've been trying
 20 to fight these issues. But there's no consistent group
 21 that is following through with this.
 22 Up here, over here in Waihee, we have all
 23 those dirt bikers that have been going up and down that
 24 mountain and have created huge, I am going to say,
 25 culverts at this point. They're no longer trails. And

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1 the runoff problem is severe.
 2 When we're looking in Kihei, at the flooding
 3 that's going on, how are we going to deal with all of
 4 the diversions that need to be created, what are the
 5 best techniques to be able to address a lot of this
 6 situation? Are we going to create huge detention basins
 7 on the mountain or are we going to try and purchase back
 8 a lot of the area that were wetlands and try to recreate
 9 the wetlands again to have natural filtration? Or are
 10 we going to continue with the policy of channelization
 11 to the ocean, trying to then recover all the mud and the
 12 debris out of the ocean? How are we going to address
 13 these kinds of issues?
 14 When we start looking at the fire weed, the
 15 tumbleweed, all the other noxious types of plants that
 16 have been coming out. It's just the magnitude has grown
 17 to a point where we really need to be able to
 18 concentrate on it with a full force.
 19 And the process has always been this is the
 20 State's responsibility. Well, the State's
 21 responsibility is only good if -- in keeping it under
 22 the State's responsibility, is only good if they
 23 actually react to it in a timely manner, to be able to
 24 eradicate it out of our communities. But the history
 25 has shown that they have not been capable of managing a

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1 lot of these environmental concerns.
 2 And so as a government entity, my being
 3 responsible for this community, do I just say, well,
 4 it's somebody else's kuleana and, maybe 10 years from
 5 now, somebody else will take it and it's their problem?
 6 Or do we say we need to be able to create a group that
 7 can concentrate their efforts, look for grants, look for
 8 funding, look for ways to be able to put partnerships
 9 together, and work these areas so that we have a
 10 cohesive base to be able to defend our community?
 11 I could ignore this entire area and just say,
 12 you know, we don't want to go down -- we don't want to
 13 be able to be responsible for what the State is doing,
 14 but I personally feel that would be irresponsible. I
 15 feel that anything that affects our community today and
 16 long-term is all of our responsibility. And no matter
 17 what the -- the rules are, the level of responsibility
 18 are going to be borne by those that are actually going
 19 to be paying attention to it.
 20 So if we're the ones that have to pay
 21 attention to it because it's affecting us on a daily
 22 basis, and somebody in Washington D.C. who never sees it
 23 can pass a piece of legislation, that doesn't mean
 24 anything because there's no real action, then I think
 25 it's our -- our duty to take care of the problem.

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1 At the State level, you know, they're dealing
 2 with everything in the State. Look at what happened to
 3 miconia and the coqui frog. When they didn't address
 4 the coqui frog on the Big Island, they had to go to the
 5 national level to try and get millions of dollars and
 6 they still can't take care of the problem.
 7 In Honolulu, they didn't take care of it, now
 8 it's become a massive problem. It's going to cost
 9 millions of dollars. And they're never going to be able
 10 to control it.
 11 Here on Maui, we actually bit the bullet, we
 12 put the money in and we started working on it, we were
 13 able to keep it under control.
 14 The gall wasp, when we had the problem with
 15 the gall wasp, State came in and they said, well, you
 16 know, it's too big a problem, we really don't know how
 17 to deal with it, first, we cut down trees, then we start
 18 playing with other solutions. And they said, ah, well,
 19 give up, can't do anything about it.
 20 We had meetings here. We collected Wiliwili
 21 seed. We had meetings, we actually hired someone to go
 22 down, I believe it was to Australia or New Zealand, and
 23 find a solution for us and come back. And that's what
 24 the State is using right now, our solution.
 25 But if we hadn't done that, if we hadn't tried

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1 to do that, nothing would have been resolved. If we
 2 hadn't taken miconia and started putting money into
 3 miconia eradication, nothing would have been done on
 4 Maui. But at least we're -- we're putting up a fight.
 5 It's nowhere near funded where it should be, but we need
 6 to be able to deal with it.
 7 For as long as I can remember, in planning,
 8 we've talked about flooding. And we've talked about how
 9 we're going to mitigate the flooding in Kihei, what kind
 10 of programs are we going to be able to do to be able to
 11 look at the water that's coming from the top of the
 12 mountain and going all the way down to the ocean. To
 13 this point, what's really been done?
 14 You know, I believe we need to be able to put
 15 bodies and concentrate those bodies in the areas where
 16 we're having serious challenges that are going to affect
 17 us. Not maybe affect us, that are going to affect us,
 18 and have been affecting us for decades. Some, for
 19 generations.
 20 If we don't do this, and we just say, well,
 21 let the next person take care of it, when our watersheds
 22 disappear because of deer eating all the fauna
 23 underneath, and there's nothing to stop the runoff, when
 24 the miconia take over -- and we look at what happened in
 25 Tahiti where you have nothing but bare soil -- because

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1 we didn't plan to address it, when the tumbleweed and
 2 the fire weed get to the point where we can't graze
 3 cattle, and when we start looking at the damage that's
 4 being done to our agricultural industry, and our
 5 agricultural industry disappears because we're not
 6 handling the deer problem, and they're eating the
 7 crops -- even the food safety issues. If the deer go in
 8 and they mess in the fields, now we got a food safety
 9 issue. Farmers may not be able to sell their crops.
 10 How are we addressing these kinds of things? Do we want
 11 to?
 12 As the person responsible to our community, I
 13 feel that we have a responsibility to our community to
 14 do something about it. I also feel that, as the person
 15 responsible, I would rather take the bull by the horns
 16 and deal with the situation from right now, start the
 17 process, rather than delay it for somebody else to do.
 18 What we are trying to ask for is to be able to
 19 create -- and we took Environmental Management. We want
 20 to actually create a different division within
 21 Environmental Management. Not pull Wastewater people
 22 out and not pull people out of the other parts, other
 23 divisions, but create a division that will deal with the
 24 environmental issues.
 25 We're talking about erosion. If some of you

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1 have seen some of the maps that have come up with the
 2 rising of the ocean and the eroding beaches that we
 3 have, those are major problems.
 4 When we start talking about all the kinds of
 5 challenges that are going to affect the future that we
 6 want for our kids, you know, how are we going to protect
 7 the waters going to the streams? How are we going to
 8 collect -- protect the collection? How are we going to
 9 be able to look at all the invasive species coming to
 10 Maui from the various sources?
 11 Can somebody arbitrarily in the Mayor's Office
 12 take care of all these issues? Absolutely not. We can
 13 address some of them, we put money put toward groups
 14 like MISC. We would continue to do that. But we do, in
 15 my opinion, need to be able to create a group that's
 16 concentrating on these issues, which is why I am asking
 17 for you to look at this Charter Amendment.
 18 I am trying to balance our County government.
 19 And I would prefer to shrink it in size, but we need to
 20 shrink it in the right places. And that also means we
 21 need to grow it in areas where the community concerns
 22 are becoming larger.
 23 To not look at the broader view and to not
 24 make adjustments, we will fail. And it guarantees our
 25 failure.

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1 I truly believe, or I would not have put this
 2 forth as an idea and a concept to work on, that the time
 3 is long past for us to create this division that will
 4 handle environmental issues, the whole broad spectrum of
 5 environmental issues, and start prioritizing which ones
 6 we can work on, which ones we need to fund, how do we
 7 need to be able to organize the different groups within
 8 our community to enforce the proper protection or the
 9 proper action. If we can do this, we have a chance of
 10 doing what's necessary to protect what's in our
 11 community.
 12 If we don't do this, it will be a hodgepodge,
 13 throw it against the wall, wherever it happens to land,
 14 if we happen to work on the right things. Yeah, we'll
 15 possibly address the issue, if somebody cares enough,
 16 and if it's in the right time during the budgeting
 17 cycle, and if somebody has the facilities to do it
 18 without any coordination.
 19 So what I am asking for this particular area
 20 is to be able to direct our efforts and actually create
 21 a permanent body that will be -- their work, their job,
 22 they'll be directed to deal with a lot of these issues
 23 and coordinate the members of our community, the
 24 different organizations, to be able to work with these
 25 issues. That's really what this effort is for.

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1 Now, again, I will reiterate, I don't like
 2 growing government and adding a whole lot of positions.
 3 We're trying to be austere and we're trying to cut back.
 4 We're trying to reorganize so that we're much more
 5 efficient. But there are some areas within our
 6 government that need to be grown because we've neglected
 7 things far too long. This is one of those areas.
 8 I am open to questions.
 9 CHAIR STONE: Thank you very much, Mayor.
 10 Stacy.
 11 COMMISSIONER CRIVELLO: I would like to, first
 12 of all, say, personally -- and I am sure many on our
 13 island and throughout the County -- would like to thank
 14 you for taking these bold steps to try and control our
 15 destiny for our islands.
 16 And I just have a little chatter in the back
 17 of my head when I think of sustainability. I think
 18 we're talking environment, we're talking about our
 19 economics, we're talking about our community and our
 20 cultural concerns. And what I hear you is, how do we
 21 take that, somewhat like our ahupua`a system that takes
 22 care of our resource management, and also the resiliency
 23 of our -- our agriculture community, actually, for --
 24 for everyone. Do you see -- I am hearing you saying
 25 that it should be under the Environmental Management

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1 Division.
 2 MAYOR ARAKAWA: Department.
 3 COMMISSIONER CRIVELLO: Department. Could
 4 that be something for consideration under Maui Economic
 5 Department, because the ag is under there?
 6 MAYOR ARAKAWA: You're actually talking about
 7 our Economic Development.
 8 COMMISSIONER CRIVELLO: Right.
 9 MAYOR ARAKAWA: Economic Development is
 10 specifically there to try and develop help for our
 11 community, to build economy. So they're there to help
 12 businesses, to be able to promote new businesses, to try
 13 and work in that area. They're not the environmental
 14 arm per se.
 15 Now, when I talk about creating this division,
 16 please don't think I am trying to take away
 17 responsibility or efforts from all the other
 18 departments. Everybody will have rolls to play within
 19 the various departments. But the crux of it is this
 20 would concentrate that effort.
 21 Remember when we were on Molokai -- I think
 22 this is the eighties -- and we had that problem with
 23 mass clearing up on top -- where is that -- just going
 24 out of the plane going up to -- yeah, that area where
 25 they -- the ranch cut too much. And we had the meeting

<p style="text-align: right;">Page 165</p> <p>1 and we talked about the best practices. And the State 2 was saying, well, yeah, the best practices have been 3 implemented. And I was at that meeting and I asked, so, 4 if the water -- the mud is already in the ocean, who do 5 you report to. They said, oh, well, too late because we 6 have to have somebody with the department be there to be 7 able to see the problem. And then even if you see the 8 problem, you see the mud in the water, there's no 9 baseline studies. So how do you base what has been 10 added to the ocean versus what was there before. 11 We have a lot of rules like that, that the 12 State puts in, that seem to make sense, best management 13 practice, but we have no enforcement and no ability to 14 enforce or to make sure that the environment is really 15 being taken care of. A lot of these were put in place 16 sort of theoretically, without the ability to actuate a 17 real conservation effort. That's just the reality. 18 So when we talked about all the pollution 19 going into the ocean, until just recently, how would we 20 ever know how much pollution is added if we have no 21 baseline studies, if we didn't know where the coral was? 22 You know, all those kind of things need to be added to 23 the environmental to make sure that these different 24 groups are coordinated, so we actually can cure or 25 resolve issues. That's really where I am going with</p>	<p style="text-align: right;">Page 167</p> <p>1 have that extra division, and that was why it ended up 2 being called Environmental Management because it was 3 supposed to be a place to go. 4 So where do we go from here and how does 5 sustainability work into this? Because I think that's 6 where this Commission's getting lost -- 7 MAYOR ARAKAWA: Let me -- 8 COMMISSIONER DELEON: -- on the sustainability 9 element of it. 10 MAYOR ARAKAWA: In what you have on the 11 proposal, it says to add sustainability to the powers, 12 duty and function of the Department of Environmental 13 Management. I think you're taking the "to add 14 sustainability" to mean all the sustainable type of 15 projects. This sustainability in the way it's worded 16 means to put stability there, to be able to have 17 longevity, so the programs are there so that they'll 18 carry on from year to year. 19 Sustainable is being used in a very different 20 way from the way we use sustainability as a grouping to 21 say, oh, let's do recycling and sustainable -- 22 sustainable resources. So I -- I think that's where the 23 confusion is coming in. 24 The word "sustainability" is intended to be 25 able to put the substance there in -- in a long-term</p>
<p style="text-align: right;">Page 166</p> <p>1 this group. 2 CHAIR STONE: Thank you. 3 Stacy, are you okay? 4 COMMISSIONER CRIVELLO: Yeah, I'm okay. Thank 5 you. 6 CHAIR STONE: Dave. 7 COMMISSIONER DELEON: How -- I think where I 8 am hearing confusion is you're talking environmental 9 protection, and Stacy is talking sustainability. I 10 think which are really two different animals. 11 MAYOR ARAKAWA: Yes. 12 COMMISSIONER DELEON: And so like we, 13 actually, heard from Warren Watanabe suggesting that the 14 sustainability element of this go in -- because that's 15 where -- go toward economic development because that's 16 where the farm base is currently. Let me finish. And 17 what I am hearing you talking about is environmental 18 protection. And there seems like you can see a 19 dichotomy there. And I remember when -- when we did 20 create the Department of Economic -- of Environmental 21 Management. It was deliberately, we used the "E" word 22 deliberately because we were thinking about having this 23 division. We actually had an argument with the Council 24 because they wanted to call it the Department of Waste 25 Management. And, yet, the puka was there. You could</p>	<p style="text-align: right;">Page 168</p> <p>1 fashion so that it will be able to replenish itself year 2 after year and be stable. That's what we mean by 3 sustainability in this. Not that all the sustainability 4 projects need to come under this area. That's what I 5 think the confusion is. 6 COMMISSIONER DELEON: Mr. Chair? 7 CHAIR STONE: Thank you. 8 Go ahead, Dave. 9 COMMISSIONER DELEON: So this is more of an 10 environmental protection -- 11 MAYOR ARAKAWA: Yes. 12 COMMISSIONER DELEON: -- function, you're 13 saying, here. 14 MAYOR ARAKAWA: Yes. 15 COMMISSIONER DELEON: That's what you're 16 really talking about is environmental protection. 17 MAYOR ARAKAWA: Yes. 18 COMMISSIONER DELEON: Okay. Thank you. 19 CHAIR STONE: Thank you. 20 Go ahead, Susan. 21 COMMISSIONER MOIKEHA: I can understand where 22 Dave is coming from because it's what's written in your 23 proposal. And so when you look at the actual language 24 we would be changing, it was what you recommended. 25 Number 4 deals with guide efforts to maximize</p>

<p style="text-align: right;">Page 169</p> <p>1 opportunities for natural resource protection, 2 conservation, restoration, which deals with more of the 3 managing the environment, as you proposed. And Number 5 4 is where the sustainable confusion comes in, coordinate 5 and develop policies and initiatives that integrate 6 sustainable resource developments, support local food 7 and energy production, and establish partnerships with 8 agencies and organizations to implement programs, 9 policies, projects that promote sustainability. 10 So, yeah, I am having a hard time seeing how 11 Number 5 fits in as part of the duties and functions of 12 someone who is dealing with waste management and 13 control, pollution, recycling, how it deals with or 14 relates to maintaining solid waste collection. 15 I think there's two issues you're trying to 16 get forth and you're trying to put it into whatever 17 department in the County it's most related to. And I 18 think that's the confusion. 19 I don't think anybody disagrees with the 20 importance of sustaining our resources. I think we're 21 all in support of that. 22 What I had trouble understanding, and from 23 public testimony, is how do those things relate to the 24 duties under this environmental management. And the 25 other part of that testimony came from people who said</p>	<p style="text-align: right;">Page 171</p> <p>1 The big problem we have is I don't have the 2 manpower in these divisions to pull them out to take 3 care of these issues. If I did, I would have just 4 plopped the responsibility in on the -- on the group 5 that's already there. But their specialty are not the 6 area that I want them to -- this division to work in. 7 It's a very specialized field, very different from 8 picking up trashcans and dealing with wastewater 9 facilities. 10 COMMISSIONER MOIKEHA: Then I would agree that 11 something needs to be changed in Number 5. Because 4, I 12 think, could work towards your objective, but 5 pulls 13 you totally into a different area that does not belong 14 with the powers and duties and functions of Department 15 of Environmental Management. 16 MAYOR ARAKAWA: I would be perfectly happy to 17 have you amend it any way to reflect the direction that 18 we're heading. 19 COMMISSIONER MOIKEHA: Okay. My other issue 20 is that, after reading testimony by Ken Taira -- and 21 this was given to us a few meetings ago -- he just gives 22 an example of we do need to have a sustainability 23 definition if we're going to even address that, too, 24 that we all can agree with. And I like what he pulled 25 from the State Sustainability Plan as a definition. It</p>
<p style="text-align: right;">Page 170</p> <p>1 that they're overworked, that there is no way they're 2 going to be able to do that. 3 So I'll stop there and ask you to see if you 4 can clarify that because you are saying two things. And 5 one of those things, in my mind, does not relate. 6 MAYOR ARAKAWA: Let me clarify. And I hope 7 that, after this, you'll be able to understand. I am 8 not asking that you add responsibilities to any of the 9 existing division. I am asking you to create a new 10 division specifically dealing with the environmental 11 area. The sustainability that I am working with is to 12 be able to maintain those programs throughout. 13 When we talk about agriculture sustainability, 14 we're talking about trying to create programs that will 15 last a long time. We cannot have long-term agriculture 16 unless we address all of the environmental issues. 17 But we can clarify that by taking the word 18 "sustainable" out and just leave it as environmental -- 19 working with environmental management or the issues 20 dealing with environment. So if we just take out the 21 word "sustainability", we'll perhaps get around this 22 issue that's confusing everybody. Because my full 23 intent is what I've stated before, to deal with the 24 major environmental issues, create a different division, 25 not pull from the ones that are existing.</p>	<p style="text-align: right;">Page 172</p> <p>1 -- sustainability is, it respects the culture, 2 character, beauty and history of our State's island 3 communities, sustainability, strikes a balance between 4 economic, social and community and environmental 5 priorities, and it meets the needs of the present 6 without compromising the ability of future generations 7 to meet their own needs. 8 What I even like better about his statement, 9 and he brought this forth in his written testimony, is 10 that he thought that every department should share in 11 that equally. And so rather than putting the full 12 responsibility of sustainability on Environmental 13 Management, why isn't that spread out amongst all your 14 departments? Because I can see, even after the 15 testimony received from Mr. Watanabe, he believes 16 agriculture and sustainability in relationship to that 17 should stay at economics; it shouldn't be under 18 environmental management. So every department can take 19 a role under their relevant duties and powers to -- to 20 promote sustainability, which I think is what you're 21 trying to get across as well. 22 MAYOR ARAKAWA: Actually, to a point, each 23 department can play a role, but you do need to have a 24 lead role to be able to manage and coordinate all the 25 efforts. The funding that's put to all the various</p>

<p style="text-align: right;">Page 173</p> <p>1 departments are segmented funding, not near -- not meant 2 specifically for Environmental Management. 3 Now, in the past, we've put money under the 4 Mayor's Office, in Economic division, because we have 5 nowhere else to put the money to be able to deal with 6 this issue. But the people that we have in Economic 7 Development are not specialists in environmental issues, 8 specifically. And that's a -- their major emphasis is 9 in trying to put together the economic development 10 issues for the County and trying to foster private 11 sector economic viability. That's why they're called 12 Economic Development. 13 The environment, all the money had to be put 14 someplace, so the money is put there to be able to be 15 disbursed to some of the community associations, like 16 MISC, that are -- that are dealing with these areas. 17 But the expertise does not come from Environmental 18 Management -- or -- excuse me -- Economic Development. 19 The expertise is within the subgroups within the 20 community. All they are is a vehicle to channel money 21 to these groups. We, actually, need a group that will 22 deal with these issues and be responsible for these 23 issues. That's the point that I am trying to make. 24 Now, Ken Taira writes interesting things, but, 25 most of the time, they're fairly flawed. And I don't</p>	<p style="text-align: right;">Page 175</p> <p>1 possible health hazards? Nobody. 2 So you have a specialty area, but you can't 3 express -- expect those people whose jobs are to deal 4 with that specialty area to be much broader than what 5 their specific area of expertise is in. Environmental 6 group dealing with these various issues to the nth 7 degree will allow us to have much, much more thorough 8 work on this. 9 I'll give you one more example before I get 10 off this thing. The State did Piilani Highway. And 11 just at the corner going into Kihei, they put these huge 12 drainage culverts in, right under Piilani Highway, right 13 in that corner. Then when you get to the other side, 14 the drainage culvert ends. The transportation of all 15 the water system ends there. Who is going to be 16 responsible for all the flooding that occurs to all 17 those condominiums there every time there's a major 18 rain? Who is going to take the project and say, okay, 19 somebody needs to look at this and decide how we're 20 going to re-divert this so that it's not a major 21 problem. It doesn't fit in the -- in the scope of any 22 of our departments, so they're not going to do it. The 23 State's not going to do it. Who is going to -- who is 24 going to work on that? 25 Every time there's a major flood, the County</p>
<p style="text-align: right;">Page 174</p> <p>1 want to get into that discussion at this point, because 2 I don't believe it really has a place. 3 The reality is that the department's major 4 emphasis. If I look at Environmental Management 5 currently, they're charged with trying to deal with our 6 waste stream. Does dealing with the waste stream deal 7 with some of what sustainable management is? Sure. 8 They have to deal with picking up trash and not 9 littering by bringing it to the landfill. But what is 10 their emphasis? They're picking up the trash. That's 11 much different from how are you going to deal with all 12 of the issues that are associated with what is happening 13 with trash along -- in the beaches and the water, how 14 are you going to deal with the pollution that's being 15 created. They're not caring for that at all. 16 When you start dealing with sewer, wastewater, 17 they're dealing with taking the wastewater from the home 18 and treating it and putting it back. They're not 19 dealing with all the other causes and effects on how 20 you're going to -- to handle all the different areas 21 where you have polluted water. So the water from Kanaha 22 Pond going to the ocean may be very polluted because 23 it's sitting there. And when you have major storms, who 24 is dealing with the bacteria counts coming off some of 25 these natural areas? Nobody. Who is dealing with the</p>	<p style="text-align: right;">Page 176</p> <p>1 can get sued because we know there's a problem there. 2 The State can get sued. The -- the condos that are 3 there are going to get flooded. Right? I mean, it's a 4 given. Or maybe I just don't understand physics where 5 you have all this water coming down that's got to go 6 someplace. 7 But these are the kinds of issues I am saying, 8 once it's outside of the scope of the various 9 departments, they still need to be addressed. And there 10 is no group that is specifically charged to taking these 11 things, taking them through and trying to find 12 solutions. And that's just the way it is. We're having 13 these big problems. 14 CHAIR STONE: Cliff, go ahead. 15 COMMISSIONER MOIKEHA: Chair? 16 COMMISSIONER HASHIMOTO: Yeah. 17 CHAIR STONE: One second, Susan. I'll come 18 back. 19 COMMISSIONER HASHIMOTO: Thank you. Thank 20 you, Mayor, for coming here and speaking on these -- 21 these issues. 22 I would like to suggest, perhaps, that you can 23 solve this problem very easily by -- by contracting, 24 perhaps, a nonprofit organization to do this work you're 25 talking about. You know, we have a lot of nonprofits</p>

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1 that do a lot of good work, much better than most
 2 governments can, the departments can, especially in --
 3 in -- regarding the environment, protection of the
 4 environment, and others related to it.
 5 MAYOR ARAKAWA: And I would agree with you
 6 that currently that is what our strategy is. We
 7 contract with groups like MISC to be able to deal with
 8 parts of what we have. And we work with some of the
 9 ocean groups to be able to deal with some of the
 10 problems. But the -- overall, the broad problems that
 11 we have, are not being addressed anywhere near where
 12 they need to be. And we don't have consistent funding
 13 to be able to do this, so we cannot budget on a regular
 14 basis, because the Council won't approve these
 15 individual budgets and the -- and the manpower, the
 16 funding to the manpower that's necessary. So we
 17 understaff all of these positions and underfund all
 18 these positions, which is why we get half attempts and
 19 we get -- the solutions at this point are not anywhere
 20 near reasonable in solving the problem.
 21 COMMISSIONER HASHIMOTO: If I can follow up?
 22 CHAIR STONE: Go ahead.
 23 COMMISSIONER HASHIMOTO: Yeah. I understand
 24 what -- what you're trying to say, Mayor. The thing
 25 about the nonprofit would be the fact that they can --

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1 the nonprofit can go after grants without the County
 2 having to do that, or the County having to fund to that
 3 nonprofit to do that same work. I think we get better
 4 bang for our buck if we did that, rather than the County
 5 trying to fund it.
 6 MAYOR ARAKAWA: Well, I would like to -- I
 7 really wish that were true in the real world, but,
 8 judging from all the issues that I brought before you
 9 this morning, where are all the nonprofits that are
 10 finding all the funding to be able to address all of
 11 these issues? If the nonprofits could find them and
 12 find all the money and just do it, they would be
 13 addressing the deer situation, we wouldn't have a major
 14 problem. We would be having -- we have groups working
 15 on the deer, by the way. They're just not able to get
 16 all the funding together and the organization together,
 17 because it's a mixture of people that are moving in and
 18 out.
 19 When we're dealing with the drainage
 20 situation, when we're dealing with all these alien
 21 species problems, if we could get nonprofits to do all
 22 this work for us, that would be the best of all worlds.
 23 We wouldn't have to worry about it.
 24 But looking at what's happening realistically,
 25 unless we have somebody that -- or a group that working

