

Approved 7/11/11

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COUNTY OF MAUI, STATE OF HAWAII

CHARTER COMMISSION
PUBLIC HEARING

Held at the Hannibal Tavares Community Center, 91
Pukalani Street, Pukalani, Maui, Hawaii, commencing at
6:35 p.m., on Wednesday, June 8, 2011.

Reported by: Tonya McDade, CSR, CRR
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(Wednesday, June 8, 2011, 6:35 p.m.)

CHAIR STONE: I would like to call this
meeting to order, as of 6:35, and introduce our
Commissioners that are present. In order to do so, I
would like to quickly go around the table and each
Commissioner please state your name and where you're
from. We'll start down there with Clifford.

MEMBER HASHIMOTO: Good evening. Good
evening. My name is Clifford Hashimoto, I'm from Hana,
Maui, born and raised there, and still do today, with a
few years break in between. And I'm happy to be serving
on this Commission. This is my first experience at
this. So I'm looking forward to the whole process. And
I hope you are, too, since you're here. Thank you.

MEMBER SUGIMURA: Good evening, everyone. My
name is Yuki Lei Sugimura and I'm from Kula. Thank you,
everybody, for being here.

MEMBER OKAMOTO: Good evening. I'm Linda Kay
Okamoto. I'm from the Island of Lanai.

CHAIR STONE: Aloha, everybody. I'm Josh
Stone, I'm the Chairman of the Charter Commission. And
I am from Paia. I'm very excited about this process and
our first public outreach meeting. Thanks very much for
coming.

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ATTENDANCE
BOARD MEMBERS PRESENT:
Joshua A. Stone, Chair
Wayne N. Hedani, Vice-Chair
Artemio C. Baxa, Member
Stephanie S. Crivello, Member
David P. DeLeon, Member
Frank R. DeRego, Jr., Member
Clifford P. Hashimoto, Member
Wayne N. Hedani, Member
Susan A. Moikeha, Member
Linda Kay Okamoto, Member
Yuki Lei Sugimura, Member

STAFF PRESENT:
Edward S. Kushi, Jr., First Deputy Corporation Counsel
Lisa Kahuhu, Supervising Law Technician
Linda Kimura, Law Technician
ADMINISTRATION PRESENT:
Michael Molina, Executive Assistant to the Mayor

OTHERS PRESENT:
Ron Montgomery
John Wilson
Sally Raisbeck
Alan Kaufman
Michael Howden
Lance Collins
Dick Mayer
Nikhilananda
Councilmember Gladys Baisa

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MEMBER DELEON: Hi. Dave DeLeon from Haiku.

MEMBER DEREGO: Frank DeRego, born in Puunene
raised in Wailuku and now living in Kahului. So I'm
making my way around the island.

MEMBER BAXA: Artemio Baxa. I hail from the
Makawao-Pukalani area, but I go to Kahului-Wailuku every
day.

MEMBER CRIVELLO: Good evening. Stacy
Crivello from the Island of Molokai.

CHAIR STONE: Okay. Thank you very much,
Commissioners.

Also, I'd like to present our staff. We have,
from Corporation Counsel, Ed Kushi, Jr. Also, we have
Lisa Kahuhu, our Supervising Law Technician. Tonya
McDade, our court reporter, who does a very good job of
typing everything down perfectly. Linda Kimura, another
law technician sitting down there with Lisa Kahuhu.
And, also, I would like to introduce Mike Molina, who is
Executive Assistant to the Mayor.

I have a brief spiel I would like to talk
about before I get going here.

The Maui County Charter is the blueprint for
how government functions here in Maui. It has been
referred to as the Maui County Constitution. It is the
document that governs our government and, among other

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1 things, determines its structure, powers, efficiency and
2 accountability. It is, therefore, very important that
3 the citizens of Maui County have the opportunity to
4 address concerns and rectify problems with the Charter
5 as perceived today. This Charter Commission is a unique
6 opportunity to achieve those changes. And the public's
7 input is a vital part of the amendment proposal process.

8 As a matter of understanding, the Charter
9 Commission may propose amendments to the Charter, but
10 these amendments must be approved by a majority of Maui
11 County voters during the election.

12 I would like to begin with oral testimony,
13 but, before we begin, I would like to go over our oral
14 testimony rules. We'll call up each public testifier in
15 the order that they registered to testify. Each person
16 will have three minutes to testify on items concerning
17 the County Charter. If the testifier requires more
18 time, I'll grant them an additional minute to complete
19 their testimony. At the end of this additional minute,
20 the testifier will be asked to stop their testimony,
21 and, if more time is required on an item, the testifier
22 will be allowed an additional three minutes to complete
23 their testimony following the testimony of all
24 registered testifiers.

25 And with that said, I would like to ask Lisa

1 the alternatives and decide on a new method of electing
2 our councilmembers.

3 And that is the end of my testimony as
4 representative of the KCA. I would like to speak as an
5 individual.

6 As an individual, I'm requesting consideration
7 that the Commission adopt a new term limit for County
8 councilmembers. Terms should be either two four-year
9 terms, or a two-year, four-year, four-year sequence.
10 And in addition, and probably more important than what
11 the length of the term limit is, I think the Commission
12 should consider that once term limits are exhausted that
13 the individual does not run for that office again. I
14 mean, that's the intent of term limits.

