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COUNTY OF MAUI, STATE OF HAWAII

APPROVED 8/13/2012

CHARTER COMMISSION
REGULAR MEETING

Held at the Planning Department Conference Room,
250 South High Street, Wailuku, Maui, Hawaii, commencing
at 10:00 a.m., on Monday, July 9, 2012.

Reported by: Tonya McDade, CSR, CRR
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ATTENDANCE

BOARD MEMBERS PRESENT:

Joshua A. Stone, Chair

Wayne N. Hedani, Vice-Chair

Artemio C. Baxa, Member

Stephanie S. Crivello, Member

David P. DeLeon, Member

Frank R. De Rego, Jr., Member

Clifford P. Hashimoto, Member

Susan A. Moikeha, Member

Linda Kay Okamoto, Member

Yuki Lei Sugimura, Member

Flo V. Wiger, Member

STAFF PRESENT:

Sherry Broder, Commission Analyst

Edward S. Kushi, Jr., First Deputy Corporation Counsel

Lisa Kahuhu, Supervising Law Technician

ADMINISTRATION PRESENT:

Michael Molina, Executive Assistant to the Mayor

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(Monday, July 9, 2012, 10:10 a.m.)

* * *

CHAIR STONE: Aloha, everybody. Thank you for attending this public meeting of the Charter Commission. My name is Josh Stone and I'm the Chairman of the Commission. Let me let Frank finish his laugh. Frank, good? Another few seconds? (Sound system feedback.)

CHAIR STONE: Wasn't me.

COMMISSIONER DE REGO: Look what happens when you make fun of me.

CHAIR STONE: Frank, at least say excuse me.

COMMISSIONER DE REGO: I used to say God punish.

CHAIR STONE: If you need copies of today's agenda, they're available with Lisa, Kahuhu, over there, Lisa, hello. As per our rules, all discussions today shall be pertaining to these agenda items only.

First, I would like to call this meeting to order as of 10:00 a.m., and recognize our Commissioners that are present. Lisa, do we have anybody excused?

MS. KAHUHU: No, Chair. Everyone is present.

CHAIR STONE: Full house. Right on, Commissioners. Thank you for being here.

Also, I would like to take this time to

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present our staff. We have Ed Kushi, Jr., Deputy Corporation Counsel. Ed, thank you for being here.

MR. KUSHI: Good morning.

CHAIR STONE: As well as, again, Lisa Kahuhu, our Supervising Law Technician. Thanks, Lisa.

MS. KAHUHU: Good morning.

CHAIR STONE: We have, of course, Tonya McDade, our fearless court reporter. Thank you for being here, Tonya. And from the Mayor's office, EA Mike Molina.

MR. MOLINA: Good morning, Chair.

CHAIR STONE: Thanks, Mike. And, also, thank you very much to our Commission Analyst Sherry Broder for being here. Thank you, Sherry.

I would like to take this time -- one second -- to approve -- yes, we do have minutes to approve -- our minutes from our last meeting. Is there a motion to approve minutes?

COMMISSIONER DE REGO: So moved, Chair.

CHAIR STONE: Got a motion to approve. Do I have a second?

COMMISSIONER BAXA: Second.

CHAIR STONE: It has been seconded. Go ahead, Susan.

COMMISSIONER MOIKEHA: Correction.

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1 CHAIR STONE: Sure.
 2 COMMISSIONER MOIKEHA: I wasn't there on the
 3 25th. If I'm looking at this correctly, I'm being
 4 listed as present.
 5 CHAIR STONE: You were here in spirit.
 6 COMMISSIONER MOIKEHA: Oh, okay. Okay.
 7 COMMISSIONER DeLEON: Didn't you notice that
 8 motion you made?
 9 CHAIR STONE: Somebody was yelling at me, so
 10 I'm sure you were here.
 11 COMMISSIONER MOIKEHA: Wasn't me.
 12 COMMISSIONER DE REGO: Ouch. Okay.
 13 CHAIR STONE: I'm just kidding.
 14 COMMISSIONER DE REGO: Call for the question.
 15 CHAIR STONE: Okay. So we got to correct that
 16 error. Anything else? Anything else? Okay. Very
 17 good. Okay. With the correction of removing Susan
 18 Moikeha from the minutes, because she wasn't here, and
 19 somebody else was yelling at me, all in favor of
 20 approving the minutes with that change, raise your hand
 21 and say "aye."
 22 (Response.)
 23 CHAIR STONE: All opposed, raise your hand and
 24 say "nay." Okay. Minutes pass.
 25 Whose phone is ringing? I asked you guys time

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1 and time again to turn off your phones.
 2 (Laughter.)
 3 COMMISSIONER OKAMOTO: It's his phone.
 4 COMMISSIONER WIGER: Of course.
 5 CHAIR STONE: How dare you accuse me.
 6 COMMISSIONER WIGER: (Inaudible).
 7 CHAIR STONE: Jim Smith's here? No. Okay.
 8 That's because we don't have a lot to do. Okay. Very
 9 good.
 10 COMMISSIONER DE REGO: Is the microphone on?
 11 CHAIR STONE: Now move on to oral testimony.
 12 Before we begin, I would like to go over -- well, I'm
 13 not going to go over oral testimony rules. Lisa, do we
 14 have anybody here to testify?
 15 MS. KAHUHU: No. No, Chair, no one has signed
 16 up to testify.
 17 CHAIR STONE: Thank you very much. Looking
 18 out there in that huge crowd, I want to ask anybody if
 19 they would like to come forward to testify. Going once,
 20 going twice. Okay. No. So if there are no objections,
 21 I'll close the oral testimony at this time. And without
 22 objection, the Chair will accept and file all public
 23 communications for the record.
 24 I'm getting good at this right at the end of
 25 the game.

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1 COMMISSIONER SUGIMURA: Right at the end.
 2 CHAIR STONE: Okay. So now moving on to our
 3 agenda items. We have no Communication Items. Okay.
 4 And under Old Business, going on to the
 5 primary reason we're here, is our voter education and
 6 advertising calendaring and information. So in front of
 7 you guys, the Special Committee on -- I forget what our
 8 name is.
 9 COMMISSIONER SUGIMURA: Voter education.
 10 CHAIR STONE: Now we're the special committee
 11 for voter education?
 12 COMMISSIONER DeLEON: Promoted.
 13 CHAIR STONE: Public outreach I believe we're
 14 called or something like that. Lisa, what are we
 15 called?
 16 MS. KAHUHU: Chair, I think it's public
 17 outreach.
 18 CHAIR STONE: Okay. We'll go with that.
 19 Thank you.
 20 COMMISSIONER DeLEON: Special.
 21 CHAIR STONE: Just special people. Okay. So,
 22 Yuki --
 23 COMMISSIONER SUGIMURA: Yeah.
 24 CHAIR STONE: -- has -- has had our graphic
 25 designers put together a sample of what our brochure

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1 will look like, which I personally am extremely happy
 2 with.
 3 COMMISSIONER SUGIMURA: I look the color.
 4 CHAIR STONE: The color is really cool. Blue
 5 is my favorite. So what we have to work on today,
 6 really, because I -- I think we can all agree that this
 7 layout is very professional, very simple, very easy to
 8 read, so let's -- why don't we start with that and
 9 discuss the layout, if everybody's happy with this
 10 layout or if you have concern.
 11 COMMISSIONER SUGIMURA: So --
 12 CHAIR STONE: Go ahead, Yuki.
 13 COMMISSIONER SUGIMURA: So I think, earlier, I
 14 was talking to Lisa. And one of the things that's
 15 important is that we have to be at the proper place for
 16 the mail-out. So it may not flow exactly like that,
 17 where -- but it will look like that.
 18 CHAIR STONE: Yeah. And that's another point.
 19 The other reason we're here is the language that's going
 20 into this, the explanatory language which we looked at
 21 last meeting, we all -- we came -- I believe that we
 22 were happy with the majority of the language. Frank
 23 helped us with language for Proposal Number 9, so that
 24 was implemented. So what I did was, Dave -- Dave sent
 25 me the language, Yuki helped me organize it. Then what

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1 I did was put the language -- that's what this -- this
 2 is about, this printout. I put the language in a
 3 similar format to our old -- the old brochure from 2003.
 4 The reason why I did that was to show you guys how much
 5 space is being taken up by old language. All right.
 6 So, again, this is -- this is something, obviously, that
 7 we can deal with, with the graphic designers. If we
 8 need to extend this, I don't -- what my concern is,
 9 Yuki, are we adding a lot of extra expense to extend
 10 this?
 11 COMMISSIONER SUGIMURA: Depends how many
 12 panels, right? So I guess we have to get an estimate
 13 where we end up.
 14 CHAIR STONE: So as long as -- you didn't get
 15 this?
 16 VICE-CHAIR HEDANI: No. The shrunken one.
 17 CHAIR STONE: So what I found is if we were
 18 gonna use the same brochure as last year, for example,
 19 which we're not, but something similar, we had -- we
 20 used -- we took up a lot of space with the text because
 21 the explanations, although very thorough, took up a lot
 22 of space. So as you can see -- and this is not -- this
 23 has been shrunken down from the appropriate size and
 24 font in order to fit on eight and-a-half by eleven. So
 25 all this is showing you is the actual how much space we

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1 would take up if we had the similar amount of panels.
 2 Correct? What I ended up with, adding the ballot
 3 question along with the explanation, is one extra panel
 4 for usable space throughout the brochure, if it was the
 5 same.
 6 Now, I think Yuki can tell us that it probably
 7 doesn't matter, does it, Yuki, because we can add extra
 8 panels if we need?
 9 COMMISSIONER SUGIMURA: Yeah. And what we
 10 wanted to do was keep the idea of having the question
 11 per panel.
 12 CHAIR STONE: Right.
 13 COMMISSIONER SUGIMURA: That was the idea
 14 which makes it kind of clean looking.
 15 CHAIR STONE: Yeah. So -- so I think -- after
 16 seeing that -- and I wasn't privy to that brochure until
 17 today. It makes me feel a lot more comfortable.
 18 Because there's a lot of space for explanation. It
 19 depends on the font sizes that we use. So what I would
 20 like to do today is just verify that we're happy with --
 21 that's -- that's the look that we're going. This is the
 22 language that we're going with. Okay? So I know it's
 23 small -- go ahead, Dave.
 24 COMMISSIONER DeLEON: So the voter's gonna get
 25 this in the mail.

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1 CHAIR STONE: Right.
 2 COMMISSIONER DeLEON: And they're gonna get
 3 this explanation for what's inside. I think maybe a
 4 short paragraph on the first page on the inside
 5 explaining -- I thought I had a little bit more of
 6 explanation on my language that I gave to you. And that
 7 was -- I'm dealing with this right now. Let me slide
 8 out for a minute what the Planning Department sent out,
 9 a document, to a bunch of neighborhoods explaining why
 10 they're talking about moving from property from
 11 Agricultural to Rural.
 12 CHAIR STONE: I got that.
 13 COMMISSIONER DeLEON: Okay. Did you
 14 understand it?
 15 CHAIR STONE: I did just because I was savvy
 16 to it. But I do recall going, wait a second, people
 17 don't understand.
 18 COMMISSIONER DeLEON: Nobody I spoke to had a
 19 clue what the thing was about. So, I mean, so when
 20 people get this, they need to have at least kind of a --
 21 it doesn't have to be big, it could be (inaudible), but
 22 at least tell them, you know, you're going to be asked
 23 to vote on these items and this is what -- and that two
 24 of them come from the County Council and the rest of
 25 them come from the Charter Commission, and stop there,

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1 or something like that. Some type of language that
 2 leads the voter to have a clue about what the exercise
 3 is about. Otherwise, the average guy out there is
 4 clueless. They're not paying attention to us at all.
 5 This is going to be coming out of the blue. And it's
 6 going to be what is this about?
 7 CHAIR STONE: Right.
 8 COMMISSIONER DeLEON: And it doesn't get
 9 chucked because they feel like it's, you know, campaign
 10 stuff from a politician, then they might -- they might
 11 actually open and look at it. But they need to know,
 12 when they open and look at it, what they're reading.
 13 CHAIR STONE: Very good. Yeah. And, Dave, I
 14 didn't throw that on there simply because I -- it would
 15 have been considered along with extra space. Just for
 16 my exercise, what I was up to was just trying to show
 17 how we would end up. And what I -- what I think we
 18 understand is as long as we have that look, we can have
 19 as many panels as we need, it's just trying to keep the
 20 panels to a minimum because of expense. Right, Yuki?
 21 Go ahead, Lisa.
 22 MS. KAHUHU: No, we cannot add any more
 23 panels. There's 12 panels in all, one is the front and
 24 one is the mailing address area. There's ten. We've
 25 already procured all the printing and --

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1 CHAIR STONE: Okay. Got it.
 2 MS. KAHUHU: Everything is by size.
 3 CHAIR STONE: Got it. Got it. Got it. Okay.
 4 Well, that clarifies that. Thank you very much. Okay.
 5 So as I was saying, we need to add all the
 6 language to that brochure as is.
 7 (Laughter.)
 8 CHAIR STONE: There is a issue already because
 9 I saw that one of the -- on Number 9, the proposal
 10 itself takes up the entire panel. So I don't see how
 11 that's going to work. Hmm.
 12 MS. BRODER: Could you make the size of the
 13 font smaller?
 14 CHAIR STONE: We could. Could.
 15 COMMISSIONER SUGIMURA: Add on.
 16 COMMISSIONER DeLEON: I would make the actual
 17 ballot language smaller. I think the explanations need
 18 to be readable size. I think that was a mistake that
 19 the other Charter Commission did in this thing, was they
 20 only used ballot language.
 21 CHAIR STONE: Uh-huh.
 22 COMMISSIONER DeLEON: They weren't really
 23 explaining to the average person. I mean, it was like
 24 here it is, this is what you get to vote on. Well,
 25 what's it mean, you know.