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1 on this thing diligently, we're going to get overwhelmed
 2 by these situations that -- we already are overwhelmed
 3 by them in a lot of situations, where -- to the point
 4 where they're going to be uncontrollable and we're going
 5 to be having mass problems with it.
 6 Over in Waihee, the -- all of these dirt bike
 7 tracks that are there, nobody wants to deal with it
 8 because there's no money in it. There's no -- there's
 9 no profit motive to be able to do this. It's going to
 10 cost hundreds of millions of dollars to be able to get
 11 that environment back to where it was. Who is going to
 12 put an effort where there's no money to it? You know,
 13 the nonprofits will work if they can get all the funding
 14 and they're guaranteed the funding, but they're not
 15 going to do it for free.
 16 We don't have a body that can address some of
 17 these things. We have no way of starting the -- the
 18 program. And some of these are not going to be
 19 profitable under any circumstances.
 20 CHAIR STONE: Thank you.
 21 Mayor, I am going to pass to Susan in a
 22 second, but I have a quick question. Presently, with
 23 the proposal as is, with the language in place the way
 24 it is, the additional language, will the adding of this
 25 language be enough for you to create a division under

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1 the Department of Environment?
 2 MAYOR ARAKAWA: As long as -- I do need to
 3 have it specifically saying create a division under this
 4 Department of Environmental Management. So I do need
 5 language that says specifically a division. So I would
 6 have to change it to add a division under Environmental
 7 Management.
 8 CHAIR STONE: Thank you.
 9 Go ahead, Susan.
 10 COMMISSIONER MOIKEHA: This is what I am
 11 talking about. And what is proposed here under Number 4
 12 and 5 was taken directly out of your testimony in a
 13 letter written to us on August 15, 2011. And nowhere in
 14 here did it say that you want the words or that you had
 15 written in here "division to be created". Now we're
 16 subject to a whole nother level of this.
 17 I can support and understand where you're
 18 coming from with managing the environment in Number 4,
 19 and I think that addresses it, but it keeps it under the
 20 powers and duties and functions of the director of
 21 Environmental Management. I see a relationship to the
 22 other duties that he has, or she has.
 23 5 doesn't belong there at all. When we're
 24 talking about sustainable resources to support local
 25 food, how does that fit there? It doesn't. So I don't

<p style="text-align: right;">Page 181</p> <p>1 know. Maybe you need to come back with something -- and 2 now you're asking us to create a whole new division. I 3 don't know what to do with that. 4 MAYOR ARAKAWA: Well, I am perfectly willing 5 to -- to come back with a -- with a change to create a 6 division, if that's your desire. Or you could just add 7 -- you can just add it in, if you choose to. 8 But, again, my intent was not to be able to -- 9 was to be able to create this division. And that's what 10 I need the authority, to be able to create the division 11 under Environmental Management, to deal with these 12 issues. If you want to take out the sustainable, these 13 parts, that will go without saying, even if it's not 14 written in, this is what they'll be doing, is they'll be 15 trying to create a sustainable environment, even though 16 the language isn't there. 17 CHAIR STONE: Okay. Questions? Flo. 18 COMMISSIONER WIGER: Not -- not so much of a 19 question, I guess, as perhaps a comment. And I -- I 20 want to commend you, Mayor, for, you know, sort of 21 bringing this to the fore. When I first started 22 thinking about this, because we had the discussion about 23 what really does it mean, you know, sustainability is 24 this word, blah, blah, blah. And, you know, coming out 25 of the academic environment, I immediately go back to</p>	<p style="text-align: right;">Page 183</p> <p>1 that -- even though I think it's the right way to go -- 2 is that you're creating this big thing, and it lets 3 other areas off the hook in terms of their own 4 responsibility. Going to the other departments and 5 saying, you have a responsibility for this, means that 6 you're still going to have to train people in those 7 areas because people don't understand or know how to do 8 sustainability. I mean, it's a buzz word and people put 9 their own spin on it. 10 So I -- you know, I am not sure where to go 11 with it, but I think we have to do something because 12 this is going to be a big, big issue. And we have to 13 somehow take it on. Because if we don't, we're going to 14 be in deep kim chee, as they say. 15 COMMISSIONER BAXA: Mr. Chair? 16 CHAIR STONE: Thank you. Commissioner Baxa. 17 COMMISSIONER BAXA: Thank you, Mayor. 18 I was here when the word "sustainability" was 19 brought out. My understanding then -- and I think from 20 your comments today, I am beginning to understand the 21 full thing. My understanding, then and now, is this: 22 The word "sustainability" that we spoke of had something 23 to do with environment. The question that divides us is 24 this: We're taking the word -- two words separately. 25 If I understand correctly, sustainability and</p>
<p style="text-align: right;">Page 182</p> <p>1 the academic environment and I look at, okay, what's the 2 curriculum, what's the -- what's the studies of 3 sustainability. Because there's sustainability studies 4 all over the country at major institutions, research, 5 and four-year schools. 6 One of the things that -- and this is why I 7 say I am glad you brought this to the fore -- I don't 8 know what the answer to it is, but I know that when we 9 were grappling with -- with studies back in the 10 eighties, and technology, computer studies were just 11 sort of on the horizon, and it was a big thing about how 12 are we going to address this. This is the same thing 13 that's going on now with sustainability. 14 If I had my druthers and were just starting 15 over -- and I know we don't want to grow government and 16 all that kind of stuff -- I would -- I would create a 17 division of sustainability that would involve the three 18 major pieces. If you look at sustainability curriculum 19 around the country, there's three major areas that it 20 addresses. It addresses the environment, it addresses 21 the economy, and it addresses the concept of social 22 equity. Those are the three major pieces. And they all 23 -- and then that is what really makes up sustainability. 24 Now, that's -- that's the social equity piece. 25 Now, the challenge with doing something like</p>	<p style="text-align: right;">Page 184</p> <p>1 environment should go together. In other words, 2 sustainability that is being proposed is, in a way 3 limited, not all encompassing thing. Which according to 4 you, and to what I understand from understanding the 5 others, is that it embraces a whole big thing. No. We 6 are going to limit it -- we are going to limit the 7 discussion here to sustainability and environment taken 8 together. So, in a sense, it is limited. 9 And what I understand from the Mayor is this: 10 Anything that has to do with sustainable environment 11 must be -- it should be better that it be within the 12 department rather than being focused all around without 13 focus. There must be focus. And if we put it in the 14 department, then there is focus. That is my 15 understanding. And I think, if I got it correctly -- I 16 hope I have not confused me. That's my understanding. 17 MAYOR ARAKAWA: You explained it much better 18 than I did. You really did explain it much better than 19 I've been doing. 20 COMMISSIONER BAXA: No. I think we should 21 have an understanding. What -- the division that we 22 have here, we have been separating the two, that was not 23 the intent. The intent was to go together. 24 CHAIR STONE: Thank you, Commissioner Baxa. 25 Yuki.</p>

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1 COMMISSIONER SUGIMURA: So with that, then,
 2 Mayor, do you think that, to -- just for more clarity,
 3 if you somehow added to your line Number 4, and added
 4 sustainable, something in there, which would encompass
 5 the food and the energy, that we would get closer to
 6 your definition? Because I agree, I think -- I think
 7 when we got our resounding support of this from our
 8 Chair, which probably was his one and only strong
 9 statement about this -- this whole Charter, was to
 10 support this for our future generations. Right?
 11 CHAIR STONE: That's correct. Yes.
 12 MAYOR ARAKAWA: What I was looking at is the
 13 agenda for today. And Rob just gave me is what the
 14 actual proposal was.
 15 COMMISSIONER SUGIMURA: Yeah.
 16 MAYOR ARAKAWA: If you look on our actual
 17 proposal, the first page, under the reasons, we actually
 18 say, there exist a bureaucratic structure to support a
 19 third division possibly named the Division of
 20 Sustainable and Environmental Protection. So from the
 21 very beginning, we wanted to create a third division
 22 within Environmental Management. So that was our -- our
 23 intent from the beginning.
 24 COMMISSIONER SUGIMURA: Can you say that
 25 again? Division of --

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1 MAYOR ARAKAWA: Sustainability and
 2 environmental protection. Okay. But that was -- that's
 3 in the original proposal. So just he's pointing that
 4 out because I kind of --
 5 MR. PARSONS: Months ago.
 6 MAYOR ARAKAWA: It's been months and months
 7 since I've actually looked at this original proposal.
 8 But when we -- when we were talking about it originally,
 9 this is where it came from, is putting it in this
 10 department and creating a third division. And what
 11 Judge Baxa is saying is we did truly intend to limit the
 12 scope to be able to fit within this division.
 13 Now, sustainability in and of itself, as Flo
 14 was saying, is a huge word that's been -- the topic is
 15 just too big. So if we try and encompass everything
 16 within it, it would be something like, say, well, let's
 17 work with diseases. It's nice in concept, but it's too
 18 broad to be able to grab and work with.
 19 So what we're trying to do is we're trying to
 20 deal with some of the major issues within our community.
 21 That was the intent from the beginning.
 22 So now that I have the original proposal in
 23 front of the me, it's a lot easier to explain.
 24 CHAIR STONE: So a quick question, Mayor. The
 25 language -- the language as proposed in this draft,

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1 would that be the language that would define the
 2 functions of the Division of Sustainability and
 3 Environmental Protection?
 4 MAYOR ARAKAWA: Very close. 4, 5. What I
 5 believe is becoming an issue in -- in interpretation,
 6 having to deal with the food and energy production --
 7 COMMISSIONER DE REGO: Right.
 8 MAYOR ARAKAWA: -- and establish -- the
 9 confusion is that when we look at sustainable
 10 environment in this capacity we wanted to do, it
 11 encroaches on all of these areas as part of what we need
 12 to look at to be able to protect the real environmental
 13 issues. So because sustainability was a very nice grab
 14 word that encompassed all of these, we included it in.
 15 And because it's creating so much confusion, we probably
 16 should have not used that word, even though it's
 17 appropriate, because it's creating more confusion than
 18 it's worth.
 19 What we did really want to do is exactly what
 20 Judge Baxa was saying, is create the sustainable
 21 environmental programs that deal specifically with the
 22 hard issues. And I am going to say hard, I mean like
 23 the drainage, like the real solid issues; not the
 24 theoretical issues of sustainability.
 25 At some point, we have to deal with it, but

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1 this department would not be the one to deal with the --
 2 the more theoretical issues. Those are going to have to
 3 be debated in community much, much more because they are
 4 theoretical.
 5 What we're looking at is we're trying to look
 6 at the real work that needs to be done with things like
 7 our drainage, with our floodplains, with our -- you
 8 know, our alien species, the kind of things that have to
 9 develop programs to be able to really work with. That
 10 was our intent.
 11 CHAIR STONE: Very good.
 12 Frank, you had your hand up.
 13 COMMISSIONER DE REGO: Thank you, Mayor. I,
 14 too, am someone who supports at least some mention of
 15 the kind of efforts that you're outlining today. I
 16 guess the only problem I have with outlining within the
 17 Charter the creation of a division is that nowhere else
 18 in the Environment Management that we have -- we have
 19 definitions of functions which have created divisions
 20 because you have, then, the flexibility, because the
 21 function is there, to do what you feel like you need to
 22 do to organize around that function.
 23 So, personally, I would rather keep the
 24 functions more general and allow you the flexibility to
 25 organize around those functions instead of specifically

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1 outlining that we're creating a division to do
 2 so-and-so. I am wondering your reaction to that.
 3 MAYOR ARAKAWA: Again, if it's as Judge Baxa
 4 said, environmental sustainability that gives us a
 5 pretty big block.
 6 COMMISSIONER DE REGO: Right.
 7 MAYOR ARAKAWA: I don't want it an unlimited
 8 block because then we start getting into all these other
 9 discussions that are theoretical. And there's just no
 10 end to the total number.
 11 COMMISSIONER DE REGO: Yeah.
 12 MAYOR ARAKAWA: Like my example of diseases.
 13 It sounds good, but you can't do everything. And I
 14 can't expect this division to do everything.
 15 CHAIR STONE: Mayor, just some insight. I
 16 think one of the reasons that we traveled down this road
 17 as a Commission and reached this proposal was input from
 18 Mr. Parsons. And we had discussed the -- because,
 19 initially, it was requesting a new division in the -- in
 20 the initial proposal given to us from you guys.
 21 And in that discussion, I believe,
 22 Mr. Parsons, you said that -- since Mr. Parsons is here,
 23 sorry, sitting right over there -- I believe that you
 24 said that it wasn't quite necessary to define a new
 25 division, just that the Department of Environmental

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1 Management had this added language as part of its
 2 functions.
 3 Commissioners? Go ahead, Mr. Parsons, since
 4 you're here.
 5 COMMISSIONER DE REGO: That was my suggestion,
 6 Chair.
 7 (Laughter.)
 8 COMMISSIONER DE REGO: Because he asked for
 9 the creation.
 10 MR. PARSONS: Thank you, Chair, for the
 11 opportunity to clarify.
 12 And I am looking at a very old copy. This is
 13 the original proposal we sent down. At the bottom of
 14 the page, what the Mayor said here is that, under our
 15 reasoning, it said we -- there exist a bureaucratic
 16 structure to support a third division possibly named
 17 Division of Sustainability and Environmental Protection.
 18 Yet, I would very much agree with Commissioner De Rego
 19 who said that nowhere else in the Charter does the
 20 description of a department delineate what divisions are
 21 within that department. So that's why we suggested the
 22 foundational language be in place for the powers, duties
 23 and functions of that director, so that he would have
 24 clear guidance and direction on how to establish an
 25 office, just as we have a Recycling Office in Solid

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1 Waste Division, or probably, more appropriately here,
 2 another division.
 3 So I think I did try to go down this road with
 4 you some months ago at one of the community meetings.
 5 CHAIR STONE: Thank you, sir.
 6 MR. PARSONS: Does that help for
 7 clarification?
 8 CHAIR STONE: Yes, very much. Thank you for
 9 the clarification. So, Mayor, just to bring it back to
 10 that initial question, will this language be enough to
 11 create a division for -- for you guys?
 12 MAYOR ARAKAWA: Ed? I am looking at my
 13 Corporation Counsel.
 14 CHAIR STONE: Ed.
 15 MAYOR ARAKAWA: Because this gets into the
 16 legal part that I would be guessing at.
 17 CHAIR STONE: I understand. Ed.
 18 MR. KUSHI: Is the question, is it enough to
 19 create a new division?
 20 MAYOR ARAKAWA: Without specifying division.
 21 CHAIR STONE: The issue at hand that
 22 Commissioner De Rego pointed out is that, presently,
 23 under Department of Environmental Management's duties
 24 and functions, it doesn't specify anywhere the different
 25 divisions that are created under it. So why couldn't --

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1 if this language is involved and requires a new
 2 division, does it need to be specified in a proposal,
 3 Charter Amendment, that a division must be created when,
 4 in essence, it seems it's an administrative decision?
 5 MR. KUSHI: You know, I think this new
 6 language, if accepted, would authorize creating, if the
 7 Mayor wants to, a new division.
 8 CHAIR STONE: Okay.
 9 MR. KUSHI: The existing language, just as
 10 part of the functions of the department, this references
 11 waste management, solid waste, et cetera. It doesn't --
 12 CHAIR STONE: Just from my understanding, that
 13 would mean, basically, the Mayor propose a new division
 14 that would go to Council for approval on the budget?
 15 MR. KUSHI: Correct. And along with the union
 16 issues, if there are any.
 17 CHAIR STONE: Okay. Very good.
 18 COMMISSIONER BAXA: Mr. Chair?
 19 CHAIR STONE: Yes, Commissioner Baxa.
 20 COMMISSIONER BAXA: I think this is just a
 21 humble proposal. I am very aware that, in the
 22 departments, there are no specific language in the
 23 Charter about creating divisions within a particular
 24 department, but I think it shows the significance, the
 25 importance of putting that in the Charter. By putting

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1 it in the Charter, you put focus on sustainable
 2 environment. And, probably, we can eliminate all this
 3 language here. And as soon as we put the creation of a
 4 division, sustainable environment, I would then leave it
 5 to the department head to conglomerate all of those that
 6 are within the particular subject and put that under the
 7 division.
 8 CHAIR STONE: Thank you, Judge Baxa. Thank
 9 you, Commissioner.
 10 Susan.
 11 COMMISSIONER MOIKEHA: Just to reference, once
 12 again, you read both from the letter of 2011, August
 13 15th, the one line under the intent to establish a
 14 division of sustainability environmentally --
 15 environmental protection, also says the Charter does not
 16 specifically delineate divisions and offices within
 17 departments; rather, describes the powers, duties and
 18 functions of the department director. To support such a
 19 new division and focus, we could propose amending the
 20 section to add language describing new functions to be
 21 performed, which is what you did in 4 and 5. What I am
 22 saying and understanding here is -- I support what you
 23 are intending to do in regards to a division, but,
 24 because the Charter isn't for that purpose, you still
 25 have to be clear that your functions and duties fit in

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1 with what the functions and duties and objectives of
 2 that department. And that's what I am saying.
 3 So I agree with Mr. De Rego that these
 4 functions need to be supported, they have to have a
 5 connectivity. And they don't. Number 5 does not fit
 6 there at all.
 7 And you really don't have to say anything
 8 about sustainability in Number 4 because it says it by
 9 definition of what you're talking about. Maximize
 10 opportunities for natural resource protection,
 11 conservation and restoration. That's all about
 12 sustainability when you do that. So I don't think you
 13 need Number 5. I don't know if that's going to weaken
 14 your position to create a new division.
 15 I would have preferred you just come across
 16 and say, here's the outline for a new division, make it
 17 a Charter recommendation rather than try and fit things
 18 in here that, to me, in my mind -- and maybe it's just
 19 my mind -- doesn't fit. Because you're struggling with
 20 trying to make the powers and duties and functions broad
 21 enough, because you cannot delineate divisions in the
 22 Charter, yet still trying to have a focus or foundation
 23 for you to jump into a new division eventually.
 24 And I support that, make a division of
 25 sustainability, but it's not clear right now that it

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1 makes sense to me.
 2 I would not support Number 5.
 3 I am okay with Number 4.
 4 MAYOR ARAKAWA: And, again, I would be
 5 perfectly happy to eliminate Number 5 and just put in
 6 Number 4. And the -- the main issue that I want to be
 7 able to do is focus on the environmental protection
 8 issues that need to be addressed. That's my goal. The
 9 -- the rest of the language can be adjusted in the
 10 day-to-day discussion we have with the Council. But I
 11 do -- I do want you to put in something in the Charter
 12 Amendment that will allow me to create this division.
 13 And I would actually prefer the term "division" there,
 14 even if the current Charter doesn't have it, because it
 15 will give us a little bit more push with the Council to
 16 be able to -- to be able to explain it to the community
 17 what we're trying to do. Otherwise, it's too nebulous
 18 when you go to the community what we're trying to do.
 19 CHAIR STONE: We had a suggestion. Why don't
 20 you put that forward because that could alleviate the
 21 issues right now?
 22 MS. BRODER: I was just saying, you could move
 23 the word "sustainability" and move it into Number 4. So
 24 you have "natural resource protection, conservation,
 25 sustainability and restoration," and then delete 5.

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1 MAYOR ARAKAWA: That's fine by me.
 2 COMMISSIONER DE REGO: May I --
 3 CHAIR STONE: Very good. Who had their hand
 4 up first?
 5 COMMISSIONER DE REGO: I think --
 6 CHAIR STONE: No. Yuki was going to -- okay.
 7 So, Wayne, go ahead.
 8 VICE-CHAIR HEDANI: I probably have been your
 9 most critical obstacle on this particular issue based on
 10 comments that I've made to date, yeah. And what I am
 11 coming -- I am trying to get to is a point where I --
 12 where I understand how we can help make the situation
 13 work. From my perspective -- and I agree with you, you
 14 know, when I walk along State highways, and I've walked
 15 from Wailuku to Paia, I cannot take more than three
 16 steps without coming across some form of man-made litter
 17 on the ground at my feet. That's how bad it is. I've
 18 reported to State Highways that they have 19 dead
 19 animals between Kuikahi Drive and Kaanapali Parkway.
 20 And they're still there. So I agree with where you're
 21 coming from.
 22 The problem that I run up against is when I --
 23 when I take Alan out of the equation, when I take Rob
 24 out of the equation, when I look at the four corners of
 25 the document and I see, "Guide efforts to maximize

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1 opportunities for natural resource protection,
 2 conservation and restoration," to me, it means stop
 3 development, get into food production, don't do any more
 4 development because any development would be contra to
 5 maximizing opportunities for natural resource
 6 protection. To me, that's like -- just by reading it
 7 and not understanding the context of where you're coming
 8 from, is a big problem to me. And I don't know how to
 9 deal with that.

10 MAYOR ARAKAWA: If your interpretation is
 11 correct, I wouldn't propose it, either, because that's
 12 not the intent at all.

13 COMMISSIONER BAXA: Mr. Chair?

14 MAYOR ARAKAWA: So --

15 CHAIR STONE: Thank you.

16 Dave, go ahead.

17 COMMISSIONER DELEON: I don't want to comment
 18 on Wayne. I can't begin to fathom where you're coming
 19 from on that.

20 But one possible answer is in -- in the -- in
 21 the language not in -- we're going to insert in the
 22 Charter, but in the language describing what we're doing
 23 to the voters, the goal is to set a division. You don't
 24 put it in the Charter that way. You can say to have
 25 these functions. But the reason why I see it's

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1 important for us to say that this is going to be a
 2 division is we're getting serious pushback from the
 3 department. I mean, there's -- guys in this department
 4 are really, really concerned that they're going to have
 5 to run around chasing coqui frogs, and they're engineers
 6 and they don't want to go around chasing coqui frogs or
 7 deer or whatever else. It's not their kuleana, that's
 8 not their specialty. And, no. I mean, I am serious.

9 COMMISSIONER DE REGO: I know.

10 COMMISSIONER DELEON: It's getting serious
 11 pushback and we will get serious pushback if this thing
 12 goes down to the voters. And there will be this
 13 confusion about what the intent is. And the intent is
 14 it is to create a separate special division that will do
 15 this kind of work. And -- and it is a specialty thing
 16 as the Mayor mentioned.

17 So I would say putting in the -- in the
 18 description to the voter what we're trying to do as a
 19 division, but in the actual language that goes in the
 20 Charter, it doesn't have to specify a division.

21 COMMISSIONER BAXA: Mr. Chair?

22 CHAIR STONE: Yes, Commissioner Baxa.

23 COMMISSIONER BAXA: Mr. Chair, if it could be,
 24 I think this is the best solution that I can see. I
 25 have -- I have to agree with --

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1 COMMISSIONER DELEON: Go ahead.

2 COMMISSIONER BAXA: -- my friend, Commissioner
 3 DeLeon. It is important that we have to put it in the
 4 Charter that there be a division of sustainable
 5 environment.

6 What I would propose is this: The two words
 7 taken together are broad enough to comprehend everything
 8 that are in here. And let us leave it to the department
 9 head to work objectively on what it means. We don't
 10 have to spell out in details, that is not the function
 11 of the Charter. The function of the Charter is not to
 12 outline every comma, every dot. It is to put the
 13 language that will comprehend what we want to be done.
 14 And if you put the two words together, there can be no
 15 mistaking what we intend to do.

16 Thank you, Mr. Chair.

17 CHAIR STONE: Thank you, Judge Baxa.

18 COMMISSIONER BAXA: Remove all the other
 19 languages.

20 CHAIR STONE: So, Judge Baxa, point of
 21 clarification, what you would -- what you are suggesting
 22 is that eliminate Point 4 and Point 5, but put, as a
 23 duty and function, create a division -- or maintain a
 24 division of sustainability and environmental protection,
 25 done?

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1 COMMISSIONER BAXA: Yes.

2 CHAIR STONE: As a separate --

3 COMMISSIONER BAXA: That would take care of
 4 it.

5 CHAIR STONE: That's true.

6 COMMISSIONER BAXA: Is there any disagreement
 7 as to that?

8 CHAIR STONE: Dave.

9 COMMISSIONER DELEON: I have a question to Ed.
 10 Ed, is there any prohibition in creating in the Charter
 11 actual language saying that there's a division of X, Y
 12 or Z? I mean, is there -- is there any reason why we
 13 could not do that?

14 MR. KUSHI: My understanding is that there's
 15 no reason why you couldn't do it. You're being very
 16 specific if you do. And if you do it for this
 17 department, you should do it for the others.

