

Approved

COUNTY OF MAUI, STATE OF HAWAII

6/13/11

CHARTER COMMISSION

REGULAR MEETING

Held at the Planning Department Conference Room,  
250 South High Street, Wailuku, Maui, Hawaii, commencing  
at 12:00 p.m., on Monday, May 23, 2011.

Reported by: Tonya McDade, CSR, CRR  
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061311- Reg. - Item No. I.B. pages 1-46

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1 ATTENDANCE  
2 BOARD MEMBERS PRESENT:  
3 Joshua A. Stone, Chair  
4 Wayne N. Hedani, Vice-Chair  
5 Artemio C. Baxa, Member  
6 Stephanie S. Crivello, Member  
7 David P. DeLeon, Member  
8 Frank R. DeRego, Jr., Member  
9 Susan A. Moikeha, Member  
10 Linda Kay Okamoto, Member  
11 Flo V. Wiger, Member  
12  
13 STAFF PRESENT:  
14 Edward S. Kushi, Jr., First Deputy Corporation Counsel  
15 Lisa Kahuhu, Supervising Law Technician  
16  
17 ADMINISTRATION PRESENT:  
18 Mike Molina, Office of the Mayor  
19 Troy Hashimoto, Executive Assistant to Councilmember  
20 White  
21 OTHERS PRESENT:  
22 Nikhilananda  
23 Jim Smith  
24  
25

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1 (Monday, May 23, 2011, 12:00 p.m.)  
2 \* \* \*  
3 CHAIR STONE: The first thing, I'd like to say  
4 aloha to everyone for attending this public meeting of  
5 the Charter Commission. My name is Josh Stone, and I'm  
6 the Chairman of the Commission. If you need, there are  
7 copies of our agenda of today's meeting available for  
8 everyone with Lisa Kahuhu over there. And as per our  
9 rules, all discussions today shall be pertaining to  
10 these agenda items only.  
11 Before beginning public testimony, we have a  
12 few items of business to address.  
13 I'd like to call this meeting to order, as of  
14 12:00 p.m., and recognize our Commissioners that are  
15 present. Lisa, did you take roll?  
16 MS. KAHUHU: Yes. Chair, all members are  
17 present except Wayne Hedani. Two are excused; Yuki Lei  
18 Sugimura and Clifford Hashimoto. I haven't heard  
19 anything from Wayne.  
20 CHAIR STONE: Also, I'd like to present our  
21 staff that's here with us today. Ed Kushi, Jr., Deputy  
22 Corporation Counsel; and Lisa Kahuhu, Supervising Law  
23 Technician.  
24 I'd like to take this time to approve the  
25 minutes from our last meeting held on May 9th. Those

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1 minutes were provided to the Commissioners for review  
2 via email, and we also received them today in our  
3 packet. Are there any comments or corrections from the  
4 Commissioners on the minutes? No? Yes.  
5 MEMBER BAXA: Mr. Chair, I note no  
6 corrections; I just would like to make a comment  
7 concerning the transcription of the proceedings.  
8 CHAIR STONE: Yes. Please go ahead  
9 MEMBER BAXA: It is very excellent. I notice  
10 that it is excellent.  
11 CHAIR STONE: Oh, good.  
12 MEMBER BAXA: This is a credit to the court  
13 reporter.  
14 CHAIR STONE: Well, it's a compliment to a  
15 very good job. I noticed every "uh" and "oh" and "huh"  
16 gets in there.  
17 (Laughter.)  
18 CHAIR STONE: So I will now move forward.  
19 Very nice. Thank you, Commissioner Baxa. Okay, let's  
20 see. Is there a motion to approve the minutes?  
21 MEMBER DEREGO: I move to approve the minutes  
22 as written.  
23 MEMBER MOIKEHA: Second.  
24 CHAIR STONE: Okay. It's been moved and  
25 seconded that we approve the minutes. All in favor, say

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1 "aye."  
2 (A chorus of ayes.)  
3 CHAIR STONE: All opposed?  
4 (Silence.)  
5 CHAIR STONE: Motion passes.  
6 I have prepared a quick introduction for the  
7 public here today, which I will present now. The Maui  
8 County Charter is the blueprint for how government  
9 functions here in Maui. It has been referred to as the  
10 Maui County Constitution. It is the document that  
11 governs our government and, among other things,  
12 determines its structure, powers, efficiency and  
13 accountability. It is, therefore, very important that  
14 the citizens of Maui County have the opportunity to  
15 address concerns and rectify problems with the Charter  
16 as perceived today. This Charter Commission is a unique  
17 opportunity to achieve those changes. And the public's  
18 input is a vital part of the amendment proposal process.  
19 As a matter of understanding, the Charter  
20 Commission may propose amendments to the Charter, but  
21 these amendments must be approved by a majority of Maui  
22 County voters during an election.  
23 Copies of the Maui County Charter and  
24 amendments are available to the public here with Lisa  
25 Kahuhu, or available online, you can also see Lisa

<p style="text-align: right;">Page 7</p> <p>1 Kahuhu for that, and, also, for purchase from the County  2 Clerk's Office on the 7th Floor of the County Building.  3 Comments are welcome any time, either written or oral,  4 until the Commission's proposal process is complete.  5 Anything in writing should be directed via email to  6 charter.commission@co.maui.hi.us, and via mail to  7 Charter Commission, c/o Department of the Corporation  8 Counsel, 200 South High Street, Third Floor, Wailuku,  9 Hawaii, 96793.</p> <p>10 I'll now close the oral testimony registration  11 period and will begin with oral testimony.</p> <p>12 Before we begin, I'd like to go over our oral  13 testimony rules. We'll call up each public testifier in  14 the order that they registered to testify. Each person  15 will have three minutes to testify on items on our  16 agenda today. If the testifier requires more time, I'll  17 grant them an additional minute to complete their  18 testimony. At the end of this additional minute, the  19 testifier will be asked to stop their testimony. And if  20 more time is required on an item, the testifier will be  21 allowed an additional three minutes to complete their  22 testimony, following the testimony of all registered  23 testifiers. Following a testifier's testimony, I may  24 ask Commissioners if they need clarification of the  25 presented testimony.</p>	<p style="text-align: right;">Page 9</p> <p>1 The first item I showed you is a copy from a  2 Maui News article on April 10th, 2011. And the  3 significant part of that is a comment by the Vice  4 President of the Maui Contractors, where he states that  5 he's had trouble with bottlenecks and that it's been  6 caused by members -- employees who have in fact taken  7 upon themselves to regulate. You know, regulations is  8 what keeps things sane. Okay. And then he goes on to  9 say that it costs us jobs. And then he goes on to say  10 that the new mayor has already removed those employees  11 from positions of power. Okay. So this is what's  12 happening. Okay.</p> <p>13 Now, we have a Charter. And we have this  14 reverence for sameness and equality. And now we have a  15 private organization going before -- or assuming --  16 there's allegations of enforcement of regulations  17 instead of a focus on health and safety. And as a  18 result of that, those people are fired. Okay. So now  19 that's something to do with the operation of our County  20 as it relates to a standard, a moral standard.</p> <p>21 The second document I gave you was Page 3 from  22 a State of the County Address delivered on April 3rd --  23 MS. KAHUHU: One minute.  24 MR. SMITH: -- 1992. Okay. I won't take very  25 long. I'll make a reference to this.</p>
<p style="text-align: right;">Page 8</p> <p>1 Lisa, please introduce our first testifier, if  2 we have one.</p> <p>3 MS. KAHUHU: Chair, we have two members signed  4 up for public testimony. The first one is Jim Smith.  5 CHAIR STONE: Mr. Smith.  6 ...BEGIN PUBLIC TESTIMONY...  7 MR. SMITH: Chairperson, Members of the  8 Charter Commission, my name is Jim Smith. Thank you,  9 once again, for serving.</p> <p>10 I have got two handouts that I will hand out  11 that I'll make a note about concerning to in my  12 testimony. If I could pass this -- this is the first  13 one and this is the second one.</p> <p>14 Members of the Commission, your work is so  15 important. The independence of this body is as  16 important as your work. The Charter requires, or at  17 least gives you, the charge to study operations of our  18 County. And in that regard, it must value those  19 operations and compare them to some standard.</p> <p>20 The Charter is a social contract. And the  21 standard that we go is equality, equal treatment, same  22 same. Not equity. Okay. Equity is a marketplace  23 concept. Equity is fair, but equality is same. So when  24 you have a regulation, the regulation is to ensure  25 equality, sameness.</p>	<p style="text-align: right;">Page 10</p> <p>1 If you'll look at the second paragraph, it  2 says, "We must understand that the work of our  3 government is driven by the needs of the marketplace."  4 Well, that's opposite of driven by the needs of  5 equality.</p> <p>6 And so as you review the letters you get from  7 different departments, I hope you will distinguish  8 between inadequacy as it relates -- inadequacy as it  9 relates to performance, okay, and the shirking of duty  10 as it relates to same and equal application of law. So  11 I ask you to establish a standard amongst yourselves  12 upon which to review these requested amendments, okay,  13 so that the social contract will remain intact.</p> <p>14 Thank you very much.</p> <p>15 CHAIR STONE: Thank you, Mr. Smith. Does any  16 Commissioner need clarification of the testimony?  17 (Silence.)  18 CHAIR STONE: No. Thank you very much for  19 your time.</p> <p>20 MR. SMITH: You're welcome.</p> <p>21 MS. KAHUHU: Chair, our next testifier is  22 Nikhilananda.</p> <p>23 CHAIR STONE: Mr. Nanda [sic], welcome.</p> <p>24 NIKHILANANDA: Good morning, Commissioner  25 Stone and Members of the Charter Commission. My name is</p>

3 (Pages 7 to 10)

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1 Nikhilananda. And thank you for allowing me the  
 2 opportunity to testify before your body.  
 3 As Jim stated, this is a incredibly  
 4 significant important body for the County of Maui. And  
 5 I wish you all well in your endeavors. I believe it's  
 6 18 months you'll be dealing with this. And it is really  
 7 important. It is the Constitution to the County.  
 8 I do want to just preface my statements to  
 9 remind people that this is the 21st century. And our  
 10 Charter and some of the ways that we do things here are  
 11 still steeped in 19th century mentality. So it's time  
 12 to move on.  
 13 Now, this morning, I just want to touch on a  
 14 couple of items that are within the Charter. And the  
 15 first one -- without going into detail, but the first  
 16 one, actually, is modern technology online. I was just  
 17 given a copy of the Charter, 2003 Edition, with the  
 18 amendments and additions and addendums; however, on the  
 19 website, it does not exist. So without going into the  
 20 particulars, because I can see that this new document  
 21 that I was just given to has the new information. For  
 22 example, the Department of Public Works and  
 23 Environmental Management that's separated and some other  
 24 things with the financial disclosure. And, again,  
 25 because my time is limited, without going into more

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1 detail.  
 2 But I would implore you to please get the  
 3 County to update the website because it is unacceptable  
 4 for the citizens to have to deal with a dated, out-of--  
 5 out-of-date document. And, again, you can imagine the  
 6 challenges in doing that. Okay. So that's one. So I'm  
 7 happy to see at least the printed document that we get.  
 8 Now, to me, the most significant item you're  
 9 gonna deal with is the way that we elect our officials.  
 10 I want to preface that by reminding people that there's  
 11 nothing sacrosanct about nine councilmembers. So when I  
 12 hope that we have a district voting proposal on the  
 13 ballot in November, that we look at the possibility of  
 14 having 13 councilmembers. Because one of the arguments  
 15 that we will go into detail later on is the fact that  
 16 Molokai and Lanai are afraid of being --  
 17 MS. KAHUHU: One minute.  
 18 NIKHILANANDA: -- left out of the -- out of  
 19 the -- out of the mix. And if you look at the  
 20 population of the County, if there were 13, that would  
 21 divide the elected officials so that Molokai would  
 22 almost have their own -- one elected councilmember. And  
 23 we'll talk about the details of why that's really not  
 24 that important. But, anyway, if you don't do that,  
 25 which, of course, this committee in the past -- you're

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1 not responsible for that.  
 2 I would also ask you to look at the electoral  
 3 districts. And, for example, and it is personal with  
 4 me, is Huelo, which its precinct does not exist anymore,  
 5 we now vote in Haiku, but we're part of the East Maui.  
 6 And I know as a former candidate, anytime I showed up in  
 7 Hana, people acted like I was -- like I was coming from  
 8 someplace else. Which, of course, I was, but I was from  
 9 the far west part of that district. So it's unfair. I  
 10 presented that to the Council in the past, and they  
 11 don't deal with that.  
 12 Now, another really important thing, I think,  
 13 is the section -- and I have it all, you know, here,  
 14 and --  
 15 MS. KAHUHU: Three minutes.  
 16 NIKHILANANDA: Of course, you're presented  
 17 with it. I'll finish up with what I have here. But  
 18 Article 14, the Charter amendment --  
 19 CHAIR STONE: Is that time, Lisa?  
 20 MS. KAHUHU: Yes, time.  
 21 NIKHILANANDA: Three minutes, so I have one  
 22 more minute, or I can speak after the --  
 23 CHAIR STONE: Actually --  
 24 NIKHILANANDA: -- whichever --  
 25 CHAIR STONE: -- you may be our last public

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1 testifier. Is that true?  
 2 MS. KAHUHU: Yes.  
 3 CHAIR STONE: Then I'll grant you another  
 4 three minutes. Go ahead.  
 5 NIKHILANANDA: Thank you. I'll try to make it  
 6 fast. And anyone that -- well, actually, there aren't  
 7 any councilmembers here. When I appeared before the  
 8 Budget hearing, I went into my New York superspeed to  
 9 get everything done. So I will -- I will --  
 10 Initiative. Anyway, Section 14 of the Charter  
 11 is on initiative. And I would just also ask you to look  
 12 at that.  
 13 For example, in the state, to qualify a  
 14 political party to the state, you need one-tenth of one  
 15 percent of the people who voted in the last election.  
 16 Just for round numbers, it's 672. However, the  
 17 requirement to get an initiative on the ballot is 20  
 18 percent of the people that voted in the last mayoral  
 19 election. I'm gonna do the math really fast in my head.  
 20 but something like 8,000 people. I might be off on  
 21 that, so don't hold me to that, just a former math  
 22 teacher. But it's just way too much. And I think if  
 23 you look historically, there's never been an initiative  
 24 that's made it to the ballot. Why? Because the Council  
 25 is trying to keep power centered in the Council. And

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1 that's, of course, a -- a commentary on my part. But I  
 2 would just really implore you to lower that standard so  
 3 there are more initiatives on the ballot.  
 4 Let me apologize. I said Article 14. I lied.  
 5 It's Article 11.  
 6 And then petitions -- yeah. I guess it was a  
 7 combination of 14 and 11.  
 8 Now, I want to go one other area. And like I  
 9 said, I didn't prepare my proposals because it's out of  
 10 order for me. It's just areas that I would like you to  
 11 look at. And that is -- and I don't see it in front of  
 12 me, but it's the idea of the section -- oh, yeah, here  
 13 it is. Section 10, Code of Ethics, Subsection 10.33,  
 14 within 15 days of filing. I guess you probably changed  
 15 that, right? Because that's the addendum. And now I  
 16 notice that, that that was different.  
 17 But in 10.4, prohibitions, Subsection 10.4.2.A  
 18 and B, and that is compensation by County elected and  
 19 nonelected officials, what they can and cannot do, and I  
 20 believe it says one year. And I think that's  
 21 reprehensible because, if anybody's been following Maui  
 22 politics in the last few years, people that have had  
 23 appointed positions in departments, head of departments,  
 24 go off and they make huge salaries with private  
 25 businesses, come back and, because their connection, and

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1 anybody here who's served within the Council, as a  
 2 councilmember maybe or something else, knows the power  
 3 that that individual has. And we need to, I would say,  
 4 up it to three years. Because it's just unfair. We can  
 5 see that in federal politics. You can see it in state  
 6 politics. But we're dealing with the County here, that  
 7 we need to have -- set a very high standard with -- with  
 8 ethics within our community. And I'm not sure that  
 9 anyone does it necessarily with vengeance, but, of  
 10 course, with the potential of high rewards and  
 11 compensation, we see people that served as heads of  
 12 department going off and working for private companies,  
 13 coming back.  
 14 Maybe the last section I do want to a touch on  
 15 today -- and I didn't see anywhere where it would be in,  
 16 necessarily, but it would be probably the Department of  
 17 Water Supply.  
 18 CHAIR STONE: I'm sorry. I'm just checking on  
 19 your time.  
 20 NIKHILANANDA: That's fine.  
 21 CHAIR STONE: Lisa?  
 22 MS. KAHUHU: It's about 15 seconds more.  
 23 CHAIR STONE: Go ahead.  
 24 NIKHILANANDA: 15 seconds?  
 25 CHAIR STONE: Another couple seconds. Okay.

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1 Oh, good. Okay. So let me start now, now 15 seconds.  
 2 And that is that water, we need to take the water and  
 3 control it by the State or County, since this is the  
 4 County, County. It's reprehensible that we have a  
 5 private company that controls our water --  
 6 MS. KAHUHU: Time.  
 7 NIKHILANANDA: -- and sells it to the County.  
 8 Thank you.  
 9 CHAIR STONE: All right. Thank you very much,  
 10 Mr. Nanda [sic].  
 11 NIKHILANANDA: It's one word, please.  
 12 Nikhilananda.  
 13 CHAIR STONE: Oh, Nikhilananda.  
 14 NIKHILANANDA: Nikhilananda. Like Stone,  
 15 right?  
 16 MEMBER WIGER: One word.  
 17 CHAIR STONE: Very good. Sorry.  
 18 NIKHILANANDA: I will forgive you.  
 19 CHAIR STONE: Thanks for your --  
 20 NIKHILANANDA: I will forgive you.  
 21 CHAIR STONE: Thanks for your testimony.  
 22 NIKHILANANDA: No. Thank you for the  
 23 opportunity to be here.  
 24 CHAIR STONE: Commissioners, does anybody need  
 25 clarification from Nikhilananda, Mr. Nikhilananda?

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1 MEMBER WIGER: Nikhilananda.  
 2 CHAIR STONE: Nikhilananda. Got it. Okay.  
 3 We've got that covered.  
 4 NIKHILANANDA: Thank you, Flo.  
 5 MEMBER WIGER: You're welcome.  
 6 CHAIR STONE: Any Commissioner?  
 7 (Silence.)  
 8 CHAIR STONE: Thank you for your time.  
 9 NIKHILANANDA: Thank you very much.  
 10 CHAIR STONE: If there are no objections, I  
 11 will close the oral testimony at this time.  
 12 ...PUBLIC TESTIMONY CLOSED...  
 13 CHAIR STONE: And we'll move to the next item  
 14 on our agenda, which is Communications. The first item  
 15 is remarks received from County Clerk Jeffrey Kuwada,  
 16 dated May 17th, 2011. Commissioners, does anybody have  
 17 any discussion on this item?  
 18 (Silence.)  
 19 CHAIR STONE: No discussion? All right.  
 20 We'll move on to the next item.  
 21 MR. KUSHI: Mr. Chair, maybe, if I may, for  
 22 the Commission's information, what the County Clerk  
 23 basically has tried to tell you is that the Charter  
 24 amendments -- the election of the Charter amendments may  
 25 or may not -- it should, but it may or may not be held

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1 during the general election. And that came up in the  
2 context of your appointments. If your appointments were  
3 so delayed down the road, you may have not met the  
4 deadline. Okay. So, anyway, he's, basically, saying,  
5 telling you, if it's not in the general election and  
6 this Commission decides on a special election, which you  
7 have authority to do, this is what the cost will be.

8 He also references the legislative bill that  
9 he expects the Governor to sign that has a  
10 75-calendar-day period before the election to have the  
11 ballots certified as far as any amendments. That date,  
12 as discussed with Jeff Kuwada, is August 23rd, 2012.

13 I can go over the schedule later, but if  
14 everything works okay and you do your work, you know, in  
15 a year, we should make that deadline.

16 Those are the only two points that Mr. Kuwada  
17 really wanted to advise the Commission.

18 MEMBER DELEON: Mr. Chair?

19 CHAIR STONE: Yes.

20 MEMBER DELEON: Is there a definitive deadline  
21 for making the general election? What date do we need  
22 to be done by to -- what's the bottom line?

23 MR. KUSHI: For Mr. Kuwada's purposes, it's  
24 August 23rd.

25 MEMBER DELEON: To?

1 back to this Commission, which brings us to May 2nd,  
2 2012. Then this Commission would then have 30 days from  
3 the date it receives recommendations from the Council to  
4 either accept their proposals or reject their proposals.  
5 If you accept it, you would incorporate it into your  
6 final report; if you reject it, you just let the Council  
7 know that you reject. That brings us up to June 1st,  
8 2012. Upon receiving a list of objections from this  
9 Commission to the Council, the Council then has 10 days  
10 to "recall" their rejections from this Commission. Then  
11 it comes back to this Commission.

12 MEMBER DELEON: Ping-pong.

13 MR. KUSHI: That brings us up to June 11th,  
14 2012. Then this Commission submits its report to the  
15 County Clerk, including its original recommendations,  
16 any of the recommendations by the Council. And if  
17 rejected, the Council's recommendations are rejected,  
18 advise the County Clerk accordingly.

19 MEMBER DELEON: Okay.

20 MR. KUSHI: So the deadline for draft,  
21 sketching it out, is June 11, 2012, thereabouts.

22 MEMBER DELEON: Is the Clerk in agreement that  
23 there's enough time to get it on the ballot?

24 MR. KUSHI: Yes. I mean, if we're looking at  
25 June 11th, 2012, he has until August 23rd, 2012, to

1 MR. KUSHI: 2012.

2 MEMBER DELEON: That is to him from the County  
3 Council or --

4 MR. KUSHI: For him to submit the ballot  
5 questions.

6 MEMBER DELEON: So moving that back --

7 MR. KUSHI: For the general election.

8 MEMBER DELEON: So is there a way to figure  
9 that out, moving backwards, when we need to do our work,  
10 so when our first delivery of our work to the Council,  
11 it's -- where it's still under our authority and under  
12 our control to move the ball, what's that final date?  
13 Do you have any idea?

14 MR. KUSHI: Yeah. Mr. Chair, if I may?

15 CHAIR STONE: Yes. Please go ahead.

16 MR. KUSHI: I tried to sketch it out. It's  
17 not graphically. You were appointed on April 1st, 2011.  
18 Per Hawaii Revised Statutes, you have 12 months to do a  
19 report. That brings you to April 2nd, 2012, add a  
20 couple days for a weekend. That report goes to the  
21 Council. The Council then has 30 days from receipt of  
22 your report with the recommended ballot changes or  
23 amendments to review and make recommendations for an  
24 alternate section. Okay. Within 30 days of receiving  
25 the report from this Commission, Council has to submit

1 actually submit the official ballot to the State  
2 Elections Office. So there's about a two-month period.

3 MEMBER DELEON: So the reality is it's April  
4 2, then, we need to be done with our first cut of the  
5 thing before we start going back and forth with the  
6 Council?

7 MR. KUSHI: Yeah. By March 31st, sure.

8 MEMBER DELEON: All right.

9 CHAIR STONE: Any further questions?  
10 (Silence.)

11 CHAIR STONE: No. All right. The next item  
12 on the agenda, communication from Sally Raisbeck dated  
13 May 9, 2011, regarding Draft Rules of the Maui County  
14 Charter Commission. Any discussion from the  
15 Commissioners on that item?

16 (Silence.)

17 CHAIR STONE: Okay. No discussion.

18 MEMBER BAXA: Mr. Chair?

19 CHAIR STONE: Yes, Commissioner Baxa.

20 MEMBER BAXA: Are you referring to the  
21 communication by Ms. Raisbeck concerning the rules?

22 CHAIR STONE: Yes.

23 MEMBER BAXA: It was?

24 CHAIR STONE: That's the communication, Draft  
25 Rules of the Maui County Charter. And she offered

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1 some --

2 MEMBER BAXA: Yes.

3 CHAIR STONE: -- rule amendments.

4 MEMBER BAXA: I noted that some of her

5 recommendations have validity. And I note that in the

6 revised -- the rules, some of them have been

7 incorporated already.

8 MR. KUSHI: Mr. Chair, if I may? Member Baxa,

9 I have reviewed Ms. Raisbeck's recommendations. I have

10 incorporated most of her changes. And when we have a

11 discussion on the rules, I can address each point.

12 CHAIR STONE: Okay. Later on in our agenda,

13 we're going to be discussing or voting to accept the

14 rules. So I would suggest at that time we'll get back

15 into that, if that's all right --

16 MEMBER BAXA: Oh, okay.

17 CHAIR STONE: -- Commissioner.

18 MEMBER BAXA: Well, I will just state for the

19 record, then, that I saw some merits in the

20 recommendations.

21 CHAIR STONE: Okay. Thank you very much,

22 Commissioner Baxa.

23 The next item on our agenda, copy of

24 communicated dated May 10th, 2011, sent to Mayor Alan M.

25 Arakawa and all department directors, Chief of Police

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1 and Chief of Fire, requesting submittal of proposed

2 Charter amendments. I believe we voted on approving

3 that at the last meeting, and that was signed and sent.

4 Any discussion on that agenda item?

5 VICE-CHAIR HEDANI: Chairman Stone, I noted

6 that on the communication that was sent out, on the

7 letterhead itself, two of the Commissioners were

8 omitted.

9 CHAIR STONE: Oh, good eye.

10 VICE-CHAIR HEDANI: Yuki Lei and Flo should be

11 added.

12 MR. KUSHI: Who is missing?

13 CHAIR STONE: It was Yuki Lei -- and who else

14 was missing?

15 VICE-CHAIR HEDANI: Flo.

16 CHAIR STONE: Oh. I guess we'll have to get

17 on Lisa's case.

18 MS. KAHUHU: My apologies. Yes.

19 CHAIR STONE: Lisa, do you think that we could

20 amend that or resend?

21 MS. KAHUHU: Sure.

22 VICE-CHAIR HEDANI: For further communication.

23 CHAIR STONE: Right. Okay.

24 MS. KAHUHU: So should I amend it or --

25 CHAIR STONE: Actually, no. We'll just do

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1 it -- for further communications, let's make sure that

2 they're added.

3 MS. KAHUHU: Thank you.

4 CHAIR STONE: Thank you for that,

5 Commissioner.

6 All right. Next item, again, copy of

7 communication dated May 10th, 2011, sent to Maui County

8 Council Chair Danny A. Mateo and Councilmembers, County

9 Clerk, and Director of Council Services requesting

10 submittal of proposed Charter amendments. I'd imagine

11 the same problem with that?

12 MEMBER OKAMOTO: Yes.

13 VICE-CHAIR HEDANI: Uh-huh.

14 CHAIR STONE: Any discussion on this item?

15 (Silence.)

16 CHAIR STONE: All right. Moving on to the

17 next item, copy of communication dated May 10th, 2011,

18 sent to all boards and commissions requesting submittal

19 of proposed Charter amendments. Any discussion?

20 (Silence.)

21 CHAIR STONE: No. Next item, letter dated May

22 11th, 2011, from Gary A. Yabuta, Chief of Police,

23 regarding request for submittal of proposed Charter

24 amendments and/or recommendations. Any discussion?

25 (Silence.)

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1 CHAIR STONE: No. Next item --

2 MR. KUSHI: Mr. Chair?

3 CHAIR STONE: Yes.

4 MR. KUSHI: If I may, going back. Item II C,

5 D and E, letters from the Commission to the various

6 people, if you read the letter, it just says the

7 Commission respectfully requests that all submissions be

8 received by June 30th. The initial letter was a little

9 stronger, but, again, we inserted a deadline -- not a

10 deadline, but a date. But this does not mean -- there's

11 no rules that prohibits anybody else from submitting

12 anything after that date, just to make it clear.

13 CHAIR STONE: Thank you. Commissioner Baxa.

14 MEMBER BAXA: Mr. Chair, I just want to

15 clarify something. I know that there was a

16 communication for submission of the amendment of the

17 Charter regarding the creation of the Office of Auditor.

18 I know -- I think you mentioned that already.

19 CHAIR STONE: That is an agenda item under New

20 Business.

21 MEMBER BAXA: I just want to make it clear

22 that, at this point, I do not take it to mean that, by

23 accepting it, if we even adopt it, that we'll not be

24 making amendments to it. Are we saying that by the fact

25 that we are accepting that it is accepted the way it is?