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1 CHAIR STONE: Yeah.
 2 COMMISSIONER DeLEON: The voter needs to have
 3 that what's it mean part.
 4 CHAIR STONE: What I like is that if the --
 5 one thing that I liked about this 2003 brochure was that
 6 the initial title was dominant, because it catches your
 7 attention right away. Right? The explanation should
 8 be, let's say, bolder and then the ballot question
 9 should be the minimal text.
 10 COMMISSIONER DeLEON: Right.
 11 CHAIR STONE: Okay.
 12 COMMISSIONER DeLEON: Squeezed in.
 13 CHAIR STONE: That's how we'll -- that's how
 14 we'll look at it. Okay. Go ahead.
 15 COMMISSIONER OKAMOTO: We don't have a title
 16 on any of them except -- well, no. Some we do. Some we
 17 just have that. That's why 9 is so long, because it
 18 gives all the sections, but we don't really have a title
 19 for it.
 20 COMMISSIONER DeLEON: You do. But it's in the
 21 -- it's in the Chair's language. Yeah, that one.
 22 COMMISSIONER OKAMOTO: Okay. So that would go
 23 on the --
 24 COMMISSIONER DeLEON: So they were written
 25 like headlines. So they have an action word -- have an

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1 action word and then what the action is.
 2 CHAIR STONE: I guess the bottom line is
 3 there's gonna be a marriage between this language and
 4 titling and that brochure. So that's what we should be
 5 considering. And it's going -- well, we already
 6 procured our bid, so we're going to have to make it
 7 work.
 8 Okay. This is -- actually, it's almost easier
 9 to look at this particular, instead of the brochure,
 10 because you see the full layout. Okay.
 11 So at our last meeting, and correct me if I'm
 12 wrong, we did -- we did already go over the explanatory
 13 language and approved the bulk of it. The one proposal
 14 we were waiting on language for was Proposal Number 9.
 15 And that -- Frank helped us out with that.
 16 So if you guys can flip to that Number 9. And
 17 it's under Create Departmental Consistency. "The
 18 Charter describes four commissions that have specific
 19 oversight over four County Departments; Police, Fire and
 20 Public Safety, Personnel Services, and Liquor. This
 21 provision would create consistency in the powers and
 22 duties of these four commissions to hire, evaluate, and,
 23 if necessary, dismiss their department directors, as
 24 well as requiring each director to be evaluated annually
 25 by their Commission and have the same rights to due

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1 process and dismissal."
 2 Go ahead, Kay.
 3 COMMISSIONER OKAMOTO: Well, if you look at
 4 the proposal in blue, and I think there's where we've
 5 gotten -- some of our, you know, it says like Preamble,
 6 or Mayor Residency, but Number 9 is so long. Because
 7 not only it lists them, but then the information is
 8 listed there with it. It says, "to provide consistency
 9 in." It would seem like we're duplicating the language
 10 because you've got the articles, and then, in the
 11 middle, it says "to provide consistency in the process,"
 12 which is part of the written description there.
 13 CHAIR STONE: Uh-huh. Uh-huh.
 14 COMMISSIONER OKAMOTO: So we're duplicating
 15 language, at least on that one. I'm not sure about the
 16 others.
 17 COMMISSIONER DeLEON: I think you're going to
 18 have to, because all of them are speaking to the
 19 proposal. So what we're trying to do is, in layman
 20 language, try to explain it and then --
 21 COMMISSIONER OKAMOTO: Right.
 22 COMMISSIONER DeLEON: Then give the actual.
 23 COMMISSIONER OKAMOTO: Because you're saying
 24 it twice. That's why Proposal 9 isn't all gonna fit in
 25 one panel, because if you look -- go back to Proposal 7,

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1 it just says Mayor Residency Requirements. That's --
 2 that's what you've got, Article 7. Here you list your
 3 articles, you got a bunch of them, so you have to, but
 4 then, after it says Section 813.2, you have the
 5 description again, "to provide consistency." That's a
 6 duplicate of what you're saying over here.
 7 COMMISSIONER DeLEON: Here's my point, though:
 8 The voter isn't going to get that far. They need to
 9 have the simple language to be able to get that far.
 10 COMMISSIONER OKAMOTO: It's the same language
 11 is what I'm saying. You've got to provide consistency
 12 in the process. The same thing we're saying over here.
 13 You don't need it twice because then, Number 9 they're
 14 not gonna look at if it's that long.
 15 CHAIR STONE: One second. Lisa has some
 16 input.
 17 MS. KAHUHU: Chair, what you see on the blue
 18 sheet was provided to our graphic designer just straight
 19 from our report.
 20 CHAIR STONE: Oh.
 21 MS. KAHUHU: So if you compare this and last
 22 year's one, there's just -- they're just general titles.
 23 CHAIR STONE: Yeah.
 24 MS. KAHUHU: Then the question, as opposed to
 25 all the information.

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1 CHAIR STONE: Kay, all that's going to be
 2 struck and be a general title.
 3 COMMISSIONER DeLEON: Mr. Chair?
 4 CHAIR STONE: Yes, go ahead, Dave.
 5 COMMISSIONER DeLEON: That leads me to
 6 question, do we have the Charter actual ballot language
 7 yet? The Clerk's gonna create the ballot language.
 8 CHAIR STONE: From our side, we have.
 9 COMMISSIONER DeLEON: We're going to put the
 10 ballot language in the brochure, right?
 11 CHAIR STONE: Yes. Yes.
 12 COMMISSIONER DeLEON: Do we have it yet?
 13 CHAIR STONE: Wait a second. Wait a second,
 14 Dave. Clarify.
 15 COMMISSIONER DeLEON: What we wrote is not
 16 what the Clerk is necessarily going to write.
 17 CHAIR STONE: I think -- Ed?
 18 MR. KUSHI: What you wrote is what the Clerk
 19 needs to follow.
 20 COMMISSIONER DeLEON: Needs to follow it, but
 21 he can change it, yeah?
 22 MR. KUSHI: No.
 23 COMMISSIONER DeLEON: No? Okay. So he's
 24 going to use exactly the same language?
 25 MR. KUSHI: Right.

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1 COMMISSIONER DeLEON: Okay. I take it back,
 2 then.
 3 CHAIR STONE: So, in other words, Kay, just to
 4 clarify, I believe -- and, again, Lisa, if I'm wrong,
 5 get me -- instead of all of that top part in our
 6 brochure, it's gonna say Create Departmental Consistency
 7 with the explanation.
 8 COMMISSIONER OKAMOTO: So are we listing --
 9 the old one didn't list the articles. Are we listing
 10 the articles and the --
 11 CHAIR STONE: Well, in the ballot question --
 12 the ballot question has to be the ballot question. So
 13 that bottom part of the -- the bottom part of this
 14 Number 9 needs to stay the same. The top part of Number
 15 9 is going to be a title, just a title, brief title
 16 description, which, right now, we're calling Create
 17 Departmental Consistency, and it's going to have the
 18 explanation that we have -- that I just -- the Charter
 19 describes -- oh, sorry. One second. Yes.
 20 COMMISSIONER BAXA: Mr. Chair?
 21 CHAIR STONE: Yeah, go ahead.
 22 COMMISSIONER BAXA: Mr. Chair, concerning
 23 Proposal Number 9, I know that there may be a point in
 24 saying that it is too long. We are enumerating all the
 25 subsections, Section 8-7.2 and so on. Would it be okay

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1 to say -- to just say remove this point and just say --
 2 CHAIR STONE: Yeah.
 3 COMMISSIONER BAXA: -- this proposal --
 4 COMMISSIONER SUGIMURA: Mock-up.
 5 COMMISSIONER BAXA: This proposal is to
 6 provide -- to provide consistency in the process in
 7 which various commissions of the listed departments that
 8 appoint its directors and chiefs, handle evaluation,
 9 removal of its directors or chiefs.
 10 CHAIR STONE: Yes. Yes, Commissioner Baxa.
 11 Let me -- this is where we're getting confused. And I
 12 will apologize, because we couldn't -- we couldn't get
 13 the two married before this meeting. All right. What
 14 you're seeing on the -- on this, the blue one, is a
 15 mock-up, okay, a mock-up only. That all of that top
 16 language, sometimes it's title, sometimes it's the whole
 17 -- whole article, what -- what we're going to see there
 18 instead of the language you see here is going to be the
 19 language that is on this print-up that has the red. So
 20 scratch everything you see in Number 9 except for Number
 21 9. All right? Put in this -- this language.
 22 COMMISSIONER WIGER: Okay. Got it.
 23 CHAIR STONE: So what it's going to read under
 24 Number 9 is Create Departmental Consistency, with the
 25 explanation that I just read. And then it's going to

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1 have the ballot question.
 2 COMMISSIONER WIGER: Okay.
 3 CHAIR STONE: So, in other words, Number 9, in
 4 blue, it's going to look like this Number 9 that's
 5 presently in red.
 6 COMMISSIONER CRIVELLO: Okay. Makes sense.
 7 CHAIR STONE: I apologize for that. We just
 8 couldn't get this language to be mocked up. But that's
 9 -- that's the point. And the language has already been
 10 approved by us except for this Number 9. So if you
 11 guys -- what we're asking today is if you guys are good
 12 with the mockup, if you guys are good with the language,
 13 this language, besides -- don't worry about 10 because
 14 10 was -- Wayne just pointed out was erroneous, but you
 15 guys already approved 10 -- is going to go into --
 16 Tonya, you confused yet? Tonya is shaking her head,
 17 what the heck is going on. Go ahead, Wayne.
 18 VICE-CHAIR HEDANI: Chair, might I suggest we
 19 just start with Proposal Number 1 and work our way
 20 through?
 21 COMMISSIONER WIGER: Yes.
 22 VICE-CHAIR HEDANI: Just to make sure
 23 everything is --
 24 CHAIR STONE: Wayne, I really do appreciate
 25 your wisdom. It's always good to have Wayne sitting

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1 next to you. Okay. So first off, I would like to get
 2 approval on the mockup. All right? So can I have a
 3 motion to approve --
 4 COMMISSIONER SUGIMURA: So move.
 5 CHAIR STONE: -- the graphic design? Go
 6 ahead.
 7 COMMISSIONER CRIVELLO: Second.
 8 CHAIR STONE: Motion made by Yuki, seconded by
 9 Stacy. Any discussion?
 10 (No response.)
 11 CHAIR STONE: Okay, no. All in favor of using
 12 the mockup that we presently have, draft mockup, raise
 13 your hand and say "aye."
 14 (Response.)
 15 CHAIR STONE: All opposed, raise your hand and
 16 say "nay." Dave is --
 17 COMMISSIONER DeLEON: I was looking at this
 18 thing. We're wasting too much space on the numbers.
 19 CHAIR STONE: But, Dave, you can't look at the
 20 numbers that way. Did you say "yea" or "nay?"
 21 COMMISSIONER DeLEON: I voted no.
 22 CHAIR STONE: So that's 10 to one, so motion
 23 passes.
 24 COMMISSIONER DeLEON: Sorry.
 25 CHAIR STONE: Dave, this isn't --

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1 COMMISSIONER DeLEON: I always enjoy group
 2 edits.
 3 CHAIR STONE: Dave, okay, Number 9 is not
 4 going to look like that.
 5 COMMISSIONER DeLEON: Okay.
 6 CHAIR STONE: Number 9 is going to look like
 7 the Number 9 with your explanation.
 8 COMMISSIONER DeLEON: Oh, okay. It's just
 9 going to be smaller. I thought we were laying it out
 10 like that.
 11 CHAIR STONE: No.
 12 COMMISSIONER DeLEON: No, okay. What were we
 13 voting on?
 14 COMMISSIONER SUGIMURA: The look.
 15 COMMISSIONER DeLEON: The general look. Okay.
 16 COMMISSIONER SUGIMURA: Its graphics.
 17 COMMISSIONER WIGER: Not the size of the font.
 18 CHAIR STONE: We're passed that stage.
 19 COMMISSIONER DeLEON: I got it.
 20 CHAIR STONE: Now going back to the language.
 21 And Wayne pointed out that I had -- and, again, I'm no
 22 graphic designer, guys. I just put this together as
 23 best I could. But what I was trying to do was give you
 24 an example of what is actually going to go in here
 25 instead of what you see. Okay?