18 COMMISSIONER DE REGO: Exactly.

19 COMMISSIONER SUGIMURA: I was just going to
 20 say.

21 MR. KUSHI: Like Water --

22 COMMISSIONER DELEON: You would be a good
 23 parent.

24 MR. KUSHI: Again --

25 COMMISSIONER DE REGO: Consistency.

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<p>1 MR. KUSHI: -- be consistent.</p> <p>2 CHAIR STONE: Yuki, go ahead.</p> <p>3 COMMISSIONER SUGIMURA: So based upon what</p> <p>4 Junior said and what the Mayor is trying to do, and what</p> <p>5 our role is, I think -- I think what Judge Baxa is</p> <p>6 saying is that if we use the words which everybody is</p> <p>7 saying that the Mayor is trying to do, sustainable</p> <p>8 environmental protection, but kind of use that</p> <p>9 terminology, then we're going to market ourselves from</p> <p>10 the get-go with what people are saying, anyway, what</p> <p>11 they understand. It will kind of encompass everything</p> <p>12 that we've just talked about for a while.</p> <p>13 CHAIR STONE: Okay. Thank you.</p> <p>14 MAYOR ARAKAWA: Just so long as it doesn't</p> <p>15 come with the interpretation that Wayne doesn't want.</p> <p>16 I don't know where you got that, Wayne. I am</p> <p>17 still trying to figure it out.</p> <p>18 COMMISSIONER DE REGO: Out of the box</p> <p>19 thinking.</p> <p>20 CHAIR STONE: Frank.</p> <p>21 COMMISSIONER DE REGO: Way out of the box.</p> <p>22 I like the suggestion of the Legislative</p> <p>23 Analyst, actually, to add the word "sustainability" to</p> <p>24 Number 4. I do like the idea of establishing</p> <p>25 partnerships, but maybe that's too specific in regards</p>	<p>1 (Laughter.)</p> <p>2 CHAIR STONE: "Guide efforts to maximize</p> <p>3 opportunities for environmental natural resource</p> <p>4 protection, conservation, sustainability and</p> <p>5 restoration." So -- oh, "environmental and natural</p> <p>6 resource protection." So I don't know if that helps you</p> <p>7 out, Wayne, actually. But, anyways, that's --</p> <p>8 COMMISSIONER DE REGO: He had problems with</p> <p>9 the word "maximize".</p> <p>10 CHAIR STONE: Very simple. Thank you. Sorry.</p> <p>11 I am losing it. Okay.</p> <p>12 So Tonya is going to need a break pretty soon,</p> <p>13 guys.</p> <p>14 MAYOR ARAKAWA: Mr. Chair?</p> <p>15 CHAIR STONE: Yes.</p> <p>16 MAYOR ARAKAWA: Just as a suggestion, Member</p> <p>17 Hedani's suggestion, if we can put it in the notes and</p> <p>18 in the minutes, this is not the intent, then that will</p> <p>19 be very clearly stated this is not the intent for things</p> <p>20 that you're worried about. I think that should cover</p> <p>21 it.</p> <p>22 CHAIR STONE: Very good. Thank you.</p> <p>23 Susan.</p> <p>24 COMMISSIONER MOIKEHA: Why didn't you just</p> <p>25 create a recommendation for a division, sustainability?</p>
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<p>1 to what -- what they would do. But Number 4, I think,</p> <p>2 would leave the language general enough that it would</p> <p>3 allow the Mayor the freedom to create the specific</p> <p>4 division around those functions. But I think, at this</p> <p>5 point, I would be willing to support something like</p> <p>6 that, but keeping Number 4, focusing on environmental</p> <p>7 protection, as -- as Dave has talked about, and -- and</p> <p>8 -- and actually wedding sustainability to those efforts</p> <p>9 and putting that in this context.</p> <p>10 So that's just a -- you know, my original --</p> <p>11 when I was doing this, actually, just to put it out</p> <p>12 there, I was going to put guide efforts to maximize</p> <p>13 opportunities for natural resource protection,</p> <p>14 sustainability, conservation and restoration, and</p> <p>15 establish partnerships with agencies, organizations to</p> <p>16 implement programs, policies and projects that promote</p> <p>17 this effort and related programs, just like what it</p> <p>18 says. But we -- just too long.</p> <p>19 CHAIR STONE: We have --</p> <p>20 COMMISSIONER DE REGO: But I like that one</p> <p>21 sentence, just add "sustainability", boom, it's done and</p> <p>22 it allows the Mayor to -- the freedom to create a</p> <p>23 division of his own, I think.</p> <p>24 CHAIR STONE: Sherry came up with some</p> <p>25 language that could help Wayne out as well.</p>	<p>1 Why go this route?</p> <p>2 MAYOR ARAKAWA: Well, I actually thought I had</p> <p>3 created a sustainability division.</p> <p>4 COMMISSIONER MOIKEHA: No.</p> <p>5 CHAIR STONE: Susan, he did.</p> <p>6 COMMISSIONER MOIKEHA: At this point, even if</p> <p>7 we put in Number 4 and we accept that, this is your --</p> <p>8 COMMISSIONER DE REGO: We did.</p> <p>9 COMMISSIONER MOIKEHA: -- foundation to create</p> <p>10 the division, it's going to depend on whether the</p> <p>11 legislative body supports it in the budget.</p> <p>12 MAYOR ARAKAWA: No. That goes without saying.</p> <p>13 COMMISSIONER MOIKEHA: But if you had proposed</p> <p>14 an actual, like we did with the auditor thing, division,</p> <p>15 and it gets passed, it's done, it's mandated. You don't</p> <p>16 have to wait for approval of the Council for the</p> <p>17 funding.</p> <p>18 COMMISSIONER DE REGO: No. They did that</p> <p>19 already.</p> <p>20 COMMISSIONER MOIKEHA: They would have to fund</p> <p>21 it, but they're mandated to.</p> <p>22 COMMISSIONER DE REGO: No.</p> <p>23 MAYOR ARAKAWA: No. They -- it's still an</p> <p>24 option on the Council --</p> <p>25 COMMISSIONER MOIKEHA: They would have to meet</p>

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1 the -- if we -- so are you saying now that, because
 2 we're creating the Department of Auditor, that they
 3 don't have to fund that?
 4 MAYOR ARAKAWA: Let me suggest just a
 5 suggestion in how we operate. Any position that I have
 6 within my entire budget document, if the Council chose
 7 not to fund those positions, the position would still
 8 exist without any funding. It just means, for any
 9 practical purpose, we couldn't use it. And this is true
 10 in the State system as well as the County system.
 11 They would not be violating the Charter if
 12 they didn't eliminate the position; they just would be
 13 not allowing us to do a practical consideration by not
 14 funding it. So there's ways to get around this, if they
 15 truly wanted to. But I actually don't believe the
 16 Council would not want to do this.
 17 CHAIR STONE: Thank you, Mayor. Thanks so
 18 much.
 19 We do need to take a break, so is there any
 20 quick questions before we let the Mayor go here?
 21 (No Response.)
 22 CHAIR STONE: Okay. Good. Thanks so much --
 23 COMMISSIONER DE REGO: Thank you very much,
 24 Mr. Mayor.
 25 CHAIR STONE: -- for being here today. Much

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1 appreciated.
 2 MAYOR ARAKAWA: I apologize for the confusion.
 3 And I would be very open to whatever suggestions you can
 4 to improve what we sent down. We meant this as a start.
 5 And I anticipated that you would discuss it and possibly
 6 make amendments to whatever we sent out. So I would be
 7 more than happy to work with that.
 8 COMMISSIONER SUGIMURA: Thank you.
 9 CHAIR STONE: Thank you, Mayor. Thanks for
 10 your time.
 11 We'll take a 10-minute recess. We'll be
 12 meeting back here at 3:40. Meeting temporarily
 13 adjourned.
 14 (Recess, 3:28 p.m. to 3:45 p.m.)
 15 CHAIR STONE: Call this meeting back to order
 16 at 3:45 p.m. And we are now on the agenda, moving to
 17 proposed charter amendments.
 18 COMMISSIONER DELEON: How did that happen?
 19 (Laughter.)
 20 CHAIR STONE: Oh, yeah, that's what we're here
 21 for.
 22 COMMISSIONER DE REGO: That seems to be the
 23 question of the day for you.
 24 CHAIR STONE: All right. So just a little
 25 input. We are going to get through all these today.

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1 COMMISSIONER SUGIMURA: Woah.
 2 CHAIR STONE: And we are going to have them
 3 pau. And our next meeting, what we're going to do is
 4 we're going to come back for final reading to make sure
 5 everything is good.
 6 COMMISSIONER SUGIMURA: And do a report back.
 7 CHAIR STONE: This is -- today, we're going to
 8 get it all done. So let's lock it down.
 9 And we really do have to watch our time
 10 speaking. So if you have input, make it quick and
 11 concise, please.
 12 Okay. So Proposal Number 1. Sorry. Let me
 13 coordinate really fast. Okay. Proposal Number 1,
 14 Article 3, County Council Term Limits. And this had
 15 been tabled at the last meeting. And the reason it was
 16 tabled was the discussion between staggered terms. And
 17 since I wasn't at that meeting, Sherry, give us some
 18 input, please.
 19 MS. BRODER: Okay. If you take a look at the
 20 Proposal Number 1, there are my red comments, as usual.
 21 So the difference was whether or not you want to do the
 22 staggering by the five who get the highest votes get the
 23 four-year terms, the four that gets the lower votes get
 24 the two-year terms, or if you want to do the staggering
 25 by the odd -- the odd residency areas get the four-year

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1 term and the even residency areas get the two-year
 2 terms. So I have put both proposals forward. So I
 3 think that's the only decision that you are still
 4 contemplating which way you wanted to do the staggering.
 5 CHAIR STONE: Commissioners.
 6 COMMISSIONER SUGIMURA: Make a proposal.
 7 CHAIR STONE: So we should make a motion to
 8 choose one or the other. Go ahead, Yuki.
 9 COMMISSIONER SUGIMURA: I move that we use the
 10 highest vote-getter method.
 11 CHAIR STONE: Do I have a second?
 12 COMMISSIONER CRIVELLO: Second.
 13 CHAIR STONE: Seconded by Stacy. Thank you.
 14 Commissioners, discussion?
 15 (No Response.)
 16 CHAIR STONE: Very good. No discussion.
 17 We'll take that to vote.
 18 COMMISSIONER OKAMOTO: You're voting on the
 19 entire proposal?
 20 CHAIR STONE: The entire proposal's already
 21 accepted. What we're trying to do is just finish this
 22 language.
 23 COMMISSIONER OKAMOTO: No, I don't think it
 24 was accepted because we couldn't. It all goes together,
 25 as I recall.

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1 CHAIR STONE: Okay. Very good. First, before
 2 we vote on the entire proposal, let's choose this --
 3 okay. Let me start -- let me -- what we're deciding is
 4 between Option 1 and 2, staggering by highest
 5 vote-getters and, Number 2, staggering using the
 6 transition utilized by the Charter of the City and
 7 County of Honolulu. I have a motion to use Option 1,
 8 and it's been seconded. So any further discussion
 9 before we take a vote on this?
 10 COMMISSIONER DELEON: Cliff wants --
 11 CHAIR STONE: Motion was made by Yuki,
 12 seconded by Stacy. Wayne, go ahead.
 13 VICE-CHAIR HEDANI: Just to clarify. What are
 14 we voting on?
 15 CHAIR STONE: You buggah.
 16 Okay. We're voting on -- we need to -- in our
 17 language for this proposal, Proposal Number 1, we need
 18 to choose between the two options, Number 1,
 19 staggered -- staggering by highest vote-getters -- okay.
 20 I see what you're saying. What we're trying to do is we
 21 have to -- we're going to stagger the terms if we change
 22 to four years.
 23 VICE-CHAIR HEDANI: My question is, if we're
 24 voting on Proposal Number 1 with staggering or if the
 25 motion is to support staggering --

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1 CHAIR STONE: Yes.
 2 VICE-CHAIR HEDANI: -- as opposed to Proposal
 3 Number 1.
 4 CHAIR STONE: Yuki, go ahead. What are you
 5 proposing, again?
 6 COMMISSIONER SUGIMURA: For Proposal Number 1,
 7 staggering.
 8 CHAIR STONE: Voting on staggering, yes.
 9 VICE-CHAIR HEDANI: The whole kit and
 10 caboodle, right?
 11 COMMISSIONER SUGIMURA: Right.
 12 CHAIR STONE: No. Yuki -- no. Okay. I am
 13 going to just -- I am going to clarify.
 14 COMMISSIONER SUGIMURA: Highest vote-getter.
 15 CHAIR STONE: We're just trying to get started
 16 here.
 17 COMMISSIONER SUGIMURA: Highest vote-getter.
 18 CHAIR STONE: Highest -- okay.
 19 COMMISSIONER SUGIMURA: Wayne, you're
 20 confusing me.
 21 CHAIR STONE: Okay, stop, everybody. Okay.
 22 We are just voting on these options as language to the
 23 proposal. And right now, there's a -- there's a
 24 proposal to vote Option 1, staggering by highest
 25 vote-getter as the language. We are not voting on the

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1 whole proposal yet.
 2 Go ahead, Kay.
 3 COMMISSIONER OKAMOTO: Is it all right to
 4 abstain on that kind of vote? Because if you're not for
 5 the proposal in general -- can I abstain on the two
 6 options?
 7 CHAIR STONE: No. There should be a preferred
 8 option.
 9 COMMISSIONER OKAMOTO: Well, not if you're not
 10 for the whole thing is what I am saying. So I -- okay.
 11 I'll just vote "no". Okay. Thank you.
 12 CHAIR STONE: Okay.
 13 COMMISSIONER DE REGO: Just vote "no".
 14 COMMISSIONER OKAMOTO: Moving on.
 15 CHAIR STONE: Okay. Thank you.
 16 Cliff, do you understand or do you need
 17 further clarification?
 18 COMMISSIONER HASHIMOTO: No. I think I am
 19 like her. Either we're going to vote for one of these,
 20 staggering --
 21 CHAIR STONE: Sorry, Cliff, microphone. Chivo
 22 is jumping back there. Go ahead, Cliff.
 23 COMMISSIONER HASHIMOTO: Okay. We either are
 24 going to vote for this proposal with one of these two.
 25 So we can either -- the motion can either be made with

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1 -- with one -- either, 1, staggering or, 2, staggering.
 2 CHAIR STONE: Okay. Let's do this: Would you
 3 amend your motion, Yuki, to --
 4 COMMISSIONER DELEON: (Inaudible.)
 5 CHAIR STONE: Okay, guys, come on. It always
 6 starts with the first one. All right. Just don't
 7 worry, we'll get it.
 8 Yuki, would you amend your proposal to accept
 9 this draft with Option Number 1, staggering by highest
 10 vote-getters.
 11 COMMISSIONER SUGIMURA: So you're saying
 12 Proposal Number 1?
 13 CHAIR STONE: Proposal Number 1 accepted --
 14 COMMISSIONER SUGIMURA: Accepted with --
 15 CHAIR STONE: -- with the language --
 16 COMMISSIONER SUGIMURA: -- for staggering by
 17 highest vote-getter?
 18 CHAIR STONE: Yes.
 19 COMMISSIONER SUGIMURA: Yes.
 20 CHAIR STONE: Okay. Will you -- will you
 21 accept that amendment, Stacy?
 22 COMMISSIONER CRIVELLO: Yes.
 23 CHAIR STONE: Okay. Very good. All right.
 24 Discussion.
 25 (No Response.)

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1 CHAIR STONE: Okay. Very good. Let's take
 2 it --
 3 COMMISSIONER DELEON: What's the whole motion?
 4 CHAIR STONE: Wayne, go ahead.
 5 VICE-CHAIR HEDANI: I am going to vote against
 6 this particular measure only because it's come up before
 7 the Charter three times, it's been voted down three
 8 times. And I don't think it's something that we should
 9 ask them to decide for a fourth time because we didn't
 10 like your answer.
 11 (Laughter.)
 12 CHAIR STONE: Okay. Dave.
 13 COMMISSIONER DELEON: I think the voters
 14 should have the option. We're hearing it from the
 15 Council, we're hearing it from members of the public,
 16 they want a more efficient way of electing our Council.
 17 This will have the effect of having only four or five
 18 names on the ballot at a time -- or four or five races
 19 on the ballot at a time rather than nine, and then
 20 having the voters trying to figure out nine each time.
 21 I personally prefer Option 2 because I don't
 22 believe the -- I don't believe that -- the fact that
 23 somebody has the highest vote total doesn't mean that
 24 they did anything significant one way or the other. It
 25 might mean that they didn't get competition and --

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1 and/or they have a district where nobody runs against
 2 them. So you end up having no competition. So --
 3 But neither here nor there, I will support
 4 this measure just to move it along. Thank you.
 5 CHAIR STONE: Thank you. Any further
 6 discussion.
 7 (No response.)
 8 CHAIR STONE: Very good. Let's take it to
 9 vote. By show of hands, all in favor of the language
 10 with Option Number 1, staggering by highest
 11 vote-getters, raise your hands and say "aye," please.
 12 (Ayes.)
 13 CHAIR STONE: Keep your hands up for a second.
 14 Four, five, six, seven, eight. All opposed, raise your
 15 hand and say "nay."
 16 (Nays.)
 17 CHAIR STONE: Eight to three. So that is
 18 going to the ballot.
 19 Oh, thank you, Ed. Why don't we all take a
 20 minute to clap for ourselves? Come on, everybody.
 21 (Laughter.)
 22 CHAIR STONE: One.
 23 COMMISSIONER DELEON: The easy stuff.
 24 CHAIR STONE: Very good.
 25 Going to Number 2. Proposal Number 2 is

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1 Article 8, County Departments, Section 7, Department of
 2 Fire and Public Safety, assign Ocean Safety and Rescue
 3 to Department of Fire and Public Safety.
 4 Begin.
 5 COMMISSIONER MOIKEHA: I would like to make a
 6 motion to propose that we move Ocean Safety to -- Ocean
 7 Safety and Rescue to the Department of Fire and Public
 8 Safety.
 9 COMMISSIONER DELEON: Second.
 10 CHAIR STONE: Okay. Motion on the floor.
 11 Discussion. Go ahead, Frank.
 12 COMMISSIONER DE REGO: Is this going to
 13 include the amendment that we said earlier about beach
 14 and ocean safety?
 15 CHAIR STONE: I would say at this time it's a
 16 good time to propose that amendment.
 17 COMMISSIONER DE REGO: I would.
 18 COMMISSIONER OKAMOTO: Shoreline.
 19 COMMISSIONER DE REGO: Yes. Was it shoreline?
 20 COMMISSIONER SUGIMURA: Beach.
 21 CHAIR STONE: This is the language. "Rescue,
 22 beach and ocean safety."
 23 COMMISSIONER CRIVELLO: "Beach, ocean rescue
 24 and safety."
 25 COMMISSIONER SUGIMURA: "Beach, ocean rescue

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1 and safety."
 2 CHAIR STONE: What do you have?
 3 MS. BRODER: I have the same that you have,
 4 "Beach and ocean safety."
 5 CHAIR STONE: And I did verify it. Okay.
 6 8-7.4.2, "Provide and perform firefighting, rescue,
 7 beach and ocean safety, and first responder emergency
 8 services."
 9 COMMISSIONER DE REGO: That was my
 10 understanding.
 11 CHAIR STONE: "Rescue, beach and ocean
 12 safety."
 13 COMMISSIONER DE REGO: Comma.
 14 CHAIR STONE: Comma.
 15 COMMISSIONER DE REGO: And first-responder --
 16 CHAIR STONE: There's a friendly amendment.
 17 Yes, go ahead, Susan.
 18 COMMISSIONER MOIKEHA: Isn't it to include
 19 rescue? "Beach and ocean rescue and safety."
 20 COMMISSIONER SUGIMURA: "Beach and ocean
 21 safety."
 22 MS. BRODER: Well, there's already a "rescue"
 23 in there. The word before there is "rescue."
 24 COMMISSIONER MOIKEHA: Rescue could --
 25 MS. BRODER: This is your addition.

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1 COMMISSIONER MOIKEHA: I understand that. But
 2 rescue can apply to -- I don't know. The initial one
 3 was "ocean rescue and safety," and what I heard from the
 4 fire chief and Archie was adjusted to add "beach."
 5 CHAIR STONE: I think -- I don't see why there
 6 would be a problem reiterating "beach and ocean rescue
 7 and safety." Oh, Kay does see a problem with that. Go
 8 ahead, Kay.
 9 COMMISSIONER OKAMOTO: Because the beach are
 10 considered beach parks in many cases and they don't have
 11 same authority. That's why shoreline makes more sense.
 12 Also, you have rocky coasts that are considered. And so
 13 I think the word "shoreline" makes more sense than
 14 "beach."
 15 CHAIR STONE: Okay.
 16 COMMISSIONER DELEON: I agree with that.
 17 CHAIR STONE: Shoreline. Susan, go ahead.
 18 COMMISSIONER MOIKEHA: Yeah, it doesn't matter
 19 to me if you put "shoreline" or "beach," but I think
 20 it's important to include, because there's a comma after
 21 "rescue" and then we're talking about shoreline or the
 22 beach, ocean, rescue and safety. It's specific to the
 23 waters.
 24 CHAIR STONE: Okay. One second. Let me just
 25 write this down, please. All right. Okay. So here's

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1 the wording being proposed.
 2 Wayne, do you have something to say?
 3 VICE-CHAIR HEDANI: Just a clarification to
 4 make sure that we're voting on Proposal Number 2.
 5 COMMISSIONER SUGIMURA: Yes.
 6 COMMISSIONER WIGER: Yes.
 7 CHAIR STONE: Proposal Number 2, yes, we are
 8 voting on it. I think what's happening is we're making
 9 a friendly amendment to the proposal. Did somebody put
 10 a motion forward to make a friendly amendment? Yes.
 11 COMMISSIONER MOIKEHA: Okay. So what, we want
 12 "shoreline" or do we want "beach?"
 13 CHAIR STONE: "Shoreline."
 14 COMMISSIONER DELEON: "Shoreline."
 15 COMMISSIONER MOIKEHA: Okay. Then here is my
 16 amendment.
 17 CHAIR STONE: Okay. Here comes the amendment
 18 to the first.
 19 COMMISSIONER MOIKEHA: So "Provide and perform
 20 firefighting, rescue, shoreline and ocean rescue and
 21 safety" comma. And that should -- that phrase should be
 22 included on Number 3 and Number 4.
 23 CHAIR STONE: Okay. Second?
 24 COMMISSIONER WIGER: Second.
 25 CHAIR STONE: There you go. Okay. Good.

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1 Okay. Any further discussion on the proposal?
 2 Go ahead, Stacy.
 3 COMMISSIONER CRIVELLO: I wonder, also, if we
 4 can take into consideration to consult with Ocean
 5 Safety? That is the correct wording that would describe
 6 their function.
 7 CHAIR STONE: Okay. Yes. And then we can --
 8 if there is a specific issue, we can always resolve it
 9 at the final reading. Okay.
 10 COMMISSIONER DE REGO: That's not what I heard
 11 them say.
 12 CHAIR STONE: Okay. Discussion on the
 13 proposal? Is there any discussion on the timeframe
 14 issue? Yes, go ahead, Susan.
 15 COMMISSIONER MOIKEHA: I mean, this is really
 16 difficult. You know, we've heard all the testimony and
 17 we've heard both sides of the issue. And as much as I
 18 would like to define a timetable so that this gets done,
 19 I am going to leave it as it is, within the jurisdiction
 20 of the Maui County Fire Department, to provide the
 21 timetable. If someone wants to make a friendly
 22 amendment and there's support for it, I guess I'll go
 23 with whatever. But at this point in time, they are the
 24 receiving of this division, and I think they should have
 25 control of the timetable. I am going to take in good

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1 faith that what was stated today, that they support it
 2 and they're going to do their best to meet -- meet a
 3 timetable as best they can and get it done.
 4 COMMISSIONER DE REGO: Are you making a motion
 5 to that effect, Commissioner Moikeha?
 6 COMMISSIONER MOIKEHA: Well, that was my
 7 original motion, was in support of this. And that's
 8 part of --
 9 CHAIR STONE: Well, she's not making a motion
 10 to amend it.
 11 COMMISSIONER DE REGO: Okay.
 12 CHAIR STONE: So --
 13 COMMISSIONER MOIKEHA: I am leaving -- I am
 14 giving my justification for leaving it as it is. If
 15 someone else would like to amend that --
 16 COMMISSIONER SUGIMURA: Second.
 17 COMMISSIONER DE REGO: I'll second.
 18 COMMISSIONER SUGIMURA: No need second.
 19 CHAIR STONE: No, there's no need. There's no
 20 amendment as of right now.
 21 Go ahead, Stacy.
 22 COMMISSIONER CRIVELLO: I would like to
 23 support Commissioner Moikeha on the basis that they are
 24 the receiving end. And I trust that it will not be an
 25 open-fielded thing that they can do as they please. I

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1 mean, this is something that the public will also watch
 2 and as well as, I think, the Ocean Safety and -- and all
 3 the people involved. So I support the fact that we
 4 leave that as -- as the new section, as it's worded.
 5 CHAIR STONE: Okay. Thank you.
 6 Flo, go ahead.
 7 COMMISSIONER WIGER: I would like to propose
 8 an amendment. And I -- you know, I need some help with
 9 crafting. Three years, I do want to go back to the
 10 three years. And the reason I say that is that we heard
 11 -- we heard from a lot of people today, but we continue
 12 to hear distinctly different interpretations of what is
 13 going on. We just do. And I think three years will
 14 give the Fire folks -- if they go for accreditation
 15 immediately, they'll be able to work on their
 16 accreditation process. And I believe -- and get it in
 17 the appropriate amount of time. And I think that -- I
 18 think accreditation is -- is extremely important.
 19 I also think that they are getting the
 20 appropriate information from the people in Ocean Safety.
 21 I mean, we heard Archie today say, we gave them this, we
 22 gave them this, we gave them this, we gave them this.
 23 So I would like to put a timeline in there
 24 only because, even people of good faith, it's not always
 25 easy to do the right thing. And I think it needs to be

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1 moved. And I would like to see it moved.
 2 CHAIR STONE: There's a motion --
 3 COMMISSIONER BAXA: Mr. Chair?
 4 CHAIR STONE: Let me clarify the motion first.
 5 There's a motion to amend the present motion on the
 6 table to change the language in reference to the
 7 timetable to change of timetable to within three years.
 8 COMMISSIONER WIGER: Three --
 9 MS. BRODER: Not to exceed three years from
 10 the date of adoption.
 11 COMMISSIONER WIGER: Not to exceed three years
 12 from the date of adoption.
 13 CHAIR STONE: Okay. Very good. Is there a
 14 second on the amendment? It's been seconded by
 15 Commissioner DeLeon.
 16 Okay. Go ahead, Frank.
 17 COMMISSIONER DE REGO: I just have a question,
 18 Mr. Chair. The way it's worded here is that -- is
 19 providing a timetable. So that means what we're voting
 20 on, unless the amendment is actually going to say, the
 21 Maui County Fire Department will transition, within
 22 three years, to include the functions of Ocean Safety.
 23 Is that what you were trying to say?
 24 COMMISSIONER WIGER: That's right. And I --
 25 and Sherry was giving the language.

