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1
2 COUNTY OF MAUI, STATE OF HAWAII
3
4 APPROVED 5/21/2012
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7 CHARTER COMMISSION
8 REGULAR MEETING
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13
14 Held at the Planning Department Conference Room,
15 250 South High Street, Wailuku, Maui, Hawaii, commencing
16 at 10:03 a.m., on May 7, 2012.
17
18
19
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1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Joshua A. Stone, Chair
4 Wayne N. Hedani, Vice-Chair
5 Artemio C. Baxa, Member
6 Stephanie S. Crivello, Member
7 David P. DeLeon, Member
8 Frank R. De Rego, Jr., Member
9 Clifford P. Hashimoto, Member
10 Susan A. Moikeha, Member
11 Linda Kay Okamoto, Member
12 Yuki Lei Sugimura, Member
13 Flo V. Wiger, Member
14
15 STAFF PRESENT:
16 Edward S. Kushi, Jr., First Deputy Corporation Counsel
17 Lisa Kahuhu, Supervising Law Technician
18
19 ADMINISTRATION PRESENT:
20 Michael Molina, Executive Assistant to the Mayor
21
22 OTHERS PRESENT:
23 Jim Smith
24
25

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1 (Monday, May 7, 2012, 10:03 a.m.)
2 * * *
3 CHAIR STONE: I would like to say aloha to
4 everyone for attending this public meeting of the
5 Charter Commission. My name is Josh Stone and I am the
6 Chairman of the Commission.
7 If you need, there are copies of our agenda of
8 today's meeting available for everyone with Lisa Kahuhu,
9 who is sitting over there. And as per our rules, all
10 discussions today shall be pertaining to the agenda
11 items only.
12 Before I begin public testimony, we have a few
13 items of business to address. First, I would like to
14 call this meeting to order as of 10:00 a.m., or
15 thereabouts. We'll just call it 10:00 a.m. And I would
16 like to recognize the Commissioners that are present or
17 excused. Lisa, do we have a list of anybody excused?
18 MS. KAHUHU: No, Chair. So I assume Susan is
19 on her way.
20 CHAIR STONE: Okeydokey. Thank you.
21 Also, I would like to present our staff. We
22 have Ed Kushi, Jr., Deputy Corporation Counsel. Ed,
23 thank you for being here. We have Lisa Kahuhu, once
24 again, our Supervising Law Technician.
25 MS. KAHUHU: Good morning.

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1 CHAIR STONE: We also have Tonya McDade, our
2 tireless court reporter. Tonya, thank you. And from
3 the Mayor's Office, we have Executive Assistant Mike
4 Molina. Mike, thank you for being here.
5 MR. MOLINA: Good morning, Chair.
6 CHAIR STONE: Also, as always, a very special
7 thank you to Sherry Broder, our Analyst, for being here
8 today. Thank you, Sherry.
9 MS. BRODER: Thank you.
10 CHAIR STONE: I would like to take this time
11 to approve the minutes from our last meeting, which you
12 have on the desk.
13 VICE-CHAIR HEDANI: Move to approve.
14 CHAIR STONE: There's a motion to approve.
15 COMMISSIONER SUGIMURA: Second.
16 CHAIR STONE: And it has been seconded by
17 Yuki. Discussion on the minutes?
18 (No Response.)
19 CHAIR STONE: No discussion. All in favor of
20 approving the minutes as is, say "aye."
21 (Response.)
22 CHAIR STONE: All opposed, say "nay."
23 (No Response.)
24 CHAIR STONE: Very good. Motion passes. The
25 minutes are accepted.

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1 Now move on to oral testimony. And before I
 2 begin, I would like to briefly go over our oral
 3 testimony rules. We'll call up each public testifier to
 4 testify in the order that they registered to testify.
 5 And each testifier will have five minutes to testify on
 6 all items on our agenda today. Following the testimony,
 7 I'll ask the Commissioners if they need clarification of
 8 the presented testimony.
 9 Lisa, please introduce our first testifier.
 10 MS. KAHUHU: Jim Smith.
 11 CHAIR STONE: Mr. Smith, thank you for being
 12 here today.
 13 ...BEGIN PUBLIC TESTIMONY...
 14 MR. SMITH: Members of the Commission, thank
 15 you for being here today. Good morning. I really
 16 wasn't going to attend again except the fact that I was
 17 at a Council meeting which they took up your
 18 recommendations. And Susan Moikeha was. And I was
 19 expecting the Chair. And there were questions of Susan,
 20 but you should have been there, I thought, to clarify.
 21 And I don't know why it didn't happen, but, to me, if --
 22 you're connected or not connected. And that was not
 23 connected.
 24 I am here to testify regarding that
 25 Communication 2. I think we have to recognize, the most

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1 important thing is the voter. That is what this all is
 2 about. Okay. The Charter, the citizen judges the
 3 performance of the public official and votes, my
 4 responsibility. Responsibility of the public official
 5 is to respect his office, do honor to his office. And
 6 that's it. And I recognize or not that. So the Charter
 7 protects us from that, or it doesn't.
 8 Now, since -- in the last 20 years, there's
 9 been an avoidance of responsibility by the Executive
 10 Branch. And it's filtering into this Charter, this
 11 avoidance of clear responsibility.
 12 For example, the amendment that says four
 13 years for the Council term. If your performance is the
 14 measure, okay, then how long it takes you to get elected
 15 is not relevant. So what you've done is, if I elect a
 16 man and he falls asleep at 10 meetings in his first two
 17 years, I don't get to vote him out. I don't get to
 18 express my judgment that this is unqualified.
 19 Suppose a member comes in, and he wants to get
 20 a subdivision done, and he gets elected, he gets his
 21 subdivision and then he resigns. He doesn't run again.
 22 But suppose he stays on. The four-year issue diverts
 23 attention from the notion that a citizen must judge the
 24 performance as good or bad.
 25 And the Mayor has -- the Mayor doesn't even

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1 know what his job is. On May 9th, 2011, he says, for
 2 instance, if you were to add powers to various
 3 departments, you would then be taking away powers from
 4 the Administration or the Council. He is the Mayor!
 5 Excuse me. That was a little loud.
 6 (Laughter.)
 7 CHAIR STONE: Jim, even for you, that was over
 8 the top.
 9 MR. SMITH: Let me just say this: So I am in
 10 support of reducing these numbers because they're
 11 interfering.
 12 Alternatives. If they present an alternative,
 13 withdraw -- withdraw the -- the recognition of four
 14 years, withdraw the audit. Okay. Because they'll come
 15 back with a alternative, and we'll get the same thing we
 16 did with the Water Board, and we'll have two questions,
 17 and we'll not know what and he'll take each one
 18 individually, not in context. And it's wasteful. Okay.
 19 So reduce to two. Two. One, the Preamble.
 20 Significant, deep, good. Two, print your Charter when
 21 you do it, period. Tell me about the amount of money it
 22 costs to print a Charter.
 23 And that's a good reason why I shouldn't get a
 24 Charter, because it costs -- I got to get 10,000 copies.
 25 Well, you see, that's internal control. That's not the

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1 problem of the Charter. It's internal control. So when
 2 you outsource people in a nonprofit or in a -- in a
 3 political environment, you're avoiding recognition of a
 4 failure to have internal controls. And I am not buying
 5 it. And I hope you won't buy it.
 6 So I hope you'll just reduce the numbers that
 7 you put in to two and let them bring forward the
 8 auditor. The Mayor was supposed to be responsible for
 9 auditing. That's why they changed it to
 10 executive/legislative. The Mayor was supposed to be
 11 responsible. Now you're going to set up, in the
 12 Legislative Branch, an audit. Huh?
 13 The Mayor doesn't even know what an executive
 14 is in terms of a Mayor. And that's not his problem
 15 because that's been since 1990, when you elect
 16 communicators to Mayor and feel-gooders to Mayor. And
 17 that's when the departments became the czars.
 18 So we need to get back. And I hope you will.
 19 Let me leave you with some words of Lord
 20 Byron. And this is from common people. We know Byron,
 21 too. And it's this: "But words are things, and a small
 22 drop of ink, falling like dew, upon a thought, reduces
 23 that which makes thousands, perhaps millions, think."
 24 Fewer words the better. Thank you.
 25 CHAIR STONE: Thank you very much, Jim. Very

<p style="text-align: right;">Page 9</p> <p>1 passionate testimony. One second, Jim, we have 2 questions for you. Go ahead, Cliff. 3 COMMISSIONER HASHIMOTO: Thank you, Mr. Chair. 4 Mr. Smith, thank you for coming. I'd like a little 5 clarification. 6 MR. SMITH: Sure. 7 COMMISSIONER HASHIMOTO: So I want to ask you 8 a question. Am I to understand that you said that any 9 of the proposals that went before the Council, who 10 effect them, the proposal that would affect the Council, 11 or anything else that the -- the Council was for, that 12 we should lose some of those -- 13 MR. SMITH: What I am raising -- 14 COMMISSIONER HASHIMOTO: -- and remove them 15 from the Charter, is that what you're saying? 16 MR. SMITH: What I am saying is the point that 17 you can't interfere with the citizens' ability to judge. 18 Okay. The citizens' ability to judge. They recommended 19 not placing many, many -- many, many items. Okay. And 20 their argument was, not necessary, not necessary, not 21 necessary. Well, I am saying a lot of things -- they 22 proposed three. I am saying not necessary, not 23 necessary. We can do it some other way, or not do it. 24 And I prefer not do it. Okay. 25 COMMISSIONER HASHIMOTO: Okay.</p>	<p style="text-align: right;">Page 11</p> <p>1 something that you rely upon. So where does he 2 arbitrarily change that practice? Shouldn't there be 3 some -- some rule? I mean, if he wants to act like it's 4 a discretionary power, well, then he has to apply those 5 powers pursuant to rule because there's no unlimited 6 discretion at the department. It always relates to a 7 law. According to law is how departments operate. He 8 has to do that, too. 9 So I -- I would -- I would take issue with the 10 Council Member's letter. And it's not the first you 11 received from him. 12 CHAIR STONE: Thank you. And, Jim, just so 13 you know, we did put out the offer for the Chair to be 14 available to the Committee while they were working on 15 this. And they simply said, "No, no thank you." 16 MR. SMITH: Nobody put an offer out for me to 17 be here, but I am here. 18 CHAIR STONE: Well, good point, Jim. Point 19 well-taken. All right. Thank you very much. Is there 20 any further clarification or questions? 21 (No Response.) 22 CHAIR STONE: No. Very good. Thanks for your 23 testimony. 24 MR. SMITH: Thank you. 25 CHAIR STONE: Thank you. Lisa, any other</p>
<p style="text-align: right;">Page 10</p> <p>1 MR. SMITH: That's what I am saying. I hope I 2 clarified. 3 CHAIR STONE: Jim, I have a question for you. 4 I see that you do support republishing the Charter. 5 Councilman Couch -- and this is in our communication 6 items that we just received. Councilman Couch has put 7 forward an ordinance resolution to deal with taking care 8 of the republication as an ordinance. 9 MR. SMITH: I think Councilman Couch is a 10 freshman member of Council, so he may not be hitting the 11 nail on the head. Okay. The Office of Clerk is set up, 12 okay, pretty much independently in our Charter. Okay. 13 And I don't -- I don't see the powers articulated in our 14 Legislative Branch that would do that. I know that they 15 are controlled by State Legislature regarding voting. 16 Okay. So I'm not sure, okay, that you can interfere 17 with the working of -- of the Clerk as though he were a 18 department and the executive. So I'm not sure Mr. Couch 19 studied it deeply enough. 20 And I would probably say that's not really -- 21 that's not really important -- what is important. Okay. 22 The Clerk comes to you and he says that's discretion, 23 that's a discretionary power I have. Well, I don't 24 know. If the Clerks before you published the Charter, 25 that would be a practice. Okay. And a practice is</p>	<p style="text-align: right;">Page 12</p> <p>1 testifiers? 2 MS. KAHUHU: Chair, no one else has signed up. 3 CHAIR STONE: And as I see no one else in the 4 room, unless Tonya would like to testify, then, at this 5 time, I will -- without objection, I will close oral 6 testimony. 7 ...END OF PUBLIC TESTIMONY... 8 CHAIR STONE: And, also, we have next on our 9 agenda, our Communication Items, which the majority of 10 them we will get to coming up here when we start 11 discussing our Final Report. 12 Dave, I saw that you handed something out. 13 Did you want to discuss that before we move on? 14 COMMISSIONER DELEON: It's just my thoughts on 15 the Council's response to our proposals, item by item. 16 CHAIR STONE: Okay. Very good. So that will 17 come out in our meeting as well. 18 COMMISSIONER DELEON: I think we can go -- we 19 can refer to it, if we wish to. And some suggest -- 20 some suggested language for adjusting some of our 21 language. 22 CHAIR STONE: Okay. 23 COMMISSIONER DELEON: So -- 24 CHAIR STONE: Great. 25 COMMISSIONER DELEON: Again, it's just Dave's</p>

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1 ideas. We'll see how far that goes.
 2 CHAIR STONE: Okay. Thank you. Any further
 3 discussion on Communication Items?
 4 (No Response.)
 5 CHAIR STONE: No. Okay. Very good. Without
 6 objection, the Chair will accept and file all public
 7 communications for the record.
 8 Moving on to Item III, Charter Commission
 9 Final Report. So as you all know, we have our response
 10 back from the County Council. It seemed that they
 11 requested us to -- or not requested. They advised --
 12 what would be the word? Advise isn't quite proper.
 13 They suggested that we remove seven proposals, accept
 14 two alternate proposals and keep two of our --
 15 COMMISSIONER DELEON: Recommended.
 16 CHAIR STONE: Recommended. Thanks, Dave. So,
 17 anyways, I would like to, you know, remind the
 18 Commission that we take the recommendations into
 19 consideration and we decide what to do. At the end of
 20 the day, it's up to us to make a decision on how we move
 21 forward. Okay?
 22 So I think what I would like to do is go item
 23 by item, proposal by proposal, I should say. And let me
 24 just get organized for a second.
 25 COMMISSIONER DELEON: Mr. Chair?

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1 CHAIR STONE: Yes, go ahead, Dave.
 2 COMMISSIONER DELEON: Can we first speak to
 3 the rationale where the Council's coming from? There's
 4 one quote in there that really grabbed me, "your
 5 Committee was reluctant to overburden the electorate
 6 with proposed changes to the Charter that could be
 7 accommodated through revisions to the Maui County Code
 8 or in" other elections -- or "another election cycle."
 9 As in, you know, we'll do it later, don't do it now.
 10 With that in mind -- well, I mean, it's just
 11 the idea that the voters can't handle 11 proposals. The
 12 last time around was like 20-something. And this is
 13 once a decade.
 14 And what happens if you were to give them, the
 15 voters, a new Charter? What happens if we were to
 16 propose a city manager form of government? I mean, that
 17 would kind of burden the public.
 18 I mean, what we're proposing here is pretty --
 19 pretty simplistic, I think. I think just the basic
 20 rationale that was it was too many -- I've heard that in
 21 this room as well, that there's too many. And the voter
 22 that can't handle that needs to get over it. That's
 23 their duty.
 24 CHAIR STONE: Thank you, Dave. Very good.
 25 Commissioners, any further general discussion?

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1 Go ahead, Susan.
 2 COMMISSIONER MOIKEHA: I guess my whole
 3 feeling -- and I just want to express it generally and
 4 then, specifically, I'll make comments as we go through
 5 this document.
 6 I watched that first meeting they had when
 7 they received the document. And by the end of that day,
 8 I was very disheartened to think that I felt like I
 9 wasted my time here. I think there was a great
 10 disservice done by not having a representative from this
 11 Commission there. Whether we inserted ourselves there
 12 or we were asked, it doesn't matter. I really felt, at
 13 the end of that first session, that we needed someone
 14 here.
 15 I don't believe it's Mr. Molina's job,
 16 although they did provide some answers to questions the
 17 Council Members had, and I don't believe it's
 18 Mr. Kushi's job to recall what occurred here, nor to
 19 lobby for the work that we did.
 20 I am in total belief that this was driven by
 21 public input. And, yes, I don't believe -- we probably
 22 got less than one percent input from the total
 23 population that would be voters, but it was a public
 24 process. And we put a lot of hard work and time into
 25 it.

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1 And so at that end of that first day, I felt
 2 disillusioned.
 3 And as Dave's mentioned, the fact that their
 4 main rationale is too many, I am having a hard time with
 5 that one, too.
 6 As I watched the next two days that proceeded
 7 on their review, there was a lot of good stuff that came
 8 out of it, stuff that they brought to the table because
 9 of their position as Council Members, some of them
 10 having a longevity here in that position, and bringing
 11 to light some important things that did come through
 12 this body when we were going through our review.
 13 And so I found it to -- to be helpful and to
 14 give me food for thought on what I might want to change
 15 or add to our discussion here today.
 16 And, really, that's what I had hoped and
 17 thought it would be in the beginning, would be a
 18 collaborative effort. And I'm sorry I didn't -- I
 19 didn't really see that occur. And as I said, I was
 20 quite disillusioned by the whole process.
 21 If there be any Charter Amendment that should
 22 go forth today is to straighten that out. Either get
 23 rid of the review, or have them work collaboratively
 24 with us, or make sure there's a representative here so
 25 we don't -- I personally felt like we weren't going to

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1 waste our time by some of the things I heard.
 2 So, you know, it is what it is. And as we go
 3 through here, there's some things that they said and
 4 shared. And, you know, I'll throw out my comments in
 5 regards to that, but -- I don't know, it was -- it was
 6 interesting.
 7 CHAIR STONE: Thank you, Susan. Go ahead,
 8 Dave.
 9 COMMISSIONER DELEON: I want to echo what
 10 Susan just said. There's a lot of value (inaudible) the
 11 Council Chambers. It wasn't all just, you know, my way
 12 or the highway. They recognized that we have the final
 13 authority. So it's not like it was, you know, trying to
 14 force us to do anything. This is their suggestions.
 15 But there are -- there were some very significant
 16 recommendations for amendments. And I tried to include
 17 some of those -- the ones I caught, in my -- in my
 18 proposal here.
 19 The thought that came to mind when I was
 20 watching the Council when they were talking about all
 21 these other ways of doing this is that this is a body,
 22 you know, if -- good analogy, this is body of carpenters
 23 who were given one tool. We got a hammer. We can make
 24 Charter Amendments. That's all we can do. We don't
 25 have -- you know, we can't make Code adjustments. We

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1 can't make -- we can't go in and lean on the County
 2 Clerk. We have no authority on any of these people to
 3 do anything. We can't make the Fire Department do
 4 anything or make that -- that change happen, or any
 5 other thing at all except for make Charter proposals.
 6 And that's our hammer.
 7 And we're going to hit the nail with that one
 8 hammer. And we can't saw. We can't measure. We can't
 9 do the other stuff. So don't ask me how much it's going
 10 to do cost to do something. I can't do that with a
 11 hammer.
 12 So that's just my thought, is this is our one
 13 tool, let's use the one tool we have to the best of our
 14 ability.
 15 CHAIR STONE: Good. Thank you. And, again,
 16 remember, this is recommendations by the Council. They
 17 -- you may feel disillusioned, Susan, but, I mean, I
 18 don't feel disillusioned by the recommendations because
 19 that's simply what they are, recommendations. So I
 20 think that the Commission as a whole has done a very
 21 good job in listening to the public. And this is our
 22 opportunity, every 10 years, to put forward changes that
 23 we feel are necessary to the Charter from the public's
 24 perspective.
 25 So go ahead, please, Kay.

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1 COMMISSIONER OKAMOTO: Well, two things. On
 2 the part where it talked about cost, I know we kept
 3 talking about we needed costs. And I don't know exactly
 4 what happened there, why we were never able to get cost
 5 ideas. But what Susan just said made me -- can we still
 6 propose additional amendments, and we go through and
 7 amend the part about the Charter Commission and the way
 8 it operates and the way the -- we didn't really look at
 9 that, that much, but it's in the Charter, right, the
 10 whole idea of the Council reviewing? Had the Council
 11 reviewed it in December, while we still had a whole
 12 bunch of things, I think it would have been more
 13 meaningful. But at this late a date, I was really --
 14 the part about the lifeguards, and I -- I think I voted
 15 against that proposal, but that wasn't -- we -- there
 16 seems to be information that we have never heard before.
 17 And that -- somehow, you have to fix that, that we need
 18 to get all that information. If there's something else
 19 going on, that should have come to us way back when we
 20 were discussing it.
 21 So I think that it points out some real
 22 logistics problems with the way things work.
 23 CHAIR STONE: Thank you, Kay.
 24 COMMISSIONER OKAMOTO: I don't know how to fix
 25 it but to point it out.

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1 CHAIR STONE: Thank you. And, you know, you
 2 did have a technical question -- or a legal question.
 3 Ed, at this stage in the game, it's not viable really to
 4 bring new proposals forward?
 5 MR. KUSHI: Yes, Mr. Chair. We looked at this
 6 issue between my office and the County Clerk's Office
 7 and Council Services office. And I would say, at this
 8 point, no.
 9 As I told this Commission previously, there is
 10 a process, a scheme of days, et cetera. And you did
 11 your job. You've made your report to the Council with
 12 your proposed amendments within a year. They had 30
 13 days to go over it. And they sent it back to you last
 14 week. Now you have 30 days to look at it and send a
 15 report back to them accepting or rejecting the
 16 proposals.
 17 If you come up with something new, the
 18 question is, does that 30-day clock start again. And,
 19 you know, we're all facing a drop dead deadline to put
 20 the question on the ballot. So at this point in time,
 21 the way the scheme is set forth in Chapter 50, HRS, I
 22 would say no.
 23 CHAIR STONE: Thank you, Ed.
 24 And, Kay, also, to put that forward, I mean,
 25 in -- in thinking about it, the Council had three

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1 meetings to analyze these things, and we had how many
 2 meetings to analyze these things. So I have the utmost
 3 respect for Council, but I think, at this stage, if
 4 there was information to be found, we dug the hardest,
 5 you know. So -- okay. Any other discussion on this?
 6 Dave.

7 COMMISSIONER DELEON: There's always an
 8 opportunity for a report. So if there's information we
 9 need to put out, there's issues hanging -- and there's
 10 lots of issues hanging -- then, yeah, that's -- that's
 11 an opportunity.

12 CHAIR STONE: Very good. Frank first, please.
 13 Go ahead, Frank.

14 COMMISSIONER DE REGO: The other response to
 15 that -- I know I brought up something trying to limit
 16 the Council's ability to enter into these kinds of
 17 parallel alternatives at one point. So it wasn't
 18 something that wasn't far from my mind as soon as we
 19 started this process. They've been privy to our public
 20 discussions. Every one of them in this election year
 21 have shown up at our meetings and made recommendations.
 22 If there was any information that they had, it could
 23 have been brought to our attention at that point.

24 We've been here for a year. So, for me, the
 25 process doesn't need to be tinkered in that way. If

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1 they wanted to intervene at any particular point with
 2 any information, my feeling is they could have done it
 3 at an earlier time.

4 I do think the process is broken as far as I
 5 can see. That's why I made that earlier recommendation
 6 that didn't go anywhere, but I think it's something that
 7 needs to be looked at.

8 What I see here -- and I am -- I am making a
 9 judgment, and it's my own personal judgment -- I hear
 10 and see a Council attempting, at every turn, to preserve
 11 its own prerogatives, which is their right, and to
 12 increase their own power over and against the Mayor.

13 Now, the question becomes, are we, as a group,
 14 going to recognize what is necessary after a year for
 15 the County and put that forward outside of the
 16 interesant warfare that goes on between the Council and
 17 the Administration.

18 I think we've given these proposals thought.
 19 We considered them important. If they're not mission
 20 critical, as it's been said throughout this report, they
 21 had nine years -- they said it could happen at another
 22 time. Well, they had nine years, you know.

23 It seemed once the issue of district voting
 24 went away, it seems they weren't interested in anything
 25 else.

Page 23

1 Now, these are all my personal opinions. I am
 2 a little frustrated at this point with the process, how
 3 our work was characterized, but I do think at some point
 4 it should be communicated to the Council that they had
 5 the opportunity for this input at any particular point
 6 during the process.

7 CHAIR STONE: Thank you, Frank. And just,
 8 also, to go a little further on the point Frank made, as
 9 you recall, during public testimony, we opened the floor
 10 to a number of the Council Members. You know, they had
 11 -- some of them spoke for 20 -- some of them spoke for
 12 over an hour, so -- you know -- and, you know, we're all
 13 big boys and girls. This -- we knew this would be
 14 politicized. Let's not be surprised that they kicked
 15 some stuff to the floor. You know, I am not surprised
 16 at all. This is the result I absolutely expected. And
 17 I am not discouraged, either, because this is politics.
 18 That's why this is -- that's why the Charter Commission
 19 is here, to avoid the politics.

20 So let's listen to their -- what we need to do
 21 is look at their recommendations, and, as a group that
 22 has been focused on this for one year, make decisions as
 23 we've been making, which I think have been very good
 24 decisions at this point.

25 So -- sorry -- Kay had her hand up first. Go

Page 24

1 ahead.

2 COMMISSIONER OKAMOTO: Well, again, I think
 3 that the report we make at the end, which doesn't go to
 4 the public, but that -- it does, okay. Well, hopefully,
 5 it would go to the following Charter Commission, that we
 6 would put some of these -- you know, we've talked about
 7 different things that didn't work well for us.

8 And -- and when you brought up the councilors
 9 coming to different meetings, many of them did express
 10 their -- you know, that they were against some of the
 11 things. It wasn't that we never heard that. Many of
 12 them did when they went through individually.

13 But I think that we need to be sure we're
 14 putting into a report to the next Commission. And,
 15 somehow, that we know that we didn't get anything,
 16 really, saying, hey, here's -- here's how we recommend
 17 you operate. And I don't know. In 10 years, we will
 18 have all forgotten about it, but that we -- we want to
 19 make sure that that next Commission starts out with the
 20 -- with the recommendations operating-wise that we
 21 didn't seem to get. And I think that's -- that would be
 22 an important thing on our part.