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1 So Number 1, Change Council Terms of Office is
 2 the title, which makes all the sense in the world.
 3 Dave, thank you very much. And then there is the
 4 language that Dave put. So if you guys would like to
 5 take a second just to read through it again. This is
 6 the same language that we looked at last time.
 7 And, by the way, this needs to be edited,
 8 because I cut and paste all this stuff to mock this up.
 9 So whatever we had looked at last time and approved is
 10 what is actually going to go. And the ballot questions
 11 could have a few errors because, again, I cut and paste,
 12 but the general idea is there.
 13 VICE-CHAIR HEDANI: Would you like to read it
 14 for the benefit of Akaku?
 15 CHAIR STONE: Sure. Okay. Thank you, Wayne.
 16 Getting thrown under the bus. Okay.
 17 So Number 1:
 18 Title: "Change Council Terms of Office."
 19 Explanation: "This proposal would change the Council's
 20 term of office from the current two years to four years,
 21 would allow for a maximum of three consecutive four-year
 22 terms, and would stagger the terms so that no more than
 23 five Council Members would be elected at one time.
 24 Under the Charter Commission's proposal, in
 25 the 2014 election, the four winning candidates with the

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1 lowest vote totals out of the nine Council Members would
 2 be assigned initial two-year terms in order to set up a
 3 staggered election pattern. Those four Council Members
 4 would be allowed two terms of four years and one term of
 5 two years, for a total of 10 years, before they would
 6 have to step down. The other five would be allowed a
 7 total of three four-year terms for a total of 12 years."
 8 Good explanation. Go ahead, Kay.
 9 COMMISSIONER OKAMOTO: I remember we talked
 10 about making sure that they understood that three
 11 consecutive terms. Did we talk about any other language
 12 to show that that wasn't -- you know, that they could
 13 have a break and come back? I know we talked about it,
 14 but I couldn't remember the exact. Was it just putting
 15 in the consecutive?
 16 COMMISSIONER DeLEON: That does it, does it
 17 not? Yeah. I mean, you only got so much space.
 18 COMMISSIONER OKAMOTO: Yeah.
 19 COMMISSIONER DeLEON: So you can't really --
 20 you have to get --
 21 CHAIR STONE: We did talk about it, and then
 22 decided it was getting way too long.
 23 COMMISSIONER DeLEON: Makes the Charter as a
 24 haiku.
 25 CHAIR STONE: Okay. Then you have Number 1's

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1 ballot question down there, which we all know. Right?
 2 Go ahead, Lisa.
 3 MS. KAHUHU: Sorry, Chair. I just -- you said
 4 there's gonna be additional language for this, what was
 5 approved before. I'm not sure what you're talking
 6 about.
 7 CHAIR STONE: Last meeting, we had the
 8 explanatory language like, you know, our educational
 9 explanatory language that Dave had provided.
 10 MS. KAHUHU: Oh, okay.
 11 CHAIR STONE: We all took a -- we just
 12 approved to use that language for the brochure. So all
 13 that -- all this language that you see in here is what
 14 we looked at last week and we've discussed -- I'm sorry,
 15 not last week -- last meeting and we discussed. And I
 16 literally took it like just cut and paste straight into
 17 this.
 18 MS. KAHUHU: Okay. But for purposes of the
 19 graphic designer, this is what is going to be provided,
 20 right?
 21 CHAIR STONE: Yes.
 22 MS. KAHUHU: Okay.
 23 CHAIR STONE: Yes. That's why I want to go
 24 over it and make sure everybody is happy with it.
 25 MS. KAHUHU: Thank you.

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1 CHAIR STONE: Point 1A, Council Alternative.
 2 Go ahead.
 3 MS. BRODER: Those four Council Members would
 4 be allowed two terms of four years or one term of two
 5 years, I would just switch that because, first, they're
 6 gonna be elected for one term of two years now and then
 7 two terms of four years. So I'd just switch those two
 8 around.
 9 CHAIR STONE: Okay.
 10 MS. BRODER: It's more accurate in describing.
 11 CHAIR STONE: Okay. Everybody okay with that?
 12 COMMISSIONER DeLEON: Yeah.
 13 CHAIR STONE: Okay. Got it. Lisa, just
 14 remind me, email me, please. Okay.
 15 1A, Council Alternative: "Under the Council's
 16 proposal, the four winning candidates with the lowest
 17 vote totals would be given three four-year terms in
 18 addition to one two-year term to establish the staggered
 19 pattern, for a maximum total of 14 years before they
 20 have to step down. The five with the highest vote total
 21 would receive a maximum of three four-year terms or a
 22 maximum total of 12 years before they have to step down.
 23 Under the existing system, the whole Council
 24 is elected every two years and Council Members are
 25 allowed a maximum of five two-year terms before they

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1 must step down.
 2 Voters will be able to vote "yes" on both
 3 items, vote "yes" for one and "no" on the other, or vote
 4 "no" on both proposals."
 5 Go ahead.
 6 COMMISSIONER OKAMOTO: I would change the
 7 "given" to "allowed" to be consistent. I mean, it
 8 sounds like, oh, they automatically are going to be --
 9 so it's consistent with the first one.
 10 CHAIR STONE: Okay.
 11 COMMISSIONER OKAMOTO: Now, is there ballot
 12 language for 1A?
 13 CHAIR STONE: Well, these guys didn't put the
 14 ballot question on their explanation of the Council's
 15 specific proposal. So --
 16 COMMISSIONER OKAMOTO: Okay.
 17 CHAIR STONE: Yeah, it's not --
 18 COMMISSIONER OKAMOTO: But not the Council's?
 19 CHAIR STONE: No. This is the council's?
 20 COMMISSIONER OKAMOTO: No. We wrote the
 21 wording for it.
 22 CHAIR STONE: We did, just as an explanation
 23 of that, so people are aware there's two separate
 24 proposals out there, and we're explaining the
 25 differences. And where was that, the "given?"

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1 COMMISSIONER OKAMOTO: In the first paragraph,
 2 right at the -- the one toward -- third line.
 3 CHAIR STONE: "Allowed."
 4 COMMISSIONER OKAMOTO: Yeah, to be consistent.
 5 COMMISSIONER DeLEON: Mr. Chair?
 6 CHAIR STONE: Yes, go ahead.
 7 COMMISSIONER DeLEON: While I understand this
 8 is just a mock, it's not something locked in, but we
 9 should try to avoid what this one does with the heading
 10 at the bottom from the next item. So 1A should be at
 11 the top.
 12 CHAIR STONE: Oh, yeah. Yeah, yeah. Of
 13 course. Actually, it's going to be on its -- well --
 14 they have to be married, yeah. Yeah, of course. Well,
 15 we're going to have a page to work with, right, Yuki?
 16 COMMISSIONER SUGIMURA: That's too bad we
 17 can't --
 18 MS. KAHUHU: Huh?
 19 COMMISSIONER SUGIMURA: Too bad we cannot add
 20 on.
 21 CHAIR STONE: We'll figure it out, guys.
 22 MS. KAHUHU: It's bid procurement.
 23 MR. KUSHI: Proposals 1 and 1A, I'll say this
 24 again. And it's the last time I'm going to say it.
 25 There should be some mention in your narrative of

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1 consecutive terms. If you don't have space, you don't
 2 have space. The ballot question that you're proposing
 3 does say consecutive. So as long as everybody
 4 understands it's consecutive, it's not five or four
 5 separate terms.
 6 COMMISSIONER DeLEON: Mr. Chair, I would amend
 7 the language to put the word "consecutive" in there, in
 8 1A, so that -- and make the adjustment that Kay
 9 proposed.
 10 CHAIR STONE: What about 1 and 1A, yeah?
 11 COMMISSIONER DeLEON: 1, we have
 12 "consecutive."
 13 CHAIR STONE: Got it. So it would be "allowed
 14 consecutive." I'll figure it out.
 15 COMMISSIONER OKAMOTO: Three consecutive.
 16 COMMISSIONER DE REGO: Consecutive.
 17 COMMISSIONER SUGIMURA: Consecutive.
 18 CHAIR STONE: Yeah, three consecutive. Okay,
 19 got it. Okay.
 20 COMMISSIONER BAXA: Mr. Chair?
 21 CHAIR STONE: Yeah, go ahead, Commissioner
 22 Baxa.
 23 COMMISSIONER BAXA: I know that we are short
 24 of space, but I just want to make a comment.
 25 CHAIR STONE: Yes.

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1 COMMISSIONER BAXA: How many alternative
 2 proposals are coming from the Council? Just one?
 3 COMMISSIONER DeLEON: Just one alternative.
 4 CHAIR STONE: One alternative.
 5 COMMISSIONER DeLEON: And there's one other.
 6 CHAIR STONE: Which we are not going to touch
 7 base on.
 8 COMMISSIONER BAXA: What I would suggest is
 9 about Number 1, there should be "Charter Proposal," and
 10 above 1A should be "Council Alternative."
 11 CHAIR STONE: It's gonna be like that and then
 12 it's going to have, underneath it, 1A titled like that.
 13 COMMISSIONER BAXA: Yeah. No, I would suggest
 14 that instead of the "Council Alternative" appearing
 15 below the 1A, it should be above the 1A in the same way
 16 that, in the first one, there should be language here,
 17 Charter Proposal, 1.
 18 VICE-CHAIR HEDANI: Charter Commission
 19 Proposal 1.
 20 CHAIR STONE: I'm not quite following. It is
 21 going to have -- this is going to be at the top.
 22 COMMISSIONER BAXA: Yeah. No, what I'm trying
 23 to indicate is that I really don't know if they will
 24 know that everything here -- of course, this is coming
 25 from us, but there should be a clear indication that

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1 these are Charter proposals.
 2 CHAIR STONE: Well, the title of 1A is Council
 3 Alternative. Council Alternative. To me, that's saying
 4 that this is from the Council, not from the Charter
 5 Commission. So because 1 and 1A marries the two, I
 6 believe, saying these are -- these are two proposals
 7 about the same thing. And then by titling it Council
 8 Alternative, to me, it says that this is the Council's
 9 proposal.
 10 Yeah, go ahead.
 11 COMMISSIONER OKAMOTO: Well, I think if Dave's
 12 comments about having a paragraph at the beginning --
 13 because if you look at the front, it really isn't clear
 14 that this is the Charter Commission's proposals.
 15 COMMISSIONER BAXA: That is the point.
 16 COMMISSIONER OKAMOTO: But this one, if you
 17 look at it here, they've got a big red thing that says
 18 these --
 19 COMMISSIONER DeLEON: I had the equivalent of
 20 that.
 21 COMMISSIONER OKAMOTO: Yeah.
 22 COMMISSIONER DeLEON: It doesn't have to be
 23 that big, but it says what it is.
 24 COMMISSIONER OKAMOTO: Everything else in this
 25 is a Charter Commission one except for the --

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1 COMMISSIONER DeLEON: Except for the one
 2 point. And that was explained in that --
 3 CHAIR STONE: Got it. That is planned, Kay.
 4 COMMISSIONER OKAMOTO: Okay.
 5 CHAIR STONE: On the layout that is planned,
 6 something similar that explains -- explains what's going
 7 on. Dave actually had that, just I didn't throw it into
 8 my mockup and it didn't sneak into this mockup. So it's
 9 a good point. I'll make sure that that gets in there as
 10 an explanation.
 11 One second, please. Okay, good.
 12 Any further discussion there? Go ahead,
 13 Wayne.
 14 VICE-CHAIR HEDANI: On the Council
 15 Alternative, you're going to move the two-year, two-year
 16 term ahead of --
 17 CHAIR STONE: Yeah, good point.
 18 COMMISSIONER DeLEON: Chair?
 19 CHAIR STONE: Yeah.
 20 COMMISSIONER DeLEON: So for placement of the
 21 word "consecutive," I would place it -- this is on 1A,
 22 to establish a staggered pattern for a maximum 14
 23 consecutive years before you must step down, then the
 24 next one is consecutive 12 years before you step down.
 25 Then, under the existing system, doesn't talk about

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1 years in this language, but the maximum of five
 2 consecutive two-year terms.
 3 CHAIR STONE: Okay. By the way, Dave, you're
 4 probably going to be the one doing that.
 5 COMMISSIONER DeLEON: Well, I just want to
 6 make sure that everybody is, you know, in line with
 7 that.
 8 CHAIR STONE: Everybody good with that? No,
 9 Cliff? Chivo is shaking his head. Cliff, buddy?
 10 COMMISSIONER HASHIMOTO: You know, I've always
 11 said when we get --
 12 CHAIR STONE: Microphone. Microphone.
 13 COMMISSIONER HASHIMOTO: When we get too
 14 wordy, we confuse everything. And, you know, the
 15 simplest way to -- to get unsophisticated people to
 16 understand something is to keep it short as possible.
 17 Instead, we always try to get sophisticated because
 18 that's the way we understand something, that's the way
 19 we want to understand it, but, you know, the average
 20 voter doesn't.
 21 CHAIR STONE: Thank you, Cliff. I think
 22 that's why it's important that we -- there's a dominant
 23 title, at least a dominant title, because people will
 24 look at the title and say Change Council Terms of
 25 Office, oh.