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1 COMMISSIONER DE REGO: Right.
 2 MS. BRODER: But I think, yeah, Commissioner
 3 De Rego is making an important point, which is that
 4 maybe it needs to be -- the language needs to be tweaked
 5 a little bit more, and should say, upon adoption, the
 6 Maui County Fire and Public Safety Department shall --
 7 shall --
 8 COMMISSIONER DE REGO: Transition.
 9 MS. BRODER: -- complete the transition --
 10 COMMISSIONER DE REGO: Exactly.
 11 MS. BRODER: In a timetable not to exceed
 12 three years from the date of adoption.
 13 COMMISSIONER DE REGO: Right.
 14 MS. BRODER: Was that your amendment?
 15 COMMISSIONER DE REGO: That's what you're
 16 trying to say.
 17 COMMISSIONER WIGER: Yes.
 18 CHAIR STONE: That's the amendment, very good.
 19 Wayne.
 20 VICE-CHAIR HEDANI: I would like to suggest a
 21 couple of things. First, that we only speak one person
 22 at a time.
 23 COMMISSIONER DE REGO: I'm sorry.
 24 VICE-CHAIR HEDANI: Because we're jumping in
 25 two or three people at a time.

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1 And, second, that when we make motions, that
 2 the motions be very clear as to what we are proposing.
 3 Like in this particular case, the motion was I move
 4 to -- I think it was I move to move the division of
 5 Ocean Safety to the Fire Department, and not a motion to
 6 accept Proposal Number 2 with the language requested.
 7 COMMISSIONER WIGER: Sorry.
 8 CHAIR STONE: Susan.
 9 COMMISSIONER MOIKEHA: Then I guess we better
 10 be reading directly from here. In the future, I'll do
 11 that, so there's no misunderstanding.
 12 VICE-CHAIR HEDANI: I'm sorry. It's just --
 13 COMMISSIONER MOIKEHA: I thought that -- I
 14 thought that when we were just talking in general terms
 15 that we understood it included what was written in the
 16 proposal. So I'll remember to do that.
 17 CHAIR STONE: Okay. Thank you.
 18 Dave -- Judge Baxa.
 19 COMMISSIONER BAXA: Mr. Chair, I think there
 20 was already a second to the amendment by --
 21 CHAIR STONE: Yes, there was.
 22 COMMISSIONER BAXA: -- Commissioner Wiger.
 23 That would be my position as well.
 24 CHAIR STONE: Very good.
 25 Any further discussion on the second? Ed.

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1 MR. KUSHI: Point of clarification, again,
 2 Mr. Chair. Maybe we should -- the Commission should
 3 consider, again, the unintended consequences. One of
 4 your Commissioners, I believe it was Kay, previously
 5 said, you are specific in such a proposal like this,
 6 what happens if it fails. Right now, there's nothing in
 7 place. There's a reference to Rescue and Fire, but now
 8 you're being very specific. What if this thing fails,
 9 what's the consequence of that? Does it go back to
 10 Parks? It's definitely not going to go into Fire.
 11 CHAIR STONE: Sorry. Ed, I don't quite
 12 understand. It would just stay in its present position.
 13 MR. KUSHI: It goes back to Parks?
 14 CHAIR STONE: Because it's not going to go
 15 anywhere without this proposal going passed by --
 16 COMMISSIONER WIGER: Back to Parks.
 17 CHAIR STONE: It doesn't move. But it doesn't
 18 necessarily mean that it doesn't go under Fire.
 19 COMMISSIONER WIGER: Yeah.
 20 CHAIR STONE: It just means that there's no
 21 Charter Amendment to put it under Fire.
 22 Ed, are we being too specific? Just a
 23 question, are we being overly specific on timetables, et
 24 cetera, et cetera? Is this just a transitional thing
 25 that needs to be -- that shouldn't be specified?

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1 MR. KUSHI: I would think it could be in the
 2 transition.
 3 CHAIR STONE: So we may be overstepping our
 4 bounds trying to set --
 5 COMMISSIONER DELEON: No.
 6 COMMISSIONER DE REGO: No.
 7 CHAIR STONE: Go ahead, Susan.
 8 COMMISSIONER MOIKEHA: So what does happen if
 9 we don't meet a three-year timetable?
 10 MR. KUSHI: Somebody's in violation of the
 11 Charter.
 12 COMMISSIONER MOIKEHA: Okay. And that falls
 13 directly under the enforcement of --
 14 MR. KUSHI: Some penalty provisions in the
 15 Charter itself.
 16 COMMISSIONER MOIKEHA: That are already
 17 existing?
 18 MR. KUSHI: Pardon me?
 19 COMMISSIONER MOIKEHA: That are already
 20 existing in the Charter?
 21 MR. KUSHI: Correct.
 22 COMMISSIONER MOIKEHA: But is it the Mayor's
 23 Office that would see, as I read through his duties,
 24 that these Charter Amendments are enforced?
 25 MR. KUSHI: You're enforcing it against the

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1 Fire Department. So it will be the Fire Department that
 2 would be in violation.
 3 COMMISSIONER MOIKEHA: Yeah, that would be in
 4 violation. But they have to answer to somebody. And
 5 the Charter is underneath the Mayor's Office, correct?
 6 MR. KUSHI: Depending on the violation, could
 7 be the Prosecutor's Office.
 8 CHAIR STONE: Hang on, guys. One person at a
 9 time. Okay. Any -- Kay, go ahead, please.
 10 COMMISSIONER OKAMOTO: Well, I am going to
 11 vote against the amendment because I think, by putting a
 12 timeframe, the Council could do -- give them no budget.
 13 Then -- but who gets punished, the Fire Department?
 14 We're not sure what the punishment is. But I think that
 15 we have to act in a way that says, yes, you're going to
 16 do it. If you put a three-year time limit, and, you
 17 know, something drastic happens and they can't do it,
 18 then, yeah, the Fire Department gets punished.
 19 CHAIR STONE: Uh-huh.
 20 COMMISSIONER OKAMOTO: I will vote against the
 21 amendment.
 22 CHAIR STONE: Okay. Thank you.
 23 Go ahead, Dave.
 24 COMMISSIONER DELEON: I would like to be
 25 blunt. 15 years is long enough. 15 years of people

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1 dragging and saying, I don't want to do it, I don't want
 2 to do it, make me, make me. This is the voters getting
 3 a chance to say you are made to do this.
 4 CHAIR STONE: Thank you.
 5 Stacy, go ahead.
 6 COMMISSIONER CRIVELLO: If you look at the
 7 present commission from the Fire Department, and the
 8 present Fire Chief that's been there for four years, I
 9 have a hard time thinking that they were involved for 15
 10 years. However, I don't think there's any question
 11 about supporting the move. If I understood that today,
 12 Fire Department, as well as Parks and, slash, Ocean
 13 Safety are trying to meet the transition, whether or not
 14 all is in receipt of the receiver or not.
 15 So I cannot support the amendment on the basis
 16 that what can happen if -- if -- what are the
 17 consequences for the receiving end if -- if it's not
 18 met, go back to budget, if they don't get their
 19 dedicated personnel. I think all they're asking is try
 20 and give us time, make sure all -- everything is in
 21 place for the transition. I don't think there's any
 22 question about accepting Ocean Safety into the Fire
 23 Department.
 24 CHAIR STONE: Thank you.
 25 Yuki.

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1 COMMISSIONER SUGIMURA: So I am going to vote
 2 against the amendment because of the same reasons what
 3 Stacy said. And I think we're gonna get there, but as
 4 we also heard, which hasn't come up yet in this
 5 discussion, is that there's a huge element out there
 6 that has to be worked out, which are, also, the union
 7 negotiations. I mean, there's -- it's before the
 8 legislature, HGEA, this new section, to take this in, as
 9 well as what is going to happen. There's a huge amount
 10 of planning that we cannot say is three years, five
 11 years, whatever. That's not in our control.
 12 CHAIR STONE: Thank you, Yuki.
 13 Go ahead, Commissioner Baxa.
 14 COMMISSIONER BAXA: Mr. Chair, I understand,
 15 this is probably the hard issue, but I think we should
 16 take a look. We are talking about three years. We
 17 should take a look at reasonableness. I think that
 18 frame of time is reasonable. And we expect people in
 19 the department to be reasonable. If you think it is
 20 reasonable, I think we should vote for the amendment.
 21 CHAIR STONE: Thank you. Commissioners,
 22 further discussion before I take this to vote? Okay.
 23 We're voting -- Commissioner Hedani.
 24 VICE-CHAIR HEDANI: I am going to be voting
 25 against the amendment because I think there's a certain

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1 amount of trust that we need to put to the people that
 2 are going to be moving this thing forward if it's going
 3 to work out copacetic. What I heard today was a chief
 4 who went directly against the testimony of his
 5 commission, that could can his butt, by the way, and say
 6 that he supported something that they were opposed to.
 7 To me, that marks pretty high up on the integrity scale,
 8 I believe, to trust somebody like that. I don't think
 9 we need to be specific in terms of naming ultimatums and
 10 timeframes in the Charter document, just by saying that
 11 this is where we want it to be should be sufficient in
 12 my -- in my opinion.
 13 CHAIR STONE: Thank you, Commissioner.
 14 Any further discussion? Frank, go ahead.
 15 COMMISSIONER DE REGO: I would agree with
 16 Commissioner Hedani. Although, there is a nagging doubt
 17 in the back of my mind that, you know, providing a
 18 timetable is still -- you know, I even was toying with
 19 the idea of saying, okay, maybe we should give them a
 20 deadline for providing a timetable, you know.
 21 (Laughter.)
 22 COMMISSIONER DE REGO: I keep -- I keep -- you
 23 know, it keeps running through my mind that this could
 24 end up being an open-ended process. And although I will
 25 be voting against the amendment, I am -- I am hoping

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1 that all the parties involved, since this was aired
 2 quite publicly and it's in the minutes of this
 3 Commission, that they will be seriously looking at
 4 getting this done as soon as possible.
 5 CHAIR STONE: Thank you.
 6 Any other discussion? Go ahead, Susan.
 7 COMMISSIONER MOIKEHA: As much as I want to
 8 vote for a timeframe, and I think that's prudent to do,
 9 I am just trying to play this out in my mind, how it
 10 would be perceived by the general public of voters. And
 11 I think everybody has stated that everybody's for the
 12 move; it's just a question of how and when. And I think
 13 if you start splitting the hairs there, you're going to
 14 lose people that would have supported it.
 15 So I am trying to keep this as general as
 16 possible, not to constrain Fire Chief in his
 17 responsibilities, to -- to see this move forward. And
 18 at this point, you know, I am -- it's kind of an act of
 19 faith. I mean, you made statements here, let's see what
 20 happens.
 21 I think the overriding important issue is that
 22 this division will move. And I just don't want to get
 23 hung up on not being able to agree to whether there
 24 should be a timeframe or not. So I really, really want
 25 to say three years, but I am going to leave it as its

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1 originally proposed.
 2 CHAIR STONE: Very good.
 3 Commissioners, further discussion?
 4 COMMISSIONER DE REGO: Call for the question,
 5 Mr. Chair.
 6 CHAIR STONE: Very good. We're voting on
 7 amendment concerning the timeframe, whether or not to
 8 change the present language to, basically, three years.
 9 So all in favor of changing the language to a three-year
 10 maximum period for the transition, raise your hands and
 11 say "aye."
 12 (Ayes.)
 13 CHAIR STONE: One, two, three, four.
 14 All opposed, raise your hand and say, "nay."
 15 One, two, three, four, five, six, seven. Very good. So
 16 the language remains.
 17 Now we go back to our original proposal to
 18 accept this proposal and move it on to the voters with
 19 the amended language for Section 8-7.4.2, that changes
 20 that to read "provide and perform firefighting rescue,
 21 shoreline ocean rescue and safety," comma. Yes, go
 22 ahead.
 23 COMMISSIONER MOIKEHA: Okay. If I make sure I
 24 -- my thing was, after the first rescue, comma, was
 25 "shoreline and ocean rescue and safety. I'm sorry. Is

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1 that what you said?
 2 CHAIR STONE: Yes.
 3 COMMISSIONER MOIKEHA: Okay.
 4 CHAIR STONE: Is that okay?
 5 COMMISSIONER MOIKEHA: Yeah.
 6 CHAIR STONE: We're good. Okay. So a motion
 7 -- any further discussion on that?
 8 COMMISSIONER DE REGO: And that's contingent
 9 upon checking with the Fire Chief?
 10 CHAIR STONE: That would be -- yes. Actually,
 11 not Fire Chief, but Ocean Safety.
 12 COMMISSIONER DE REGO: Yeah. Ocean Safety, I
 13 should say.
 14 CHAIR STONE: We'll leave that shoreline a
 15 little open-ended, but, otherwise, if there's no
 16 objections from the Ocean Safety Chief, then it will
 17 stay "shoreline." Okay? Are we ready to take that to
 18 vote? Good.
 19 All in favor of the moving this proposal
 20 forward to the voters, raise your hand and say "aye."
 21 (Ayes.)
 22 CHAIR STONE: That's one, two, three, four,
 23 five, six -- wait. Let me start again. Keep your hand
 24 up, please. One, two, three, four, five, six, seven,
 25 eight, nine, ten.

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1 All opposed, raise your hand and say "no."
 2 And one opposed. Thank you. 10 to one, that moves on
 3 to the voters.
 4 Ed, no applause?
 5 MR. KUSHI: I'll wait for the next one.
 6 CHAIR STONE: Yeah, very good.
 7 MR. KUSHI: Took kind of long on that one.
 8 (Laughter.)
 9 CHAIR STONE: I didn't know there was time
 10 limit to get the applause.
 11 Okay. Number 3, Proposal Number 3, which is
 12 establish an Independent Office of the County Auditor.
 13 That has been approved. And there was a language
 14 amendment and a correction. So it's been approved with
 15 this correction. Sherry is going to fill us in on the
 16 correction.
 17 MS. BRODER: Okay. On the County Auditor,
 18 actually, we have to pass another one out because what
 19 happened was I drafted this one up, and then Ed made
 20 some changes, but I disagreed with Ed's changes, because
 21 one of them was to submit the budget to the Mayor. And
 22 I thought that Commissioner De Rego, at the last
 23 meeting, had specifically wanted the budget submitted to
 24 the auditor for the commission on --
 25 CHAIR STONE: Cost of Government.

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1 MS. BRODER: Cost of Government Commission.
 2 And the reason was that --
 3 COMMISSIONER DE REGO: That's what we voted
 4 on.
 5 MS. BRODER: Yeah. So my understanding was
 6 that was voted on. So that's why I have redone it and
 7 it's -- it's as it should be, as the vote was, anyways.
 8 And then Ed also pointed out to me that --
 9 CHAIR STONE: Sorry. Can you point me exactly
 10 to that section?
 11 MS. BRODER: That is on Page 3 of the proposal
 12 under the Cost of Government Commission, at the top of
 13 the page, under 1.
 14 CHAIR STONE: Uh-huh.
 15 MS. BRODER: "Prepare and submit to the
 16 auditor annual requests for appropriations."
 17 CHAIR STONE: Okay.
 18 MS. BRODER: And, also, Ed pointed out that,
 19 on Page 4, instead of Section 8-16, which I had said, I
 20 mean, so I corrected that in this one. Okay. So the
 21 one that was just passed out, I believe, is the one you
 22 voted on.
 23 CHAIR STONE: Okay.
 24 COMMISSIONER SUGIMURA: Can I just ask a
 25 question? Because I am so lost about this. Sorry,

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1 Frank. But the Cost of Government, now which was a
 2 commission that was appointed and had no expenses, now
 3 has a budget. Is that what just happened?
 4 COMMISSIONER DE REGO: No, it's always had --
 5 oh. Mr. Chair?
 6 CHAIR STONE: Yeah.
 7 COMMISSIONER DE REGO: Can I respond?
 8 CHAIR STONE: Thank you. Okay. Go ahead,
 9 Frank.
 10 COMMISSIONER DE REGO: Wayne was looking at
 11 me.
 12 Actually, that's always been in the Charter
 13 for the -- the Cost of Government can submit
 14 appropriations so it can conduct its business. That's
 15 in the present Charter now as it is.
 16 COMMISSIONER SUGIMURA: And do you?
 17 COMMISSIONER DE REGO: Yes.
 18 CHAIR STONE: Very good.
 19 Go ahead, Wayne.
 20 VICE-CHAIR HEDANI: I have a question as to
 21 how this is presented to the voters. I mean, this is
 22 like four pages. And how do they figure this out?
 23 CHAIR STONE: Sherry, what would the -- would
 24 the proposal read --
 25 MS. BRODER: The question -- the way the

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1 question will be submitted to the voters is as you see
 2 it at the top of Page 1. Okay. That's the question
 3 that would be on the ballot. But, then, yes, the
 4 accompanying pamphlet will have to have this entire
 5 language in it so the voters, if they want -- if
 6 somebody wants to know exactly what it is that you're
 7 doing and proposing, they'll be able to actually look at
 8 it. So the question must accurately reflect the intent
 9 of what it is you're going to do. But a lot of people
 10 aren't going to be interested in reading.
 11 CHAIR STONE: Thank you.
 12 Go ahead, Wayne.
 13 VICE-CHAIR HEDANI: So, Sherry, we cannot
 14 eliminate every other word to make it half as long?
 15 (Laughter.)
 16 MS. BRODER: No. I mean, you are creating a
 17 new entity. You are creating a County Auditor and
 18 giving it powers and functions and duties and authority.
 19 So, you know, I don't think, actually, that it's
 20 surprising it's a little bit longer. And then in order
 21 to do that, you have to conform other sections of the
 22 Charter to make it make sense.
 23 CHAIR STONE: One second, Frank.
 24 Ed, go ahead.
 25 MR. KUSHI: Yeah, Mr. Chair. I wasn't here

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1 when you had the discussion about submitting an annual
 2 request for appropriations. And like Commissioner De
 3 Rego said, existing language does say submit -- prepare
 4 and submit to the Mayor. Now, with this setup, I guess
 5 you voted on submit -- prepare and submit to the
 6 auditor. Now, the auditor has no funding functions.
 7 What if you submit whatever you want to submit to the
 8 auditor, and he leaves it on his desk?
 9 CHAIR STONE: Go ahead, Frank.
 10 COMMISSIONER DE REGO: Can I ask a question,
 11 then? Since this will be primarily a creature of the --
 12 the Legislative Branch, okay, which will hire and fire
 13 the auditor every six years, then where would the
 14 appropriate budget request go to? Wouldn't the -- you
 15 submit it to the auditor, the auditor would then submit
 16 their budget for running the department to the Council?
 17 This is the way I was looking at it in terms of how it
 18 would operate. Or would the commission itself submit a
 19 budget request directly to the Council? I mean, those
 20 are the only two ways I could see it happening if the
 21 auditor's office is going to be a creature of the
 22 Legislative Branch.
 23 MR. KUSHI: Mr. Chair?
 24 CHAIR STONE: Ed.
 25 MR. KUSHI: I know of no commission or board

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1 that submits it directly to the Council. I don't know
 2 of any. It usually goes through the 9th Floor and then
 3 down, works through the department and then up and down,
 4 but not directly to the Council. The auditors -- Cost
 5 of Government will be -- will be advisory to the auditor
 6 in this scheme, although, it's appointed by the Mayor
 7 and confirmed by the Council. So you're like a regular
 8 advisory board.
 9 COMMISSIONER DE REGO: Uh-huh.
 10 MR. KUSHI: Again, I am concerned about maybe
 11 just follow up with shall submit it to the auditor, who
 12 then shall submit it to the Council for appropriations.
 13 COMMISSIONER DE REGO: Okay.
 14 MR. KUSHI: Something to that effect.
 15 COMMISSIONER DE REGO: Okay.
 16 MS. BRODER: Well, I guess --
 17 CHAIR STONE: One second. Go ahead, Sherry,
 18 microphone.
 19 MS. BRODER: I mean, now that you're talking
 20 about it in a little bit more detail, I mean, it doesn't
 21 say -- the language of the current proposal doesn't say
 22 who the auditor is going to submit his or her budget to.
 23 So, presumably, then the auditor, as the language is
 24 now, is just going to follow the regular process of
 25 submitting it to the Mayor. And then it would be in the

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1 Mayor's budget. So I don't know if you -- so it should
 2 be consistent, I think. If -- if the auditor is going
 3 to submit to the Mayor, then the Cost of Government
 4 Commission should -- you know, might want to do the same
 5 thing. But I suppose it could be in the auditor's
 6 budget that the auditor submits to the Mayor.
 7 CHAIR STONE: Ed, any input on that?
 8 MR. KUSHI: Well, I think Sherry is right in
 9 that, I am just kind of glancing over the auditor's
 10 functions, powers and duties, it doesn't say where he
 11 gets his budget, where he gets his budget from.
 12 COMMISSIONER DELEON: Mr. Chair?
 13 CHAIR STONE: Yeah, go ahead, Dave.
 14 COMMISSIONER DELEON: Maybe Mike Molina can
 15 help us out with this. Where does the County Clerk --
 16 how do they do it? Do they submit to the Mayor or do
 17 they go directly to the Council?
 18 MR. MOLINA: Mr. Chairman, in response to
 19 Commissioner DeLeon's questions, are you requesting a
 20 clarification, so are you talking about the request of
 21 their budget?
 22 COMMISSIONER DELEON: Where do they submit
 23 their original budget? Does go to the Budget Office in
 24 the Mayor's Office?
 25 MR. MOLINA: I believe it goes through Council

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1 Services, if I am correct, and through the County
 2 Council as a separate proposal.
 3 COMMISSIONER DELEON: Because they're a
 4 creature of the Council, and this will --
 5 MR. MOLINA: Legislative Branch.
 6 COMMISSIONER DELEON: More from the
 7 legislative side. So probably flow in that same manner.
 8 CHAIR STONE: Do we have any sample of that
 9 language?
 10 Go ahead, Susan.
 11 COMMISSIONER MOIKEHA: Just looking real
 12 quickly at the Department of Planning, Department of
 13 Parks and Recreation, they don't say anything about
 14 having to submit their budget. The only ones that
 15 clarified is when there's a commission involved, like
 16 the Fire and Public Safety. And they submit their --
 17 review and submit to the Mayor the department's request
 18 for an annual appropriation for the operation. So in
 19 that sense, the Fire and Police probably go through the
 20 commission, and then they submit it.
 21 COMMISSIONER DELEON: Right.
 22 COMMISSIONER MOIKEHA: But Parks and
 23 Recreation doesn't say a process, so -- neither does
 24 Planning. It's just automatic that if you're --
 25 CHAIR STONE: Sherry, anything --

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1 MS. BRODER: Well, the County Clerk -- even
 2 the County Clerk doesn't say who the budget is submitted
 3 to.
 4 MR. KUSHI: Correct.
 5 CHAIR STONE: Ed, Sherry, is it important that
 6 we specify where they will submit their budget to you
 7 for auditor?
 8 MR. KUSHI: I would say just leave it as is
 9 because -- I mean, it has to be some sort of funding
 10 procedure. This Office of the Auditor would be part of
 11 the Legislative Branch.
 12 CHAIR STONE: Got it.
 13 MR. KUSHI: If they don't fund their own,
 14 something is wrong.
 15 MS. BRODER: I think, then, we would have to
 16 add -- because right -- I think then we have to add that
 17 the Cost -- it's not just the Cost of Government
 18 Commission that submits its budget to the auditor, but
 19 it's, also, the County. I mean, we would have to
 20 clarify the County Auditor then turns around and submits
 21 it to the County Council. Is that what you're saying?
 22 Okay.
 23 CHAIR STONE: How would you propose that in
 24 our language and where?
 25 MS. BRODER: I think we should put it under