23 CHAIR STONE: That's a great points, Kay.
 24 Something we should work on.
 25 Flo, go ahead. Thank you, Flo. After a year,

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1 you've learned to use your microphone.
 2 COMMISSIONER WIGER: That's right. And I did
 3 it very well.
 4 Listening to the comments that have been made
 5 this morning, I have to say that, on one level, when I
 6 started in this process, I told myself, at the
 7 beginning -- and I told a couple other people on this
 8 Commission -- here's what I think, at the end of the
 9 day, when we're done, will be the outcome. And certain
 10 people said, oh, no, no, it's not going to be like that.
 11 And I said, I'll put money on the table. I'll put money
 12 on the table that this is how it's going to turn out.
 13 That some of the big, big stuff, it's not going to get
 14 through, for all kinds of reasons, it's not going to get
 15 through.
 16 And -- and I think, though, the other side of
 17 that coin is that, for all the differences of opinion
 18 that -- that we have had as a Commission, I think that
 19 we have tried very, very hard, and I think with sincere
 20 dedication, to do what's best for the citizens of Maui
 21 County. I really believe that. We have -- we have
 22 tried and we've struggled and we've come up with what
 23 we've come up with. I wish we would have gone further
 24 on a whole number of things, given that.
 25 My concern with the response of the Council --

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1 and they certainly have the right to respond as they
 2 do -- and they have a responsibility to respond back to
 3 the Commission -- my concern with it is the way in which
 4 it was told to us and to the people of the County. The
 5 people of the County aren't going to be able to handle
 6 11 recommendations? Excuse me. We're all the people of
 7 the County. I am like the people I know in this County.
 8 I am no smarter than anybody else, I am no more
 9 intelligent than anybody else. I could handle 11
 10 recommendations. My next door neighbor could handle 11
 11 recommendations. People I know could handle 11
 12 recommendations. I personally found that very, very
 13 insulting. I think it was condescending. I know -- I
 14 am not saying that they meant it to be that way, but I
 15 think a lot of people took it that way.
 16 And there was a lot of commentary in a lot of
 17 the parts of the community about, what's wrong. I mean,
 18 do they think that we can't figure this out. We can
 19 figure it out. So that was one thing.
 20 The other thing that I found awful, I always
 21 believed that citizen groups -- and I think this is a
 22 citizen group -- I don't think that, for the most part,
 23 we're driven by a lot of other agendas. I think people
 24 in this Commission tried really hard to do the best job
 25 they could. I think citizen groups, for the most part,

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1 speak truth of power. I think that citizen groups are
 2 particularly good at that, speaking truth of power.
 3 I don't feel that the Council took that into
 4 consideration. I don't think they took into
 5 consideration the power place that they are in relative
 6 to everybody else in the County. And when it comes to
 7 the Commission, these people sitting around this table
 8 are the voice of the people in this County. And I did
 9 not feel that some of the comments that were made were
 10 as respectful as they could have been.
 11 I think we have tried to be very respectful of
 12 the Council. We heard what they had to say. We tried
 13 to take those things into consideration. I am not sure
 14 that that was reciprocated in an appropriate manner.
 15 CHAIR STONE: Thanks, Flo. Go ahead, Susan.
 16 COMMISSIONER MOIKEHA: I guess I need to
 17 clarify my position when I stated it was -- I was
 18 disillusioned. And after hearing more of what Frank
 19 shared, it's not disillusionment of what they produced
 20 as an alternative. I don't care about that. I mean,
 21 they could have wiped out all 11, that's fine. I know
 22 where the authority lies here. I am disillusioned with
 23 the process, in exactly what Flo has brought up and what
 24 Frank said, there's a lot of disrespect. And that could
 25 have been all avoided had there been somebody there

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1 representing us, because I don't think those things
 2 would have been said if we had a representative there.
 3 I can tell you that much.
 4 So my disillusionment is with the process and
 5 the lack of respect that this process deserved that came
 6 from us. That's where the disillusionment lied. Okay.
 7 We put a lot of time and effort into this. We
 8 represented the public views as best we could. We made
 9 decisions. Whether we all agreed or not, we had a final
 10 document. And we supported that in sending it forward
 11 to this process before the Council.
 12 The best advocate for anything you do is
 13 yourself. Don't rely on anybody else to be there. And
 14 we lost an opportunity to educate the general public
 15 because the public followed this process. Whether they
 16 choose to or not, it was there for them to see. And we
 17 lost the opportunity to educate on what we -- why we
 18 came up with this, how we came up with this, what drove
 19 us to this position to take these as proposals to the
 20 Charter. And that's another opportunity that was lost
 21 because we weren't there to advocate for what we did.
 22 I don't care what they came out with. We're
 23 going to make our final decision here today, and that's
 24 fine. It's the whole process that it went through. And
 25 that, to me, is -- is an issue. And if we do anything

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1 here afterwards is to make sure it's clear to the next
 2 Charter Commission, make sure you're there to advocate
 3 for what you did. You put a lot of time and effort into
 4 this document and -- and it deserves the respect,
 5 whether you agree with it or not, if you want to
 6 eliminate 10, three, all of it, I don't care, do what
 7 your process tells you to do.
 8 And, you know, it was my hope it would be a
 9 collaborative, but I didn't see that. I didn't see that
 10 happening when I hear such phrases as, oh, this goes in
 11 the redundancy pile.
 12 Please. Now, what is this about?
 13 And I think there's a lot of politics through
 14 this whole thing, anyways. There's a whole big
 15 policy -- political thing going on between the Fire
 16 Department, Ocean Safety, the Mayor's Office. And we
 17 don't know all of it. And the Fire Commission. The
 18 Fire Commission suddenly pops in here on the 11th hour
 19 to say we don't support it. What is with that? There's
 20 tons of politics going on that we don't even know about.
 21 And you're right, rise above it and do what
 22 we're going to do because we're here -- as Dave said,
 23 the only tool we have is a Charter Amendment proposal.
 24 And let the people decide what they think.
 25 All we're supposed to do is what are the most

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1 important things that we think the public should vote
 2 on. And that's it.
 3 Yeah, there's politics through this whole
 4 thing. And there always will be.
 5 And that's all I want to say about that.
 6 CHAIR STONE: Thank you, Susan. Seems the
 7 theme here is that we feel that we had a lack of respect
 8 coming from the Council. Remember, the process is not
 9 that we go and debate with the Council on our proposals.
 10 The process is that the proposal -- the Council reviews
 11 and gives us recommendations, which is what happened.
 12 One of the reasons that you don't want to go
 13 and debate is because there are stacks and stacks and
 14 stacks of information, as you guys know, at home,
 15 looking back in your files piled this high. And when
 16 people are asking you for what they're going to want in
 17 specifics, you cannot give them the specifics through
 18 that information, standing there giving testimony. So I
 19 -- I disagree. I think that the process was done
 20 properly. They -- they had their round.
 21 If they disrespected us, that's their --
 22 that's -- that's their style. Let them go. Take the
 23 higher ground, as Susan said, and let's move forward
 24 with our process.
 25 And we will educate the public. What comes

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1 from us is what's going to the public, not what came
 2 from the Council. So let's not forget that.
 3 Yes, we missed a -- one opportunity, let's
 4 say, for education. Although I don't think it would
 5 have been very educational because we could not have
 6 debated it. So I think we are here today to get our job
 7 done.
 8 And I think we've done a good job to date.
 9 We've got the recommendation, however it came from the
 10 Council, and whatever style or fashion they decided to
 11 hand it down to us. And we're going to take the higher
 12 ground and we're going to show them respect and we're
 13 going to look at the recommendations. And possibly do
 14 nothing with the recommendations, but in a nice way, not
 15 in a mean way.
 16 Frank, go ahead.
 17 COMMISSIONER DELEON: Come on.
 18 COMMISSIONER DE REGO: Here we go. I see Karl
 19 Rove --
 20 COMMISSIONER HASHIMOTO: Go for it.
 21 COMMISSIONER DE REGO: Mr. Chair, I don't
 22 think I could have said it better, but I do think that a
 23 part of the political and human experience is sort of
 24 the emotional side that we get involved in -- in what we
 25 do because we feel passionately about the ideas that we

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1 have and that we support. I think the concerning thing
 2 for me during that whole process was not so much the
 3 disrespect that we were being shown as a Committee, I
 4 mean, that -- that was obvious at some of the -- the
 5 comments that were made during the -- during the
 6 Council --
 7 COMMISSIONER DELEON: Deliberations.
 8 COMMISSIONER DE REGO: -- deliberations as
 9 well as some of their visits to us in the districts. I
 10 mean, some of that came out.
 11 My problem -- and I think I did a two or
 12 three-minute diatribe -- and I apologize -- because I
 13 remember getting upset in the whole thing -- is the
 14 disrespect for the voter. I think that's the more
 15 important thing. The fact that the voter is not able to
 16 be able to go through Charter Amendments, State
 17 Constitution amendments -- you know, there are going to
 18 be probably more than just our Charter Amendments,
 19 maybe, on the ballot -- that people aren't able to do
 20 this. And I think -- I think people remember. I got
 21 kind of upset.
 22 And I wasn't aiming at Yuki. Yuki thought I
 23 was aiming it at her.
 24 I just -- it was just this general feeling
 25 that I had that -- that we weren't giving the voter

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1 enough credit to be able to look at what's going on,
 2 with enough education, with enough preparation at the
 3 beginning.
 4 And I think some of what has come out -- and I
 5 want to thank Dave for doing this, by the way. I think
 6 of what had come up, what I had seen and read and heard,
 7 it's kind of good this is coming up during an election
 8 year, actually. I think the voters should think about
 9 how they're being viewed in terms of their ability to
 10 process information and to make decisions.
 11 So, so be it. Let's go ahead and do our work
 12 and move on with this.
 13 CHAIR STONE: Thank you, Frank. Looks like
 14 the left glove has just come off. Remember, there's a
 15 11 of us and nine of them.
 16 (Laughter.)
 17 CHAIR STONE: Go ahead, Stacy.
 18 COMMISSIONER CRIVELLO: Yeah. Chair, I am
 19 where Frank left off. I haven't seen any of the Council
 20 meetings, 'cause, where I live, I don't have access to
 21 Akaku.
 22 So with this thought that, yeah, maybe they
 23 didn't respect us, but we respect what we did. We went
 24 through a process that was asked of us. And we got
 25 appointed by the Mayor and approved by the Council.

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1 So I think we concluded early on that we
 2 respect the voters' intelligence and the ability to
 3 weigh all of the recommendations that we're putting in
 4 with our Charter.
 5 Thank you, Dave, for doing this.
 6 And I think it's healthy for us to take a look
 7 at the recommendations from the Council. Yes, there's
 8 politics, but -- for instance, the Fire Department and
 9 the Fire Commission, I think, early on, we've asked for
 10 some sort of cost factor, but then, at the end, I think
 11 everybody thought, well, maybe we can work it this way.
 12 And if the Council is talking DLNR, there's
 13 nowhere in the State that DLNR does any kind of
 14 contracting for lifeguards. So if they have something
 15 going, maybe we can get more information about that.
 16 Because then we're the only County, or is this something
 17 that's -- I think DLNR has their struggles keeping up
 18 with what they've got to do with their enforcement
 19 world.
 20 So that being said, I think we can move on,
 21 and appreciate what everyone did here and what the
 22 public can accept. And, also, let's do something
 23 comparative with the Council's recommendation in due
 24 respect through the process.
 25 CHAIR STONE: Thank you very much, Stacy. Go

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1 ahead, Yuki.
 2 COMMISSIONER SUGIMURA: So I just want to add
 3 to what Frank and Stacy are saying, basically. And I
 4 think -- I think that -- I, too, did not watch the
 5 Akaku, you know, or -- I just read The Maui News, the
 6 article about their reaction to our work. And I just
 7 take it as another opinion.
 8 The thing that -- that we have done and we
 9 really focused on is this. And they have plenty more
 10 other stuff that they're looking at, way more than what,
 11 you know, we've been asked to do. But I look at them as
 12 a body that really understands the Charter, probably
 13 more than we do because they probably look at it and it
 14 becomes a guiding light for them to make certain
 15 decisions. And so it's very important.
 16 Like the Preamble, Clifford, that whole effort
 17 that was put into that says a lot. And the Charter says
 18 a lot.
 19 So with that, I just would like to ask us to
 20 maybe proceed, Chair, and let's go through this proposal
 21 by proposal, looking at their recommendations and
 22 figuring out what we're going to do. But appreciate
 23 what they've done.
 24 CHAIR STONE: Thank you very much, Yuki. Go
 25 ahead, Wayne.

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1 VICE-CHAIR HEDANI: Thank you for your
 2 comments, Yuki.
 3 I generally feel that the Council, in the 30
 4 days that they had to review the proposals that we put
 5 forward to them, did a good job. They spent a lot of
 6 time on each individual proposal. They came up with
 7 specific comments relative to each item.
 8 They were critical on some of the proposals,
 9 which, if we put away -- if we put away our egos from
 10 the standpoint of analyzing what they did and what they
 11 reviewed, I think -- I think they're exactly right in
 12 terms of reducing the overall number of proposals that
 13 we put forward to the public. Not because the public
 14 cannot understand it, but because I think that the items
 15 that we put before the public need to have more
 16 importance than some of the items that we -- that we're
 17 proposing.
 18 So from my perspective, I thought that four or
 19 five or six proposals was the right number in terms of
 20 boiling everything that we've heard down to those most
 21 important things that need judgment from the public and
 22 their decision.
 23 I almost agree with what Jim Smith said this
 24 morning, two proposals, on the Preamble and the second
 25 one on publishing the Charter. The third one, from my

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1 perspective, possibly had to do with Ocean Safety.
 2 Because when somebody comes up, that rescues 300 people
 3 and saves their lives, and asks you for some simple
 4 thing in order to allow him to do his job better, we
 5 should listen when somebody like that comes up.
 6 So from my perspective, I am not insulted by
 7 what the Council did. We're all big boys and girls. If
 8 we don't want to get criticism, don't ask. So let's
 9 take it for what it is and then evaluate it again.
 10 Maybe not all, maybe three. Maybe we toss out
 11 the question about two to four-years terms because
 12 that's already gone before the voters two times before,
 13 three times before.
 14 And Jim's right, if we don't put those
 15 proposals forward, the Council will do it themselves.
 16 And they can word it any way they want at that point.
 17 CHAIR STONE: Thank you very much, Wayne.
 18 Judge, did you have something to say?
 19 COMMISSIONER BAXA: Mr. Chair, I think the
 20 Council tried --
 21 CHAIR STONE: Judge, sorry, microphone.
 22 COMMISSIONER BAXA: I'm sorry. I am not
 23 feeling well. But I just tried to come because I think
 24 the Council tried to do as much as they can.
 25 What I was really surprised about, let us say

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1 with the first proposal, it's term limit, I thought
 2 there was a consensus that -- right now, the Council are
 3 supposed to have no more than eight years in office.
 4 COMMISSIONER DELEON: 10.
 5 COMMISSIONER BAXA: 10. Oh. I thought it was
 6 eight years. Anyway, five consecutive terms, two years
 7 each. So in my own mind, there was a consensus from the
 8 public hearings that we had that they should -- they
 9 should be limited to about 12 years. Probably the way I
 10 see it is that there is not too much disagreement from
 11 the Council (inaudible), but the way how it has been
 12 complicated, to me, is this. How we -- how we are going
 13 to achieve that 12 years. It looks like that it's being
 14 prolonged as much as (inaudible) beyond the 12 years,
 15 you know.
 16 Like, for example -- of course, this is from
 17 the First Deputy Corporation Counsel saying -- the First
 18 Deputy Corporation Counsel clarified that the terms of
 19 the sitting Council Members would not be counted toward
 20 the maximum consecutive terms. I don't know where that
 21 is going to. Is it going far beyond the 12 years that
 22 we have anticipated to do?
 23 Let us work on something that we can fix, a
 24 figure which the terms should not go beyond. There
 25 should be a way.

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1 And that's all that I would want to ask this
 2 body to do it. I think it's incumbent upon us, no
 3 matter what disagreement we have with the Council, we
 4 should use our best judgment. You know, they are
 5 entitled to their, we are entitled to ours. And it may
 6 be that ours is not as good as theirs, but it is still
 7 something that we can forewarn to the voters. That's my
 8 thought, Mr. Chair. But we should not go beyond this --
 9 this staggered terms so much in such a way that we will
 10 be achieving even 15 years. It should be -- there
 11 should be some way which we could achieve the 12 years
 12 within the framework that we are setting.
 13 CHAIR STONE: Thank you very much,
 14 Commissioner Baxa.
 15 COMMISSIONER BAXA: Otherwise, it -- it will
 16 be prolonged. It will be prolonged.
 17 CHAIR STONE: Very good. Thank you. Any
 18 further general discussion?
 19 (No Response.)
 20 CHAIR STONE: Okay. Good. We got it out of
 21 our systems. Let's move forward.
 22 Okay. So let's take a look at -- let's see
 23 here. We're looking at Council of the County of Maui,
 24 Policy Committee, Committee Report No. 12-51, Page 3 is
 25 where we start with the recommendations on Proposal One,

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1 Council Term Limits. And what they have, they are
 2 proposing to put forward their own proposal on Proposal
 3 One. So let's open the discussion there.
 4 COMMISSIONER MOIKEHA: Chair?
 5 CHAIR STONE: Yes, go ahead, Susan.
 6 COMMISSIONER MOIKEHA: I had sent an email
 7 earlier asking input from our Analyst and, also, Corp
 8 Counsel on two of these. Can we hear from them at that
 9 point in time? How do you want to --
 10 CHAIR STONE: Are we talking about Proposal
 11 One right now, the recommendations on --
 12 COMMISSIONER MOIKEHA: It's not Proposal One.
 13 It was on the auditor and, also, on Ocean Safety.
 14 CHAIR STONE: Do you mind, Susan, if we wait
 15 until we get to --
 16 COMMISSIONER MOIKEHA: That's what I am asking
 17 you.
 18 CHAIR STONE: Yes. I prefer to wait.
 19 COMMISSIONER MOIKEHA: That's fine.
 20 CHAIR STONE: Let's take them one by one in
 21 order. All right?
 22 This is -- this is how I -- what we're -- what
 23 we're working on here. Are we going to, basically, say
 24 thank you very much for the recommendation and keep our
 25 proposal as is, or are we going to amend our proposal

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1 because of the recommendation, or are we thinking of
 2 removing a proposal? Those are basically our three
 3 options right now. Go ahead, Dave.
 4 COMMISSIONER DELEON: Mr. Chair, I propose the
 5 language to adjust our proposed language in that --
 6 aimed at the Council's concern about the way the line
 7 with three questions inside of one it might be
 8 confusing. And, basically, I used Mr. Hokama's language
 9 and just not agree -- I don't agree to the idea of a
 10 14-year process. I mean, we stretched it out. A lot of
 11 voters wanted eight years. We stretched it out to 12
 12 years. And that's more than adequate.
 13 There was a thing happening on the Council
 14 floor, for those who didn't watch it, about the
 15 situation that Mr. Mateo went through when he was
 16 appointed to office to replace Mr. Kawano. He got a
 17 partial term. And that was challenged, and the whole
 18 thing about what exists. I thought it was pretty clear
 19 in the Charter about the partial term. I didn't think
 20 -- I am surprised that he had to litigate that thing.
 21 He had to defend himself, actually, which was even
 22 (inaudible). But in any case, that whole conversation
 23 got twisted around to -- in my mind, anyway, to full
 24 terms.
 25 So what we ended up with in this situation is

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1 that the folks who get the shorter term, who get the
 2 two-year terms, are going to be the folks that have the
 3 lowest vote turnout, and then they're going to be
 4 rewarded by an extra two years on their initial term of
 5 14 years. The guys with the higher turnout are going to
 6 get 12. I mean, that's -- that's not very Darwinian, in
 7 my mind.
 8 CHAIR STONE: Okay. Thank you, Dave. So what
 9 Dave is referencing to -- is that the -- looking at the
 10 communication that Dave handed out today, is that the
 11 bolded -- black bolded language --
 12 COMMISSIONER DELEON: Yeah.
 13 CHAIR STONE: -- on the front page, is the --
 14 is an idea that Dave had. What I would recommend is
 15 that we have our final reports handy as well to
 16 reference back to, if you have it. Do you have it?
 17 COMMISSIONER OKAMOTO: No. I had a question.
 18 CHAIR STONE: Sure. Go ahead.
 19 COMMISSIONER OKAMOTO: I noticed that in the
 20 Council one Dave has -- and I just want some
 21 clarification -- when it says no member of the County
 22 Council, for any residency area, shall serve more than
 23 three years, could someone interpret that to mean I can
 24 serve three years from Hana and then move to Kahului and
 25 serve three? I just want to --

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1 COMMISSIONER DELEON: I understood that to be
 2 the purpose of it, so you couldn't do that.
 3 COMMISSIONER OKAMOTO: Couldn't?
 4 COMMISSIONER DELEON: Couldn't do that.
 5 CHAIR STONE: Okay. Wait. Go ahead, Dave.
 6 COMMISSIONER DELEON: I'm sorry.
 7 CHAIR STONE: Go ahead.
 8 COMMISSIONER OKAMOTO: To me, the way it
 9 reads, I was thinking maybe they could.
 10 And then the other one is that you're --
 11 you're staggering your terms so that no more than five
 12 Council Members -- so what if somebody resigns or dies,
 13 and you need to elect six? Is that going to create a
 14 problem?
 15 CHAIR STONE: Good question. In this process,
 16 we're definitely going to need to take a little bit of
 17 time to review our own -- our previous report. And so
 18 if -- so everybody take a moment to catch up on what our
 19 proposal says as is. Cliff, while we're reading, go
 20 ahead, please.
 21 COMMISSIONER HASHIMOTO: Mr. Chair, it seems
 22 to me that, you know, we put a lot of time into trying
 23 to make the decision about how to stagger the terms and
 24 -- and why. We went through a whole exercise. Now the
 25 Council got to it, and now they -- they try to make

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1 change to that. And nothing -- nothing that we do is
 2 going to guarantee that the voters are going to make any
 3 changes, anyway, right? The chances are this thing is
 4 going to fail again. Because I think the voters -- I
 5 mean, many of the voters -- the majority of the voters
 6 who have voted in the past on this same issue are
 7 probably going to maintain that same stance, because I
 8 certainly do. And two years, you know, is my stance and
 9 that's where it's going to stay. So we can -- we can
 10 exercise this all we want and add four and change this
 11 and change some (inaudible). And then -- and the voters
 12 could still turn it down and we can stay at two-year
 13 term and maximum of, say, five consecutive terms and
 14 that's it. It's going to stay that way.
 15 It stayed that way before, so -- somebody made
 16 a point earlier that, you know, twice before, this has
 17 happened and -- and it failed or something. And so it
 18 can fail again. You know, people don't forget some of
 19 these things.
 20 You know, I -- I think based on my age and
 21 some experience going through this before, I -- I think
 22 we're going to end up with the same thing. You know --
 23 you know, the -- the Congressmen, their terms have never
 24 changed, either.
 25 CHAIR STONE: Thank you, Cliff.

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<p>1 COMMISSIONER HASHIMOTO: Most -- most 2 important, Chair, is that I would hate to think that 3 we're going to spend a good part of this day on this one 4 issue. 5 CHAIR STONE: I understand. And, actually, 6 Cliff, as a Commissioner, you have the right to put 7 forward a motion to remove this proposal. 8 COMMISSIONER HASHIMOTO: And I -- and I make 9 that -- that proposal to remove this. 10 CHAIR STONE: Motion. 11 COMMISSIONER HASHIMOTO: I mean a motion. I 12 make a motion to remove this. 13 COMMISSIONER SUGIMURA: Second. 14 CHAIR STONE: There's a motion to remove this 15 Proposal One from our -- from our Final Report. It's 16 been seconded by Yuki. Discussion on that motion? Go 17 ahead, Wayne. 18 VICE-CHAIR HEDANI: Yeah. I think I voted 19 against this particular proposal in the past. And I 20 agree with Cliff's perspective, if the -- when I look at 21 it, you know, two-year terms, five term limits, 10 years 22 total, versus four-year terms, 14 years as the Council 23 is recommending, as a maximum, I would rather stay with 24 the existing system. And so at this point, I would 25 support removing this particular proposal, having the</p>	<p>1 question, Dave. 2 MR. KUSHI: Before you vote on this, am I 3 clear the motion is to withdraw the Commission's 4 proposal? 5 COMMISSIONER DELEON: Right. 6 CHAIR STONE: Withdraw Proposal One from our 7 Final Report. 8 MR. KUSHI: And accept the Council's Proposal 9 One. 10 CHAIR STONE: No. 11 MR. KUSHI: Let me address that. According to 12 HRS 50, the Council, if they didn't like your proposal, 13 so they submitted an alternative proposal via 14 resolution. Now, you can either accept their 15 alternative proposal, or you can reject their proposal, 16 stay with your Commission's proposal, both proposals on 17 the ballot. What you cannot do is reject the ballot, 18 both of you. In essence, if you're withdrawing your 19 proposal. 20 COMMISSIONER DE REGO: Theirs goes to the 21 ballot. 22 MR. KUSHI: Council has -- 23 CHAIR STONE: I understand. I understand. 24 MR. KUSHI: Council submits their proposal to 25 the Clerk.</p>
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<p>1 Council come forward on their own if they would like to 2 advocate for longer terms, and see where it goes. 3 CHAIR STONE: Thank you, Wayne. Go ahead, 4 Yuki. 5 COMMISSIONER SUGIMURA: And the reason why 6 that I seconded this motion is, truly, this has come up 7 before the -- the community as a Charter proposal. And 8 three times it has lost, by looking at the information 9 that the County Clerk sent to us. So I think, you know, 10 the community has spoken. And that's why I think that 11 maybe we'll take the wisdom from the past and just keep 12 it the way it is. 13 CHAIR STONE: Thank you, Yuki. Go ahead, 14 Dave. 15 COMMISSIONER DELEON: A question for 16 Corporation Counsel. Does this motion need to be made 17 by somebody from the prevailing side of the original 18 proposal? 19 MR. KUSHI: Mr. Chair, as to that, I think 20 it's a new motion. 21 COMMISSIONER DELEON: So it's a new item? 22 MR. KUSHI: It's a new item. 23 COMMISSIONER DELEON: Okay. I wasn't trying 24 to take it away from you, Cliff. 25 CHAIR STONE: Go ahead, Ed. Yeah, good</p>	<p>1 CHAIR STONE: Thank you. That's a big 2 clarification. Thank you, Ed. Here's -- here's a -- 3 here's a concern that we should -- sorry. Tonya's 4 losing track of us. Here's a concern for me, is -- Ed, 5 maybe you can clarify this. If both proposals go on the 6 ballot, still a majority of voters have to pass one of 7 the two in order for one of the two to pass, correct, a 8 majority for one of the two proposals of all of the 9 voters? 10 MR. KUSHI: Correct. Similar to what happened 11 eight, 10 years ago with the Water Department. Both 12 received, I believe, majority of votes, voted on the 13 question. 14 COMMISSIONER HASHIMOTO: This is a real -- 15 MR. KUSHI: Both receive a majority. 16 CHAIR STONE: How is that possible? 17 MR. KUSHI: Pardon me? 18 CHAIR STONE: If you could only choose -- if 19 you could only vote for one or the other -- or can you 20 vote for both, yes, yes? 21 MR. KUSHI: I believe that was the question. 22 It was a question, Ballot Question 9 and Ballot Question 23 9-A. 24 CHAIR STONE: And they both had majority 25 votes?</p>

<p style="text-align: right;">Page 49</p> <p>1 MR. KUSHI: Right. The higher -- question 2 receiving majority. 3 CHAIR STONE: Got it. Got it. Thank you, Ed. 4 Go ahead, Cliff. 5 COMMISSIONER HASHIMOTO: I thought that only 6 one proposal being made -- amendment proposal being made 7 that goes on the ballot, and that is the one that's done 8 by -- that is one that is submitted by this Commission. 9 Now, if that's not true, then what is the 10 purpose of the Commission? Because, then, the Council 11 can do everything they want to or -- or the Corporation 12 Counsel can do whatever they want to. 13 CHAIR STONE: Okay. Thank you. 14 COMMISSIONER HASHIMOTO: The Commission 15 doesn't exist. 16 COMMISSIONER MOIKEHA: Exactly. 17 COMMISSIONER HASHIMOTO: We might as well go 18 home. 19 CHAIR STONE: Thank you, Cliff. 20 COMMISSIONER HASHIMOTO: We might as well 21 recommend that the Charter Commission be repealed from 22 the Charter. 23 CHAIR STONE: Okay. Thank you, Cliff. One 24 second. Before we move forward, Susan, I would like to 25 say, Cliff, I think that you should, if you don't mind,</p>	<p style="text-align: right;">Page 51</p> <p>1 the Council proposal, which we actually have in our 2 packet. So the Council's version of the proposal that 3 they want to put forward is in our packet. So that's 4 the other option, from what I understand from Ed, is 5 that we say, you know what, the Council proposal makes 6 more sense, let's go with the Council proposal. Or we 7 can modify our proposal because of influence from the 8 recommendations of the Council and move forward with the 9 modified -- our modified proposal. Is that true, Ed? 10 Or we cannot modify our proposal? 11 MR. KUSHI: On your last option, basically, 12 your second option would take care of it. You are 13 accepting the alternative presented by the Council. 14 CHAIR STONE: So at this stage, we're not 15 allowed to modify our proposals? 16 MR. KUSHI: Well, again, in response to 17 Commissioner Okamoto's question, I did say, if you 18 modify your initially submitted proposal, that you 19 submitted to the Council 30 days ago, if it's a 20 different animal, it starts the clock. 21 COMMISSIONER DE REGO: Clock. 22 CHAIR STONE: That simplifies our option, 23 folks. So you have two option. Go ahead, Susan. 24 COMMISSIONER MOIKEHA: Still think the process 25 works? I don't. Don't think we should have had</p>
<p style="text-align: right;">Page 50</p> <p>1 remove your motion because it's -- it's an incorrect 2 motion. 3 COMMISSIONER SUGIMURA: I second. 4 CHAIR STONE: Okay. All right. So we're 5 going to -- go ahead. And then we'll go to Susan after 6 -- go ahead, Wayne. 7 VICE-CHAIR HEDANI: I am confused at this 8 point. 9 CHAIR STONE: Okay. It's not confusing. 10 Okay. I get it. On the proposals -- 11 VICE-CHAIR HEDANI: Okay. Wait. 12 CHAIR STONE: Go ahead. 13 VICE-CHAIR HEDANI: I am confused because -- 14 okay. Here is what happened. We submit a 15 recommendation to the Council, the Council comes back 16 with revisions proposed. We don't have the option of 17 withdrawing our original proposal. 18 CHAIR STONE: Yes, we do. 19 VICE-CHAIR HEDANI: We either have to run with 20 a modification of our original proposal or an acceptance 21 or modification of the Council's proposal. 22 CHAIR STONE: Actually, no. We have three 23 options. Number one, we just stick with what we have 24 and it goes to the ballot. Okay. That's the easiest 25 option. Number two, we say, no, we're going to go with</p>	<p style="text-align: right;">Page 52</p> <p>1 somebody there? I don't think that was a good idea, 2 either. Okay. So if I understand this correctly, they 3 really have the authority here. 4 CHAIR STONE: Susan, hang on. I am trying to 5 recover. Okay. Go ahead. 6 COMMISSIONER MOIKEHA: Is that correct, they 7 still have the authority, Council does, by what they've 8 put forth? 9 COMMISSIONER HASHIMOTO: They can override 10 what we did. 11 CHAIR STONE: Not override. Go ahead, Ed. 12 Sorry. Go ahead. 13 MR. KUSHI: During Charter Commission years, 14 they can do it two ways. One, submit an alternative to 15 what the Charter Commission is submitting, or, on its 16 own, do a resolution and submit it directly to the 17 Clerk. If the Clerk receives a direct submitted 18 resolution by the Council that conflicts with the 19 Charter Commission's proposal, then the issue becomes 20 how to frame that question on the ballot. 21 COMMISSIONER MOIKEHA: So the Clerk -- 22 MR. KUSHI: You can only have one question on 23 the ballot. 24 COMMISSIONER MOIKEHA: So if we were to have a 25 modified version or -- and we can't delete -- if we</p>

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1 chose to delete Proposal Number One, then their
 2 alternative would go forth.
 3 MR. KUSHI: Correct.
 4 COMMISSIONER MOIKEHA: Okay.
 5 MR. KUSHI: You're accepting it.
 6 COMMISSIONER MOIKEHA: You're accepting it by
 7 default.
 8 CHAIR STONE: This is only the case for two
 9 proposals. Two of the proposals they're putting forward
 10 alternatives, this one and the County Auditor proposal.
 11 So that's the case for two of our proposals.
 12 COMMISSIONER MOIKEHA: So if we modify one of
 13 our proposals --
 14 CHAIR STONE: We can't modify our proposals is
 15 what Sherry has just --
 16 COMMISSIONER MOIKEHA: So we cannot modify
 17 anything on the proposal even if we wanted to
 18 incorporate some of their alternative, either or?
 19 CHAIR STONE: That's what I thought would be
 20 the case, because that makes all the sense in the world,
 21 if they have some good recommendations.
 22 COMMISSIONER MOIKEHA: Right.
 23 CHAIR STONE: But, apparently, because of the
 24 timeframe issue, if we modify the proposals, it needs to
 25 go back to the Council and then back to us, which 30

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1 days and 30 days, it's not possible to meet the deadline
 2 of the County Clerk. So at this stage, we have two --
 3 two options. And I want to be super clear I am right on
 4 this, Ed, because it's not what I understood. We do not
 5 have the ability to incorporate some recommendations
 6 into our proposals, all we can do is either say let's
 7 get rid of our proposal or let's keep our proposal?
 8 MR. KUSHI: Okay. This is getting hairier.
 9 CHAIR STONE: That's why, take your time, Ed.
 10 You know what, I am going to take a break and let Ed
 11 think about this one. Okay. Let's take a 10-minute
 12 recess. And, Ed, let's be sure on this, please. Okay.
 13 We'll be meeting back here at 11:20. Thank you.
 14 (Recess, 11:11 a.m. to 11:25 a.m.)
 15 CHAIR STONE: I would like to call this
 16 meeting back to order as of 11:25. And I am going to
 17 open the floor to, first of all, Ed, to give us some
 18 explanation here, to come up with what our process is.
 19 Ed, go ahead, you start, and then Sherry will chime in
 20 after.
 21 MR. KUSHI: Okay. Mr. Chair, I believe the
 22 question was what can this body do once it receives the
 23 report from the Council. After two pastries and three
 24 cigarettes during the break, two cigarettes, I am ready
 25 to respond.