7 (Pages 23 to 26)

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1 CHAIR STONE: I believe we'll get to that  
 2 discussion in the New Business agenda item, if that's  
 3 okay. Thank you, Commissioner.  
 4 MEMBER BAXA: I just wanted to be sure.  
 5 CHAIR STONE: Definitely.  
 6 Next item, email from Sally Raisbeck, dated  
 7 May 11, 2011, regarding relation of Commission  
 8 recommendation to the County Council. Any discussion?  
 9 (Silence.)  
 10 CHAIR STONE: No. Next item. Oh, I'm sorry,  
 11 let me back up there. I missed Item G, article  
 12 submitted by Member Frank DeRego, Jr., entitled "Opening  
 13 Up the Process, Web-Based Application Encourages Citizen  
 14 Involvement." Any discussion?  
 15 MEMBER DEREGO: I just wanted to make a  
 16 comment about this. I went to a presentation on  
 17 redistricting on, I think it was, last Monday. I was  
 18 part of the Maui GIS User Group.  
 19 I think GIS would be a good tool once we've  
 20 decided the policy issue, if we're going to get into  
 21 that, once we've decided -- I don't want to get ahead of  
 22 ourselves, but I think that policy issue has to be  
 23 decided first about what we want to do about the  
 24 district voting. But once we get to that point -- or  
 25 maybe even during the time we're having the discussion,

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1 it might be good to have a presentation or have Bill  
 2 Medeiros and Royce Jones, maybe, from Esri come in, do  
 3 the same type of presentation they did for the Maui GIS  
 4 User Group, just to give the Commissioners an idea of  
 5 what's available and what kind of tools are available.  
 6 That I think would make our job a lot easier, not only  
 7 in terms of looking at the whole district issue, but, if  
 8 it comes to that point, you know, in terms of coming to  
 9 an idea of what those districts look like.  
 10 So I put the article out not as a way of sort  
 11 of opening this whole discussion up only to the public,  
 12 but, also, as a way of having the Commission look at a  
 13 tool that might be very useful for its deliberations.  
 14 So --  
 15 CHAIR STONE: Thank you, Commissioner DeRego.  
 16 Any questions for the Commissioner?  
 17 MEMBER MOIKEHA: Chair?  
 18 CHAIR STONE: Yes.  
 19 MEMBER MOIKEHA: I would support that. You  
 20 know, I'm more of a visual learner, so I like graphs and  
 21 pictures and maps. And I know that might take some time  
 22 to set up a schedule for that person to be here, so  
 23 putting you on alert, or the Commission, if they support  
 24 it, to try and set that up in advance or give them  
 25 notice that we would like some kind of presentation.

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1 CHAIR STONE: Okay. Yes.  
 2 MEMBER WIGER: And I would -- I would really  
 3 endorse that as well. I was very grateful, Frank, that  
 4 you sent that out because the whole GIS process is --  
 5 can be so helpful. It's been used in a number of things  
 6 at the County level. And it's just a very effective way  
 7 of doing it. So I really think that it's a good idea.  
 8 But I would get it on the schedule as soon as possible,  
 9 because it will create a backdrop, rather than bringing  
 10 it in sort of --  
 11 CHAIR STONE: Let me ask Corporation Counsel  
 12 some clarification. For setting up these kind of  
 13 presentations, is it at the discretion of the Chair or  
 14 do we need to vote on these?  
 15 MR. KUSHI: This will be your discretion. You  
 16 set the agenda.  
 17 CHAIR STONE: All right. I think there's  
 18 enough Commissioners interested in seeing the  
 19 presentation, so we'll set that up.  
 20 And our final item, email from --  
 21 MEMBER DEREGO: Point of order on that, Ed.  
 22 It's at the discretion of the Chair, but I think, also,  
 23 isn't it true that if enough Commissioners vote on an  
 24 agenda item to be on the -- on the agenda that it does  
 25 appear on the agenda?

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1 MR. KUSHI: Yes, I guess you could if the  
 2 Chair refuses to set it.  
 3 MEMBER DEREGO: Okay. Good.  
 4 CHAIR STONE: The Chair does not refuse.  
 5 (Laughter.)  
 6 MEMBER DEREGO: Just a point of clarification.  
 7 CHAIR STONE: Final item, email from Sally  
 8 Raisbeck, dated May 14, 2011, regarding "Time for  
 9 District Voting on Maui." Any discussion?  
 10 (Silence.)  
 11 CHAIR STONE: All right. Without objections,  
 12 the Chair will accept and file all written  
 13 communications for the record.  
 14 Moving on the agenda, Old Business, we are  
 15 back to selection of a vice-chairperson. So with that  
 16 said -- yes, Commissioner.  
 17 MEMBER MOIKEHA: Are we ready for a motion or  
 18 am I jumping the gun?  
 19 (Laughter.)  
 20 CHAIR STONE: Well, I think we need to refresh  
 21 some memories here.  
 22 MEMBER MOIKEHA: Okay. Go ahead.  
 23 CHAIR STONE: So I believe that we had  
 24 previously nominated Commissioner Baxa as well as  
 25 Commissioner Hedani, and, also, we had nominated

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1 Commissioner Sugi [sic] -- sorry -- Yuki. There we go.  
 2 So what I'd like to do is let's go ahead and take those  
 3 nominations and do another vote on those nominations.  
 4 All in favor of Commissioner Hedani, raise  
 5 your hands. We have the count of one, two, three, four,  
 6 five. And a point of discussion here. The Chair does  
 7 have the ability to vote on this, correct?  
 8 MR. KUSHI: Yes.  
 9 CHAIR STONE: Six. So congratulations,  
 10 Vice-Chairman Hedani.  
 11 VICE-CHAIR HEDANI: Thank you.  
 12 MR. KUSHI: Call for "all in favor."  
 13 MEMBER WIGER: Would this be the time to ask  
 14 for a unanimous motion?  
 15 MEMBER OKAMOTO: Yeah.  
 16 MEMBER WIGER: I believe it's in order.  
 17 MR. KUSHI: No. I think the Chair called for  
 18 it. For clarification, the vote is six to two.  
 19 CHAIR STONE: Sorry. I don't understand.  
 20 MR. KUSHI: You know, I understand that the  
 21 vote was five, then you're going to vote, so that's six,  
 22 but you have eight people here. So -- oh, nine. Nine,  
 23 okay. So --  
 24 CHAIR STONE: Nine.  
 25 MR. KUSHI: What about the other three?

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1 CHAIR STONE: Shall we ask for --  
 2 MR. KUSHI: Chair, I would suggest you get a  
 3 roll call vote.  
 4 CHAIR STONE: Okay. We'll talk a roll call  
 5 vote at the suggestion of Corporation Counsel.  
 6 MS. KAHUHU: Flo Wiger.  
 7 Is that how we're going to do it?  
 8 MR. KUSHI: The motion is to nominate  
 9 Mr. Hedani as Vice-Chair, as I understand.  
 10 CHAIR STONE: Take a roll call vote on the  
 11 motion to approve Mr. Hedani as the Vice-Chair.  
 12 MEMBER WIGER: Yes.  
 13 MS. KAHUHU: You want me to --  
 14 CHAIR STONE: Continue.  
 15 MS. KAHUHU: Flo Wiger?  
 16 MEMBER WIGER: Yes.  
 17 MS. KAHUHU: Kay Okamoto?  
 18 MEMBER OKAMOTO: Yes.  
 19 MS. KAHUHU: Susan Moikeha?  
 20 MEMBER MOIKEHA: Yes.  
 21 MS. KAHUHU: Wayne Hedani?  
 22 VICE-CHAIR HEDANI: Abstain.  
 23 MS. KAHUHU: Frank DeRego?  
 24 MEMBER DEREGO: Aye.  
 25 MS. KAHUHU: Dave DeLeon?

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1 MEMBER DELEON: Aye.  
 2 MS. KAHUHU: Stacy Crivello?  
 3 MEMBER CRIVELLO: Yes.  
 4 MS. KAHUHU: Artemio Baxa?  
 5 MEMBER BAXA: Yes.  
 6 MS. KAHUHU: Joshua Stone?  
 7 MEMBER STONE: Yes.  
 8 MEMBER DELEON: Congratulations.  
 9 CHAIR STONE: Congratulations, again.  
 10 So our next item on our agenda is Proposed  
 11 Rules of the Maui County Charter Commission. And as per  
 12 Commissioner Baxa's request, maybe Corporation Counsel  
 13 can inform us of the changes.  
 14 MEMBER CRIVELLO: Mr. Chair, is this the  
 15 revised?  
 16 CHAIR STONE: Yes, we're reviewing the Revised  
 17 Draft Rules, May 23rd, 2011.  
 18 MEMBER CRIVELLO: Okay.  
 19 CHAIR STONE: And, again, as per Mr. Baxa's  
 20 request, Corporation Counsel has amended, slightly  
 21 amended, these Revised Draft Rules. So we should go  
 22 over those changes from the rules we were previously  
 23 reviewing.  
 24 MR. KUSHI: Mr. Chair, Members, staff  
 25 presented a copy of the Revised Draft Rules, May 23rd,

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1 2011. The highlighted areas are yellow, they are  
 2 Ramseyer format. So we can go -- and a lot of them are  
 3 just nonsubstantive, grammatical revisions, there are  
 4 some areas.  
 5 But, first, to address Ms. Sally Raisbeck's  
 6 letter to the Chair, dated May 9th, 2011 -- if you all  
 7 have a copy of it -- regarding Rule 1.1 "supercede"  
 8 versus "supersede," spelling, that is corrected.  
 9 Rule 2.1 -- sorry, but the pages are not  
 10 numbered. Rule 2.1, we inserted the term "Regular  
 11 Commission meetings" as compared to 2.2, "Special  
 12 commission meetings." And the dates and times are not  
 13 set, it's going to be determined by the Commission  
 14 Chair.  
 15 Her other concern, about Rule 2.3.A, 2.3.B and  
 16 2.4, about two-thirds. Her math is correct, two-thirds  
 17 of 11 is 7.33. So unless you split yourself --  
 18 (Laughter.)  
 19 MR. KUSHI: So I just put in numerical "8"  
 20 number in those sections.  
 21 Under Item 4, she also says -- she referenced  
 22 Rule 3.6. Her concern is that 3.6 says that our failure  
 23 to vote shall be deemed an affirmative vote, which is  
 24 true. Is it the intention that five affirmative votes,  
 25 plus an abstention shall be sufficient to take action?

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1 My response is, no, an abstention is pursuant to 3.7  
 2 rule, conflict of interest, et cetera, et cetera. The  
 3 person abstaining doesn't vote, even if he's present,  
 4 but he's silenced because he abstains, his vote does not  
 5 count.  
 6 MEMBER BAXA: Excuse me. Mr. Chair, can I ask  
 7 a question on that?  
 8 CHAIR STONE: Yes. Commissioner Baxa.  
 9 MEMBER BAXA: So the member who abstains  
 10 because of a conflict, that vote is not counted?  
 11 MR. KUSHI: Right. So if he is silent, a vote  
 12 is called and he's silent, but he abstained, it's not an  
 13 automatic affirmative vote.  
 14 MEMBER BAXA: So what about the provision in  
 15 3.6, which says that failure to vote -- a failure to  
 16 vote by a member who is present or who, having been  
 17 present, has withdrawn from the meeting without being  
 18 excused, shall be deemed an affirmative vote. Is that  
 19 right?  
 20 MR. KUSHI: That's correct.  
 21 CHAIR STONE: Seems a bit ambiguous.  
 22 MEMBER BAXA: Why would they consider it as an  
 23 affirmative vote?  
 24 MR. KUSHI: Well, put it this way, Judge:  
 25 Robert Rules, I don't know the section, but it does

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1 discuss members present, but not abstaining, they just  
 2 simply don't vote. It's your duty to vote either way.  
 3 So if a vote is called and you don't vote, it's counted  
 4 as a "yes" unless you're excused or unless you  
 5 abstained.  
 6 MEMBER BAXA: Or abstained.  
 7 MR. KUSHI: If you abstained, you're not even  
 8 involved in the roll call vote.  
 9 MEMBER BAXA: Yeah. That is my point, too. I  
 10 think that clarifies it. Because under Section 3.1, it  
 11 says that a member who abstains pursuant to Rule 3.7  
 12 shall not be counted as present. So if he is not  
 13 present, then nothing is counted.  
 14 MR. KUSHI: He's present in body only, because  
 15 he abstained.  
 16 MEMBER OKAMOTO: Question, Mr. Chair, just to  
 17 clarify for myself?  
 18 CHAIR STONE: Yes.  
 19 MEMBER OKAMOTO: If you abstain because you  
 20 have a conflict of interest, then that just doesn't  
 21 count, but if you abstain because, hey, I don't want to  
 22 get involved in this vote, then it's automatically  
 23 considered a "yes" vote, is that correct? Not  
 24 "abstain," I'm using the wrong term. If you don't vote  
 25 because you don't want to take a stand, then that vote

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1 is considered a "yes" vote, am I correct?  
 2 MR. KUSHI: Yes, because you haven't  
 3 abstained.  
 4 MEMBER OKAMOTO: Thank you.  
 5 MR. KUSHI: You didn't formally abstain  
 6 because of a conflict.  
 7 MEMBER OKAMOTO: Thank you.  
 8 MEMBER BAXA: I really have a problem with  
 9 that. If I do not vote, why would my abstention be  
 10 considered as an affirmative vote? I have a problem  
 11 with it.  
 12 CHAIR STONE: I believe that -- the  
 13 understanding I have is that all Commissioners must vote  
 14 on every item that they are not abstaining from.  
 15 MEMBER BAXA: Okay. Mr. Chair, if every  
 16 member must vote, but he does not vote, why would you  
 17 consider this as an affirmative vote if he abstains from  
 18 voting? Is that not --  
 19 CHAIR STONE: It seems ambiguous. It seems  
 20 ambiguous.  
 21 MR. KUSHI: Mr. Chair, I beg to differ. It's  
 22 not ambiguous because you have a duty to vote either yes  
 23 or no. If you don't vote and you're present and you are  
 24 not conflicted out, it's a yes.  
 25 CHAIR STONE: Commissioner.

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1 MEMBER MOIKEHA: You know, these rules. I  
 2 think especially these, are based in parliamentary  
 3 procedure under Robert's Rules of Order. And to me,  
 4 that's how it's just done. And my understanding, too,  
 5 is we default to Robert's Rules if it's not clear here.  
 6 We don't set the rules, so this is not something that's  
 7 acceptable in meetings, to conduct meetings. My concern  
 8 is, I have always thought that recusing yourself has to  
 9 do with financial or some kind of conflict. So by using  
 10 the word "abstention" in 3.7, now it's getting  
 11 confusing.  
 12 MEMBER DEREGO: Right.  
 13 MEMBER MOIKEHA: I mean, I would use  
 14 abstaining when -- or finding abstention when no one  
 15 says anything. And maybe, in 3.7, it should be recusing  
 16 themselves, so that they're not even out there for a  
 17 vote because of their conflict of interest. And I  
 18 believe that's been used before in rules -- Robert's  
 19 Rules.  
 20 MR. KUSHI: Yes, Mr. Chair. Member Moikeha,  
 21 you're correct. I can get back to you and find the  
 22 specific section in Robert's Rules, if you want to.  
 23 Again, I remind the Commission that these are  
 24 your rules. You can deviate from Robert's Rules, you  
 25 know, if you feel that you want -- if you feel that the

<p style="text-align: right;">Page 39</p> <p>1 Members, Commission Members, can willy-nilly not vote.  2 I mean -- my advice to you, you have to vote. But if  3 you want to appeal that by not saying yes or no doesn't  4 count, then my feeling is the issue of quorum.  5 MEMBER BAXA: Mr. Chair?  6 MR. KUSHI: You have eight people here, if  7 five of you don't vote, you can never take an action.  8 CHAIR STONE: Understood, Corporation Counsel.  9 Commission Baxa.  10 MEMBER BAXA: Mr. Chair, Mr. Kushi is correct,  11 the rules that we adopt, our rules, is the primary rule.  12 The Robert's Rules of Order is separate. We can adopt  13 our own rules. If we want to be clear -- I think, for  14 me, clarity is this: If you must vote and you do not  15 vote, you are not voting at all, it should not be  16 considered as affirmative.  17 CHAIR STONE: I don't think that -- the issue,  18 again, brought up by Corporation Counsel is the issue of  19 quorum, which is vital, so -- Commissioner DeLeon.  20 MEMBER DELEON: I would suggest, if anybody  21 doesn't appreciate this rule as written, propose an  22 amendment to the rule and have it voted on and -- and by  23 the Members. So if Commissioner Baxa wants to change  24 the rule, propose an amendment and we'll make a decision  25 at that point.</p>	<p style="text-align: right;">Page 41</p> <p>1 3.6, "No member shall refrain from voting on any matter  2 unless abstaining pursuant to Rule 3.7. A failure to  3 vote by a member who is present, or, who having been  4 present, has withdrawn from the meeting without being  5 excused, shall be deemed a negative vote" -- changing  6 "affirmative" to "negative" -- "and shall be so  7 recorded." Is there a motion?  8 MEMBER BAXA: That is the motion.  9 CHAIR STONE: Is there a second on this  10 motion?  11 (Silence.)  12 CHAIR STONE: No second, the motion fails.  13 Any further discussion? Yes, Commissioner.  14 VICE-CHAIR HEDANI: Chairman Stone, I'd like  15 to make a motion to adopt the rules, the revised rules  16 as presented.  17 CHAIR STONE: Okay. The motion has been put  18 forward to adopt the rules. Is there a second?  19 MEMBER WIGER: Second.  20 CHAIR STONE: The motion's been put forward.  21 All in favor, "aye."  22 MEMBER MOIKEHA: Discussion.  23 MEMBER DEREGO: Discussion.  24 CHAIR STONE: Sorry. Discussion.  25 (Laughter.)</p>
<p style="text-align: right;">Page 40</p> <p>1 CHAIR STONE: Good suggestion. I believe  2 we'll go with that. Any further discussion?  3 (Silence.)  4 CHAIR STONE: So if any Commissioner would  5 like to propose changes to our rules, we should have it  6 formally proposed to us and we can vote on it. And that  7 way, we can adopt it, if we all agree.  8 MEMBER BAXA: Mr. Chair? Can I make an oral  9 proposal to amendment?  10 CHAIR STONE: Sure. Yes.  11 MEMBER BAXA: I submit --  12 CHAIR STONE: What would be a formal  13 amendment?  14 MEMBER BAXA: My formal amendment would be  15 that -- where is that? It says here, a failure to vote  16 shall be deemed an affirmative vote -- shall be deemed a  17 negative vote and be so recorded.  18 MEMBER DELEON: Negative vote?  19 MEMBER BAXA: Instead of affirmative, the word  20 "negative."  21 MEMBER DELEON: Negative.  22 CHAIR STONE: Okay.  23 MEMBER DELEON: It's still an action.  24 CHAIR STONE: It has been put forward to amend  25 the rules to change Section -- Rule -- sorry -- Rule</p>	<p style="text-align: right;">Page 42</p> <p>1 MEMBER MOIKEHA: Chair?  2 CHAIR STONE: Just a little bit ahead.  3 Discussion?  4 MEMBER MOIKEHA: Chair?  5 CHAIR STONE: Commissioner.  6 MEMBER MOIKEHA: I would ask that the maker of  7 the motion consider inserting -- instead of "abstain,"  8 in 3.7, but use the word "recused."  9 MEMBER DELEON: That was the word I was  10 looking for.  11 CHAIR STONE: A motion has been put forward to  12 changing -- amending Rule 3.7 to "recused from voting"  13 instead of abstention. Is there a --  14 MEMBER MOIKEHA: So instead of using the word  15 "abstain" anywhere in the Rule 3.7, we would use the  16 word "recuse". And so I'm asking the maker of the  17 motion, Mr. Hedani, if he would consider a friendly  18 amendment.  19 CHAIR STONE: Vice-Chairman Hedani?  20 VICE-CHAIR HEDANI: Maybe we can take that as  21 an amendment to the main motion.  22 MEMBER MOIKEHA: Okay.  23 MEMBER DELEON: I'll second the amendment.  24 VICE-CHAIR HEDANI: My personal understanding  25 of abstentions is an abstention counts as an affirmative</p>

11 (Pages 39 to 42)

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1 vote. At least that's my interpretation of Robert's  
2 Rules.  
3 CHAIR STONE: We'll take a vote on -- all in  
4 favor?  
5 MEMBER OKAMOTO: Wait. What are we voting on?  
6 CHAIR STONE: We're voting on -- first, I  
7 believe that we should be voting on the amendment. So  
8 all in favor of the amendment to replace "abstention"  
9 with "recuse" in Rule 3.7, all in favor, say "aye."  
10 (Members voiced aye.)  
11 CHAIR STONE: All opposed?  
12 (Members voiced aye.)  
13 CHAIR STONE: So that amendment passes.  
14 MEMBER DELEON: I was hoping to get  
15 Corporation Counsel's opinion before we jump on this.  
16 MR. KUSHI: Mr. Chair, Members, I'm not sure I  
17 understand the amendment. Are we talking about 3.7?  
18 CHAIR STONE: Rule 3.7.  
19 MEMBER DEREBO: 6.  
20 CHAIR STONE: No. We're discussing Rule 3.7.  
21 MR. KUSHI: So instead of the word  
22 "abstention," do you want "recusal?"  
23 MEMBER MOIKEHA: Uh-huh.  
24 CHAIR STONE: Recused from voting?  
25 MEMBER MOIKEHA: Well, you're going to have to

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1 reword -- my thoughts in this whole section is that we  
2 should be referencing the word "recused." So however  
3 that grammatically should be inserted that makes sense.  
4 In my personal experience, it's always been recuse  
5 yourself when there's a conflict of interest. That's  
6 why I asked the question earlier of Corp Counsel, who  
7 confirmed that it was based in Robert's Rules of Order  
8 as a recusal.  
9 CHAIR STONE: I'll ask Corporation Counsel, do  
10 you have an understanding?  
11 MR. KUSHI: Mr. Chair, not really. I have to  
12 go back and look at Robert's Rules to find out the  
13 definitive distinction between "recusal" and  
14 "abstention." You know, in my mind, a recusal requires  
15 somebody of higher authority okaying the abstention,  
16 whereas, the way it's written here, it's just at the  
17 member's own fruition. It's not -- I mean, that's my  
18 understanding, but I'd have to check. But if it's just  
19 a matter of "recusal" or "abstention," it doesn't really  
20 mean too much to me. But I'm trying to focus on Rule  
21 3.6. The Commission needs to get over the hump about --  
22 CHAIR STONE: I believe we resolved that.  
23 MR. KUSHI: Okay.  
24 CHAIR STONE: So with that said, there is a  
25 motion forward to accept the Revised Draft -- Revised

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1 Draft Rules with the amendment.  
2 MEMBER DELEON: Further discussion?  
3 CHAIR STONE: Yes, discussion.  
4 MEMBER DELEON: When I read the rules -- and I  
5 know you folks, in the last meeting, spoke to not having  
6 committees -- but when I read the rules, I want to have  
7 an understanding of this, and that is, in committee, in  
8 subcommittees, it seems like it's allowing for  
9 nonmembers to be participating. Is that correct?  
10 MR. KUSHI: Mr. Chair?  
11 CHAIR STONE: Please.  
12 MR. KUSHI: I have tried to address that in  
13 Rule 5.1, where it says, "The Commission, by resolution,  
14 may" -- again "may" -- "establish standing committees  
15 along with their composition of Commission members."  
16 MEMBER DELEON: Okay.  
17 MR. KUSHI: However, if you go down to 5.7, it  
18 does provide for -- it implies, if you look at the  
19 second sentence, "The standing committee shall appoint  
20 the subcommittee's chair and vice-chair, and at least  
21 one of whom shall be a Commission member." And it  
22 provides for non-Commission members on subcommittees. I  
23 mean, if you want to have a subcommittee of a committee,  
24 you know.  
25 MEMBER DELEON: So like we were getting

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1 outside advice or having somebody with particular  
2 knowledge on a subject?  
3 MR. KUSHI: Right. But, again, everything  
4 goes uphill. You have a subcommittee that reports to  
5 the committee and then the committee reports to the  
6 Commission. So I don't know if you have enough time to  
7 do that.  
8 MEMBER DELEON: The second part of the  
9 question -- I just want to get it clear.  
10 MR. KUSHI: Yeah.  
11 MEMBER DELEON: The second part of the  
12 question was, it says voting members and non-voting  
13 members. Non-voting members would be the members that  
14 are public who are not Commissioner members?  
15 MR. KUSHI: On subcommittees.  
16 MEMBER DELEON: On subcommittees, yeah, of  
17 course.  
18 MR. KUSHI: Committees are always of  
19 Commissioner members.  
20 MEMBER DELEON: I see. Okay. I'm pau.  
21 MEMBER DEREBO: I had another observation  
22 about the supermajorities on 2.3. Not against your  
23 math, Ed, but 7.33 is less than half than -- actually,  
24 would be, for me, seven members. I think try and make  
25 it eight members makes it almost impossible for us to



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1 pass anything on a two-thirds majority vote. So I would  
 2 suggest that it be amended that at least seven members.  
 3 MEMBER MOIKEHA: If that's a motion, Chair,  
 4 I'll second it.  
 5 CHAIR STONE: It's a motion.  
 6 MEMBER DEREBO: I make a motion. Thank you.  
 7 CHAIR STONE: Discussion on this amendment?  
 8 MR. KUSHI: Mr. Chair?  
 9 CHAIR STONE: Yeah.  
 10 MR. KUSHI: I believe it's a requirement of  
 11 the Sunshine Law, 92 HRS, that at least two-thirds, for  
 12 emergency meetings only. You're under the emergency  
 13 meetings section. So unless -- I mean, for regular  
 14 Commission meetings, it's a simple majority. This deals  
 15 with emergency Commission meetings. And at least eight  
 16 of you, or two-thirds of you, should find that an  
 17 emergency exists. That's all it's saying.  
 18 MEMBER DELEON: I make a motion we don't have  
 19 any emergencies.  
 20 (Laughter.)  
 21 MEMBER DEREBO: There we go.  
 22 CHAIR STONE: Commissioner.  
 23 MEMBER OKAMOTO: I think he's not -- you're  
 24 not disputing the two-thirds; you're disputing what  
 25 two-thirds equals, correct?

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1 MEMBER DEREBO: Right.  
 2 MEMBER OKAMOTO: If it's over seven, you're  
 3 saying it has to go to eight.  
 4 MEMBER DEREBO: Has to be eight.  
 5 MEMBER OKAMOTO: He is saying if it's under  
 6 seven and-a-half, it doesn't have to be.  
 7 MEMBER WIGER: Numerically.  
 8 CHAIR STONE: I believe the word is "at  
 9 least." It's "at least" two-thirds. Seven would be  
 10 less than two-thirds.  
 11 MR. KUSHI: 7.33 is two-thirds.  
 12 CHAIR STONE: It's going to be hard to get  
 13 that vote. Any further discussion on that?  
 14 MEMBER DEREBO: Is there any -- I'm trying to  
 15 remember if there is anyplace else that we have  
 16 two-thirds votes to change anything else.  
 17 MR. KUSHI: Yes.  
 18 MEMBER OKAMOTO: There is.  
 19 MR. KUSHI: Yes.  
 20 MEMBER DEREBO: Then that means that would be  
 21 the ruling -- we can't define what two-thirds means  
 22 anywhere else, is that what it means?  
 23 MR. KUSHI: Yes and no, Mr. Chair, Member  
 24 DeRego. If you look at Rule 2.4, okay, it references  
 25 executive sessions, and HRS does state at least

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1 two-thirds vote. But it specifically says an  
 2 affirmative vote of at least two-thirds of the members  
 3 present.  
 4 MEMBER DEREBO: Right.  
 5 MR. KUSHI: So if you had only eight members,  
 6 okay, you can have a meeting. But two-thirds of that  
 7 is, what, six, so you only need six in that instance.  
 8 So on executive sessions, it's a little different. And  
 9 that's pursuant to HRS.  
 10 CHAIR STONE: Commissioner, any further  
 11 questions?  
 12 MEMBER DEREBO: No. No. If we're bound by  
 13 state law, then I remove -- I remove my motion, then.  
 14 CHAIR STONE: Motion removed for the  
 15 amendment. Any further discussion on the rules?  
 16 MR. KUSHI: Yes, Mr. Chair, in addressing  
 17 Ms. Raisbeck's concerns in her letter, Item Number 5,  
 18 referencing Rule 11.2.A, regarding closing of public  
 19 testimony sign-ups, I guess it is. So I have revised it  
 20 under Rule 11.2.A, as in apple. It concerns testimony  
 21 registration period. So at least 10 minutes before --  
 22 no later than 10 minutes before you start this meeting,  
 23 you should have a registration period. And then, before  
 24 you close it, the Chair should announce the closing of  
 25 the testimony registration period at least five minutes

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1 before you close it. I think her concern was you can  
 2 cut off testimony at any time. So this will address  
 3 that issue.  
 4 So, Mr. Chair, I have addressed all of  
 5 Ms. Raisbeck's concerns. If you want me to go over the  
 6 revisions that our office came up with, I'd be happy to.  
 7 CHAIR STONE: I believe we should. One  
 8 question, for my knowledge. So the Chair provides  
 9 notice at least five minutes before closing the  
 10 testimony registration period. That would be after  
 11 calling the meeting to order, right?  
 12 MR. KUSHI: Yes. While you're into it, then,  
 13 you know, you see if any people have signed up, and  
 14 you're on the eighth person, or whatever it is, you  
 15 know, and you see other people want to sign up, you  
 16 announce you will close registration in five minutes.  
 17 CHAIR STONE: Thank you. Thanks for the  
 18 clarification. Commissioner.  
 19 MEMBER MOIKEHA: This is not typically how  
 20 Council or commissions -- I mean, in the Planning  
 21 Commission, we have registration, but we've never closed  
 22 the registration. At the end of our list, as people  
 23 still filter in, they still can sign in. It's at that  
 24 point in time, when they are done with the list, and  
 25 then usually the Chair will ask, "Is there anyone else

1 in the audience that would like to testify." And I  
2 think this kind of restricts that to the public to do  
3 that. So I'm going to put in a motion to take out that  
4 testimony registration timeframe. I think that should  
5 be open until the point in time we close testimony. If  
6 you get 100 people here to testify, and they all had to  
7 be here 10 minutes before we started, that would be  
8 totally not appropriate.