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1 powers, duties and functions, and say, "The County
 2 Auditor shall submit its budget directly to the County
 3 Council."
 4 MR. KUSHI: "Which budget shall include cost
 5 appropriations for the Cost of Government."
 6 MS. BRODER: Okay, Frank?
 7 CHAIR STONE: Very good.
 8 Go ahead, Dave.
 9 COMMISSIONER DELEON: Are we done with the
 10 budget?
 11 CHAIR STONE: I believe so. So cost -- let's
 12 -- one second. Let me just get verification. So do we
 13 need to specify that point, prepare and submit to the
 14 auditor -- talking about the Cost of Government, to the
 15 auditor request for appropriation?
 16 MS. BRODER: I think that that's already done
 17 in -- in the one that you have in front of you, the one
 18 you're looking at. So the only thing that you need to
 19 do is add this language that the County Auditor shall
 20 submit its budget to the County Council, which budget
 21 shall include the budget of the Cost of Government
 22 Commission.
 23 CHAIR STONE: Okay. That's good.
 24 Dave, go ahead.
 25 COMMISSIONER DELEON: Do we have any place --

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1 I don't see it here -- some other place where it says
 2 the Cost of Government is going to be a five-year term?
 3 MR. KUSHI: Mr. Chair?
 4 CHAIR STONE: Yeah, go ahead.
 5 MR. KUSHI: Yes. On Page 3 of this proposal,
 6 Section 3--4, and the Cost of Government. On the first
 7 line, I made reference to the Section 13-2 of the
 8 Charter, which is the generic board and commission
 9 appointees, and does provide for five-year terms on a
 10 staggered basis.
 11 COMMISSIONER DELEON: I don't know where
 12 you're looking. Where are you looking at?
 13 CHAIR STONE: Sorry. Ed, where are you at?
 14 COMMISSIONER SUGIMURA: Proposed language.
 15 MR. KUSHI: On Proposal Number 3 --
 16 CHAIR STONE: Yeah.
 17 MR. KUSHI: -- on Page 3 of that, at the top,
 18 where it says Section 3--4 --
 19 CHAIR STONE: Okay.
 20 MR. KUSHI: -- Cost of Government, first full
 21 line.
 22 CHAIR STONE: Okay.
 23 MR. KUSHI: It makes reference to Section 13-2
 24 of the Charter.
 25 COMMISSIONER DELEON: You know, I don't think

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1 that showed up on the one -- the handout we have.
 2 CHAIR STONE: No, it's not in our handout.
 3 MS. BRODER: Okay. Well, I'm sorry. It
 4 should be. Okay. All right.
 5 CHAIR STONE: Okay.
 6 COMMISSIONER DELEON: Anyway, so the intent is
 7 five-year term?
 8 MS. BRODER: The intent is --
 9 COMMISSIONER DELEON: -- as set by 13?
 10 MS. BRODER: Okay.
 11 COMMISSIONER DELEON: All right. Just that it
 12 wasn't.
 13 MS. BRODER: Yeah.
 14 COMMISSIONER DELEON: Wasn't in the handout
 15 that we had.
 16 CHAIR STONE: Okay. Go ahead, Stacy.
 17 COMMISSIONER CRIVELLO: Chair, I just need
 18 clarification. So -- going back to the budget. So we
 19 identify the County Auditor as part of our Legislative
 20 Branch, is that --
 21 CHAIR STONE: That's correct. And we even are
 22 adding language saying that they will submit for budget.
 23 COMMISSIONER CRIVELLO: And Article 9,
 24 Financial Procedures, it says, "Preparation and
 25 submission of Budget and Capital Program," just not to

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1 read the whole thing, an operating budget for the Mayor
 2 on or before 15th day of March before the ensuing fiscal
 3 year begins, the Mayor shall submit to the Council an
 4 operating budget for the ensuing fiscal year, including
 5 an executive operating budget and a legislative
 6 operating budget. That, under that.
 7 COMMISSIONER DELEON: That should be in there,
 8 yeah.
 9 CHAIR STONE: Okay.
 10 MS. BRODER: I think what she's trying to say,
 11 is that it looked like it goes -- everything goes to the
 12 Mayor, including the legislative budget. But seems like
 13 we just got a different report that the -- the County
 14 Clerk submits the budget directly to the Legislative
 15 Branch, and not to the Mayor.
 16 MR. MOLINA: Yeah. Well, I was just thinking,
 17 the thought for me came in terms of the printing
 18 process, because, through the Budget Office, which
 19 operates under the Mayor, they print the budget. So
 20 possibly for printing purposes, it goes to the Mayor's
 21 Office as well, but I know that the request from the
 22 County Clerk typically will go to the Council. But for
 23 printing purposes, maybe that's possibly why you have
 24 that clause in there, where it would have to -- the
 25 Mayor -- has to go through the Mayor as well for the

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1 printing purposes as well. Because once the whole
 2 budget document is submitted from the Mayor to the
 3 Council, it's inclusive of all departments, whether it
 4 be legislative or executive. That's just my -- my
 5 thought. I would have to get some final clarification
 6 on that from the Budget Office, I think that might be
 7 helpful.
 8 We could also maybe bring down Mr. Baz, the
 9 Budget Director, if you had some further clarification.
 10 CHAIR STONE: Can we get him here in like 10
 11 minutes?
 12 MR. MOLINA: I'll go find out for you,
 13 Mr. Chair.
 14 CHAIR STONE: Yeah. Commission, you guys
 15 would like to talk to Mr. Baz about this? No?
 16 COMMISSIONER DELEON: Not really.
 17 COMMISSIONER DE REGO: Mr. Chair?
 18 CHAIR STONE: Actually, it's past closing
 19 time.
 20 COMMISSIONER DELEON: Mike, that's all right.
 21 MR. MOLINA: Okay. Okay.
 22 CHAIR STONE: Yeah, I guess on the final
 23 reading. Yeah. So where are we at? Let's see. So we
 24 -- in our discussion, we decided to add, under powers,
 25 duties and functions, a Point 4 in reference to budget.

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1 Okay. So that is going to be written out in the final
 2 reading. Although I would like -- we will -- let's
 3 address putting this proposal to the voters, except
 4 we'll have to review on final reading that language.
 5 And that budget would include the Cost of Government
 6 Commission. Okay?
 7 Did we eliminate that issue, prepare and
 8 submit to the auditor? No. That's how it's going to
 9 stay? Okay. Very good. And I know this sounds silly,
 10 but did I already have a motion on this?
 11 COMMISSIONER DE REGO: I would like to make a
 12 motion that we accept the proposal -- let's see, what
 13 number?
 14 COMMISSIONER DELEON: 3.
 15 CHAIR STONE: Number 3.
 16 COMMISSIONER DE REGO: As amended.
 17 CHAIR STONE: Okay. Very good. Second?
 18 Anybody second?
 19 COMMISSIONER WIGER: Second.
 20 CHAIR STONE: Thank you, Flo. All righty.
 21 Any further discussion? Wayne.
 22 VICE-CHAIR HEDANI: Because this is going to
 23 be down for all of posterity until the year 3000, the
 24 motion should say --
 25 COMMISSIONER DE REGO: Okay.

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1 VICE-CHAIR HEDANI: -- I move --
 2 COMMISSIONER DE REGO: I move.
 3 VICE-CHAIR HEDANI: -- that -- you know,
 4 instead of I would like to move.
 5 COMMISSIONER DE REGO: Okay. I move --
 6 COMMISSIONER DELEON: Editor in chief.
 7 COMMISSIONER DE REGO: Thank you, Commissioner
 8 Hedani. I move that the Proposal Number 3 on the
 9 creation of the Office of County Auditor with the Cost
 10 of Government as part of the organization of that office
 11 as amended be accepted.
 12 CHAIR STONE: Okay. Seconded by Flo. Very
 13 good.
 14 Any further discussion?
 15 (No Response.)
 16 CHAIR STONE: Very good. We'll take it to
 17 vote. All in favor of moving this proposal to the
 18 voters, raise your hand and say "aye."
 19 (Ayes.)
 20 CHAIR STONE: That's unanimous. Very good.
 21 Moves on to the voters.
 22 Moving on to Proposal Number 4. Oh, boy. One
 23 second. Okay. Very good. And this -- this had
 24 revisions from Ed.
 25 Ed, do you want to just fill us in on the

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1 revisions?
 2 MR. KUSHI: Yes, Mr. Chair. As I understood
 3 what the Commission wanted at the last meeting, based on
 4 the testimony from the County Clerk as well as MIS, that
 5 to revise the proposal to apply only to public testimony
 6 for members of the public, and to the extent that is
 7 possible or capable that all Council meetings, including
 8 committee meetings, shall provide such access. And this
 9 would apply only to -- it may apply to video and audio.
 10 Again, the intent is to provide the public an
 11 opportunity to testify by offsite remote locations, not
 12 to have councilmembers offsite.
 13 CHAIR STONE: Very good. And I recall the
 14 discussion we had, that meant that if something were to
 15 go down, it wouldn't stop the meetings, is that correct?
 16 MR. KUSHI: It wouldn't stop the meeting.
 17 CHAIR STONE: Very good. Okay.
 18 MR. KUSHI: And, also, Mr. Chair, remove the
 19 Article 3, Council -- County Council Charter provision
 20 instead of the boards and commissions.
 21 CHAIR STONE: Sorry, Ed. I wasn't clear on
 22 that.
 23 MR. KUSHI: Originally, it was to be amended
 24 in the boards and commissions section of the Charter.
 25 CHAIR STONE: Okay.

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1 MR. KUSHI: We moved it to the County Council
 2 functions.
 3 CHAIR STONE: Oh, got it. Very good. Thank
 4 you. All right.
 5 Yes. Go ahead, Sherry.
 6 MS. BRODER: Ed, do you think that this needs
 7 something added, then, if the intent is -- the audio and
 8 video doesn't work that that doesn't end the meeting?
 9 MR. KUSHI: Mr. Chair, I still believe that,
 10 you know, this area of the law, Sunshine Law, is a State
 11 matter. And I still believe that OIP enforces Chapter
 12 92. And I am still concerned that any kind of County
 13 ordinance or Charter provision that goes beyond the
 14 scope of Chapter 92 may be held invalid, but. Again,
 15 you can put it in the Charter. It's consistent with the
 16 Sunshine Law right now, so I would say I don't have a
 17 problem with it. I think OIP, basically, interpreted
 18 Chapter 92 regarding these communications to say that if
 19 the speakerphone goes off, the meeting is canceled.
 20 CHAIR STONE: So you would recommend putting
 21 that language in?
 22 MR. KUSHI: No.
 23 CHAIR STONE: Okay. Very good. Okay.
 24 Ed, this section is blank. Do we have like a
 25 defined section number for this?

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1 MR. KUSHI: I would have to find the section.
 2 Section 3-5.
 3 CHAIR STONE: Okay. While you're looking for
 4 that, discussion, Commissioners? Firstly, do I have a
 5 motion on this proposal? Dave, go ahead.
 6 COMMISSIONER DELEON: As per Commissioner
 7 Hedani's instructions, I move to seek Commission's
 8 approval of Proposal Number 4, interactive
 9 communications for public testimony at all Council --
 10 Council meetings and County Council Committee meetings.
 11 CHAIR STONE: Very good. Is their a second?
 12 VICE-CHAIR HEDANI: Second.
 13 CHAIR STONE: Commissioner Hedani seconds.
 14 COMMISSIONER DE REGO: Eloquenty worded
 15 correctly.
 16 CHAIR STONE: Eloquenty seconded. Ed is
 17 still looking for the section. Any discussion on this?
 18 Go ahead, Dave.
 19 COMMISSIONER DELEON: This -- this language
 20 still continues to carry the tag-on other geographic
 21 areas. I don't really think that's necessary unless
 22 we're going to bring Kalaupapa into the Council -- or
 23 the County. I mean, where else are we going to do it
 24 besides Molokai, Lanai or Hana? And it makes it ore
 25 open-ended and kind of confusing people about what is

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<p>1 intended here.</p> <p>2 CHAIR STONE: Thank you.</p> <p>3 Go ahead, Kay.</p> <p>4 COMMISSIONER OKAMOTO: The one area we heard</p> <p>5 it from specifically was Lahaina. And they felt like --</p> <p>6 I mean, they were -- there was specific -- because they</p> <p>7 didn't want to have to drive over, sometimes couldn't.</p> <p>8 I am also concerned -- can I ask a second</p> <p>9 thing?</p> <p>10 CHAIR STONE: Please, of course. Go ahead.</p> <p>11 COMMISSIONER OKAMOTO: You say interactive</p> <p>12 and, yet, if it should go down, then the meeting doesn't</p> <p>13 stop. So let's say I am from Molokai, and this is a</p> <p>14 real hot issue, I would maybe fly over if I, you know,</p> <p>15 knew I had to, but there's the interactive, it goes</p> <p>16 down, and you've lost your chance to testify.</p> <p>17 CHAIR STONE: Well, my understanding is that</p> <p>18 you can go to voice on this testimony. Interactive</p> <p>19 includes voice.</p> <p>20 COMMISSIONER OKAMOTO: No, but if it goes</p> <p>21 down.</p> <p>22 CHAIR STONE: But --</p> <p>23 COMMISSIONER OKAMOTO: He said it doesn't stop</p> <p>24 the meeting is what I am saying.</p> <p>25 CHAIR STONE: But voice would be pretty hard</p>	<p>1 sinks. So, I mean --</p> <p>2 COMMISSIONER OKAMOTO: Thank you.</p> <p>3 COMMISSIONER DELEON: We can't cover all --</p> <p>4 there's got to be a limit someplace.</p> <p>5 COMMISSIONER HASHIMOTO: Or a tree falls on me</p> <p>6 as I am driving.</p> <p>7 COMMISSIONER DELEON: Yeah.</p> <p>8 COMMISSIONER HASHIMOTO: One fell down.</p> <p>9 (Laughter.)</p> <p>10 CHAIR STONE: Okay. Wayne, go ahead.</p> <p>11 VICE-CHAIR HEDANI: I just wanted to make sure</p> <p>12 that this provision applies only to public testimony.</p> <p>13 COMMISSIONER DE REGO: Yeah.</p> <p>14 VICE-CHAIR HEDANI: Ed?</p> <p>15 MR. KUSHI: Well, that was the intent. But I</p> <p>16 have -- I've experienced where the Council has a</p> <p>17 resource person offsite and they speak to the resource</p> <p>18 person via speakerphone, not during the public testimony</p> <p>19 portion.</p> <p>20 VICE-CHAIR HEDANI: This does not give the</p> <p>21 members of the public the ability to debate the issue</p> <p>22 when they're in deliberation.</p> <p>23 MR. KUSHI: Debate public testimony?</p> <p>24 VICE-CHAIR HEDANI: No. Debate the issue when</p> <p>25 the Council is actually deliberating.</p>
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<p>1 to take down.</p> <p>2 COMMISSIONER OKAMOTO: Oh, you don't know.</p> <p>3 CHAIR STONE: Could voice be wireless, cell</p> <p>4 phone voice? I mean, can voice be somebody's</p> <p>5 speakerphone? Clarification? Could it be -- so could</p> <p>6 it be on -- on, say, the EA's speakerphone?</p> <p>7 MR. KUSHI: Mr. Chair, I believe, as long as</p> <p>8 it's interactive, I can hear you, you can hear me, and</p> <p>9 others can hear you, others can hear me, and there's a</p> <p>10 question and answer period. Now, the video component of</p> <p>11 that Sunshine Law section applies to when a board member</p> <p>12 is offsite.</p> <p>13 CHAIR STONE: Right.</p> <p>14 MR. KUSHI: And because the board member is</p> <p>15 not in Council Chambers, and you have no communication,</p> <p>16 then you need to stop the Council meeting.</p> <p>17 CHAIR STONE: But this is not --</p> <p>18 MR. KUSHI: This is not --</p> <p>19 CHAIR STONE: So, Kay, does that answer your</p> <p>20 question?</p> <p>21 COMMISSIONER OKAMOTO: It answers it, yes. It</p> <p>22 doesn't satisfy it, but it answers it.</p> <p>23 CHAIR STONE: Okay. Go ahead, Dave.</p> <p>24 COMMISSIONER DELEON: Or you could be going to</p> <p>25 the meeting and the airplane goes down or the boat</p>	<p>1 MR. KUSHI: They've got audio.</p> <p>2 CHAIR STONE: So, Wayne, just your last</p> <p>3 sentence, said access shall include but not be limited</p> <p>4 to the ability of the public to testify, of</p> <p>5 councilmembers to ask questions and of the public to</p> <p>6 respond to questions. Does that satisfy?</p> <p>7 VICE-CHAIR HEDANI: In a moment of weakness,</p> <p>8 I'll support this measure.</p> <p>9 (Laughter.)</p> <p>10 CHAIR STONE: Let's take a vote as soon as</p> <p>11 possible.</p> <p>12 Ed, do we have a section?</p> <p>13 MR. KUSHI: Yes. Mr. Chair, it will be</p> <p>14 Section 3-5.5.</p> <p>15 CHAIR STONE: Very good.</p> <p>16 MR. KUSHI: It will be a new section.</p> <p>17 CHAIR STONE: New section. Very good. Okay.</p> <p>18 Any further discussion? Go ahead, Susan.</p> <p>19 COMMISSIONER MOIKEHA: I am not going to</p> <p>20 support this proposal. Not that I don't agree with the</p> <p>21 importance of trying to provide every access possible to</p> <p>22 have public testimony. I believe the State law covers</p> <p>23 this, it encourages it, it's a foundation for it. In my</p> <p>24 mind, I am still looking at the most high priority of</p> <p>25 all of these proposals. And this just isn't one of</p>

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1 those that I support right now.
 2 CHAIR STONE: Thank you.
 3 Commissioners, further discussion?
 4 (No Response.)
 5 CHAIR STONE: Okay. We're going to take this
 6 to vote. All in favor of moving this Proposal Number 4
 7 to the voters, raise your hand and say "aye."
 8 (Ayes.)
 9 CHAIR STONE: Okay. Keep your hands up,
 10 please. One, two, three, four, five, six, seven.
 11 All opposed, raise your hand and say "no,"
 12 "nay."
 13 (Nays.)
 14 CHAIR STONE: One, two, three, four. Very
 15 good. Thank you. This proposal is going to the voters.
 16 Proposal Number 5, that was approved. It's
 17 already headed to the voters.
 18 Proposal Number 6 was removed from the Active
 19 List.
 20 COMMISSIONER DELEON: Oh, 6.
 21 CHAIR STONE: Charter Commission terms, so
 22 that is not going to the voters.
 23 Okay. Proposal Number 7. This was the
 24 indemnity and this was tabled, I believe -- Sherry,
 25 could you fill me in on why this was tabled?

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1 MS. BRODER: The commissioners wanted to be
 2 sure to hear from Commissioner Moikeha about her
 3 concerns before they made a final decision.
 4 CHAIR STONE: Thank you. And, Ed, if you
 5 could -- Ed and Sherry maybe start looking for where
 6 this section would fall in, so we have a section number.
 7 MS. BRODER: Okay.
 8 CHAIR STONE: Thank you. Go ahead,
 9 Commissioner Moikeha, the special request to hear from
 10 you.
 11 COMMISSIONER DELEON: Chair, I think she
 12 should hear what Ed has to say on this, because Ed had
 13 very explicit concerns in reference to indemnification
 14 process.
 15 CHAIR STONE: Okay. Thanks, Dave.
 16 All right. Ed, why don't you go ahead?
 17 MR. KUSHI: Well, Mr. Chair, I'll try not to
 18 repeat myself, but your Analyst, Sherry, did attach a
 19 two or three-page memo that, basically, clarifies or --
 20 clarifies and restates what the status of the law is so
 21 far as indemnification -- defense and indemnification of
 22 board and commission members. Therefore, what I said
 23 before, I'll say it again, I don't think you need this.
 24 CHAIR STONE: Okay. Sherry, what is your
 25 opinion?

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1 MS. BRODER: Okay. Well, the -- the main
 2 point is that public monies can only be used for public
 3 purpose. So, in other words, board and commission
 4 members have to be acting within the scope of their duty
 5 and performing their duties in good faith and in
 6 accordance with the law. So the State statutes have
 7 already been amended to give members of boards and
 8 commissions -- basically, they have immunity, assuming
 9 that they are acting within the scope of their
 10 assignment, acting in good faith and not violating the
 11 law. So they already have immunity for that. And so,
 12 you know, public funds just can't be used for defense
 13 beyond that.
 14 So Ed explained how it works in his office,
 15 when -- what happens is they sue a board member not just
 16 in their official capacity, but, also, in their
 17 individual capacity. And so when the board member is
 18 sued in their individual capacity, that's when the
 19 complication comes up, will Corporation Counsel defend
 20 them or not. Sometimes -- most of the time, Corporation
 21 Counsel will defend them, most of the time it's
 22 frivolous. Sometimes Corporation Counsel will
 23 recommend -- because there's a conflict of interest,
 24 even if it is frivolous, or even if it has no merit,
 25 Corporation Counsel will recommend that the County pay

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1 for the defense out of County money.
 2 But there could be a situation where the
 3 Corporation Counsel will find that it does go beyond the
 4 scope of what is legitimate to spend for County money or
 5 public money and would advise the person to get their
 6 own Council. But I think Ed explained that they go
 7 through a very rigorous process in making their
 8 decisions, so --
 9 So I think that kind of sums up my opinion
 10 letter, where I -- I think Ed and I both expressed some
 11 concerns about taking away the discretion from
 12 Corporation Counsel to make a recommendation and a final
 13 decision to be made by the County Council.
 14 CHAIR STONE: Thank you.
 15 Go ahead, Susan.
 16 COMMISSIONER MOIKEHA: First of all, I didn't
 17 propose this; Commissioner De Rego did. And it was
 18 after conversation and after I shared a personal
 19 experience. I did serve on a board and commission. We
 20 were personally sued as well as within our professional
 21 duties for the County as volunteers.
 22 If you're going to tell me now that if we were
 23 advised by an attorney of the Corp Counsel and we
 24 followed it and it led to this situation that the
 25 Council will guarantee that they will fund

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1 representation, then I am good with that. But if
 2 there's any bit of doubt in what I just heard, and any
 3 bit of discretion that they might not, and we would have
 4 to personally defend ourselves and our assets that
 5 affect our family, in a voluntary position, when we
 6 followed the law, when we followed our Corp Counsel,
 7 then I am -- I have a concern. So if anybody wants to
 8 add to that.

9 And, you know, when this first came up, I
 10 listened, I heard, I tried to address it in the proposal
 11 where it was clear that, when we follow the law and Corp
 12 Counsel as advised. That was the original proposal,
 13 amendment by me. Because I understand the position of
 14 where Corp Counsel is coming from. And I understand
 15 that is monies accountable through the Council, and they
 16 have to make that decision to fund or not. But when you
 17 have people that are doing what they're supposed to do
 18 in a volunteer position, then you better guarantee them
 19 something.

20 When they step out and they do everything
 21 they're supposed to do and there is -- there's that
 22 little bit of question that they may lose their homes,
 23 and their families' assets. I have a hard time with
 24 that, you know.

25 And I tried to take it in the beginning from

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1 is this just you and is this just your personal
 2 experience, and am I thinking about it too narrow-minded
 3 because this happened to me and others that served on
 4 that commission of mine. And you don't even know what
 5 their experience -- a lot of them were independent
 6 business owners. One was seeking her brokership,
 7 broker's license through the State of Hawaii. And this
 8 caused a huge, huge problem for her and delays in
 9 getting her broker's license because we were being sued
 10 by the Federal -- under a Federal Government type
 11 situation, through an applicant that had come before the
 12 Planning Commission.

13 So if you can answer that for me, then I am
 14 good with it; but if you can't, then we need to think
 15 about this.

16 CHAIR STONE: Susan, just a little
 17 clarification on your experience. So you did have to
 18 hire your own attorney?

19 COMMISSIONER MOIKEHA: We did not have to hire
 20 our own attorney. What happened is that it was a
 21 lawsuit, it was taken to the Council to request the
 22 Council to indemnify us. What caused us great concern
 23 is several -- at least two councilmembers didn't
 24 understand that and were voting down our
 25 indemnification, even though we followed Corp Counsel's

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1 advice, which led to the lawsuit, and we followed the
 2 law.

3 CHAIR STONE: So, in other words --

4 COMMISSIONER MOIKEHA: So the chance that two
 5 could vote it down -- and they didn't succeed, we did
 6 have indemnification -- what's to say that the majority,
 7 at one time or another, wouldn't, that they wouldn't
 8 understand what their role was that day.

9 And I hold fault to -- and this could be an
 10 isolated situation, but I hold fault to the chair of
 11 that meeting that didn't call into direction as to what
 12 they should be focused on, and not question the
 13 applicant about whether or not their opinions of what we
 14 did was right or wrong. We followed the law. That's
 15 all the discussion should have been. But it doesn't
 16 happen that way.

17 Everybody has their own personal agendas, and
 18 personal opinions, even in government, even in the
 19 legislative part of this County. And they will play it
 20 to whatever way they want to. And we are not protected.

21 Now, if you're going to tell me we're
 22 protected under what was just said here, I am good with
 23 it.

24 CHAIR STONE: Okay. Thank you, Susan.
 25 Kay, go ahead.

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1 COMMISSIONER OKAMOTO: Well, I am for keeping
 2 this in, even if it's already covered. At the public
 3 meetings, this was one of the ones that people said,
 4 well, of course, you know, this should stay in. It
 5 simply gives people a little bit of feeling that they're
 6 protected. We may already be protected. But if -- if
 7 you're sued and it's still got to go to the Council to
 8 get approval and all of that, in the meantime, a lot of
 9 people are going to say, "I got to get my own attorney
 10 right now to protect me."