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1 COMMISSIONER HASHIMOTO: They understand that.
 2 CHAIR STONE: Yeah.
 3 COMMISSIONER HASHIMOTO: I think they
 4 understand that.
 5 CHAIR STONE: That's why that's important.
 6 COMMISSIONER HASHIMOTO: But to go through in
 7 detail and explain something is -- they're not gonna
 8 read it, unfortunately.
 9 CHAIR STONE: We have to assume the best.
 10 COMMISSIONER DeLEON: (Inaudible) we need to
 11 do it right.
 12 COMMISSIONER HASHIMOTO: You know, we group --
 13 just let me say one more thing.
 14 CHAIR STONE: Sure. Go ahead, Cliff.
 15 COMMISSIONER HASHIMOTO: We've got a group of
 16 people now here, we have a bunch of mixed people here on
 17 this island, who -- who speak English in one form or
 18 another. And then we have our local folks over here who
 19 speak a completely different language. Now, what we're
 20 writing here is for some people, but not all.
 21 CHAIR STONE: Thanks, Cliff.
 22 COMMISSIONER HASHIMOTO: So it makes it very
 23 difficult for -- for -- I think for us to reach everyone
 24 on this -- on this island, on all of our islands. It's
 25 hard to reach them all. And the more -- more we try do

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1 that, the more difficult it becomes for them.
 2 CHAIR STONE: Thanks, Cliff. That's the point
 3 is, I believe, trying to keep our titles simple so that,
 4 at least, people can understand the basis of the
 5 proposal.
 6 Okay. So moving on to Number 2. Title is
 7 Move Ocean and Shoreline Rescue to Fire and Public
 8 Safety department. It reads, "Currently, County Beach
 9 Lifeguards, or Ocean Safety Officers, are based in the
 10 County Parks and Recreation Department. If this
 11 proposal is approved by the voters, the County's Ocean
 12 Safety function would be moved to the Department of Fire
 13 and Public Safety." Simple. Okay. Good. Then the
 14 ballot question follows.
 15 Okay, Number 3. Title: Establish Office of
 16 Auditor. Now, should that read County Auditor or just
 17 Office of Auditor? Okay. So explanation: "This
 18 proposed Charter amendment would create a new office of
 19 County Auditor that would be responsible for both fiscal
 20 and performance audits of County accounts and operations
 21 in order to enhance both accountability and efficiency.
 22 While the County Auditor, who would head up this new
 23 office, would be appointed by the County Council and may
 24 be removed by the Council, the goal for this office is
 25 to be independent of the County's administrative and

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1 legislative leadership so that the auditor would be able
 2 to issue complete, accurate, unbiased and reliable
 3 reports to the Mayor, the Council and the public -- "the
 4 Mayor, the Council and the public about how Maui County
 5 is operating and how efficiencies can be achieved. The
 6 auditor will appoints the auditor's staff, which will
 7 not be subject to civil service laws. Under this
 8 proposal the County Cost of Government Commission will
 9 serve in an advisory capacity to the County Auditor.
 10 The Commission will be appointed by the Mayor and
 11 confirmed by the County Council."
 12 COMMISSIONER OKAMOTO: Long. Way too long.
 13 CHAIR STONE: Followed by the ballot question.
 14 COMMISSIONER OKAMOTO: To me, that one is way
 15 too long.
 16 COMMISSIONER DeLEON: So take out the sentence
 17 that deals with independence.
 18 COMMISSIONER MOIKEHA: No.
 19 COMMISSIONER DeLEON: Well, I mean --
 20 CHAIR STONE: Hang on.
 21 COMMISSIONER DeLEON: This is not an argument;
 22 it's an explanation. If it gets too long, that's the
 23 sentence that's got to come out. Or the civil service
 24 thing is not really necessary, either.
 25 CHAIR STONE: I think -- I mean, there's some

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1 language that could be removed such as -- like "while
 2 the County Auditor, who would head up this new," should
 3 read, "The County Auditor would head this new office.
 4 And would be appointed by the County Council and may be
 5 removed by the Council." I mean, as a -- go ahead,
 6 Wayne.
 7 VICE-CHAIR HEDANI: This last sentence needs
 8 to be there? We're talking about the Cost of Government
 9 Commission.
 10 CHAIR STONE: Good point. The Commission will
 11 be appointed by the Mayor -- yes, go ahead, Sherry.
 12 MS. BRODER: The only caution is that the
 13 pamphlet has to accurately reflect what's on the ballot.
 14 And that is on the ballot, including Cost of Government
 15 Commission. So I would actually advise you to keep it
 16 in. I think -- I think considering how long the Office
 17 of Auditor proposal actually is, it's reasonable that
 18 this part is long. And, you know, I think that's --
 19 that's a major component of the -- of the changes. So I
 20 would think that -- I advise you to keep it in.
 21 CHAIR STONE: Thank you, Sherry. Go ahead,
 22 Yuki.
 23 COMMISSIONER SUGIMURA: So could we delete
 24 that one sentence, then? I agree with Sherry, should
 25 keep the --

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1 CHAIR STONE: Which sentence, Yuki?
 2 COMMISSIONER SUGIMURA: Oh. "The auditor will
 3 appoint the auditor's staff, which will not be subject
 4 to civil service laws."
 5 MR. KUSHI: That's pretty important, too.
 6 COMMISSIONER SUGIMURA: Is that important?
 7 MS. BRODER: Yes, I mean, if you are -- if you
 8 are a public employee union person, you know, that might
 9 influence how you vote on this question.
 10 COMMISSIONER OKAMOTO: I remove my objection.
 11 CHAIR STONE: Okay.
 12 COMMISSIONER DE REGO: Can I -- can I just --
 13 CHAIR STONE: Go ahead, Frank, shoot.
 14 COMMISSIONER DE REGO: Maybe there's a way of
 15 breaking up that one sort of long sentence into maybe
 16 two shorter sentences and take out some of the
 17 parenthetical remarks. I think it's obvious that the
 18 County Auditor would head up the office. So that's a
 19 parenthetical remark that would not be necessary. Okay.
 20 It would be appointed by the Council and may be removed
 21 by the Council, period. Right? So then there's sort of
 22 a visual break, right? And then the goal for this
 23 office is to be independent of the County's
 24 administrative and legislative leadership so the auditor
 25 would be able to issue -- and I don't know if you need

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1 four sort of adjectives for the kinds of reports.
 2 Right? I mean, maybe reliable and unbiased. I mean,
 3 take your pick. Right? And shorten that, that way. To
 4 the Mayor of the Council and the public, about how the
 5 Maui County is operating and how efficiencies can be --
 6 I don't know. But I think there's ways of saving on
 7 words and chopping that and then making it visually, you
 8 know, shorter sentences instead of having a lot of
 9 parenthetical remarks.
 10 CHAIR STONE: Okay.
 11 COMMISSIONER WIGER: Mr. Chair?
 12 CHAIR STONE: Yes. Go ahead, Flo.
 13 COMMISSIONER WIGER: This would be known, and
 14 I'm sure Kay would agree with me, as a really long
 15 run-on sentence, which doesn't work well.
 16 CHAIR STONE: Let me just read, starting where
 17 Frank proposed the change. "The County Auditor would be
 18 appointed by the County Council and may be removed by
 19 the Council. The goal for this office is to be
 20 independent of the County's administrative and
 21 legislative leadership so that the auditor would be able
 22 to issue unbiased and reliable reports to the Mayor, the
 23 Council and the public about how Maui County is
 24 operating and how efficiencies can be achieved." I
 25 think that's clear and concise. Want to go with that?

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1 Good. Okay.
 2 COMMISSIONER MOIKEHA: Wait.
 3 CHAIR STONE: Go ahead, Susan.
 4 COMMISSIONER SUGIMURA: Say that again.
 5 CHAIR STONE: So starting on the second
 6 sentence.
 7 COMMISSIONER BAXA: Mr. Chair?
 8 CHAIR STONE: Go ahead, Commissioner Baxa.
 9 COMMISSIONER BAXA: Yeah, even if just to
 10 remove two words there, you know, I think the words
 11 County Council may be -- where is that -- both
 12 independent of the County's administrative and
 13 legislative leadership. To me, those are -- you know,
 14 we can make it simpler. Independent of either the
 15 executive or the Council, you know. That is simpler.
 16 And these other words that people understand, or we
 17 could even use the word Mayor and the Council.
 18 COMMISSIONER DE REGO: The goal for the office
 19 to be --
 20 COMMISSIONER DeLEON: Take four words into
 21 two.
 22 COMMISSIONER BAXA: And I agree with
 23 Mr. Hashimoto.
 24 COMMISSIONER DE REGO: Yeah.
 25 CHAIR STONE: Okay. Okay. Independent of the

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1 County -- of the --
 2 COMMISSIONER DeLEON: Mayor.
 3 CHAIR STONE: -- Mayor.
 4 COMMISSIONER CRIVELLO: And the Council.
 5 COMMISSIONER DE REGO: And the Council.
 6 COMMISSIONER DeLEON: County Council.
 7 CHAIR STONE: The County -- should we say
 8 County Council?
 9 COMMISSIONER DeLEON: Yes.
 10 CHAIR STONE: Got to say County Council.
 11 Okay. So here we go, starting at that second paragraph:
 12 "The County Auditor will be appointed by the County
 13 Council and may be removed by the Council. The goal for
 14 this office is to be independent of the Mayor and the
 15 County Council so that the auditor will be able to issue
 16 unbiased and reliable reports to the Mayor, Council and
 17 the public about how Maui County is operating, how
 18 efficiencies can be achieved.
 19 Susan. Of course.
 20 COMMISSIONER MOIKEHA: I don't think that's
 21 going to work. Is it okay to talk?
 22 CHAIR STONE: Yes. Go ahead.
 23 COMMISSIONER MOIKEHA: Why do you need to know
 24 what kind of report it is? Independent auditor will
 25 issue an independent report. You can leave off that

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1 whole last sentence. I think the most important words
 2 here are "County Council will approve and remove County
 3 Auditor, the goal of this office to be independent of
 4 the Mayor and the County Council," period. And leave
 5 everything else out.
 6 COMMISSIONER DeLEON: Then why bother? Why
 7 spend the money to set up an operation if you're not
 8 going to do it?
 9 CHAIR STONE: Actually, some people may not
 10 know what -- like that -- what the County -- what the
 11 auditor --
 12 COMMISSIONER MOIKEHA: Unbiased reliable
 13 reports, but it's not only to the Mayor, it's to the
 14 whole County.
 15 CHAIR STONE: It says to the Mayor the Council
 16 and the public.
 17 COMMISSIONER MOIKEHA: Just leave it. I mean,
 18 do we really have to say who it goes to? Just end it at
 19 "reliable report," period.
 20 CHAIR STONE: What do you guys think?
 21 COMMISSIONER OKAMOTO: It's simpler.
 22 CHAIR STONE: Go ahead, Cliff.
 23 COMMISSIONER HASHIMOTO: Some of this includes
 24 the duties of the auditor. It isn't necessary for the
 25 public to know what those duties are because when --

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1 when -- if we want to find out what the auditor really
 2 does, you can go to the Office of Auditor and get a copy
 3 of his description of his duties. It doesn't have to be
 4 in the Charter. Look at a lot of charters, I've seen a
 5 lot of charters that had -- that doesn't describe the
 6 departments within that county.
 7 CHAIR STONE: Okay. Thank you. So you agree
 8 with Susan that it should just end at "reports?"
 9 COMMISSIONER HASHIMOTO: Well, no, but, I mean
 10 -- you know, part of the explanation here is kind of
 11 lengthy, I think.
 12 CHAIR STONE: Okay. Go ahead, Dave. You had
 13 something?
 14 COMMISSIONER DeLEON: Voters are going to be
 15 asked to approve this new office, which will have a
 16 cost. And some folks are going to oppose this thing
 17 because it's going to cost money to set up and run.
 18 They need to understand what they're buying. And, you
 19 know, if five extra words in a brochure is going to help
 20 them get there, then I need the five extra words.
 21 CHAIR STONE: I'm leaning towards Dave's
 22 argument because I just think some people wouldn't even
 23 know what the County Auditor is meant to be doing.
 24 COMMISSIONER WIGER: Chair?
 25 CHAIR STONE: Yeah, go ahead.