9 MR. KUSHI: It says at least 10 minutes before  
10 we start.

11 MEMBER MOIKEHA: Well, I guess my point more  
12 is it's restricting it by registration cutoff. And I  
13 have never seen that before. And I kind of don't like  
14 it.

15 MEMBER DEREGO: I second the motion.

16 MEMBER MOIKEHA: I'd like to take that out.

17 CHAIR STONE: There's a motion put forward to  
18 amend the timeframe for public testimony registration  
19 period. Up until oral presentation begins?

20 MEMBER MOIKEHA: Just take it out completely  
21 and then allow your system to go as it's going, but by  
22 the time you're done with your list, normally what  
23 happens is the chair would say, "Is there anyone in the  
24 audience that would like to testify that has not signed  
25 up," and then at that point you would recognize those

1 people and give them opportunity.

2 But once testimony is closed, it should not be  
3 open. And we kind of had that experience the last time  
4 where we allowed interaction with the audience and  
5 public testimony when it was already closed.

6 CHAIR STONE: Right.

7 MEMBER MOIKEHA: So that's you what want to  
8 avoid from happening. We can't get to the business of  
9 the day if we're going to keep letting people pop in and  
10 out --

11 CHAIR STONE: I understand.

12 MEMBER MOIKEHA: -- at their will. So I'm  
13 totally for the rule of public testimony, once it's  
14 closed, we're done. But allow them the opportunity to  
15 come in at any point in time that it's still open.

16 MEMBER DEREGO: I second that motion.

17 CHAIR STONE: Discussion on the amendment?

18 MEMBER WIGER: I strongly support that. I  
19 think the last thing we want to do is be looked at as  
20 being so restrictive that if, for some reason, something  
21 happens and someone can't be there in that appropriated  
22 time. And, you know, at the end of the day, what  
23 difference does it make if people are still giving  
24 testimony and other people are still coming in and  
25 signing up and you just continue on?

1 CHAIR STONE: Commissioner Baxa.

2 MEMBER BAXA: Mr. Chair, I think in order to  
3 have a little bit of -- you see, the meeting is posted,  
4 the time of the meeting is posted. I do question the  
5 fact that it provides 10 minutes. It says here the  
6 testimony registration for each item shall be open no  
7 later than 10 minutes prior to the beginning of the  
8 meeting. I think that 10-minute period is too small of  
9 a time. Because as indicated, if there is many people  
10 that want to testify, that may not be enough time for  
11 them to register. But the suggestion, I think, is too  
12 broad. I would increase the 10 minutes for the period  
13 of time to allow people to at least make the  
14 registration, initial registration. Because -- and if  
15 you read the -- if you read the section, there is a  
16 proviso at the end wherein the chair announces -- you  
17 know, five minutes prior to the thing, you know, there  
18 is some announcement. But 10 minutes should be  
19 increased to maybe 20 minutes or so, enough time to make  
20 the registration, for people to register.

21 MEMBER CRIVELLO: Mr. Chair, I agree with  
22 Commissioner Moikeha. Because you have on your agenda  
23 public testimony time. And that's -- and in between  
24 that period, people have the opportunity to sign in and  
25 continue. They may not want to initially testify at

1 that time, but, hearing others, they may want to segue  
2 into providing their testimony. So I think if we  
3 restrict, we do away with the open process of public  
4 participation. And then when we've ended public  
5 testimony from the agenda and moved on, I mean, that --

6 CHAIR STONE: That ends it.

7 MEMBER CRIVELLO: -- that ends it.

8 CHAIR STONE: Understood.

9 MEMBER BAXA: Mr. Chair?

10 CHAIR STONE: Yes.

11 MEMBER BAXA: There is merit to the suggestion  
12 by her. It may be that, during the course of the  
13 testimony, there may be something they hear which will  
14 prompt them to testify. So we should not foreclose them  
15 from testifying. I do agree.

16 CHAIR STONE: So right now, there's two  
17 proposals. One is for extending the --

18 MEMBER DEREGO: There's only one proposal.

19 CHAIR STONE: One proposal, excuse me.

20 MEMBER DELEON: Only one motion.

21 CHAIR STONE: Would you like to put forward a  
22 motion to extend the minimum --

23 MEMBER BAXA: No. I would second -- I would  
24 renew what I was intending to propose.

25 MEMBER MOIKEHA: Chair?

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1 MEMBER DEREGO: There's a motion on the floor.  
 2 CHAIR STONE: Yes.  
 3 MEMBER MOIKEHA: My motion is just probably to  
 4 eliminate "A" altogether.  
 5 CHAIR STONE: Okay. The motion is to  
 6 eliminate --  
 7 MEMBER MOIKEHA: Because I think that whole  
 8 "A" deals with that time restriction on registration.  
 9 CHAIR STONE: Okay. So the motion has been  
 10 put forward to eliminate Section -- Rule 11.2.A.  
 11 MEMBER DEREGO: I second that.  
 12 CHAIR STONE: It has been seconded. Any  
 13 further discussion?  
 14 MR. KUSHI: Mr. Chair, if I may, just for the  
 15 Commission's information, I was going to get into it  
 16 later, your predecessors, the previous Commission, in  
 17 2001, had a total of 34 meetings. They had 18 -- 16  
 18 public hearings and 18 internal meetings. So you guys  
 19 are going to be busy. So I think the intent of this  
 20 provision was to get some sort of order of testimony.  
 21 That was all the intent of the rules, as far as I can  
 22 see. You guys are -- I mean, they had 16 public  
 23 hearings and 18 internal meetings, just for your  
 24 information.  
 25 MEMBER BAXA: That was my point.

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1 MEMBER MOIKEHA: Chair?  
 2 CHAIR STONE: Yes.  
 3 MEMBER MOIKEHA: We're not precluding a system  
 4 of order by eliminating registration. Everybody has to  
 5 sign up. We're just extending it until the end of the  
 6 public testimony period, which we have control over when  
 7 testimony is all done.  
 8 CHAIR STONE: Any further discussion?  
 9 Mr. Hedani.  
 10 VICE-CHAIR HEDANI: Chairman Stone, when I  
 11 look at Paragraph 11.2.A, testimony registration period,  
 12 it just provides the basic framework for setting up  
 13 registration. And I thought the intent of the maker of  
 14 the motion would be to eliminate sub item (b), that  
 15 talks about the Chair provides notice at least five  
 16 minutes before closing the registration period. So if  
 17 you leave "A" or if you rephrase it to just eliminate  
 18 paragraph -- subparagraph (b), I think that would  
 19 accomplish what you wanted to accomplish while still  
 20 providing a format for requiring at least 10 minutes of  
 21 registration of testimony.  
 22 MEMBER MOIKEHA: Okay. All I want to do is  
 23 just take out the restriction that everybody has to sign  
 24 up, whatever the minutes are, before the meeting begins.  
 25 That's my intent. So however that is worded, or if you

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1 want to keep "A" and just take out that part, I'm good  
 2 with it.  
 3 CHAIR STONE: Commissioner Okamoto.  
 4 MEMBER OKAMOTO: Yes. The 10 minutes prior  
 5 doesn't say you have to sign up 10 minutes prior. It  
 6 requires the County to have their staff there, ready for  
 7 people to sign up, isn't that correct?  
 8 CHAIR STONE: That's my understanding, yes.  
 9 MEMBER MOIKEHA: Is that your understanding?  
 10 CHAIR STONE: My understanding is no later  
 11 than 10 minutes prior to the meeting.  
 12 MEMBER MOIKEHA: So what happens if they don't  
 13 get here 10 minutes prior and the meeting begins? Can  
 14 they still sign up?  
 15 CHAIR STONE: Again, my understanding is that  
 16 the Chair closes the testimony registration period.  
 17 MEMBER MOIKEHA: Which is what?  
 18 CHAIR STONE: Which is --  
 19 MEMBER MOIKEHA: At the beginning of the  
 20 meeting?  
 21 CHAIR STONE: After -- it states after the  
 22 meeting has commenced, and only after all registrants to  
 23 that point have been afforded an opportunity to testify  
 24 on the item. So, for example, the Chair could close --  
 25 could close testimony registration at the end of the

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1 oral testimony. I don't think that -- I mean, to me --  
 2 MEMBER MOIKEHA: Is that how it's being  
 3 interpreted --  
 4 CHAIR STONE: My interpretation --  
 5 MEMBER MOIKEHA: -- by Corp Counsel? So  
 6 they're open to the end?  
 7 MEMBER WIGER: That's not what this says.  
 8 Chair shall close after the meeting has commenced.  
 9 CHAIR STONE: There's no --  
 10 MEMBER WIGER: Only after all registrants to  
 11 that point have been afforded an opportunity to testify  
 12 on the item. That, I think -- I think that is too  
 13 restrictive.  
 14 MEMBER MOIKEHA: No. Because he has to -- in  
 15 order for him to take business, he has to open the  
 16 meeting, there, hence, the meeting opens, registration  
 17 is now closed.  
 18 MEMBER WIGER: That's what I'm saying.  
 19 MEMBER MOIKEHA: So that means anytime after  
 20 that, nobody else can testify because they didn't sign  
 21 up and they weren't here 10 minutes before. That's how  
 22 I interpret it.  
 23 MEMBER WIGER: Yeah.  
 24 MEMBER DEREGO: Yes.  
 25 CHAIR STONE: Corporation Counsel, is that a

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1 correct interpretation?

2 MR. KUSHI: Well, it can be challenged, if

3 that's your -- interpreted that way.

4 CHAIR STONE: What's the intent?

5 MR. KUSHI: Well, the intent was just for

6 orderly registration. That was, I think, the only

7 intent. It was not intended to preclude testimony.

8 CHAIR STONE: Okay.

9 MR. KUSHI: If you guys feel it's too strict,

10 take it out. I don't care.

11 (Laughter.)

12 CHAIR STONE: Okay.

13 MEMBER OKAMOTO: Let's do that.

14 CHAIR STONE: I believe that we all seem to

15 agree on that.

16 MEMBER DEREGO: Words of people rushing right

17 now.

18 CHAIR STONE: Any further discussion on the

19 amendment put forward? And just to clarify, the

20 amendment as it stands is to remove Rule 11.2.A(b)?

21 MEMBER MOIKEHA: What is (b)?

22 MEMBER WIGER: No. All.

23 CHAIR STONE: Just all of "A".

24 MEMBER MOIKEHA: Just "A".

25 CHAIR STONE: Any further discussion?

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1 MEMBER DELEON: Thank you for the clarity.

2 CHAIR STONE: Best I could do. All right. So

3 the motion is put forward. Let's take a vote on the

4 motion. All in favor of the amendment, "aye."

5 (A chorus of ayes.)

6 CHAIR STONE: All opposed?

7 (Silence.)

8 CHAIR STONE: Motion passes for the amendment.

9 Any further discussion on our rules?

10 MR. KUSHI: Yes, Mr. Chair. Just, again, in

11 addition to Commissioner -- not Commissioner --

12 Ms. Raisbeck's concerns --

13 MEMBER DELEON: I'll tell her you said that.

14 MR. KUSHI: -- on Rule 4.1, Commission Chair's

15 duties, responsibilities, we added, under Section O --

16 as in "ouch" -- another duty, including preparation and

17 posting of Commission agendas. Section -- Rule 7.1, we

18 clarified calling of the roll call vote. That's going

19 to be called only if the Chair determines it's needed or

20 necessary.

21 Rule 8.2, posting of Commission agenda. We

22 struck the last sentence because it may have been too

23 restrictive to get communications to you. Of course,

24 staff will try its best. If we don't meet the deadline,

25 then there will be some issues about you guys even

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1 talking about it. That's communications back in the

2 agenda item.

3 And I believe -- oh, Commission travel. On

4 Rule 12.2, we previously said we'd we would pay you

5 travel expenses from wherever you live to County

6 building, but sometimes, when we just put in a meeting

7 place for the scheduled meeting, it may make a

8 difference.

9 Other than that, Mr. Chair, those are the

10 revised rules as discussed previously and as discussed

11 today. And I request that you act on them.

12 MEMBER OKAMOTO: Mr. Chair?

13 CHAIR STONE: Commissioner.

14 MEMBER OKAMOTO: One question. And I don't

15 know that there's an answer to it, but is the

16 three-minute time limit -- and I know in groups that

17 we've had, the public really complains, they feel

18 they're cut off. And I know if you've got 20 people and

19 you can't go on forever -- has anybody found a way --

20 especially when you go to public hearings, you know,

21 you're going out to the neighbor islands, you're going

22 to different areas, and some people are really upset

23 when you cut them off after three minutes because they

24 really -- you know, they came, they feel very

25 passionate. Is there any way that others have found in

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1 dealing with that, that satisfies everybody?

2 CHAIR STONE: Commissioners, any discussion?

3 MEMBER BAXA: Mr. Chair, I think that is a

4 valid point, too. We have already seen before us, you

5 know, three minutes may seem to be long -- and, of

6 course, if we are prepared, we can prepare testimony

7 concisely, directly and precisely, that is possible, but

8 we should not expect the public to be as concise and

9 precise and to condense a thought, a one-mile thought,

10 into a few sentences. I think five minutes would be

11 okay, to me, instead of three minutes.

12 CHAIR STONE: My understanding is that, as of

13 right now, our rules are they have three minutes, they

14 are awarded an additional minute if they don't have

15 enough time, and then they may continue their testimony

16 following all of the other testifiers. And we grant

17 them another three minutes. So that's a total of seven

18 minutes to testify.

19 VICE-CHAIR HEDANI: And another minute to

20 finish up.

21 CHAIR STONE: And another minute to finish up.

22 Eight minutes. There you go. So I think if you

23 consider how many testifiers we potentially will face at

24 our public meetings, that seems like a significant

25 amount of time to allow for the testifiers.

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1 MEMBER DELEON: Mr. Chair, we have voice of  
 2 experience back here who wants to speak.  
 3 CHAIR STONE: Yes.  
 4 MR. MOLINA: Thank you, Mr. Chairman. And  
 5 good afternoon, Commission Members.  
 6 Needless to say, the discussion's certainly  
 7 been interesting. I can share with you some insight,  
 8 having served 10 years on the Council.  
 9 You have the ability, like any body, to  
 10 suspend the rules, depending on where you're at. When  
 11 we would go out to places like Molokai, Hana, Lanai,  
 12 where the citizens there don't have as much  
 13 accessibility to the body, we would sometimes allow them  
 14 more time for testimony. Sometimes we'd give them five  
 15 minutes. At times, the chair of the committee, if  
 16 there's no objection from the body, would, you know,  
 17 suspend the rules and just give the citizens in the  
 18 outlying communities more time to testify. So it is at  
 19 your discretion. As, you know, Chair, of course, you  
 20 can make a recommendation, or anybody from the body can  
 21 come up with a suggestion. And if it is your option,  
 22 you could suspend your own rules temporarily for -- you  
 23 know, depending on where your meetings are at. So you  
 24 have that ability.  
 25 CHAIR STONE: Thanks for the input,

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1 Mr. Molina.  
 2 MR. MOLINA: Thank yo.  
 3 MEMBER OKAMOTO: Thank you. That answers my  
 4 question.  
 5 CHAIR STONE: Okay. Any further discussion on  
 6 our rules?  
 7 (Silence.)  
 8 CHAIR STONE: No further discussion.  
 9 So as of right now, we have a motion, another  
 10 amendment motion, on Rule 3.7, if you remember way back  
 11 then. And we had not voted on this amendment yet.  
 12 MEMBER MOIKEHA: I thought we did. It failed.  
 13 CHAIR STONE: On Rule 3.7, we did not vote.  
 14 MEMBER DELEON: It says recusal.  
 15 MEMBER WIGER: That was recuse and abstain,  
 16 right?  
 17 MEMBER MOIKEHA: Chair, considering that Corp  
 18 Counsel didn't have an answer and would need time, I'll  
 19 just let it go for now, take it off the table.  
 20 CHAIR STONE: Thank you, Commissioner. Motion  
 21 has been taken off the table. So that leaves us with  
 22 the motion to approve our Revised Draft Rules with the  
 23 amendment of removing Section -- Rule 11.2.A. Any  
 24 further discussion before we vote on this?  
 25 MR. KUSHI: Mr. Chair, clarification. Rule

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1 3.6, did you vote on that?  
 2 CHAIR STONE: No.  
 3 MR. KUSHI: So it stands as --  
 4 CHAIR STONE: It stands. All motions have  
 5 been removed.  
 6 MEMBER DELEON: There was a motion, it was not  
 7 seconded.  
 8 MR. KUSHI: So silence is affirmative, is that  
 9 correct?  
 10 CHAIR STONE: Affirmative. All in favor?  
 11 MEMBER DEREBO: Can I ask just one more  
 12 question? I hate to be a stickler about this. On 7.1,  
 13 in Robert's Rules of Order, is it usual practice for  
 14 Commissioner members, if they're unclear, to also ask  
 15 for the ayes and nays, not just the Chair?  
 16 CHAIR STONE: Corporation Counsel, you have  
 17 some insight on that?  
 18 MR. KUSHI: Usually, members not being the  
 19 chair can call roll call vote, but it's really up to the  
 20 Chair to call a vote, to authorize a roll call.  
 21 MEMBER DEREBO: But --  
 22 MR. KUSHI: You can --  
 23 MEMBER DEREBO: If the ayes and nays are  
 24 given, and it's not clear, can I call for the ayes and  
 25 nays?

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1 MR. KUSHI: "Mr. Chair, please, roll call."  
 2 MEMBER DEREBO: "Mr. Chair, please, roll  
 3 call," okay.  
 4 CHAIR STONE: All right. There's a motion on  
 5 the table to be voted on. All in favor of the motion?  
 6 (A chorus of ayes.)  
 7 CHAIR STONE: All opposed?  
 8 (Silence.)  
 9 CHAIR STONE: Good. We have rules.  
 10 MR. KUSHI: Mr. Chair, effective June 1st,  
 11 2011, that will be?  
 12 MEMBER OKAMOTO: Mr. Chair --  
 13 CHAIR STONE: Yes, it is.  
 14 MEMBER OKAMOTO: -- I have a question now that  
 15 we've adopted the rules. And I'm not sure that this is  
 16 the time for it. As Commission members, obviously,  
 17 people are in our communities are starting to talk to us  
 18 about things. What exactly is our role, how do we  
 19 handle that? Very specific, Lanai Planning Commission  
 20 asked me to attend their next meeting. And I have not  
 21 answered, I'm not -- I don't know what our --  
 22 CHAIR STONE: That's a great question for  
 23 Corporation Counsel.  
 24 MR. KUSHI: Mr. Chair, Member Kay, if you  
 25 attend the Lanai Planning Commission meeting on your

<p style="text-align: right;">Page 67</p> <p>1 own, although you are a Commission member, I would say 2 that's fine and well, but you are not representing the 3 Commission itself. You're there to gather information, 4 and, if need be, report back to the Commission. 5 MEMBER OKAMOTO: And if there is a discussion, 6 can I participate in the discussion or not? 7 MR. KUSHI: Yes. 8 MEMBER OKAMOTO: Yes? 9 MR. KUSHI: I would say yes. Two of you can 10 go, you know, to any conference or whatever it is as 11 long as it's not -- you don't agree on a pact, "We're 12 going to go there and talk about business and agree to 13 vote this way, this way." The Sunshine Law, basically, 14 states more than two of you is a -- may be a violation. 15 MEMBER OKAMOTO: So if we, any of us, attend a 16 specific meeting, potentially invited because we are 17 Charter members, but we make it clear that we are there 18 as an individual, we should report back that -- kind of 19 whatever went on at that meeting, we should report it 20 back to this group? 21 MR. KUSHI: If, in your judgment, you feel it 22 is potential Commission business. 23 MEMBER OKAMOTO: Thank you. 24 MR. KUSHI: I would be the last one to say, 25 no, you can't go.</p>	<p style="text-align: right;">Page 69</p> <p>1 Commission Revised Final Report, which was dated some 2 time back. I forget the date. Anyway, so you just go 3 through it and, basically, it summarizes what the 4 previous Charter Commission -- as I said, they had a 5 total of 34 meetings; 16 public hearings and 18 internal 6 meetings. And they met their deadlines. There were a 7 total of, I believe, 14 Charter amendment proposals. 8 I'm not sure how many of them passed. Out of the 14 9 proposals, two of them had alternative proposals, 10 Amendment Number 9, Amendment 9A, or something like 11 that. And I forget which one -- I know one -- 12 specifically one was with the Department of Water 13 Supply, the Charter Commission wanted to give it more 14 authority. The Council, basically, converted it into a 15 regular department. So it's two opposing proposals. 16 And the Council's proposal was approved by a majority of 17 the voters. 18 So you may come up on a situation such as 19 that, that the law does provide for alternative 20 questions on each Charter proposal. So, again, just for 21 your information, and just, basically, for your reading 22 enjoyment. 23 (Laughter.) 24 MR. KUSHI: Now, again, the result of your 25 work will be something like this.</p>
<p style="text-align: right;">Page 68</p> <p>1 MEMBER OKAMOTO: Okay. Thank you. 2 CHAIR STONE: All right. We're now moving on 3 to New Business. The first item is historical 4 highlights of prior Charter commissions and an informal 5 presentation by First Deputy Corporation Counsel Edward 6 Kushi, Jr. 7 MR. KUSHI: Mr. Chair, this will be very 8 informal. What staff distributed to you was the Revised 9 Final Report of the 2001-2002 Charter Commission. 10 Again, read it at your leisure. Just to highlight -- 11 you're going to miss -- you're going to lose quorum, so 12 I suggest you take a recess. 13 CHAIR STONE: I see everybody needs to take a 14 little break. So Chair is going to call a recess at 15 this time, five minutes. We'll meet back here at 1:25. 16 (Recess, 1:21 p.m. to 1:29 p.m.) 17 CHAIR STONE: I'd like to call the Commission 18 back to order. So we were -- everybody is here. We 19 were right in the middle of the presentation, the 20 exciting presentation from First Deputy Corporation 21 Counsel Ed Kushi, Jr. 22 So, Ed, if you want to pick up on that again, 23 please. 24 MR. KUSHI: Yes, Mr. Chair. I'm just going to 25 be reviewing this, discussing this previous Charter</p>	<p style="text-align: right;">Page 70</p> <p>1 CHAIR STONE: Thank you, Mr. Kushi. Any 2 questions from the Commission members? If no questions, 3 we'll move on. 4 MEMBER DEREGO: Just one question. Is it 5 possible -- and maybe this is something more for the 6 Chair. And I guess this goes back to my -- my 7 background is sort of historical sociology. I'm sort of 8 a social historian. Is it possible to get from the 9 County Clerk exactly the results of the last election? 10 CHAIR STONE: I believe that shouldn't be a 11 problem. 12 MEMBER DEREGO: Okay. I'm just interested for 13 historical state because I have also read some of the 14 past reports, final reports, going back to '64. And it 15 seems a lot of these issues keep revisiting themselves 16 year after year after year. It would be interesting to 17 have a historical perspective of what the votes were. 18 Like, for instance, these four-year terms keep coming 19 up, you know, the idea of this -- in fact, from the 20 first Commission meeting -- I actually went back to the 21 first minutes of the first Commission meeting, back in 22 '64. And even then they were discussing this whole idea 23 of strong mayor versus weak council, strong council 24 versus weak mayor, you know, how the departments should 25 be organized, should there be citizen participation.</p>

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1 Digging back into this, the history of this, there seems  
 2 to be certain themes over the last 50 years that seem to  
 3 be resonant, that keep coming up every 10 years.  
 4 So I think armed with that kind of  
 5 information, we'll know what kind of minefields we'll be  
 6 walking into. So, you know, if it's not too much work  
 7 for the County Clerk to go back and do some digging for  
 8 us, I think that would be valuable information for the  
 9 Commission.  
 10 CHAIR STONE: Commissioner DeLeon.  
 11 MEMBER DELEON: In reference to that -- and I  
 12 don't know whether this is going to be on our agenda  
 13 right now or not, but in reference to the analyst  
 14 position, the analyst could make that kind of analytical  
 15 review of the history and digest it for us. That would  
 16 be helpful to have that digested.  
 17 The Water Department has shifted six times  
 18 over the course of 40 years. So you want to do it  
 19 again?  
 20 MEMBER WIGER: More.  
 21 MEMBER DEREGO: Since 1949, that's true.  
 22 CHAIR STONE: Very interesting. Commissioner,  
 23 did you have a --  
 24 MEMBER OKAMOTO: No, no. I agree with that.  
 25 I think the analyst would be great. Because I think,

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1 also, if we see things that have come up every year and  
 2 the voters have always voted down, then maybe it's to  
 3 say, okay, leave it alone, the voters have spoken, if  
 4 they've spoken five times in a row or something like  
 5 that. So I think the analyst for that part would be  
 6 great.  
 7 CHAIR STONE: Comments?  
 8 MEMBER DELEON: Mr. Chair?  
 9 CHAIR STONE: Yes.  
 10 MEMBER DELEON: Item A of New Business, is  
 11 that where we are now?  
 12 CHAIR STONE: Actually, yes, we are.  
 13 MEMBER DELEON: Okay. So this is not the  
 14 appropriate time to really go into the analyst position?  
 15 CHAIR STONE: Not at this time.  
 16 MEMBER DELEON: Okay.  
 17 CHAIR STONE: Moving on. New Business, review  
 18 of draft press release to public requesting submittal of  
 19 proposed Charter amendments and announcing meeting  
 20 schedule of Commission. So any discussion on that  
 21 topic?  
 22 MEMBER DELEON: Mr. Chair?  
 23 CHAIR STONE: Yes.  
 24 MEMBER DELEON: Reading the minutes from the  
 25 last meeting, I was kind of concerned about the idea of

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1 just putting a paid ad in the back of "The Maui News".  
 2 While "The Maui News" would be very happy about that,  
 3 and, you know, I don't begrudge them that opportunity to  
 4 have that, I don't think it's a very good form of  
 5 communication. We need to have a much more broader  
 6 attempt to reach out. We need to possibly have a draft  
 7 -- a draft opinion -- statement from you to appear in  
 8 "The Maui News" on the op-ed page --  
 9 MEMBER DEREGO: I agree.  
 10 MEMBER DELEON: -- that maybe the Mayor's  
 11 Office could help you draft that would talk to the  
 12 public about what it is. I mean, most folks don't get  
 13 it. You say "charter," they'll say, "Well, you got a  
 14 boat?" You know, they don't really know what the  
 15 Charter is and what the purpose of this exercise is. So  
 16 it would be good to be able to explain it to them, maybe  
 17 offer some of the concepts that come up. And whether --  
 18 you know, without being, you know, partisan one way or  
 19 the other about any of the discussion items.  
 20 Also, there is a website, that is under Corp  
 21 Counsel, that we could use to articulate better. A  
 22 Facebook page would be 21st century, as Nikhilananda  
 23 kind of mentioned. I hesitate to talk about Twitter,  
 24 I'm not a Twitterite. But, you know, this -- there's a  
 25 lot of broader ways of doing this than just an ad in the