11 And I would hate to think that us, you know,
 12 sitting here, we could be sued because -- and, you know,
 13 the Council, we're busy or, you know, we just didn't get
 14 to it, or somebody doesn't like -- the Council maybe
 15 doesn't like your decision. I think I do agree, I think
 16 we're protected, but I think stating it again, there's
 17 nothing wrong with restating it. And I think it's
 18 important. So I am going to vote for it.

19 CHAIR STONE: Thanks, Kay. Go ahead.
 20 Anybody? Frank.

21 COMMISSIONER DE REGO: The reason why I
 22 presented this is not only because of Commissioner
 23 Moikeha's experience, but I thought it needed to be
 24 clear that there is an obligation, if one is following
 25 the law, as a board/commission member, that the County

<p style="text-align: right;">Page 265</p> <p>1 will defend that individual as long as they're following 2 the law. I think this is a simple principle, as far as 3 I am concerned. It should not be open to political 4 interpretation. 5 COMMISSIONER WIGER: That's right. 6 COMMISSIONER DE REGO: Especially if -- and I 7 am not saying I don't trust the Council or -- but the 8 fact of the matter is, it has happened. There has been 9 an experience where, based on the decision that was 10 made, and not on the law, that people voted against 11 indemnification of particular members of the Planning 12 Commission. And that concerned me deeply. 13 So, you know, it's not a perfect system. 14 Politics enters into everything, we know that. But 15 these are volunteer citizens who I would say, for 99.9 16 percent, do it for love and not money. And I think in 17 some way they need to be assured that their individual 18 assets aren't going to be put at risk as long as they're 19 following the law and doing their duty, whether they're 20 sued in an official capacity or an individual capacity. 21 CHAIR STONE: Thank you. 22 COMMISSIONER DE REGO: Which is just another 23 way of getting at that. 24 CHAIR STONE: Thank you, Frank. 25 Go ahead, Flo.</p>	<p style="text-align: right;">Page 267</p> <p>1 whatever reason, again, the law states that it's up to 2 the discretion of the legislative body to defend and 3 indemnify. If that happens, and in the case that the 4 board member still feels it's unjust, the board member 5 should sue the Council in Circuit Court for abuse of 6 discretion. 7 COMMISSIONER WIGER: Thank you. Thank you. 8 MR. KUSHI: Again, if Council gets sued, our 9 office would have to defend the Council. 10 COMMISSIONER WIGER: Well, that -- 11 MR. KUSHI: So, again, you know, it's another 12 point to -- 13 COMMISSIONER WIGER: That answers it. 14 MR. KUSHI: The board member would have to 15 find its own separate counsel. 16 CHAIR STONE: Very good. 17 MS. BRODER: Well, I have a couple of things 18 to add. One is, all right, I think, based on the 19 discussion, actually, the language should say -- the 20 proposed draft language should say, "The County shall 21 provide Corporation Counsel to defend or provide funds." 22 Okay. Because, usually, Corporation Counsel does 23 defend. It's only in certain circumstances where 24 there's not just the sued individual, because 25 Corporation Counsel will defend in that circumstance,</p>
<p style="text-align: right;">Page 266</p> <p>1 COMMISSIONER WIGER: Question. And I guess it 2 would be to Sherry or to Ed. In terms of -- I mean, 3 Susan, I was just horrified hearing the story. I mean, 4 I could not believe that that actually happened. And 5 then hearing testimony, as we did, from some folks 6 about, well, you know, if -- if you follow the law, 7 everything works out. Well, no, it doesn't always work 8 out. So the question that I had is, in that case, it 9 was only two people who voted not to support 10 indemnification. What would have happened if the 11 majority of the Council had said, for whatever reason, 12 who knows, maybe the moon was blue, that they weren't 13 going to support it? Because, then, you've got the 14 majority. It's not two; it's the majority. What would 15 happen, then, in terms of the people who are in that 16 position? 17 CHAIR STONE: Which one of you wants to hit 18 this first? Go ahead, Ed. 19 MR. KUSHI: I'll take a wild guess. 20 COMMISSIONER WIGER: Okay. 21 MR. KUSHI: Not being, you know, a litigator, 22 not understanding, I would imagine the game plan would 23 be this: If, for some reason, the majority of the 24 Council refuses to defend and indemnify a board member, 25 allegedly in its role within the scope of duty, for</p>	<p style="text-align: right;">Page 268</p> <p>1 too, but where the Corporation Counsel finds it's a 2 conflict of interest. If in response -- so I think that 3 should be added, "The County shall provide Corporation 4 Counsel to defend or provide funds to pay for." 5 Then I did tried to write this provision so 6 that it would cover the proper expenditure of County 7 monies. So it says, you know, as a result of the bona 8 fide and good faith discharge of their official duties. 9 So there's that section in there. 10 It could be that should the situation end up, 11 in response to what Ed was saying just now, where the 12 County defended, if the Corporation Counsel already 13 defended, and then, for some reason, lost and County 14 counsel refused to indemnify, and then the board member 15 turned around and sued the County, Corporation Counsel 16 might have to go to the Council and ask for money for 17 independent counsel to represent the County because it 18 would be a conflict. 19 COMMISSIONER WIGER: Well, the -- 20 MR. KUSHI: That may be -- 21 CHAIR STONE: Ed, go ahead. Any response to 22 that? 23 MR. KUSHI: That may be true. It's happened 24 before in various situations where our office cannot 25 even serve a client because of a potential conflict with</p>

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1 another client.
 2 CHAIR STONE: Okay. Got it. All right.
 3 COMMISSIONER BAXA: Mr. Chair?
 4 CHAIR STONE: Judge.
 5 COMMISSIONER BAXA: Yeah. Mr. Chair, I really
 6 don't want to be rude, but if I may be excused.
 7 CHAIR STONE: Oh, of course, please,
 8 Commissioner Baxa.
 9 COMMISSIONER BAXA: Yeah. I have some very
 10 important matter to tend to.
 11 CHAIR STONE: Not a problem.
 12 COMMISSIONER BAXA: Okay.
 13 CHAIR STONE: Thank you for being here. Thank
 14 you.
 15 COMMISSIONER WIGER: Then I would like to --
 16 CHAIR STONE: Go ahead, Flo.
 17 COMMISSIONER WIGER: -- follow up on my -- the
 18 reason I asked the question -- and thank you for
 19 explaining it, because it answered it very clearly in my
 20 mind -- whenever possible, I do not like to leave a lot
 21 of discretion in the hands of folks to do what they
 22 think is right. I would rather be rather clear about
 23 here's what you need to do. And that's why I asked the
 24 question. So it's the idea of the discretion and the
 25 this could happen, that could happen. I am going to

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1 support leaving it in.
 2 CHAIR STONE: Kay, go ahead.
 3 COMMISSIONER OKAMOTO: We don't have a motion.
 4 CHAIR STONE: We don't have a motion yet.
 5 Frank.
 6 COMMISSIONER DE REGO: Just a question for our
 7 legal analyst. The way this is worded, also, in the
 8 performance of their duties, the way I read this, would
 9 this function both in their official and individual
 10 capacities?
 11 MS. BRODER: Well, I mean, they're going to be
 12 -- they're -- if they are -- just because -- if they're
 13 sued in their individual capacity, their defense is
 14 going to be that they were involved in the lawful
 15 performance of their official duties.
 16 COMMISSIONER DE REGO: Uh-huh.
 17 MS. BRODER: I mean, that's the defense. And,
 18 you know, just because they're named in their individual
 19 capacity, that doesn't mean that they were acting in
 20 their individual capacity. You know, the public money
 21 can only be used for them exercising --
 22 COMMISSIONER DE REGO: The public purpose.
 23 MS. BRODER: -- doing the public work.
 24 COMMISSIONER DE REGO: Right.
 25 MS. BRODER: Right. And that's why you're

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1 saying, well, you want to make sure they're protected
 2 because they are doing work for the County. They're not
 3 doing the work on their own.
 4 COMMISSIONER DE REGO: Own, right.
 5 MS. BRODER: So for the defense, it would be
 6 in their individual capacity. But I am assuming that if
 7 they're in the lawful performance of their duty, there's
 8 not going to be any individual judgment against them.
 9 CHAIR STONE: Good. Ed, Sherry, do we have a
 10 number?
 11 MS. BRODER: 13.2-18.
 12 CHAIR STONE: Sorry, start that again.
 13 MS. BRODER: 13-2-18, be a new section.
 14 CHAIR STONE: Give me a second. I guess just
 15 real quick question, Sherry, Ed, this -- this proposal,
 16 if challenged, what would -- would it stand the face of
 17 challenge legally?
 18 MS. BRODER: Well, let's see what Ed would
 19 say, because I wrote it.
 20 MR. KUSHI: Put it this way, Mr. Chair and
 21 Members: Whatever this says, we would -- our office
 22 would continue to go through the same procedures. We
 23 would approach the Council and say, look, a member of a
 24 board got sued in the capacity as a board member and
 25 individually, we feel the County should cover them both.

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1 If the facts are different, we need to disclose that to
 2 our client, the Council, also. This provision says
 3 facts would be different and would allow non-defense.
 4 CHAIR STONE: Sorry. Ed, clarify that for me.
 5 MR. KUSHI: Yeah. Okay. It, basically, has
 6 we would provide defense, indemnification for bona fide
 7 and good faith discharge. If we find the facts of the
 8 case the member did not perform or act according to bona
 9 fide good faith manner, then we might -- we may have to
 10 go to Council and say, look, we will defend them in
 11 their capacity as a board member, but not individually.
 12 And it's pursuant to your language here. But in either
 13 event, it would still continue to go to Council for a
 14 resolution.
 15 CHAIR STONE: You wouldn't act unless Council
 16 gave you the resolution?
 17 MR. KUSHI: Pardon me?
 18 CHAIR STONE: Even with this proposal, you
 19 wouldn't act without Council resolution?
 20 MR. KUSHI: Right.
 21 CHAIR STONE: So that --
 22 MR. KUSHI: If they're sued in their capacity
 23 as a board member, we would just file an answer, our
 24 department would just file an answer.
 25 CHAIR STONE: So your point is this is moot,

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1 this proposal is mute? Is that your point?
 2 MR. KUSHI: I don't think it adds or --
 3 CHAIR STONE: Doesn't change --
 4 MR. KUSHI: -- subtracts from the situation.
 5 Again, Mr. Chair, I understand what may have
 6 happened. I wasn't privy to that, but, again, sometimes
 7 this is just a bad procedure by plaintiff attorneys.
 8 The saying is, when in doubt, sue everybody.
 9 COMMISSIONER OKAMOTO: Yeah.
 10 MR. KUSHI: And I'll sue you in your capacity
 11 as a board member and I'll try to take your home, too.
 12 But, you know, this is something that they do, and you
 13 just can't help it.
 14 CHAIR STONE: Uh-huh. Susan.
 15 MR. KUSHI: And if it's named in individual
 16 capacity, we won't even accept service on that, on the
 17 complaint. We tell them, you go find (inaudible).
 18 CHAIR STONE: Okay. Got it.
 19 Susan, one quick question. So in your
 20 example, in your situation, was Corp Counsel
 21 recommending to Council take they should indemnify you
 22 guys and it was just two members didn't want to listen
 23 to Corp Counsel?
 24 COMMISSIONER MOIKEHA: That's correct.
 25 CHAIR STONE: Oh, okay. Thank you.

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1 Go ahead. Sorry. Kay, go ahead.
 2 COMMISSIONER OKAMOTO: I move that we -- the
 3 Commission move forward Proposal Number 7 to be placed
 4 on the ballot.
 5 CHAIR STONE: Thank you. Kay, just to point
 6 out, we have -- there was an amendment suggested by --
 7 COMMISSIONER OKAMOTO: As amended.
 8 CHAIR STONE: Thank you. Do I have a second
 9 on that?
 10 COMMISSIONER MOIKEHA: Point of order. What
 11 was the added amendment?
 12 CHAIR STONE: The added amendment was in the
 13 language, the County shall provide Corporation Counsel
 14 to defend or funds to pay for the defense of members, in
 15 sentence one.
 16 COMMISSIONER MOIKEHA: Okay. I don't know
 17 what strength this gives this to assure -- and I
 18 understand the position of Corp Counsel, would have to
 19 seek approval. I understand that process. My
 20 understanding or definition of indemnification is based
 21 on criteria that you follow the lawful performance as
 22 advised by Council. So if we want to strengthen that so
 23 that we're clear that, you know, we're not just trying
 24 to be careless in our duties as volunteers and we'll do
 25 whatever the heck we want regardless of what counsel

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1 says, and we expect the County to take care of us when
 2 we get into trouble. That -- I want that to be very
 3 clear, my intent. You know, so if we want to add "as
 4 advised by Council" so that strengthens that, not only
 5 are we doing our lawful performance, but we're doing it
 6 as advised by counsel.
 7 CHAIR STONE: Uh-huh.
 8 COMMISSIONER MOIKEHA: I don't know if that
 9 matters.
 10 CHAIR STONE: I believe that when you -- in
 11 reading the language, in the event of a civil action as
 12 a result of the bona fide and good faith discharge of
 13 their official duties, I think that's --
 14 COMMISSIONER MOIKEHA: Okay.
 15 CHAIR STONE: -- clear to me. Okay. So
 16 there's a motion put forward to move this proposal to
 17 the voters with the amendment, the language amendment as
 18 proposed. And it has been seconded. Oh, I'm sorry, it
 19 has not been seconded yet. Do I have a second for this?
 20 COMMISSIONER DE REGO: I second.
 21 CHAIR STONE: Thank you, Frank.
 22 Okay. Any further discussion on this
 23 proposal? Go ahead, Wayne.
 24 VICE-CHAIR HEDANI: It's said that hard cases
 25 make for bad law. This is a hard case. And what I want

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1 to make sure of is that we don't end up with bad law.
 2 From the standpoint of indemnification, the
 3 thing that bothered me was a situation in the past where
 4 a person ended up being sued and the went out and got --
 5 say I was sued in performing my duties as a Planning
 6 Commissioner, I went out and hired, my wife was an
 7 attorney, for \$450,000 to defend me in litigation
 8 without the consent of the Council, and then required
 9 that she be compensated, to me, is not correct. And
 10 it's something that requires oversight from the Council
 11 in the approval of the expenditure of public funds.
 12 COMMISSIONER MOIKEHA: Question?
 13 CHAIR STONE: Yeah, go ahead.
 14 VICE-CHAIR HEDANI: With that, I would like to
 15 take a restroom break.
 16 CHAIR STONE: Yeah, let's take a break and
 17 come back with Susan's question. Hold the question. We
 18 will have everybody back here at 5:20.
 19 (Recess, 5:08 p.m. to 5:18 p.m.)
 20 CHAIR STONE: Let's call this meeting back to
 21 order as of 5:20 p.m. And we are -- we left with
 22 Susan's question. And we're discussing Proposal Number
 23 7, indemnification of boards and commissions.
 24 Go ahead, Susan.
 25 COMMISSIONER MOIKEHA: You just want to make

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1 sure that this does not take away from any processes of
 2 the Corp Counsel would have to do to indemnify. I mean,
 3 it's not conflicting. It's just ensuring -- and I guess
 4 why this is important is that we -- we, as volunteers,
 5 have something to refer the councilmembers to, to
 6 solidify our position that, you know what, put the
 7 politics aside and do what is required of you to do.
 8 In regards to Wayne's example, I don't think
 9 that has any application to this at all because it's
 10 talking about that you have to act in good faith in
 11 discharge and you follow the process and, you know, you
 12 do your lawful performance of your duties. You know, we
 13 don't know what that circumstances were about.
 14 CHAIR STONE: Okay. Any further discussion?
 15 (No Response.)
 16 CHAIR STONE: No. Very good. We're going to
 17 take this to vote. All in favor of moving this proposal
 18 as amended on to the voters, raise their hand and say
 19 aye.
 20 (Ayes.)
 21 CHAIR STONE: Keep your hands up, please.
 22 Two, three, four, five, six, seven, eight. All opposed,
 23 raise your hand and say "nay."
 24 (Nays.)
 25 CHAIR STONE: Very good. One opposed. And

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1 just a point of -- to point out, we lost two
 2 councilmembers.
 3 COMMISSIONER DELEON: Commission Members.
 4 CHAIR STONE: Commissioners. Sorry. Bad
 5 joke. We lost -- two Commissioners had to go. So --
 6 COMMISSIONER OKAMOTO: Had to go.
 7 CHAIR STONE: Okay. This goes on to the
 8 voters, as amended.
 9 Moving on, Proposal Number 8 was approved,
 10 that is Council residency, that is already onto the
 11 voters.
 12 Proposal Number 9. I have a note here, this
 13 is the Mayor's residency, approved, staff may look at
 14 clause and report back. Sherry, can you fill me in on
 15 that, please?
 16 MS. BRODER: There's this weird clause in
 17 here, Ed and I talked about it, but we decided to leave
 18 it because it's in all the County charters. Even though
 19 it sounded kind of weird, we're just going to leave it
 20 as is, so you can move on.
 21 CHAIR STONE: Very good. So Number 9 has been
 22 approved and going on to the voters.
 23 And that brings us to our last -- let's see,
 24 10, 11, 12, 13. So Number 10 had been tabled. And it
 25 had been tabled so that, I believe, we could hear from.

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1 COMMISSIONER SUGIMURA: Lance.
 2 CHAIR STONE: Yeah, Lance, exactly. All
 3 right. So let's go ahead and delve into Proposal Number
 4 10 which is -- and the concern was Number 7 on Page 2 of
 5 the proposal. And that's why Lance had been called.
 6 And that Number 7 reads, Review personnel actions within
 7 the department for conformance with Declaration of
 8 Policy for the Department of Fire and Public Safety of
 9 this Charter." All right. Let's open this up to
 10 discussion.
 11 COMMISSIONER OKAMOTO: We discussed it.
 12 CHAIR STONE: There is no motion. That's
 13 true. I like to do discussion, motion, second,
 14 discussion, un-motion.
 15 (Laughter.)
 16 COMMISSIONER DE REGO: Demotion.
 17 CHAIR STONE: No, no.
 18 COMMISSIONER SUGIMURA: Happy face. Happy
 19 face.
 20 COMMISSIONER DE REGO: Happy face.
 21 CHAIR STONE: Move it to the smiley stage and
 22 then move forward. So in order to keep Wayne happy, do
 23 we have a motion to move this proposal forward to the
 24 voters?
 25 COMMISSIONER CRIVELLO: I make a motion to

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1 move Article 8, Chapter 7, Section 8.7 of the Charter,
 2 Proposal Number 10.
 3 CHAIR STONE: Thank you. Do I have a second?
 4 COMMISSIONER OKAMOTO: I second.
 5 CHAIR STONE: Very good. Kay seconds. Thank
 6 you, Stacy and Kay.
 7 All right. Discussion. Yes, Kay.
 8 COMMISSIONER OKAMOTO: I would like to remove
 9 the motion, even if I seconded. I would like to strike
 10 the Number 7. I think that -- I didn't -- I don't feel
 11 comfortable with that Number 7. I understand the
 12 intent, but I can see it could cause some issues.
 13 COMMISSIONER CRIVELLO: I can go with that
 14 amendment.
 15 CHAIR STONE: Okay.
 16 COMMISSIONER CRIVELLO: On the basis of the
 17 clarification we got from Personnel today, that if -- if
 18 any -- or if the commission themselves, or the Fire
 19 Department or individuals, they can always go to the
 20 Department of Personnel Services for more explanation on
 21 specifics in dealing with personnel matters.
 22 CHAIR STONE: Very good. So this proposal --
 23 there's a motion to put the proposal forward with the
 24 amendment of removing on Page 2.7.
 25 Go ahead, Dave.

<p style="text-align: right;">Page 281</p> <p>1 COMMISSIONER DELEON: I would like to point 2 out that Number 7 is the reason for this whole thing. 3 CHAIR STONE: That's what I -- 4 COMMISSIONER DELEON: You take out Number 7, 5 there isn't anything there. 6 COMMISSIONER OKAMOTO: I disagree. 7 COMMISSIONER CRIVELLO: I disagree. 8 COMMISSIONER OKAMOTO: I disagree, too. 9 CHAIR STONE: Okay. Sorry. Sorry. Go ahead. 10 COMMISSIONER CRIVELLO: I disagree with 11 Commissioner DeLeon. 12 CHAIR STONE: Okay. Yuki. 13 COMMISSIONER SUGIMURA: I was thinking what 14 Dave was saying, so I -- I kind of think that, after 15 listening to what Lance said, who takes care of 16 personnel, and all the process and -- and the checks and 17 balances that go through just to get a candidate to come 18 forward, for personnel action, I don't think we need 19 this. I don't know how you say that. Do you say delete 20 this? 21 CHAIR STONE: No, no. You just would not vote 22 to move this forward. 23 COMMISSIONER SUGIMURA: Okay. Everybody, 24 don't vote for it. Just kidding. 25 CHAIR STONE: Okay. No petitioning.</p>	<p style="text-align: right;">Page 283</p> <p>1 COMMISSIONER MOIKEHA: Absolutely. 2 CHAIR STONE: But I -- my understanding was 3 that Number 7 was the -- one of the primary additions to 4 the proposal that gave it the teeth. And we heard from 5 Department of Personnel today. And my opinion's kind of 6 changed because I didn't quite understand the process. 7 And the fact that -- you know, that the choice isn't, 8 you know, you have to qualify as a top five candidate -- 9 COMMISSIONER SUGIMURA: It's not random. 10 CHAIR STONE: It's not as random as I thought 11 when I first had moved this forward. I believe my 12 opinion's changed. 13 Go ahead, Susan. 14 COMMISSIONER MOIKEHA: And I don't know if the 15 accreditation process, once it's achieved, would kind of 16 trump this or, you know, make it a different process. I 17 don't know. 18 CHAIR STONE: Okay. Any further discussion? 19 Wayne. 20 VICE-CHAIR HEDANI: I am going to vote against 21 this particular amendment because I think what this does 22 is it -- it moves the commission into the twilight zone 23 as far as -- as far as getting involved in personnel 24 decisions that should be within the purview of the 25 department. I think the commission can hire and fire</p>
<p style="text-align: right;">Page 282</p> <p>1 COMMISSIONER SUGIMURA: Not necessary. 2 COMMISSIONER DE REGO: No campaigning. 3 CHAIR STONE: Are you making an un-motion? 4 COMMISSIONER SUGIMURA: I am making an 5 un-motion. 6 CHAIR STONE: Okay. Any further discussion on 7 the motion? Susan. 8 COMMISSIONER MOIKEHA: I just have a question. 9 So these declaration of policy, the things that are 10 defined in here -- 11 CHAIR STONE: We. We. 12 COMMISSIONER MOIKEHA: Okay. And how do they 13 quantify this. How do you quantify qualified and 14 professional leadership? Who determines that? Who 15 defines that? I kind of was listening to what Lance 16 said when he said that, in order to submit maybe the top 17 five, they have quantified it by a score, and that's how 18 they get their top five to put out there for the next 19 stage of the interviews. How do you define or qualify 20 qualified professional leadership? Whose standard or 21 definition are we using in this situation? So I just 22 had a hard time with what this really means. 23 CHAIR STONE: I recall why -- I recall why 24 this proposal is here. And have very much respect for 25 the person who brought this forward.</p>	<p style="text-align: right;">Page 284</p> <p>1 the chief, that's its job. If he's not doing a good 2 job, fire him; if he's doing a good job, you 3 congratulate him and you let him do his job. 4 Part of his job is to oversee the department. 5 There's a chain of command that has to be followed. If 6 the chain of command is violated in some way, then 7 there's recourse. There's -- there's a system in place 8 to handle cases like that. And I don't think mucking up 9 the works by having the commission involved in every 10 personnel decision that the department makes is a good 11 policy. 12 COMMISSIONER DELEON: Mr. Chair, point of 13 order. Don't we have an amendment on the floor that 14 removes Number 7? 15 CHAIR STONE: Yes, that is -- no, no. There's 16 a motion to move this forward to the voters with the 17 amendment of the removing Number 7. 18 COMMISSIONER DELEON: I thought it was a 19 separate motion, though. 20 CHAIR STONE: No. 21 COMMISSIONER DELEON: Did you do a separate 22 motion? 23 CHAIR STONE: They amended their motion. 24 COMMISSIONER DELEON: So it's all one. 25 CHAIR STONE: They amended the motion.</p>