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1 COMMISSIONER WIGER: I would like to ask
 2 Sherry if -- if we separate -- instead of one long
 3 run-on, right, could we separate it and make it two and
 4 make the kinds of accommodations, leaving in Dave's
 5 recommendation? Will that -- will that, do you think,
 6 suffice to get us what we need to have in terms of
 7 giving the information appropriately? I mean, I was
 8 listening to what you said and I thought it made good
 9 sense. I just wanted it to be stated a little tidier.
 10 MS. BRODER: Well, I don't think if you cut
 11 off the sentence -- the run-on sentence and make it into
 12 a sentence, instead, that would be of any concern to me.
 13 My only concern would be that if you're doing major
 14 things like hiring people without subjecting them to
 15 civil service.
 16 COMMISSIONER WIGER: Right.
 17 MS. BRODER: If you're -- you know, how they
 18 were hired and fired, you know, the major things I think
 19 should really have to be included.
 20 COMMISSIONER BAXA: Mr. Chair?
 21 CHAIR STONE: Yeah, go ahead, Commissioner
 22 Baxa.
 23 COMMISSIONER BAXA: While you are so much
 24 concerned about length, in this case, though, I agree
 25 with Commissioner DeLeon, that this would be a nice way

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1 of stating the purpose, the reason for the proposed
 2 amendment. And as to the other suggestion that we have
 3 to divide the sentence, in my own humble opinion, it
 4 would disturb the Flo flow thought that is written
 5 there. So I (inaudible).
 6 CHAIR STONE: Okay. Thank you, Commissioner
 7 Baxa. So would you guys like me to read what I have
 8 down for now and see if we're good with this? Yes,
 9 Lisa.
 10 MS. KAHUHU: We need some consistency. We
 11 have County Auditor, we have auditor, we have County
 12 Council, we have Council.
 13 CHAIR STONE: Yeah. Consistency is good.
 14 Thank you.
 15 COMMISSIONER DeLEON: Mr. Chair?
 16 CHAIR STONE: Yes, go ahead.
 17 COMMISSIONER DeLEON: Sometimes you can do the
 18 full reference to the title in the first reference,
 19 then, after that, can you use the shorter.
 20 CHAIR STONE: Uh-huh. Okay. This is what I
 21 have right now. "The County Auditor would be appointed
 22 by the County Council and may be removed by the County
 23 Council." Everybody good with that? Going sentence by
 24 sentence here. Okay. Good.
 25 "The goal for this office is to be independent

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1 of the Mayor and the County Council so that the auditor
 2 will be able to issue unbiased and reliable reports to
 3 the Mayor, County Council and the public about how Maui
 4 County is operating and how efficiencies can be
 5 achieved." Are we okay with that? Wayne.
 6 VICE-CHAIR HEDANI: I would use County Council
 7 the first time and then Council after that.
 8 CHAIR STONE: Okay. We're going to go with
 9 that, then. All right. Okay.
 10 Next sentence: "The auditor will appoint the
 11 auditor's staff, which will not be subject to civil
 12 service laws." I think we're all agreed on that.
 13 "Under this proposal, the County Cost of
 14 Government Commission will serve in an advisory capacity
 15 of the County Auditor." Good.
 16 "The Commission will be appointed by the Mayor
 17 and confirmed by the County Council." Good.
 18 I think we all -- that serves the purpose,
 19 explains what's going on, what the auditor would do, why
 20 you're going to vote for an auditor. Good. Okay. Go
 21 ahead, Wayne.
 22 VICE-CHAIR HEDANI: Could you combine the last
 23 two sentences so that -- and take out the words "the
 24 Commission," so that they understand that it's the Cost
 25 of Government Commission that we're talking about?

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1 CHAIR STONE: Okay. Let me read it that way.
 2 Hang on one second. Okay. "The auditor will appoint
 3 the auditor's staff, which will not be subject to civil"
 4 -- okay. Sorry. Last sentence.
 5 COMMISSIONER BAXA: Mr. Chair? I have a
 6 further amendment to that. Just put the auditor will
 7 appoint the auditor's staff and not subject to civil
 8 service laws.
 9 CHAIR STONE: As Sherry pointed out, that's
 10 something that we should definitely include because that
 11 is to be the deciding factor for voters. Okay.
 12 "Under this proposal, the County Cost of
 13 Government Commission will serve in an advisory capacity
 14 to the County Auditor and will be appointed by the Mayor
 15 and confirmed by the County Council." Is that all
 16 right? Okay. Good. Good, good, good. Okay. Followed
 17 by the ballot question.
 18 Okay. Number 4, title, Establish a Long
 19 Distance Testimony System. "Currently, to testify live
 20 at County Council meetings, residents must appear in
 21 person in Wailuku. For residents of Hana, Molokai and
 22 Lanai, a considerable commitment of time, energy and
 23 money must be made in order to exercise their citizen's
 24 right to testify before the Council. This proposal
 25 requires that the Council establish a communications

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1 system that would allow residents of remote districts to
 2 give testimony live without having to travel long
 3 distances."
 4 Go ahead, Kay.
 5 COMMISSIONER OKAMOTO: Just one. I would add,
 6 in the first sentence, "At most County Council
 7 meetings." They do travel to the areas occasionally.
 8 COMMISSIONER DeLEON: Okay. Yeah.
 9 CHAIR STONE: Most. All right.
 10 COMMISSIONER BAXA: Mr. Chair?
 11 CHAIR STONE: Yes, Commissioner Baxa.
 12 COMMISSIONER BAXA: Maybe we can remove the
 13 word "would" and just say a system that allows
 14 residents.
 15 COMMISSIONER DeLEON: That allows.
 16 CHAIR STONE: That allows residents, okay.
 17 Good. Very good. Okay. Everybody good with that?
 18 Good.
 19 COMMISSIONER DeLEON: That was too easy.
 20 CHAIR STONE: Number 5, title, Republish the
 21 Charter Whenever it is Amended. "Currently, the County
 22 Charter is republished every so often and if
 23 amendments" -- every so often, I love that -- "and if
 24 amendments to the Charter are approved by the voters
 25 before the Charter is republished, those amendments are

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1 attached as addendums to the last published version of
 2 the Charter. This creates a confusing presentation of
 3 the Charter, because the Charter is an important public
 4 document, meant to be clearly understood by one and all,
 5 this proposal requires the County Clerk to republish the
 6 Charter whenever it is amended." Good? Pretty basic.
 7 COMMISSIONER WIGER: "Every so often."
 8 CHAIR STONE: Okay, good.
 9 COMMISSIONER BAXA: Why don't we change the
 10 word republish the Charter "once amended" instead of
 11 whenever it is "amended," if you want to shorten it? I
 12 don't know. That may be --
 13 CHAIR STONE: The Charter once it is amended.
 14 COMMISSIONER BAXA: Once amended.
 15 CHAIR STONE: I think that language is clear,
 16 just for everybody.
 17 COMMISSIONER BAXA: Yeah.
 18 CHAIR STONE: Are we good with whenever or do
 19 you guys want it to say --
 20 COMMISSIONER DE REGO: Whatever.
 21 CHAIR STONE: Whatever for whenever. Thank
 22 you.
 23 Okay. Number 6: Title, Increase Council
 24 Residency Requirements. Okay. Explanation: "While
 25 County Council Members are elected at-large in Maui

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1 County, they also must run from the residency district
 2 that includes their home address. They are currently
 3 required to have lived in the residency district they
 4 run from for 90 days. This proposal would increase that
 5 requirement to a full year. The purpose for this
 6 increase is to better assure that the candidates for
 7 County Council have a strong hardship to their residency
 8 district." Okay. Good. Very good.
 9 COMMISSIONER OKAMOTO: Excuse me.
 10 CHAIR STONE: Kay, go ahead.
 11 COMMISSIONER OKAMOTO: On your ballot
 12 question, instead of a 1, you have a Roman numeral I.
 13 CHAIR STONE: Woops. Good point. By the way,
 14 this was the cut and paste off of a OCR program. So
 15 we're going to use the real language that -- I would
 16 never send this thing in except for what we're amending
 17 of the explanation. Okay. But good catch, Kay.
 18 Okay. Number 7, title, Increase Mayoral
 19 Candidates' Residency Requirements. Candidates for
 20 Mayor are now required to have lived in Maui County for
 21 90 days. This proposal would increase that required
 22 residency to a full year. The purpose is to better
 23 assure that the candidates for Mayor have a strong
 24 knowledge of our four-island County." Good?
 25 COMMISSIONER OKAMOTO: No.

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1 CHAIR STONE: Woops. Go ahead.
 2 COMMISSIONER OKAMOTO: Your title on 6 and 7,
 3 make them consistent. If you're going to say Council
 4 Residency Requirement, say Mayoral Residency
 5 Requirement.
 6 CHAIR STONE: Okay. Good. Thank you, Kay.
 7 Good point. Bless you.
 8 Number 8. Title, Increase County's
 9 Responsibility for Environmental Protection and
 10 Sustainability. "The County does not have an agency
 11 responsible for environmental protection and
 12 sustainability. The purpose of this proposal is to
 13 assign an agency with the responsibility to work to
 14 protect the natural environment and increase our
 15 community's ability to sustain itself. This proposal
 16 would assign that duty to the Department of
 17 Environmental Management." Clear?
 18 COMMISSIONER BAXA: Couldn't you follow the
 19 same language that we had in this proposal, assigns that
 20 duty to the Department of Environmental Management.
 21 COMMISSIONER DeLEON: Well, you know, the
 22 "would" thing -- may I, Mr. Chair?
 23 CHAIR STONE: Yeah, go ahead.
 24 COMMISSIONER DeLEON: The "would" thing is --
 25 it's -- (inaudible), I'm thinking about the other one,

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1 too, that it's a proposal. So it's not something that's
 2 -- not already actually doing it or currently doing it,
 3 it's something that would happen if the voters approve
 4 it. So that's why the "would" was in there originally.
 5 That's why the other one --
 6 COMMISSIONER BAXA: That is already the word
 7 before that proposal, which means that it only becomes
 8 if the proposal is -- goes into effect.
 9 COMMISSIONER DeLEON: I don't want to argue
 10 about it.
 11 CHAIR STONE: How about we'll discuss that?
 12 COMMISSIONER DeLEON: You guys choose whatever
 13 is -- I made my point.
 14 CHAIR STONE: Okay. Yeah, go ahead, Kay.
 15 COMMISSIONER OKAMOTO: As a lay reader, when I
 16 read the purpose is to assign an agency, to me, it
 17 sounds like you're creating a new agency. And I know
 18 that's not what we mean. So I'm just not sure assign it
 19 to an agency or -- but as it -- if I were reading it and
 20 not know, well, I'd think you're assigning a new agency
 21 to do this, just that first --
 22 COMMISSIONER DE REGO: No existing department
 23 or something.
 24 CHAIR STONE: Agency with the responsibility.
 25 COMMISSIONER BAXA: Maybe you can put the word

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1 add instead of assign.
 2 CHAIR STONE: Add --
 3 COMMISSIONER OKAMOTO: Yeah, department.
 4 CHAIR STONE: To add an agency with the
 5 responsibility --
 6 COMMISSIONER BAXA: This proposal
 7 identifies --
 8 CHAIR STONE: Has the duty --
 9 COMMISSIONER MOIKEHA: Chair?
 10 CHAIR STONE: Sorry, Tonya. I started
 11 thinking and that just ruined it.
 12 Go ahead, Susan.
 13 COMMISSIONER MOIKEHA: The purpose of this was
 14 only to increase a duty or function. It's not really an
 15 agency; it's a function.
 16 CHAIR STONE: Yes.
 17 COMMISSIONER MOIKEHA: That's all you're
 18 doing, is you're assigning additional functions to the
 19 department that deals with sustainability. That's what
 20 this description should be addressed to.
 21 COMMISSIONER BAXA: You can say add that
 22 function if that is the way how we want it, assigned.
 23 COMMISSIONER OKAMOTO: Assigned or
 24 responsibility.
 25 COMMISSIONER MOIKEHA: It's not agency; it's

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1 function. You're adding an additional function.
 2 CHAIR STONE: Okay. One second. Everybody
 3 try to think quietly. Go ahead, Lisa.
 4 MS. KAHUHU: I have a suggestion.
 5 CHAIR STONE: Go ahead.
 6 MS. KAHUHU: The County does not have -- I see
 7 that part. Okay. Well, I started from, "The purpose of
 8 this proposal is to add the responsibility to work to
 9 protect the natural environment and increase our
 10 community's ability to sustain itself to the Department
 11 of Environmental Management."
 12 CHAIR STONE: Yeah. The purpose of this
 13 proposal is to add -- okay -- so is to add, and then
 14 getting rid of "assign" an agency -- is to add the
 15 responsibility to work to protect the natural
 16 environment and increase our community's ability to
 17 sustain itself to the Department of Environmental
 18 Management.
 19 COMMISSIONER WIGER: Yeah.
 20 COMMISSIONER DE REGO: To.
 21 CHAIR STONE: To, to, to. Okay. Go ahead,
 22 Wayne.
 23 VICE-CHAIR HEDANI: I agree with Susan that we
 24 should take the word "agency" out. It's similar to the
 25 Environmental Protection Agency. This is just a

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1 function within a department.
 2 CHAIR STONE: Okay. Cool. If Lisa's language
 3 is good, then that would remove "assign." So this is
 4 the way it reads now with taking Lisa's example. "The
 5 County does not have an agency responsible for
 6 environmental protection and sustainability. The
 7 purpose of this proposal is to add the responsibility to
 8 work" -- shall we say "of?" No. Okay. Let me just
 9 read it through. "The purpose of the proposal is to add
 10 the responsibility to work to protect the natural
 11 environment and increase our community's ability to
 12 sustain itself to the Department of Environmental
 13 Management."
 14 Wayne, go ahead.
 15 VICE-CHAIR HEDANI: You still have the word
 16 "agency" in it.
 17 CHAIR STONE: Uh-huh.
 18 COMMISSIONER DeLEON: We can drop the first
 19 sentence.
 20 COMMISSIONER OKAMOTO: I think you throw out
 21 the first sentence.
 22 CHAIR STONE: Okay. Eliminate the first
 23 sentence. Good. All right.
 24 Let's better word Lisa's language. "The
 25 purpose of this proposal is to add the responsibility of