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1 back of "The Maui News". And I think we need to step  
 2 out and try to get that 21st century approach.  
 3 CHAIR STONE: I agree with that. I think one  
 4 of the items, anything that goes out to the public,  
 5 including an op-ed, probably should be reviewed by the  
 6 Board before it goes out. Do you think that would be a  
 7 good idea? So, for example -- I like that idea, for  
 8 sure.  
 9 MEMBER DEREGO: I think all Dave is saying is  
 10 that maybe we should make a list of all the processes  
 11 that are available to us and then as we make decisions  
 12 about content, that's all right, but I think we should  
 13 actually investigate. And I would agree with  
 14 Commissioner DeLeon that we should investigate all  
 15 processes necessary to advertise this to the public.  
 16 CHAIR STONE: I think it's a very good idea.  
 17 Commissioner.  
 18 VICE-CHAIR HEDANI: One of the things that the  
 19 Planning Commission did was -- once we set our schedule  
 20 of our meetings, is to, you know, invite Akaku to  
 21 televise the meetings so that -- and I never realized  
 22 it, but a lot of people watch Akaku and get direct  
 23 feedback from what's happening from that media. So that  
 24 might be a good thing.  
 25 CHAIR STONE: Very good ideas. I think I

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1 would suggest that, on our next meeting, everybody could  
 2 bring forward a list of their ideas, suggestions so then  
 3 we can go over it at the next meeting. We'll make it an  
 4 agenda topic.  
 5 MEMBER MOIKEHA: Chair?  
 6 CHAIR STONE: Yes.  
 7 MEMBER MOIKEHA: Maybe we could just send that  
 8 to Lisa, she can compile it. I'm sure we're going to be  
 9 redundant. And then we'll just look at the list and  
 10 say, "Yeah, go for it."  
 11 CHAIR STONE: Even better idea. Thank you,  
 12 Commissioner.  
 13 MEMBER MOIKEHA: Okay.  
 14 CHAIR STONE: All right. Any further  
 15 discussion on the draft press release?  
 16 (Silence.)  
 17 CHAIR STONE: Actually, I do have a question  
 18 just for clarification. Isn't there a requirement that  
 19 we have to -- have to present it in the newspaper? It's  
 20 for Corporation Counsel.  
 21 MR. KUSHI: Yes. I forget the timing, but  
 22 before the general election, the Commission needs to  
 23 publish a digest summary of the proposals as recommended  
 24 by you.  
 25 CHAIR STONE: Is there a requirement for

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1 public meetings as well in our schedule?  
 2 MR. KUSHI: Yes, public meetings. But they  
 3 don't say where, how many and when; they just say get  
 4 out to the public.  
 5 CHAIR STONE: Thank you for the clarification.  
 6 MEMBER DEREBO: Can I -- a point of  
 7 information on that as well, is that part of our budget  
 8 as well? Because I'm sure "The Maui News", if we put it  
 9 in "The Maui News", is not doing it for love. So is  
 10 that a part of our budget? It's just a question, point  
 11 of information.  
 12 MR. KUSHI: Yeah. I believe, the last  
 13 meeting, we gave you a proposed budget.  
 14 MEMBER DEREBO: Yeah.  
 15 MR. KUSHI: It did contain --  
 16 MEMBER DEREBO: That's part of that?  
 17 MR. KUSHI: Right.  
 18 MEMBER DEREBO: Okay. Got it.  
 19 MR. KUSHI: The Council has not adopted it  
 20 yet. Hopefully, they will.  
 21 MEMBER WIGER: Mr. Chair?  
 22 CHAIR STONE: Yes.  
 23 MEMBER WIGER: If we're going down the road of  
 24 moving into the 21st century, which I heartily  
 25 endorse -- heartily, heartily, heartily -- maybe it's

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1 obvious to everyone else, I just don't know -- that  
 2 means that we would probably have a website. And then  
 3 who runs our website? I mean, who physically --  
 4 MEMBER CRIVELLO: Inputs it.  
 5 MEMBER DELEON: There is a page in the  
 6 Corporation Counsel's website, which is part of the Maui  
 7 County website.  
 8 MEMBER WIGER: Right.  
 9 MEMBER DELEON: It's a couple layers in, but  
 10 there is a page. And my experience is some departments  
 11 use them fairly well, some don't use it at all.  
 12 MEMBER WIGER: Yeah.  
 13 MEMBER DELEON: My greatest frustration is the  
 14 Finance Department thing about appeals. They don't give  
 15 you any real information there at all, even though it's  
 16 possible to really do it easily and get a lot of  
 17 information to people.  
 18 MEMBER WIGER: Well, the reason that I'm  
 19 asking is that if -- given that it is a couple layers  
 20 in, sometimes that's difficult for people. They want to  
 21 be able to just plug it in, get the Google, here we go,  
 22 and there it is. So my question becomes, who will  
 23 maintain the website if we get to the point where we  
 24 have one of ours?  
 25 MEMBER DELEON: Back to the analyst.

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1 MEMBER WIGER: Okay. Okay.  
 2 MR. KUSHI: And then the analyst would do it  
 3 through our office.  
 4 MEMBER WIGER: Okay. Good. Thank you.  
 5 CHAIR STONE: Very good.  
 6 MEMBER DEREBO: Chair, can I say one more  
 7 thing about this issue? It's presentation,  
 8 presentation, presentation. The website is all about  
 9 presentation and how it looks. And nothing against the  
 10 County website, but, you know -- and this is being a  
 11 chair of another commission -- it's often not the most  
 12 inviting place to go searching for information. And if  
 13 it's something that's as important as this, the look,  
 14 the feel, the invitingness of the website, how it's  
 15 presented. It's going to be a very important thing.  
 16 Now, I'm sure, in our budget, this was not  
 17 considered before we got here and started talking about  
 18 ways and processes of actually getting it out to the  
 19 rest of the public. We weren't thinking about having a  
 20 Maui County Charter dot org or dot net, or something  
 21 like that, you know, at this point, that people could go  
 22 directly to instead of having to go in two or three  
 23 layers. But, you know, if possible, you know, I think  
 24 that's -- that's an avenue we might consider looking at.  
 25 If it's not possible, then I think it's a recommendation



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1 we make for future commissions, that, you know, the  
 2 avenue that is placed before them is immediately  
 3 accessible to the public, that if they put in a Google  
 4 search or a Bing search, they get a website that takes  
 5 them to this really inviting interactive web page that  
 6 allows them not only to see what's going on in the  
 7 Commission, but, also, allows them to give some feedback  
 8 and to add information to the discussion. So -- but --  
 9 CHAIR STONE: Good suggestion. I would  
 10 actually question Corporation Counsel. Is that  
 11 plausible to accomplish outside of the County's website?  
 12 MR. KUSHI: Mr. Chair, I'll have to look into  
 13 it. First of all, one is the cost and expense of it.  
 14 And, hopefully, whatever you do outside of the County's  
 15 network is not repetitive or duplication. But, again,  
 16 I'd have to look in to it in terms of the funding and  
 17 who controls it. Again, access to it is one thing;  
 18 controlling what's on there is another thing.  
 19 MEMBER WIGER: Right. Right.  
 20 MR. KUSHI: So I would seem to think this  
 21 Commission would want to approve everything that's going  
 22 to be on there.  
 23 MEMBER WIGER: Yeah.  
 24 CHAIR STONE: I think we'll definitely have  
 25 further discussion between Chair and Deputy Corporation

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1 Counsel on that.  
 2 Commissioner.  
 3 MEMBER WIGER: One further point on that is  
 4 that -- and it does get to the idea of being in the 21st  
 5 century. If we're -- I think if we, as a County, are  
 6 really serious about wanting to engage our population,  
 7 they have to realize that there's a significant part of  
 8 our population that really only uses electronic means of  
 9 communication. They just do. I mean, it's just simply  
 10 the way it is. That they'll read the newspaper, maybe,  
 11 but probably not. And that if they have to dig layers  
 12 down -- I'm not even saying that we should, you know,  
 13 not have it as part of the County website -- I'm just  
 14 saying make it accessible, make it attractive. You want  
 15 to get people to go, look, see, engage with it. Because  
 16 if we don't do that, there's a whole population out  
 17 there that's going to say, you know, "You know what,  
 18 ain't going to do it, just ain't going to do it." So I  
 19 think that it's really, in many ways, a recruiting tool  
 20 for getting people involved in County government.  
 21 CHAIR STONE: We'll definitely continue that  
 22 discussion. Commissioner Hedani, did you have a  
 23 question or discussion? I guess that's no.  
 24 MR. KUSHI: Mr. Chair, if I may? You know, on  
 25 the press release, you know, since I see Mr. Molina

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1 here, he's from the Mayor's Office, he controls the  
 2 press release, maybe you should talk to him as far as  
 3 what's going to go out.  
 4 CHAIR STONE: All right. We'll discuss it  
 5 with Mr. Molina. Yes.  
 6 VICE-CHAIR HEDANI: Are we going over the  
 7 press release right now?  
 8 CHAIR STONE: Yes, that's what we're going  
 9 over.  
 10 VICE-CHAIR HEDANI: I had a question on the  
 11 fourth paragraph of the press release. It says that  
 12 other proposals such as changing Council term limits  
 13 from four years to two years did not pass, but can be  
 14 brought up again this year.  
 15 MEMBER MOIKEHA: Excuse me, Chair. What are  
 16 we referencing?  
 17 CHAIR STONE: We are --  
 18 MEMBER MOIKEHA: I don't see any press  
 19 release.  
 20 CHAIR STONE: It is in the packet. It looks  
 21 like an email.  
 22 MEMBER DELEON: It looks like an email.  
 23 MR. KUSHI: It is an email.  
 24 VICE-CHAIR HEDANI: It says 05-23-11 on the  
 25 bottom.

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1 MEMBER DEREGO: Oh, it's on your desk.  
 2 MEMBER WIGER: Did it come with the -- oh, it  
 3 was punched. Okay. Because some got punched, some  
 4 didn't. So I have my punched ones.  
 5 MEMBER DEREGO: Okay.  
 6 MEMBER MOIKEHA: Chair, it says, Item Number  
 7 4-B, Page 1 of 1, email, that's what we're looking at?  
 8 CHAIR STONE: That's correct.  
 9 MEMBER MOIKEHA: Okay.  
 10 VICE-CHAIR HEDANI: The question that I had  
 11 was the way the statement reads. It says, "Council term  
 12 limits from four years to two years." It doesn't kind  
 13 of make sense to me unless we're talking about five  
 14 terms, because I think it's two-year terms right now.  
 15 Right?  
 16 CHAIR STONE: Yeah. I see what you're --  
 17 MEMBER DELEON: Well, Rod comes from Oahu, so  
 18 he --  
 19 MR. MOLINA: Mr. Chair? Mr. Chair?  
 20 Mr. Chair?  
 21 CHAIR STONE: Yes.  
 22 MR. MOLINA: Sorry. Mike Molina, for the  
 23 record, from the Mayor's Office. Just to add  
 24 clarification to the press release for Mr. Antone, I  
 25 think he used that as an example of, you know, potential

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1 amendments that the Commission could consider. And I  
 2 think he meant to say -- if I recall, one of the  
 3 proposals was to change the Council term from two years  
 4 to four years, instead as it's currently being read. So  
 5 I just wanted to make that clarification.  
 6 VICE-CHAIR HEDANI: But that's not term  
 7 limits.  
 8 MR. MOLINA: No. Now, there may have been a  
 9 proposal years ago to consider term -- I think -- matter  
 10 of fact, there was, way back in the early 1990s. The  
 11 current term limits are five term limits -- five  
 12 two-year term limits. Prior to that, there were no term  
 13 limits, if I can recall. I don't know if Corporation  
 14 Counsel, Mr. Kushi, has some historical background on  
 15 that, but that was changed, I think, in the early  
 16 nineties via Charter amendment to set Council term  
 17 limits at five two-year terms consecutively.  
 18 MEMBER DELEON: Mr. Chair?  
 19 CHAIR STONE: Yes.  
 20 MEMBER DELEON: This might be a place where we  
 21 have a committee, where like you nominate three people  
 22 just to review this stuff and then you're good to go,  
 23 rather than have to come back to the Commission each  
 24 time --  
 25 CHAIR STONE: That's a --

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1 MEMBER DELEON: -- you know. And this speaks  
 2 to the need to have an editor. Somebody's got to  
 3 oversee this stuff because this is not correct. We  
 4 wouldn't want this to go out in the public. So if --  
 5 you know, if that's -- we have an indication that it's  
 6 possible, we're not going to be able to just let this  
 7 stuff go, it's going to need our review. I don't know  
 8 if 11 people need to review it. You know, if you can  
 9 get a committee of three just to -- you know, just to  
 10 review and make sure everything's kosher and kick it  
 11 out, it might be a little bit easier. We can do it via  
 12 email and just be done; we don't have to have meetings.  
 13 CHAIR STONE: Yes. At our last -- at our last  
 14 meeting, we were discussing committees. I recall our  
 15 discussion seemed to be leading towards --  
 16 MEMBER DELEON: Chewing on everything as a  
 17 group, right.  
 18 CHAIR STONE: As a group.  
 19 MEMBER DELEON: But, I mean, this kind of  
 20 stuff is kind of innocuous. I mean, you can just get it  
 21 out and gone. It doesn't have to be -- it doesn't have  
 22 to take a month to do it.  
 23 CHAIR STONE: Commissioners, discussion on  
 24 that?  
 25 MEMBER WIGER: I mean, wouldn't we -- well, as

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1 Commissioners, I would think it's within our purview to  
 2 say, you know, "This Commissioner, this Commissioner,  
 3 this Commissioner, you know, if you're willing, sit  
 4 down, take a whack at this," and, you know, maybe just  
 5 send it out on email, or even not, and then let it go.  
 6 MEMBER DELEON: If the County will let us do  
 7 that.  
 8 CHAIR STONE: Yeah. That's my next question  
 9 for Corporation Counsel.  
 10 MEMBER WIGER: You mean the email part?  
 11 CHAIR STONE: The email part.  
 12 MEMBER OKAMOTO: Yeah. And, personally, I  
 13 wouldn't want to just have three people do it without us  
 14 seeing it. So it depends on whether you can do it by  
 15 email.  
 16 CHAIR STONE: I believe Commissioner DeLeon's  
 17 point was that three people would review it before it  
 18 got to us here to approve the drafts.  
 19 MEMBER WIGER: Oh, I see.  
 20 CHAIR STONE: Is that correct?  
 21 MEMBER DELEON: No, it wasn't.  
 22 (Laughter.)  
 23 MEMBER DEREBO: I didn't think so.  
 24 MEMBER DELEON: It was to expedite it. It was  
 25 to expedite.

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1 MEMBER DEREBO: It was the exact opposite.  
 2 I'm looking for expedition here.  
 3 MEMBER WIGER: That's what I thought I heard.  
 4 Three people, do it, send it back to everybody on email,  
 5 and --  
 6 MEMBER DELEON: Good. Yeah, you can send it  
 7 back -- if we can do it by email, then we have an  
 8 expedited process.  
 9 MEMBER WIGER: Right.  
 10 MEMBER DEREBO: But if we have to do it in  
 11 meetings every time, just to approve a press release, it  
 12 will take a while to do everything.  
 13 MEMBER WIGER: Is there a reason --  
 14 CHAIR STONE: Sorry. One second.  
 15 MEMBER WIGER: Sorry.  
 16 CHAIR STONE: Commissioner Hedani.  
 17 VICE-CHAIR HEDANI: Well, for purposes of just  
 18 getting the press release out, I think what we should do  
 19 is just correct the fourth line of the press release, to  
 20 read: "Other proposals such as changing Council terms  
 21 from two to four years did not pass but can be brought  
 22 up again." Just so that you have a press release that  
 23 can go out on a timely basis.  
 24 MEMBER MOIKEHA: So are you --  
 25 CHAIR STONE: True.

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1 MEMBER MOIKEHA: Point of clarification?  
 2 CHAIR STONE: Yes.  
 3 MEMBER MOIKEHA: Are you asking us if this is  
 4 okay to go out?  
 5 CHAIR STONE: I believe we're here to approve  
 6 this draft.  
 7 MEMBER MOIKEHA: I would say no. All I want  
 8 to see in a press release is give them our place, time,  
 9 a little bit, maybe, introduction, maybe this example,  
 10 that's fine. But the most important thing you want to  
 11 know is where do I go. So I don't even see that in  
 12 here, unless they were planning on putting it in there.  
 13 CHAIR STONE: Okay.  
 14 MEMBER MOIKEHA: I don't see any place in here  
 15 where it says where we're going to meet, what time we'll  
 16 be, what area we'll be in.  
 17 MEMBER OKAMOTO: Also, I think it needs a  
 18 beginning paragraph that says what the Charter  
 19 Commission is. There's a ton of people out there that  
 20 have no idea what we're talking about.  
 21 CHAIR STONE: Agreed. So I believe, at this  
 22 moment, we are not prepared to approve this.  
 23 MEMBER MOIKEHA: Doesn't the County have --  
 24 they have a PR person, don't they?  
 25 CHAIR STONE: Rod Antone.

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1 MEMBER MOIKEHA: Mayor's Office?  
 2 CHAIR STONE: It's from their PR person.  
 3 MEMBER MOIKEHA: Is this not something that  
 4 that person should be getting together a draft and  
 5 proposing to us?  
 6 MEMBER DEREGO: That's the draft.  
 7 MEMBER MOIKEHA: This is his draft?  
 8 CHAIR STONE: Commissioner DeLeon.  
 9 MEMBER MOIKEHA: We need to review everything.  
 10 MEMBER DELEON: There's a variety of levels  
 11 here. So this should be a meeting notice. It should  
 12 not be the fundamental notice of the existence of the  
 13 Commission. The fundamental notice of the existence of  
 14 the Commission should be more of an op-ed piece, 700  
 15 words, really chew on the topic of what you're doing,  
 16 give everybody a good sense of what is going on and why  
 17 we're doing it. In this kind of a, you know,  
 18 four-paragraph statement, it's just to say -- you know,  
 19 you don't even have the information you really need  
 20 here -- that the Commission will meet Monday, May 23rd,  
 21 at 2:00, to hear, address this, and it will be at the  
 22 Planning Conference Room next to the County building in  
 23 Wailuku, at 1:00 [sic] to 4:00. That should be in the  
 24 opening. And then you have like -- you can have  
 25 additional information. Usually, a "Maui News" editor

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1 will shoot it down to like four paragraphs and it will  
 2 have little head on it. And you got your meeting notice  
 3 out. You should be doing this at every meeting, not  
 4 just one time. It should be going out every meeting.  
 5 But then the more broader discussion, then when we get  
 6 down the track, we have more topics on the table, then  
 7 we go back out with that and maybe we have pros and cons  
 8 coming out.  
 9 CHAIR STONE: We do have meeting notices going  
 10 out for every meeting.  
 11 MEMBER DELEON: Okay. This kind of reads like  
 12 a meeting notice.  
 13 CHAIR STONE: I'm not exactly sure what the  
 14 goal of this was.  
 15 MEMBER MOIKEHA: I don't, either.  
 16 CHAIR STONE: Commissioner.  
 17 MEMBER WIGER: I guess it's -- Counsel, is  
 18 there an issue about using email? I mean, it keeps  
 19 coming up sort of under --  
 20 MEMBER DELEON: Undertone?  
 21 MEMBER WIGER: Yeah. So what's the issue?  
 22 MEMBER OKAMOTO: We can't discuss things --  
 23 CHAIR STONE: Good question.  
 24 MR. KUSHI: Sunshine Law is a big issue.  
 25 Email has been -- you know, everybody uses email, but --

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1 like I said, two of you can get together, talk about  
 2 Commission business and Commission issues as long as you  
 3 don't form a pact to agree to vote a certain way.  
 4 MEMBER WIGER: Right. Right.  
 5 MR. KUSHI: What has happened previously is --  
 6 and continues to happen -- you know, two of you meet,  
 7 then, after you meet with Josh, you meet with Wayne,  
 8 then you meet with -- they call it serial  
 9 communications.  
 10 MEMBER WIGER: Oh, yeah. No. I --  
 11 MR. KUSHI: Likewise, you know, emails can go  
 12 serially out.  
 13 MEMBER WIGER: No. I'm speaking specifically  
 14 now in terms of the issue of not -- I'm not speaking  
 15 about email which would be used around content of  
 16 substantive issues; I'm talking about something like a  
 17 press release announcing a meeting. I'm not sure that  
 18 that is covered by the Sunshine Law.  
 19 CHAIR STONE: Commissioner.  
 20 MEMBER MOIKEHA: Chair, I think in light of  
 21 what has been said, and especially by Corp Counsel, you  
 22 know, I can see this going out to all of us from Corp  
 23 Counsel, Lisa, and then we respond directly to her.  
 24 rather than we have our own little private conversation  
 25 about it.

23 (Pages 87 to 90)

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1 CHAIR STONE: I think that's very good.  
 2 MEMBER MOIKEHA: I think that would uphold the  
 3 integrity of the Sunshine Law.  
 4 MEMBER WIGER: That would be great.  
 5 CHAIR STONE: That's a good structure.  
 6 MEMBER WIGER: That's fine.  
 7 MEMBER MOIKEHA: So like -- maybe this did go  
 8 to us and we didn't see it.  
 9 MEMBER OKAMOTO: I didn't see it.  
 10 MEMBER DELEON: I don't remember seeing it.  
 11 MEMBER MOIKEHA: No. It was today, yeah?  
 12 Okay. Then we just communicate directly with Corp  
 13 Counsel, or whoever our secretary will eventually be.  
 14 MEMBER WIGER: Which would be fine.  
 15 CHAIR STONE: Why don't we adopt that as a  
 16 loose rule, that we will always send our emails via Lisa  
 17 to the group? And that's how we'll communicate back and  
 18 forth.  
 19 MEMBER OKAMOTO: I think we just need to  
 20 remember not to reply to all. We're only replying to  
 21 Lisa.  
 22 CHAIR STONE: To Lisa, correct.  
 23 MEMBER WIGER: And Lisa's been -- I really  
 24 appreciate the fact that you always remind us of that  
 25 when you send us stuff. That's good.

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1 MR. KUSHI: Mr. Chair, based on your  
 2 discussions, I would say that if the Commission chooses  
 3 to do its own draft, fine; if not, give the Mayor's  
 4 Office, or at least Mr. Antone's office, Mr. Molina, can  
 5 make another crack at it.  
 6 MEMBER WIGER: Yes.  
 7 MR. KUSHI: And then come back later. Because  
 8 I understand that you wanted to make a full-page color  
 9 ad with pictures of all of you. I mean, that was the  
 10 intent, you know, just to introduce you to the public.  
 11 Maybe you don't have enough pictures. But, again, at  
 12 this point in time, you know, based on your concerns,  
 13 especially the fact that you have not set your meeting  
 14 schedule and dates, so why are you even notifying the  
 15 public?  
 16 CHAIR STONE: What I would suggest is  
 17 everybody take this home and send any suggestive changes  
 18 on to Lisa to pass on to the Mayor's Office.  
 19 MEMBER DELEON: Mr. Chair, I'm not clear the  
 20 purpose of this document. Mike, what is it about?  
 21 CHAIR STONE: Mr. Molina?  
 22 MR. MOLINA: Thank you, Mr. Chair.  
 23 Commissioner DeLeon, the intent with  
 24 publicizing the Charter Commission, again, was part of  
 25 your outreach, to educate the public, to see names and

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1 faces. Because you have such an important authority in  
 2 your hands, the Administration felt it was important  
 3 that the public get to know you, much like that of our  
 4 elected officials, give you that same importance. That  
 5 was the whole intent. And, also, to educate the public  
 6 as to what the specific roles and responsibilities of  
 7 the Charter Commission is. Again, tying it into  
 8 outreach. So it's more education and the public getting  
 9 to know who you are, because your work will be quite  
 10 intense over the next 16 months. So that was the  
 11 premise for this ad -- proposed ad, I should say, press  
 12 release.  
 13 CHAIR STONE: Commissioner.  
 14 MEMBER MOIKEHA: And I appreciate the intent  
 15 of what they're trying to do, but I don't think anybody  
 16 cares who I am and what I do and my bio, and can I have  
 17 a picture. You'll see me here. And, anyways, you want  
 18 to direct more of the public input to a public meeting  
 19 rather than encouraging little sidebars, you know. This  
 20 is a small island, I mean, we all kind of know each  
 21 other and know of each other. I just thought it was  
 22 kind of a waste of time -- sorry.  
 23 MR. MOLINA: No.  
 24 MEMBER MOIKEHA: -- to get our picture out  
 25 there in the paper and give our little bios of our life

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1 story. I mean, I really want people to know where to  
 2 go, what this is about. That's my intent in any kind of  
 3 public release. What are we doing here, why it's  
 4 important for them to be here and where you can find us,  
 5 you know, date, time, place.  
 6 CHAIR STONE: I think -- I believe they're  
 7 trying to get the public hyped up on being involved.  
 8 And I think one of the things we could do is a nice  
 9 op-ed piece might really get people into it, especially  
 10 if we explain exactly what the Charter Commission is  
 11 about so people have an understanding and understand  
 12 that they have such an opportunity. So I'm going to  
 13 write an op-ed piece and --  
 14 MR. MOLINA: If I could just add? Again, the  
 15 Administration respects the intent of the Commission.  
 16 If it's your choosing not to have your pictures  
 17 published or any biographical information about  
 18 yourself, then, you know, so be it; however, you know,  
 19 the public, they do ask about those who serve on our  
 20 boards and commissions. So if they do call our office  
 21 about backgrounds -- of course, your applications are  
 22 public documents, so we just want to make you aware of  
 23 that. The public is entitled to know -- at least to  
 24 have some background about who is on the Commission  
 25 because of the importance of the decisions you will be

24 (Pages 91 to 94)

<p style="text-align: right;">Page 95</p> <p>1 making. So, again, it's up to you.</p> <p>2 Certainly, the Mayor welcomes your</p> <p>3 contributions towards any type of release of information</p> <p>4 to the public. So it's not, I guess, meant to, I guess,</p> <p>5 over-publicize your roles. If anything, it's</p> <p>6 Administration expressing a lot of respect for the</p> <p>7 responsibilities you are accepting on behalf of the</p> <p>8 public. Because your work will be intense, you are</p> <p>9 making some very, very important and critical decisions</p> <p>10 for this County over the next decade.</p> <p>11 So I'll leave it at that. And we certainly</p> <p>12 welcome your input.</p> <p>13 MEMBER MOIKEHA: Chair? And I didn't mean to</p> <p>14 speak for the whole Commission; that's just my personal</p> <p>15 feelings on that. And you are free to give any</p> <p>16 information that I have put on my application. And</p> <p>17 that's it. I'm open to that.</p> <p>18 CHAIR STONE: Thank you.</p> <p>19 MEMBER DEREGO: I think the only thing about</p> <p>20 this, it's kind of hard to look at an email like this</p> <p>21 without seeing sort of the whole context in which it's</p> <p>22 going to be in. Because all we have is text here.</p> <p>23 CHAIR STONE: Uh-huh.</p> <p>24 MEMBER DEREGO: So we don't really have an</p> <p>25 idea what the layout's going to be and, you know, what</p>	<p style="text-align: right;">Page 97</p> <p>1 recognize the people that are on the Charter Commission.</p> <p>2 So from that perspective, I'm kind of encouraged that</p> <p>3 they are doing this. I just would like it to be correct</p> <p>4 when it goes out.</p> <p>5 CHAIR STONE: So, Commissioners, why don't we</p> <p>6 take this and go ahead and send our suggestions on to</p> <p>7 Lisa? And we'll work on this press release and --</p> <p>8 VICE-CHAIR HEDANI: And I think, you know, as</p> <p>9 a follow-up to Susan's point of date, time, place, if we</p> <p>10 can nail down what our meeting dates, times and places</p> <p>11 will be --</p> <p>12 CHAIR STONE: Agreed.</p> <p>13 VICE-CHAIR HEDANI: -- that's something that</p> <p>14 should be in the article.</p> <p>15 MEMBER WIGER: Which is the next agenda item?</p> <p>16 CHAIR STONE: That is the next agenda item.</p> <p>17 MEMBER WIGER: Okay.</p> <p>18 CHAIR STONE: Segueing into the next agenda</p> <p>19 item, Item IV.C, review and discussion on Chair Stone's</p> <p>20 proposed community outreach meeting schedule. And</p> <p>21 before everybody gets very excited about it, let's just</p> <p>22 -- I put this out there just to get the discussion</p> <p>23 going. Yes.</p> <p>24 MEMBER MOIKEHA: Discuss?</p> <p>25 CHAIR STONE: Commissioner.</p>
<p style="text-align: right;">Page 96</p> <p>1 the whole article is going to consist of, and that kind</p> <p>2 of thing. Not that I want to see it at this particular</p> <p>3 point, but when you're presented with something like</p> <p>4 this, it's hard to visualize the context in which it's</p> <p>5 going to be in. So I didn't realize this was going to</p> <p>6 be part of a larger, you know, full-page spread. And</p> <p>7 all I could say is, okay, this is going to be like a</p> <p>8 little "Maui News" article about that big and it's going</p> <p>9 to be in the corner, right, you know, on the third page,</p> <p>10 on the bottom, next to, you know, Cupie's, you know,</p> <p>11 advertisement. So I think that's -- that reading this,</p> <p>12 this is the kind of thing that -- at least my reaction</p> <p>13 to it.</p> <p>14 CHAIR STONE: Commissioner Hedani.</p> <p>15 VICE-CHAIR HEDANI: Thank you, Mr. Chair. You</p> <p>16 know, I think -- from my own personal perspective, I</p> <p>17 think a press release is good. The more that we can get</p> <p>18 information out to the public, as many times as we can,</p> <p>19 the better. I don't think it's -- I mean, I drove all</p> <p>20 the way over from Lahaina to get my picture taken</p> <p>21 because I didn't have a file photo.</p> <p>22 (Laughter.)</p> <p>23 MEMBER WIGER: They better publish it.</p> <p>24 VICE-CHAIR HEDANI: But I think it's good for</p> <p>25 the people, you know, that don't know us to be able to</p>	<p style="text-align: right;">Page 98</p> <p>1 MEMBER MOIKEHA: I like the idea of going</p> <p>2 straight out right as soon as possible to get kind of</p> <p>3 the feel of what the topics will be. I don't think it's</p> <p>4 necessary to do two rounds right up front. I would</p> <p>5 rather do one round to all of these areas.</p> <p>6 I like what was in Page 4 of the Revised as a</p> <p>7 sample, that Corp Counsel gave us out, Revised Final</p> <p>8 Report, on Page 4. And that was like, you know, right</p> <p>9 up front, between June 20th and August 29th, they met in</p> <p>10 every area of the County.</p> <p>11 CHAIR STONE: I'm sorry. What are you</p> <p>12 referencing?</p> <p>13 MEMBER MOIKEHA: This is the Charter Revised</p> <p>14 Report, on Page 4. That was an example of public</p> <p>15 meeting scheduling.</p> <p>16 CHAIR STONE: Uh-huh.</p> <p>17 MEMBER MOIKEHA: Then what they did is they</p> <p>18 went out for second round, probably after they had a</p> <p>19 draft.</p> <p>20 CHAIR STONE: That's what I believe they did.</p> <p>21 Yes.</p> <p>22 MEMBER MOIKEHA: I would support something</p> <p>23 like that. And it doesn't matter to me in what order.</p> <p>24 I think it's going to matter -- what's going to dictate</p> <p>25 that is scheduling and when they can get our community</p>