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1 COMMISSIONER DE REGO: There you go.
 2 MR. KUSHI: Again, I have to stick with your
 3 two choices that you did mention before. As far as
 4 modifying your proposal that you submitted to the
 5 Council 30 days ago, by accepting a portion of what the
 6 Council's alternative was sent back to you -- I'll give
 7 an example. You will be discussing the County Auditor
 8 proposal. What the Council submitted back to you in the
 9 form of a resolution, let's say modified or deleted five
 10 provisions, significant provisions from what this
 11 Commission did. So if now you're saying, okay, Council,
 12 I agree with three of the five, and I'll modify my
 13 previous position, it is not a full acceptance, neither
 14 is it a full rejection. What happens in that? That
 15 being the case, I would submit that you have to put the
 16 original proposal on and the Council's alternative on
 17 the ballot. It's either all or nothing. If you accept
 18 all of their changes, in essence, you're accepting their
 19 alternative.
 20 CHAIR STONE: Thank you, Ed.
 21 And just to clarify, Sherry, can you read the
 22 section for us that you had so that we have a clear
 23 understanding what we're talking about?
 24 MS. BRODER: So this is the HRS 50-9. And it
 25 says, "If alternatives are submitted by the legislative

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1 body of the county to the commission, then the
 2 commission shall accept or reject the alternatives
 3 within thirty days after the charter has been returned
 4 to it and shall report to the legislative body of the
 5 county any rejection."
 6 COMMISSIONER DELEON: Mr. Chair? I don't hear
 7 any language in there that said we can't modify.
 8 COMMISSIONER OKAMOTO: Can we hear the part
 9 before?
 10 CHAIR STONE: One second. One second. Direct
 11 your questions --
 12 MS. BRODER: Well, it doesn't say you can't
 13 modify, but the only option available is accept or
 14 reject.
 15 COMMISSIONER OKAMOTO: Mr. Chair?
 16 COMMISSIONER DELEON: Our powers as a
 17 Commission are -- are so confined at that point that,
 18 after we report to the Council, the only two options we
 19 have left to us as a body is to accept or reject the
 20 Council's proposals. And I don't hear anything in there
 21 that says specifically that you can't edit or can't
 22 modify. I mean, even insignificant stuff, I mean, like
 23 minor language changes will help greatly improve this
 24 stuff. Some of this stuff is not affected by the
 25 Council's proposals because they didn't propose anything

<p style="text-align: right;">Page 57</p> <p>1 on it. Because, I mean, it's just -- I'm sorry. 2 CHAIR STONE: It's okay. Sherry, Ed, let's -- 3 we need super clarification on this. So -- 4 COMMISSIONER OKAMOTO: Let's hear the part 5 before. Can we hear part of the HRS before, where we're 6 submitting our stuff to them? 7 CHAIR STONE: Let me read it, Sherry. All 8 right. Submission of proposed charter to county clerk. 9 If the legislative body of the county proposes no 10 alternative sections to the charter, the charter 11 commission shall submit a draft of the proposed charter 12 to the county clerk within 30 days after it has received 13 the charter from the legislative body. If alternatives 14 are submitted by the legislative body of the county to 15 the commission, the commission shall accept or reject 16 the alternatives within 30 days after the charter 17 Commission" -- 30 days -- sorry, one second, I lost my 18 place -- "after the charter has been returned to it and 19 shall report to the legislative body of the county any 20 rejection. The legislative body of the county may, 21 within 10 days after receiving such notification, recall 22 any or all of the alternative proposals rejected by the 23 commission. 24 COMMISSIONER OKAMOTO: Is there a part even 25 before that, that tells when we submit that first part?</p>	<p style="text-align: right;">Page 59</p> <p>1 COMMISSIONER DELEON: We were told that's what 2 we needed to call it. We asked to make it a draft. 3 CHAIR STONE: One second. One at a time. 4 Susan. 5 COMMISSIONER MOIKEHA: I don't hear anything 6 in there that says we can't amend our proposals. All 7 it's talking about is the process with what you do with 8 Council's alternatives or non-alternatives. That's all 9 that I am hearing that. And the point that it says 10 right there, that what we sent was a draft, I don't care 11 what the wording was on here, we sent a draft. There's 12 documentation of that in the minutes. And, in fact, it 13 has to be a draft because if you're going to accept an 14 alternative or not, you have to be working with a draft. 15 You can't be working with a final document. So there's 16 nothing in what I heard that says we can't amend it and 17 do what we want with those current proposals of ours. 18 CHAIR STONE: Thank you, Susan. Flo. 19 COMMISSIONER WIGER: Well, I'll muddy the 20 waters even more, then. Because, no, because when I -- 21 when I heard what you read about sending forth a draft 22 of the new Charter -- is that the language, it was a 23 draft of the new Charter -- one could interpret that to 24 say here is the new Charter draft with the 25 recommendations of the Charter Commission that we are</p>
<p style="text-align: right;">Page 58</p> <p>1 You know, we have to submit it to the Council and they 2 have 30 days? 3 CHAIR STONE: HRS 50-8, "Submission of 4 proposed charter to the legislative body of the county. 5 Within one year of its appointment, the charter 6 commission shall submit a report in writing on its 7 activities, findings, and recommendations to the 8 legislative body of the county together with a draft of 9 the proposed charter." 10 COMMISSIONER OKAMOTO: Draft. 11 CHAIR STONE: Draft. 12 COMMISSIONER OKAMOTO: That's what I wanted to 13 hear. 14 CHAIR STONE: Draft. Draft is the word. "Of 15 the proposed charter. The legislative body of the 16 county may in turn propose one or more section as 17 alternative or alternatives to any section of the 18 proposed charter provided that there shall not be more 19 than a single proposition under any alternative 20 proposal. Within 30 days after receipt of the proposed 21 charter from the commission, the legislative body shall 22 return the proposed charter with the alternatives to the 23 commission for its study." Draft. Any input on draft? 24 COMMISSIONER CRIVELLO: We sent in a Final 25 Report, Mr. Chair.</p>	<p style="text-align: right;">Page 60</p> <p>1 recommending be placed on the ballot. It's a draft, 2 it's a draft Charter because those recommendations will 3 either be accepted or rejected by the voter. When that 4 decision is made, then you have a final Charter. That 5 -- so when I think of draft, what I am thinking of is 6 here's the draft of the Commission -- or of the Charter 7 -- of the new Charter as proposed by us, if it was to go 8 forth, it will either be accepted or rejected, and then 9 once that decision is made by the voter, you then have a 10 new Charter. So that's why I say, you know, that's 11 another way of interpreting it that I think could be put 12 forth. 13 CHAIR STONE: Thank you, Flo. Go ahead, 14 Frank. 15 COMMISSIONER DE REGO: I put out a caution 16 here for any group or commission, that we should get an 17 official opinion from the Corporation Counsel and that 18 we should follow that opinion. Because that's going to 19 open us up to all kinds of litigation down the line. We 20 talked about this before. And it's on my mind at this 21 point. 22 CHAIR STONE: Thank you, Frank. Ed, with 23 that, would you like another doughnut and coffee before 24 you make your official opinion on this? 25 MR. KUSHI: Something stronger than coffee.</p>

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<p>1 You know, if asked for a legal opinion, I can just 2 definitely tell you that my opinion would be, to caution 3 is fine. If it modifies the original proposal that was 4 submitted to the Council and not send it back, which you 5 had discussed, that may be subject to challenge. The 6 end result, you may be subject to challenge that the 7 Commission's proposal that gets placed on the ballot was 8 not properly -- did not properly follow the procedures. 9 CHAIR STONE: So, Ed, what are our options 10 here? That's what I need. I need to understand our 11 options. And I need the official opinion. 12 MR. KUSHI: Your options, as of today, like 13 you had stated -- option one is to reject the 14 alternative. And if you do that, then the Commission's 15 proposal and the Council's alternative will go on the 16 ballot. 17 COMMISSIONER DELEON: Huh? 18 COMMISSIONER HASHIMOTO: Wait a minute. You 19 just -- 20 MR. KUSHI: No. I said you reject the 21 Council's alternative. 22 CHAIR STONE: Yes. That means that our 23 proposal stays active. 24 MR. KUSHI: But then, pursuant to law, 25 Council's proposal would have to go on the ballot, also.</p>	<p>1 opinion, folks. 2 COMMISSIONER HASHIMOTO: I had a motion. 3 CHAIR STONE: Go ahead, Susan. 4 COMMISSIONER MOIKEHA: So on the rejection of 5 their alternatives, it's up to us to decide whether or 6 not we want to put their alternative on along with ours, 7 or is that an automatic because we put ours on? 8 MR. KUSHI: If you reject their alternative, 9 you officially reject it, send it back to the Council, 10 and they have 10 days to recall it. Recall means 11 withdraw. 12 COMMISSIONER MOIKEHA: Okay. 13 MR. KUSHI: If they don't, then this 14 Commission is responsible to put both issues on the 15 ballot. 16 COMMISSIONER MOIKEHA: Okay. That's all I 17 need to know. 18 CHAIR STONE: Okay. Okay. So it's going to 19 be a lot quicker day than I thought. All right. 20 COMMISSIONER HASHIMOTO: Excuse me? 21 CHAIR STONE: Don't look at me like that, 22 Dave. 23 COMMISSIONER HASHIMOTO: Chair? 24 CHAIR STONE: Dave being quiet is very, very 25 disheartening.</p>
Page 62	Page 64
<p>1 CHAIR STONE: Right. Right. 2 COMMISSIONER DELEON: Why? 3 MS. BRODER: It goes back to the Council and 4 they can recall their alternative. 5 CHAIR STONE: One second. One second. One 6 second. One at a time, please. Sherry, go ahead. 7 MS. BRODER: Okay. If the Commission rejects 8 the Council's proposal, then it goes back to the Council 9 and the Council can recall its proposal or it can put it 10 on the ballot along with the Commission's question. So 11 two questions on the same issue. 12 COMMISSIONER MOIKEHA: Chair? Who has the 13 authority to put it on the ballot? 14 CHAIR STONE: Susan, one second. Ed, can you 15 -- Susan, it's a good question, but let's finish. Go 16 ahead, Ed. 17 MR. KUSHI: The authority is this Commission 18 pursuant to procedures. 19 CHAIR STONE: And the other option we have? 20 MR. KUSHI: Is to accept the Council's 21 alternative. 22 CHAIR STONE: And those are our only two 23 options? 24 MR. KUSHI: Correct. 25 CHAIR STONE: Okay. Well, that's the official</p>	<p>1 COMMISSIONER SUGIMURA: He's leaning back. 2 CHAIR STONE: Go ahead. 3 COMMISSIONER HASHIMOTO: My motion is sitting 4 on the floor being ignored. 5 CHAIR STONE: Actually, it's -- I believe that 6 you -- you removed the motion. 7 COMMISSIONER OKAMOTO: We didn't -- 8 COMMISSIONER HASHIMOTO: I didn't -- 9 CHAIR STONE: Oh, we didn't vote on -- 10 COMMISSIONER HASHIMOTO: I didn't do anything 11 of the sort. Perhaps you did, but I didn't. 12 CHAIR STONE: I did not. 13 COMMISSIONER DELEON: The second was removed. 14 COMMISSIONER DE REGO: The second was removed. 15 CHAIR STONE: So I am going to -- Cliff, thank 16 you. And I understand what you're saying. We're moving 17 forward and we're going to go right to what you're 18 discussing. Is that okay? Okay. 19 So these are our options, guys. We have the 20 -- we have the proposals on -- we had a Council proposal 21 on Proposal One. We have the option to accept their 22 version of Proposal One -- 23 COMMISSIONER OKAMOTO: Point of order. You do 24 have to consider his motion if he gets a second. And 25 I'll second it just because we got to handle it.</p>

Page 65	<p>1 COMMISSIONER DELEON: Mr. Chair?</p> <p>2 CHAIR STONE: Well --</p> <p>3 COMMISSIONER DELEON: Mr. Chair?</p> <p>4 CHAIR STONE: Yes, go ahead, Dave.</p> <p>5 COMMISSIONER DELEON: No, he doesn't. He's</p> <p>6 the Chair. He can not accept the motion. The second</p> <p>7 was withdrawn.</p> <p>8 CHAIR STONE: Okay.</p> <p>9 COMMISSIONER DELEON: It's not appropriate to</p> <p>10 -- to our program.</p> <p>11 COMMISSIONER OKAMOTO: That's fine, but you</p> <p>12 deal with it properly. You don't just ignore it being</p> <p>13 there.</p> <p>14 CHAIR STONE: Okay. So the motion was to</p> <p>15 remove our proposal. Which the reason why, Kay, I</p> <p>16 haven't gone there yet, is because that is, basically,</p> <p>17 the discussion we're having right now.</p> <p>18 COMMISSIONER OKAMOTO: Right. Okay.</p> <p>19 CHAIR STONE: So we're there.</p> <p>20 COMMISSIONER OKAMOTO: Okay. We're through --</p> <p>21 CHAIR STONE: But it took us an hour and 15</p> <p>22 minutes to get there. Okay. But now we have</p> <p>23 clarification on what we're meant to be doing today.</p> <p>24 All right?</p> <p>25 Thank you for your official -- that was</p>	Page 67	<p>1 CHAIR STONE: Yes, but that is not the case on</p> <p>2 Proposal One. And we're discussing Proposal One.</p> <p>3 VICE-CHAIR HEDANI: Well, let me finish my</p> <p>4 thought.</p> <p>5 CHAIR STONE: Sorry, Wayne. Go ahead.</p> <p>6 VICE-CHAIR HEDANI: If the Council makes a</p> <p>7 recommendation to us that we delete a proposal and we</p> <p>8 agree and we delete the proposal, we have the option as</p> <p>9 a Commission of deleting proposals. If they submit an</p> <p>10 alternative, it doesn't mean we cannot delete our</p> <p>11 original proposal.</p> <p>12 COMMISSIONER SUGIMURA: Right?</p> <p>13 CHAIR STONE: No. But if we -- in essence,</p> <p>14 Wayne, if we delete our original proposal, all that is,</p> <p>15 is accepting their proposal.</p> <p>16 VICE-CHAIR HEDANI: My point is, we delete our</p> <p>17 original proposal in order to reduce the overall number</p> <p>18 of proposals that we put forward to the voters in</p> <p>19 agreement with what they're recommending and reject</p> <p>20 their alternative as an item that's, also, too</p> <p>21 profligate.</p> <p>22 CHAIR STONE: I don't think we have the</p> <p>23 ability to delete our proposal in that manner, do we?</p> <p>24 VICE-CHAIR HEDANI: We sent a notice to the</p> <p>25 Council that we're rejecting their alternative.</p>
Page 66	<p>1 official, right?</p> <p>2 MR. KUSHI: Yes, as of today.</p> <p>3 CHAIR STONE: Thank you, Ed.</p> <p>4 MR. KUSHI: As of today.</p> <p>5 CHAIR STONE: Did you get that, Akaku? Tonya?</p> <p>6 Okay. Okay.</p> <p>7 So what we're talking about now is if Cliff</p> <p>8 were to reword his motion slightly different -- because</p> <p>9 this is the option you have. You have the option either</p> <p>10 to reject the proposal that the Council has put forward,</p> <p>11 all right, or accept it. Those are the only two</p> <p>12 options. So if you would like to do a friendly</p> <p>13 amendment to either accept the Council's proposal or</p> <p>14 reject the Council's proposal, that would be a good</p> <p>15 amendment because that's relevant. Because we can't</p> <p>16 delete our proposal. All we can do is either choose</p> <p>17 ours or theirs. That's our only two options. Cliff?</p> <p>18 Sorry, let me deal with Cliff. Or you can remove your</p> <p>19 motion.</p> <p>20 COMMISSIONER HASHIMOTO: We're still</p> <p>21 discussing the same thing, right?</p> <p>22 CHAIR STONE: Go ahead, Wayne.</p> <p>23 VICE-CHAIR HEDANI: If the Council is</p> <p>24 recommending us to withdraw our proposal or delete our</p> <p>25 proposal, we have the option of deleting our proposal.</p>	Page 68	<p>1 CHAIR STONE: Go ahead, Ed.</p> <p>2 MR. KUSHI: If I understand the question, you</p> <p>3 can always delete or withdraw any of your proposals.</p> <p>4 COMMISSIONER SUGIMURA: Of ours?</p> <p>5 COMMISSIONER WIGER: Of ours.</p> <p>6 MR. KUSHI: Your 11 proposals at this point in</p> <p>7 time. The Council recommended you delete seven of them.</p> <p>8 You have that alternative. But if you reject the</p> <p>9 Council's alternative, you still must put that on the</p> <p>10 ballot. That's what HRS 50 says.</p> <p>11 CHAIR STONE: Wait a second. One second, Ed.</p> <p>12 We're being very -- we're reading this language very,</p> <p>13 very literally. And the language says that we have the</p> <p>14 option to either accept or reject the Council's</p> <p>15 recommendation or proposal or recommendation. It</p> <p>16 doesn't say in that language that we can remove our</p> <p>17 proposals. I didn't read that. Did you?</p> <p>18 MR. KUSHI: At this point in time, you can</p> <p>19 always remove anything you want.</p> <p>20 CHAIR STONE: Well, then, why can't we -- but</p> <p>21 -- so, in other words, we can remove it, but we cannot</p> <p>22 modify it?</p> <p>23 MR. KUSHI: Unless you modify the whole nine</p> <p>24 yards of what the Council wants you to do, then you're,</p> <p>25 in essence, accepting their alternative.</p>

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1 CHAIR STONE: That's an official opinion?
 2 MR. KUSHI: I am reading the language of the
 3 HRS 50. There's no case law that says --
 4 CHAIR STONE: Sherry, your input on that?
 5 MS. BRODER: I've got to go to the statutes
 6 because --
 7 CHAIR STONE: You know what, I am going to
 8 take another recess. I'm sorry. We've got to be very
 9 clear on this. We will -- in fact, maybe we should have
 10 a --
 11 COMMISSIONER DELEON: Go eat lunch.
 12 CHAIR STONE: We're recessed. We'll be back
 13 here -- I'm going to give it some time. Let's have
 14 lunch. All right. So we'll meet back here at -- how
 15 long do we normally do lunch, half hour? Half hour. So
 16 12:15, all right. Thank you. 12:30, 12:30, thanks,
 17 Frank. 12:30 we'll be back. Recess.
 18 (Recess, 11:43 a.m. to 12:32 p.m.)
 19 CHAIR STONE: I would like to call this
 20 meeting back to order as of 12:30. And we will start
 21 this off with a final official opinion, which will be
 22 followed up by a written opinion, by our distinguished
 23 Corp Counsel Ed Kushi, concerning the ability for us to
 24 presently delete our own proposals at this stage. So,
 25 Ed, official opinion.

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1 MR. KUSHI: Okay. Subject to you receiving
 2 something from me in writing, since you must know now,
 3 as far as deleting the original proposals that were
 4 submitted to the Council, I don't see -- I don't see
 5 anything in the statute, HRS 50, nor in the Charter
 6 itself that says you can't.
 7 CHAIR STONE: Thank you very much.
 8 MR. KUSHI: Mr. Chair, just to clarify, I
 9 wrote down some notes, as you go along. Give an
 10 example. What can the Charter Commission do when it
 11 receives a formal alternative from the Council --
 12 (inaudible) -- your alternatives are:
 13 One: Accept the alternative in its entirety.
 14 In effect you're replacing the Council's proposal --
 15 CHAIR STONE: Our proposal.
 16 MR. KUSHI: Replacing your proposal by the
 17 Council's.
 18 Two: Reject the alternative in its entirety.
 19 And then, after notifying the Council of its rejection,
 20 allowing 10 days for the Council to recall or withdraw
 21 their alternative. And assuming that they don't recall
 22 it, then this body must place that alternative question
 23 on the ballot together with your original proposal.
 24 Three: Whether to except in part and reject
 25 in part the Council's alternative. I already answered

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1 that, no.
 2 CHAIR STONE: Okay.
 3 MR. KUSHI: Four: Reject the Council's
 4 alternative and withdraw or delete yours.
 5 CHAIR STONE: Okay.
 6 MR. KUSHI: I am saying that's okay.
 7 CHAIR STONE: Very good.
 8 MR. KUSHI: The bottom line, though, is, if
 9 you do that, and you notify the Council of the
 10 rejection, and if the Council does not recall or
 11 withdraw their proposal, then, pursuant to Chapter 50,
 12 you are then obligated to place the Council alternative
 13 on the ballot without yours.
 14 CHAIR STONE: Very good. Thank you, Ed. That
 15 was very clear. Much appreciated. Okay.
 16 So going back to the motion that's on the
 17 table by Cliff, which was seconded by Kay. Cliff put a
 18 motion forward to remove our Proposal One. Cliff, is it
 19 your intention to remove Proposal One with this motion
 20 as well as reject the proposal from the Council? And if
 21 so, would you amend your motion? We could do it in two
 22 parts, of course.
 23 COMMISSIONER HASHIMOTO: Chair, I will remove
 24 my -- my motion, original motion, and submit a new
 25 motion. And that is to -- to reject --

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1 CHAIR STONE: Council's proposal.
 2 COMMISSIONER HASHIMOTO: Council's proposal.
 3 CHAIR STONE: Do I have a second?
 4 COMMISSIONER OKAMOTO: Second.
 5 CHAIR STONE: I'll give that one to Kay. So
 6 there's a motion to reject the Council proposal on the
 7 floor. Any discussion? Go ahead, Susan.
 8 COMMISSIONER MOIKEHA: So my understanding,
 9 for clarification, is that because we -- if this does
 10 pass and we reject it, we will have to put their
 11 proposal on with ours?
 12 CHAIR STONE: What it means is that they -- if
 13 we reject it, they have the ability to still request us
 14 to put it forward. So we can send back the
 15 recommendation from us that they shouldn't, but they can
 16 always say, no, we want our proposal to go forward with
 17 yours.
 18 COMMISSIONER MOIKEHA: Okay.
 19 CHAIR STONE: Unless, of course, we were to
 20 remove our proposal, which is another discussion.
 21 COMMISSIONER MOIKEHA: Okay. I am in support
 22 of the motion to reject theirs. I am not in support of
 23 what I believe now is a recommendation by them or an
 24 alternative that would give them 15 years, I think I
 25 heard.

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1 COMMISSIONER DELEON: 14.
 2 CHAIR STONE: 14.
 3 COMMISSIONER MOIKEHA: 14 years. I would have
 4 preferred to have the ability to amend ours, make it
 5 clearer language and address that, but we, because of
 6 Corp counsel's opinion, don't have that option. So I am
 7 rejecting -- I would support rejecting their
 8 alternative.
 9 CHAIR STONE: Okay. Thank you. Any further
 10 discussion on that? Wayne, go ahead.
 11 VICE-CHAIR HEDANI: Let me just be clear. If
 12 we reject their proposal, then they could either bring
 13 their proposal back if they do not recall it --
 14 CHAIR STONE: Exactly.
 15 VICE-CHAIR HEDANI: -- it goes forward?
 16 CHAIR STONE: Yes.
 17 VICE-CHAIR HEDANI: And we are not going to
 18 withdraw -- we are not going to withdraw our proposal?
 19 CHAIR STONE: Well, I am going to allow for
 20 somebody who wants to put that motion forward in a
 21 separate motion, of course they can. So the first,
 22 right now, the only discussion at the moment is
 23 rejection of the Council's proposal.
 24 VICE-CHAIR HEDANI: Okay. So that option is
 25 still --

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1 CHAIR STONE: It's still available. Okay.
 2 Any further discussion?
 3 (No Response.)
 4 CHAIR STONE: No. Okay. All in favor of
 5 rejecting the Council's Proposal One, raise your hand
 6 and say "aye."
 7 (Response.)
 8 CHAIR STONE: Okay. That is unanimous.
 9 VICE-CHAIR HEDANI: Roll call, because the
 10 Charter says we should.
 11 CHAIR STONE: Thank you, Wayne. Wayne has
 12 just pointed out something very important. As the Chair
 13 should know, the Charter points out that we need to do
 14 this by roll call. So thank you, Wayne.
 15 Where were you on that one, Sherry and Ed?
 16 MS. BRODER: Where does the Charter say that?
 17 CHAIR STONE: Okay. Just to be official,
 18 let's do it by roll call. All right? Okay. Lisa,
 19 please read roll call.
 20 MS. KAHUHU: Member Baxa, excused.
 21 Member Crivello.
 22 COMMISSIONER CRIVELLO: Yes.
 23 MS. KAHUHU: Member DeLeon.
 24 COMMISSIONER DELEON: Yes.
 25 MS. KAHUHU: Member De Rego.