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| <p style="text-align: right;">Page 57</p> <p>1 working to protect the natural environment." 2 COMMISSIONER DE REGO: Well, no. Just the -- 3 of work, of protecting, just take out to word "to." 4 "The responsibility of protecting the natural 5 environment and increase our community's ability to 6 sustain itself." 7 CHAIR STONE: Got it. Very good. Okay. So 8 now the entire explanation for Number 8 reads: "The 9 purpose of this proposal is to add the responsibility of 10 protecting" -- 11 COMMISSIONER DeLEON: To protect. 12 CHAIR STONE: No. "Of protecting the natural 13 environment and increasing our community's ability to 14 sustain itself." Now, because then it says to the 15 Department of Environmental Management. Now -- 16 COMMISSIONER DeLEON: They'll think -- 17 CHAIR STONE: Come on, guys, this is a real 18 simple one. We should be able to figure this one out. 19 You know what, let's take a quick break. It's 11:00. 20 Go ahead, Wayne, before we break. 21 VICE-CHAIR HEDANI: Can we just eliminate 22 Proposal 8? 23 (Laughter.) 24 CHAIR STONE: Good one. Nice one. Ed, what 25 do you think about that?</p> | <p style="text-align: right;">Page 59</p> <p>1 in dismissal." Good. Very good. Liqah. 2 COMMISSIONER DeLEON: Liqah. 3 CHAIR STONE: It's pronounced Liqah. Okay. 4 Number 10, title Acknowledging our Heritage. Dave, 5 since I had the wrong language down here, please do not 6 read that because I cut and paste the wrong thing and 7 it's embarrassing. So Dave -- Dave has the language. 8 Go ahead, Dave. 9 COMMISSIONER DeLEON: So, currently, the 10 preamble of the Charter does not make reference to our 11 communities, unique heritage and the fact that the 12 County includes four main islands. This proposal would 13 correct that oversight. 14 COMMISSIONER OKAMOTO: Sounds gotta. 15 CHAIR STONE: Bing. Okay. Good. I think 16 we're good. Very good. Thank you, Dave. 17 Dave, I'm going to hate myself for this, but 18 can you -- can you point out that thing we were talking 19 about? 20 COMMISSIONER DeLEON: Yeah. So there was a 21 question earlier raised about the -- 22 CHAIR STONE: This has nothing to do with the 23 language, right? This is something else. 24 COMMISSIONER DeLEON: This is the accuracy of 25 the -- of the State motto as written in the text. And</p> |
| <p style="text-align: right;">Page 58</p> <p>1 MR. KUSHI: (Inaudible). 2 CHAIR STONE: Okay. We'll take a recess until 3 11:10. Thank you very much. 4 (Recess, 11:01 a.m. to 11:12 a.m.) 5 CHAIR STONE: I would like to call this 6 meeting back to order as of 11:10 a.m. And while we 7 were on break, Susan came up with a good explanation for 8 Number 8, so let's start there. Susan, if you can read 9 your explanation. 10 COMMISSIONER MOIKEHA: Okay. "The purpose of 11 this proposal is to add the responsibility for 12 protecting the natural environment and increasing 13 sustainability to the Department of Environmental 14 Management." 15 CHAIR STONE: Ta-da. That's good. Check. 16 Okay. Moving on to Number 9 the title is 17 Create Departmental Consistency. Okay. "The Charter 18 describes four commissions that have specific oversight 19 over four County departments; Police, Fire and Public 20 Safety, Personnel Services and Liquor. This provision 21 would create consistency in the powers and duties of 22 these four commissions to hire, evaluate, and, if 23 necessary, dismiss their department directors, as well 24 as requiring each director to be evaluated annually by 25 their Commission and have the same rights to due process</p> | <p style="text-align: right;">Page 60</p> <p>1 the Hawaiian language specialist pointed out to me that 2 the word `aina required some diacritical marks. I don't 3 want to try to describe them here. But that the "I" 4 often gets up-cased because the computer wants to do 5 that, it should be lower case. So it's -- "i ka pono" 6 is an I lower case. We had that lower case, but we do 7 not have the diacritical marks on the aina, but that's. 8 CHAIR STONE: What do you need, like an okina 9 you need the okina? 10 COMMISSIONER DeLEON: We need the okina. 11 CHAIR STONE: Okina. 12 COMMISSIONER DeLEON: And then the A itself 13 has a mark at the top. I'm not a Hawaiian language 14 specialist, so I cannot -- 15 CHAIR STONE: We'll definitely make sure 16 that's correct. 17 COMMISSIONER WIGER: I would. 18 COMMISSIONER DeLEON: It kind of would be not 19 too cool to blow that. 20 CHAIR STONE: All right. That's it. 21 COMMISSIONER DeLEON: What about the County 22 one -- Council one? 23 CHAIR STONE: Well -- I think they are SOS 24 because we got 10. 25 COMMISSIONER DE REGO: Save our souls?</p> |

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1 COMMISSIONER DeLEON: Mr. Chair?
 2 CHAIR STONE: Go ahead, Dave.
 3 COMMISSIONER DeLEON: If we had space, I would
 4 argue that we include it. But if we do that, then it
 5 needs to be mentioned in the preamble, the short
 6 lead-in. And so I would -- I would argue that we should
 7 have it in there, a description of what the Council is
 8 proposing. This might be the only -- only information
 9 the voters gets on what is going to be on the ballot for
 10 these Charter Amendments. And they're gonna get this
 11 11th one, they're going to say, wait, I only got 10
 12 here, what the heck is this. I'm not sure that it's
 13 going to be clear to the voters that there's a
 14 differential between the Commission and the Council. If
 15 we have space.
 16 CHAIR STONE: If we have space. Go ahead,
 17 Commissioner Baxa.
 18 COMMISSIONER BAXA: Yeah. If we have space,
 19 as was suggested by Commissioner DeLeon, I would prefer
 20 the explanatory words do not come from us. If we could
 21 ask the Council to give their version of how they would
 22 like it to be worded.
 23 COMMISSIONER WIGER: That's right.
 24 COMMISSIONER BAXA: As a matter of courtesy.
 25 Because that is their proposal; not ours.

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1 CHAIR STONE: If it -- if it can fit and if it
 2 passes. Has it passed? Is it going -- has it already
 3 been approved to be to the voters?
 4 MR. KUSHI: The issue of the four-year term is
 5 -- has passed first reading past Friday.
 6 CHAIR STONE: What about the clarifying terms
 7 of office?
 8 MR. KUSHI: I believe that passed.
 9 CHAIR STONE: It did? Okay.
 10 MR. KUSHI: Or it's in a proposal, second and
 11 final reading.
 12 CHAIR STONE: Okay. I understand. We'll try
 13 our best.
 14 MR. KUSHI: As far as Council initiated
 15 amendments, the Clerk is -- is authorized -- or the
 16 Clerk is required to publish that. Now, whether or not
 17 the Clerk does a separate pamphlet, I'm not sure.
 18 CHAIR STONE: Okay. Good. Okay. But if we
 19 can, obviously, we'll put it in as a Council proposal to
 20 educate the voters, if it fits.
 21 Also, Dave, we were talking earlier about, you
 22 know, clarification in the beginning of the brochure,
 23 you had some language.
 24 COMMISSIONER DeLEON: Let me get that up.
 25 Luckily, Yuki had it on her machine. I didn't have it

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1 on mine. So for an introduction: "The voters of Maui
 2 County will be asked to approve the following proposed
 3 charter amendments during this year's general election.
 4 Proposals 1 through 10 are proposed by the Maui County
 5 Charter Commission. Proposal 1A and 11 are proposed by
 6 the Maui County Council."
 7 CHAIR STONE: That's perfect clear, states
 8 where it comes from, simple. Good. And, you know,
 9 again, if 11 doesn't go on the brochure, we won't
 10 reference it.
 11 COMMISSIONER BAXA: Mr. Chair, does it appear
 12 at the beginning?
 13 COMMISSIONER DeLEON: Yes.
 14 CHAIR STONE: It would be similar to this,
 15 Commissioner Baxa.
 16 COMMISSIONER BAXA: Yeah. I think it will
 17 solve the problem that I had. Remember the one I said?
 18 CHAIR STONE: Yes. Yes. Okay. That's why we
 19 -- that's why I wanted to bring it up, so -- so there
 20 will be that kind of explanation. Go ahead, Wayne.
 21 VICE-CHAIR HEDANI: For Akaku's benefit, you
 22 want to go over Proposal 11?
 23 CHAIR STONE: Sure. Good point, Wayne, again.
 24 Okay. Proposal 11, actually, I have no language or
 25 explanation for it, but I will give you just the

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1 clarifying terms of office affected by a vacancy. Ed,
 2 maybe you can just, for Akaku viewers' benefit, give us
 3 just a brief explanation of what that proposal.
 4 COMMISSIONER DeLEON: Mr. Chair? I have
 5 proposed language.
 6 CHAIR STONE: Oh, you do. Okay. Sorry, Ed.
 7 Go ahead, Dave.
 8 COMMISSIONER DeLEON: "The County Council
 9 offered this proposed Charter amendment to clarify that
 10 when a vacancy in office occurs, the remainder of the
 11 unexpired term served by a council member filling such a
 12 vacancy shall not be counted toward the maximum number
 13 of the consecutive terms the council member may serve.
 14 There is a run-on sentence for you.
 15 COMMISSIONER WIGER: Yes, it is.
 16 COMMISSIONER OKAMOTO: That's all right.
 17 That's the Council's one.
 18 COMMISSIONER DeLEON: That's the essence of
 19 what they're proposing. So, I mean --
 20 CHAIR STONE: Uh-huh. That is a good run-on.
 21 COMMISSIONER OKAMOTO: It's theirs.
 22 COMMISSIONER BAXA: Mr. Chair?
 23 CHAIR STONE: Yes, Commissioner Baxa.
 24 COMMISSIONER BAXA: I would suggest that even
 25 if that language comes from us, as a matter of courtesy,

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| <p style="text-align: right;">Page 65</p> <p>1 we should let the Council know that this is the way how 2 we propose to have the information to the public put in 3 the -- in the brochure. 4 CHAIR STONE: Very good. 5 COMMISSIONER CRIVELLO: That's a good point. 6 COMMISSIONER BAXA: I just want to give them 7 courtesy. 8 CHAIR STONE: Very good. We will -- we will 9 check with -- I'll have Ed or Lisa check with them on 10 what we're proposing to put in. And if they have issue, 11 we'll send it to Council Chair. 12 MS. KAHUHU: Are you going to draft a letter, 13 Chair? 14 CHAIR STONE: I will. We need to see how 15 we're laying out on our -- on our brochure first, 16 though. But if -- if 11 can be included, I'd like to 17 include 11. And if we do include 11, then that will 18 happen. Okay? 19 MS. KAHUHU: Okay. 20 CHAIR STONE: Okay. All right. Ed -- 21 question for Ed -- is there a Number 12? Huh-oh. 22 MR. KUSHI: Not that I know of. They may be 23 too late to do it, anyway? 24 CHAIR STONE: Huh-oh. Okay. So there's no 25 number 12 as of right now.</p> | <p style="text-align: right;">Page 67</p> <p>1 -- no more than two of you are going to be doing public 2 testimony. For the record, I'd suggest you make a 3 motion to authorize you to do it. 4 CHAIR STONE: Okay. 5 MS. BRODER: Or your designee. Make a motion 6 to authorize you to do that and give you the authority 7 to appoint a person to stand in your stead in case you 8 can't do it. You know, like, let's say, you know, they 9 want to meet Friday at 10:00 a.m., and you are in 10 California doing windsurfing contests. 11 CHAIR STONE: Who told you? Good point. 12 Okay. So can I have a motion -- I'm going to let you 13 word it, Sherry. I need to motion for -- 14 MS. BRODER: A motion to authorize the Chair 15 to speak for the Commission and, if unavailable, his 16 designee. 17 COMMISSIONER DeLEON: So moved. 18 COMMISSIONER DE REGO: So moved. 19 COMMISSIONER SUGIMURA: Second. 20 CHAIR STONE: Okay. Motion put forward by 21 Frank, seconded by Yuki. Kay. 22 COMMISSIONER OKAMOTO: Can we just say, or the 23 Vice-Chair? 24 MS. BRODER: You can do that. 25 CHAIR STONE: Sure.</p> |
| <p style="text-align: right;">Page 66</p> <p>1 MR. KUSHI: Not that I know. 2 CHAIR STONE: I would like to quickly just 3 take action and get approval from the Commission to move 4 forward with our brochure, as discussed, with the 5 language of explanation as discussed. Do I have a 6 motion? 7 COMMISSIONER WIGER: So moved. 8 COMMISSIONER SUGIMURA: Second. 9 CHAIR STONE: Moved by Flo, seconded by Yuki. 10 All in favor of moving forward on the brochure, please 11 raise your hand and say "aye." 12 (Response.) 13 CHAIR STONE: All opposed, raise your hand and 14 say "nay." 15 (No response.) 16 CHAIR STONE: Okay. Very good. Motion 17 passes. And we are off to the printers. Very good. 18 Or, should I say, the graphic designers. Okay. Very 19 good. 20 That's all we have on our agenda for today. 21 Lisa, Ed, can you think of any -- what our next meeting 22 would have to be pertaining? If there's anything we 23 need to take action on from this point out until we -- 24 MR. KUSHI: Mr. Chair, the only thing I'm 25 concerned about is your PR schedule, that either you or</p> | <p style="text-align: right;">Page 68</p> <p>1 COMMISSIONER DE REGO: It limits you, though. 2 CHAIR STONE: But what if Wayne is in 3 California windsurfing with me? 4 COMMISSIONER DE REGO: Yeah, exactly. 5 VICE-CHAIR HEDANI: Fishing. 6 CHAIR STONE: Wayne will be fishing. That 7 way, it can be anybody on the Commission. Okay. Any 8 further discussion on that? 9 (No response.) 10 CHAIR STONE: All in favor, please raise your 11 hand and say "aye." 12 (Response.) 13 CHAIR STONE: All opposed, raise your hand and 14 say "nay." 15 (No response.) 16 CHAIR STONE: Motion passes. Okay. So, Ed, 17 go ahead. 18 MR. KUSHI: One more. Logistically, we'll 19 work with Lisa and Sherry as to the timing of the 20 printed brochure, but, before we do that, I would like 21 the final draft, I would like to have the County Clerk 22 look at it to make sure that he's okay with it, the 23 language, et cetera. 24 CHAIR STONE: Okay. 25 MR. KUSHI: And perhaps at that time,</p> |