1 areas -- these community centers scheduled.  
 2 CHAIR STONE: Of course.  
 3 MEMBER MOIKEHA: I'm just like, let's do it as  
 4 soon as we possibly could.  
 5 CHAIR STONE: That's my thinking on it as  
 6 well. Any further discussion on this?  
 7 MEMBER OKAMOTO: I guess now I'm a little  
 8 confused. Are you -- there's two different sets of  
 9 dates on your email.  
 10 CHAIR STONE: Okay. Yeah. Let me clarify.  
 11 The initial set of dates on my email to Lisa were dates  
 12 that had been set from the previous commission. So I  
 13 emulated those dates -- not emulated the dates, but  
 14 emulated the schedule.  
 15 MEMBER WIGER: Oh, just put in a new one.  
 16 CHAIR STONE: And tried to line up dates. I  
 17 took into account that it seemed everybody liked  
 18 Tuesdays. So I took that into account. And, of course,  
 19 it's really going to boil down to when it's physically  
 20 possible to get out there because we have to give notice  
 21 that we're going to be there and, also, what's available  
 22 in the location. So, clearly, I believe the best method  
 23 we can use is we get out there to the public, we get  
 24 their ideas, and then we go back for a second round, as  
 25 Chairman [sic] Moikeha suggested. So why don't we just

1 quickly take a look at those dates and --  
 2 MEMBER OKAMOTO: Excuse me, again. You're  
 3 looking at the second, toward the bottom of the page, is  
 4 that correct?  
 5 CHAIR STONE: I believe, on Lisa's, we're  
 6 looking -- Lisa's from -- let's see. Okay. So the  
 7 dates available as close to the request, it's the very  
 8 top of the email page.  
 9 MEMBER OKAMOTO: That's a different page than  
 10 mine.  
 11 MEMBER WIGER: Wait. Wait. I thought this is  
 12 the one that you're looking at.  
 13 CHAIR STONE: Okay. So we are looking at this  
 14 email from Alvin Kametani to Lisa Kahuhu.  
 15 MEMBER WIGER: Yes.  
 16 CHAIR STONE: And the very top of that is the  
 17 dates available as close to what I had requested.  
 18 MEMBER BAXA: Mr. Chair?  
 19 CHAIR STONE: Yes.  
 20 MEMBER BAXA: I would prefer that -- say May  
 21 31st, what specific day is that? Sometimes it's easier  
 22 for me to know --  
 23 CHAIR STONE: I brought a calendar.  
 24 MEMBER BAXA: Like June 7, what day is that?  
 25 CHAIR STONE: Please don't get --

1 Commissioner, please don't get confused with the  
 2 un-bolded dates. Those are irrelevant. The dates we're  
 3 looking at are the underlined and bold dates, which are  
 4 the dates that the centers are available. So, for  
 5 example, June 1st is a Wednesday. So that would be June  
 6 1st, Wednesday.  
 7 MEMBER MOIKEHA: Chair, are you starting from  
 8 June 1st and working your way down?  
 9 CHAIR STONE: And working our way down, yes.  
 10 MEMBER MOIKEHA: My input on June 1st is I  
 11 don't think we can notice that in time.  
 12 CHAIR STONE: That was a question to Lisa. Do  
 13 we have the ability to notice that in time? And will it  
 14 give public enough time to -- that seems pretty close.  
 15 MEMBER MOIKEHA: Okay. And, second of all, I  
 16 don't think I can make a meeting before 6:00, the  
 17 earliest. 6:30, I will definitely be there. My  
 18 situation, I'm working. I work a 10-hour workday,  
 19 Monday through Thursday.  
 20 CHAIR STONE: And you don't want your picture  
 21 in the paper?  
 22 (Laughter.)  
 23 MEMBER MOIKEHA: I cannot meet a 4:00 schedule  
 24 on these dates. Sorry. I'll be there at 6:00, at the  
 25 earliest. I can take my lunch at 5:30 and be there at

1 6:00. When it comes to outer islands, I'll have to take  
 2 vacation to be there.  
 3 MS. KAHUHU: Chair, can I make a comment?  
 4 CHAIR STONE: Yes.  
 5 MS. KAHUHU: The 4:00 to 11:00 time is to  
 6 allow staff to set up and open the place up. And, also,  
 7 the meetings shouldn't go past 10:00 because the staff  
 8 is going to have to then clean up and close down.  
 9 CHAIR STONE: Okay. Got it.  
 10 MS. KAHUHU: But I did inquire for 6:30  
 11 meetings, as Chair had originally requested.  
 12 CHAIR STONE: Thinking about our working  
 13 Commissioners.  
 14 MEMBER DELEON: So those times are just  
 15 availability of the room?  
 16 CHAIR STONE: Correct.  
 17 MEMBER DELEON: And not the meeting time?  
 18 CHAIR STONE: So I would say that we're  
 19 talking about 6:30 to 10:00 for meeting time, or 10:30.  
 20 6:30 to 10:30. So let's discuss those parameters. So I  
 21 think we can agree that June 1st is a little -- is too  
 22 soon.  
 23 MEMBER DELEON: Mr. Chair?  
 24 CHAIR STONE: Yes.  
 25 MEMBER DELEON: The 27th of June, we're here

<p style="text-align: right;">Page 103</p> <p>1 until 4:00, and then we're going to be in Paia right  2 afterwards?  3 CHAIR STONE: I think -- our scheduled  4 meetings here, they're already posted?  5 MS. KAHUHU: Just online. They're available  6 online, the original schedule that you have. But they  7 do say tentative and subject to change.  8 CHAIR STONE: So I believe we could have that  9 meeting in Paia, is that correct?  10 MEMBER MOIKEHA: Excuse me. I don't mean to  11 jump out of order here, but have we decided a regular  12 meeting date yet?  13 MEMBER OKAMOTO: No.  14 CHAIR STONE: Well, it was -- we'll get on to  15 that. Let's -- we'll move on to that, for sure. It's  16 kind of decided for us, I believe.  17 MEMBER OKAMOTO: I guess that would be my  18 question. Is this -- these are in addition to the  19 regular meeting dates?  20 CHAIR STONE: Well, that's a question as well.  21 In reviewing the past commission's minutes, they held  22 their normal meetings at these meetings.  23 MEMBER OKAMOTO: Oh, at these meetings.  24 CHAIR STONE: Yes.  25 MEMBER OKAMOTO: So they could take the place</p>	<p style="text-align: right;">Page 105</p> <p>1 How about we go -- let's go date by date in  2 discussion so that we don't -- otherwise, with 11 of us,  3 it's going to be, obviously, extremely difficult for  4 everybody to make all the meetings.  5 MEMBER DELEON: Can I make a suggestion in  6 reference to the list itself? I notice no Central Maui  7 location here.  8 MEMBER DEREBO: Yeah.  9 MEMBER DELEON: And, you know, Upcountry -- I  10 think Pukalani could cover Paia. I mean, I really don't  11 think you need to have both. You can try to stretch it  12 down, maybe, but I think Central -- it's kind of like  13 almost an affront to that community not to have  14 something in Central. So I think that's a gap in here.  15 I mean, we meet here every time, so -- but this is not  16 really a public forum in the sense of, you know, public  17 participation as much as a public hearing is. I think  18 we owe that to Central Maui community.  19 CHAIR STONE: Okay. And I think I agree with  20 that. I do think that the Haiku-Paia community probably  21 would appreciate a meeting. Pukalani, it seems --  22 MEMBER DELEON: It's 10 minutes away.  23 CHAIR STONE: Well, how do the Commissioners  24 feel about that? Wait. One second. Mr. Molina.  25 MR. MOLINA: Chairman, thank you. If I could</p>
<p style="text-align: right;">Page 104</p> <p>1 of our regular, is that what --  2 CHAIR STONE: Exactly. But then Commissioner  3 DeLeon pointed out that we could have a outpouring of  4 public input and we would be in trouble because we would  5 not be able to take care of our business. So it's kind  6 of a discussion we need to have right now. If we think  7 it's viable to do our normal meeting prior to -- or at  8 these meetings, it could go very late.  9 MEMBER MOIKEHA: What's going to help my brain  10 get wrapped around the schedule is, what is our default  11 meeting date and time, regular meetings?  12 CHAIR STONE: Mondays, at 12:00.  13 MEMBER MOIKEHA: 12:00 to 4:00.  14 CHAIR STONE: 12:00 to 4:00. And we really  15 tried hard to accommodate. There just wasn't anywhere  16 else to do the meetings that we were set up for.  17 MEMBER OKAMOTO: The first and third or --  18 CHAIR STONE: Same schedule that we've been  19 working off of right now.  20 MEMBER DEREBO: Maybe I could ask a question  21 here. I'm supposed to be running a workshop on the 12th  22 and the 13th. So it looks like the 11th would be out  23 for me simply because there's preparation time. So I'm  24 just telling people up front.  25 CHAIR STONE: Thank you, Commissioner.</p>	<p style="text-align: right;">Page 106</p> <p>1 add some additional insight. I would suggest keeping  2 the Hannibal Tavares Center because it is a different  3 community plan region. And to have both -- you know,  4 Paia is part of the Paia-Haiku community plan region.  5 And, you know, Hannibal Tavares Center, you have people  6 that come from the Makawao, Pukalani and Kula regions.  7 So just a suggestion for the Commission to keep the  8 Hannibal Tavares site on your evening meeting schedule  9 CHAIR STONE: Thank you, Mr. Molina.  10 So Central Maui, I guess -- that's a good  11 point -- we should definitely put a Central Maui in  12 there. So why don't we start off, we know that June  13 1st, I think we all agree, is too soon. So let us  14 move -- I'm going to have to verify, obviously, if the  15 Hannibal Tavares Community Center is available for a  16 different date. And -- interesting. We need to decide,  17 are we okay then with starting with the Lahaina Civic  18 Center on June 21st?  19 MEMBER BAXA: What day is that, Mr. Chair?  20 CHAIR STONE: June 21st is a Tuesday.  21 MEMBER WIGER: My only comment on that -- and  22 it's my issue, it's nobody else's issue -- I'm going to  23 be off island June 9th through the 25th. But I'll have  24 a statement that you can read expressing to the west  25 side community why I'm not there. Because I get a lot</p>

1 of phone calls now, which is good.  
 2 CHAIR STONE: Okay. Good to know. How does  
 3 it look for June 21st? Anybody else off island that  
 4 date? Okay. So I think we can agree on our first  
 5 public meeting, at Lahaina Civic Center, June 21st, 6:30  
 6 to 10:30.  
 7 MR. KUSHI: Mr. Chair, I would recommend  
 8 making it 6:30 to 9:30.  
 9 MEMBER DELEON: That's reasonable.  
 10 CHAIR STONE: 6:30 to 9:30, then.  
 11 MR. KUSHI: You can always extend the meeting.  
 12 If there's nobody there and you close it early, there  
 13 might be some problems.  
 14 CHAIR STONE: All right. So second meeting,  
 15 July 21st, Kihei Community Center.  
 16 MEMBER OKAMOTO: Mr. Chair, you'll notice  
 17 you've got Lanai on July 20th. I assume that means  
 18 people may have to stay over. And you're going to do  
 19 another public meeting the very next day? That's --  
 20 everybody will be fried.  
 21 CHAIR STONE: Good point. I believe that July  
 22 19th meeting, that probably should have been August,  
 23 huh? I believe I meant August. All right. Let's --  
 24 MEMBER CRIVELLO: Where are you?  
 25 CHAIR STONE: Let's stick with our dates. So,

1 let's see, we're at Kihei Community Center, July 21st.  
 2 And, you know what, there's -- we're going to have to  
 3 move these around. Sorry. All right. So we're talking  
 4 Paia Community Center, June 27th.  
 5 MEMBER DELEON: Okay. That's right after our  
 6 meeting here.  
 7 CHAIR STONE: Well, we should discuss whether  
 8 we should have our normal meeting at --  
 9 MEMBER DELEON: At that location.  
 10 CHAIR STONE: At this location. So discussion  
 11 on that?  
 12 MEMBER MOIKEHA: What hours?  
 13 CHAIR STONE: Well, we could meet slightly --  
 14 we could meet earlier in Paia, but I believe --  
 15 actually, is that -- is that possible? Can we have our  
 16 business before oral testimony?  
 17 MR. KUSHI: I wouldn't recommend it,  
 18 Mr. Chair.  
 19 CHAIR STONE: All right.  
 20 MR. KUSHI: I would recommend that these  
 21 public outreach meetings be solely public hearings,  
 22 public input.  
 23 MEMBER DEREBO: I agree.  
 24 MEMBER DELEON: It's cleaner.  
 25 MEMBER DEREBO: Yeah.

1 MR. KUSHI: You'll have question-and-answer  
 2 period, but you won't discuss -- there's no action to be  
 3 taken, unlike your Commission meetings.  
 4 CHAIR STONE: So June 27th, that would be  
 5 following our meeting here. That would be a big day for  
 6 us. Yeah, that's true. We could reschedule the regular  
 7 meeting. That's a good point.  
 8 VICE-CHAIR HEDANI: All of these meetings will  
 9 be 6:30 to 9:30?  
 10 CHAIR STONE: Yeah, 6:30 to 9:30. So what do  
 11 you guys think on taking on the meeting here and then  
 12 moving on to this meeting? Is that too much for one  
 13 day?  
 14 MEMBER CRIVELLO: Actually, it's --  
 15 CHAIR STONE: Better for --  
 16 MEMBER CRIVELLO: -- better for me traveling  
 17 from off island.  
 18 MEMBER DEREBO: Yeah, exactly.  
 19 CHAIR STONE: Yeah.  
 20 MEMBER DEREBO: Just do it all at one time.  
 21 CHAIR STONE: So we'll go ahead and do that.  
 22 MEMBER CRIVELLO: Save the County a couple  
 23 hundred dollars.  
 24 MEMBER WIGER: There you go.  
 25 CHAIR STONE: Okay. So next scheduled meeting

1 would be Molokai, July 11th.  
 2 MEMBER OKAMOTO: That one would be -- we have  
 3 a regular meeting on July 11th, also.  
 4 CHAIR STONE: That would be an impossibility.  
 5 MEMBER OKAMOTO: That would be impossible.  
 6 MEMBER DEREBO: That week, for me, I wouldn't  
 7 be able to make it because I have a workshop all that  
 8 week that I'm running, so -- the 11th through the 13th.  
 9 CHAIR STONE: So we would either -- so July  
 10 11th -- does anybody else have issue with July 11th?  
 11 MEMBER CRIVELLO: You need to -- Mr. Chair, I  
 12 would also suggest to check flight schedules because  
 13 there is limited --  
 14 MEMBER DELEON: Absolutely.  
 15 MEMBER CRIVELLO: -- flight schedules in and  
 16 out to Molokai. And there's only one in the morning, I  
 17 think, that comes in from Maui to Molokai. And maybe  
 18 then, if you have all those times, you may as well have  
 19 your regular meeting there from 12:00 to 4:00, depending  
 20 on the flight schedule for the Maui Commissioners to  
 21 travel.  
 22 CHAIR STONE: We'll have to check on that one.  
 23 MEMBER WIGER: And then we'll -- and then --  
 24 MEMBER CRIVELLO: You're staying overnight and  
 25 bring your dinner because everything closes up.



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1 MEMBER DELEON: You won't get out.  
 2 MEMBER WIGER: Because there's no flights out.  
 3 MEMBER DEREGO: You won't get out.  
 4 MEMBER WIGER: There's nothing that late.  
 5 MEMBER DEREGO: That's why I couldn't make  
 6 that.  
 7 MEMBER CRIVELLO: Yeah. It's an overnighter.  
 8 MEMBER DEREGO: There's no way.  
 9 MEMBER DELEON: I flew over there recently, it  
 10 was a challenge. You have to go to Oahu and bounce  
 11 back.  
 12 MEMBER WIGER: But, still, I mean, you'd never  
 13 get your public meeting done in order to get to the  
 14 airport to get --  
 15 MEMBER CRIVELLO: Well, I don't know, with all  
 16 the delays we have.  
 17 (Laughter.)  
 18 MEMBER DELEON: Mr. Chairman, is there money  
 19 in our budget for charter aircraft?  
 20 CHAIR STONE: Yes. Oh, charter aircraft, I  
 21 don't know.  
 22 (Laughter.)  
 23 CHAIR STONE: Are we talking private jets?  
 24 MEMBER DELEON: No. Propellers.  
 25 MEMBER DEREGO: Maui Canoe Club can take us

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1 over.  
 2 CHAIR STONE: There's always canoes. All  
 3 Commissioners should be required to canoe.  
 4 (Laughter.)  
 5 CHAIR STONE: Okay. So the Molokai meeting,  
 6 good point, we'll have our regular meeting before the  
 7 evening meeting.  
 8 MEMBER CRIVELLO: Depending on your flight  
 9 schedules.  
 10 CHAIR STONE: Right. So there's a suggestion  
 11 on July 11th, regular meeting 12:00 p.m. to 4:00 p.m.,  
 12 and the community meeting, 6:30 to 9:30 p.m., if flights  
 13 are available.  
 14 MEMBER WIGER: There is no way we can get a  
 15 flight out of Molokai to return that night, if the  
 16 meeting goes beyond -- what?  
 17 MEMBER DELEON: 6:00.  
 18 MEMBER WIGER: There's just not.  
 19 CHAIR STONE: I think we're going to have  
 20 to --  
 21 MEMBER WIGER: No. That's why I'm saying --  
 22 CHAIR STONE: -- deal with that.  
 23 MEMBER WIGER: -- I think people have to -- we  
 24 have to stay overnight. That's all.  
 25 CHAIR STONE: Agreed.

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1 MEMBER DELEON: But then we have to have a  
 2 place to stay. And that's not that accommodating over  
 3 there, either. So it's just a challenge generally  
 4 logistically.  
 5 CHAIR STONE: We'll work on the logistics.  
 6 And if it can work out and we have a place to stay, and  
 7 we have the flights, then we'll target that date. Is  
 8 everybody okay with that?  
 9 MEMBER MOIKEHA: Chair?  
 10 MEMBER WIGER: Well, the hotel.  
 11 MEMBER MOIKEHA: I also defer to Stacy. Is it  
 12 better to have it like on a Saturday?  
 13 MEMBER CRIVELLO: No.  
 14 MEMBER MOIKEHA: Go over in the morning and  
 15 come back?  
 16 MEMBER CRIVELLO: No. People won't turn out.  
 17 MEMBER MOIKEHA: So evening meetings are the  
 18 best?  
 19 MEMBER CRIVELLO: Yeah.  
 20 MEMBER WIGER: If we can figure out a way to  
 21 stay overnight.  
 22 MEMBER MOIKEHA: Daytime for a public meeting  
 23 is probably not a good idea, but evenings definitely.  
 24 MEMBER WIGER: And Lanai will be the same way,  
 25 I assume.

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1 MEMBER DELEON: Lanai has got the boat. You  
 2 can get in and out on the boat.  
 3 MEMBER WIGER: Well, not at 10:00 at night.  
 4 MEMBER DELEON: Not at night, no.  
 5 MEMBER CRIVELLO: You can get there.  
 6 CHAIR STONE: Let's look at the next date. So  
 7 we have an issue with July 21st and July 20th. Those  
 8 dates are, I believe, too close together. So --  
 9 MEMBER OKAMOTO: Speaking for Lanai, because  
 10 they always feel they're last, I would suggest you move  
 11 the Kihei one, not the Lanai one, because people always  
 12 say, "Well, they go every place else and everybody's got  
 13 their opinions and we're the last."  
 14 MEMBER DELEON: Yeah.  
 15 MEMBER OKAMOTO: So I think if you have to  
 16 move one, move one of the other ones.  
 17 CHAIR STONE: Are the Commissioners okay with  
 18 that?  
 19 MEMBER DELEON: Also, the logistics are going  
 20 to be harder for the two neighbor islands. So we need  
 21 to be able to build around those first and make sure we  
 22 have them locked and --  
 23 MEMBER DEREGO: So --  
 24 MEMBER DELEON: -- then build back to the Maui  
 25 ones afterwards.

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1 MEMBER DEREGO: Because it's -- I think it's  
2 easier for us to double schedule when we're here than  
3 when we're trying to go someplace else. Like I'm  
4 regretting not being able to go to Molokai at this point  
5 simply because, you know -- so I would say schedule it  
6 when it's available and best for them and for us to get  
7 there. And then I think, you know, if we're double  
8 scheduled -- like for the Lahaina meeting, I have to be  
9 in Honolulu, but I know I can pick up a flight like  
10 right after my 12:30, 1:00 meeting, get back here and be  
11 back for a meeting at 6:30, you know, up in Lahaina.  
12 That -- that would be -- not be a problem. But, you  
13 know, trying to go to the neighbor islands, like sister  
14 islands, like Lanai and Molokai, I think, you know, we  
15 should give them, you know, first place in terms of when  
16 it's convenient for them and then we can schedule it to  
17 get over. So we make sure we're all there. It's the  
18 issue of quorum, so --

19 MEMBER DELEON: Mr. Chair, also, the other  
20 thing, one of the particular items on our agenda this  
21 year will be discussion of districts and that's really  
22 key to the communities.

23 CHAIR STONE: Uh-huh. Yeah.

24 MEMBER DELEON: They should be afforded a full  
25 opportunity to have the conversation.

1 MEMBER DEREGO: With all of us.

2 MEMBER OKAMOTO: One of the items, as far as  
3 Lanai, I think that may be the day that they have their  
4 normal Planning Commission which may be able to change,  
5 but you would really need to check with the hotel  
6 because there are times when they're totally sold out.  
7 Very seldom.

8 CHAIR STONE: Hotel and air. Or, actually,  
9 boat.

10 MEMBER MOIKEHA: Camping. I like camping.

11 CHAIR STONE: I don't know if that's in our  
12 budget.

13 (Laughter.)

14 CHAIR STONE: Okay. So Lanai isn't going to  
15 conflict with our normal meeting. So we will go ahead  
16 and do Lanai July 20th, 6:30 to 9:30. And we'll check  
17 on the hotel logistics again.

18 MEMBER WIGER: You'll have to move Molokai  
19 someplace.

20 CHAIR STONE: I think Molokai's confirmed,  
21 right?

22 MEMBER OKAMOTO: Kihei.

23 CHAIR STONE: Kihei is going to have to move.

24 MEMBER WIGER: Yeah, Kihei.

25 MEMBER MOIKEHA: Is the ferry an option going

1 to Lanai? Isn't it cheaper?

2 MEMBER OKAMOTO: Oh, yes. The ferry is  
3 probably the best option.

4 CHAIR STONE: I think that's probably what  
5 we'll be focusing on.

6 MEMBER OKAMOTO: There's -- you know, it goes  
7 fairly often. Returning, no, so you will have to spend  
8 the night.

9 MEMBER CRIVELLO: You have some B&Bs, yeah, on  
10 Lanai, too, that's reasonable?

11 MEMBER OKAMOTO: Yes, we do.

12 MEMBER CRIVELLO: As opposed to the hotel,  
13 yeah?

14 MEMBER OKAMOTO: I believe, though, the County  
15 has a corporate rate with the hotel, as far as I know.

16 CHAIR STONE: All right. So we're up to July  
17 20th. All right. So now let's look at -- we have Kihei  
18 left, we have Hana High School left, and we want to do  
19 Central. So July 20th, I guess -- again, am I correct  
20 in thinking that Tuesdays are the best day for everybody  
21 if we can get a Tuesday?

22 MEMBER MOIKEHA: That's fine.

23 MEMBER DEREGO: That's fine. When it's here,  
24 it's not that bad.

25 CHAIR STONE: All right. So we are going to

1 need to check on a proposed July 26th for Kihei? Is  
2 that possible to check on, Lisa?

3 MS. KAHUHU: Yes.

4 CHAIR STONE: Thank you. Any issues with  
5 that?

6 MEMBER DEREGO: Let me clarify this. So we're  
7 keeping this July 11th date unless it's better for  
8 Molokai to go at another time? Is that my  
9 understanding?

10 CHAIR STONE: July 11th, we're confirmed on  
11 July 11th if the flights are available. If we have a  
12 logistical problem, then we'll change that date.

13 MEMBER DEREGO: Okay.

14 CHAIR STONE: And a place to stay, correct.  
15 So any issues with July 26th, Kihei, 6:30 to 9:30?

16 MEMBER WIGER: Question?

17 CHAIR STONE: Sure.

18 MEMBER WIGER: Yeah. Maybe -- well, I am  
19 going to ask the question.

20 CHAIR STONE: Sure.

21 MEMBER WIGER: Given that we all came either  
22 out of -- of particular Council people or particular  
23 areas, would -- as long as we're doing a lot of the  
24 flipping of dates, would it be possible to flip Lahaina  
25 with something else so I could be in attendance at that?