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1 COMMISSIONER DE REGO: Yes.
 2 MS. KAHUHU: Member Hashimoto.
 3 COMMISSIONER HASHIMOTO: Yes.
 4 MS. KAHUHU: Member Hedani.
 5 VICE-CHAIR HEDANI: Yes.
 6 MS. KAHUHU: Member Moikeha.
 7 COMMISSIONER MOIKEHA: Yes.
 8 MS. KAHUHU: Member Okamoto.
 9 COMMISSIONER OKAMOTO: Yes.
 10 MS. KAHUHU: Member Sugimura.
 11 COMMISSIONER SUGIMURA: Yes.
 12 MS. KAHUHU: Member Wiger.
 13 COMMISSIONER WIGER: Yes.
 14 MS. KAHUHU: Chair Stone.
 15 CHAIR STONE: Yes.
 16 MS. KAHUHU: Unanimous.
 17 CHAIR STONE: Thank you very much. Okay.
 18 Motion passes to reject the Council's proposal. Okay.
 19 Since you brought it up, Wayne, is there discussion on
 20 Proposal One, our proposal?
 21 VICE-CHAIR HEDANI: I would move to delete our
 22 Proposal Number One.
 23 COMMISSIONER SUGIMURA: I second.
 24 CHAIR STONE: Okay. Thank you. There's a
 25 motion put forward to delete Proposal One, seconded by

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1 Yuki. Go ahead, Susan.
 2 COMMISSIONER MOIKEHA: Okay. I think we're
 3 playing chess here, at least in my mind we are, because
 4 I am not going to support that. I would like to see
 5 ours go forth. And the reason for that is there's no
 6 guarantee that they'll recall theirs that we rejected.
 7 And I do not want to see just theirs on -- on the
 8 ballot. I would rather give the voters both of these
 9 and then we lobby like hell for the one that we think is
 10 the best.
 11 CHAIR STONE: Uh-huh.
 12 COMMISSIONER MOIKEHA: And either that, either
 13 they're going to support that, and the majority will
 14 vote for our proposal, or -- they're either going to
 15 leave it as a no blank and it will cancel itself out and
 16 it will be zero to zero there. So those are my reasons.
 17 I think it's like you got to play this game. It's sad,
 18 but that's what the process has brought it down to, is
 19 play the game, and that's what I am going to do.
 20 CHAIR STONE: You're a great chess player,
 21 Susan. Okay. Thank you.
 22 Frank, go ahead.
 23 COMMISSIONER DE REGO: No, no.
 24 CHAIR STONE: I'm sorry. Stacy, please.
 25 COMMISSIONER CRIVELLO: Thank you. I don't

<p style="text-align: right;">Page 77</p> <p>1 support removing it. I think we had this discussion 2 quite a number of times, and we voted to put it on and 3 took it forward to the Council. I am just -- if I 4 understand it right, if we remove it, then the 5 alternative is what's put before the voters. Do I 6 understand that right? 7 CHAIR STONE: Okay. So, presently, we've 8 recommended -- or we've rejected their proposal from the 9 Council. However, they have the right to say, no, we -- 10 we're going to keep it on the ballot, and so then we 11 have to put it on the ballot. So it could happen that 12 that could be the only proposal that ends up on the 13 ballot. 14 COMMISSIONER CRIVELLO: So, you know, I would 15 prefer to have ours. And if they decide to list the 16 alternative, at least our proposal or amendment is -- is 17 looked at, too, and not just one choice, which would be 18 the 14 years. 19 CHAIR STONE: Okay. Thank you so much, Stacy. 20 Further discussion? Okay. Let's do roll call. Go 21 ahead, Wayne. 22 VICE-CHAIR HEDANI: Basically, I would support 23 withdrawing or deleting our proposal at this point 24 because it's come before the voters three times, it's 25 been rejected two to one on every occasion in the past.</p>	<p style="text-align: right;">Page 79</p> <p>1 the Council. I do not agree that we should be reducing 2 the number of proposed alternatives on the ballot. I 3 don't think there's a viable argument in regards to 4 that. I think people have voted on full charters 5 before, early in our history. Twice, actually. And I 6 think we should go ahead and keep this on. 7 CHAIR STONE: Thank you, Frank. Go ahead, 8 Kay. 9 COMMISSIONER OKAMOTO: Well, I am a bit torn. 10 I can see both sides. The one thing that I see, anytime 11 you come up with a new proposal, you've also got a carry 12 over. So we're not talking 14 years, you're talking 13 potentially 22 years, because somebody who's already had 14 four terms, eight years, when this goes into effect, 15 they start fresh. I am not so much for term limits that 16 that bothers me, but I think, for some people, that 17 might be a consideration. Because if you do nothing 18 now, either proposal, you do nothing, then the 10 years 19 stands. But because when a new proposal comes in, 20 you're starting with a clean slate, so it's just 21 something to think about. 22 CHAIR STONE: Thank you, Kay. Any further 23 discussion before I take this vote? Go ahead, Flo. 24 COMMISSIONER WIGER: Call the vote. 25 CHAIR STONE: Yes. Lisa, roll call, please,</p>
<p style="text-align: right;">Page 78</p> <p>1 I am taking to heart the Council's advice that we reduce 2 the overall number of proposals that we put forward. 3 And I think that I, for one, would not want to be 4 responsible for extending the Council terms to 14 years. 5 CHAIR STONE: Thank you, Wayne. Go ahead, 6 Dave. 7 COMMISSIONER DELEON: And, unfortunately, by 8 supporting this motion, that's exactly what you're doing 9 because the Council will have to proactively remove 10 their proposal in order to keep it off the ballot, and 11 they will be able to say that this is a proposal brought 12 by the Charter Commission and not by the County Council. 13 It's not coming off. If they don't proactively remove 14 it when it comes back to them, and there is no 15 alternative from us, then theirs goes on. And theirs 16 will go on and we're checkmated. We either continue to 17 stay with the one we have or we end up with a 14-year 18 proposal, most likely. 19 CHAIR STONE: Thank you. Frank, go ahead. 20 COMMISSIONER DE REGO: I think part of this 21 was we were trying to deal with the whole issue of those 22 who are already term limited and would have a view of 23 coming back. And I think I agree with Dave. I think we 24 should keep this on the ballot. I think the people 25 should have a proposal that would be in distinction to</p>	<p style="text-align: right;">Page 80</p> <p>1 on the -- there's a motion to remove Proposal One. So 2 we're voting on that. 3 MS. KAHUHU: Member Wiger. 4 COMMISSIONER WIGER: Against. 5 MS. KAHUHU: Member Sugimura. 6 COMMISSIONER SUGIMURA: Wait. The question is 7 to remove? 8 CHAIR STONE: Remove the proposal. 9 COMMISSIONER SUGIMURA: I support that. 10 MS. KAHUHU: Member Okamoto. 11 COMMISSIONER OKAMOTO: Yes. 12 MS. KAHUHU: Member Moikeha. 13 COMMISSIONER MOIKEHA: No. 14 MS. KAHUHU: Member Hashimoto. 15 COMMISSIONER HASHIMOTO: Yes. 16 MS. KAHUHU: Member Hedani. 17 VICE-CHAIR HEDANI: Yes. 18 MS. KAHUHU: Member DeLeon. 19 COMMISSIONER DELEON: No. 20 MS. KAHUHU: Member De Rego. 21 COMMISSIONER DE REGO: No. 22 MS. KAHUHU: Member Crivello. 23 COMMISSIONER CRIVELLO: No. 24 MS. KAHUHU: Member Baxa, excused. 25 Chair Stone.</p>

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1 CHAIR STONE: No.
 2 MS. KAHUHU: Six "no," five "yes."
 3 CHAIR STONE: Okay. Thank you very much. Six
 4 "no," five "yes." Wait a second. That's --
 5 MS. KAHUHU: I'm sorry. Four "yes." I
 6 apologize. Six "no," four "yes."
 7 CHAIR STONE: Okay. Proposal One -- our
 8 Proposal One is being removed from our report. Sorry.
 9 Sorry. Excuse me.
 10 MS. BRODER: It's not being removed.
 11 CHAIR STONE: Thank you, Stacy, for catching
 12 me on that. Our Proposal One is staying on the report.
 13 COMMISSIONER WIGER: Okay.
 14 CHAIR STONE: Whew. It's after lunch, slowing
 15 down. Okay. Thank you.
 16 So moving on to Proposal Two.
 17 COMMISSIONER MOIKEHA: Chair?
 18 CHAIR STONE: One second. Council has
 19 recommended deleting this proposal. Go ahead, Susan.
 20 COMMISSIONER MOIKEHA: I would like to make a
 21 motion, but, before I do, this is one of the ones I
 22 asked for input from Corp Counsel and the Analyst as to
 23 the validity of the things stated in the report. And
 24 this is regarding that State Legislature is now
 25 considering the establishment of a task force to review.

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1 I asked in an email last week whether that was true, if
 2 so, what is the timeframe. And I also wanted to know
 3 more about what was raised, as if we put it as an
 4 amendment that it could jeopardize DLNR's contracts with
 5 the County. So I want to know if either one of them has
 6 anything to report.
 7 CHAIR STONE: I saw some information going
 8 back and forth, so --
 9 MS. BRODER: Okay. I looked into this. There
 10 is a task force. You can access their reports online.
 11 The 2009 report to the Hawaii State Legislature said
 12 that they hadn't met. And the 2011 -- okay. No, the
 13 2011 report said they hadn't met since 2009. And the
 14 2012 report said that they did meet and they discussed
 15 signs, signage at Kai Iwi Beach Park. Well, which is on
 16 Oahu. Okay.
 17 So then I talked to people at DLNR. And they
 18 -- to find out like, well, was that even the task force
 19 that is being discussed, is there some other one,
 20 because it seemed kind of different from what I was
 21 expecting to find. And they said that's the only task
 22 force that they were aware of. And that its main job
 23 has been to propose signs.
 24 And then I also asked them about the contract
 25 issue. They contract with the County of Maui for the

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1 beach at Makena. And it's a contract they entered into
 2 on a regular basis. They don't have any comment on
 3 County organization.
 4 COMMISSIONER MOIKEHA: Follow-up, Chair?
 5 CHAIR STONE: Sure. Go ahead, Susan. Keep
 6 those (inaudible).
 7 COMMISSIONER MOIKEHA: I talked to Archie last
 8 week. He was away on a vacation, and I left a message
 9 at his workplace, and he called me back. I asked him
 10 this information. He talked to Roz Baker as well as
 11 McKelvey. And there is nothing being discussed in a
 12 task force about Ocean Safety moving under DLNR.
 13 So this rationale is void for me. It doesn't
 14 change my mind that Ocean Safety should move. I totally
 15 support, now more than ever, after I've seen all the
 16 political stuff that has gone on between -- all of this
 17 whole discussion, all the way through, up until the 11th
 18 hour of the Charter Commission, the Chair of the
 19 Commission of the Fire Department coming before the
 20 Council and telling them that, you know, this shouldn't
 21 happen. They're the only body that has not supported it
 22 at the 11th hour.
 23 I went and look on their agenda. This has
 24 been on top of the discussion, I think, on their agenda
 25 since February. They wait until two weeks before we

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1 have a Final Report and come out here to talk to us
 2 about not supporting it. Why they raise important
 3 issues, I believe that the Fire Department Chief, as
 4 well as Ocean Safety, as well as the department head of
 5 Parks and Recreation can work this all out.
 6 And I think this thing is being -- trying to
 7 be railroaded off of this completely. And I am not
 8 going to support deleting it. I will make a motion at
 9 this time to have this moved to -- as a proposal -- to
 10 keep our proposal.
 11 CHAIR STONE: So to reject their proposal to
 12 delete?
 13 COMMISSIONER MOIKEHA: To reject theirs. And
 14 then do I have to wait for that?
 15 CHAIR STONE: No. We don't -- we do not -- if
 16 somebody doesn't bring it forward to remove this, then
 17 we don't even have to discuss it. That's not
 18 necessarily.
 19 COMMISSIONER MOIKEHA: Theirs was a delete on
 20 this.
 21 CHAIR STONE: Yes. So we --
 22 COMMISSIONER MOIKEHA: So my proposal is --
 23 CHAIR STONE: Is to reject their suggestions.
 24 COMMISSIONER MOIKEHA: Deletion and keep our
 25 proposal.

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<p>1 CHAIR STONE: Yes.</p> <p>2 COMMISSIONER DE REGO: I second that.</p> <p>3 CHAIR STONE: Okay. Motion moved forward,</p> <p>4 seconded by Frank.</p> <p>5 Dave, did you have your hand up?</p> <p>6 COMMISSIONER DELEON: Yes. Unfortunately, the</p> <p>7 Council member who brings up the DLNR issue is just</p> <p>8 constantly trying to move County authorities over to the</p> <p>9 State that's part his regular MO. It doesn't really</p> <p>10 connect to reality. The Department of Land and Natural</p> <p>11 Resources has been underfunded and under-sourced for a</p> <p>12 generation. There is absolutely no way that they're</p> <p>13 picking up statewide lifeguard services out of the blue</p> <p>14 with the State budget. I mean, if that happens, then</p> <p>15 you can sell me a bridge someplace.</p> <p>16 And I think the Council's action here</p> <p>17 indicates that the Council will not support the Mayor if</p> <p>18 the Mayor tries to do this. I think that's what this</p> <p>19 indicates to me. This is the Council doing -- it's</p> <p>20 generally not in support of the concept of this move.</p> <p>21 They're politically in line with supporting the Fire</p> <p>22 Commission. And -- and they're going to go that way, if</p> <p>23 we leave it up to them, where they suggest that let's do</p> <p>24 it some other year, let's not do it this year. I think</p> <p>25 we were told this has been going on for a generation</p>	<p>1 don't really have a plan in place. And -- and it's my</p> <p>2 understanding that's -- that has been a discussion, an</p> <p>3 ongoing discussion. And with this, I think we've</p> <p>4 also assured that the Fire Department will be the one to</p> <p>5 make the call with the transition. Is that my</p> <p>6 understanding? Okay. So that being said, we can move</p> <p>7 forward with this.</p> <p>8 CHAIR STONE: Thank you, Stacy. Any further</p> <p>9 discussion?</p> <p>10 COMMISSIONER DE REGO: Call for the question.</p> <p>11 CHAIR STONE: The motion is to reject the</p> <p>12 suggestion to delete this proposal by the Council.</p> <p>13 Let's have roll call on that.</p> <p>14 MS. KAHUHU: Member Baxa, excused.</p> <p>15 Member Crivello.</p> <p>16 COMMISSIONER CRIVELLO: I do not support the</p> <p>17 deletion of this proposal.</p> <p>18 CHAIR STONE: So that would be a "yes." Yes</p> <p>19 means that -- a "yes" means you reject --</p> <p>20 COMMISSIONER DE REGO: Reject.</p> <p>21 CHAIR STONE: Reject --</p> <p>22 COMMISSIONER DE REGO: -- their proposal.</p> <p>23 MS. KAHUHU: Member DeLeon.</p> <p>24 COMMISSIONER DELEON: Yes.</p> <p>25 MS. KAHUHU: Member De Rego.</p>
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<p>1 already. And that we all -- I think we're in agreement</p> <p>2 that the proper place for this -- this public safety</p> <p>3 function is in the -- the Fire and Public Safety</p> <p>4 Department, not in the Parks Department. And I really</p> <p>5 believe that this is an item -- this is sort of like the</p> <p>6 transportation issue from the -- I go back to that a lot</p> <p>7 as an example of -- of the -- the voters having a say in</p> <p>8 forcing the issue. In that particular case, we wouldn't</p> <p>9 have a bus system now if it wasn't for the voters</p> <p>10 practically saying, through a Charter Amendment, that we</p> <p>11 will have a Transportation Department. And as a result</p> <p>12 of that, he do have a viable vibrant bus system that</p> <p>13 thousands of Maui residents depend upon. The same goes</p> <p>14 with this. This is going to provide better public</p> <p>15 safety. And, therefore, I think the voters should be</p> <p>16 given that option to make that choice. I support the</p> <p>17 motion.</p> <p>18 CHAIR STONE: Thank you, Dave. Any further</p> <p>19 discussion? Please, go ahead, Stacy.</p> <p>20 COMMISSIONER CRIVELLO: We voted for -- for</p> <p>21 this proposal, so, you know, I can see us moving forward</p> <p>22 with it, but I think we need to be reminded as to</p> <p>23 rationale on where the Fire Department and Fire</p> <p>24 Commission are coming from. It's the receipt of a</p> <p>25 comprehensive plan. You know, I mean, simply put, they</p>	<p>1 COMMISSIONER DE REGO: Yes.</p> <p>2 MS. KAHUHU: Member Hashimoto.</p> <p>3 COMMISSIONER HASHIMOTO: Yes.</p> <p>4 MS. KAHUHU: Member Hedani.</p> <p>5 VICE-CHAIR HEDANI: Yes.</p> <p>6 MS. KAHUHU: Member Moikeha.</p> <p>7 COMMISSIONER MOIKEHA: Yes.</p> <p>8 MS. KAHUHU: Member Okamoto.</p> <p>9 COMMISSIONER OKAMOTO: Yes.</p> <p>10 MS. KAHUHU: Member Sugimura.</p> <p>11 COMMISSIONER SUGIMURA: Yes.</p> <p>12 MS. KAHUHU: Member Wiger.</p> <p>13 COMMISSIONER WIGER: Yes.</p> <p>14 MS. KAHUHU: Chair Stone.</p> <p>15 CHAIR STONE: Yes. That is confusing.</p> <p>16 MS. KAHUHU: 10-zero.</p> <p>17 CHAIR STONE: Thank you. Okay. Very good.</p> <p>18 That proposal will stay in the report.</p> <p>19 Moving on to Proposal Three, Office of the</p> <p>20 County Auditor. This is the other proposal that there's</p> <p>21 a County version -- a County proposal for this. Go</p> <p>22 ahead, Kay.</p> <p>23 COMMISSIONER OKAMOTO: I would like to ask,</p> <p>24 since Frank is probably the most well-versed, what the</p> <p>25 difference in the two proposals? I know that they would</p>

<p style="text-align: right;">Page 89</p> <p>1 do away with Cost of Government Committee. What other 2 differences do you see? 3 CHAIR STONE: Okay. Frank, go ahead. 4 COMMISSIONER DE REGO: As far as I could see 5 from what I've read, it would actually be, basically, a 6 way of the Council auditing the Executive Branch and not 7 a way of having a truly independent auditor who would 8 actually be able to also audit the Legislative Branch 9 itself. That's the way I would cull it into a -- 10 CHAIR STONE: Thank you, Frank. Go ahead, 11 Susan. 12 COMMISSIONER MOIKEHA: This is another one I 13 asked for input from Corp Counsel and the Analyst on 14 whether or not the Council's version weakens or 15 compromises the independence of the auditor. 16 COMMISSIONER DE REGO: That's just my reading, 17 by the way, Kay. I'm sorry. 18 CHAIR STONE: Thank you. Sherry, do we have 19 any input to Susan's request? 20 MS. BRODER: We divided the requests up, so I 21 answered the first one and Ed worked on the second one. 22 MR. KUSHI: Yeah, Mr. Chair, Member Moikeha. 23 MS. BRODER: He worked on the second question. 24 This question is his. 25 CHAIR STONE: Go ahead, Ed.</p>	<p style="text-align: right;">Page 91</p> <p>1 And the intent from the Council was that they 2 would do it by ordinance, okay, not by Charter. So in 3 any ordinance, they can do what they want. 4 In terms of exercising the right to vote for 5 the County Auditor and your version, in terms of 6 appointing necessary staff by the County electorate, 7 that's out. The State version sets the Legislature, 8 Senate President and Speaker of the House needs to 9 approve all staff appointments. As to what the Council 10 does, we don't know. 11 Further going on in your version, on Page 10, 12 under Section 3-8.3(c), as in cat, it, basically, sets 13 out a proposal procedure where the County Auditor will 14 submit a plan on an annual basis to the Mayor and the 15 Council for review and comment and not approval. In the 16 Council's version, it says whatever the tasks are, and 17 also as authorized or delegated by the Council. 18 CHAIR STONE: Sorry, Ed, just a question. 19 What's more along the lines of the State auditor? 20 MR. KUSHI: State Auditor only -- only audits 21 executive departments. 22 CHAIR STONE: Okay. 23 MR. KUSHI: And as directed by the State 24 Legislature. 25 CHAIR STONE: Okay. Continue. Sorry.</p>
<p style="text-align: right;">Page 90</p> <p>1 MR. KUSHI: What Lisa is passing out right now 2 is copies of the State Constitution regarding the State 3 Auditor as well as HRS Chapter 23, which is the State 4 statute on the State Auditor. Council's proposed 5 alternative, basically, is a very short version of your 6 original, if you compare the language. And the drafters 7 of the Council's proposal, the intent was to sort of 8 frame it in terms of what the State auditor does. And I 9 passed out copies of it. There's about four or five 10 areas that makes a big difference. And I'll try to go 11 over it. 12 If you look at the -- let's look at your 13 version, which is on the Charter Commission report at 14 Page 9, Page 9. The declaration of policy, Section 15 3-8.1 is totally eliminated. Section 3-8.2, Office of 16 the County Auditor and the County Auditor. There would 17 still be -- he or she will still be appointed by the 18 Council and can be removed by the Council for a term of 19 six years. The salary of the County Auditor, in your 20 version, have been set by the Salary Commission, silent 21 on the Council's one. Look at the State version, the 22 State Auditor's set by Administration. So it's freely a 23 legislative body. And all the details, the various 24 details that you had in your provisions are not included 25 in the Council's alternative.</p>	<p style="text-align: right;">Page 92</p> <p>1 COMMISSIONER MOIKEHA: I had a question on 2 that -- 3 CHAIR STONE: Sure. 4 COMMISSIONER MOIKEHA: -- for clarity. So 5 you're saying that, in the Council's alternative, they 6 approve everything of the task of the auditor? 7 MR. KUSHI: They would -- basically, their 8 version states as follows: "The County Auditor shall 9 make additional reports to conduct such other 10 investigations as may be directed by the Council." 11 COMMISSIONER MOIKEHA: So it's within the 12 purview of the Council? The Council will direct the 13 auditor's purview over what they wanted audited? 14 MR. KUSHI: Correct. 15 COMMISSIONER MOIKEHA: So certainly they're 16 not going to want to themselves audited. This is why -- 17 I'll save. 18 MR. KUSHI: I'll get to that. 19 CHAIR STONE: Go ahead, Ed. 20 MR. KUSHI: So what you said is compared to 21 what the original plan was, that the County Auditor sets 22 up a plan for review and comments, but not approval. So 23 the independence portion, Subsection 3, says that the 24 County Auditor, through its investigation, retain 25 special counsel without Council approval special</p>

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1 alternatives. That's out.
 2 As you all know, the Cost of Government, in
 3 your plan was to be -- was to continue, but be attached
 4 to the County Auditor as an advisory board. Now it's
 5 just been removed.
 6 In terms of definitions, on Page 11, Section
 7 3-8.5, you did include, in your version, whether agency
 8 or operation of the County, which would include Council
 9 offices, there's a definition. Again, it's lacking in
 10 the Council's version. And, specifically, in the State
 11 version, Chapter 23, it does state that the State
 12 auditor cannot audit the Legislature.
 13 So, again, those are the various glaring
 14 points that I saw from your version, Charter Commission
 15 version, to Council's version.
 16 Now, that being said, all these finite details
 17 in operations and procedures may come out to be the
 18 same, but it will have to be done via ordinance, which
 19 can -- if it's not in the Charter, it can be something
 20 else.
 21 CHAIR STONE: Very good. Very complete, Ed.
 22 Thank you.
 23 Discussion on qualification? Go ahead, Susan.
 24 COMMISSIONER MOIKEHA: I think it's pretty
 25 clear for me that I need to reject Council's proposal.

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1 And I want to be clear why I am doing that.
 2 CHAIR STONE: Are you putting a motion, Susan?
 3 COMMISSIONER MOIKEHA: Yeah, I'd like to make
 4 a motion.
 5 COMMISSIONER DELEON: You need a second before
 6 you start talking.
 7 COMMISSIONER DE REGO: Second.
 8 COMMISSIONER DELEON: Second.
 9 CHAIR STONE: That was Frank first. Sorry,
 10 Dave.
 11 COMMISSIONER MOIKEHA: Yeah, the whole reason
 12 this was set up is because of the independence. And I
 13 felt like we -- as time went on and I felt like I got
 14 more educated from the perspective of Council that,
 15 okay, maybe instead of having the Cost of Commission be
 16 that deciding entity that would hire and fire, then
 17 maybe it's appropriate to have the legislative body to
 18 do that. So I was willing to concede on that. And I
 19 think that's going to be fine. But what they have done
 20 now, using the State as their example, but certainly not
 21 incorporating everything, that can be done later, we're
 22 going to lose that independence. And I don't believe
 23 that should happen.
 24 The current Charter does not allow any entity
 25 to have oversight of Council right now. One of the

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1 reasons why I strongly support this is because this does
 2 give full independence to the auditor to have oversight
 3 over the Council. And we need that. The Council can go
 4 out and they can have auditing or oversight over all the
 5 departments of this County. And it has to come back on
 6 them, too.
 7 And it's not to be punitive, either, or trying
 8 to, you know, find, oh, they need to be, you know,
 9 whatever. That's not my reasoning. The reasoning is
 10 the independence. And I believe, in accepting their
 11 version, that it would compromise that greatly.
 12 It's very, very unfortunate that we couldn't
 13 be able to modify, take some that we thought were good
 14 and incorporate it in this. You know, I wish we had
 15 that ability, but we don't, because of the thing that's
 16 been given to us on the legal basis of process. And so
 17 I have no other choice but to reject it. So that's my
 18 motion. And I support ours.
 19 CHAIR STONE: Thank you, Susan.
 20 Go ahead, Frank.
 21 COMMISSIONER DE REGO: I, basically, support
 22 this because I think it's good for the County. I think
 23 it's good to have an independent auditor.
 24 I know my name has been mentioned -- well, not
 25 my name has been mentioned, but sort of obliquely

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1 referred to during these discussions, which I think is
 2 kind of funny. But it's -- it's good for the County, I
 3 think, and good for everyone concerned, that the
 4 independence of the auditor be established and not it
 5 become another organ of the Council.
 6 I think this is the original -- I mean, this
 7 even -- most of this, actually, came from a Council
 8 Member, by the way, if you remember correctly. Most of
 9 this, except for moving the -- the Cost of Government
 10 Commission under the auditor, which, to me, just made
 11 logical sense, right, to an independent auditor. Okay.
 12 So I am the opposite of Flo there. I am
 13 talking too close to the mic.
 14 But, yeah, I -- I can't support this. I think
 15 it's been whittled down and it's been diluted of any
 16 power or -- or focus on what it was supposed to be. And
 17 I think we -- I agree with Commissioner Moikeha that we
 18 wanted to go one step toward the Council because they
 19 had concern that the power of the purse was a
 20 legislative function. We're willing to give them the
 21 power to be able to hire and fire the auditor. That, we
 22 had no problems with. But the way it's -- the direction
 23 it's going in now is not even recognizable to what the
 24 intent of the -- the Charter Commission was. So I find
 25 this unacceptable, to say the least.