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1 hopefully, within the next two or three weeks, we will
 2 have Council specific language and at that time we'll
 3 put it in.
 4 CHAIR STONE: You know, one thing, Ed, is we
 5 can't put in something in the brochure that's not going
 6 to go to the voters. So --
 7 MR. KUSHI: Correct.
 8 CHAIR STONE: So if it's not 100 percent
 9 confirmed, I don't think it should go into the brochure.
 10 MR. KUSHI: Yeah. And, you know, for our
 11 purposes, we have our own timetable.
 12 CHAIR STONE: Right. That's what I'm talking
 13 about. So we'll see. We'll try really hard to get the
 14 Council -- Council's proposals in there so that it's as
 15 educational as possible. If, for some reason,
 16 timing-wise, it can't happen, it can't happen.
 17 Space-wise, we're going to do our best. I think Yuki's
 18 super pro, the graphic designers helped that out.
 19 COMMISSIONER SUGIMURA: So for -- I want
 20 clarification on what Junior just said. So you're
 21 saying that before -- or after this is all done, we're
 22 going to send the draft brochure of the graphics to the
 23 County Clerk, or can we just send the County Clerk the
 24 verbiage now and send the graphics, the final?
 25 CHAIR STONE: Not our verbiage, not our

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1 verbiage.
 2 COMMISSIONER SUGIMURA: Oh, you're only
 3 talking about --
 4 CHAIR STONE: The Council's. What our
 5 explanation is to the Council's proposals.
 6 MR. KUSHI: No. What I meant to say is, you
 7 know, whatever you voted on today and after we finalize
 8 it, final draft, have the Clerk look at it.
 9 CHAIR STONE: Why? Just out of curiosity, why
 10 do you have --
 11 COMMISSIONER DE REGO: Why?
 12 CHAIR STONE: -- the Clerk look at it?
 13 MR. KUSHI: What if the Clerk publishes
 14 different language? I just want to make sure that it's
 15 confirmed.
 16 CHAIR STONE: But the Clerk will not -- will
 17 he be publishing Charter Commission proposals?
 18 MR. KUSHI: Yes.
 19 CHAIR STONE: Ah-ha.
 20 COMMISSIONER DeLEON: That was my question
 21 earlier.
 22 CHAIR STONE: So we have to coordinate with
 23 the Clerk?
 24 MR. KUSHI: Yes. Well, we have our own
 25 timetable.

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1 CHAIR STONE: I understand.
 2 MR. KUSHI: Chapter 50 says, we have to
 3 publish by a certain date.
 4 CHAIR STONE: I understand.
 5 MR. KUSHI: The Charter says the Clerk has to
 6 publish by a certain date. There's two different dates.
 7 CHAIR STONE: His date's after ours? Okay.
 8 Well, I think we can get a leg up on that and send them
 9 the language that we approved today.
 10 MR. KUSHI: Correct.
 11 CHAIR STONE: So the only language that we're
 12 not clear on is 11.
 13 COMMISSIONER DeLEON: Mr. Chair?
 14 CHAIR STONE: Yeah.
 15 COMMISSIONER DeLEON: Which language are we
 16 talking about? Are we talking about --
 17 CHAIR STONE: Explanatory language.
 18 COMMISSIONER DeLEON: Or talking about the
 19 ballot language?
 20 MR. KUSHI: Both.
 21 COMMISSIONER DeLEON: Why would we have the
 22 Clerk review our explanatory language? We know what we
 23 need. We're expressing what we need. I could see the
 24 ballot language being seen, needing to be seen, but I
 25 don't see where the Clerk gets -- to be frank, I don't

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1 want the Clerk having that option to edit our stuff out
 2 of --
 3 MR. KUSHI: Mr. Chair, direct me to just send
 4 the ballot questions, I'll do it. I'm not going to
 5 argue about this.
 6 CHAIR STONE: Okay. But just to understand,
 7 why would the Clerk care about our explanatory --
 8 MR. KUSHI: Maybe he sees something that we
 9 all don't. He's in charge of the election.
 10 CHAIR STONE: I understand.
 11 COMMISSIONER MOIKEHA: Chair?
 12 CHAIR STONE: But -- okay. Yeah, go ahead,
 13 Susan.
 14 COMMISSIONER MOIKEHA: I don't see a problem
 15 with sending 'em to him so we're all on the same page,
 16 as long as he doesn't have the authority to edit it. If
 17 the authority to edit it still remains with this body, I
 18 have no problem with the Clerk seeing what we produced.
 19 CHAIR STONE: That's a good point, Susan.
 20 Okay, Ed? So ballot questions and we'll send
 21 explanatory language with the understanding that he's
 22 not editing the language.
 23 MR. KUSHI: If he has a major problem, I'll
 24 have you folks --
 25 CHAIR STONE: Perfect. So it's just a check.

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1 Okay. Great. Perfect. Thank you very much.
 2 COMMISSIONER BAXA: Lisa has --
 3 MS. KAHUHU: Sorry. Just for clarification,
 4 the second reading on the Council terms is July 24th.
 5 And our printer needs the design on August 15th, no
 6 later. So just FYI on that reminder.
 7 CHAIR STONE: At that Council meeting, is that
 8 when they would final -- is that final reading on that?
 9 MS. KAHUHU: I believe that's second reading,
 10 according to the County Clerk. That's what he --
 11 CHAIR STONE: So there's a good chance we
 12 could have that or know what's going on?
 13 MS. KAHUHU: Second reading is supposed to be
 14 on July 24.
 15 CHAIR STONE: Okay. Cool. All right. Well,
 16 we'll try our best. That's the best we can do, right?
 17 Okay. Very good.
 18 Wayne, go ahead, please.
 19 VICE-CHAIR HEDANI: Do we get to review the
 20 final draft before it goes to print or are we going to
 21 just go on a wing and a prayer?
 22 CHAIR STONE: Yeah, we have to have a meeting
 23 for that. So I don't mind calling another meeting for
 24 that, guys. It will be a very short meeting considering
 25 we're looking at what we've just approved. That is

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1 going to be -- when would we have the final draft ready?
 2 Assuming that we have the language and we're assuming
 3 we're going to have to --
 4 COMMISSIONER SUGIMURA: We'll have to wait
 5 until the July 24th date.
 6 CHAIR STONE: July 24th?
 7 COMMISSIONER SUGIMURA: Is that what you're
 8 saying, waiting for the July 24th second reading date.
 9 CHAIR STONE: Right. So --
 10 COMMISSIONER SUGIMURA: I can ask the
 11 graphic -- I mean, he's really good. I already told him
 12 that the design, the look, basically, has been approved,
 13 and the color. And then he just wants to know like the
 14 verbiage, and he'll plug it in. He'll just cut and
 15 paste it in.
 16 CHAIR STONE: Yeah.
 17 COMMISSIONER SUGIMURA: So it's as easy as we
 18 make it for him.
 19 CHAIR STONE: Okay. It's gonna be very easy.
 20 So, Lisa, I'm going to need you to get him the ballot
 21 questions in Word format.
 22 COMMISSIONER SUGIMURA: Yeah.
 23 CHAIR STONE: Is that cool? Because I had to
 24 OCR it and that created --
 25 MS. KAHUHU: I've already provided him the

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1 ballot questions. That's what he worked from here.
 2 CHAIR STONE: Awesome. Perfect. So --
 3 COMMISSIONER SUGIMURA: I suggest --
 4 CHAIR STONE: Then we'll get -- we'll do the
 5 edits that we got today.
 6 COMMISSIONER SUGIMURA: Explanation.
 7 CHAIR STONE: The explanation edits, and get
 8 that language to him. He can, basically, mock up 90
 9 percent of this thing already. And we can see if we're
 10 running out of space or whatever.
 11 COMMISSIONER SUGIMURA: Yeah.
 12 CHAIR STONE: Then, also, figure out a nice
 13 graphical way to put the explanation -- the title
 14 explanation in there of the old brochure. Okay. Good.
 15 COMMISSIONER SUGIMURA: I think we're good.
 16 CHAIR STONE: All right. So I guess we should
 17 -- there's no point in having that meeting until after
 18 the 24th's meeting because we won't know what our final
 19 brochure will look like. So let me bust out a calendar
 20 real fast.
 21 COMMISSIONER WIGER: The 4th is on a Tuesday.
 22 The next Monday is the 30th.
 23 CHAIR STONE: 24th -- the 30th -- let's see
 24 here. July 30th. That's -- that's not one of our
 25 normal Mondays, though.

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1 COMMISSIONER OKAMOTO: The 6th is a normal
 2 one.
 3 CHAIR STONE: 6th. Are we getting too late on
 4 the 6th, Yuki? If it's August 6th, are we starting to
 5 run into real --
 6 COMMISSIONER SUGIMURA: I think he's going to
 7 need time to get the Council's second and final reading
 8 question. And I think that's better.
 9 CHAIR STONE: August 6th?
 10 COMMISSIONER SUGIMURA: Yeah. I'll ask him.
 11 I'll ask him before Lisa schedules, but I think he's
 12 going to be okay. I'll just ask him now.
 13 CHAIR STONE: That won't delay our -- that
 14 won't put us in jeopardy at all with getting our
 15 brochure out in time, right?
 16 COMMISSIONER SUGIMURA: I'll ask him.
 17 MS. KAHUHU: As long as the printer has it on
 18 August 15th.
 19 CHAIR STONE: Okay.
 20 MS. KAHUHU: And it's also dependent on the
 21 availability of this room.
 22 CHAIR STONE: Okay. So I'd like to -- I'd
 23 like to tentatively call the meeting for 10:00 a.m. on
 24 August 6th, Monday.
 25 COMMISSIONER SUGIMURA: So the question is,

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1 August 6th is when we're going to see the final?
 2 CHAIR STONE: We're going to see the final,
 3 the final brochure. If there were problems, Yuki, there
 4 would be enough time to go back -- so, with that said,
 5 there's nothing else --
 6 COMMISSIONER SUGIMURA: I just want to mention
 7 the radio thing.
 8 CHAIR STONE: Sure, go ahead.
 9 COMMISSIONER SUGIMURA: So, basically, what
 10 we've scheduled, besides this brochure, on August the --
 11 no, October the 3rd, the first Wednesday, yeah, is -- is
 12 going to be -- Josh will be on Akaku with the Mayor.
 13 That's going to be 6:30-check in, or 6:00 check-in, 7:00
 14 you're on. Then, October the 11th, which is a Thursday,
 15 which Josh will be -- KAOI, right -- KAOI radio with the
 16 Mayor. Then the following week, I have a request in for
 17 Josh, or whoever, to be on the Breakfast Club with KMVI
 18 AM 900. So those are the radio speak opportunities we
 19 have.
 20 And this Thursday, this Thursday, Chivo from
 21 Akaku has scheduled for us to do -- we're trying to do
 22 30-second spots which will be aired on Akaku. So that
 23 will probably be Josh, too. So what's going to happen
 24 is Chivo is going to take a stab at doing the 30
 25 seconds, but it's pretty hard to do, I think, then,

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1 hopefully, pass it by Dave to kind of help doctor up the
 2 rest of 'em. And then we'll use that -- Akaku, of
 3 course, is television, but we'll use the voice and send
 4 that to the radio stations. Because we have radio time
 5 bought to run for the whole month before election,
 6 general election, on Pacific Radio Group, KAOI -- and
 7 what's the other one? All three. All three radio
 8 stations. Sorry. So that's -- that's our plan. And I
 9 hope we can, you know, do this so you don't have to do
 10 it twice, basically.
 11 CHAIR STONE: That's a good idea.
 12 COMMISSIONER SUGIMURA: 30 seconds with -- you
 13 know, with the visual and one with just the voice. And
 14 then -- and then during the month of October, after
 15 we're done with our legally required publication on The
 16 Maui News, we're also going to run in the local Molokai
 17 and Lanai paper, you know, full page ad trying to get
 18 this out, too, locally. And anything else, Lisa?
 19 MS. KAHUHU: And the Fil-Am Observer.
 20 COMMISSIONER SUGIMURA: Oh, Fil-Am Observer.
 21 MS. KAHUHU: And we're also going to have a
 22 large rectangle, under 20,000 impressions, on the Maui
 23 News web page.
 24 CHAIR STONE: Woah. Nice.
 25 MS. KAHUHU: That will run from October 6

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1 until November 6.
 2 CHAIR STONE: Very nice. And, Yuki, thanks so
 3 much for putting that together. Guys, we have to all
 4 give Yuki a big pat on the back.
 5 COMMISSIONER SUGIMURA: And Lisa.
 6 CHAIR STONE: And Lisa, because that is
 7 fantastic.
 8 Go ahead, Dave.
 9 COMMISSIONER DeLEON: So our web presence is
 10 going to be on The Maui News?
 11 COMMISSIONER SUGIMURA: Yes.
 12 COMMISSIONER DeLEON: Our ads are going to
 13 drive people to The Maui News site or --
 14 COMMISSIONER SUGIMURA: I think we want --
 15 COMMISSIONER DeLEON: Because my purpose was
 16 to drive him to a page someplace.
 17 COMMISSIONER SUGIMURA: It's all going to be
 18 driven to our County website.
 19 COMMISSIONER DeLEON: No, no, no, no.
 20 MS. KAHUHU: Can I clarify?
 21 CHAIR STONE: Go ahead, Lisa.
 22 MS. KAHUHU: The -- Dave, The Maui News is not
 23 our -- they're not giving us a web page; they're giving
 24 us an ad on their web page.
 25 COMMISSIONER DeLEON: Okay.