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1 CHAIR STONE: You know, Lahaina, for me, isn't  
2 a great date, either. What do you guys think about  
3 moving Lahaina forward a little sooner instead of doing  
4 it on the 21st? I hate to go backwards.  
5 MEMBER WIGER: I was happy with the 7th.  
6 CHAIR STONE: It's not a great day for me. Is  
7 the 7th -- the 7th could work for me as well, a lot  
8 better date, but -- was there an issue with the 7th?  
9 MS. KAHUHU: Yes. It's not available. This  
10 is the only date that is available.  
11 CHAIR STONE: For the Kihei Community Center?  
12 MEMBER OKAMOTO: Lahaina.  
13 CHAIR STONE: I'm sorry. Lahaina. Excuse me.  
14 MS. KAHUHU: Yeah, Lahaina is not available on  
15 June 7th. And this was the closest date they could give  
16 me to June 7 for availability.  
17 MEMBER WIGER: Okay.  
18 MS. KAHUHU: It's also graduation season, so  
19 that's the problem.  
20 CHAIR STONE: All right. Moving forward,  
21 then. So 26th, we have -- if it's available, right,  
22 we're checking on that, we're going to do July 26th,  
23 Kihei Community Center, 6:30 to 9:30.  
24 MS. KAHUHU: Based on availability, right?  
25 CHAIR STONE: Based on availability. And the

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1 second we know about that, I'll shoot an email through  
2 Lisa.  
3 MEMBER CRIVELLO: So on the 25th, we hold our  
4 regular meeting?  
5 CHAIR STONE: Uh-huh.  
6 MEMBER CRIVELLO: Then, the 26th, we're in  
7 Kihei?  
8 CHAIR STONE: So you're here for two nights, I  
9 think.  
10 MEMBER MOIKEHA: Can't we move our Regular  
11 meeting to the 26th or --  
12 CHAIR STONE: 25th, we could -- we could move  
13 it to the 25th to accommodate. Excuse me. We could as  
14 long -- let's check availability -- okay. So let's move  
15 back on that. Let's do 25th, then, that way, you guys  
16 are only in for one night. So we'll do the 12:00 to  
17 4:00 meeting, our normal meeting, and move on. So to  
18 clarify, Kihei, July 25th, 6:30 to 9:30, if we have  
19 availability.  
20 MEMBER MOIKEHA: And if it's not, we only have  
21 the 26th, then why can't we move our regular meeting to  
22 the 26th?  
23 MEMBER DELEON: Because there's no room.  
24 MEMBER MOIKEHA: In the morning? I mean,  
25 12:00 to 4:00?

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1 CHAIR STONE: It's possible, for sure. Why  
2 don't we find out the availability?  
3 MEMBER MOIKEHA: Okay.  
4 CHAIR STONE: And then -- and then we'll send  
5 out a --  
6 MEMBER MOIKEHA: So they're not having to stay  
7 two days.  
8 CHAIR STONE: It makes sense. Okay? Okay.  
9 MEMBER DELEON: The sooner we get these dates,  
10 the sooner we can nail down our own calendars.  
11 CHAIR STONE: Absolutely.  
12 MEMBER DELEON: This is kind of imperative.  
13 CHAIR STONE: I agree. That's why we're  
14 taking care of it now.  
15 MEMBER OKAMOTO: May I suggest that the Hana  
16 one, if we tried to do it in June -- because, right now,  
17 you've got a Molokai and a Lanai trip in July. And it  
18 would just make it -- you know, that's a long way. If  
19 we could do that one in June, if that's at all possible.  
20 CHAIR STONE: I'm fine with that. Again, it's  
21 availability. Where are we with the Hana High School?  
22 MS. KAHUHU: July 5th -- the Hana High  
23 School -- it would be Helene Hall, the County's  
24 community center. And that is available on July 5th.  
25 CHAIR STONE: July 5th.

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1 MS. KAHUHU: I can check for dates in June  
2 that it would be available.  
3 MEMBER CRIVELLO: That's fine, July 5th.  
4 CHAIR STONE: July 5th would work.  
5 MEMBER WIGER: Could you, also -- and I'm not  
6 even sure how to think about it in terms of solution --  
7 if there could be some kind of carpooling or something.  
8 I am just, frankly, real hesitant about driving from  
9 Hana, that late at night, back. Once I get to Central  
10 Maui, I'm fine to get back to Lahaina, but I'm very  
11 hesitant about driving Hana that late at night, the road  
12 being what it is.  
13 MEMBER DELEON: You can see all the cars  
14 because of all the headlights. You can, you can see a  
15 long way away. There's no surprises.  
16 MEMBER WIGER: Wonderful. Then I'm driving  
17 with you.  
18 CHAIR STONE: Maybe we could look into setting  
19 up --  
20 MEMBER DELEON: We'll take care of -- anybody  
21 else that needs a carpool, we can take care of you.  
22 We're going down, anyway, in our individual cars, we  
23 might as well just take care of it.  
24 CHAIR STONE: Commissioner Baxa.  
25 MEMBER BAXA: Yes, Mr. Chair. Hana, I do not

1 drive up to that place.  
 2 CHAIR STONE: Okay. I think we'll arrange --  
 3 I think, as a group, this is a good Lisa email thing,  
 4 too. We'll organize, we'll make sure everybody gets out  
 5 there.  
 6 Mr. Molina.  
 7 MR. MOLINA: Chairman, just citing some  
 8 experiences with the Council during the budget hearings,  
 9 going out to Hana. Again, you have the option of  
 10 chartering a small airplane flight via Mokulele or, I  
 11 believe, Pacific Wings. That is an option. It takes  
 12 about 10 minutes, short flight from Kahului.  
 13 MEMBER BAXA: Why don't we check on that,  
 14 Mr. Chair?  
 15 MR. MOLINA: You should have that in your  
 16 budget.  
 17 CHAIR STONE: We'll check on the flights for  
 18 people who wish to take that route, see what the budget  
 19 is for them.  
 20 MR. KUSHI: Yeah, Mr. Chair, before you guys,  
 21 you know, confirm all of this, just let me tell you how  
 22 much money --  
 23 (Laughter.)  
 24 CHAIR STONE: Maybe we should figure that out  
 25 first.

1 MR. KUSHI: You know, in the proposed budget,  
 2 you have \$24,000 for airfare/transportation, you have  
 3 \$4,000 for per diem. And there's no budget line item  
 4 for Mokulele Air or anything else. So, you know, you're  
 5 talking about possibly 28,000, 30,000 for all this  
 6 transportation as well as per diem. So I'm not sure if  
 7 you can make it.  
 8 CHAIR STONE: I'm sure that we can organize  
 9 everybody getting out to Hana.  
 10 MR. KUSHI: I'm worried about the overnight  
 11 stays in Molokai and Lanai, if you're planning four  
 12 trips -- I mean, yeah, total of four trips.  
 13 MEMBER OKAMOTO: If you go twice.  
 14 MEMBER DELEON: Mr. Chair?  
 15 CHAIR STONE: Yes.  
 16 MEMBER DELEON: If it's possible to charter, I  
 17 think it would be cheaper to charter a plane out of  
 18 Molokai rather than staying in Molokai overnight.  
 19 CHAIR STONE: We'll check on that,  
 20 logistically.  
 21 MEMBER OKAMOTO: A meeting on Lanai on  
 22 Saturday might be a possibility, during the day. They  
 23 have -- County has had various meetings. You know, some  
 24 meetings, you get no turnout, but, if there's an  
 25 interest, a Saturday might work.

1 CHAIR STONE: Do you find that the evening  
 2 meetings have more interest, more turnout?  
 3 MEMBER OKAMOTO: I don't know. I don't go to  
 4 evening meetings.  
 5 MEMBER WIGER: Okay.  
 6 MEMBER OKAMOTO: No. It depends on the  
 7 subject. It really does.  
 8 MEMBER DELEON: If it's about windmills.  
 9 MEMBER OKAMOTO: If it's about windmills,  
 10 they'll all be there.  
 11 CHAIR STONE: Maybe we can put that in the  
 12 press release.  
 13 (Laughter.)  
 14 CHAIR STONE: So am I hearing that you guys  
 15 want to revisit the Lanai date --  
 16 MEMBER OKAMOTO: We could.  
 17 CHAIR STONE: -- to Saturday so we don't have  
 18 to stay overnight?  
 19 MEMBER OKAMOTO: I think that's a possibility.  
 20 MEMBER MOIKEHA: I'm good. I'll just camp.  
 21 CHAIR STONE: We're back to that.  
 22 MR. KUSHI: Mr. Chair, may I suggest that  
 23 staff investigate, or at least get a report, on Molokai  
 24 and Lanai, if 11 of you are there, the cost, hotel,  
 25 airfare, and estimate? Then you can figure out per your

1 budget.  
 2 CHAIR STONE: That's fine, but we do have to  
 3 go.  
 4 MR. KUSHI: Well, you can go during the day.  
 5 MEMBER DELEON: But nobody will be there.  
 6 MR. KUSHI: Well, you're there.  
 7 CHAIR STONE: I mean, I think that we need to  
 8 get good input. And I think that we have to go when it  
 9 makes sense for the public.  
 10 MEMBER CRIVELLO: I think you need to  
 11 investigate the logistics, first of all, because cost is  
 12 a concern, on the airfare -- the travel, the air travel  
 13 or boat travel or whatever you want, then hotel, at  
 14 least for Molokai. I don't know if any of you fly  
 15 Mokulele. I think they have -- when they do fly out,  
 16 they do have an afternoon flight.  
 17 MEMBER DELEON: They do have an afternoon  
 18 flight.  
 19 MEMBER OKAMOTO: The only flight, nine  
 20 passengers.  
 21 MEMBER CRIVELLO: Only nine passengers.  
 22 MEMBER DELEON: Two will have to be strapped  
 23 to the wings.  
 24 MEMBER CRIVELLO: You don't -- you have to  
 25 stay overnight. There's nothing that's going to bring

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1 you home after our meeting.  
 2 MEMBER DELEON: A charter, though.  
 3 MEMBER CRIVELLO: At 9:30? Yeah, if you want  
 4 to fly out on a charter.  
 5 CHAIR STONE: We'll look into the logistics.  
 6 I think that's part of my job. So we'll study that and  
 7 make sure that we're not going crazy on the budget.  
 8 Obviously, we'll do it for as minimal cost as we can.  
 9 MEMBER OKAMOTO: And I don't think -- it may  
 10 be that Lanai and Molokai are a different type of  
 11 schedule. Because most of our workers are hotel, it  
 12 doesn't seem like evening meetings are any better. So  
 13 -- but we may not be the same as -- you know, so if  
 14 theirs needs an evening meeting, that's what we need to  
 15 do.  
 16 MEMBER CRIVELLO: No. It's summer for  
 17 Molokai, and it's luaus and luaus. So your  
 18 weekends are not -- they're not good on off-luau season,  
 19 people don't turn out, unless it's windmills.  
 20 (Laughter.)  
 21 MEMBER DELEON: Why don't we hold a luau?  
 22 CHAIR STONE: I would propose a luau about  
 23 windmills.  
 24 (Laughter.)  
 25 MEMBER MOIKEHA: Raise funds for

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1 transportation.  
 2 CHAIR STONE: All right.  
 3 MEMBER BAXA: Mr. Chair?  
 4 CHAIR STONE: Yes.  
 5 MEMBER BAXA: Can you at least consider the  
 6 possibility of the charter flight for Hana?  
 7 CHAIR STONE: We will consider it, yes. I  
 8 will look into it with Lisa Kahuhu and determine the  
 9 cost. And, actually, I will send out an email once I  
 10 get that information to all of you guys.  
 11 MR. KUSHI: Or possibly just hire vans.  
 12 CHAIR STONE: Or a van hire. We'll find a  
 13 method. All right.  
 14 So we are taking a look at a Saturday meeting  
 15 now for Lanai. The only issue I have with that is the  
 16 availability. Was it difficult to get Lanai Community  
 17 Center, Lisa?  
 18 MS. KAHUHU: Again, I provided him with your  
 19 dates.  
 20 CHAIR STONE: Okay.  
 21 MS. KAHUHU: And he gave me the dates that  
 22 were available.  
 23 CHAIR STONE: You know, I think it would be  
 24 wise to stay with the availability.  
 25 MEMBER OKAMOTO: That's fine.

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1 CHAIR STONE: So we will keep Lanai as  
 2 discussed.  
 3 So now we're moving forward. And, again, it's  
 4 Hana, July -- what do we have here -- July 5th, is that  
 5 correct? So July 5th, Hana. And we will look into a  
 6 charter flight, we'll look into chartering a bus and see  
 7 what is the best method to make sure everybody can get  
 8 there. All right. 6:30 to 9:30. So that's good. All  
 9 right.  
 10 So we have Central.  
 11 MEMBER OKAMOTO: And you have Pukalani.  
 12 CHAIR STONE: Pukalani, that's correct. Yes.  
 13 So let's see here. My calendar is getting muddled.  
 14 We've got --  
 15 MEMBER OKAMOTO: Chair?  
 16 CHAIR STONE: Yes.  
 17 MEMBER OKAMOTO: You have quite a bit of  
 18 availability in June for dates.  
 19 CHAIR STONE: That's true.  
 20 MEMBER OKAMOTO: I don't know if that means  
 21 the buildings are, but --  
 22 CHAIR STONE: Just a question to Lisa Kahuhu  
 23 and Corporation Counsel. What is realistically the  
 24 soonest we can do one of the meetings, giving the public  
 25 enough time, enough notification?

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1 MS. KAHUHU: In the Central area?  
 2 CHAIR STONE: We're talking about Pukalani  
 3 and, also, for Central.  
 4 MS. KAHUHU: I'm pretty sure there's possibly  
 5 a June date available for Wailuku Community Center. And  
 6 all I can do is inquire about -- June 1st was the  
 7 soonest closest to May 31st, your original date. So  
 8 there may be other dates available in June.  
 9 CHAIR STONE: Why don't --  
 10 MS. KAHUHU: I will just have to inquire.  
 11 CHAIR STONE: Why don't we look at June 7th,  
 12 target around that date?  
 13 MS. KAHUHU: For Pukalani?  
 14 CHAIR STONE: That gives us enough time to put  
 15 out notice. So we'll target that date. And, again,  
 16 we'll discuss it via email to Lisa. And then we still  
 17 have -- the next week of June is still open, is that  
 18 correct? So we could do Central.  
 19 MEMBER OKAMOTO: 13th.  
 20 CHAIR STONE: Yeah, 13th, right after our  
 21 meeting here. So we'll take a look at that. Is that  
 22 possible, Lisa?  
 23 MS. KAHUHU: Yes. I will inquire on all of  
 24 these.  
 25 CHAIR STONE: So, tentatively, we have

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1 Lahaina, we're inquiring about June 7th, and Central,  
 2 we're inquiring on June 13th.  
 3 MS. KAHUHU: Chair?  
 4 CHAIR STONE: Yes.  
 5 MS. KAHUHU: Pukalani, June 7th, right?  
 6 CHAIR STONE: Yes. Pukalani, right.  
 7 MS. KAHUHU: Would you mind, Chair, can I just  
 8 go down the line, just to confirm, so I know?  
 9 CHAIR STONE: Yeah. We need it, too.  
 10 MS. KAHUHU: So starting with Hannibal Tavares  
 11 Community Center, looking at June 7; Lahaina Civic  
 12 Center, June 21st; Kihei Community Center, July 25th.  
 13 MEMBER DELEON: 26th.  
 14 CHAIR STONE: Wait a second.  
 15 MEMBER DEREGO: 25th. Excuse me.  
 16 MEMBER OKAMOTO: No. 25th.  
 17 MEMBER WIGER: 25th?  
 18 CHAIR STONE: Sorry. Could you say the third  
 19 one again?  
 20 MS. KAHUHU: Kihei Community Center, I heard  
 21 you say originally July 26th, and then I heard you say  
 22 July 25th. So I wasn't sure.  
 23 MEMBER MOIKEHA: I think we were trying to  
 24 accommodate.  
 25 CHAIR STONE: We did -- we -- yeah, we moved

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1 Kihei all the way up to the 25th, July 25th.  
 2 MEMBER DELEON: With the provision, if you  
 3 can't get the 25th, we go for the 26th, and we move this  
 4 meeting.  
 5 MS. KAHUHU: Okay. Paia Community Center,  
 6 June 27th; Helene Hall, in Hana, July 5th; Molokai, July  
 7 11th; July 20th, Lanai Community Center; Central Maui,  
 8 June 13th.  
 9 MR. KUSHI: At where?  
 10 MEMBER DELEON: Don't know yet.  
 11 MS. KAHUHU: I will try, for Central, either  
 12 Kahului Community Center or Wailuku Community Center.  
 13 CHAIR STONE: That's good.  
 14 MEMBER CRIVELLO: Is that July 13th, for  
 15 Central?  
 16 CHAIR STONE: June, June 13th for Central.  
 17 MEMBER OKAMOTO: Mr. Chair?  
 18 CHAIR STONE: Yes.  
 19 MEMBER OKAMOTO: If we say until 9:30, did I  
 20 understand that means we have to stay until 9:30, even  
 21 if you don't have very many people testifying?  
 22 CHAIR STONE: I don't think so.  
 23 MEMBER OKAMOTO: Well, I just -- I thought  
 24 that's what he had said.  
 25 MEMBER DELEON: He implied that.

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1 MEMBER OKAMOTO: It was implied.  
 2 MR. KUSHI: Once you close the meeting, I'm  
 3 gone.  
 4 MEMBER OKAMOTO: Okay. That was my question.  
 5 CHAIR STONE: All right. So let me just get  
 6 this in order. So Pukalani, June 7th is our first  
 7 meeting; second meeting, Central Maui, June 13th, if  
 8 available; third meeting is June 21st, Lahaina. I'm  
 9 sorry. Did you have a question, Commissioner?  
 10 MEMBER MOIKEHA: No.  
 11 CHAIR STONE: June 21st is Lahaina; fourth  
 12 meeting, Paia, June 27th; fifth meeting, Hana, July 5th;  
 13 sixth meeting, Molokai, July 11th; and final public  
 14 meeting for this round, July 25th, Kihei. Is that what  
 15 everybody has?  
 16 MEMBER OKAMOTO: July 20th for Lanai, did you  
 17 say that?  
 18 MEMBER DELEON: You missed Lanai.  
 19 CHAIR STONE: July 20th for Lanai. Okay.  
 20 VICE-CHAIR HEDANI: So we keep our regular  
 21 meeting on July 25th?  
 22 CHAIR STONE: Yes. What we've discussed is  
 23 we'll jockey the regular meeting, depending on  
 24 availability, for -- I believe we were discussing  
 25 Pukalani, Hannibal Tavares Center.

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1 MEMBER DELEON: No. Kihei.  
 2 CHAIR STONE: Which one was it?  
 3 MEMBER DELEON: Talking about the 25th and  
 4 26th?  
 5 CHAIR STONE: Yes. Yeah.  
 6 MEMBER DELEON: Kihei.  
 7 CHAIR STONE: Okay.  
 8 MEMBER DEREGO: I'm going to need an email.  
 9 MEMBER OKAMOTO: And in a calendar format.  
 10 MEMBER DEREGO: Like ASAP after this meeting  
 11 because my notes are confusing.  
 12 VICE-CHAIR HEDANI: Can we include all of  
 13 these in the press release that goes out?  
 14 CHAIR STONE: How about the proposed and the  
 15 actual? All right. Okay. So we've got that taken care  
 16 of. Any further discussion on the dates?  
 17 (Silence.)  
 18 CHAIR STONE: No. Great. Moving forward,  
 19 under New Business.  
 20 MR. KUSHI: Mr. Chair, I think the court  
 21 reporter needs a break.  
 22 CHAIR STONE: Oh, okay. We'll take another --  
 23 let's do this: Let's make this one a little longer.  
 24 Let's do a 10-minute recess.  
 25 (Recess, 2:42 p.m. to 2:58 p.m.)

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1 CHAIR STONE: Let's call the meeting back to  
 2 order. Actually, before we get started, Corporation  
 3 Counsel had something interesting to say about our --  
 4 MR. KUSHI: Mr. Chair, Members, after  
 5 revisiting the issue of travel to our neighbor islands,  
 6 Molokai and Lanai specifically -- and I say this with  
 7 all due respect to the people of Molokai as well as  
 8 Lanai -- all you need is six members to go to have a  
 9 quorum. Okay. If we can do it, fine, we'll send  
 10 everybody. If we are strapped for cash and can't do it  
 11 otherwise, one alternative would be to send five people  
 12 and with the sixth member being the Molokai or Lanai  
 13 member, and just call the meeting, take public testimony  
 14 and come back. When you go in there the second round,  
 15 send the other five members. If you need to save money  
 16 in that fashion. Just food for thought, but don't make  
 17 a decision yet until we get the numbers.  
 18 CHAIR STONE: Commissioner.  
 19 MEMBER CRIVELLO: So are we saying that the  
 20 budget never included these first and second round  
 21 travels?  
 22 MR. KUSHI: Not that I calculated. Again,  
 23 maybe it was oversight on our part, but you got to  
 24 understand the budget for the last commission meeting --  
 25 Charter Commission, back 10 years ago, was, how much,

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1 Lisa?  
 2 MS. KAHUHU: 40,000.  
 3 MR. KUSHI: 40,000 for the entire budget?  
 4 MS. KAHUHU: Yes.  
 5 MR. KUSHI: Entire budget. We budgeted  
 6 140-something thousand this year. So, you know, again,  
 7 10 years ago, a dime lasted more, but, again, you know,  
 8 that's the way it is. Now, again, we can always go in  
 9 for budget amendment if we have some surplus funds.  
 10 CHAIR STONE: Commissioner Moikeha.  
 11 MEMBER MOIKEHA: The Mayor represented to some  
 12 of us in our orientation that he had money, and, if we  
 13 needed to increase the budget, he would be happy to do  
 14 it.  
 15 MEMBER WIGER: That's what he said.  
 16 MEMBER MOIKEHA: I guess that would come under  
 17 his department.  
 18 MR. KUSHI: I don't want to answer that.  
 19 (Laughter.)  
 20 MEMBER DEREGO: You don't want to speak for  
 21 the Mayor, right?  
 22 MEMBER WIGER: But he did say it. We heard  
 23 him.  
 24 CHAIR STONE: Commissioner Crivello.  
 25 MEMBER CRIVELLO: I can see --

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1 CHAIR STONE: Sorry. Commissioner has the  
 2 floor.  
 3 MEMBER CRIVELLO: -- where Corp Counsel is  
 4 coming from in regard to budget, but, from a community  
 5 perspective, if all Commissioners cannot be in  
 6 attendance -- and I know you said in all due respect,  
 7 but, in all due respect, I think every effort should be  
 8 made that we have full representation on the neighboring  
 9 islands as well as the outer districts.  
 10 MEMBER BAXA: Mr. Chair?  
 11 MEMBER OKAMOTO: I have to second that because  
 12 we all know that probably one of the hottest issues  
 13 that's going to be here this time has to do with  
 14 districting. And so if Lanai and Molokai people felt  
 15 like, oh, only half the Commission is going to show up,  
 16 I think it would create some --  
 17 CHAIR STONE: And, also, let's see where the  
 18 budgets are coming out before we start worrying about  
 19 that stuff.  
 20 MEMBER BAXA: Mr. Chair, I think, you know, it  
 21 is my thought this morning, concerning with what you  
 22 said, I think the people are not only entitled to be  
 23 heard by all the Commissioners, but I think it is right  
 24 for each Commissioner to attend each and every meeting,  
 25 if they can afford to.

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1 MEMBER CRIVELLO: I agree with that.  
 2 MEMBER DEREGO: I agree with that.  
 3 CHAIR STONE: All right. We have that  
 4 understanding. All right.  
 5 Moving on to our next item of business,  
 6 proposed Charter amendments.  
 7 MEMBER DEREGO: Well.  
 8 CHAIR STONE: Can you believe it?  
 9 (Laughter.)  
 10 MEMBER WIGER: Okay.  
 11 CHAIR STONE: Okay. So proposed resolution,  
 12 proposing an amendment to the Revised Charter of the  
 13 County of Maui, 1983, as amended, to establish an Office  
 14 of the County Auditor. I will open it up for  
 15 discussion. Everybody has the amendment, I believe,  
 16 from Councilman White's office. I'll give everybody a  
 17 second to find it. I have to find it, too.  
 18 MEMBER MOIKEHA: Point of order, Chair, for  
 19 clarity. Is this just discussion? We're not taking  
 20 action on this, are we?  
 21 CHAIR STONE: No. We're going to discuss.  
 22 MEMBER WIGER: Is this the one we got today or  
 23 was it the one that was sent out? I have them in two  
 24 different places.  
 25 CHAIR STONE: I believe we should look at the

1 one we received.

2 MEMBER WIGER: Was that today?

3 MS. KAHUHU: No. This was sent out -- I'm  
4 sorry -- received in your packets.

5 MEMBER WIGER: Okay. Okay. Thank you.

6 MEMBER OKAMOTO: I have just a question on how  
7 this -- as we look at different proposals, we sort of  
8 put them in our agenda and we can discuss them, and then  
9 we're just making like a compilation of various  
10 proposals? How is this going to work when it gets to  
11 more proposals?

12 CHAIR STONE: You know, that's really up to us  
13 how we want to deal with it. And for the people who  
14 attend from outer island or coming from Hana, obviously,  
15 I think that we should take up our full time of our  
16 meeting so that, you know, their time is used. So I  
17 believe what we should do is, we're going to -- we'll  
18 discuss the proposals as they come in. This is the  
19 initial phase where we start receiving these proposals.  
20 And at a certain stage, we'll start -- and, again, it's  
21 up to us when we decide when we're going to actually  
22 start saying this is debating on whether this amendment  
23 is going to get -- get into -- into the Council.

24 So with that said, we could discuss quickly  
25 ideas right now on how we are going to deal with the

1 itself, or by petition of citizens, you have this

2 Charter Commission review. So I put this on for  
3 information purposes only. It may be a dual track at  
4 the next election.

5 Charter amendments proposed by the Council,  
6 all it takes is two readings by resolution. Okay.  
7 Charter amendments proposed by the 2011 Charter  
8 Commission, then you got to go through this process.

9 Now, in addition to this one, establishing an  
10 Office of County Auditor, we recently got two more  
11 requests from the Council people. Just for your  
12 information, we haven't done it yet, but it's going to  
13 be done, Council is proposing to amend the Charter to  
14 have the Council approve the appointment of the Planning  
15 Director. Right now, he's just an appointment. The  
16 other one is review and approval and appointment of the  
17 Director of Finance. Review and approve. Unlike Corp  
18 Counsel's Office and prosecutors. They get grilled  
19 before they get into the job. So these are  
20 Council-initiated Charter amendments.

21 Now, hopefully, it doesn't come to a point  
22 where the Council has five amendments to amend the  
23 Charter, this Commission has 10 amendments to amend the  
24 Charter, and some of them conflict. Okay. Then we've  
25 got a problem. Then I think, you know, our office would

1 proposals as they come in. So --

2 MR. KUSHI: Mr. Chair, Members, for  
3 clarification, I took the initiative to put this on your  
4 agenda. Let me clarify first. Back in early May,  
5 Council Services, through Councilmember Mike White's  
6 staff, requested that we draft a Charter amendment.

7 Now, in your packets, if you would look at the  
8 County Charter, the County Charter, it's at Page 49. If  
9 you can find that first. Article 14, Charter Amendment,  
10 as we read this and interpret it -- and so does the  
11 County Clerk -- there are various ways to amend the  
12 Charter. Section 14-1 says, by resolution of the  
13 Council adopted -- amendments to this Charter may be  
14 initiated only in the following manner: By resolution  
15 of the Council adopted after two readings on separate  
16 days and passed by vote of six members or more. And it  
17 goes on by petition and another by petition. So this is  
18 what Councilmember White has proposed to the Council;  
19 not to this Commission.

20 At the same time, hopefully at the same  
21 election, you go on to Page 50, Section 14-3, Mandatory  
22 Review, which establishes the appointment of this  
23 Charter Commission.

24 So in addition to proposals to amend the  
25 Charter from the Council people, from the Council

1 have to either advise this Commission or the Council,  
2 have one question, two alternatives.

3 MEMBER BAXA: Mr. Chair?

4 CHAIR STONE: Yes, Commissioner Baxa.

5 MEMBER BAXA: I was reading the Charter  
6 itself, and I notice the conflict there. Not really a  
7 conflict, but two ways of amending the Charter; one by  
8 the Council and one by the Charter Commission. I found  
9 it odd that, at the period when there is a Charter  
10 Commission acting that the Council can still do that.  
11 That is what is set out.

12 I think, in my own mind, at the time when the  
13 Charter Commission meets, the Council should not be able  
14 to make a proposal to an amendment to the Charter. They  
15 could -- in my own mind, the best way to do that is,  
16 once the Charter acts, let the proposal made by the  
17 Charter be submitted to the people. They approve or  
18 disapprove. Then, at some point, if the Council wants  
19 to make amendment again, they can do so, but only after  
20 the expiration of the term of the Commission.

21 So at this point, I see it very odd that, at  
22 one point, two bodies can make amendments to the  
23 Charter. It does seem confusing to the people.