<p style="text-align: right;">Page 285</p> <p>1 COMMISSIONER DELEON: It's all one. I'm 2 sorry, I misunderstood it. 3 COMMISSIONER CRIVELLO: So -- Mr. Chair? 4 CHAIR STONE: Yes, please, Stacy. 5 COMMISSIONER CRIVELLO: In line to 6 Commissioner Hedani, I think, for purpose of trying to 7 understand why this is also established, was to 8 strengthen the role of the commission. And I think 9 Department of Personnel Service -- you know, you have 10 firefighters that come in and make their public 11 testimony, and the commission cannot go any further. 12 But I think the Department of Personnel Service 13 clarified that today. Anyway, at least for me, it did. 14 That the -- besides Corp counsel's advisement, if you're 15 on the commission, they can go one step further and -- 16 and have consultation with the Department of Personnel 17 Service. So at least that was clarified. 18 COMMISSIONER OKAMOTO: Mr. Chair? 19 CHAIR STONE: Go ahead, Kay. 20 COMMISSIONER OKAMOTO: Well, I am confused 21 now, too. I just -- so, to Wayne, are you saying you're 22 opposed to the whole thing or to that part 7 or any of 23 them? 24 VICE-CHAIR HEDANI: I think it's together. 25 It's part and parcel of the whole thing.</p>	<p style="text-align: right;">Page 287</p> <p>1 especially the Honolulu City and County, the Big Island 2 and Kauai. 3 MS. BRODER: Well, if we just leave it to add 4 a new section, I mean, the person that publishes the 5 Charter can number it. Because, otherwise, we have to 6 Ramseyer. If you put it first, then you are going to 7 have to put all the rest of them in and re-number it 8 ourselves. And then the voters are going to come and 9 they're going to think it's another five-page proposal 10 when in fact it's only one. So I think that the 11 stylistic person that finally puts the Charter together 12 makes sure that it's numbered correctly can -- when you 13 say, you know, just have a new section in Article 8, 14 they can number it however they think is appropriate. 15 CHAIR STONE: Okay. Further discussion? 16 COMMISSIONER SUGIMURA: Question. 17 CHAIR STONE: All right. Very good. So the 18 motion on the floor is to move this proposal forward to 19 the voters with the amendment of moving Page 2, Number 20 7.7. Okay? 21 COMMISSIONER OKAMOTO: Removing. 22 CHAIR STONE: Removing, that's what it is. 23 Okay. Very good. All in favor of moving this proposal 24 forward, raise your hand and say "aye." 25 (Ayes.)</p>
<p style="text-align: right;">Page 286</p> <p>1 COMMISSIONER OKAMOTO: So if we take out the 2 Number 7, you're still opposed to it? Okay. That's 3 what I needed to know. 4 CHAIR STONE: Okay. Any further discussion 5 before I take this to vote? Susan. Go ahead. 6 COMMISSIONER MOIKEHA: Just where exactly 7 would this fit in? Is it like at the beginning where it 8 talks about organization? 9 CHAIR STONE: It was meant to be at the very 10 beginning, I believe. 11 COMMISSIONER MOIKEHA: Would this be like -- 12 CHAIR STONE: Correct? 13 COMMISSIONER CRIVELLO: Yeah. 14 COMMISSIONER MOIKEHA: Before 8-7.1, or 15 this -- 16 CHAIR STONE: This would become 8-7.1. Is 17 that correct, Sherry? I don't want to state something 18 that's incorrect. 19 COMMISSIONER CRIVELLO: Mr. Chair? 20 CHAIR STONE: Yes. 21 COMMISSIONER CRIVELLO: I believe it's to add 22 a new section for the declaration of policy. And the 23 proposal was submitted to be in line with the other 24 county charters, specifically with the Fire Department. 25 In fact, the wordings are that of the other county,</p>	<p style="text-align: right;">Page 288</p> <p>1 CHAIR STONE: That's two. All opposed of 2 moving this proposal forward, raise your hand and say 3 "nay." 4 (Nays.) 5 CHAIR STONE: One, two, three, four. 6 COMMISSIONER SUGIMURA: What was the question? 7 Not -- 8 CHAIR STONE: Wait a second. Not -- if -- 9 COMMISSIONER DELEON: Against. 10 CHAIR STONE: Against. 11 COMMISSIONER SUGIMURA: Removing it. 12 CHAIR STONE: Sorry. Keep your hands up. 13 One, two, three, four, five, six, seven. Okay. Good. 14 The reason I do that is to make sure everybody is voting 15 that's present, thank you, not because I can't do simple 16 math. Okay. So this is removed. It does not go to the 17 voters. 18 MR. KUSHI: Mr. Chair? 19 CHAIR STONE: Yeah. You had a motion to move 20 on, and was defeated. I think you should make a motion 21 to remove. 22 COMMISSIONER SUGIMURA: Okay, to be clear. 23 MR. KUSHI: To be clear. 24 COMMISSIONER SUGIMURA: I move to remove. 25 COMMISSIONER DE REGO: I second.</p>

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1 CHAIR STONE: Sorry. Clarify your proposal
 2 before Wayne scolds you.
 3 COMMISSIONER SUGIMURA: I move to remove
 4 Article 8, Chapter 7, this section, to delete it.
 5 CHAIR STONE: Wait, wait, wait. No, no.
 6 COMMISSIONER SUGIMURA: Oh, declaration of
 7 policy.
 8 CHAIR STONE: I think it should be I move to
 9 remove Proposal Number 10.
 10 COMMISSIONER SUGIMURA: Oh, sorry. Correct.
 11 Correct. Correct.
 12 CHAIR STONE: Okay.
 13 COMMISSIONER SUGIMURA: I knew that.
 14 CHAIR STONE: Okay. Very good.
 15 COMMISSIONER DE REGO: I second the motion.
 16 COMMISSIONER SUGIMURA: We're hungry.
 17 CHAIR STONE: All right. Any discussion?
 18 (No Response.)
 19 CHAIR STONE: No. Okay. All in favor of
 20 removing Proposal Number 10, raise your hands and say
 21 "aye."
 22 (Ayes.)
 23 CHAIR STONE: One, two, three, four, five,
 24 six, seven.
 25 All opposed? Okay. One, two, okay.

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1 Thank you. So that motion has been removed.
 2 Moving on to number -- Proposal Number 11,
 3 Department of Environmental Management proposed Charter
 4 Amendment. This is the proposal that we --
 5 COMMISSIONER SUGIMURA: Worked out.
 6 CHAIR STONE: Concerning sustainability and
 7 environmental protection. So there's -- you know, let's
 8 -- let's put this to discussion before we have a motion.
 9 COMMISSIONER CRIVELLO: You need a motion.
 10 CHAIR STONE: We're going to amend it, it's
 11 going to get so confusing. All right. Okay. Go ahead,
 12 somebody make a motion to un-motion. Go ahead, Susan.
 13 COMMISSIONER MOIKEHA: Okay. I would like to
 14 move to approve Proposal Number 11, Number 4. And I
 15 don't have the exact words written down that we kind of
 16 discussed before, so I need help with that. But I would
 17 like to delete Number 5.
 18 CHAIR STONE: Very good. I think this is what
 19 you're going for. Go ahead, please.
 20 MS. BRODER: Well, this was my best
 21 understanding where the conversation ended up. "Create
 22 a division to encourage and support opportunities for
 23 environmental and natural resource protection,
 24 conservation, sustainability and restoration."
 25 "Create a division to encourage and support

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1 opportunities for environmental and natural resource
 2 protection conservation, sustainability and
 3 restoration."
 4 CHAIR STONE: All right. Susan, why don't you
 5 go ahead and restate that motion?
 6 COMMISSIONER MOIKEHA: Okay. Well, I thought
 7 we were just adding sustainability. So I am not sure
 8 where --
 9 COMMISSIONER DE REGO: Yeah. My understanding
 10 is we were not creating a division, that we were staying
 11 with the general language.
 12 COMMISSIONER SUGIMURA: Of the Charter.
 13 COMMISSIONER DE REGO: Of the Charter. And
 14 that it would gave the Mayor the flexibility to organize
 15 it any way he wants at this point. Or --
 16 CHAIR STONE: Make the motion how you -- how
 17 you like it. Go ahead.
 18 COMMISSIONER MOIKEHA: Okay. So, again, I
 19 move to approve Proposal Number 11 with Line 4, and I
 20 believe it was to add sustainability. Did anybody write
 21 that down?
 22 COMMISSIONER DE REGO: Yeah. I wrote the
 23 following down.
 24 COMMISSIONER MOIKEHA: I would like to defer
 25 the language Number 4, to ask Frank to give us that

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1 wording, before I make the motion.
 2 COMMISSIONER DE REGO: I would -- would you
 3 want me to make the motion?
 4 COMMISSIONER MOIKEHA: Yeah. Maybe that's
 5 easier.
 6 COMMISSIONER DE REGO: I would like to make a
 7 motion to move proposal 11 forward with the following
 8 wording: "Guide efforts to maximize opportunities for
 9 environmental, natural resource protection,
 10 sustainability, conservation and restoration."
 11 COMMISSIONER DELEON: Second.
 12 CHAIR STONE: Okay. The motion has been put
 13 forward and seconded to move Proposal Number 11 to the
 14 voters with the amendment to add the word "sustainable"
 15 to Point Number 4, and remove Point Number 5.
 16 COMMISSIONER DE REGO: And remove Point Number
 17 5.
 18 CHAIR STONE: Exactly. One sec. Okay.
 19 COMMISSIONER DE REGO: This was the wording
 20 that I think you suggested, "environmental and natural
 21 resource protection."
 22 MS. BRODER: Right. I guess the conversation
 23 continued, so --
 24 COMMISSIONER DE REGO: Yeah.
 25 MS. BRODER: I was talking to a lot of

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1 different people at the same time.
 2 COMMISSIONER DE REGO: Uh-huh.
 3 CHAIR STONE: Okay. Go ahead, Wayne.
 4 VICE-CHAIR HEDANI: I have a concern with the
 5 word "maximize", maximize opportunities.
 6 CHAIR STONE: Uh-huh.
 7 VICE-CHAIR HEDANI: If I am the director of
 8 the Department of Environmental Management and I have a
 9 Charter provision that requires me to maximize
 10 opportunities for environmental -- natural resource
 11 protection, I am obligated by the Charter to oppose
 12 things that are contra to natural resource protection.
 13 I would -- I would encourage -- I like the language that
 14 says, "Encourage and support or optimize efforts to
 15 encourage and support environmental and natural resource
 16 protection."
 17 COMMISSIONER DE REGO: That was the other
 18 wording.
 19 VICE-CHAIR HEDANI: As a suggestion, which
 20 would be positive and not mandatory from that
 21 perspective.
 22 COMMISSIONER DE REGO: Actually, I would agree
 23 with Commissioner Hedani. I did write the word optimize
 24 at one point in this, because I think it's a -- it's a
 25 good word and allows for more flexibility in terms of

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1 how we're looking at this. So I would regard that as a
 2 friendly amendment.
 3 CHAIR STONE: Very good. So just to clarify,
 4 the wording after this friendly amendment is, for Point
 5 4, "Optimize efforts to encourage and support
 6 opportunities for environmental and natural resource
 7 protection, sustainability, conservation and
 8 restoration." Am I correct?
 9 COMMISSIONER DE REGO: Yes.
 10 CHAIR STONE: Very good. Yes, go ahead,
 11 Stacy.
 12 COMMISSIONER CRIVELLO: I just like to throw
 13 this out for discussion. Can we consider creating a
 14 division, can we consider adding that, to add meat? You
 15 know, we talked about testimony. Every testimony I've
 16 heard was in support of strong language for
 17 sustainability. I know the Mayor said he's willing to
 18 take that out and just stick with the environmental.
 19 You know, when you talk environment, you talk natural
 20 resources. And in relation to what Commissioner Wiger
 21 mentioned earlier, it's economic, environmental and
 22 cultural -- I say cultural, she says social -- concerns
 23 that were interdependent upon one another.
 24 So I just feel, my personal, if the division
 25 is created, it adds more respect to what the Mayor said

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1 because the Environmental Management Division already
 2 takes care of the highways, the drainage, and all the
 3 flooding. That is specific in the Charter already. So
 4 what more do we want to add to the existing, but to
 5 preferably, I suppose, consider adding to the Charter
 6 creation of a division. That's just my thoughts.
 7 CHAIR STONE: Thank you, Stacy.
 8 My understanding as well was that the intent
 9 is to create a division. I don't see any problem with
 10 adding that language. I know it's not consistent with
 11 the rest of the Charter, but we're out-of-box thinkers.
 12 I believe that's the intent of the exercise.
 13 Go ahead, Yuki.
 14 COMMISSIONER SUGIMURA: So I think that by
 15 listening to the Mayor and just the testimonies that
 16 we've heard, it's not necessary to put it in. It's just
 17 like how all the different divisions that are part of
 18 every department, it's really not necessary. I think
 19 that it will happen based upon just the will of the --
 20 you know, the department and the Mayor.
 21 CHAIR STONE: Good.
 22 Susan, go ahead.
 23 COMMISSIONER MOIKEHA: I am in support of what
 24 we have right now. I am not in support of actually
 25 stating create a division at this point in game. You

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1 know, I don't know why they just didn't do that in the
 2 first place, if there was their intent. And they did
 3 acknowledge in their proposal to us early on, and that
 4 didn't change, but the Charter is not for delineating
 5 divisions. And that's why they chose to go this route.
 6 Now, he said he could work with this. He said
 7 it was sufficient enough to create the division, then go
 8 ahead and do that. But at this point, I wish he would
 9 have come down here straight out from the very beginning
 10 and told us that, "I want a division and this is how it
 11 would be formed," and then we wouldn't be having to be,
 12 at the eleventh hour, deciding what is the ramifications
 13 of saying delete, create -- I mean, create a division.
 14 I can't support that at this point.
 15 So he said this was enough for him to move it
 16 forward, then go for it.
 17 CHAIR STONE: Okay. Thank you.
 18 Any further discussion? Dave.
 19 COMMISSIONER DELEON: Can somebody read the
 20 language to the motion?
 21 CHAIR STONE: Yeah, I'll read the language of
 22 the motion. The motion is to move forward Proposal
 23 Number 11, adding the language to the powers, duties and
 24 functions of the Director of Environmental Management,
 25 which includes Point 4, "Optimize efforts to encourage

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<p>1 and support opportunities for environmental and natural 2 resource protection, sustainability, conservation and 3 restoration." And that it also includes removal of our 4 Point 5 that had been proposed. So that is what we are 5 presently discussing. 6 COMMISSIONER DELEON: Mr. Chair? 7 CHAIR STONE: Yes, go ahead, Dave. 8 COMMISSIONER DELEON: I am not sure what that 9 means, optimize. What is it, optimize -- efforts, okay. 10 CHAIR STONE: Optimize efforts. 11 COMMISSIONER DELEON: Well, I am going into 12 editor mode, I am afraid, but I would stick with guide 13 efforts to optimize opportunities or something like 14 that. But, I mean, it's that verb that really works for 15 me. It's like, what do you really mean? 16 CHAIR STONE: I think the primary reason we 17 are at this language is some of the Commissioners feel 18 that maximize opportunities was a slightly dangerous -- 19 COMMISSIONER DELEON: (Inaudible.) 20 CHAIR STONE: So give me a suggestion. 21 COMMISSIONER DELEON: Put "optimize" instead 22 of "maximize" and least leave the rest of the language 23 in place. 24 CHAIR STONE: Okay. Let's look at what that 25 would be. That would be, "Guide efforts to optimize."</p>	<p>1 CHAIR STONE: That's one, two, three, four, 2 five, six, seven. 3 All opposed, say "nay" and raise your hand, 4 place. 5 (Nays.) 6 CHAIR STONE: Two nays. Okay. This moves to 7 the voters, as amended. 8 Did you get that language? 9 MS. BRODER: Yes, I did. 10 CHAIR STONE: Very good. 11 Moving on to Proposal Number 12. And this 12 proposal is in reference to County departments. Let's 13 see here. It looks like general changes. Can you give 14 me a brief overview on this proposal, please? 15 MS. BRODER: This one was to conform all the 16 reviews of all the -- the Fire Chief, the Police Chief, 17 the Director of Planning and -- the Police Chief, 18 Director of Planning, Civil Service Director, to conform 19 their evaluation hiring and removal to have the same 20 language. So the Fire and Police Chief already had the 21 same language, but -- well, anyways. Everything's the 22 same for all those four management positions. 23 CHAIR STONE: So we are looking for uniformity 24 with this proposal? 25 MS. BRODER: Yes.</p>
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<p>1 COMMISSIONER HASHIMOTO: That makes sense. 2 COMMISSIONER DE REGO: Opportunities. 3 COMMISSIONER DELEON: Yeah, it's the way it 4 was written before. I wasn't sure what it meant. 5 CHAIR STONE: "Optimize opportunities to 6 encourage and support." This is good. We need to -- we 7 need to nail this down. Hang on. So, Frank, I believe 8 you're the maker of the motion. 9 COMMISSIONER DE REGO: I am perfectly fine 10 with that. Let's move this on to the vote. That's all 11 I am saying. 12 CHAIR STONE: We need a second to accept that 13 friendly amendment. 14 COMMISSIONER SUGIMURA: Second. 15 CHAIR STONE: Seconded. Very good. Okay. 16 Okay. So we're going to take this to vote. So we're 17 taking a vote now to move this to the -- this Proposal 18 Number 11 to the voters. 19 COMMISSIONER DE REGO: As amended. 20 CHAIR STONE: As amended. Does anybody need 21 clarification on the verbiage? 22 (No Response.) 23 CHAIR STONE: Okay. As amended. All in favor 24 of the proposal, say "aye." 25 (Ayes.)</p>	<p>1 CHAIR STONE: Okay. Very good. I have a 2 motion to put this proposal forward. 3 COMMISSIONER CRIVELLO: Mr. Chair? 4 CHAIR STONE: Yes, Stacy. Oh, your 5 microphone. 6 COMMISSIONER CRIVELLO: I move to move forward 7 Proposal Number 12 that all departments, I guess -- 8 well, according to this -- 9 CHAIR STONE: It's too wordy, isn't it? Okay. 10 Do I have a second on that? 11 COMMISSIONER DE REGO: I'll second it for -- 12 CHAIR STONE: Very good. Frank seconds the 13 motion put forward by Stacy. Thank you. 14 Okay. Discussion on Proposal Number 12. 15 COMMISSIONER DE REGO: This was one of my 16 brainchilds again. It's -- it's complicated, it seems, 17 but it's actually simple in thought. Where, actually, 18 all directors and heads of departments who are regulated 19 by boards -- I mean commissions would operate according 20 to the same rules. Okay. In other words, the charges 21 for their removal would be in writing, they would have 22 an opportunity for hearing before the commission, they 23 would have, most importantly, periodic review and 24 evaluation of their performance. It's surprising that 25 these commissions aren't doing that. Well, it's not</p>

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1 written in the Charter that they should be doing that on
 2 a regular basis. I have no knowledge that that is not
 3 occurring. But as we heard the Director of Personnel
 4 Services say, he would welcome periodic evaluation by
 5 the commission, which we should take his word on that.
 6 And also, that the report to the Mayor and the Council
 7 covering that review and evaluation would be forwarded.
 8 I think, just for consistency sakes, all of the
 9 commissions and boards should be dealing with their
 10 directors in the same manner.
 11 CHAIR STONE: Uh-huh. Very good. Discussion.
 12 Go ahead, Dave.
 13 COMMISSIONER DELEON: I don't know. I mean, I
 14 am reading Number 4, Number 4, and it doesn't seem like
 15 they match up with any of the other ones, if we're being
 16 consistent. Is that consistent?
 17 CHAIR STONE: Sorry, Dave. More specific,
 18 please?
 19 COMMISSIONER DELEON: Number 4, it starts off
 20 with, "Remove the Director of Liquor," I mean, that's
 21 pretty strong language. Then I don't see anything that
 22 really kind of starts out, you know, have that kind of
 23 impact. Some of them are kind of general review, this
 24 one is talking about removal.
 25 MS. BRODER: The other ones have -- the other

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1 ones have that in other sections. It doesn't need to be
 2 amended.
 3 COMMISSIONER DELEON: It's not precisely the
 4 same language.
 5 MS. BRODER: It is the same language. It's
 6 just that the other ones, like the Fire Chief, already
 7 has that language in it, but it's in a different --
 8 doesn't need to be amended.
 9 COMMISSIONER DELEON: So it's -- it's not
 10 under one of the elements here we're amending for.
 11 MS. BRODER: Right. You don't need to amend
 12 it. That language is like taken from the fire chief and
 13 moved into other departments.
 14 COMMISSIONER DELEON: Okay. Well, I have just
 15 looking through the other three items and I didn't see
 16 anything that matched it.
 17 MS. BRODER: Well, I guess that's why. I only
 18 made changes where changes were needed.
 19 COMMISSIONER DELEON: Okay.
 20 MS. BRODER: Do you see what I mean? Because
 21 the fire chief and the police chief, they're already set
 22 up like that.
 23 COMMISSIONER DELEON: Okay.
 24 MS. BRODER: I believe.
 25 CHAIR STONE: Yes. You believe or you're

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1 sure?
 2 (Laughter.)
 3 MS. BRODER: Well, here's 8-7.3, the fire
 4 chief. The fire chief may be removed by the Fire and
 5 Public Safety Commission only after being informed in
 6 writing of the charges that are resulting in Fire
 7 Chief's dismissal and after being given a hearing before
 8 the commission. So that's already there, so that's why
 9 I didn't do it again.
 10 COMMISSIONER DELEON: Okay. But that's not in
 11 this list we're looking at?
 12 MS. BRODER: Right, because we're not amending
 13 it. You're not amending it.
 14 COMMISSIONER DELEON: That section, okay. Got
 15 it. Thank you.
 16 MS. BRODER: Okay.
 17 CHAIR STONE: Okay. Yuki.
 18 COMMISSIONER SUGIMURA: So I have a question.
 19 This is -- so how do you take a proposal like this and
 20 put it into a form like this?
 21 MS. BRODER: How do I do that? Oh --
 22 COMMISSIONER SUGIMURA: I mean, really, I
 23 mean, truly, we can talk all we want amongst ourselves,
 24 but if you're not going to be able to present it to --
 25 MS. BRODER: Yes. But look at the question,

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1 the way the question is worded at the top of the page.
 2 I mean, that's the same idea as what you guys are
 3 saying.
 4 CHAIR STONE: Let me jump in. Yuki, if you
 5 take a look at the form that the last Charter Commission
 6 put out, it doesn't have the complete language, it just
 7 has the actual proposals. And then it has pros and cons
 8 to each proposal. So it doesn't --
 9 COMMISSIONER SUGIMURA: Well, I know, but just
 10 -- this is complicated.
 11 CHAIR STONE: It is a complicated one, but --
 12 COMMISSIONER DE REGO: Can I respond to that?
 13 We keep hearing it's complicated, it's complicated, it's
 14 complicated. In 1966 and 1972, the County of Maui, and
 15 the people, the citizens of Maui, had to approve a whole
 16 Charter. I hope, 40 or 50 years later, that our -- our
 17 minds have not been dumbed down within that period. And
 18 that people can make intelligent decisions about, you
 19 know, how they want to be governed. So I am -- I am
 20 sorry, I am exasperated a little bit about hearing, you
 21 know, about complications and, you know, those kinds of
 22 things. I mean, you know, are we declaring that we're,
 23 you know, less intelligent than our forefathers and
 24 mothers, I don't know. But I think we should go ahead
 25 with this. If it makes sense, if it's consistent, then

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1 we should go ahead and put it on the ballot.
 2 CHAIR STONE: Very good. Thank you.
 3 Further discussion?
 4 (No Response.)
 5 CHAIR STONE: No further discussion, captain
 6 Frank has laid down the law.
 7 (Laughter.)
 8 CHAIR STONE: Anybody dare to discuss further?
 9 Let's take this to vote. The motion is to move Proposal
 10 Number 12 to the ballot for the voters, which,
 11 basically, unifies Chapter 2, Department of Fire and
 12 Public Safety, Chapter 9, Department of Personnel
 13 Services, Chapter 12, Department of Police, and Chapter
 14 13, Department of Liquor Control, of Article 8 of the
 15 Charter, amended to provide consistency in the process
 16 in which the various commissions of the listed
 17 departments can appoint its directors or chiefs, handle
 18 removal of its directors or chiefs, specifically in the
 19 following areas noted below as -- and I'll read it just
 20 because the public should understand this. A, charges
 21 for removal being given in writing; B, opportunity for
 22 hearing before the commission; C, periodic review and
 23 evaluation of director's/chief's performance; and, D,
 24 report to the Mayor and Council covering the review and
 25 evaluation.