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1 COMMISSIONER SUGIMURA: It's the stuff that
 2 links it as you watch the --
 3 COMMISSIONER DeLEON: That's fine. But, you
 4 know, we're missing a big opportunity if we don't -- I
 5 thought we had a web -- a presence capacity. You know,
 6 we're all doing this as volunteers, so it takes time and
 7 energy. But we really need to -- for the radio ads to
 8 have purpose, they need to drive people to the -- to a
 9 website. And on the information -- it could be this
 10 stuff, but it could be laid out in a way that people can
 11 get it, you know, then send them off to the County
 12 website, if they really want to bury themselves alive.
 13 But, you know, it's -- but it needs to be simple and it
 14 has to be something that at least they would be able to
 15 digest and get. I think we're losing a big opportunity.
 16 CHAIR STONE: Go ahead, Lisa.
 17 MS. KAHUHU: Chair, the County website will
 18 have the brochure on it. It already has the final
 19 report, clearly. If you go there, you can easily see
 20 that that is the Final Report. I mean, it's already on
 21 the brochure directly where they need to go to our
 22 website. So I'm not sure --
 23 CHAIR STONE: Lisa, what is our easy link,
 24 again?
 25 MS. KAHUHU: Mauicounty --

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1 mauicounty.gov/chartercommission.
 2 COMMISSIONER DeLEON: Okay.
 3 COMMISSIONER SUGIMURA: I think everybody is
 4 used to that, right?
 5 COMMISSIONER DeLEON: That would be great if
 6 that thing pops open or pops open our, you know,
 7 information sheet. But if they have to go hunt for it
 8 on -- I just watched what happened when the Planning
 9 Department put out that informational thing. And I had
 10 a bunch of neighbors spend hours on the County website
 11 trying to figure out what the hell are they talking
 12 about. They did direct them to their website, but they
 13 got lost in wandering around in the thing and never got
 14 the information they needed.
 15 CHAIR STONE: Lisa, what I would like to see
 16 on the website is, literally, when the brochure is done,
 17 that's the first thing that comes up is that click,
 18 boom, PDF of the brochure, like the very first thing is
 19 the full easy explanation of what's going on. Then the
 20 full Final Report, click, maybe, you know, below it.
 21 But that first because that is the most informative
 22 thing right there we're going to have.
 23 MS. KAHUHU: I'll work with our MIS
 24 Department --
 25 CHAIR STONE: Okay.

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1 MS. KAHUHU: -- to do that.
 2 CHAIR STONE: Yeah, okay. Great. All right.
 3 No further discussion?
 4 (No response.)
 5 CHAIR STONE: Okay. Without objection, I
 6 will --
 7 COMMISSIONER DeLEON: Are we done with the
 8 discussion with the website? Are we happy with what we
 9 got?
 10 CHAIR STONE: Okay. So the plan is to -- on
 11 the -- at the very beginning of our website, is the
 12 brochure, it's going to be, bling, so you click and get
 13 a PDF, download the brochure.
 14 COMMISSIONER DeLEON: Okay.
 15 CHAIR STONE: Then down below it, click,
 16 bling -- and it's going to say, "click, bling," too.
 17 COMMISSIONER DE REGO: Yeah, exactly. And
 18 have a smiley face.
 19 CHAIR STONE: Smiley face. Go ahead, Susan.
 20 COMMISSIONER MOIKEHA: I know we talked about
 21 this a long time ago, but the definition of what a blank
 22 vote means. And I know Ed gave us that information. Is
 23 that going to be printed anywhere? Because people
 24 weren't able to get it at the polls last year.
 25 CHAIR STONE: Mike, you had something to say?

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1 Ed?
 2 MR. MOLINA: It's a good issue to bring up.
 3 MR. KUSHI: Printed?
 4 CHAIR STONE: In other words, just inform --
 5 actively like let people know what a blank vote means?
 6 MR. KUSHI: No. Unless you put it in there.
 7 CHAIR STONE: I guess we could -- we could --
 8 MR. KUSHI: It's the law.
 9 CHAIR STONE: We could say -- we could have a
 10 link that just says -- in the brochure -- maybe we could
 11 fit it in the brochure, what does a blank vote --
 12 COMMISSIONER DeLEON: Maybe a simple line.
 13 COMMISSIONER SUGIMURA: Blank vote --
 14 CHAIR STONE: Informational, blank vote means.
 15 MS. BRODER: If you do that, you better say
 16 exactly what the law says. Don't interpret the law.
 17 COMMISSIONER DeLEON: Don't go there.
 18 COMMISSIONER MOIKEHA: My question is, isn't
 19 that the responsibility of the County Clerk? I'm just
 20 thinking about the person that came to testify and, when
 21 asked at the polls what it meant, they couldn't give him
 22 the information. So if any place it should be, it's at
 23 the polls so people will know what a blank vote, even if
 24 we don't take that responsibility.
 25 COMMISSIONER DeLEON: The blank vote is a

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1 negative vote, right?
 2 MR. KUSHI: No. Blank and spoiled ballots do
 3 not count.
 4 COMMISSIONER DeLEON: Don't count. So it's
 5 not -- okay.
 6 MS. BRODER: But they do count because you
 7 have to get a majority of the votes cast. So if people
 8 don't vote, it's basically, you know --
 9 MR. KUSHI: No.
 10 MS. BRODER: It goes into the equation.
 11 MR. KUSHI: No. No. Blank and spoiled
 12 ballots do not count towards a majority.
 13 COMMISSIONER OKAMOTO: That has to be
 14 explained. That absolutely --
 15 CHAIR STONE: But, Kay, that's outside of the
 16 realm of the Charter Commission.
 17 COMMISSIONER OKAMOTO: I know, but that is a
 18 question that comes up every time. So, basically, if 20
 19 people vote out of 3,000, and 11 of them say, yes, it
 20 passes -- is that what you're saying, Ed?
 21 MR. KUSHI: Yes.
 22 COMMISSIONER OKAMOTO: Okay. I think it has
 23 to be somewhere. You know, people need to make a
 24 decision.
 25 CHAIR STONE: That's -- Kay, that's outside of

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1 our scope.
 2 COMMISSIONER OKAMOTO: I don't think it is
 3 because you're saying -- you're educating them -- you're
 4 trying to educate them on the proposals.
 5 CHAIR STONE: But that's on voting. You're
 6 educating them on voting in general.
 7 COMMISSIONER OKAMOTO: Right. But, also, then
 8 you need to educate them why they need to vote. If you
 9 don't vote, something could pass with two votes,
 10 everyone.
 11 COMMISSIONER DeLEON: That's not their
 12 problem.
 13 CHAIR STONE: Go ahead.
 14 COMMISSIONER CRIVELLO: That should come from
 15 the County Clerk and Election Office, and not from us.
 16 CHAIR STONE: Yeah. I think that we have to
 17 be careful about adding -- as Sherry just mentioned,
 18 adding it into our language. And interpreting the law
 19 can be very sketchy, especially since we haven't
 20 specifically gone over approval language.
 21 COMMISSIONER DeLEON: Mr. Chair?
 22 CHAIR STONE: Yes, go ahead, Dave.
 23 COMMISSIONER DeLEON: So a question about
 24 those of us who might be speaking to the public about
 25 this, do we -- are we allowed to speak, say that a blank

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1 vote is, basically, not counted?
 2 CHAIR STONE: It's information. It's accurate
 3 information. I don't see why you couldn't tell people
 4 the facts. I mean, right, Ed, if an individual
 5 Commissioner is asked the question what happens with a
 6 blank vote --
 7 MR. KUSHI: It's the law. You can just cite
 8 the law.
 9 CHAIR STONE: Cite the law, yeah.
 10 MR. KUSHI: Cite Chapter 50-10.
 11 CHAIR STONE: Go ahead, Wayne.
 12 VICE-CHAIR HEDANI: Josh, look into the camera
 13 and explain to the public what happens if they don't
 14 vote.
 15 CHAIR STONE: You know what, that's a really
 16 good point, Wayne. Maybe I should leave it to you,
 17 Wayne. Vice-Chair Hedani is going to explain what
 18 happens in a blank vote. All right.
 19 A no vote -- I'm sorry. A blank -- let me
 20 start over again. Clear. Okay. A blank vote means --
 21 wait. Let me start again. Let me get it straight.
 22 Okay. I don't want to misquote the law according to Ed.
 23 Okay.
 24 So a blank vote doesn't count and is
 25 considered to be a -- what's it called, Ed? A

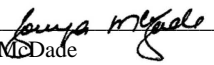
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1 spoiled -- similar to a spoiled vote.
 2 MR. KUSHI: Blank and spoiled ballots do not
 3 count.
 4 CHAIR STONE: Okay. To make it simple, blank
 5 and spoiled ballots do not count, which means that it's
 6 the majority of the people who actually vote --
 7 MR. KUSHI: On the question.
 8 CHAIR STONE: -- on the question that decide
 9 whether the vote passes or not.
 10 To give you an example, if only 10 people out
 11 of the entire County vote on a proposal, if six of the
 12 10 vote "yes," that proposal is going to pass even
 13 though only 10 people voted on it.
 14 Good. Okay. I think that's clear. All
 15 right.
 16 COMMISSIONER DE REGO: Clear as mud.
 17 CHAIR STONE: Yes, Mike.
 18 MR. MOLINA: Mr. Chairman, just food for
 19 thought. I know -- I'm not sure when your first radio
 20 show will be. I know the Mayor's call-in show, there
 21 are a lot of folks that do call in. So that may be a
 22 question you may be asked. So whatever the body agrees
 23 upon as to the explanation that you will give on the
 24 air, just so --
 25 CHAIR STONE: So you mean that 10-minute

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1 explanation on TV wasn't good enough? I understand what
 2 you're saying. In other words, clean up my answer.
 3 Thank you, Mike.
 4 MR. MOLINA: Thank you, Chair.
 5 MR. KUSHI: Mr. Chair?
 6 CHAIR STONE: Go ahead, Ed.
 7 MR. KUSHI: You need to -- I will send you a
 8 copy, and you can copy all the other Commissioners. I
 9 wrote an opinion to Chair Hokama and (inaudible).
 10 CHAIR STONE: Okay.
 11 MR. KUSHI: And I cite the law, I cite the
 12 committee reports, I cite whatever needs to be cited,
 13 and that's the conclusion. And the other counties, on
 14 the Big Island, Kauai, all follow the same law.
 15 CHAIR STONE: Okay. Very good.
 16 MR. KUSHI: Now, these are only on Charter
 17 amendment questions.
 18 CHAIR STONE: Got it.
 19 MR. KUSHI: Not on State constitutional
 20 questions. Not on regular elections, political
 21 elections.
 22 COMMISSIONER DeLEON: Mr. Chair?
 23 CHAIR STONE: One more thing. This is only on
 24 Charter Commission -- charter amendment proposals.
 25 COMMISSIONER DeLEON: Mr. Chair? The State

1 constitutional questions are different. It's different.
 2 It says, actually, the opposite, yeah, Ed, a blank vote
 3 is a negative vote? Or --
 4 MR. KUSHI: It's counted towards a majority.
 5 COMMISSIONER DeLEON: It's counted toward the
 6 majority. Oh, I see. So it's a positive vote.
 7 COMMISSIONER OKAMOTO: No. No.
 8 MR. KUSHI: It is --
 9 COMMISSIONER DeLEON: I see, whichever way it
 10 goes. Wow. So that's confusing enough.
 11 COMMISSIONER OKAMOTO: Yes.
 12 CHAIR STONE: Let's not go there. Let's not
 13 go there. Okay. No further discussion?
 14 COMMISSIONER SUGIMURA: Meeting adjourned.
 15 CHAIR STONE: Good. Without objection,
 16 meeting is adjourned at 11:45 a.m.
 17 (Meeting adjourned, 11:43 a.m.)
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 25

1 CERTIFICATE
 2
 3
 4 I, TONYA MCDADE, Certified Court Reporter of
 5 the State of Hawaii, do hereby certify that the
 6 proceedings contained herein were taken by me in machine
 7 shorthand and thereafter was reduced to print by means
 8 of computer-aided transcription; and that the foregoing
 9 represents, to the best of my ability, a true and
 10 accurate transcript of the proceedings had in the
 11 foregoing matter.
 12 I further certify that I am not an attorney
 13 nor an employee of any of the parties hereto, nor in any
 14 way concerned with the cause.
 15 DATED this 6th day of August, 2012.
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