24 MEMBER DEREGO: Can I make a comment on this  
25 point as well?



<p style="text-align: right;">Page 143</p> <p>1 CHAIR STONE: Yes.</p> <p>2 MEMBER DEREGO: Just tacking on to --</p> <p>3 CHAIR STONE: Commissioner.</p> <p>4 MEMBER DEREGO: -- what Commissioner Baxa is</p> <p>5 saying, it almost seems to me that the way the Charter</p> <p>6 Commission's mandate, if you want to put it that way, is</p> <p>7 laid out, it's supposed to be a cooperative venture</p> <p>8 between the Council and the Commission, that, once we</p> <p>9 produce a report and if they have suggestions like</p> <p>10 these, they can come back to us once the report is done.</p> <p>11 This almost seems like it's jumping the gun in a certain</p> <p>12 sense.</p> <p>13 And I don't want to, you know, talk about any</p> <p>14 motivations or anything, but, I mean, it almost seems</p> <p>15 like they're not even aware that we exist at this point</p> <p>16 and that they're -- they're actually going on their own</p> <p>17 and actually beginning to make and passing Charter</p> <p>18 amendments.</p> <p>19 I would see this more as a cooperative venture</p> <p>20 between the Council and the Charter Commission. There's</p> <p>21 a process involved that is supposed to occur every 10</p> <p>22 years. And that within that process, the Council is</p> <p>23 supposed to be involved. Because we do send them a</p> <p>24 report, they do reply to it. If they have any additions</p> <p>25 or alternatives, that is part of the process.</p>	<p style="text-align: right;">Page 145</p> <p>1 his proposal for the auditor. And it didn't seem like</p> <p>2 he was -- had boiled it down to how this process would</p> <p>3 work, you know, like -- because he's a new Council</p> <p>4 member, he's like the first time out on the track.</p> <p>5 And -- and I think it would be advantageous to</p> <p>6 write Mike and -- and those who initiated these other</p> <p>7 requests and suggest that they submit them to us and</p> <p>8 have -- have a process where, rather than necessarily</p> <p>9 have a competing process, is to -- to warmly and</p> <p>10 positively suggest that it be considered in this venue</p> <p>11 first and chewed on. And then -- and then they can come</p> <p>12 back out. And if they don't all agree with us in the</p> <p>13 end, then, fine. They have that process at the end</p> <p>14 to -- to adjust or attempt to propose their own concept</p> <p>15 at that point. But I didn't get a sense from Mike that</p> <p>16 he had a sense of ownership, it had to go to the</p> <p>17 Council, or anything like that.</p> <p>18 And there was a -- because he's talking about</p> <p>19 a legislative auditor, it's kind of a concern in the</p> <p>20 sense of separation of powers. You know, it's supposed</p> <p>21 to be an independent body, this person, this auditor;</p> <p>22 not supposed to be a creature of the Council</p> <p>23 necessarily. So he comes out with a suggestion to the</p> <p>24 Council, then it's a little more closer to the Council.</p> <p>25 And maybe it's a sense of objectivity might be lost in</p>
<p style="text-align: right;">Page 144</p> <p>1 So my question would be, would it be</p> <p>2 appropriate at this point to get a clarification from</p> <p>3 the Council of why all this activity during the time</p> <p>4 when a Charter Commission is actually sitting, you know.</p> <p>5 I mean, would it mean a letter clarifying what</p> <p>6 the action is at this point or -- you know, I know</p> <p>7 they're exercising their prerogative within the Charter</p> <p>8 as it presently exists. But there is, for me, just a</p> <p>9 question of process and, you know, the -- the</p> <p>10 cooperation between the Charter Commission and the</p> <p>11 Council in terms of coming up with some sort of</p> <p>12 recognizable process that people can recognize is being</p> <p>13 done jointly between this Commission and -- and they</p> <p>14 appointed us, of course, and approved our appointments,</p> <p>15 right -- and the Council. So --</p> <p>16 CHAIR STONE: I believe we're appointed by the</p> <p>17 Mayor.</p> <p>18 MEMBER DEREGO: Yeah, we're appointed by the</p> <p>19 Mayor, but approved by the Council. And they're all</p> <p>20 involved in the process. They know this is occurring.</p> <p>21 And then now this is -- this is happening. So I have</p> <p>22 some questions about that.</p> <p>23 CHAIR STONE: Sorry. Let's go around.</p> <p>24 MEMBER DELEON: I had an opportunity, just</p> <p>25 very brief and very informally, to talk to Mike about</p>	<p style="text-align: right;">Page 146</p> <p>1 that process.</p> <p>2 CHAIR STONE: Good point.</p> <p>3 MEMBER BAXA: Mr. Chair? Yeah, I like the</p> <p>4 idea of cooperation here. The point that I wanted to</p> <p>5 make, the way it is right now, the Council, if they want</p> <p>6 to, they can make their own amendment. If we want to,</p> <p>7 we can make our own amendment. There is nothing wrong</p> <p>8 with the submission of the proposal by the Council right</p> <p>9 now, by Councilman Mike White, if I take it to mean that</p> <p>10 it comes from the Council and it comes to us, then we</p> <p>11 possess it. But once they submit it to us, it would be</p> <p>12 nice if they do not propose and make the same amendment</p> <p>13 with the Council again, you know. If they come through</p> <p>14 us, well and good, there is nothing to prohibit them</p> <p>15 from doing that. That is the prerogative they have.</p> <p>16 What I question is two things, you know, they</p> <p>17 may go sideways at the same time.</p> <p>18 CHAIR STONE: Commissioner Okamoto.</p> <p>19 MEMBER OKAMOTO: I think with the two that</p> <p>20 just were mentioned, that is kind of following the</p> <p>21 procedure because we've already asked the Council</p> <p>22 people, all these different departments, send in your</p> <p>23 ideas, so they're sending in ideas.</p> <p>24 My original question is, what's our procedure?</p> <p>25 What do we do now that we start getting these ideas?</p>

1 Because we will also be getting specific ideas from, you  
2 know, people in the community, the various departments  
3 are going to start turning -- how -- I don't know -- I  
4 don't understand exactly how we want our procedures to  
5 work.

6 CHAIR STONE: Commissioner DeRego.  
7 MEMBER DEREBO: Okay. Then I'm  
8 misunderstanding. Is this already being presented for  
9 first reading by the -- is this already going through  
10 the legislative process or is this just a suggestion to  
11 us of what should go into the Charter? This reads to me  
12 as a resolution to the Council to pass on first and  
13 second reading to put something on the ballot. This is  
14 what I read by this. This is not like the letter that  
15 was sent to Chairman Mateo, asking for input from the  
16 Council, which I would think then would include, you  
17 know, something like this in regards to the process. So  
18 I'm a little confused here.

19 And I appreciate Ed's dilemma here, is that  
20 he's pointing out these things to us because it's almost  
21 like -- as Commissioner Baxa has said, it almost seems  
22 like it's working on a parallel track instead of a  
23 cooperative process. And I'm not -- as Commissioner  
24 DeLeon has said, I'm not saying that there's any  
25 nefarious or -- you know, I'm trying to be positive as

1 possible, but it does bring questions about, as you're  
2 saying, the process and how is it going to work, and how  
3 we're going to cooperate with the Council to make sure  
4 that this goes in an orderly fashion and not, you know,  
5 running two separate parallel processes in terms of  
6 getting our work done.

7 So that's my only question.

8 MEMBER OKAMOTO: To me, it seems like there's  
9 two different ones. There's one, the proposal from Mike  
10 White, which has gone a little farther. And maybe he,  
11 you know, as a new Council person -- the other two that  
12 you just mentioned, were those given to you as ideas,  
13 were you told to draw up resolutions? They seem to be  
14 two different things.

15 MR. KUSHI: Can I answer?

16 MEMBER DEREBO: Oh, yeah. Go for it.

17 MEMBER OKAMOTO: I'm sorry. I was supposed to  
18 address my Chair.

19 CHAIR STONE: Go ahead.

20 MR. KUSHI: Your question first. It's easy.  
21 Our office was requested to draft a resolution.

22 MEMBER DEREBO: Yeah.

23 MR. KUSHI: So it's just as a request. Okay.  
24 So it's based on a councilperson's request to prepare  
25 resolution and go through their legislative process.

1 CHAIR STONE: So this is not --

2 MR. KUSHI: With respect to yours -- okay.

3 MEMBER DEREBO: Okay.

4 MR. KUSHI: You guys have no input in this.

5 MEMBER DEREBO: Right. Exactly.

6 MR. KUSHI: So, like I said, the way the  
7 Charter is written -- and maybe this is one of your  
8 amendments, you know -- okay. It seems like, you know,  
9 as -- when you read it, come down -- when you come down  
10 to the brass tacks of it, it's a power play. The  
11 Council can go on and do its own thing, right, without  
12 any input from you. Okay. One. You can do your own  
13 thing and you need to submit to the Council, and the  
14 Council says, "No, please consider these  
15 recommendations," you can say, "Oh, okay, too bad."

16 MEMBER DEREBO: Right.

17 MR. KUSHI: So it's a power play on both  
18 sides, but, again, the only way to resolve it, I would  
19 think, is to amend the Charter provision itself.

20 The only concern I have is Chapter 50, HRS,  
21 which says there shall not be more than one proposal to  
22 be voted on, but you can have alternative versions. You  
23 can't be flying all over the place, in other words.

24 CHAIR STONE: Mr. Molina?

25 MR. MOLINA: Yeah. Thank you, Chair. Just

1 for clarification sake, for Commissioner Baxa or  
2 Commissioner DeRego, we do have Mr. Hashimoto, who is  
3 the Executive Assistant to Councilmember White, if you  
4 want additional background on the proposal as part of  
5 your discussion.

6 MEMBER DEREBO: Okay. Yeah. The point for me  
7 is not the -- now I guess I'm avoiding the rules because  
8 I already spoke twice on this. Do I have permission to  
9 speak a third time on this?

10 CHAIR STONE: You have permission.

11 MEMBER DEREBO: There we go.

12 CHAIR STONE: Carry on.

13 MEMBER DEREBO: Thank you. I think -- now  
14 hearing that there are two other ones being asked to be  
15 brought up, I don't think it's this specific one, it's  
16 an issue of process at this point and it's an issue  
17 of -- you know, as it's outlined in the Charter that  
18 there is a process for everyone to cooperate in the  
19 change of the Charter or whatever we're going to do.  
20 And I think that becomes the question.

21 For me, again, it looks like two parallel  
22 processes, that one is going on in terms of their  
23 passing first and second reading, it's going to end up  
24 on the ballot. It's not -- we're not going to have a  
25 chance to review or make comments on it, okay, at this

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1 particular point.  
 2 One of the things that even one of the  
 3 councilmembers, I think, when we went through our  
 4 investigation or -- investigation --  
 5 MEMBER DELEON: Inquisition.  
 6 (Laughter.)  
 7 MEMBER DEREGO: At the Policy Committee  
 8 Meeting was that we should like cost all these things  
 9 out, right, you know. So my position on all these  
 10 things is that we're going to -- one of the things that  
 11 we should do is get the Budget Director down here and  
 12 the Finance Director down here and say, one of your  
 13 jobs, as we go through each of these budget amendments,  
 14 is we're going to send you some homework and we're going  
 15 to ask you to cost these things out. Okay.  
 16 Now, we have no ability to do that in this  
 17 process. Okay. So my question is, then why have a  
 18 Charter Commission? Right?  
 19 MEMBER CRIVELLO: That's right.  
 20 MEMBER DEREGO: I mean, basically, that's the  
 21 basic question, you know. If this is going to go on  
 22 during the time when we were told we're the most  
 23 important group, right, that --  
 24 CHAIR STONE: Commissioner, try to get to the  
 25 point, please.

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1 MEMBER DEREGO: Yeah. That is the point.  
 2 That is the point.  
 3 CHAIR STONE: We gave you a third time, so --  
 4 MEMBER DEREGO: Okay. So that -- that's my  
 5 point.  
 6 CHAIR STONE: Very good. Commissioner  
 7 Moikeha.  
 8 MEMBER MOIKEHA: I think that's absolutely  
 9 right. It's almost kind of a process that I think does  
 10 need to be changed in the Charter. And at this time it  
 11 is what it is. They have a right to proceed forward  
 12 without our permission; we have a right to proceed  
 13 forward with what we've been tasked to do. Maybe there  
 14 could be some cooperation of collaboration on the part  
 15 of the Council to recognize this Commission's  
 16 jurisdiction and their duties and maybe they could  
 17 possibly bring their resolutions, like anybody else, or  
 18 concerns, to us, have a discussion with us, bring their  
 19 resources, and we can take a look at it.  
 20 I'm in agreement that it is -- and then at the  
 21 end of the day, according to the Charter, it's a battle,  
 22 you know, it's A or B, if they conflict. And I don't  
 23 like that, but that's what's going to happen.  
 24 Now, the Council could choose to be  
 25 cooperative, understand where we're coming from, and

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1 maybe work with us in bringing something to us like we  
 2 would expect any other department head or public person.  
 3 It doesn't mean we have to accept it, either. We're  
 4 going to make that decision at the end of the day.  
 5 CHAIR STONE: Thank you, Commissioner.  
 6 Before I move on, I just have a quick question  
 7 for Corp Counsel. It seems like we're on the verge of  
 8 an amendment proposal here. And I was just curious, is  
 9 it appropriate at this stage to discuss potential  
 10 proposals?  
 11 MR. KUSHI: Just, for one, no specific  
 12 proposal is listed on your agenda.  
 13 CHAIR STONE: Right.  
 14 MR. KUSHI: One. Secondly -- but, again, it's  
 15 an open-ended agenda item. Without getting -- again, I  
 16 think you are allowed to discuss it, but I don't think  
 17 you're allowed to act on it.  
 18 MEMBER MOIKEHA: Chair, I'm not in the  
 19 position at this time to even think of making any kind  
 20 of motion, but if that's sort of where this conversation  
 21 might go, to try and having a collaborative effort with  
 22 the Council, if we could post it on our next agenda and  
 23 get some input.  
 24 And I definitely will, at a point in time,  
 25 support looking at changing this in the Charter. I'll

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1 say that much.  
 2 CHAIR STONE: That's a good idea. I think  
 3 we'll have this item on the next agenda.  
 4 MEMBER DELEON: Two points I'd like to make.  
 5 One is, I really wouldn't feel comfortable  
 6 with our first item of business, real business, being a  
 7 power -- a battle with the County Council. I think it  
 8 would be much more appropriate to find a way to  
 9 communicate and see whether we can bring their ideas to  
 10 us.  
 11 The other point I'd like to make is these  
 12 proposed amendments to the Charter coming out of Council  
 13 is way early. We're a year and-a-half before an  
 14 election. Usually, it's like, what, up to the election  
 15 is when you usually see these things and not -- not this  
 16 early. So it's kind of an odd -- an odd function of the  
 17 process happening right now. I don't know what drove  
 18 that, somebody got in somebody's ear or what, or maybe  
 19 the fact there's a Charter discussion, and that drove  
 20 it, but this is way early. And at this time I don't  
 21 think it's necessarily on their agenda yet.  
 22 CHAIR STONE: Thank you, Commissioner.  
 23 Commissioner Wiger.  
 24 MEMBER WIGER: One of the things that I always  
 25 think about in this kind of a dialogue is I can't

<p style="text-align: right;">Page 155</p> <p>1 imagine that this question hasn't come up before with  2 members of the Charter Commission. I mean, I can't --  3 in all due respect to the fact that the Mayor said, you  4 know, how great we all were and the intellectual leaders  5 of the community, we've always had good people on the  6 Charter Commission. So in my mind, this, obviously, has  7 been a point -- or should have been a point of  8 discussion at some other time in the discourse. And I'm  9 not wanting to be partisan about it, but I am curious to  10 know if there is any insight that Corp Counsel could  11 give us, or that Mr. Molina could give us, just in terms  12 of has this come up before, is this something that  13 people have discussed, is there a framework that exists  14 with it. Because I see exactly the same issues, I mean,  15 the parallel -- parallel processes and stuff. And I'm  16 going, "Why is that? Why is that?" So is there any  17 insight that we could glean from people's experience and  18 knowledge?  19 CHAIR STONE: I'll lay that off to Corp  20 Counsel.  21 MR. KUSHI: I'll let Mr. Molina respond first.  22 (Laughter.)  23 CHAIR STONE: Over to Mr. Molina over there.  24 MEMBER DEREGO: Pass the buck.  25 MR. MOLINA: I'd be happy to (inaudible) on</p>	<p style="text-align: right;">Page 157</p> <p>1 But I guess the best place to start off with  2 is if you want to establish some type of dialogue with  3 the Council and get their feelings on it, I think that  4 would be a good start, rather than having an adversarial  5 type of --  6 MEMBER DEREGO: No. No, that's not the idea.  7 MR. MOLINA: Maybe that's too strong a word.  8 MEMBER WIGER: That's why I was just wondering  9 about background.  10 MEMBER BAXA: Mr. Chair?  11 CHAIR STONE: Yes.  12 MEMBER BAXA: I think that it's a very good  13 suggestion to approach the Council at this point,  14 because we have to be realistic. In my own mind, the  15 best way to clarify this thing is to make an amendment.  16 And I suppose -- of course, it's not on the agenda, but  17 it's an open agenda -- my amendment had been to the  18 effect that we are not trying to dilute the power of the  19 Council to legislate, to make the amendment, but my  20 thought is that during the term of the Commission --  21 MEMBER DEREGO: Exactly.  22 MEMBER BAXA: -- they should not be able to  23 make their own proposal. But let us be realistic.  24 Whatever we do now, even if we had -- even if we amend  25 the Charter now, it will have no effect on the Council</p>
<p style="text-align: right;">Page 156</p> <p>1 this one.  2 Well, you know, from my own -- Commissioner  3 Wiger, the -- this subject, in all honesty, I have never  4 heard brought up. You could look at it in a way where  5 you have two bodies every 10 years that will submit  6 proposed Charter amendments to the electorate. The way  7 the process has been structured and set up, that's just  8 how it is.  9 But, of course, you know, you as the Charter  10 Commission, you have that authority to adjust the  11 process or the structure, if that's something you feel  12 necessary. I would go with the recommendation of  13 maybe -- or suggest what Commissioner DeLeon brought up,  14 if you want to establish a dialogue with the  15 councilmembers on getting their input on this as well.  16 Now, one of the, I guess, perks of being an  17 elected official, you have the -- as a councilmember,  18 you have the privilege of proposing a Charter amendment  19 for every election. That, I guess, goes with the title  20 of being a councilmember. Now, the Charter Commission,  21 because it's formed every 10 years, basically a  22 citizens' group, you have that opportunity just once  23 every 10 years. So it just so happens it's a time where  24 you have two bodies with tremendous authority submitting  25 Charter amendment proposals to the electorate. So --</p>	<p style="text-align: right;">Page 158</p> <p>1 right now. It will not have any effect. They can still  2 do whatever they want right now.  3 So the best way, as suggested by Commissioner  4 DeLeon, is to approach the Council. Can we talk to them  5 and possibly talk to them that can you try -- if you  6 want to, can you try to bring the proposal to us and we  7 will make the appropriate action on that. And if you do  8 that, can you just, you know, put that away from your  9 agenda and let us do that and submit it to the people.  10 Something could be done like that?  11 MEMBER DEREGO: Point of information here,  12 Mr. Chair.  13 CHAIR STONE: Yeah.  14 MEMBER DEREGO: Is it possible to make a  15 suggestion that the Chair of the Commission sit down  16 with the Chair of the Council and have this  17 discussion -- sometimes, instead of writing a letter,  18 it's better just to do this stuff face to face -- and  19 get some clarification on the process and what this  20 would mean and et cetera, et cetera? Is that acceptable  21 to make a motion in that regard?  22 CHAIR STONE: I think that -- oh, sorry.  23 MEMBER CRIVELLO: -- is that for  24 clarification?  25 MEMBER DEREGO: Yeah, point of clarification.</p>

<p style="text-align: right;">Page 159</p> <p>1 MEMBER CRIVELLO: -- or seek collaboration?  2 MEMBER DEREGO: Yeah.  3 MEMBER CRIVELLO: At the same time to seek  4 collaboration.  5 MEMBER DEREGO: I'm just asking if that's  6 appropriate at this point.  7 MEMBER CRIVELLO: If you can add that part so  8 it doesn't --  9 MEMBER DEREGO: Right. Exactly.  10 MEMBER CRIVELLO: -- sound so adversary?  11 MEMBER DEREGO: No. Exactly.  12 CHAIR STONE: Commissioner.  13 VICE-CHAIR HEDANI: Basically, on the question  14 of the resolution that was submitted by Mike White, I  15 can see how Mike would come up with a resolution like  16 this. He identifies a problem, if he sees a way to  17 solve the problem, if he thinks the Office of the  18 Auditor would go towards solving that problem, he's  19 going to act on it. Whether or not there's a Commission  20 that's operating to make amendments to the Charter or  21 not, if that's the solution or that's a means to the  22 solution, he's going to pursue it.  23 From the Commission's standpoint, I think we  24 should not trip over our own egos, you know, to say,  25 well, you cannot submit something, you know, other than</p>	<p style="text-align: right;">Page 161</p> <p>1 CHAIR STONE: This would be as a resource.  2 MEMBER MOIKEHA: Okay. What is his -- what is  3 he going to be speaking to? Because we don't have an  4 agenda item for this, right?  5 MEMBER DEREGO: I believe we do.  6 CHAIR STONE: I believe I'm allowed to call  7 on --  8 MR. MOLINA: If I may -- if I may, because the  9 -- the proposed amendment was submitted by the  10 Councilmember and it is on your agenda, if you could use  11 him just strictly as a resource to clarify whatever has  12 been given to you, I believe that would be permissible.  13 But I think Mr. Kushi might be the better authority on  14 that.  15 MR. KUSHI: I would tend to agree,  16 Commissioner Moikeha, that he works for the office that  17 produced this.  18 MEMBER MOIKEHA: So he's going to clarify the  19 process of how it got here or speaking to the subject of  20 the material inside?  21 MR. KUSHI: I think he could do both.  22 CHAIR STONE: I think we'll have the time to  23 ask him. Please.  24 MR. HASHIMOTO: Good afternoon. My name is  25 Troy Hashimoto from Councilmember White's office.</p>
<p style="text-align: right;">Page 160</p> <p>1 the amendments that we come up with. We're asking all  2 of the departments, all the councilmembers, we're asking  3 the Administration for as much input as they can provide  4 us as possible on what changes should be made to the  5 Charter.  6 And from this perspective, I see this as one  7 that's coming in all nice and tied up around the ends  8 with a nice little bow on it that says, "This is exactly  9 what we think should be happening, how about it," you  10 know. And whether or not we say, wow, you know, we  11 anoint that with holy oil, we think it's a great idea,  12 or whether or not they pursue it on their own, I think  13 it's beside the point. It's a matter of finding the  14 good ideas and -- and following up on it. I don't think  15 it should be something that's adversarial between this  16 Commission and the Council.  17 CHAIR STONE: We have a -- we have a member  18 from -- a representative from Councilmember White's  19 office. And just to shed some clarification, I'd like  20 to hear what he has to say, if that's all right with  21 everybody.  22 MEMBER MOIKEHA: Point of order, Chair?  23 CHAIR STONE: Yes.  24 MEMBER MOIKEHA: Are we receiving this as a  25 resource person, public testimony?</p>	<p style="text-align: right;">Page 162</p> <p>1 Thanks for the opportunity to provide some clarification  2 on councilmember's proposal.  3 I think coming out of the -- you know, when  4 Councilmember White took office, one of the biggest  5 things that he saw was the Cost of Government Report.  6 In going through the budget process, I think one of his  7 biggest initiatives was to streamline County Government.  8 And I think through that process, you know, when you  9 take a look at all the islands, Maui County is,  10 actually, the only county without a county auditor to  11 provide audits for our County Government. So that was  12 one of his big initiatives that he wanted to get rolling  13 once he took office.  14 So although you've received it, you know, as  15 -- as something that Corporation Counsel brought up to  16 you, all this has done is we've transmitted it through  17 the Council and it now sits in our Policy Committee.  18 And it's up to the Policy Committee Chair to hear the  19 policy item whenever he deems appropriate. But we  20 wanted to get this out of the gate as soon as possible.  21 Our plans were to send you a letter to let you  22 know that this was taking place. When we saw it on the  23 agenda, we were quite surprised, but we were -- we  24 decided to come and make sure that we were all on the  25 same page, in the spirit of cooperation, in making sure</p>

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1 that we -- that you knew that we were -- you know, we  
 2 wanted to work with you as well.  
 3 You know, I think if there was a time where  
 4 Councilmember White felt like he wanted to push forward  
 5 at the Council level, I think, you know, he would do  
 6 that. If the Charter Commission, you know, somehow  
 7 decided not to go forward with the county auditor, that  
 8 would be a -- you know, some type of way he could go  
 9 if -- later in the term. But, again, it was an  
 10 initiative of his and he wanted to transmit it as soon  
 11 as possible to show that, you know, in the spirit of  
 12 accountability that this was out there and it was on  
 13 everyone's minds.

14 CHAIR STONE: Thank you for the clarification.  
 15 Any questions? Yes, Commissioner Hedani.

16 VICE-CHAIR HEDANI: I'm sorry. This is within  
 17 the four corners of the resolution that I read.  
 18 Personally, I thought it was a great idea to have a  
 19 county auditor independent of both the Council and the  
 20 Administration. The only -- the only question that I  
 21 had was on your Section 15-4, where it was talking about  
 22 transfer of the audit functions in the Office of the  
 23 County Auditor. And the only comment that I had to that  
 24 first paragraph one was, "What the hell does this mean?"  
 25 (Laughter.)

1 VICE-CHAIR HEDANI: Because I couldn't figure  
 2 it out. So from my perspective, I thought, generally,  
 3 the resolution was a great idea, the idea of a County  
 4 auditor was a great idea, I just didn't know what this  
 5 meant.

6 MR. HASHIMOTO: Right. And that part was the  
 7 technical and legal part because I believe some of the  
 8 audit functions are within the Council Services Division  
 9 to complete some of those audit procedures. And that  
 10 would -- that just transfers it over to the Office of  
 11 the County Auditor if this passed.

12 VICE-CHAIR HEDANI: As long as it makes sense  
 13 to you.

14 MR. HASHIMOTO: Well, it was on recommendation  
 15 both through our -- our lawyer within Council Services  
 16 and Corporation Counsel in recommendations.

17 I should note that when you take a look at the  
 18 proposed resolution, and you compare it to Honolulu  
 19 County, Kauai County and, you know, the Big Island, it  
 20 has much -- we tried to incorporate much more autonomy  
 21 from the Council compared to what they have in their  
 22 charter. So we tried to be a little bit more -- have  
 23 more independence so they can carry out their duties.

24 VICE-CHAIR HEDANI: Right. I think that's why  
 25 you guys called it the County auditor rather than the

1 legislative auditor.

2 MR. HASHIMOTO: That's correct as well.

3 CHAIR STONE: Thank you very much. Any  
 4 further questions?

5 MEMBER BAXA: One question. So to what body  
 6 would the county auditor be accountable to?

7 MR. HASHIMOTO: Right. So this is an internal  
 8 discussion that we had. And, you know, we went so far  
 9 as saying we want them to have this really independence,  
 10 so let's add this into another article. But then it  
 11 brought back, "Well, there's three branches of the  
 12 government. Are you making another branch?" So it  
 13 would technically still be under the County Council. It  
 14 would be under the County Council, and that's where the  
 15 county auditor would be, I guess, housed.

16 CHAIR STONE: Any further questions?

17 MEMBER DEREGO: Yeah. I just want to say this  
 18 is a great idea. I'm chair of the Cost of Government  
 19 Commission. And, you know -- but I -- my concern  
 20 still -- and I don't think it has anything to do with  
 21 egos; I think it has to do with process. And I think  
 22 that, you know, it would have been nice, at least from  
 23 my vantage point, that before this got to a resolution,  
 24 and knowing that a Charter Commission actually exists --  
 25 I'm all for great ideas, but there is a process outlined

1 every 10 years by which a Charter commission does exist.  
 2 It's a process of all the people at this point. And  
 3 that's my main concern. And that great ideas like this  
 4 should be a part of that process. And that was my only  
 5 concern. I'm not trying to be adversarial, but I'm  
 6 trying to figure out, you know, how this thing works.  
 7 Right? I mean, we've been asked to do this and, you  
 8 know --

9 So that's my only question. If you could take  
 10 that back to -- to Mike in terms of my concerns about  
 11 this. And as we've heard, two more resolutions coming  
 12 down the pipe from other councilmembers.

13 CHAIR STONE: Thank you. Commissioner  
 14 Moikeha.

15 MEMBER MOIKEHA: This has nothing to do with  
 16 the material per se that's in this or with you being  
 17 here. It's not personal in any nature.