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1 All in favor of moving Proposal Number 12 to
 2 the voters, raise your hand and say "aye."
 3 (Ayes.)
 4 CHAIR STONE: Let me take a count, please.
 5 One, two, three, four, five, six, seven.
 6 All opposed of moving Proposal Number 1, raise
 7 your hand and say "nay."
 8 (Nays.)
 9 CHAIR STONE: Very good. Two.
 10 COMMISSIONER DELEON: Mr. Chair?
 11 CHAIR STONE: Yes, Dave.
 12 COMMISSIONER DELEON: I would like to make a
 13 request that we check in with Frank Silva at the Liquor
 14 Department. I remember him saying he had some kind of
 15 civil service protection.
 16 CHAIR STONE: I recall that as well.
 17 COMMISSIONER DELEON: You know, and he was
 18 very explicit about it. And so if that's the case, then
 19 this might not apply. I mean, this might not be the way
 20 it works with him. And I am glad somebody else kind of
 21 remembers that.
 22 CHAIR STONE: I kind of remember that.
 23 COMMISSIONER DELEON: So just out of -- out of
 24 precaution. I am not saying take it off the table, not
 25 going backwards, I am just saying just double-check and

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1 make sure.
 2 CHAIR STONE: I'll get that information before
 3 our final reading, just to make sure.
 4 Go ahead, Kay.
 5 COMMISSIONER OKAMOTO: As I recall, it had
 6 something -- he mentioned about the State. Maybe not
 7 civil service, but because he was covered, the State
 8 liquor laws were overriding or something.
 9 CHAIR STONE: I recall that discussion as
 10 well. But you know what, let me -- the proposal's
 11 moving forward to the voters without it -- if this -- if
 12 that isn't the issue. If it is a issue, we'll take care
 13 of it at our next meeting before it goes to Council.
 14 COMMISSIONER DELEON: Mr. Chair?
 15 CHAIR STONE: Go ahead.
 16 COMMISSIONER DELEON: Yeah, he's hired through
 17 a procedure under HRS. It's not in the Charter. And
 18 that -- and I really remember, because it stood out to
 19 me, he told me he had -- he stood there and said he had
 20 civil service capacity.
 21 CHAIR STONE: I recall that as well, Dave.
 22 COMMISSIONER DELEON: It's like, wow, you do,
 23 geez, how does the director get that. That's pretty
 24 cool.
 25 CHAIR STONE: One second. Lisa, can you make

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1 a note that we need to check with Liquor Department
 2 about that? Thank you.
 3 MS. KAHUHU: Yes.
 4 MS. BRODER: It still says that he is hired
 5 and removed by the Liquor Control Commission. So --
 6 that's what it says in the Charter right now. So I am
 7 not sure, you know, what --
 8 COMMISSIONER DELEON: If that's right, it's
 9 right, but just double-check to make sure we got it
 10 right.
 11 CHAIR STONE: Okay. Very good. Moving on.
 12 Oh, my goodness, it's our final proposal.
 13 It's five minutes to 6:00.
 14 Proposal Number 13, Article 8, County
 15 Departments, County Departments Declaration of Policy.
 16 This looks like a general declaration of policy for --
 17 for Article 8. Susan.
 18 COMMISSIONER MOIKEHA: Is that the exact same
 19 declaration that was proposed in Fire?
 20 CHAIR STONE: It was -- the way this came
 21 about was we were -- the Fire proposal's moving forward,
 22 we decided that it would make sense to unify -- or not
 23 unify, but --
 24 COMMISSIONER SUGIMURA: Be consistent.
 25 CHAIR STONE: Consistent. Thank you. Thank

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<p>1 you, be consistent across the board. So that's why this 2 proposal's in place. So -- 3 COMMISSIONER MOIKEHA: Okay. Well, and I 4 guess because that failed, this is moot. 5 CHAIR STONE: Not necessarily moot. No, not 6 moot. 7 COMMISSIONER MOIKEHA: Okay. Wait. So this 8 is to propose that we make this applicable to all County 9 departments? 10 COMMISSIONER DE REGO: Yes. 11 CHAIR STONE: Declaration of policy for all 12 County departments. 13 COMMISSIONER MOIKEHA: So every section would 14 include this? 15 COMMISSIONER DELEON: No. 16 CHAIR STONE: It's just -- it would just be in 17 Section 8, as a general declaration of policy, I 18 believe. 19 COMMISSIONER MOIKEHA: Okay. 20 CHAIR STONE: Am I correct, Sherry? 21 MS. BRODER: Yes. 22 COMMISSIONER MOIKEHA: But it is the same 23 verbiage as what was being proposed under the Fire? 24 CHAIR STONE: It is, except that it would 25 cover all -- all sections.</p>	<p>1 policies. So that's how it ended up where it is. 2 CHAIR STONE: So maybe this is the right place 3 to put it. Very good. 4 Cliff, did you have some -- 5 COMMISSIONER HASHIMOTO: Yeah, I have some 6 questions in regards to the -- the personnel -- 7 CHAIR STONE: Your mic, please. 8 COMMISSIONER HASHIMOTO: Yeah, I do have some 9 questions that cross my mind. And that is what the 10 Personnel Director said today. 11 CHAIR STONE: Uh-huh. 12 COMMISSIONER HASHIMOTO: Apparently, they look 13 at many things differently and for different departments 14 differently. So what -- I think it might be worthwhile 15 checking with them before we finalize this thing. 16 CHAIR STONE: Okay. Thank you. In my 17 opinion, this seems like to be a very general statement. 18 Commissioner Hedani. 19 VICE-CHAIR HEDANI: From my perspective, I 20 don't think it rises to the level that needs to be 21 incorporated into the Charter for all of the 22 departments. I think the assumptions that are in here 23 are already covered in the Preamble in terms of 24 establishing the best form of County government that we 25 can establish.</p>
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<p>1 Go ahead, Dave. 2 COMMISSIONER DELEON: The reason for that was, 3 I mean, the language, wouldn't we want this to apply for 4 all departments rather than just the Fire Department? 5 Why would they single out just the Fire Department for 6 good leadership, qualified training staff. I mean, you 7 know, won't this apply to everybody. 8 COMMISSIONER MOIKEHA: Yeah. And I am not 9 opposed to it. I can see the value of having a general 10 statement that applies. I think at one time somebody 11 suggested even putting it in the Preamble. It should 12 talk about this possible form of County Government, but 13 creating a separate section that applies to everybody, 14 yeah, okay. 15 CHAIR STONE: And, Susan, this, I believe, 16 language comes almost directly from the Honolulu 17 Charter, is that correct? 18 MS. BRODER: Yes. Do they have the one for 19 the whole -- I don't think so. The language originally 20 came from the person who proposed the language, the Fire 21 Department. That language is part of the Honolulu 22 Charter, the Fire Department. And then the discussion 23 of the commission was, well, if we're going to do it for 24 the Fire, let's make it consistent, and why should it 25 just be the Fire, every department should have the same</p>	<p>1 What I -- what I actually would prefer to 2 see -- and we really didn't discuss it in terms of the 3 communication items that we received today -- but we 4 received some language from Commissioner Hashimoto that 5 I thought would be highly appropriate in terms of 6 creating a new proposal relative to recognizing the 7 uniqueness of our being in Hawaii and Hawaiian 8 population being given some consideration in the 9 Charter. To me, that is more important than telling all 10 the department directors they should be doing what they 11 should be doing because they should be doing it 12 automatically. That's just my personal opinion. 13 CHAIR STONE: Thank you, Commissioner Hedani. 14 Discussion. 15 COMMISSIONER MOIKEHA: Question. 16 CHAIR STONE: Yeah, go ahead, Susan. 17 COMMISSIONER MOIKEHA: Which letter are you 18 referring to? 19 CHAIR STONE: Cliff had sent us a letter, two 20 letters, actually. 21 COMMISSIONER MOIKEHA: Yeah. Which one? 22 First one? 23 CHAIR STONE: That was the -- 24 COMMISSIONER DELEON: Mr. Chair, that's not 25 about this item, so --</p>

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1 COMMISSIONER SUGIMURA: Why don't we take that
2 up?
3 COMMISSIONER DELEON: -- the item we have on
4 the floor first.
5 CHAIR STONE: We'll get to that because,
6 actually, we do need to take that up.
7 COMMISSIONER DE REGO: Point of order,
8 Mr. Chair?
9 CHAIR STONE: Go ahead, please.
10 COMMISSIONER DE REGO: There's no motion on
11 the floor at the moment, correct? No, I don't think so.
12 CHAIR STONE: I believe there was a motion.
13 Maybe there wasn't.
14 COMMISSIONER DE REGO: No. There was a
15 clarification or question about this.
16 CHAIR STONE: Very good. No motion on the
17 floor.
18 COMMISSIONER DE REGO: I would make a motion
19 to remove this from the consideration.
20 CHAIR STONE: Okay. Thank you. Second to
21 remove from the proposals.
22 COMMISSIONER SUGIMURA: Second.
23 CHAIR STONE: Okay. Motion on the floor has
24 been seconded to remove Proposal Number 13. Discussion.
25 (No Response.)

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1 CHAIR STONE: No discussion, we'll take that
2 to vote. All in favor of removing Proposal Number 13
3 from the Draft Proposal List, raise your hands and say
4 "aye."
5 (Ayes.)
6 CHAIR STONE: One -- keep your hands up,
7 please. One, two, three, four, five, six, seven. All
8 opposed, raise your hand and say "nay."
9 (Nays.)
10 CHAIR STONE: Two. Okay. So this is removed.
11 Congratulations, Commissioners, we have run
12 through our existing list. And I believe we may have
13 some more before I -- we have not had a chance to
14 discuss communications, so I think at this time we can
15 discuss communications. And, obviously, the
16 communication we want to discuss is Cliff's letters.
17 So just before we get there, timeline, I have
18 an updated timeline for us. Okay. So --
19 COMMISSIONER SUGIMURA: It changed?
20 CHAIR STONE: Yes, it has changed fairly
21 dramatically for this first important date. April 2nd.
22 April 2nd is when our draft report to the County Council
23 has to be submitted.
24 COMMISSIONER SUGIMURA: Oh, this one.
25 CHAIR STONE: April 2nd, right, just got

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1 handed to us today. May 2nd, is their response date.
2 Okay. Anyways, yeah, you guys have that. The most
3 important thing we're looking at is April 2nd, which
4 means our next meeting we're done with the draft report
5 to the County Council. All right. Okay.
6 So moving on to communication items, talking
7 about Cliff's letter. And I know I read it. And I --
8 let me find it.
9 Wayne, go ahead. You want to discuss this
10 issue?
11 VICE-CHAIR HEDANI: Well, there's a lot of
12 issues that were brought up. The one that actually
13 caught my attention was -- I am looking at Item 4. And
14 Cliff can probably speak to it better than I could, but
15 he talks about, in 2010, the County unanimously passed a
16 resolution recognizing the rights of the Native Hawaiian
17 culture and the (inaudible) preservation, and that there
18 may be a way to incorporate that into the Charter
19 somehow. I am not sure where. I am not sure whether
20 that would be part of the Preamble or part of a policy
21 statement or where we would stick it, but I think it's
22 something that is worthy of consideration.
23 Cliff, do you want to try to --
24 CHAIR STONE: Thank you.
25 Cliff, you want to discuss this?

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1 COMMISSIONER HASHIMOTO: Well, I just want to
2 -- I don't know if any of you have read that resolution.
3 I don't have a copy of it in front of me. However, I
4 thought it was a powerful resolution in terms of
5 preserving the -- the Native Hawaiian culture, of course
6 people of these islands. And the thing is, this is not
7 stated anywhere else that I know of. So what I would --
8 what I am recommending is that perhaps we could add
9 another article to our Charter and put it in that
10 article, place that resolution as part of that article.
11 CHAIR STONE: Very good. Let me check with
12 Sherry here. Sherry, where would something like this
13 fit appropriately into the Charter?
14 MS. BRODER: I mean, it could go in the
15 Preamble.
16 COMMISSIONER HASHIMOTO: I thought of that,
17 too. I wrote it down that way.
18 MS. BRODER: I don't know how long the
19 resolution is, but maybe what I can do is take a look at
20 it --
21 COMMISSIONER HASHIMOTO: It's just one page.
22 MS. BRODER: You probably don't want a whole,
23 you know, page, probably just want a paragraph. But
24 maybe I could take a look at it and draft something up
25 for consideration at the next meeting.

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1 CHAIR STONE: Next meeting.
2 COMMISSIONER HASHIMOTO: It's on the website,
3 I believe.
4 MS. BRODER: Okay. I'll go look at it.
5 CHAIR STONE: Thank you, Sherry.
6 MS. BRODER: If that's what the Commission
7 wants.
8 CHAIR STONE: Yeah, let's discuss it. Go
9 ahead, Frank.
10 COMMISSIONER DE REGO: This has come up to the
11 Commission before, if you remember. Somewhere, I think,
12 early on in our deliberations, we talked about
13 recognizing Native Hawaiian rights or recognizing
14 supporting our Native Hawaiian culture. In fact, we had
15 a couple of testifiers from Waihee here that also spoke
16 to that issue in terms of what they felt were, you know,
17 sort of needed language in the Charter recognizing that.
18 So I thank Commissioner Hashimoto for remembering that
19 conversation and that meeting and for bringing this up
20 once again.
21 CHAIR STONE: Okay. Do we have a motion to
22 put this forward as a draft proposal?
23 COMMISSIONER DE REGO: I would like to make a
24 motion that we consider language at the next meeting to
25 put forward for a draft proposal.

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1 COMMISSIONER CRIVELLO: I second the motion.
2 CHAIR STONE: Okay. Very good. Proposal's
3 been put forward and seconded to have Sherry bring draft
4 proposal forward to include --
5 COMMISSIONER DE REGO: Recognizing.
6 CHAIR STONE: -- recognizing our Hawaiian
7 culture, Native Hawaiian culture, possibly in the
8 Preamble. Any discussion? No. All in -- sorry. Go
9 ahead, Kay.
10 COMMISSIONER OKAMOTO: Yeah. Just to -- I
11 guess, a question. As I reread it, you know, Cliff
12 admits that he didn't believe it went far enough. And
13 if we're going to go there, I think the idea of somehow
14 that we are three separate islands and not just the
15 Native Hawaiian culture, but those -- I don't know,
16 culture of by being so separated. I am not sure how you
17 put that in, but possibly it could be expanded.
18 CHAIR STONE: Okay. Very good. Take this to
19 vote, then? All in favor of drafting -- moving to draft
20 proposal stage language to recognize our Native Hawaiian
21 culture, and possibly a little more, raise your hand and
22 say "aye."
23 (Ayes.)
24 CHAIR STONE: That's one, two, three, four,
25 five, six, seven, eight.

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1 All opposed, raise your hand and say "nay."
2 (Nays.)
3 CHAIR STONE: And one opposed. Thank you. So
4 this will move to draft proposal stage. Very good.
5 Any further discussion on our communications?
6 Susan, you had something?
7 COMMISSIONER MOIKEHA: Question about our
8 schedule.
9 CHAIR STONE: Yeah, go ahead.
10 COMMISSIONER MOIKEHA: So the next regular
11 meeting is on the 19th?
12 CHAIR STONE: Wait. Are we done with
13 Communication Items? Sorry. Kay.
14 COMMISSIONER OKAMOTO: I had one that came to
15 me, which I guess you'll get at the next, it was just an
16 email on the different proposals, but I think it will
17 come to you at the -- to us at the next meeting.
18 CHAIR STONE: Was there any -- you know, Kay,
19 was there any proposals put forward?
20 COMMISSIONER OKAMOTO: It was just looking at
21 the current ones.
22 CHAIR STONE: Because we're literally running
23 out of time. Okay.
24 Go ahead, Cliff.
25 COMMISSIONER HASHIMOTO: Yes. Question,

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1 chair. I don't know whether we can make a proposal to
2 amend this, the article that covers the Fire Department,
3 but perhaps they can put this on the agenda at the next
4 meeting.
5 CHAIR STONE: Okay.
6 COMMISSIONER HASHIMOTO: To review section
7 8-1.1.
8 CHAIR STONE: One second, Cliff. Let me catch
9 up with you. 8-12.1.
10 COMMISSIONER HASHIMOTO: 8-12.21.
11 CHAIR STONE: Is this in your letter, Cliff?
12 COMMISSIONER HASHIMOTO: Yes.
13 CHAIR STONE: Hang on one second. Let me get
14 to that. I think, Cliff, to be safe, I think that
15 should probably be discussed now. 8-12.1, there shall
16 be a Department of Police. Are we discussing about the
17 police?
18 COMMISSIONER HASHIMOTO: Well, Chair --
19 CHAIR STONE: Yes.
20 COMMISSIONER HASHIMOTO: I use this as just as
21 an example of -- of what I was trying to reach was for
22 the Commission to do and that was to review the Charter.
23 And -- and I use this as examples to show how some of
24 the language in our Charter is so misleading. It's not
25 misleading; it's confusing, so -- and here's an example

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1 of it. So if we look at the -- and let me pick the
 2 other one, which is the Fire Department, I think the
 3 same thing exists here for the Fire Department. So all
 4 I am recommending is that we review these -- review the
 5 Charter and review all the articles because I don't
 6 think we've done that.

7 CHAIR STONE: Okay. Thank you, Cliff. Cliff,
 8 I -- sorry, go ahead, Wayne.

9 VICE-CHAIR HEDANI: I kind of agree with
 10 Commissioner Hashimoto from the perspective -- and I
 11 think I mentioned this at one point in the past, I have
 12 taken it upon myself to try to read the entire document,
 13 from Page 1 to Page 51, so that we know what's between
 14 the four corners of the document. There are errors that
 15 are in here. I don't know if it's just housekeeping
 16 items. But just to give you an example, on Page 17 of
 17 the Charter, Item Number 11, under Chapter 4, I guess,
 18 it's clearly a mistake. And I don't know how you
 19 address the correction, whether you can do it by a
 20 catchall housekeeping item or not. Prepare and maintain
 21 a perpetual inventory of all lands, improvements and
 22 other personally-owned place rented or controlled by the
 23 County. You know, it becomes an incomplete thought if
 24 the word is personally. The word (inaudible) is
 25 personalty. And they picked up personally instead of

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1 personality. Personality means personal property, which
 2 is what they were referring to. So that's clearly an
 3 error. And it could be a typo. It could be just a
 4 mistake. But somehow, things like that need to be
 5 cleaned up. And I don't know how you do that.

6 CHAIR STONE: I recall reading in past Charter
 7 proposals that they had a catchall housekeeping
 8 proposal, which they almost always passed, from what I
 9 recall looking at the past Charter Commission votes. So
 10 what I would propose to our Commissioners is that we
 11 come with a -- with -- maybe forward all of the
 12 housekeeping items you may see to Sherry in the Charter,
 13 the items that you catch, be very specific. And since
 14 they're housekeeping, Sherry can have a draft proposal,
 15 a housekeeping draft proposal measure prepared for us at
 16 our next meeting. And that is something we can put
 17 forth. And I -- and I actually saw it in a number of
 18 charters, that there was a overlying housekeeping
 19 proposal. So it's a great idea. I think we should do
 20 it.

21 Go ahead, Frank.

22 COMMISSIONER DE REGO: Mr. Chair, although I
 23 agree with Commissioner Hedani on this, but if you look
 24 at Commissioner Hashimoto's letter here, it goes to
 25 something a little bit more than housekeeping. So I --

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1 I don't know if we are in a position at this point to go
 2 over -- with all due respect to Commissioner Hashimoto,
 3 over issues that I think in a sense we've -- we have
 4 decided in terms of accountability of the departments to
 5 the commissions, and its relationship to the Mayor is
 6 something that is still -- as we're finding out on
 7 Kauai, still somewhat nebulous and vague in terms of the
 8 interpretations to the Charter. I imagine that's going
 9 to go to court. But I don't know at this point if we're
 10 going to be able in one meeting to be able to resolve
 11 those kinds of -- those kinds of interpretations at this
 12 point.

13 CHAIR STONE: Thank you.

14 Go ahead, Susan.

15 COMMISSIONER MOIKEHA: I am in agreement with
 16 that. I think Wayne's talking about editing and
 17 language use. You know, that's -- that's something in
 18 itself. I certainly don't have time to go through this
 19 and start looking at it again. I can't do that, so I
 20 don't know.

21 CHAIR STONE: I believe -- I believe it's up
 22 to the commissioners, if they have the time --

23 COMMISSIONER MOIKEHA: Okay.

24 CHAIR STONE: -- to go through. Wayne's
 25 already gone through, and I have made some notes on my

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1 own. By the way, there are definitely some typos in
 2 there.

3 COMMISSIONER DE REGO: Typos, yeah.

4 COMMISSIONER MOIKEHA: I just --

5 CHAIR STONE: So that's in discussion.

6 COMMISSIONER MOIKEHA: Yeah. And I think --
 7 and I understand what Clifford is saying. Some of the
 8 issues that he's pointed out in his letter, of where --
 9 I don't know. I think the overall task that we were
 10 charged with was pretty challenging. And the fact that
 11 we had very, very limited time to work efficiently and
 12 to really delve into what's the most important thing.
 13 On one hand, it was a balance between asking the public
 14 to direct us and then we got that direction and then
 15 that kind of drove it, you know, is it -- was it
 16 supposed to be that way, I don't know. Are there a lot
 17 more things that I think are really, really important,
 18 yeah. And we just didn't have the time to invest
 19 everything. I think it was a learning curve to see how
 20 things operate in the County. And what you can do to
 21 amendments to make it more efficiently. And I think we
 22 did the best we could by seeking out information from
 23 the department heads, Administration, the public to
 24 understand how that works. But, you know, I could see
 25 this whole thing being redone, you know, but I don't

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1 know, it wasn't our day to do it.
 2 CHAIR STONE: You know, I wanted to point
 3 something out, Cliff. There is something, I think,
 4 extremely valuable that we put forward today. And that
 5 is the Office of County Auditor. Because if I were to
 6 start this Charter Commission over, if it was April and
 7 we were -- 2011 and I was starting this Commission over,
 8 the very first thing I would have done was invited the
 9 director -- the auditor here. That auditor, after 10
 10 years of working in the County and working on
 11 efficiencies of government, would have had a lot to tell
 12 us right off the bat. So I do think we've accomplished
 13 a lot. If the auditor becomes a part of the County,
 14 that's going to be a major resource for the next Charter
 15 Commission.
 16 Look how beneficial Frank just being on the
 17 Cost of Government Commission was to us. So many of our
 18 -- of our useful proposals that have moved forward came
 19 from Frank's knowledge and wisdom.
 20 Imagine what a County Auditor would be able to
 21 tell us from day one. We wouldn't be with having to --
 22 to relearn everything and in asking the number one
 23 question about -- about how much does this cost, what
 24 would this move cost us to do. That County Auditor
 25 would be the guy.

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1 And I am really -- I think that was one of our
 2 greatest achievements today is getting that proposal to
 3 move forward because that's going to benefit the future
 4 Charter.
 5 COMMISSIONER HASHIMOTO: Well, I hope it's
 6 more than well enough that it is (inaudible).
 7 CHAIR STONE: Yeah. That will be one of our
 8 jobs as all Commissioners. So I want to say thank you
 9 to everybody today. You guys did a fantastic
 10 commendable job moving forward.
 11 COMMISSIONER HASHIMOTO: There's a question.
 12 CHAIR STONE: Dave.
 13 COMMISSIONER DELEON: It's minor. Yeah,
 14 really. Back in the corner. I've been sitting on
 15 proposals. We didn't have enough time. So, I mean, I
 16 would like to really talk about the Water Board again,
 17 there's other stuff I would like to talk about. The
 18 Board of Ethics has not been addressed. We got stuff
 19 out there just hangs out there. And we haven't gotten
 20 anywhere. We're just not there.
 21 CHAIR STONE: Again, I think it -- Dave, it
 22 comes down to early start, having some kind of resources
 23 right off the bat.
 24 COMMISSIONER DELEON: Right.
 25 CHAIR STONE: So, good. Thank you.

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1 Kay.
 2 COMMISSIONER OKAMOTO: I would also like to
 3 see, after this goes to Council and we have a little bit
 4 of time that we come up with a list of recommendations
 5 for a future one. So, I mean, we were told, yeah, you
 6 could go read the minutes. Well, that was a lot to do.
 7 But if there were two pages of recommendations, you
 8 know, we didn't get to this, we didn't get to that,
 9 maybe you want to start there. I think that would be
 10 very good to pass on to the next commission.
 11 CHAIR STONE: Great idea.
 12 COMMISSIONER DELEON: Mr. Chair?
 13 CHAIR STONE: Yes.
 14 COMMISSIONER DELEON: It doesn't have to wait
 15 for the next commission, either. The Council can
 16 actually take action. And I also know -- I know at
 17 least one proposal is going to come from the Council.
 18 So we're not going to be alone in this thing. Remember,
 19 Don Couch's item.
 20 CHAIR STONE: That's right.
 21 COMMISSIONER DELEON: That's going to come
 22 from Council.
 23 CHAIR STONE: Very good.
 24 Go ahead, Frank.
 25 COMMISSIONER DE REGO: Just to build on this

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1 idea, besides our recommendation, I think there's
 2 nothing wrong with an ad hoc task force looking at
 3 investigating the most efficient form of government.
 4 We've come up with some ideas here, when we started
 5 looking at the difference between a sort of -- I am
 6 going to ask Commissioner Moikeha because my brain isn't
 7 working right now. It's 6:30. I was looking at the
 8 municipal form of government as versus --
 9 COMMISSIONER DELEON: Management.
 10 COMMISSIONER DE REGO: -- county manager form
 11 of government. And that would have taken a lot more
 12 time to look at, you know, than the time that we have,
 13 because that would be a complete change, a sea change in
 14 terms of how we look at County government and
 15 governance. But, you know, there's nothing wrong with
 16 the Council or the Mayor appointing a commission or a ad
 17 hoc committee to investigate that over time and make
 18 recommendations to the Charter Commission. I mean,
 19 that's -- that would be something that I think we could
 20 recommend and we could look at.
 21 CHAIR STONE: These are all really good ideas.
 22 And that's something, you know, as we get through this
 23 part of our stage, we'll touch on and definitely come up
 24 with some kind of a -- leave some advice.
 25 Our next regular meeting is Monday, March

1 19th, 2012, 10:00 a.m., here at the Planning Conference
2 Room, Kalani Pakui Building. This meeting will not be
3 as long as this meeting, so I don't think you need to
4 get hotel rooms. Wayne wants it to be longer. I'll
5 adjourn this meeting as of 6:25 p.m. Thank you all so
6 much for your hard work.

7 And I want to say thank you to Akaku for being
8 here. Tonya, how's your fingers, honey? Yeah, good
9 pat. Thanks, everybody.

10 (Meeting adjourned, 6:23 p.m.)

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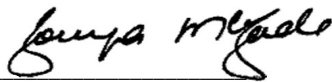
1 CERTIFICATE

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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 4th day of April, 2012.



Tonya McDade
Certified Shorthand Reporter #447
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Reporter