<p style="text-align: right;">Page 97</p> <p>1 I am now regretting the fact -- and I can say 2 this now, since we can't change anything -- of not 3 actually putting the commission in charge of hiring and 4 firing, seeing the kind of political -- and using the 5 State as a cover, you know, as a sort of a political way 6 of overlooking the Executive Branch. So I can't -- I 7 will -- I would definitely reject the Council's 8 recommendation on this.</p> <p>9 CHAIR STONE: Any further discussion on the De 10 Rego proposal?</p> <p>11 COMMISSIONER DE REGO: No. It was our 12 proposal.</p> <p>13 COMMISSIONER OKAMOTO: I am torn because I 14 think the auditor is probably the most important thing 15 we're doing. And if there's two proposals on the 16 ballot, I can see both of them losing, and then we got 17 nothing. Because if there's two, people may go, well, 18 if they can't even agree, then, you know, it may -- it's 19 more likely to get voted down than if there was only one 20 proposal there.</p> <p>21 I also see, I mean, the Marion Higa, which I 22 think everybody views as the epitome of what we want in 23 the auditor, is by the Legislature. She audits the 24 functions of the Administration. And I think we all see 25 that that works.</p>	<p style="text-align: right;">Page 99</p> <p>1 manipulated. And it will not necessarily be a creature 2 of the auditor. So they won't have to respond. If the 3 auditor is not doing his job, they'll be the watchdog to 4 watch the auditor. So there is -- there is another 5 function there that I see that that Commission has 6 that's gonna be quite viable.</p> <p>7 And if it works out and we end up hiring 8 Marion Higa, and it's all hunky-dory, then maybe that 9 function won't have to happen and a subsequent Charter 10 Commission can put them out of their misery. But until 11 then, I think we need to have the safeguards built in 12 because we do have experiences where -- where the 13 investigative powers of the Council was abused. And -- 14 and I think that this is a -- this is a good step that 15 we stay with our own proposal.</p> <p>16 Thank you.</p> <p>17 CHAIR STONE: Thank you, Dave. 18 Flo, go ahead.</p> <p>19 COMMISSIONER WIGER: Well, I always think that 20 one should depend on process and structure rather than 21 personalities. And I have great respect for Marion 22 Higa. She does a wonderful job, but I think it's 23 because she's Marion Higa. I don't think that it is 24 necessarily the structure that the legislature has. And 25 that's my concern about going forward with the model</p>
<p style="text-align: right;">Page 98</p> <p>1 I wish that they hadn't made those changes, 2 but my feeling at this time, if I got to choose one or 3 the other, and I think we'll have to, because, if we 4 reject theirs and they put it back, then we've got two. 5 And I don't want to see the auditor in general get lost.</p> <p>6 CHAIR STONE: Thank you, Kay. 7 Go ahead, Dave.</p> <p>8 COMMISSIONER DELEON: I support the motion 9 because of the language that's been put in by the 10 Council is, "The County Auditor shall also make such 11 additional reports and conduct other such investigations 12 as may be directed by the Council. I've seen the 13 Council do these kind of investigations in the past. 14 Not necessarily this Council, but, in the past, there's 15 been an abuse of power this way. And so this is kind of 16 leading us in that direction. It gives the potential 17 for that to happen.</p> <p>18 I was kind of torn about the Cost of 19 Government Commission. I've never really been a good 20 cheerleader of the Cost of Government Commission and -- 21 but I can see what the Council's concern with it is 22 because they're not going to hire and fire the Charter 23 Commission [sic], that's going to be an independent 24 auditor -- the auditor. They're going to be able to 25 oversee and make calls when things are being</p>	<p style="text-align: right;">Page 100</p> <p>1 from the Council, because I don't think the structure's 2 in place to give us what it is that we want. And I 3 think we want that independence. I don't think we get 4 that with the structure that the Council is proposing.</p> <p>5 I mean, it's pretty clear, in listening to 6 what Corp Counsel tells us, that that individual would 7 really be a side agenda or a side arm, if you will, of 8 the Council. And I don't think, at least when I recall 9 the discussions we had, that's what we were looking for.</p> <p>10 So I would err on the side of process and go 11 with our proposal rather than the proposal put forth by 12 the Council.</p> <p>13 CHAIR STONE: Thank you, Flo. 14 Any further discussion? Go ahead, Wayne.</p> <p>15 VICE-CHAIR HEDANI: On the question of the 16 auditor, I was of the opinion that we should have stuck 17 by our original proposal which was to have the auditor 18 report to the Cost of Government Commission, which would 19 have made that position independent of both the Council 20 and the Administration. Having lost that and conceded 21 to our proposal, which puts the Cost of Government 22 Commission as an advisory body, it still gives the 23 advisory body input into the auditor's function. The 24 Council's version removes that independent outside voice 25 and controls the auditor's position to the point where</p>

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<p>1 it can be, in my opinion, manipulated, which is not 2 necessarily a good thing. 3 So, reluctantly -- and I say this reluctantly 4 because, when you think about it, if we keep all 11 of 5 our proposals and we reject the Council's proposals and 6 the Council comes back without recalling their 7 proposals, you're going to end up with more than 11 8 items on the ballot. You're going to end up with 9 essentially 22 items on the ballot. And for them to 10 distinguish between our version of the audit language 11 and the Council's version of the audit language, which 12 we haven't compared word for word at this point, is 13 going to be quite a challenge. 14 CHAIR STONE: Thank you, Wayne. Susan. 15 COMMISSIONER MOIKEHA: Clarification. So it 16 would only be our 11 plus their two alternatives. 17 CHAIR STONE: Presently, that would be the 18 case. 19 COMMISSIONER MOIKEHA: Okay. So I wasn't sure 20 how we got 22. 21 VICE-CHAIR HEDANI: If we keep all 11 of our 22 proposals, their recommendation is to delete seven out 23 of the 11, and if they don't recall their recommendation 24 to delete. 25 COMMISSIONER MOIKEHA: We don't put that on</p>	<p>1 reject the County's -- I'm sorry -- Council's version of 2 Proposal Three. So, Lisa, roll call, please. Lisa. 3 Excuse me. 4 MS. KAHUHU: Member Wiger. 5 COMMISSIONER WIGER: Okay. I want to be sure 6 I am voting appropriately here. 7 CHAIR STONE: Okay. Just to be clear. 8 COMMISSIONER WIGER: Keep ours. 9 CHAIR STONE: A "yes" vote keeps ours. 10 COMMISSIONER WIGER: Yes. 11 MS. KAHUHU: Member Sugimura. 12 COMMISSIONER SUGIMURA: No. 13 MS. KAHUHU: Member Okamoto. 14 COMMISSIONER OKAMOTO: No. 15 MS. KAHUHU: Member Moikeha. 16 COMMISSIONER MOIKEHA: Yes. 17 MS. KAHUHU: Member Hashimoto. 18 CHAIR STONE: Cliff, do you want clarification 19 before you vote? 20 COMMISSIONER HASHIMOTO: Yes, please. 21 CHAIR STONE: The motion is to -- is to reject 22 -- or to reject the Council's recommendation to delete. 23 So a "yes" keeps our proposal as well. 24 COMMISSIONER HASHIMOTO: Yes. 25 MS. KAHUHU: Member Hedani.</p>
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<p>1 the ballot. The only thing you put on the ballot is the 2 two alternatives. So it would be our 11, if we kept all 3 11. 4 CHAIR STONE: If we kept all 11. 5 COMMISSIONER MOIKEHA: And the two. 6 VICE-CHAIR HEDANI: Four, they're recommending 7 four. 8 CHAIR STONE: No. They approved two of ours. 9 COMMISSIONER MOIKEHA: Two. 10 CHAIR STONE: Recommending two, approved two. 11 So it will be total of 13. But, still, we get your 12 point, Wayne. 13 COMMISSIONER MOIKEHA: Just a comment, Chair. 14 CHAIR STONE: Yeah, Susan, go ahead. 15 COMMISSIONER MOIKEHA: I am okay with sending 16 both in this case. And I just think if we do a lot of 17 lobbying and explanation of why our proposal should take 18 precedence over the Council's, I think we can make an 19 impact on people to understand that. I am not afraid to 20 let this one go to having possibly two of the same 21 thing. 22 CHAIR STONE: Thank you, Susan. Okay. Any 23 further discussion? 24 COMMISSIONER HASHIMOTO: Call for the vote. 25 CHAIR STONE: Thank you. The motion is to</p>	<p>1 VICE-CHAIR HEDANI: Yes. 2 MS. KAHUHU: Member DeLeon. 3 COMMISSIONER DELEON: Yes. 4 MS. KAHUHU: Member De Rego. 5 COMMISSIONER DE REGO: Yes. 6 MS. KAHUHU: Member Crivello. 7 COMMISSIONER CRIVELLO: Yes. 8 MS. KAHUHU: Member Baxa, excused. 9 Chair Stone. 10 CHAIR STONE: Yes. 11 MS. KAHUHU: Eight "yes," two "no." Motion 12 passes. 13 CHAIR STONE: Motion passes to reject 14 Council's recommendation to delete. 15 Moving on to Proposal -- 16 MR. KUSHI: Mr. Chair, for the record, I 17 didn't recommend that this position would be the 18 Council's side arm. 19 CHAIR STONE: I'm sorry. 20 MR. KUSHI: Whatever Member Wiger said. 21 COMMISSIONER WIGER: No. Clarification. I 22 was not saying that you recommended it. That was my -- 23 my description. 24 MR. KUSHI: Because with that, they'll shoot 25 me.</p>

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1 COMMISSIONER WIGER: Ed should not be
 2 implicated. That's my description.
 3 COMMISSIONER DE REGO: Ed should not be shot.
 4 COMMISSIONER WIGER: Ed should not be shot.
 5 CHAIR STONE: Don't throw Ed under the bus.
 6 COMMISSIONER DELEON: At least not for that
 7 reason.
 8 CHAIR STONE: Okay. You're off the hook, Ed,
 9 for now.
 10 Moving on to Proposal Four, Interactive
 11 Communications Access. The Council recommended to
 12 delete this proposal. So motion?
 13 COMMISSIONER DELEON: Mr. Chair?
 14 CHAIR STONE: Yes. Go ahead, Dave.
 15 COMMISSIONER DELEON: I recommend that we
 16 maintain our position and reject the Council's.
 17 CHAIR STONE: Motion put forward. Do I have a
 18 second?
 19 COMMISSIONER OKAMOTO: Second.
 20 CHAIR STONE: Seconded by Kay. Thank you.
 21 Discussion?
 22 COMMISSIONER DELEON: Mr. Chair?
 23 CHAIR STONE: Yes. Go ahead, Dave.
 24 COMMISSIONER DELEON: Indications are that,
 25 from a couple of Council Members, at least, that were

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1 supportive of the concept, but there was still
 2 resistance. There was real resistance in the Council
 3 leadership to this. There was -- especially from the
 4 Chair of the Committee that was overseeing this. And it
 5 was all kinds of reasons why. You know, what happens if
 6 the communication breaks, what's this, what's that. And
 7 there was some good information there. It's a shame
 8 that we cannot like -- like the Chamber, I mean, I think
 9 that's appropriate that all meetings in the Chambers,
 10 because there's going to be a communication hookup
 11 problem if they're out in Paia someplace, or Hana. I
 12 mean, how are they going to make the connections?
 13 So there is -- I think we gave -- and our
 14 language is mushy. And so there's enough mushiness
 15 there that they can work around it if there's like
 16 limitations. And I am just ashamed that we couldn't
 17 clean it up better right now because I think -- I think
 18 there was a number of points. And I had actually
 19 language prepared to do that, but -- but I think there's
 20 enough wiggle room for the Council there.
 21 On the cost -- on the cost question, it's
 22 really, I guess, a personnel question as to what they're
 23 staffing for the individuals who will handle the remote
 24 sites. They do have staff at each one of those
 25 locations. They're just going to have to schedule them

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1 for when the testimony is happening.
 2 And outside of that, how much does a telephone
 3 line cost?
 4 CHAIR STONE: Thank you, Dave.
 5 Any further discussion before I call the
 6 question? Susan, go ahead.
 7 COMMISSIONER MOIKEHA: I was not originally in
 8 support of this particular proposal. I felt that what
 9 was stated, I believe, with HRS was sufficient to give
 10 it the foundation it needed.
 11 And I, also, did listen to their concerns.
 12 And, you know, some appeared to be very supportive on
 13 the Council; others didn't. The Chair did mention
 14 putting it in the budget. We'll see if that happens.
 15 But I didn't initially support it. I didn't
 16 feel it was the most important proposal that I -- that I
 17 wanted to see on the list. And I think it still can be
 18 done. And, either way, it has to be done. So I am not
 19 going to support the motion to keep ours.
 20 CHAIR STONE: Thank you, Dave.
 21 COMMISSIONER DELEON: I'll remind you we only
 22 have a hammer. This is the one thing we can do. We can
 23 make all kinds of recommendations and we can
 24 (inaudible). This was the way we have to do this. If
 25 we think this is important, then we use this hammer.

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1 And if we don't, we don't.
 2 CHAIR STONE: Thank you, Dave. Any further
 3 discussion? Frank.
 4 COMMISSIONER DE REGO: I don't know if this is
 5 appropriate, but I would like to hear from the areas
 6 that would be most affected by this, Stacy or Cliff. Is
 7 that appropriate, Mr. Chair?
 8 CHAIR STONE: Sure. Why not?
 9 COMMISSIONER DE REGO: Okay.
 10 CHAIR STONE: It's an open discussion, if they
 11 feel like giving input on this proposal. Go ahead,
 12 please.
 13 COMMISSIONER CRIVELLO: You want to go ahead?
 14 COMMISSIONER HASHIMOTO: No, no. Go ahead.
 15 COMMISSIONER CRIVELLO: I value the
 16 opportunities that us in the rural areas have to
 17 participate as far as testifying. Flying over to Maui,
 18 number one, we don't have too many choices. Let's just
 19 say, number one, the cost. It's -- you know, even if
 20 you decide to jump on the ferry and -- that's costly,
 21 too. So if -- if we have the venue to at least testify
 22 on policies that affect our community, our island, or --
 23 or the County as a whole -- because what happens on
 24 Maui -- for instance, if Maui's meter installation cost
 25 of infrastructure is -- I don't know what it is now, but

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1 if it's \$6,000, because you got to keep up with the
 2 development on Maui, it affects us on Molokai, too. So
 3 participation for -- for us is of value.
 4 So if we can find the appropriations and the
 5 means. You know, broadband service isn't always
 6 available, depending -- where you want. I know Council
 7 tried that several years ago, or -- or County. And
 8 where they had the setup didn't really match.
 9 But if -- if it's just the audio, it doesn't
 10 have to be the virtual, that's fine. You know, if -- if
 11 it's just speakerphone and allow us to say our piece --
 12 we're good at saying our piece. So I would love for us
 13 to have that opportunity.
 14 CHAIR STONE: Thank you, Stacy. Cliff, go
 15 ahead.
 16 COMMISSIONER HASHIMOTO: One of the remarks I
 17 recall from the Council, when they met and discussed
 18 this proposal, was that people can write in their --
 19 their testimony. Unfortunately, though, you know, in
 20 Hana, we don't -- and I am sure in Lanai and Molokai is
 21 the same way -- unless someone stays on top of these
 22 agendas all the time, and then get on the telephone and
 23 call the neighbors. Chances are, we may see the agenda
 24 late, where -- where you don't have time to -- to sit
 25 down and -- and think of something to write. You know,

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1 you -- we don't always have the information in front of
 2 us that we can -- detailed information about a
 3 particular topic on agenda. So -- so, you know, you --
 4 it takes a little while to -- to develop something to
 5 put it in writing and -- and -- and be able to respond
 6 ahead of time because all written testimony has to be in
 7 -- into the office, wherever it goes to, like several
 8 days before the meeting actually takes place.
 9 So I think that the -- the rural communities
 10 are at a disadvantage because of that. So I am in favor
 11 of having, even if it's just telephone, a way to
 12 testify. I support that.
 13 CHAIR STONE: Thank -- thank you, Cliff.
 14 Thank you. Go ahead, Kay.
 15 COMMISSIONER OKAMOTO: Well, I was, actually,
 16 originally opposed to this, just because I wasn't sure
 17 the logistics and the cost and all of that. But,
 18 obviously, people in our community wanted to see it. I
 19 totally agree on this written testimony. I mean, that's
 20 almost a joke. I mean, I write all the time, but I
 21 don't ever sit down and write testimony unless it's
 22 something -- and somebody's on top of it, you got to get
 23 it turned in. The average person is not going to send
 24 in written testimony. We -- I mean, I think that's
 25 fairly common. You get written testimony from the same

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1 people all the time. The average person doesn't do
 2 that.
 3 And as far as I am aware -- and I may be
 4 unaware -- the State Legislature is very good that you
 5 can go in, you can just do a quick testimony on any
 6 bills and you just click on it on the website. And so
 7 it's much easier to get the word out. I don't believe
 8 that is available on the Maui County website. Now, I
 9 may be wrong. But the State Legislature makes it so
 10 much easier to testify, even if all you're saying is
 11 you're opposed or you're for. You can do a very short
 12 little statement. You don't have to write a letter.
 13 So, yes, it's definitely something that they -- we need
 14 to have here.
 15 CHAIR STONE: Thank you. Go ahead, Flo.
 16 COMMISSIONER WIGER: Well, as you know, I was
 17 very supportive of this from the beginning. And the
 18 reason I was supportive of it was because I saw the
 19 difference it made in terms of what the college did with
 20 outreach to Molokai, Hana, Lanai in terms of the
 21 students there and the community there. And it made a
 22 significant difference. If there is a way that it can
 23 happen, and especially hearing now from my colleagues
 24 from those areas, I think we have a responsibility to
 25 figure out -- or to at least let the people decide if

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1 they want that. And then sort of give the message to
 2 the powers that be that say, "Go do this." And, in
 3 fact, if they can do it at the State level, I mean, it's
 4 not like we're reinventing a wheel. Somebody there knew
 5 how to do it. Go ask them.
 6 CHAIR STONE: Thank you, Flo. Dave, go ahead.
 7 COMMISSIONER DELEON: The other day in front
 8 of the Council, there was a lady from Molokai. I think
 9 she was coming from Women Helping Women, or one of the
 10 shelter operations, where it dealt with abused wives.
 11 And she gave such powerful testimony, it really made me
 12 think of the power in the voice over written word.
 13 Because the Council, I mean, can you imagine the number
 14 of testimonies, ad hoc emails the Council gets. I mean,
 15 you know, whether they can read them all and whether
 16 they can digest everything. But when you have somebody
 17 in front of you and you're sitting there, and you have
 18 to give them your attention and you can hear their
 19 voice, and their voice is telling you something very
 20 dramatic -- which this woman was doing. It was really
 21 not a pleasant story she was giving, but she was making
 22 a real point. And she actually bought her own ticket to
 23 come over and spend the whole day out of her own pocket
 24 to give this testimony. And I am thinking, my God, we
 25 need to fix this.

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1 CHAIR STONE: Thank you. Go ahead, Frank.
 2 COMMISSIONER DE REGO: I wanted to hear that
 3 simply because I think it's important to have that on
 4 the record. That's why I asked the question. I am
 5 definitely going to support this. I see what's listed
 6 here is what I said before, all the lists of why we
 7 can't do it. And, you know, that always kind of bothers
 8 me because I am sort of, by nature, a can-do person. So
 9 if you've got an obstacle, find a way over it, right.
 10 Okay. Make -- make it work. It may not work perfectly,
 11 right, but it gives people an opportunity. And all I
 12 see here is a list of, well, we can't do this, we can't
 13 do that, and that's vague and this is -- okay. Well,
 14 let's use the hammer. Let's say let's put it in the
 15 Charter, and then they're going to have to figure out
 16 how to make it work.
 17 CHAIR STONE: Thank you, Frank. Go ahead,
 18 Dave DeLeon.
 19 COMMISSIONER DELEON: I would like to put into
 20 the record that the Council did raise a number of
 21 interesting important points. One was the logistics of
 22 trying to do every Council meeting, especially if
 23 they're on the road, site inspection, or something like
 24 that. So I think it should only apply to the County
 25 Council Chambers. I mean, I would -- I would -- I,

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1 actually, had language that I proposed to make this
 2 work, but if we can't fix it, we can't fix it. So only
 3 applies to the County Council Chambers, only applies to
 4 the public testimony purposes. It does not apply to the
 5 Council Members being in the remote locations.
 6 They asked for a definition of interactive.
 7 That means two-way communication, to me, I mean, give
 8 and take. So questions could be asked of the testifier
 9 so it isn't just a one-way communication.
 10 And the fourth point is to clarify that if the
 11 link is inadvertently lost, the meeting continues. If
 12 somebody is going to a Council meeting and the airplane
 13 crashes or the boat sinks, or they go off the road, the
 14 Council meeting keeps on going. I mean -- so, I mean,
 15 it doesn't -- I mean, that's a little bit too dramatic,
 16 but, I mean, it's just -- to me, to make a point is, it
 17 doesn't disrupt the meeting. So that's the intent for
 18 my motion, anyway.
 19 CHAIR STONE: Thank you. Go ahead, Frank.
 20 COMMISSIONER DE REGO: Well, I think that was
 21 the intent of this completely. We weren't trying to put
 22 any extra burdens on the Council. That -- and there is
 23 enough mushiness, I guess, or wiggle room, I think in
 24 terms of what we've done, or room for interpretation,
 25 that, you know, they could make -- this is a common

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1 sense kind of thing. There's going to be places where
 2 it's going to work, there's going to be places where it
 3 can't work. I don't think what we put in was so
 4 absolute that it didn't give them room to be able to
 5 make it work where it does -- where it's able to work.
 6 So --
 7 CHAIR STONE: Thank you, Frank. I am going to
 8 take this to vote. There's a motion to reject the
 9 Council's proposal to delete our proposal. So a "yes"
 10 means we keep the proposal on this vote. All right?
 11 Okay. Go ahead, Lisa, roll call, please.
 12 MS. KAHUHU: Member Baxa, excused.
 13 Member Crivello.
 14 COMMISSIONER CRIVELLO: Yes.
 15 MS. KAHUHU: Member DeLeon.
 16 COMMISSIONER DELEON: Yes.
 17 MS. KAHUHU: Member De Rego.
 18 COMMISSIONER DE REGO: Yes.
 19 MS. KAHUHU: Member Hashimoto.
 20 COMMISSIONER HASHIMOTO: Yes.
 21 MS. KAHUHU: Member Hedani.
 22 VICE-CHAIR HEDANI: Yes.
 23 MS. KAHUHU: Member Moikeha.
 24 COMMISSIONER MOIKEHA: No.
 25 MS. KAHUHU: Member Okamoto.

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1 COMMISSIONER OKAMOTO: Yes.
 2 MS. KAHUHU: Member Sugimura.
 3 COMMISSIONER SUGIMURA: Yes.
 4 MS. KAHUHU: Member Wiger.
 5 COMMISSIONER WIGER: Yes.
 6 MS. KAHUHU: Chair Stone.
 7 CHAIR STONE: Yes.
 8 MS. KAHUHU: Nine to one, motion passes.
 9 CHAIR STONE: Very good. Thank you very much.
 10 Moving on to Proposal Five.
 11 Let me just check with Tonya. How are your
 12 fingers doing? Okay, good, we'll go through.
 13 Proposal Five, publication of Charter
 14 Amendments. The Council recommended that we delete
 15 Proposal Five. Do I have a motion to -- to reject or
 16 accept that recommendation.
 17 Go ahead, Susan.
 18 COMMISSIONER MOIKEHA: You know, this is
 19 another one I didn't support when it first came as our
 20 Final Report. And after hearing the discussions and
 21 commitment by the Clerk to publish this after this next
 22 election, plus Councilmember Couch's resolution, I
 23 believe this is going to be handled. And looks like
 24 it's on its way. I would like to accept their motion to
 25 delete Proposal Number Five.

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1 COMMISSIONER SUGIMURA: Second.
 2 COMMISSIONER MOIKEHA: It's a motion.
 3 CHAIR STONE: Very good. Motion's put forward
 4 to accept the Council's recommendation to delete this
 5 proposal, and seconded by Yuki. Discussion? Go ahead,
 6 Dave.
 7 COMMISSIONER DELEON: The Clerk said he'll
 8 publish this Charter, this time. He didn't say he's
 9 going to publish every subsequent time. Very clearly,
 10 he said the 2012 Charter. And it needs -- and he told
 11 us in this room -- and it was not on the record because
 12 it was during the lunch break, unfortunately, it was not
 13 in the minutes -- that he had no intention to do it
 14 every time there's an individual or a few -- few items
 15 changing because there's a cost item involved, and for
 16 whatever reasons the Clerk has. So, no, I don't think
 17 this is resolved. And -- and if -- and I just don't
 18 want to give Mr. Smith a heart attack.
 19 CHAIR STONE: Thank you. Susan, go ahead.
 20 COMMISSIONER MOIKEHA: While we do have his
 21 statement on public record that he would publish 2012, I
 22 hope that he would follow through that in years to come.
 23 There is an ordinance change here that has been proposed
 24 by Councilman Couch. And he definitely says here to
 25 compile, publish and distribute the Maui County Charter

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1 in its entirety following any special or general
 2 election on any proposed Charter or amendment thereto
 3 including all amendments adopted. I mean, this looks
 4 like this is going to be done. And that satisfies me
 5 that it will be.
 6 CHAIR STONE: Okay. Thank you. Kay, go
 7 ahead.
 8 COMMISSIONER OKAMOTO: It's a proposed
 9 ordinance, right?
 10 COMMISSIONER DELEON: Right.
 11 COMMISSIONER OKAMOTO: Doesn't mean it has or
 12 will pass.
 13 CHAIR STONE: Thank you, Kay. Go ahead, Yuki.
 14 COMMISSIONER SUGIMURA: I support this, in
 15 what Susan was saying. Because I think we've made our
 16 point, and I think they've heard us. And I believe
 17 there's action that's going to be taken.
 18 CHAIR STONE: Thank you, Yuki. Any further
 19 discussion? Okay. Oh, go ahead, Flo.
 20 COMMISSIONER WIGER: Just following up on
 21 Kay's, that it's being proposed. So what's the process
 22 now with the ordinance? Is there a timeline in which it
 23 has to come before the Council or can it just sort of
 24 sit out there floating about?
 25 CHAIR STONE: Well, Flo, if we decide to

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1 believe that the ordinance will pass, and we let this
 2 go, there's a chance it doesn't pass. So regardless of
 3 the timeline, the ordinance doesn't necessarily mean
 4 that -- the proposed ordinance doesn't necessarily mean
 5 that it's going to pass.
 6 COMMISSIONER WIGER: Right. Right. I
 7 understand.
 8 CHAIR STONE: As well as a Proposed Charter
 9 Amendment doesn't necessarily mean it's going to pass.
 10 COMMISSIONER WIGER: I understand that.
 11 CHAIR STONE: Ed, time, what is the standard
 12 timeline on a proposal such as this? Deferring to Dave.
 13 Go ahead, Dave.
 14 COMMISSIONER DELEON: It's up to the Chair of
 15 the Committee. I believe this will be Policy Committee.
 16 This is the same Chair that we're dealing with here.
 17 So, essentially, it's whenever the Chair chooses to post
 18 it. Then they have the standard posting time. There
 19 were about three Council Members, I believe, that spoke
 20 very -- Mr. Couch, Mrs. Baisa, I think there was one
 21 other that spoke very clearly, adamantly that, yeah,
 22 this was the thing to do.
 23 CHAIR STONE: Okay.
 24 COMMISSIONER DELEON: That's not a majority.
 25 CHAIR STONE: That's true. Thank you, Dave.

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1 Further discussion?
 2 (No Response.)
 3 CHAIR STONE: Okay. Going to go to vote on
 4 this motion to accept the Council recommendation to
 5 delete. So a "yes" on this means we are removing
 6 Proposal Five. A "no" means we are not accepting
 7 Council's proposal, the proposal will stand. Okay?
 8 Lisa, roll call, please.
 9 MS. KAHUHU: Member Wiger.
 10 COMMISSIONER WIGER: No.
 11 MS. KAHUHU: Member Sugimura.
 12 COMMISSIONER SUGIMURA: Yes.
 13 MS. KAHUHU: Member Okamoto.
 14 COMMISSIONER OKAMOTO: No.
 15 MS. KAHUHU: Member Moikeha.
 16 COMMISSIONER MOIKEHA: Yes.
 17 MS. KAHUHU: Member Hashimoto.
 18 COMMISSIONER HASHIMOTO: Yes.
 19 MS. KAHUHU: Member Hedani.
 20 VICE-CHAIR HEDANI: No.
 21 MS. KAHUHU: Member DeLeon.
 22 COMMISSIONER DELEON: No.
 23 MS. KAHUHU: Member De Rego.
 24 COMMISSIONER DE REGO: No.
 25 MS. KAHUHU: Member Crivello.