18 MEMBER DEREGO: No.

19 MEMBER MOIKEHA: But what we didn't do is  
 20 answer her question. Now what you've done is you've  
 21 allowed a member of the Council, representative, to come  
 22 here with a resolution and you've allowed him this  
 23 process. Are you going to do the same thing for a  
 24 public person that comes and says, "Wait. I have a  
 25 resolution, it's on the agenda. Can I come up to the

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1 forum?" We have not even yet decided the process of how  
 2 we're even going to review this. And I think we have  
 3 jumped the gun.  
 4 MEMBER DEREBO: I agree.  
 5 MEMBER MOIKEHA: I want him to come back and I  
 6 want others to come back. They're going to help me make  
 7 an informed decision about this, because this makes no  
 8 sense to me right now. It's not even at the point of  
 9 good or bad. But we don't even have this process  
 10 established yet and, yet, we're jumping down this -- and  
 11 this is what this showed us. And there's nothing wrong  
 12 with that, we can learn as we go, but I would suggest we  
 13 get some kind of format as how we're going to review  
 14 resolutions or any other thing that comes to us from the  
 15 Council, the public, and what we're going to do.  
 16 Because I could see a public person coming and saying,  
 17 "But, wait, you gave Councilmember White representative  
 18 time to jump in out of public testimony and talk about  
 19 this."  
 20 CHAIR STONE: I would say that I wouldn't call  
 21 this public testimony per se. I just think we wanted  
 22 clarification on this. I agree that we need to  
 23 determine our structure. It's going to be a bit of a  
 24 learning curve. So, you know, we -- it's a very good  
 25 point made; however, we had this -- this hasn't even

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1 been presented to us as a potential Charter amendment  
 2 via the Commission. So just hearing the testifier out,  
 3 working through the process and figuring out what works  
 4 and what doesn't work right now so that we get our  
 5 structure nailed down here.  
 6 MEMBER CRIVELLO: Mr. Chair?  
 7 CHAIR STONE: Yes.  
 8 MEMBER CRIVELLO: I think it's a priority that  
 9 we get our structure in place and a process in place  
 10 because, obviously, initiation for amendments can come  
 11 to the Council, that's there. Okay. So I think  
 12 Commissioner Kay asked a very valid question that I feel  
 13 wasn't answered. So how is our process going to be  
 14 made? Do we initiate? Do we take proposals from -- and  
 15 if we wanted to add an alternative to, say, a resolution  
 16 such as this, are we able to do that? Would that be  
 17 conflicting? Do we go ahead and say, okay, Council,  
 18 it's all theirs, and leave it at that and move on to  
 19 another?  
 20 MEMBER DEREBO: Yeah.  
 21 MEMBER CRIVELLO: I can appreciate Councilman  
 22 White's, but it's only for discussion. And I think  
 23 we've jumped the gun and we've cut our process short.  
 24 We only have 20 more minutes.  
 25 CHAIR STONE: Point taken. So that's a good

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1 place where we should be right now, discussing what our  
 2 structure and process should be. So with that said,  
 3 let's begin discussion.  
 4 MEMBER OKAMOTO: Can we back up a little bit?  
 5 With the process, as we talked today, you know, maybe we  
 6 have an idea we want to amend something. Seven months  
 7 from now, will we remember that? We don't have a way  
 8 of -- you know, are we keeping track of things a certain  
 9 way? That's where I'm really torn as far as the  
 10 process. I don't want us to have some really great  
 11 ideas, or a public member comes in with a great idea,  
 12 and, come December, "Oh, we forgot that one." So that's  
 13 -- that's where I'm really at on the process.  
 14 CHAIR STONE: We have a great record keeper.  
 15 MEMBER OKAMOTO: I know. But how many of us  
 16 are going to go back and read every set of minutes every  
 17 time?  
 18 CHAIR STONE: So we're talking -- the  
 19 discussion as of right now is new proposals that are  
 20 coming to us. For example, we were starting to  
 21 formulate a potential proposal.  
 22 MEMBER OKAMOTO: Right.  
 23 CHAIR STONE: Right. And the question had  
 24 been to Corp Counsel, is it okay at this stage to say we  
 25 have this potential proposal we'd like to discuss at the

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1 next meeting and put it on the agenda item? Corp  
 2 Counsel.  
 3 MR. KUSHI: You control the agenda. And if  
 4 there's a proposal in writing, put it on the agenda.  
 5 CHAIR STONE: Okay.  
 6 MR. KUSHI: I don't think it's too early.  
 7 CHAIR STONE: So what I would suggest is, in  
 8 order not to forget, in Old Business, maybe we could  
 9 continually list the proposals that still sit on the  
 10 table so that, every meeting, we can come back to it and  
 11 remember what is there and if items need to be discussed  
 12 at those meetings.  
 13 MEMBER WIGER: Okay. Then just for my  
 14 clarification -- I want to be sure I'm on the correct  
 15 track -- at this point in time, given the current  
 16 Charter that we're operating under, is it the correct  
 17 understanding that we are operating in a parallel  
 18 process? That it is not an interdependent process as  
 19 much as it could be, theoretically, but it is more of a  
 20 parallel process whereby each side is sort of moving  
 21 down the road, it could be in concert, but not  
 22 necessarily so? Is that --  
 23 MEMBER CRIVELLO: Our amendments to the  
 24 Council. It has to pass Council.  
 25 MEMBER DELEON: No, it doesn't.

1 MEMBER WIGER: So is that is correct  
 2 assessment?  
 3 MR. KUSHI: Yes and maybe.  
 4 MEMBER WIGER: I knew it. Well, it's better  
 5 than no.  
 6 (Laughter.)  
 7 MEMBER WIGER: Okay.  
 8 MR. KUSHI: Yes. As Judge Baxa said, they can  
 9 do their own thing and you have your own thing to do.  
 10 The only problem is if they propose a Charter amendment  
 11 dealing with the Planning Commission, Planning Director,  
 12 let's say, and it conflicts with the Council's proposal  
 13 or the same issue, same subject, terms, then the County  
 14 Clerk cannot put those same two questions on the same  
 15 ballot because they're conflicting.  
 16 MEMBER WIGER: Right.  
 17 MR. KUSHI: One issue, one issue with question  
 18 A or B.  
 19 MEMBER WIGER: Right. Exactly. But -- yes,  
 20 got that. So that it is -- yeah.  
 21 MR. KUSHI: Mr. Chair, if I may, let me try to  
 22 put this to bed, for now, anyway.  
 23 CHAIR STONE: Please.  
 24 MR. KUSHI: And, of course, again, I apologize  
 25 for even putting this thing on the agenda. It was

1 mainly for your information only.  
 2 MEMBER WIGER: It was helpful.  
 3 CHAIR STONE: I think it was very helpful.  
 4 MEMBER DEREBO: Very helpful.  
 5 MR. KUSHI: I regret doing this and I won't do  
 6 it again.  
 7 MEMBER DEREBO: Come on, Ed.  
 8 MEMBER WIGER: This is how we learn.  
 9 CHAIR STONE: Agreed.  
 10 MR. KUSHI: But I did -- in response to the  
 11 question Mr. Molina, as the politician, diplomatically  
 12 responded to, I will look back at the old Charter  
 13 Commission minutes. I don't recall the last Charter  
 14 Commission bringing this thing up about -- this issue,  
 15 but I will look back further, maybe 20 years ago, 20  
 16 years back, and report back to you if I find something.  
 17 Okay. As far as the proposals, I mean, you  
 18 have one and you're going to have two more at the  
 19 Council, Member White and the Chair. It's going to go  
 20 through their route. I suggest, once it's posted on  
 21 their agenda for referral to committee, that the Chair,  
 22 your Chair, discuss this issue, possible conflict, with  
 23 the Chairs, Council Chair as well as the Policy  
 24 Committee Chair.  
 25 MEMBER DEREBO: Yeah, I agree.

1 MR. KUSHI: And then follow up with a letter  
 2 saying we invite you or request you to send your  
 3 proposals to this Commission for our -- to include it in  
 4 your package. They might just say, "What did you say?"  
 5 You know, "Who are you?" I mean, I can't strike the  
 6 record --  
 7 (Laughter.)  
 8 MR. KUSHI: -- but they have the authority to  
 9 say that. But at least you make the effort. And let's  
 10 say -- let's say they -- they take the opportunity and  
 11 the Commission fully studies the amendment and says no.  
 12 It's still on their calendar, Committee of the Whole,  
 13 they can go along and pass it, anyway.  
 14 MEMBER WIGER: Right. Right.  
 15 MEMBER CRIVELLO: Right.  
 16 MEMBER DEREBO: That was my original point of  
 17 information. There is no need to make a motion in that  
 18 regard, is there?  
 19 MR. KUSHI: Right. I mean, in the spirit  
 20 of --  
 21 MEMBER WIGER: Collaboration.  
 22 MEMBER DEREBO: Collaboration.  
 23 MR. KUSHI: -- collaboration or cooperation,  
 24 whatever word you used.  
 25 CHAIR STONE: What was the word?

1 MEMBER CRIVELLO: Collaboration.  
 2 MEMBER WIGER: Yes, collaboration.  
 3 MR. KUSHI: But I won't bring up any of these  
 4 things anymore.  
 5 MEMBER WIGER: Form an interdependent  
 6 relationship.  
 7 CHAIR STONE: That makes sense. Commissioner.  
 8 MEMBER OKAMOTO: Back to my -- back to my --  
 9 MEMBER DEREBO: I was just going to say, back  
 10 to Linda.  
 11 MEMBER OKAMOTO: One of my concerns, I read  
 12 back through some of the public meetings and a lot of  
 13 the testimony that came out at public meetings really  
 14 had nothing to do with the Charter.  
 15 MEMBER DEREBO: Exactly.  
 16 MEMBER OKAMOTO: So I think, obviously, after  
 17 a meeting, we meet and we say, here were the 10 things,  
 18 five of them have to do with the Charter, five don't.  
 19 Okay. That's fine. From those -- just those people  
 20 testifying, is that where we start. And how -- so if,  
 21 let's say, we hear that in every -- every session, we  
 22 hear a certain thing, then we know that that is really a  
 23 hot item out there. But we have one person, maybe, who  
 24 comes in and testifies on something, how do we handle  
 25 that? That's what I'm getting at as far as our own --



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1 regardless of what the Council's doing, our own way of  
 2 receiving them, keeping track, you know, a matrix that  
 3 says here was the idea, who did it come from, when did  
 4 we do it, did we act on it. Because when we start  
 5 trying to put things together, we're going to need all  
 6 that. And then that -- when we ask somebody else to go  
 7 out and research more, we'll know what we're doing  
 8 there.

9 MEMBER DEREGO: And we're going to need a  
 10 deadline as well simply because --

11 CHAIR STONE: So to start the discussion on  
 12 structure, okay, number one thing that will happen is  
 13 proposals will come in, whether it be through oral  
 14 testimony, written testimony. We're starting to receive  
 15 those proposals. Okay. So what is going to happen is  
 16 the oral testimony -- like if anybody read through the  
 17 minutes, a lot of the oral testimony is irrelevant to  
 18 the Charter. So what I would suggest is we use Corp  
 19 Counsel to determine what of the oral testimony was  
 20 Charter-related and all of the actual Charter-related --  
 21 this is just a proposal -- all the actual  
 22 Charter-related proposals end up on the next agenda from  
 23 the previous meeting's testimony. So is that a good  
 24 start? Are we starting to --

25 MEMBER DEREGO: Including written testimony.

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1 CHAIR STONE: Including written testimony, of  
 2 course. So all the items are on the agenda. At that  
 3 point, obviously, all the items are available for  
 4 discussion.

5 Now, the other issue is proposals coming from  
 6 the Commission themselves. That's another way that we  
 7 can receive proposals. So what I suggest is that in a  
 8 meeting -- obviously, sometimes we branch off in  
 9 discussion. And, for example, today, we started looking  
 10 at a potential proposal. That discussion and that  
 11 potential proposal should also end up on the agenda of  
 12 the next meeting. In other words, we're never losing  
 13 track of potential proposals as we move forward because  
 14 that is what we're doing right now, is trying to get out  
 15 there and get as much input from everybody.

16 MEMBER OKAMOTO: My only concern there would  
 17 be we go to the first public meeting, you've got seven  
 18 items. Let's say that, really, there are seven that  
 19 would be Charter proposals. Those seven may be the same  
 20 five or six or seven that you have every time. Then are  
 21 we going to end up with public testimony every single  
 22 meeting on the same items?

23 CHAIR STONE: It's possible.

24 MEMBER OKAMOTO: And is that  
 25 counterproductive? I mean, is there a way to -- okay.

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1 We've -- maybe every other time? I don't know. That's  
 2 just what I'm seeing as --

3 CHAIR STONE: I would be very cautious about  
 4 not allowing the public to testify.

5 MEMBER OKAMOTO: No. I'm not saying not allow  
 6 it, but if it's the same -- on the same agenda, and  
 7 let's say there's five things from the Pukalani meeting,  
 8 and we discuss it, we have public testimony, everybody  
 9 comes, you go to the next public meeting, those -- maybe  
 10 those same five come up, then, at our next meeting, do  
 11 we have public testimony again? Pretty soon, people who  
 12 say, "Well, you know, I can't go to every one of these  
 13 meetings, but I'm afraid, if I don't, I don't get  
 14 heard," that kind of thing.

15 CHAIR STONE: Hence the time limits, I think.  
 16 Commissioner.

17 MEMBER WIGER: I think the time limits are a  
 18 really good way of controlling the framework. I think  
 19 it's real important to hear from every community. And  
 20 if every community has the same five items, then every  
 21 community has the same five items. And -- and I -- I  
 22 just think that that's an important piece.

23 Now, I'm not -- I'm not saying that those  
 24 should be the only things that I think we ought to pay  
 25 attention to.

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1 MEMBER OKAMOTO: No, I'm not saying that. I  
 2 hope that many of them are going to be the same. I'm  
 3 saying that our -- our meeting after that, are we gonna  
 4 end up, then, the same five items every time rather than  
 5 have a way to -- to kind of group it and streamline it?

6 CHAIR STONE: Commissioner DeLeon.

7 MEMBER DELEON: I think what Kay's concerned  
 8 about is the idea of putting in all these items on the  
 9 agenda.

10 MEMBER OKAMOTO: Yeah.

11 MEMBER DELEON: Because the agenda's supposed  
 12 to be a notice to the public what we're going to talk  
 13 about.

14 MEMBER DEREGO: Right.

15 MEMBER OKAMOTO: Correct.

16 MEMBER DELEON: It's not a storage facility.  
 17 So if we were to store all these ideas there, but we're  
 18 not talking about them, we don't even mean to talk about  
 19 them at the next meeting, it's kind of a disservice to  
 20 the people who are using the agenda to figure out what  
 21 is going on at the meeting.

22 CHAIR STONE: So suggestions on how we keep  
 23 track of --

24 MEMBER WIGER: Oh, I think there's -- I think  
 25 there's a number of ways of -- you know, it's sort of a

1 modified spreadsheet, if you will, about, okay, here's  
2 -- here's some -- after you get two, three meetings in,  
3 and you're getting the same five, you can do it,  
4 clumping by item areas and just have, you know, "this  
5 came up at Pukalani, this came up at Pukalani, this came  
6 up," so that you've got a -- not that you have to go  
7 back and --

8 CHAIR STONE: Suggestion. Suggestion.  
9 Hearing what you guys are saying, what about, in Old  
10 Business, instead of listing all the agenda items, we  
11 have, as an Old Business item, list of proposals, which  
12 is just a physical list of the proposals that have been  
13 before us?

14 MEMBER OKAMOTO: That's still part of your  
15 agenda. And you could end up spending all your time on  
16 the Old Business every single time. That's my --

17 CHAIR STONE: But the agenda item would be  
18 specifically not discussion of the proposals on the  
19 list, but the list itself.

20 MEMBER OKAMOTO: Oh, okay. If we can do that.

21 MEMBER DEREHO: Yeah.

22 CHAIR STONE: Yes, Commissioner.

23 MEMBER MOIKEHA: I think what the problem  
24 is -- and I'll just give you an example -- usually, when  
25 you have a commission review something, they have a

1 Really? Well, how does the Administration feel about  
2 that or how does the public feel about that? So what's  
3 wrong with having department heads come in here, we have  
4 a little conversation with them, the pros and cons,  
5 what's wrong with the Administration coming in, give us  
6 your point of view? Or, you know, that would be an  
7 agenda item for the public, "What do you think, is this  
8 functioning the way it should be functioning."

9 CHAIR STONE: So that -- I understand what  
10 you're saying. So just to clarify, what you're  
11 proposing is that we have a testimony period where we  
12 are taking all of the proposals and --

13 MEMBER MOIKEHA: Public meetings.

14 CHAIR STONE: -- in order to fill our present

15 --

16 MEMBER MOIKEHA: Regular meetings.

17 CHAIR STONE: -- regular meetings, we are  
18 going to bring in resource persons such as department  
19 heads, et cetera, et cetera?

20 MEMBER MOIKEHA: Sure.

21 CHAIR STONE: And we do not discuss specific  
22 proposals until following that entire testimony period.

23 MEMBER MOIKEHA: That's what I would think,  
24 but we can amend that.

25 MEMBER OKAMOTO: I would agree with that.

1 draft from somebody else. What we're doing is we're  
2 creating a draft. When we were on the GPAC, the  
3 Department of Planning gave us a draft. So there could  
4 be response to it, you would read it, you would hear  
5 from the public and they would have some kind of -- now  
6 we're in a place where we're creating the draft and  
7 we're trying to hear what the draft should be.

8 We have established a schedule from now until,  
9 what, the end of July, public hearing. And my  
10 understanding what the public meetings were, were just  
11 to hear testimony. I think we can do that, just hear  
12 the testimony, in accordance with what you're trying to  
13 do without being repetitive during our agenda meetings.  
14 This is where the discussion should take. We should  
15 start formulating this list. And at the end of the  
16 first round, then we'll have our list. And then we'll  
17 know how repetitive things are, how important issues are  
18 from community to community, and you'll have a list.

19 Now, what are we going to do in the meantime  
20 when we are waiting for this list? There are so many  
21 resource persons as a foundation, whether it's from the  
22 department heads -- now, we have a letter here today  
23 from -- was it Fire -- who said "everything is good in  
24 our world, don't change anything" -- or Police,  
25 "Everything's good in our world, don't change anything."

1 MEMBER DEREHO: I would agree with that. I  
2 would have the suggestion that maybe we work backwards  
3 because, at a certain point, we're going to have to  
4 close discussion and start writing this thing.

5 CHAIR STONE: Right.

6 MEMBER DEREHO: So we're going to have to set  
7 up an absolute deadline where, you know, proposals stop  
8 coming in, that we start actually beginning to craft the  
9 -- what -- the recommendations and amendments and start  
10 voting, you know, on what those things are going to be.  
11 So I don't know if it would be the Chair in cooperation  
12 with Corporation Counsel, looking at our schedule, you  
13 know, or with Kay, because she's got great suggestions.  
14 You know, work backwards and say, okay, this has got to  
15 be the cutoff time, this has got to give us -- we've got  
16 to have at least a month or two to be able to start  
17 crafting and having that discussion. Because I'm sure  
18 it's gonna be a very spirited discussion. We haven't  
19 even talked about how we put input --

20 MEMBER DELEON: Right.

21 MEMBER DEREHO: -- in regards to the -- what's  
22 going on the agenda as well, because we probably have  
23 our ideas. And so, you know, I think that would be a  
24 good process. And maybe work backwards and then figure  
25 out a process, give it to us, and then, you know, we can

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1 go from there.

2 CHAIR STONE: Okay. Good ideas.

3 Commissioner, do you have something?

4 MEMBER DELEON: I got a list of six ideas on

5 my own. So I'm ready to start having a conversation

6 about that. We could have that, you know, while we're

7 still listening to the public.

8 MEMBER DEREGO: Yeah.

9 CHAIR STONE: It's a little bit against the

10 concept that we were just discussing with Commissioner

11 Moikeha, who said that we should get all of the

12 proposals on the table before that discussion starts on

13 any proposal. Is that correct?

14 MEMBER MOIKEHA: Yeah. But, you know, there's

15 -- we only have so many meetings before we're done with

16 the public. Really, how many are there, two, four, six

17 regular meetings that we have?

18 CHAIR STONE: But, remember, we're discussing

19 our structure here. So let's make sure --

20 MEMBER MOIKEHA: So within those six meetings,

21 we wanted to hear from GIS -- is it -- their department.

22 So that could take a good portion of a meeting.

23 CHAIR STONE: Understood. Understood.

24 MEMBER MOIKEHA: Yeah.

25 CHAIR STONE: What I'm talking about is the

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1 timeframe that discussion of the proposals begins.

2 That's what I would like to clarify.

3 MEMBER DELEON: What about putting ideas on

4 the table, sort of like the public does? We don't have

5 a full discussion, not chew it out all together, but at

6 least put the ideas out there so when we start seeing

7 them matching up in the public or not -- in my mind,

8 half of them won't -- at least they're there and at

9 least it's something that we can cogitate on while we're

10 getting the rest of the information.

11 CHAIR STONE: Okay.

12 MEMBER BAXA: Mr. Chair?

13 CHAIR STONE: Commissioner Baxa.

14 MEMBER BAXA: I think when we have proposals,

15 what about this? What about, in the testimony portion

16 of the meeting -- obviously, we cannot prohibit somebody

17 from testifying as to what he wants to testify to --

18 what about listening to the various testimonies, during

19 the testimony portion of the meeting, the minutes will

20 reflect what happened at the testimony, a summary will

21 be made, and I know that there is a portion of the

22 meeting which deals with some other things, and the

23 other things that are said in the agenda, we discuss

24 only what are in there? We do not deviate from the

25 agenda except from the -- in the testimony portion, we

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1 hear everything, but we do not make decisions on those.

2 We hear them, a summary of them. So at one point,

3 they'll have to be summarized. And when we have a view

4 of what is this, what is that, then we will try to

5 summarize where does this belong, this, over here, and

6 then we categorize them and then put this in the agenda.

7 Not at the same time, but separately, perhaps. I think

8 that is the best way how to deal with it.

9 MEMBER OKAMOTO: Two points. I like the idea

10 of a summary of the minutes. I think that would be a

11 great thing. I don't know if that's something when we

12 hire, you know, a secretary or some other staff, or if

13 she can do a summary, but I think that would be very

14 helpful to all of us, rather than 48 pages to have to go

15 through ourselves.

16 The second thing is I think that we also have

17 to accept that someone's proposal to make no change is a

18 proposal. The Police Department said no change. That's

19 a proposal. And I think we have to put that on the

20 table just with anything else because there will be

21 other things that will say don't change this or don't

22 change that. And that is a proposal.

23 CHAIR STONE: Very good. Commissioner Wiger.

24 MEMBER WIGER: And I don't want to make more

25 work for anybody, but I know it's going to be more work.

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1 I think one of the things, without having to go through

2 a great big rigmarole, you touched -- made me think

3 that -- when you were saying people will bring forth a

4 whole wrath of ideas, five of them pertain to the

5 Commission, five of them don't have squat to do with us,

6 I think it would be really helpful with those folks,

7 because they've put time and thought into coming and

8 saying -- and I don't even know how we do this -- and

9 maybe Corp Counsel can guide us on it -- to be able to

10 say to people at some point, you know, "That does fall

11 within our purview and we're going to talk about it,

12 take it up," whatever, "I'm sorry, that's something that

13 we really don't have anything to do with, but the proper

14 place might be for you to start there or there."

15 Because part of the thing that people do is come to us

16 because they don't know where else they're supposed to

17 take anything. So they come out and they say blah,

18 blah, blah, blah, blah. And it's, "Well, it's all your

19 stuff." "No, probably not." But I don't, also, like to

20 just sort of let people hang out there without -- and I

21 don't know how we do that, but maybe between talking

22 with Corp Counsel and -- there might be a way of

23 figuring out to just say --

24 CHAIR STONE: During oral testimony, you mean?

25 MEMBER WIGER: I don't even think it has to be

<p style="text-align: right;">Page 187</p> <p>1 done during oral testimony. In fact, I think it's just  2 a matter of being able to go to someone at some point,  3 and probably not in oral testimony, and say to them, you  4 know, "A better place to try and get this addressed  5 would be...only because it's not really within our  6 purview." I probably wouldn't say it in oral testimony  7 because I wouldn't want them to feel --  8 CHAIR STONE: Yeah, of course.  9 MEMBER DELEON: I don't think you can take the  10 educator out of the educator.  11 MEMBER WIGER: I know. I'm sorry. It's my  12 students. That's how I think of this.  13 CHAIR STONE: We're running very short on  14 time.  15 MR. KUSHI: Just let me respond to that. The  16 last Charter Commission did address that. Page 41 of  17 that report that we have, they say Commission policy  18 recommendations. I guess they had some various  19 recommendations about Charter amendment proposals that  20 they got from the public testimony. And they -- you  21 know, it's just recommendations. It wasn't -- so you  22 can add in your report these concerns which -- you know,  23 which are not really part of the Charter amendment.  24 MEMBER WIGER: Right.  25 MR. KUSHI: But you can address them. Now,</p>	<p style="text-align: right;">Page 189</p> <p>1 proposals should be coming on the agenda. Any  2 clarifications? Commissioner.  3 MEMBER MOIKEHA: I don't know which one of  4 those I am, but --  5 (Laughter.)  6 CHAIR STONE: If I have to point fingers,  7 you're the first one.  8 MEMBER MOIKEHA: You know, we have four  9 meetings by the time we're done with this first public  10 outreach. And after listening to Dave, I'd like to see  11 part of our next agenda some kind of educational  12 information, whether it's from GSI, or whoever it is,  13 or --  14 MEMBER DEREGO: GIS.  15 MEMBER MOIKEHA: -- GIS, and then use maybe an  16 hour -- or part of our meeting to start having this  17 Commission throw out some ideas --  18 CHAIR STONE: Okay.  19 MEMBER MOIKEHA: -- for discussion. Because  20 it dawned on me there's the public that's going to bring  21 forth what they think, there's us, and then there's the  22 formal Council.  23 CHAIR STONE: Legislative, yeah.  24 MEMBER MOIKEHA: There's department heads that  25 might. So maybe we can start -- you know, start with</p>
<p style="text-align: right;">Page 188</p> <p>1 where they go from there, I don't know. In terms of  2 public testimony, I think you got to hear 'em.  3 MEMBER WIGER: Oh, no. No, no. I --  4 MR. KUSHI: Unless they are talking about the  5 Iraq War or something, then you can cut them off.  6 MEMBER WIGER: What I was really getting at,  7 though, was -- was the idea of being able to give  8 someone some feedback so that even though it's not a  9 Commission issue, you could say, you know, "You really  10 need to go talk to the people in Planning," or this or  11 that. That's all.  12 CHAIR STONE: I think -- before we get to the  13 closing of the meeting, there's one thing I do want to  14 -- because what I'm going to attempt to do is put  15 together a proposed structure, all right, before our  16 next meeting. And it will email around, and everybody's  17 input, through Lisa. We'll see what we can knock out as  18 far as starting our proposed structure, which is the  19 smartest thing we can do.  20 One of the items here -- and it's a little  21 ambiguous here to me -- is I believe I have one  22 Commissioner saying we should not be putting proposals  23 on the agenda until after all proposals are in. And we  24 have another Commissioner who is saying, during our  25 regular meetings, the proposals -- all of the new</p>	<p style="text-align: right;">Page 190</p> <p>1 that for at least the next meeting and see how it goes.  2 CHAIR STONE: Okay. Very good. All right.  3 So I'm going to close this meeting at 4:00. Thank you,  4 everybody, for coming.  5 MEMBER OKAMOTO: Wait.  6 CHAIR STONE: Oh. Sorry.  7 MEMBER OKAMOTO: Can I make one suggestion?  8 We try as much as possible to have all the handouts  9 before we come? So those of us who got lost today -- so  10 that if people who are doing handouts, if we can have  11 them --  12 MEMBER BAXA: I second that.  13 CHAIR STONE: -- with our agenda. Okay.  14 We'll --  15 MEMBER CRIVELLO: What's the status of the  16 analyst to the Commission and the secretary?  17 CHAIR STONE: You know, I haven't heard that.  18 MR. KUSHI: We need to sit down with you,  19 Mr. Chair.  20 CHAIR STONE: I guess I have been slack at  21 that. The status is --  22 MEMBER DEREGO: We can't hire until the  23 budget.  24 MR. KUSHI: As we said, you know, the budget,  25 July 1.</p>

48 (Pages 187 to 190)

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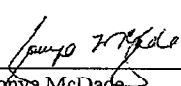

1 CHAIR STONE: All right. Then if there are no  
2 further discussions, I'll close this meeting at 4:05.  
3 Thank you, everybody, for coming. Actually, the next  
4 meeting date is --  
5 MS. KAHUHU: June 13th.  
6 CHAIR STONE: What's that?  
7 MS. KAHUHU: June 13th, Regular meeting.  
8 CHAIR STONE: Regular meeting is June 13.  
9 (Meeting adjourned at 4:06 p.m.)  
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