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<p>1 COMMISSIONER CRIVELLO: No. 2 MS. KAHUHU: Member Baxa, excused. 3 Chair Stone. 4 CHAIR STONE: No. 5 MS. KAHUHU: Seven to three, motion fails. 6 CHAIR STONE: Okay. Motion fails to accept 7 the Council proposal to delete this proposal. 8 Just to check, Ed, do we need to have a motion 9 to reject, or will that suffice? I believe we need a 10 motion to reject, just to keep it legit. 11 MR. KUSHI: Yeah. For the record, why don't 12 you? 13 CHAIR STONE: Go ahead, Dave. 14 COMMISSIONER DELEON: So moved. 15 CHAIR STONE: Okay. There's been a motion put 16 forward by Dave to reject the Council's proposal to 17 delete Proposal Five. 18 COMMISSIONER DE REGO: Second. 19 CHAIR STONE: Seconded by Frank. Thank you. 20 Discussion? Probably not. 21 (No Response.) 22 CHAIR STONE: Okay. Let's take that motion to 23 vote via roll call. If you vote "yes," we are keeping 24 Proposal Five and rejecting Council's proposal. 25 MS. KAHUHU: Member Baxa, excused.</p>	<p>1 Proposal Five stays on our -- on our Final Report. 2 Okay. I am going to take a break before we 3 move on to Proposal Six. We will have a recess until 4 1:45. Thank you. 5 (Recess, 1:37 p.m. to 1:53 p.m.) 6 CHAIR STONE: I would like to call this 7 meeting back to order as of 1:50 p.m. And we're now on 8 Proposal Six, Defense and Indemnification of Board 9 Members. The Council had recommended to delete Proposal 10 Six. Discussion or motion? Motion, go ahead, Susan. 11 We have the Frank De Rego proposal, and I will call this 12 the Susan Moikeha proposal. 13 COMMISSIONER DE REGO: Stop doing that. 14 You're going to upset certain people in the building. 15 (Laughter.) 16 CHAIR STONE: Okay. Go ahead, Susan. 17 COMMISSIONER MOIKEHA: You know, I listened 18 carefully to the discussion when this came before the 19 Council. It was one of the reasons that prompted me to 20 go down there and testify on the last day, amongst the 21 other two reasons of things that I supported as a 22 individual in the community as proposals. My feeling 23 about this is that, in and of itself, it's not easily 24 understood. And I -- and it's unfortunate that we 25 couldn't make it more simpler terms, as suggested by</p>
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<p>1 Member Crivello. 2 COMMISSIONER CRIVELLO: Yes. 3 MS. KAHUHU: Member DeLeon. 4 COMMISSIONER DELEON: Yes. 5 MS. KAHUHU: Member De Rego. 6 COMMISSIONER DE REGO: Yes. 7 MS. KAHUHU: Member Hashimoto. 8 COMMISSIONER HASHIMOTO: Yes. 9 MS. KAHUHU: Member Hedani. 10 VICE-CHAIR HEDANI: Yes. 11 MS. KAHUHU: Member Moikeha. 12 COMMISSIONER MOIKEHA: No. 13 MS. KAHUHU: Member Okamoto. 14 COMMISSIONER OKAMOTO: Yes. 15 MS. KAHUHU: Member Sugimura. 16 COMMISSIONER SUGIMURA: No. 17 MS. KAHUHU: Member Wiger. 18 COMMISSIONER WIGER: Yes. 19 MS. KAHUHU: Chair Stone. 20 CHAIR STONE: Yes. 21 MS. KAHUHU: Eight to two. 22 CHAIR STONE: Very good. 23 MS. KAHUHU: Motion passes. 24 CHAIR STONE: Motion passes to reject the 25 Council recommendation to delete Proposal Five.</p>	<p>1 Dave in his proposal, but that's not an option. Having 2 thought even more about this one, it requires a lot of 3 explanation. And I think what prompted it to keep 4 moving forward was my personal experience. Anytime you 5 have any kind of personal experience it makes it real. 6 And it's something real that can happen and has happened 7 in this County. And everything that does transpire here 8 in government with people doesn't always get that 9 limelight, so to speak, or attention. 10 At this point in time, I am -- I am taking a 11 bigger picture look at this. And I am stepping back and 12 saying I would propose a motion to delete this one. One 13 of the things that came across in the discussion with 14 Council, like I said, was they thought it was changing 15 the process. 16 COMMISSIONER DELEON: Mr. Chair, we need a 17 second. 18 COMMISSIONER SUGIMURA: I'll second it. 19 CHAIR STONE: Sorry. Go ahead. 20 COMMISSIONER MOIKEHA: One of the things that 21 came across in discussion is we're under the impression, 22 from the things I was hearing with the Corp -- Council 23 Members was they thought it'd it would change the 24 process. And that wasn't true. And there was nobody 25 there to explain that.</p>

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1 It was never intended, nor do I think, as it's
 2 stated now, changes the process of things having to go
 3 through the Council for approval. What it was intended
 4 to do for me was to bring to the foreground that, when
 5 you are volunteer, basically, the Council -- the County
 6 Council Members that make these decisions of
 7 indemnification should do the right thing without bias
 8 or subjective opinions.

9 I went back and I looked at 100 pages of
 10 discussion on indemnification. 100 pages of back and
 11 forth. That's terrible. Because what I remembered and
 12 recalled from reading that was there were questions
 13 about did we do the right thing or, you know -- you
 14 know, it was a Special Use Permit that they were denied
 15 on. And the basis of their -- their lawsuit, having,
 16 also, this new federal law that came into place. And
 17 we, by counsel being told, disregard the federal law,
 18 judge this according to our special use criteria. And
 19 that -- that was the whole thing.

20 And when I read such things as Members of the
 21 Council saying, well, we better indemnify them or we'll
 22 have nine people suing us. Simply, did we follow the
 23 law of our jurisdiction? Yes. Simply, did we follow
 24 Corp Counsel? Yes. End of story. We should have been
 25 indemnified. And there shouldn't have been 100 pages of

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1 testimony and information and questions being asked by
 2 Council Members. Tell us about your church, what do you
 3 do as a (inaudible) ministry or, you know, all of this
 4 stuff. You got to read this.

5 You know, so they didn't do -- they did
 6 indemnify us, but it was the whole process, once again,
 7 of not understanding what their role was in accordance
 8 to what is the law, in accordance, which was under their
 9 sole jurisdiction. Answer the two questions, yes, they
 10 were doing the right thing, yes, they followed counsel,
 11 end of story. But it didn't happen that way.

12 I think this is something that would require
 13 too much explanation. I don't think people would
 14 understand it. I think there would be a lot of
 15 misunderstanding of what the intent was, as it was with
 16 the Council -- you know, they know what's going on
 17 here -- that it's not appropriate to be placed as a
 18 proposal in the Charter.

19 I will just conclude and say I don't think --
 20 I believe it's just as important as to what I read on
 21 some of these things in Section 13-2, Boards and
 22 Commissions. I think it's more important than stating
 23 not more than a bare majority of the members of any
 24 board or commission shall belong to the same political
 25 party. That's in the Charter. I think it's more

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1 important than saying, Number 13, the members of the
 2 boards and commissions shall receive no compensation
 3 that shall be entitled to be paid for necessary expenses
 4 incurred by them in the performance of the duties. Do I
 5 think it's important? Yeah, I do. But do I think that
 6 this is a place where it needs to be? No.

7 So in the event I am in that position again,
 8 and I don't get indemnification, I will be suing the
 9 County, you know. And so this -- you know, they're
 10 supposed to do what's right. You're going to say this
 11 is the law, then do it. And judge it objectively.
 12 Because that was what they were charged as a legislative
 13 body to do. Stop trying to interpret and guess whether
 14 or not we did the right thing and under our purview.
 15 That wasn't what it was about.

16 And so, you know, that's just my thoughts on
 17 this. What this body chooses to do in regards to that
 18 motion is up to you. But I think at this point it's
 19 appropriate to take it off.

20 CHAIR STONE: Okay. Thank you very much,
 21 Susan.

22 Go ahead, Frank.

23 COMMISSIONER DE REGO: I understand
 24 Commissioner Moikeha's reluctance to put something that
 25 might not be adequately understood on the ballot, but

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1 there's a couple of -- based on her experience, there's
 2 a couple of phrases here that caught my eye in regards
 3 -- also in regards to the discussion whether or not this
 4 would encourage plaintiffs interested in suing the
 5 County to cast a broader net. You don't need much for
 6 plaintiffs to cast a wider net in a lawsuit. It's
 7 almost a nonargument, as far as I am concerned, in
 8 regards to that issue, you know. If somebody's going to
 9 sue somebody, they're going to sue everybody and their
 10 uncle. The broader net is usually assumed at a
 11 particular point.

12 The other one, which I found interesting, is
 13 that your committee observed that the existing process
 14 works. But we have example -- a very good example where
 15 it didn't work, you know, where the two questions that
 16 were supposed to be asked and answered weren't. And
 17 that -- that Commissioners were actually wondering
 18 whether or not they were going to be indemnified in some
 19 way, shape or form, because of the discussion, you know.

20 So I would -- I know this is a complicated
 21 issue. It would be interested -- I would be interested
 22 -- this is one of these things that was brought up
 23 before about the other issue, you know, about the
 24 ordinance, you know. We never know with where these
 25 things are going, right? We might have an ordinance.

<p style="text-align: right;">Page 129</p> <p>1 We may trust the particular Council Member who brings it 2 up, but we're not quite sure what the group is going to 3 do with it once they get their hands on it. 4 It's not casting aspersions on any particular 5 member of the group; it's just what happens when they 6 get together and there's a certain dynamic that goes on 7 in terms of what people think should be done or not be 8 done. That's the political process. 9 The reason why we're here is to make sure, if 10 we see certain things that need to be done, then we put 11 it in the Charter and create a foundation or a floor. 12 In regards to this one, I'm -- I would go with 13 Commissioner Moikeha, but there's something in me that 14 says that this needs to be pursued in some way, shape or 15 form on a policy level. And I would love to see what's 16 said here, that reserve policy considerations of the 17 defense and indemnification of board members for future 18 discussion, if needed. See, there's the -- there's the 19 caveat, right? If needed. 20 You know, it would be interesting to see if 21 this thing got brought up again by someone. I mean, 22 even a citizen working on a board, to see if the -- the 23 Policy Committee or -- and the Council would even bring 24 this up again or discuss it. 25 So that's -- you know, it's one of those</p>	<p style="text-align: right;">Page 131</p> <p>1 (No Response.) 2 CHAIR STONE: Okay. Let's -- thank you. 3 Motion -- we're going to take a vote on the motion to 4 accept the Council's recommendation to delete Proposal 5 Six from our report. So a "yes" vote would remove 6 Proposal Six. All right? Go ahead, Lisa. 7 MS. KAHUHU: Member Wiger. 8 COMMISSIONER WIGER: No. 9 MS. KAHUHU: Member Sugimura. 10 COMMISSIONER SUGIMURA: Yes. 11 MS. KAHUHU: Member Okamoto. 12 COMMISSIONER OKAMOTO: No. 13 MS. KAHUHU: Member Moikeha. 14 COMMISSIONER MOIKEHA: Yes. 15 MS. KAHUHU: Member Hashimoto. 16 COMMISSIONER HASHIMOTO: Yes. 17 MS. KAHUHU: Member Hedani. 18 VICE-CHAIR HEDANI: Yes. 19 MS. KAHUHU: Member DeLeon. 20 COMMISSIONER DELEON: Yes. 21 MS. KAHUHU: Member De Rego. 22 COMMISSIONER DE REGO: Yes. 23 MS. KAHUHU: Member Crivello. 24 COMMISSIONER CRIVELLO: No. 25 MS. KAHUHU: Member Baxa, excused.</p>
<p style="text-align: right;">Page 130</p> <p>1 things -- I am going to support the motion, but, at the 2 same time, I have some -- I have some questions, you 3 know, of whether or not it's just one of these promises 4 that they say, yeah, we're going to bring it up and 5 discuss it, but the issue never comes about. It's 6 almost like -- 7 CHAIR STONE: Thank you, Frank. 8 COMMISSIONER DE REGO: I was going to make a 9 smart remark, but -- 10 CHAIR STONE: Please, Frank, it is the 11 afternoon hour, we could always use a good one. 12 Okay. Any further discussion? Go ahead, Kay. 13 COMMISSIONER OKAMOTO: Well, I noticed, at the 14 public meetings, almost everyone who even mentioned 15 this, it was like, well, of course we should be doing 16 it. I know that, supposedly, it's being done; however, 17 I think, if it went on the ballot, it would pass because 18 people are going, I served on a committee, I want to be 19 sure that I am indemnified. Even though, you know, the 20 explanations and the discussions are more at a higher -- 21 esoteric? Well, everyone who even brought this up at 22 any of our public meetings were like, well, of course we 23 should be doing that. So that's -- 24 CHAIR STONE: Thank you, Kay. Further 25 discussion?</p>	<p style="text-align: right;">Page 132</p> <p>1 Chair Stone. 2 CHAIR STONE: No. 3 MS. KAHUHU: Six "yes," four "no," motion 4 passes. 5 CHAIR STONE: Okay. So this proposal, we will 6 be accepting the Council's recommendation to remove this 7 Proposal Six from our report. 8 Moving on to Proposal Seven. The Council 9 recommended accepting this proposal. Wow. 10 COMMISSIONER OKAMOTO: I move we accept the 11 recommendation. 12 CHAIR STONE: I don't think we need to do any 13 action unless somebody wants to completely remove this 14 proposal. Cliff? Wayne? No. 15 (No Response.) 16 CHAIR STONE: Okay. Moving on. Proposal 17 Eight, Residency Requirements for the Mayor. And they 18 recommended -- the Council recommended to delete this 19 proposal. Hmm, interesting. 20 COMMISSIONER DELEON: Mr. Chair? 21 CHAIR STONE: Yes. 22 COMMISSIONER DELEON: I watched the 23 conversation. And, basically, what they were saying is 24 this is so short a timeframe, it's meaningless. So it's 25 such a short timeframe for Mayor that it's meaningless.</p>

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1 The functionality of the County won't elect anybody that
 2 hasn't lived here for a long time. Unless if it's a
 3 special case, sort of like Lingle Lingle decides to move
 4 back here and run for Mayor as opposed to U.S. Senate,
 5 then she would be that kind of personality and that kind
 6 of previous connection with the community that would be
 7 able to -- they didn't say anything about Linda Lingle.
 8 I am just doing a suppose. But -- but that they felt
 9 that the -- the one year was not significant.
 10 I am not going to make a motion, but I,
 11 actually, share that opinion. I thought it should have
 12 been at least three years.
 13 CHAIR STONE: That's -- going further with
 14 that, if somebody really famous, for example, moved here
 15 and then ran for Mayor, I am sure they would garner
 16 enough support.
 17 COMMISSIONER DELEON: George Clooney.
 18 CHAIR STONE: Clint Eastwood for Mayor.
 19 COMMISSIONER DELEON: He lives here.
 20 CHAIR STONE: Okay. I do have a motion on
 21 this.
 22 COMMISSIONER SUGIMURA: So the motion would be
 23 to what?
 24 CHAIR STONE: I would either have a -- I need
 25 a motion to either accept or reject the Council's

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1 proposal to delete Proposal Eight.
 2 COMMISSIONER SUGIMURA: I move to accept the
 3 Council's proposal because it makes sense. You want
 4 somebody that's lived in your community, loves your
 5 community, understands it. And one year is way too
 6 short.
 7 CHAIR STONE: But the present requirement is
 8 90 days.
 9 COMMISSIONER SUGIMURA: Oh.
 10 CHAIR STONE: So --
 11 COMMISSIONER SUGIMURA: Doesn't matter.
 12 CHAIR STONE: Just to be clear, our proposal
 13 is to go from 90 days to one year.
 14 COMMISSIONER SUGIMURA: That's right. That's
 15 right. So it doesn't matter, right?
 16 CHAIR STONE: Okay. So either Council saying
 17 -- I guess what they're saying is what's the difference
 18 between 90 days and one year.
 19 COMMISSIONER DELEON: Yeah.
 20 CHAIR STONE: Well, there's a lot of days in
 21 between 90 and -- I mean, the math. So the motion is to
 22 -- do you want to keep the proposal or not? Do you want
 23 to keep our proposal or accept the Council's
 24 recommendation to delete.
 25 COMMISSIONER SUGIMURA: To delete.

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1 CHAIR STONE: To delete, okay. So the motion
 2 is to accept the Council's recommendation to delete.
 3 VICE-CHAIR HEDANI: Second.
 4 CHAIR STONE: Okay, seconded by Wayne. Thank
 5 you. All right. Any discussion on that? Please, go
 6 ahead, Stacy.
 7 COMMISSIONER CRIVELLO: I can understand we
 8 take into consideration the recommendation from Council.
 9 From proposals that we are discussing, you know, when I
 10 think back on what we went through, each proposal, we --
 11 we had complete consensus and -- but for it to get
 12 here -- to get there to the Council, we had the
 13 majority. So to me, when we send our Final Report to
 14 the Council, we're saying we got it together. Okay.
 15 Today, we're saying, you know what, you guys got it
 16 together, we really kinda not sure.
 17 So I cannot support the intent to delete
 18 because I see 90 days to one year significant. So I am
 19 just saying that I cannot support to delete this
 20 proposal as well as, basically, all of the proposals
 21 that we've worked so hard to put before us.
 22 CHAIR STONE: Okay. Thank you, Stacy. Any
 23 further discussion or shall I call -- Frank.
 24 COMMISSIONER DE REGO: Yeah. I think it's
 25 interesting they accepted one year for themselves and

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1 added three years for the Mayor. That's a whole 'nother
 2 story.
 3 I agree with Stacy. I think it's a, if
 4 nothing else, significant increase in what the present
 5 requirement is. It also make terms for the Council and
 6 the Mayor consistent in terms of residency requirement.
 7 CHAIR STONE: Okay. Thank you. Without
 8 further discussion, I call this to vote. There is a
 9 motion to accept the Council's recommendation to delete
 10 Proposal Eight, which means that if you vote "yes,"
 11 Proposal Eight will come off of our report, "no" means
 12 Proposal Eight stays. Okay. Lisa, roll call.
 13 MS. KAHUHU: Member Baxa, excused.
 14 Member Crivello.
 15 COMMISSIONER CRIVELLO: No.
 16 MS. KAHUHU: Member DeLeon.
 17 COMMISSIONER DELEON: No.
 18 MS. KAHUHU: Member De Rego.
 19 COMMISSIONER DE REGO: No.
 20 MS. KAHUHU: Member Hashimoto.
 21 COMMISSIONER HASHIMOTO: No.
 22 MS. KAHUHU: Member Hedani.
 23 VICE-CHAIR HEDANI: Yes.
 24 MS. KAHUHU: Member Moikeha.
 25 COMMISSIONER MOIKEHA: No.

<p style="text-align: right;">Page 137</p> <p>1 MS. KAHUHU: Member Okamoto. 2 COMMISSIONER OKAMOTO: No. 3 MS. KAHUHU: Member Sugimura. 4 COMMISSIONER SUGIMURA: Yes. 5 MS. KAHUHU: Member Wiger. 6 COMMISSIONER WIGER: No. 7 MS. KAHUHU: Chair Stone. 8 CHAIR STONE: No. 9 MS. KAHUHU: Eight "no," two "yes." Motion 10 fails. 11 CHAIR STONE: Motion fails. So Proposal Eight 12 remains in our report. 13 Moving on to Proposal Nine, the issue of 14 sustainability being added to the Department of 15 Environmental Management. 16 COMMISSIONER DE REGO: Excuse me, Mr. Chair. 17 CHAIR STONE: Yes. 18 COMMISSIONER DE REGO: No. I'm sorry. I am 19 coughing in the mic. 20 CHAIR STONE: Ricola, Frank? 21 COMMISSIONER SUGIMURA: Water. 22 CHAIR STONE: I make a motion for Frank to go 23 get some water. 24 COMMISSIONER SUGIMURA: I second. 25 CHAIR STONE: Seconded and approved.</p>	<p style="text-align: right;">Page 139</p> <p>1 it means, you know, as far as sustainability, the 2 definition. And then, also, should it also be 3 distributed through all departments, that kind of thing. 4 That's what I recall. If Dave has more -- 5 CHAIR STONE: Thank you, Susan. Go ahead, 6 Dave. 7 COMMISSIONER DELEON: Yeah. There was also 8 discussion about whether there needed to be a Charter 9 Amendment changing the name of the department to the 10 Department of Waste Management and away from 11 Environmental Management. We had this argument when the 12 department was actually split off from Public Works. 13 And that was one of the proposed names. And Charmaine 14 Tavares was pushing for Waste Management. As a 15 functional thing, that says two things, so it's just 16 waste management. The Arakawa Administration, in the 17 last term, argued for environmental protection -- 18 Environmental Management explicitly for this purpose, 19 explicitly to be able to expand it out to be able to 20 handle a broader environmental base than what we're 21 doing right now. That was the thought process behind 22 the name. That's why the name is like that. 23 The reason why the Council was discussing this 24 in the last -- in this particular meeting was because 25 the department director said he gets calls all the time</p>
<p style="text-align: right;">Page 138</p> <p>1 So the Council recommended to delete Proposal 2 Nine. Discussion or motion? Flo. 3 COMMISSIONER WIGER: Question. 4 CHAIR STONE: Yes. 5 COMMISSIONER WIGER: Was there anyone who was 6 present when this was being discussed, that they might 7 give us some indication as to the logic of the Council? 8 COMMISSIONER DELEON: Chair? Go ahead. 9 CHAIR STONE: Susan, go ahead. 10 COMMISSIONER MOIKEHA: I wasn't present, but I 11 watched it. And they did have the department head there 12 regarding this. And he had said that he -- he didn't 13 support it, or was concerned over -- 14 COMMISSIONER DELEON: Concerned. 15 COMMISSIONER MOIKEHA: He was concerned over 16 the accountability, responsibility to be added to his 17 duties, et cetera, et cetera. 18 He was also asked whether or not he had come 19 to us to share that testimony. And he said, no, he had 20 told the Mayor. 21 There wasn't anybody there from the Mayor's 22 Office, other than Mr. Molina. But there wasn't anybody 23 there proposing or fighting for it, or anything like 24 that, so -- or advocating for it. 25 I think there was discussion, too, about what</p>	<p style="text-align: right;">Page 140</p> <p>1 where people are looking for someplace to go with 2 environmental issues. His name -- the department's name 3 is Environmental Management. Therefore, he gets the 4 calls. Well, I think it's appropriate he gets the calls 5 and I think it's appropriate he has the division to do 6 that. I mean, so -- I mean -- so that's what the point 7 of the exercise is, there's a -- there's a crying need 8 in our community for this kind of service. 9 COMMISSIONER WIGER: Duh. 10 COMMISSIONER DELEON: And it is a matter of 11 self-protection. We can't get on the Federal Government 12 to do this. We cannot count on the State to do this. 13 We need to be able to self-protect; otherwise, we're 14 going to have coqui frogs coming out of our ears just 15 like the Big Island does. 16 Sustainability is the problem here. And I 17 notice the way the Council -- this is kind of really 18 subtle, but if you look at the way it's discussed in the 19 Council's Policy Committee report, it's only speaks to 20 sustainability. Because it's so fuzzy, it is so 21 nebulous and it can mean almost anything. And it can be 22 so broad that, you know, anything can be sustainability. 23 I mean -- so, I mean, I -- I think the Environmental 24 Protection aspect of this, if you listened to the Mayor 25 carefully, he was talking about axis deer, he was</p>

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1 talking about bugs coming in and killing our plants, he
 2 was talking about a variety of environmental issues. He
 3 wasn't talking necessarily about making sure we have the
 4 food crop for -- you know, to feed our whole island in
 5 case the boats quit coming.
 6 So I still am very much supportive of the
 7 proposal. This was the original intent of the way that
 8 department was set up, that's why it's got two wings.
 9 Departments usually have three. It's not unusual for it
 10 to have a third wing. And that director is just going
 11 to have to work a little harder.
 12 CHAIR STONE: Thank you, Dave. Are you
 13 putting a motion forward?
 14 COMMISSIONER DELEON: I'll move to approve --
 15 I'll move to -- to maintain our proposal and reject the
 16 Council's proposal.
 17 CHAIR STONE: Thank you. Motion to put
 18 forward to -- to --
 19 COMMISSIONER WIGER: Second.
 20 CHAIR STONE: -- reject the Council's proposal
 21 to delete Proposal Nine. And it's been seconded by Flo.
 22 Thank you very much. Go ahead, Wayne. Discussion.
 23 VICE-CHAIR HEDANI: Dave, you're supposed to
 24 have a second before you discuss that.
 25 (Laughter.)

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1 COMMISSIONER DELEON: No, no. I made my
 2 argument before. And if I make the motion without a
 3 second, yeah.
 4 COMMISSIONER WIGER: There you go.
 5 CHAIR STONE: Okay. Wayne, it might work that
 6 way with your commissions, but, in my Commission, we
 7 talk first.
 8 (Laughter.)
 9 COMMISSIONER DE REGO: How did I know you were
 10 going to say that? I just knew it.
 11 CHAIR STONE: That's classic. So, anyways, I
 12 want to point out our proposal, the added language says,
 13 guide efforts to optimize opportunities for
 14 environmental, natural resource protection,
 15 sustainability, conservation and restoration. So it's
 16 much larger than just the sustainability. I mean, it's
 17 -- remember, we're adding that function to mandate it,
 18 basically, so that it gets done. So the resources are
 19 put there. That was our intent, I believe.
 20 Frank.
 21 COMMISSIONER DE REGO: I am agreeing with
 22 Dave, but the concern is the discussion that went on
 23 about this. Right? That the department director
 24 actually goes in and already had said that he had
 25 cautioned the Mayor about adding this responsibility.

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1 That raises a red flag for me in terms of, you know, you
 2 know, we had one section of the Administration proposing
 3 this, we had Rob Parsons here, and saying that -- my
 4 assumption based on that was that everybody was on
 5 board. Right? And now to get out of this discussion,
 6 right, that went on in the Council, to find out that
 7 that was not the case, you know, is concerning, to say
 8 the least.
 9 I still think it's a good idea. I think at
 10 some point we pass this, then he's either got to get his
 11 director on board or find a director who will be on
 12 board. But I think the intent of this, we worked on
 13 this and we tried to narrow it down to a point where it
 14 wouldn't be overwhelming, you know. And that it would
 15 begin the efforts which are already happening. Right?
 16 So I am going to support keeping this.
 17 Pardon?
 18 CHAIR STONE: Thank you, Frank. Corporation
 19 Counsel's recommended that we go into executive session
 20 because there is some pending litigation on this
 21 particular --
 22 MR. KUSHI: To state my concern, I would like
 23 to speak to you guys in executive session, because this
 24 Charter Amendment may affect some pending and potential
 25 litigation issues regarding environmental concerns.

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1 CHAIR STONE: Okay. Very good. Do I need a
 2 motion?
 3 MR. KUSHI: Yes. You need a motion, you need
 4 two-thirds.
 5 COMMISSIONER DE REGO: I move that we go into
 6 executive session.
 7 COMMISSIONER SUGIMURA: Second.
 8 CHAIR STONE: Motion put forward by Frank,
 9 seconded by Yuki. All in favor of going into executive
 10 session, please raise your hand and say "aye."
 11 (Response.)
 12 CHAIR STONE: All opposed, raise your hand and
 13 say "nay." Okay. Good. So we will now clear the room.
 14 (Recess to Executive Session, 2:20 p.m. to
 15 2:33 p.m.)
 16 CHAIR STONE: Welcome back, everybody, from
 17 our executive session. Our normal session is back in
 18 order. There's a motion on the floor. And the motion
 19 was to reject the Council's recommendation to delete
 20 Proposal Nine. And it had been seconded by Flo. Okay.
 21 Go ahead, Kay.
 22 COMMISSIONER OKAMOTO: I am going to vote
 23 against rejecting it. I feel like that this proposal
 24 has always been a little -- you know, we weren't sure
 25 where to put it, we've had lots of discussions. And I

<p style="text-align: right;">Page 145</p> <p>1 am kind of with Stacy that, you know, we should stick 2 with what we decided. But I think that this is just -- 3 there's so many not -- not being clear on where this 4 should be, what exactly it should be, I think maybe it's 5 a little too much muddying the waters to be in the 6 Charter. We would hope that the Mayor could go ahead 7 and proceed with whatever's the best way to get it 8 happening. But I am not sure that it belongs in the 9 Charter, so I will be voting against. 10 CHAIR STONE: The motion? 11 COMMISSIONER OKAMOTO: Yeah. Okay. 12 CHAIR STONE: Thank you very much, Kay. 13 Go ahead, Yuki. 14 COMMISSIONER SUGIMURA: So I am with Kay. I 15 still remember going to Molokai and hearing that 16 employee come before us and testify. 17 COMMISSIONER DELEON: Stacy's son. 18 COMMISSIONER SUGIMURA: I didn't want to say 19 that. But he was very honest, you know. And if you 20 have a person who is actually working in the trenches, 21 basically, and who can actually say what they feel -- I 22 mean, that took a lot, I think. And I still remember 23 that very loud and clear. And then to hear this other 24 piece of information before we went into executive 25 session, I think that's all kind of just maybe we better</p>	<p style="text-align: right;">Page 147</p> <p>1 According to powers and duties and functions of the 2 Mayor's Office, he can assign powers, duties and 3 functions that are already assigned (inaudible) to and 4 between the departments. If the Mayor -- if this did 5 not become a Charter Amendment -- this is for Ed -- 6 could the Mayor take this exact statement and add it to 7 the powers and duties and functions without a Charter 8 proposal? 9 MR. KUSHI: What section was that again? 10 COMMISSIONER MOIKEHA: His duties and powers 11 are listed under Section 7-5 on Page 12 of the Charter, 12 Number 10. It says he can assign or enumerate other 13 functions and duties. 14 MR. KUSHI: Yes. That's a yes. Council asked 15 us, or my office, the same question. And we replied 16 yes. However, again, the position counts, EP counts 17 need to be confirmed and funded by the Council. 18 COMMISSIONER MOIKEHA: Well, it would have to 19 be funded by the Council, anyways, whether it's a 20 Charter Amendment or not. Right? 21 MR. KUSHI: Right. So, again, you know, it 22 will apply like -- an example would be Ocean Rescue. 23 That term ocean rescue is not assigned to either Parks 24 or Fire at this point. I think that's what the Mayor is 25 doing.</p>
<p style="text-align: right;">Page 146</p> <p>1 rethink this. And maybe a time will come later where it 2 will fit better. More thought for -- 3 CHAIR STONE: Thank you. Any further 4 discussion? Go ahead, Dave. 5 COMMISSIONER DELEON: Time has come now. 6 We've been doing it for over 10 years. It's been 7 growing. And we need to have someplace in the 8 bureaucracy where it's actually formalized and people do 9 this work. The gentleman on Molokai would not be asked 10 to do this work. He has a different assignment. That 11 will be in one of the other divisions. So it won't be 12 on him. And when he articulated it, it sounded like it 13 was going to be put on him. 14 I think this is about a new division with 15 people who are specialized in this kind of work and then 16 the Department of Environmental Management is very 17 appropriate for this -- this function. And I was not 18 moved by what we heard in executive session whatsoever 19 about that. I believe this is a very appropriate and I 20 want to move forward on it. 21 CHAIR STONE: Thank you. Further discussion? 22 Go ahead. Sorry, Wayne. You had your hand up. Go 23 ahead, Susan. And may I note that your microphone is 24 actually pointing towards Flo? 25 COMMISSIONER MOIKEHA: Clarification.</p>	<p style="text-align: right;">Page 148</p> <p>1 COMMISSIONER MOIKEHA: Okay. 2 CHAIR STONE: Thank you. And, Susan, I think 3 -- as I recall -- and I think one of the reasons that we 4 opted to move forward with this proposal was to give it 5 teeth. Remember, you know, what it boils down to is 6 political will to get something done. And we hear all 7 the time that, yeah, we can do it via ordinance, et 8 cetera, but look how long they've talked about doing 9 certain things via ordinance and it just doesn't happen. 10 Putting it in the Charter helps to mandate that it will 11 get done and gives it some political will. 12 COMMISSIONER MOIKEHA: And my comments are 13 that I struggled with this one, too. I was not 14 initially supportive of it because I, too, felt that 15 sustaining -- sustainability is such a broad, 16 encompassing subject matter that -- and that, for me, it 17 needed to be addressed in every department. And I was 18 not comfortable, either, that it should be thrown into 19 here. 20 Now, what I didn't know at the time when I 21 supported this is what the comments of the current 22 department head had said to Council when this was being 23 reviewed. And when he was asked, did you share that 24 with the Charter Commission, he said, no, I shared it 25 with the Administration. Never did the Administration</p>

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1 or anybody else bring that to light. So that's
 2 concerning to me that he, too, along with public
 3 testimony, felt it was not an appropriate place to put
 4 this. We did work through the language, we did narrow
 5 it down to where my understanding now deals with direct
 6 environmental issues and management. So I am still like
 7 on the fence about this.

8 CHAIR STONE: Now, I just wanted to make a
 9 comment to that. The director had every opportunity to
 10 send us written testimony or come in person and give
 11 public testimony as to his feelings on this. And as I
 12 recall, the Mayor came multiple times to give testimony
 13 on this. And I believe that testimony was public. So
 14 that department head must have known that the Mayor and
 15 other executive assistants were very much in favor of
 16 this, he had a chance to be here. I don't know why he
 17 chose the County Council venue instead of coming
 18 directly to the Charter Commission, who's in charge of
 19 putting the proposals down in the first place.

20 So I don't give that a lot of credit because
 21 he had his chance.

22 COMMISSIONER MOIKEHA: Well, my comment to
 23 that is it just kind of solidified it to me because what
 24 moved me before not to support it was my premise that it
 25 just doesn't belong there. And I felt this was a quick

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1 way to get something in to create a new division. And I
 2 would have preferred to see it done in a better way or
 3 process. However, it was public testimony, as on
 4 Molokai, that really made me look at that. This is
 5 really not the place to put it.

6 In the spirit of compromise, I chose to
 7 support it at the time to send it through as part of the
 8 Final Report. Right now, I am on the fence. So I don't
 9 know where -- how I am going to vote.

10 CHAIR STONE: Thank you, Susan. Go ahead,
 11 Dave.

12 COMMISSIONER DELEON: I think public testimony
 13 in this was 10 to one in favor of it, at least. There
 14 was numerous people in here speaking add infinitum about
 15 the thing. I don't know, one person on Molokai does not
 16 shape me into going the other direction.

17 The director was invited to that Council
 18 meeting, he was an invitee. It was interesting that the
 19 director was invited, but Mr. Parsons wasn't. And,
 20 again, that's the Chair of that Committee controlling
 21 his environment and getting the answers he wanted. I
 22 don't believe the director actually said in so many
 23 words, that he opposed it. He said, you know -- but if
 24 you read between the lines what the gentleman said, it
 25 was sort of like he was inclined against it, it was

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1 going to be a pain in the neck. He was asked whether he
 2 was going to be needing another deputy to run this
 3 division. He said, no, he could handle it with the
 4 staff he had.

5 To me, it's natural that when you try to take
 6 an existing organization and you try to put another wing
 7 into it, and they're probably working pretty hard, more
 8 hours already, that they're going to resist. I mean,
 9 that's just a natural thing. I would be surprised if
 10 there wasn't resistance in the department.

11 But I want to draw a line here that this is
 12 our -- this is our chance to use the hammer. We can
 13 choose to use the hammer or not. The only choice we
 14 have here -- and this will give the people the
 15 opportunity to make the choice. It won't be the
 16 bureaucrats, it won't be the politic in the Council, it
 17 won't be the Mayor office, necessarily. It's going to
 18 be the people that's going to be their choice and it
 19 will be on the ballot.

20 Thank you.

21 CHAIR STONE: Thanks, Dave.

22 Go ahead, Kay.

23 COMMISSIONER OKAMOTO: Well, first of all, I
 24 object when we say ten to one in favor of it. I don't
 25 believe that was true. We had quite a few people who

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1 did not express being in favor of this, mostly for the
 2 cost. And I was under the impression this wasn't going
 3 to be a huge cost because it wasn't going to be a new
 4 department or a new division. And now I am hearing, and
 5 even Dave say, well, this guy in the trenches won't be
 6 doing it. Well, then, that means you're hiring somebody
 7 else who will. And so I think we're talking major cost,
 8 which, really, to me, is a change. I felt like we were
 9 making a policy statement, but that was a way to do it
 10 without it being a major new division, new department.
 11 But, obviously, there will be a big cost. You're
 12 talking czar, whatever, you're talking -- everyone seems
 13 to be talking about a different person. That person has
 14 to have people in the field. We are talking costs. And
 15 I can't support it at this time.

16 CHAIR STONE: Thank you, Kay. As I recall,
 17 too -- well, I am in support of it. And there's a --
 18 there's a cost now or a cost later. And the reason why
 19 I am supporting it is because the cost later is going to
 20 be, in my opinion, much, much greater than -- than the
 21 cost to start this up now. And I think that unless we
 22 get on top of it and -- and -- as we heard from the
 23 Mayor, you can't depend on the State to come in and do
 24 what you would expect the State to do. They just simply
 25 don't do it. And it falls on the County to pick up the

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1 slack and make sure that these issues are resolved. And
 2 I think we can kick it down the road and kick it down
 3 the road, but how far and at what expense? So --
 4 COMMISSIONER OKAMOTO: I don't want to argue,
 5 but I think that the County has the resources, they
 6 could be doing stuff now. And I don't -- I agree that
 7 if you do nothing, then, yes, your cost is going up. By
 8 putting a statement in the Charter about it, I don't --
 9 I see it as, oh, let's create a bunch of new positions.
 10 I don't know that that's doing any more. It's your
 11 philosophy of management is what's going to really
 12 count.
 13 CHAIR STONE: Thank you, Kay. Go ahead,
 14 Wayne.
 15 VICE-CHAIR HEDANI: I am opposed, basically,
 16 to the motion of rejecting the Council's recommendation
 17 on this. From the cost standpoint, I think because
 18 sustainability is a warm and fuzzy word that's not
 19 really defined, it's kind of like a black hole into
 20 which a lot of money can flow and you'll never see it
 21 come back.
 22 I think the Mayor has the luxury right now of
 23 picking and choosing his environmental battles and he
 24 can work on issues like controlling coqui frogs without
 25 being mandated to do it. If it's his highest priority

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1 and if it has a lot more than one person can handle,
 2 appoint five executive assistants to it, if that's your
 3 most important thing to do, and have them chase the cats
 4 and the chickens and the frogs and everything else that
 5 needs to be chased. But I don't think it's something
 6 that would -- we should stick in the Charter and mandate
 7 a division director. And we've heard him say, I need
 8 four or five or six people, under him in order to
 9 accomplish what needs to be done.
 10 It's, as I said, money flowing into a giant
 11 black hole.
 12 CHAIR STONE: Thank you, Wayne. Further -- go
 13 ahead, Stacy.
 14 COMMISSIONER CRIVELLO: I do recall going on
 15 record that it shouldn't be under the Environmental
 16 Management simply because their thing is recycling and
 17 waste management and the control of pollution. And what
 18 they deal with is the operation of solid waste
 19 collection, et cetera. So in my mind, I supported this,
 20 not -- I went ahead with the compromise to get the
 21 efforts of the protection of -- I guess to affirm and to
 22 confirm that our County government will put in all the
 23 efforts for the protection of our natural resources.
 24 Yes, sustainability is a buzzword today, but,
 25 you know, to me, sustainability comes in three ways, you

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1 know, it's economics, it's the cultural and social
 2 portion as well, our natural resources, what we value in
 3 Hawaii and -- and all of Maui County. So if we don't
 4 kickstart it, when will we kickstart the assurance that
 5 we believe in, in protecting what we have, you know.
 6 Yeah.
 7 And I agree with you, Chair, if the cost is
 8 costly now, if we don't malama what we have today, it's
 9 going to be worse.
 10 CHAIR STONE: Thank you very much, Stacy.
 11 Frank, go ahead.
 12 COMMISSIONER DE REGO: As I've said before,
 13 you know, the Charter provides the foundation or a
 14 floor. And it's not a ceiling. And I think this
 15 provides a foundation, a floor, for the County to make a
 16 statement within the Charter and within -- maybe it's
 17 not the best place to put it, but it's placed there, of
 18 its dedication to natural resource protection. I think
 19 we're getting stuck on the word sustainability. And
 20 we've got environmental, natural resource protection,
 21 conservation, restoration. I mean, those are very
 22 specific words as well. They're not as fuzzy as
 23 sustainability is, I think.
 24 Talking about restoration, you're talking
 25 about watershed, you're talking about coral reefs. You

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1 know, I mean these are very specific words that have
 2 very specific meanings.
 3 And I think we've had testimony here before,
 4 written and otherwise, that says sustainability, for a
 5 lot of people, especially in science, is not as fuzzy a
 6 word as we would like to make it to be.
 7 I think this establishes a foundation within
 8 County government that cannot be done, herding cats,
 9 simply by political will when they feel like herding
 10 cats. I think what it does is establish a foundation
 11 within County government that this is a priority and
 12 that it needs to be looked at. Now, if future people
 13 want to look at it and create a department on its own at
 14 some point, fine, okay, but at least this establishes a
 15 priority, from my vantage point, that this is something
 16 that needs to be looked at and is -- is a priority for
 17 the County.
 18 And since we do have a department called
 19 Environmental Management, meaning managing the
 20 environment, I don't know how there could be slicing
 21 that word.
 22 I mean, I -- just one more thing. I think
 23 it's interesting how the alternative now, instead of
 24 broadening the language or the title of the department,
 25 is now looked at narrowing it only to waste management.

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1 Okay. I think that's interesting. Because when the two
 2 departments were separated, back in, I guess, 2003, it
 3 was Public Works and Environmental Management. They
 4 divided it up into Environmental Management, which has
 5 -- its primary functions were waste management in terms
 6 of solid waste and wastewater. Okay. And all we're
 7 doing is adding another function to that, right, to
 8 Environmental Management.

9 I guess I am getting a little frustrated
 10 because I don't find that hard a concept to understand
 11 at this point, you know. And, for me, it provides a
 12 foundation. So I'll be voting -- well, I forget what
 13 the motion is.

14 CHAIR STONE: The motion --
 15 COMMISSIONER DE REGO: I'll be up for --
 16 CHAIR STONE: Up is to keep our proposal on
 17 the report.
 18 COMMISSIONER DE REGO: I'll be voting up on
 19 this one.
 20 CHAIR STONE: Flo, please, go ahead.
 21 COMMISSIONER WIGER: Thank you for
 22 crystalizing, Frank, the concept of the herding cats.
 23 That brought it all together for me. And -- no, it
 24 really did. Because the thing that's been bothering me
 25 about reading what we got from the committee was the

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1 committee views those opportunities of sustainability,
 2 environmental protection, conservation and restoration
 3 as best being promoted through the Office of the Mayor,
 4 the Department of Management. Then nobody's
 5 responsible, in my mind. Then it's just sort of out
 6 there, it's a nebulous thing. That, to me, is the best
 7 example of a feel good kind of thing. Oh, we're saying
 8 it from the standpoint of the County of Maui. So who is
 9 going to be held accountable and how will the
 10 accountability be measured? And that -- that allows it,
 11 I think, to become so amorphous that it's just there.

12 I think planting it someplace -- and it
 13 doesn't mean that things, once it's there -- I mean,
 14 it's not like it's going to -- it's never going to
 15 change, it's never going to evolve, it's never going to
 16 be adjusted. But you got to put it someplace before you
 17 can do anything with it. So I support ours going
 18 forward.

19 CHAIR STONE: Thank you. Further discussion?
 20 Okay. Very good. We'll take a vote on the motion to
 21 reject the Council's recommendation to delete Proposal
 22 Nine. Lisa -- a "yes" means that proposal stays in our
 23 report, all right? A "yes" means that it stays in the
 24 report, a "yes" vote. A "no" vote means that it gets
 25 deleted. Go ahead, Lisa.

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1 MS. KAHUHU: Commissioner Wiger.
 2 COMMISSIONER WIGER: Yes vote means that --
 3 CHAIR STONE: The proposal stays.
 4 COMMISSIONER WIGER: -- our proposal goes
 5 forward.
 6 CHAIR STONE: Yes. So is that it?
 7 COMMISSIONER WIGER: Yes.
 8 MS. KAHUHU: Commissioner Sugimura.
 9 COMMISSIONER SUGIMURA: No.
 10 MS. KAHUHU: Commissioner Okamoto.
 11 COMMISSIONER OKAMOTO: No.
 12 MS. KAHUHU: Commissioner Moikeha.
 13 COMMISSIONER MOIKEHA: Yes.
 14 MS. KAHUHU: Commissioner Hashimoto.
 15 COMMISSIONER HASHIMOTO: Yes.
 16 MS. KAHUHU: Commissioner Hedani.
 17 VICE-CHAIR HEDANI: No.
 18 MS. KAHUHU: Commissioner DeLeon.
 19 COMMISSIONER DELEON: Yes.
 20 MS. KAHUHU: Commissioner De Rego.
 21 COMMISSIONER DE REGO: Yes.
 22 MS. KAHUHU: Commissioner Crivello.
 23 COMMISSIONER CRIVELLO: Yes.
 24 MS. KAHUHU: Commissioner Baxa, excused.
 25 Chair Stone.

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1 CHAIR STONE: Yes.
 2 MS. KAHUHU: Seven "yes," three "no." Motion
 3 passes.
 4 CHAIR STONE: Very good. Proposal Nine will
 5 stay in the report.
 6 Moving on to Proposal Ten. This is on
 7 consistency in Commission references. The Council
 8 recommended deleting this general discussion or motion.
 9 COMMISSIONER MOIKEHA: Question.
 10 CHAIR STONE: Go ahead, Susan.
 11 COMMISSIONER MOIKEHA: A question for Corp
 12 Counsel or the Analyst. One of the things that they
 13 have placed in here as part of the rationale is that
 14 Dave Jorgensen made a comment that -- or requested
 15 clarification of what is meant by a "report" in the
 16 context, noting concerns over confidentiality of
 17 performance evaluations. I mean, we already have at
 18 least one body, Fire Commission, that reports on an
 19 evaluation to the Mayor. So it's already there in the
 20 Commission under Fire. And -- and I don't have a
 21 problem with that making it consistent with the rest of
 22 these. Even if there was confidential matters, wouldn't
 23 it be discussed in executive session, if that did arise,
 24 something in the report?
 25 MR. KUSHI: Well, Mr. Chair, Member Moikeha,

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1 all the provisions -- the proposed provision just
2 require that various commissions send a report to the
3 Mayor and the Council. It doesn't say, again, what you
4 should do with that report. It's just for their
5 information. Now, if they bring that information via a
6 report up in a committee hearing, for example, if
7 there's any confidential information involved, the
8 personal confidential information, then you would expect
9 that -- that to be redacted, or at least in executive
10 session.
11 COMMISSIONER MOIKEHA: Okay.
12 MR. KUSHI: Now, once the powers that be, be
13 it the Mayor or the Council, gets the report, there's a
14 question what can they do about it, because they have no
15 authority to fire or dismiss as set forth in the
16 Charter, anyway. I think the intent from this
17 Commission was to make it consistent that you annually
18 evaluate. And we have a process of -- of if they want
19 to can the director, they have a process.
20 COMMISSIONER MOIKEHA: Okay. I would like to
21 make a motion to reject the Council's recommendation and
22 keep ours. They did note that they --
23 COMMISSIONER DELEON: Second.
24 COMMISSIONER MOIKEHA: Oh.
25 CHAIR STONE: Motion has been put forward to

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1 reject Council recommendation to delete, seconded by
2 Dave.
3 COMMISSIONER MOIKEHA: Okay, Dave.
4 CHAIR STONE: Go ahead, Susan.
5 COMMISSIONER MOIKEHA: You mentioned it was a
6 housekeeping amendment, but I think it's an important
7 one. They didn't say delete it. They just said it
8 wasn't critical because they didn't want to have too
9 many on there, I guess. I don't know. So it seems like
10 something they -- looks like they do -- do intend --
11 that they could support. So I am -- I think we should
12 leave ours on there.
13 CHAIR STONE: Okay. Thank you. Further
14 discussion? Go ahead, Dave.
15 COMMISSIONER DELEON: I read the Council's
16 comments to say that they supported the concept and that
17 it was fine except that we have too many proposals, so
18 we should drop it just because we have too many
19 proposals. What would they have done if we gave them a
20 new Charter? I mean, seriously. I mean, you know, this
21 is something that people can digest and, you know, there
22 -- there is one or two items I dropped just out of
23 expeditiousness. I didn't try to push it forward
24 anymore because we don't want to have too many items,
25 but it would help clean up the Charter. This helps

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1 clean up the Charter, just makes more consistency. It
2 gets the vote of confidence from the reviewing panel,
3 but they say to drop it because they got too many. I'm
4 sorry, I don't agree. And I think that if we find --
5 we've reached this point with this item, I think it
6 should continue.
7 CHAIR STONE: Okay. Thank you. Frank, you
8 had something to say?
9 COMMISSIONER DE REGO: Yeah. I think it's
10 interesting that the Liquor Commission and Civil Service
11 Commission do not conduct annual evaluations of their
12 directors. I think that's very interesting. I just
13 want to make that comment. It is here in the record.
14 Okay. I understand that there's issues of
15 confidentiality, but it seems to be handled well in the
16 reports that are done at the level of the Fire
17 Department. We were told by the Police Department they
18 do it, anyway, right? Monthly, actually. And that it's
19 not a problem for them to develop a report. Okay.
20 I fail to see the problem here other than the
21 argument that there's too many Charter Commission
22 amendments at this point. Which I agree with
23 Commissioner DeLeon that, for me, that's not the case at
24 this point.
25 I think it's important, again, to set a

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1 foundation, a floor, in terms of how commissions who
2 hire and fire their directors do their job. And I think
3 that's an important part of what this gets at. So I
4 would -- I would -- I would support rejecting Council's
5 recommendation to delete this.
6 CHAIR STONE: Thank you, Frank. Cliff, you
7 had something?
8 COMMISSIONER HASHIMOTO: When you asked me the
9 question, you lost me.
10 CHAIR STONE: No problem. If it comes back --
11 COMMISSIONER HASHIMOTO: I was going to make a
12 comment about what Frank just said, but --
13 CHAIR STONE: It will come back. I, too,
14 agree with Frank here that I would like to give respect
15 to the citizens of Maui County that they're intelligent
16 enough to digest more than two proposals as the Council
17 suggested. To me, that's just -- it's ridiculous. And
18 if that's their -- literally their excuse in this
19 particular recommendation, in light of competing
20 considerations -- meaning that we, the Council, feel
21 that the public can't handle more than two
22 considerations -- your committee concluded that Proposal
23 Ten is not critical and recommended that the Charter
24 Commission consider deleting it. In other words, we
25 liked it, but it's just too much for the public to

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<p>1 handle. That's what I read from that. And I think 2 that's just crazy. Elected officials just shouldn't say 3 stuff like that. 4 So, anyways -- 5 COMMISSIONER DE REGO: Wow. Thank you for 6 sharing. 7 (Laughter.) 8 CHAIR STONE: You know, I just really -- I 9 really think it's -- 10 COMMISSIONER DE REGO: Sounds like me. 11 CHAIR STONE: I really think that, you know, 12 it's just silly. 13 COMMISSIONER HASHIMOTO: Susan, you're losing 14 your place. 15 CHAIR STONE: Okay. 16 COMMISSIONER DELEON: Call for the question. 17 CHAIR STONE: You guys like to box, you got to 18 take the gloves off sometimes. Anyways -- 19 COMMISSIONER DELEON: Call for the question. 20 CHAIR STONE: So no further discussion, I am 21 going to call for the question. The motion is to reject 22 the County Council's proposal to delete Proposal Ten. A 23 "yes" vote means that Proposal Ten stays on the report. 24 Okay? Go ahead, Lisa. 25 MS. KAHUHU: Member Baxa, excused.</p>	<p>1 CHAIR STONE: Thank you very much. And that 2 takes us to Proposal Eleven, Preamble, which the 3 Council -- 4 COMMISSIONER OKAMOTO: Liked. 5 CHAIR STONE: -- liked. 6 COMMISSIONER SUGIMURA: And we do, too. 7 CHAIR STONE: Is that correct? They actually 8 liked the proposal? Okay. So unless anybody wants to 9 get rid of the Preamble -- no, okay. Very good. Thank 10 you. Moving on down our agenda -- 11 COMMISSIONER MOIKEHA: Can you just quickly 12 tell us, in summary, what we have here now? 13 CHAIR STONE: Oh, sure. Actually, there was 14 only one proposal -- one recommendation that we decided 15 to eliminate. That we took -- one recommendation we 16 accepted, to eliminate a proposal. And I believe it was 17 Proposal Six. Yes. So we are deleting -- the only 18 change to our report is we are deleting Proposal Six, 19 Defense and Indemnification of Board Members. So, 20 otherwise, all of our other proposals will stand in our 21 report. Thank you very much, Commissioners, for doing 22 your homework and -- excellent. Wow. So that's our 23 Final Report. Good. All right. 24 COMMISSIONER DE REGO: Point of order, 25 Mr. Chair.</p>
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<p>1 Member Crivello. 2 COMMISSIONER CRIVELLO: "Yes," report stays 3 on, right? 4 CHAIR STONE: Yes. 5 COMMISSIONER CRIVELLO: Yes. 6 MS. KAHUHU: Member DeLeon. 7 COMMISSIONER DELEON: Yes. 8 MS. KAHUHU: Member De Rego. 9 COMMISSIONER DE REGO: Yes. 10 MS. KAHUHU: Member Hashimoto. 11 COMMISSIONER HASHIMOTO: Yes. 12 MS. KAHUHU: Member Hedani. 13 VICE-CHAIR HEDANI: No. 14 MS. KAHUHU: Member Moikeha. 15 COMMISSIONER MOIKEHA: Yes. 16 MS. KAHUHU: Member Okamoto. 17 COMMISSIONER OKAMOTO: Yes. 18 MS. KAHUHU: Member Sugimura. 19 COMMISSIONER SUGIMURA: No. 20 MS. KAHUHU: Member Wiger. 21 COMMISSIONER WIGER: Yes. 22 MS. KAHUHU: Chair Stone. 23 CHAIR STONE: Yes. 24 MS. KAHUHU: Eight "yes," two "no." Motion 25 passes.</p>	<p>1 CHAIR STONE: Sure, Frank. 2 COMMISSIONER DE REGO: When our reply to -- 3 are we supposed to reply to the Council? I am asking 4 the -- so in our reply, I would hope that it's more than 5 just an acceptance or rejection of what the Council has 6 done. I think what got us into trouble in the first 7 place is that we -- wasn't looking at past Charter 8 Commission amendment reports, is that there was usually 9 much more of a narrative explanation of why they went 10 one way or the other. Instead of just a plain, you 11 know, this is what the amendment is, looking at past 12 Commission reports. 13 It might be worth our while, as we reply to 14 them, that we sort of give our rationale in 15 contradistinction to their proposals, of why the 16 Commission voted to keep these particular ones which 17 they asked that we delete. So it's going to be more 18 work, I know that, but I -- I think just sending 19 something in as an acceptance or rejection doesn't give 20 them something to work with in terms of what our 21 thinking was when -- in terms of keeping or rejecting 22 particular ones. 23 CHAIR STONE: Frank, thank you for that. And 24 I just wanted to say, you see how we got their report 25 back. It looks like -- was that their Corp Counsel who</p>

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1 wrote the report back to us?
 2 MR. KUSHI: Legislative staff.
 3 CHAIR STONE: So the way the legislative staff
 4 aide wrote it, like this is what happened, and they gave
 5 -- they gave a summary. Would you be comfortable if we
 6 had somebody who is here who gave the summary, one of
 7 our staff, and we pass it on that way, Frank? Because,
 8 you know, it should just be a matter of fact.
 9 COMMISSIONER DE REGO: Right. Yeah.
 10 CHAIR STONE: So we'll present it back the
 11 same way that we received this.
 12 COMMISSIONER DE REGO: Yeah, I would feel
 13 comfortable with that.
 14 CHAIR STONE: Thank you. Susan, go ahead.
 15 COMMISSIONER MOIKEHA: Would that process
 16 allow to us look at a draft so if we felt we needed to
 17 add more to it, it could be --
 18 CHAIR STONE: I am not sure if timing will
 19 allow that, but that's why I suggested that.
 20 COMMISSIONER MOIKEHA: Like through email or
 21 something. We're not taking action, we're looking at a
 22 draft.
 23 CHAIR STONE: Let me just -- let me check.
 24 MR. KUSHI: Mr. Chair, your next meeting is
 25 scheduled for May 21st. 30 days started -- June 1st

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1 would be the deadline that you need to report rejections
 2 or acceptance to the Council.
 3 CHAIR STONE: Okay.
 4 MR. KUSHI: So you got --
 5 CHAIR STONE: So we could go over the draft.
 6 MR. KUSHI: The only problem is your precious
 7 Legislative Analyst won't be here on the 21st.
 8 CHAIR STONE: Will you be able to write us a
 9 draft before you leave?
 10 MS. BRODER: Well, I guess. I mean, I guess
 11 my concern is -- well, I guess if you're going to have
 12 another meeting, I guess my concern just is, I mean,
 13 there's been a lot of different things that people have
 14 said, different people have different points of view.
 15 So the concern is like --
 16 CHAIR STONE: As with this report that we've
 17 received from Council, it seems like it's -- it seems
 18 like the -- it was just very vaguely summarized. So --
 19 well, not that vaguely, actually.
 20 COMMISSIONER MOIKEHA: Chair?
 21 CHAIR STONE: Yes, go ahead, Susan.
 22 COMMISSIONER MOIKEHA: I hate to see us do
 23 another -- my goal would be that Council would -- would
 24 withdraw their two alternatives and not allow those to
 25 go forward. That would be my goal. So based on those

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1 two, I would like to have a little bit more rationale
 2 discussed. Now, the rationale came, for most of us, in
 3 our testimony, which would require someone to go back
 4 and either remember that or research it.
 5 I would go so far as to say that I would want
 6 a representative there at this meeting when it's called
 7 to have some reconsideration or not. And that it being
 8 noted to the Council that we are there to make
 9 representations.
 10 You know, I am still at the hope that there
 11 would be some collaboration on their part. And I would
 12 want them to know, too, what -- what restriction were
 13 placed on us by the process. We could not (inaudible)
 14 two proposals, number one. We only had the option on
 15 our side to delete ours. And on that side, looking at
 16 the Council review, it was reject or accept. You know,
 17 it would have been a great opportunity to try and bring
 18 both things together, but we had no choice on that.
 19 They need to know that. They need to know that clearly
 20 in this draft. And -- and to be backed up by a
 21 representative of this committee, you know.
 22 We took a lot of time here today to go through
 23 each one of these and to consider everything. And a lot
 24 of people shared a lot of rationale, you know, of what
 25 -- why they felt the way we did on these things. And I

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1 don't want to see all that again wasted, because we took
 2 the shortcut or it's going to take time to draft
 3 something or -- you know.
 4 CHAIR STONE: Well, if you're comfortable with
 5 the Chair being the representation, obviously, I'll put
 6 the offer, once again, to be there, as I did last time.
 7 And this time, I mean, I can -- I can be there, but,
 8 unless they call me forward, there's not much I can do.
 9 COMMISSIONER MOIKEHA: I understand that
 10 position. I understand that.
 11 CHAIR STONE: We will make a recommendation
 12 that I'll be there as a resource, because I -- I really
 13 think Susan's correct in that. And that's why the
 14 suggestion had been that the Chair -- that's why I
 15 requested, you know, do you guys need me there or not.
 16 I was surprised -- I was very surprised to hear that I
 17 wasn't needed, but you what can I do, you know. It's up
 18 to the Committee Chair.
 19 COMMISSIONER MOIKEHA: I guess, in my opinion,
 20 I would want them to know, either verbally, speaking
 21 directly to the Chair, or by letter that you request to
 22 be there. Not if you want me; I request to be there.
 23 Because we feel these things are important enough and we
 24 feel that a lot of time has gone into this entire
 25 process that we feel it's necessary for us to have

<p style="text-align: right;">Page 173</p> <p>1 representation so there's a clear understanding as to 2 where we're coming from. 3 CHAIR STONE: Well, we'll do our utmost to 4 make sure that -- to try to make that happen. All 5 right, Susan? Thank you very much. And you are 6 correct. I agree with you. 7 Okay. Any further discussion? Yes, Sherry. 8 MS. BRODER: Actually, I think Commissioner 9 Moikeha's correct that, at the Council meeting, the 10 only thing of discussion will be those two alternatives 11 that are still on the table where you rejected their 12 proposals. That's the only thing for discussion. 13 Because they didn't propose a specific thing; they just 14 recommended that you delete it. But you rejected it, so 15 I don't -- I don't think that's for discussion anymore. 16 Do you agree? 17 MR. KUSHI: Right. Right. 18 MS. BRODER: It's only those two that are for 19 discussion? 20 MR. KUSHI: And the only alternative is to 21 recall. 22 MS. BRODER: Right. 23 MR. KUSHI: To recall, to withdraw. And, 24 Mr. Chair, you know, if it happens, don't be surprised, 25 once they get the report from us, they don't even have</p>	<p style="text-align: right;">Page 175</p> <p>1 it, they're not withdrawing it and they're telling this 2 Commission to put it on the ballot. 3 MS. BRODER: Yeah. So it's probably what's 4 going to happen. 5 COMMISSIONER DELEON: In tandem with ours? 6 CHAIR STONE: Dave, we had this discussion. 7 COMMISSIONER DELEON: I know. Something you 8 guys said earlier, a moment ago, confused me. So they 9 have to take a proactive decision not to have a double 10 question on the ballot? 11 CHAIR STONE: Uh-huh. Uh-huh. Yes. 12 COMMISSIONER DELEON: Let's see how serious 13 they are about having too many questions on the ballot. 14 CHAIR STONE: Good one, Dave. Good job. 15 Okay. Very good. 16 Moving on to Old Business, discussion with 17 regard to publication of the amendment as mandated by 18 Section 14-3 of the Charter and voter education 19 advertising. And it's Yuki time. 20 COMMISSIONER SUGIMURA: Yuki time. 21 CHAIR STONE: Yuki has done an amazing job, 22 right, so far, putting this together. So, Yuki, you 23 want to give us some insight? 24 COMMISSIONER SUGIMURA: So Lisa's passing out 25 my spreadsheet. Basically, what I did was I called the</p>
<p style="text-align: right;">Page 174</p> <p>1 to -- they can just let the 10 days expire. 2 CHAIR STONE: Oh, got it. 3 MR. KUSHI: So, by implication, if they don't 4 meet within 10 days, that's their last chance. 5 COMMISSIONER SUGIMURA: So what happens to 6 the -- 7 CHAIR STONE: Is that 10 working days? 8 MR. KUSHI: No. It just says 10 days. 9 COMMISSIONER HASHIMOTO: You know how to play 10 that game now. 11 CHAIR STONE: Okay. Thank you, Ed, very much. 12 That's good clarification. 13 COMMISSIONER DELEON: Chair, can I ask the 14 Corp Counsel? 15 CHAIR STONE: Go ahead, Dave. 16 COMMISSIONER DELEON: So, Ed, I'm sorry, I was 17 confused by the last one. I thought they had to take 18 proactive action to -- to eliminate a proposal? 19 MR. KUSHI: Within 10 days. 20 COMMISSIONER DELEON: So if they don't take 21 proactive action within 10 days -- 22 MR. KUSHI: That means -- 23 COMMISSIONER DELEON: -- it goes on the ballot 24 with ours? 25 MR. KUSHI: That means they're not recalling</p>	<p style="text-align: right;">Page 176</p> <p>1 Star Advertiser, Lanai Today -- thank you, Kay, for the 2 information -- Molokai Dispatch, Lahaina News, which is 3 also Maui Weekly and Maui News. I couldn't find the 4 Filipino publications, so I need help with that -- Mike 5 can help me with that? There was a Filipino Star? 6 MR. MOLINA: Mr. Chair? May I, Mr. Chair? 7 It's called the Fil-Am newspaper. 8 COMMISSIONER SUGIMURA: Fil-Am, I had the 9 wrong name. 10 COMMISSIONER DELEON: It might be out of 11 Honolulu. 12 MS. BRODER: It is. It's out of Honolulu. 13 COMMISSIONER DELEON: So it's not necessary to 14 do it here. 15 COMMISSIONER SUGIMURA: Okay. So, basically, 16 if you look at the spreadsheet, I asked everybody to 17 quote me for full-page color Sunday paper which would be 18 on September -- published on the September 16th. And it 19 was targeted that day because the County Clerk was 20 targeting that Friday of that same week to mail out the 21 first absentee ballots. And I really would like you to 22 look at the spreadsheet and tell me if there's any 23 publications that you may suggest we do or do not do. 24 But I'll start with the largest expense. 25 COMMISSIONER OKAMOTO: Yeah, cross them off.</p>

<p style="text-align: right;">Page 177</p> <p>1 COMMISSIONER SUGIMURA: Dave. 2 COMMISSIONER DELEON: I would say it's Maui 3 News, Molokai Dispatch and Lanai paper, and just cut it. 4 They're the most widely read. They get full 5 distribution, they're delivered to the homes. At least 6 The Maui News is. Dispatch, of course, covers Molokai 7 and has a wide readership on Molokai. And the Lanai 8 paper I can't speak to, but it's on the island. It's 9 not worth the cost for the Star Advertiser for this. 10 And, actually, the Star Advertiser probably has better 11 readership on Molokai and Lanai than The Maui News does, 12 but to go to these other publications, we can cover 13 that. And the cost of the -- of the Advertiser was just 14 off the edge compared to the rest of it. So, I mean -- 15 yeah, I think we can just cover that and still have 16 money left over for The Maui News election tabulator. 17 COMMISSIONER SUGIMURA: I think so. 18 COMMISSIONER DELEON: And do a better job that 19 way. 20 COMMISSIONER SUGIMURA: So -- 21 CHAIR STONE: Yuki. 22 COMMISSIONER SUGIMURA: I guess we need to 23 vote on it. Because then Lisa said she would help me 24 put together a RFP or to get three bids from graphic 25 artists to do this.</p>	<p style="text-align: right;">Page 179</p> <p>1 get it online at the Maui County website. And that's 2 where the click is. I also really like to -- in my 3 stuff, I always send stuff to mauiNOW.com, which gets a 4 lot of hits personally, as my -- 5 COMMISSIONER DE REGO: Exactly. 6 COMMISSIONER SUGIMURA: I had a lot of success 7 with that, so -- and I think they're part of Pacific 8 Radio Group. So there's -- there's a double win there 9 in terms of getting media out. But that's -- that's -- 10 I guess we could look into buying ads on that. I got to 11 ask them, but I get a lot of PR value with mauiNOW.com. 12 So for today, if we could vote on -- what I am 13 trying to get is the guidelines for what to present for 14 the three bids we need to get for graphic artists. The 15 graphic artists then, with your approval, would do Maui 16 News, Lanai Today, Molokai Dispatch ads, full page, to 17 get us closest to that September 16th publication date, 18 that Sunday. I am not sure Lanai and Molokai, if it's a 19 weekly and when the actual publication -- monthly for 20 Lanai? Weekly for Molokai? 21 COMMISSIONER CRIVELLO: Weekly, Thursdays. 22 COMMISSIONER DELEON: Why would we hire a 23 graphic person to do the ads? We're paying for the 24 graphic work when we do the ads. I mean, that's part of 25 the -- that would be part of the cost of doing the ads,</p>
<p style="text-align: right;">Page 178</p> <p>1 COMMISSIONER DE REGO: I have a question. 2 CHAIR STONE: Go ahead, Frank. 3 COMMISSIONER DE REGO: For the Maui News, I 4 think the Molokai Dispatch as well, I know that there's 5 going to be a paper version of this, do they have a 6 separate charge or is there some way of getting them to 7 put a special button or something on the online version 8 of these that would actually have the same information? 9 Or is that rolled in with the -- with the paying for the 10 putting in the regular newspaper? Because I think a lot 11 of people -- I know I go to the mauiNEWS.com a lot. 12 And, you know, go through latest news articles and 13 things like that. What would it take just to have -- I 14 guess they're going to have the same kind of election 15 folding tabloid online, I am assuming that, but that's 16 maybe not a good assumption. But you know, it would be 17 good to find out how they rolled this in with their 18 online presence as well. 19 COMMISSIONER SUGIMURA: I think you're talking 20 about if we can buy an ad on there, mauiNEWS.com digital 21 version. And I am sure that's possible. I would also, 22 though, like to recommend that the Charter come out with 23 a press release, which Dave DeLeon will write, which, 24 basically, will announce that we have the proposals 25 that's in the Sunday paper and that it can be -- you can</p>	<p style="text-align: right;">Page 180</p> <p>1 so you can take them the material and they lay it out 2 for you. 3 COMMISSIONER SUGIMURA: But I think camera 4 ready will get us the look that we want. I am so into 5 branding, so it's up to you guys. But I think that if 6 -- if we want it to look sort of like our brochure, then 7 it will get people familiar with looking at us in terms 8 of an entity. But if you think it doesn't matter, we 9 can just say, you know, you do it for us, that's fine. 10 Lanai Today, Molokai Dispatch, I think it was camera 11 ready, but I could be wrong. Maui News, I know they can 12 do that, they have the staff for it. Am I wrong? 13 COMMISSIONER DELEON: Yeah, they do. 14 Mr. Chair? 15 CHAIR STONE: Yes, go ahead, Dave. 16 COMMISSIONER DELEON: So we're kind of like 17 doing committee work now. The -- yeah. So if your 18 contract for your layout artist is going to encompass 19 the brochure and this, you're trying for a look, I guess 20 so. 21 COMMISSIONER SUGIMURA: I think that's 22 important, but that's -- 23 CHAIR STONE: I think the impact is very 24 important. I think Yuki, in your experience, you find 25 that that's stronger impact. What kind of expense on an</p>

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1 estimated level would you say a graphic designer would
 2 cost us?
 3 COMMISSIONER SUGIMURA: Depends, yeah.
 4 CHAIR STONE: I know, but just give me a rough
 5 guess, because you've done so much publication. I know
 6 it's tough.
 7 COMMISSIONER SUGIMURA: I would say like \$700,
 8 if you want something good.
 9 CHAIR STONE: I think it's worth it.
 10 COMMISSIONER SUGIMURA: I don't know. Depends
 11 how far we go. But that's further in our conversation
 12 as we go through this. And I don't want to try to
 13 guess.
 14 CHAIR STONE: Yeah. Sounds good. So like
 15 should be under \$1,000. Yeah. Okay.
 16 Go ahead, Kay.
 17 COMMISSIONER OKAMOTO: But you would already
 18 be hiring a graphic artist to do the brochure, correct?
 19 COMMISSIONER SUGIMURA: Correct.
 20 COMMISSIONER OKAMOTO: So this is just --
 21 usually, it's not gonna be a huge amount.
 22 COMMISSIONER DE REGO: Exactly.
 23 COMMISSIONER SUGIMURA: Okay. But if you can
 24 carry the same theme, or whatever our tagline is going
 25 to be, because you want people to say, oh, that's the

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1 Charter Commission, you know, questions, and we don't
 2 look like a hodgepodge of whatever. So the first thing
 3 to do is -- I think what we just decided was this to do
 4 Maui News, Lanai Today and Molokai Dispatch. And I
 5 guess Lanai Today, if it's monthly, we have to figure
 6 out what their actual deadlines are which looks like
 7 it's beginning of September.
 8 CHAIR STONE: Not Lahaina News and Maui
 9 Weekly?
 10 COMMISSIONER SUGIMURA: I'm sorry. Lanai
 11 Today. Sorry. Lanai Today, Molokai Dispatch and Maui
 12 News.
 13 COMMISSIONER DELEON: Chair, you might want to
 14 check with The Maui News to see whether you get a three
 15 for. Because Maui News owns the Lahaina paper and Maui
 16 Weekly, so they might -- might have a common price for
 17 three. Might be a possibility.
 18 CHAIR STONE: Because the --
 19 COMMISSIONER DELEON: Be a broader reach.
 20 CHAIR STONE: -- publication the better.
 21 COMMISSIONER DELEON: But if not, then I would
 22 go with The Maui News.
 23 CHAIR STONE: So what do we need to take
 24 action on here?
 25 COMMISSIONER SUGIMURA: So we can move forward

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1 with getting the bids.
 2 CHAIR STONE: The bids for the graphic
 3 designer?
 4 COMMISSIONER SUGIMURA: Graphic designer and
 5 then to place the ads. So I guess the vote would be, of
 6 course, the expense, right, but Lanai Today --
 7 CHAIR STONE: No, no, that's not to be voted.
 8 That's up to -- that's a -- the expense -- when we are
 9 taking -- looking at the bids, obviously.
 10 COMMISSIONER SUGIMURA: Right. So Lanai
 11 Today, Maui News, Molokai Dispatch, and as close as we
 12 can get to September the 16th is our target Sunday date.
 13 Lanai Today, of course, would be earlier, if it's a
 14 monthly. And I need to find out what that actual --
 15 well, it's delivered on the 12th of September, and we
 16 have to get it to them by September 4th.
 17 CHAIR STONE: Okay.
 18 COMMISSIONER SUGIMURA: That's the parameters
 19 I got from Kay. So that's one decision. And --
 20 COMMISSIONER WIGER: Question.
 21 CHAIR STONE: Yeah, go ahead.
 22 COMMISSIONER WIGER: Sorry. I had to step out
 23 to get water. So nothing for the Lahaina News or the
 24 Maui Weekly?
 25 COMMISSIONER SUGIMURA: Only if, like Dave

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1 said, there's some kind of deal to be made by doing it
 2 all together, but, to tell you the truth, I've never
 3 heard of it. But Dave has heard of it.
 4 COMMISSIONER WIGER: Oh, of the deal.
 5 COMMISSIONER SUGIMURA: Of a deal like that.
 6 It's always separate.
 7 COMMISSIONER DELEON: You get three for one.
 8 COMMISSIONER WIGER: That would be great.
 9 CHAIR STONE: Yuki, just a quick question --
 10 sorry, Dave. Quick question, in your professional
 11 opinion, color versus black and white?
 12 COMMISSIONER SUGIMURA: Color.
 13 CHAIR STONE: Color.
 14 COMMISSIONER SUGIMURA: Want to do color, I
 15 mean, if we can afford it. I would really prefer color.
 16 CHAIR STONE: Okay.
 17 COMMISSIONER SUGIMURA: Right?
 18 COMMISSIONER DELEON: Sure. Why not?
 19 COMMISSIONER WIGER: Then another comment, I
 20 would strongly, strongly encourage, if there's any way
 21 of getting something into the Lahaina News. There's a
 22 lot of people in Lahaina who do not take The Maui News.
 23 They just don't.
 24 COMMISSIONER SUGIMURA: Okay. We considered
 25 Lahaina News and Maui Weekly. Then what about Kihei?

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1 COMMISSIONER DELEON: Well, Kihei is the Maui
 2 Weekly.
 3 COMMISSIONER SUGIMURA: Right. So do we need
 4 to put it in the Maui Weekly, also?
 5 CHAIR STONE: I think we should.
 6 COMMISSIONER SUGIMURA: So now we're at
 7 Lahaina News, Maui Weekly, Maui News, Lanai Today and
 8 Molokai. The only one we're going to delete is the Star
 9 Advertiser.
 10 CHAIR STONE: Yeah. It's just too -- the
 11 expense is huge.
 12 COMMISSIONER SUGIMURA: We'll do full-page
 13 color. And Lisa will help me. We're going to -- we're
 14 going to get three bids. We have the specs. The
 15 deadlines submitted to or whatever, everything will be
 16 directed to Lisa.
 17 And I have some ideas of graphic artists, but
 18 if any of you have some, please let me know.
 19 Then the other thing that I also found out is
 20 Voter Contact -- at first, I thought that Voter Contact
 21 was the list of names plus they do the mailing, but it
 22 is not correct. Voter Contact only does the list of
 23 names, which they get from our County Clerk. And the
 24 information I got from them is that for households, to
 25 date, there are 54,000, and then as far as individual

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1 voters, it's like 73,000. The cost is -- is \$1,300 and
 2 it's just for the lists.
 3 And one of the comments I heard -- and if
 4 anybody wants to do it, go for it -- but I don't know
 5 how to do this -- is you can just really get -- the
 6 County Clerk's Office told me this -- you can get their
 7 disk and it has all the names on it. But somebody has
 8 to go through and actually physically do the work and do
 9 what they've done. And to me, this is \$1,000 well
 10 spent, because I don't have that kind of time. But it's
 11 really up to you. So this is one cost, Voter Contact,
 12 they're kind of unique, versus Josh doing it in his
 13 spare time when he's not windsurfing.
 14 And then the other part of this is the
 15 brochure. And the brochure would end up to be a printed
 16 piece, that it would -- somebody has to tell me how many
 17 the quantity would be, but, if we went by the households
 18 that we would be mailing to, which is 54,000, I would
 19 think we would have to have this -- besides the County
 20 Clerk's Office, on every island, we need to have it
 21 somewhere public as well as maybe the library, the
 22 Mayor's Office. So we should print extra brochures.
 23 And then that would be mailed out to households. And I
 24 think we had targeted like September 10th or something
 25 that we would actually try to get the mailings out.

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1 Able Mailing is a mailing service on Maui.
 2 And there are other survey -- services that are on Oahu.
 3 I'd kind of like to support Maui businesses, if we
 4 could. And I am not too sure who else could do this.
 5 But this possibly could be part of the brochure bid
 6 where you do the graphic print and get it mailed, you
 7 know, or something like that.
 8 Lisa, what was your experience the last time?
 9 MS. KAHUHU: I think we discussed that we
 10 should keep the designer for the design and provide us
 11 with the digital copies for providing to the newspapers
 12 and so forth. And, also, another thing I mentioned was
 13 that I think, in the bulk mailing bid, the list can
 14 already be included because they do -- from the bulk
 15 mailers I spoke to, they already have access to the
 16 list. Where we wouldn't have to provide the bulk mailer
 17 with the address list.
 18 COMMISSIONER SUGIMURA: Somehow, though, I
 19 think we would end up having to buy it from them, then.
 20 Just an understanding of what the process is.
 21 MS. KAHUHU: It would be included in their
 22 bid.
 23 COMMISSIONER SUGIMURA: Okay.
 24 MS. KAHUHU: More than likely.
 25 COMMISSIONER SUGIMURA: You're saying, then,

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1 we would get a graphic artist to do the design --
 2 MS. KAHUHU: That will be my recommendation.
 3 COMMISSIONER SUGIMURA: -- brochure and the
 4 newspaper, and then we would need a mailing service,
 5 basically, that would take care of getting the labels
 6 and they would be the next --
 7 MS. KAHUHU: Printer. It's possible we can
 8 look at getting a printer/bulk mailer combination, or
 9 printer. It just depends what the cost will be for this
 10 many printouts. And we may have to just do a printer
 11 separately and then the bulk mailer separately, or
 12 probably a combination. But I would combine printer and
 13 bulk mailer before I would do the graphic designer and
 14 mailing.
 15 COMMISSIONER SUGIMURA: Okay. It all depends
 16 on the cost because they'll put us into the procurement
 17 guidelines. But Lisa is our watchdog.
 18 CHAIR STONE: Very good. Okay. So we should
 19 probably take a motion here to accept Yuki's suggestions
 20 on publication of the amendments in the four newspapers
 21 she's suggested. Five -- sorry -- five newspapers that
 22 she's suggested as well as -- as well as start the bid
 23 process for the procurement of the graphic designer,
 24 the --
 25 COMMISSIONER SUGIMURA: The printer and the

<p style="text-align: right;">Page 189</p> <p>1 bulk mailer. 2 CHAIR STONE: Printer and the bulk mailer. 3 COMMISSIONER DE REGO: I so move. 4 COMMISSIONER DELEON: Second. 5 CHAIR STONE: Motion put forward and seconded. 6 All in favor, raise your hand and say "aye." 7 (Response.) 8 CHAIR STONE: Yuki? 9 COMMISSIONER SUGIMURA: Oh, yeah. 10 CHAIR STONE: All opposed, raise your hands 11 and say "nay." 12 (No Response.) 13 CHAIR STONE: Okay. Motion passes. 14 COMMISSIONER SUGIMURA: Almost finished. I 15 have one more thing. So not on this, because Maui News 16 didn't have the information, is that right before the 17 general election, they come up with an election tabloid 18 which has all the candidates, who -- you know, whatever, 19 who made it through the primary. And then, in that 20 publication, which probably will look like the seam -- I 21 don't know how many pages this will be, maybe two pages, 22 which would -- which we would want to buy. But I didn't 23 have -- but I -- they didn't have information for me 24 yet. But I would like us to also consider that to 25 purchase and add in the -- in that particular tabloid</p>	<p style="text-align: right;">Page 191</p> <p>1 Dave has a good relationship with Rod Antone which can 2 help us get this really blasted out. And I think that's 3 so important. So we can get, you know, to mauiNOW.com 4 and those other publications that will help us and will 5 link us to a greater community and just by buying an ad, 6 you got to do all of it. 7 CHAIR STONE: Excellent. Great job, by the 8 way, Yuki. Very good job. Thank you. 9 Go ahead, Dave. 10 COMMISSIONER DELEON: Yeah. I've noticed that 11 we've fallen off the front page of the Maui County site. 12 So we need to get back on there if we're going to be 13 doing information. 14 MS. KAHUHU: There's problems with the website 15 and they're unable to do that. I already informed -- 16 COMMISSIONER DELEON: That's problem because 17 we need to be there. 18 MS. KAHUHU: They also took off the budget, if 19 you notice. The two buttons were causing havoc with the 20 website. So, currently, they're unable to get it up 21 there, but they did add a little bit more to our site. 22 COMMISSIONER DELEON: We need to get it on the 23 front page or people are not going to find us. They're 24 not going to find us on that page. 25 CHAIR STONE: So, Lisa -- sorry -- is there</p>
<p style="text-align: right;">Page 190</p> <p>1 because it's specifically to the people who want to 2 vote. And that's who we want to talk to. But I don't 3 have number to give to you. So how do we handle that? 4 Because I want to reserve it and be able to -- 5 COMMISSIONER DELEON: So move. 6 COMMISSIONER SUGIMURA: Oh, just so move. 7 COMMISSIONER WIGER: Second. 8 CHAIR STONE: Okay. All in favor of -- all in 9 favor, raise your hands and say "aye." 10 (Response.) 11 COMMISSIONER SUGIMURA: Okay. And then the 12 last item -- sorry. 13 CHAIR STONE: Geez, Yuki. 14 COMMISSIONER SUGIMURA: That's the money part, 15 but this is the part Dave DeLeon will do. 16 CHAIR STONE: Okay. 17 COMMISSIONER SUGIMURA: Is writing press 18 releases. 19 COMMISSIONER DELEON: Why are we voting on it? 20 COMMISSIONER DE REGO: It's a matter of point 21 of information. 22 COMMISSIONER SUGIMURA: Doing the press 23 releases that will supplement what we're doing so that 24 we can get the media out that we are doing these things. 25 So I think that's a really important component. And</p>	<p style="text-align: right;">Page 192</p> <p>1 any chance of them repairing the site? 2 MS. KAHUHU: The vendor, the website vendor is 3 actively working on it, but at this point they're not 4 sure what the problem is. And it's not only the Charter 5 Commission, like I said, the budget documents and stuff 6 were also causing some kind of problem which they 7 haven't determined. 8 CHAIR STONE: When it's resolved, it will 9 be -- they will put us back on? 10 MS. KAHUHU: I believe so, yes. 11 CHAIR STONE: Okay. Figure that out. 12 COMMISSIONER DELEON: Mr. Chair, also, I think 13 that we need to put out a press release or what we've 14 decided today. I think this is a pretty pertinent. We 15 responded to the Council. I think Lyla is probably 16 going to write a decent story, but whatever else -- 17 whatever else happens here, we need to have, put out to 18 the general public that we've taken this action and this 19 is what our side is. It's not final until the Council 20 acts, but we need to put something out. 21 CHAIR STONE: If you want to send me a draft, 22 Dave. 23 COMMISSIONER DELEON: One other point, while 24 we're on this, Dave's gone from the -- from Friday. So 25 I am going to be on the --</p>

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1 CHAIR STONE: Dave, you're talking in third
2 person.
3 COMMISSIONER DELEON: Talking in third person.
4 COMMISSIONER DE REGO: He's talking in the
5 third person. Where is Dave?
6 CHAIR STONE: What Dave?
7 COMMISSIONER DE REGO: Where is the Dave
8 going?
9 COMMISSIONER DELEON: I don't see Dave being
10 assigned (inaudible). I am going to be gone for 10
11 days, so I am not going to make our next meeting.
12 CHAIR STONE: Well, good for you. Have fun.
13 Okay. Well, Dave, we're going to miss you.
14 COMMISSIONER DELEON: Well, I am just giving
15 you heads up that I might not be available for a lot of
16 these writings.
17 CHAIR STONE: Got it. Thank you.
18 Frank, go ahead.
19 COMMISSIONER DE REGO: Something else we might
20 also consider, since they're here and filming us right
21 now, is maybe enlisting Akaku in some way, shape or
22 form. Maybe the Chair could be on, you know, some --
23 some Maui Beat or the Mayor's Talk Live.
24 CHAIR STONE: We have that planned already,
25 Frank.

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1 COMMISSIONER DE REGO: Okay.
2 CHAIR STONE: There's some good shows coming
3 up and stuff that I'll be attending --
4 COMMISSIONER DE REGO: Good.
5 CHAIR STONE: -- on Akaku as well as --
6 COMMISSIONER DE REGO: Radio stations, good.
7 CHAIR STONE: And I think Rod Antone -- I'll
8 get in touch with him and see if he can get us on some
9 other shows. And, also, a lot of times on the radio
10 stations, they want two people. So I will calling you
11 guys to see who will be available to attend. I figure
12 if we can get like one person per show, with Chair, that
13 would be cool.
14 COMMISSIONER CRIVELLO: And if Molokai and
15 Lanai or Hana have some type of representation.
16 CHAIR STONE: That would be awesome. And,
17 also, if there's anything that we can do on those
18 islands as well --
19 COMMISSIONER DE REGO: Exactly. I was just
20 about to say.
21 COMMISSIONER CRIVELLO: Maybe Akaku.
22 MR. MOLINA: Thank you, Mr. Chairman. Forgive
23 me for interrupting. I was inspired by Commissioner De
24 Rego just now.
25 Other alternative ways to get the message out,

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1 speaking of the rural areas, like Molokai, Lanai,
2 Hasegawa General Store, the possibility, if there's
3 room, to create posters that local shopkeepers can put
4 up in their businesses, because a lot of people do the
5 proverbial window shopping, they'll see that
6 information, something with a catchy headline, 2012,
7 special election year, Charter Amendments, and however
8 way you want to convey that message. But the whole
9 point is putting posters. Because a lot of people don't
10 take the time to read the newspapers, but they'll go to
11 the neighborhood store or whatever, community center and
12 see a poster. That's another way of getting the message
13 out. Something for consideration.
14 CHAIR STONE: Great idea, Mike. Thank you.
15 Thanks very much.
16 Okay. No further discussion, our next
17 meeting, our next regular meeting is scheduled for May
18 21st, 10:00 a.m., here at the Planning Conference Room,
19 Kalana Pakui Building.
20 I would like to say thank you again to Akaku
21 for being here, Maui News, we appreciate it, helping us
22 get the word out to the public. And thanks so much to
23 all the Commissioner and the staff. I think we've done
24 a wonderful job and it's looking very good. Thank you
25 very much. This meeting is adjourned as of 3:30. Have

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1 a great day.
2 (Meeting adjourned, 3:33 p.m.)
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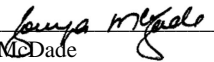
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I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the 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 16th day of May, 2012.



Tonya McDade
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