15 Thank you for your time and your
16 consideration.

17 CHAIR STONE: Thank you, Mr. Montgomery. Do
18 any of the Commissioners need clarification of the
19 testimony?

20 MEMBER BAXA: Mr. Montgomery, you mentioned
21 about term limit of --

22 CHAIR STONE: One second, Commissioner Baxa.

23 MEMBER BAXA: I'm sorry. You mention about
24 council term limit of eight years, let us say eight
25 years.

1 Kahuhu to introduce our first public testifier.

2 MS. KAHUHU: Chair, our first testifier is Ron
3 Montgomery.

4 CHAIR STONE: Thank you very much,
5 Mr. Montgomery, for coming.

6 MR. MONTGOMERY: Hello? No, not on. On?
7 Okay. So thank you, Chair. And your preamble was
8 pretty much what I wanted to open with. I think it's an
9 honor.

10 And I commend you and congratulate you, first
11 of all, for taking the amount of time out of your lives
12 to do this. I think this is probably one of the more
13 important public services that you can do. So mahalo to
14 you all.

15 My name is Ron Montgomery. And, initially,
16 I'm going to speak in my role as president of the Kula
17 Community Association.

18 It is the position of the Kula Community
19 Association that the current method of electing
20 councilmembers does not best represent the will of the
21 community. As you're aware, there are several
22 alternative proposals that have been presented, and
23 there may be others as well.

24 The KCA is not endorsing a specific approach
25 at this time, but encourages this Commission to study

1 MR. MONTGOMERY: Yes.

2 MEMBER BAXA: If a councilmember is a very,
3 very good councilmember, don't you think that the eight
4 years is too short? Because you are saying that he will
5 not be able to run anymore after that.

6 MR. MONTGOMERY: -- so, again, I'm speaking as
7 an individual, and I'm also speaking as somebody who is
8 64 years old and I'm looking at the youth of the island
9 and I'm seeing that they have as much, if not more,
10 vested in the future of the island. And I think that
11 there's a lot of young people who deserve an equal
12 chance to serve their community. So I think -- yeah,
13 your point is well-taken, but I also think that there
14 are equally competent and capable and interested people
15 to serve those roles.

16 MEMBER BAXA: Thank you.

17 MR. MONTGOMERY: Thank you.

18 CHAIR STONE: Go ahead, Commissioner DeLeon.

19 MEMBER DELEON: Ron, I would like to ask you
20 two different questions. One: On your first point, as
21 the President of the KCA, the method of the council
22 election is not working, could you be a little bit more
23 specific?

24 MR. MONTGOMERY: Yeah. I think that -- and,
25 again, I'm speaking for the Board. And I think that the

<p style="text-align: right;">Page 9</p> <p>1 -- the general feeling of the Board is that there is -- 2 there is a history of undue influence -- let me back 3 away -- undue influence of voters influencing who is 4 elected in different geographies, areas of Maui County. 5 And I think that, in general, it makes more sense in the 6 concept of "one person, one vote" to be able to have a 7 direct influence on the individual that comes from your 8 district and represents you rather than being influenced 9 by voters in other areas.</p> <p>10 MEMBER DELEON: Thank you. Could you give me 11 a little more specifics on your two-four-four concept? 12 I have never heard that one before.</p> <p>13 MR. MONTGOMERY: I know. This was brought up 14 last night. And the -- the idea is that if a 15 councilmember is elected initially and is new to the job 16 that there's a learning period. And a lot of times that 17 individual spends most of their time running for 18 reelection in their first two years. And if they had 19 the opportunity to really spend those first two years 20 learning their job and exercising their duties that 21 voters would have a better chance to understand whether 22 or not this was somebody that they wanted to elect to 23 the following four-year and four-year term. So it's 24 sort of a, I don't know, provisional -- that's probably 25 not a correct terminology, but it is an initial period</p>	<p style="text-align: right;">Page 11</p> <p>1 example. I think there's plenty of ways for people who 2 are interested and capable of serving their community to 3 find other outlets. And I just think it's important 4 to -- in particular, as I said, as I get older and I see 5 young people and I look at them looking at the future of 6 the island, I think we need to do a lot more.</p> <p>7 I don't have any idea what the average age is 8 of our County Council. And that's nothing against them 9 because I'm probably older than all of them, but it 10 would -- it makes a heck of a lot --</p> <p>11 COUNCILMEMBER BAISA: No.</p> <p>12 MR. MONTGOMERY: Oh. There's one of 'em right 13 here.</p> <p>14 I think it makes a lot of sense that we need 15 to do a lot more for the youth of our younger people in 16 our community to give them an opportunity to serve. 17 That's the major point that I'm trying to make.</p> <p>18 MEMBER DEREGO: Okay. Thank you very much.</p> <p>19 MR. MONTGOMERY: Thank you.</p> <p>20 CHAIR STONE: Commissioners, any other 21 questions? Thank you very much, Mr. Montgomery.</p> <p>22 I would like to take this time quickly to 23 introduce Wayne Hedani, who is our Vice-Chair on the 24 Charter Commission. So welcome, Wayne.</p> <p>25 And, also, I didn't get a chance to recognize</p>
<p style="text-align: right;">Page 10</p> <p>1 where voters would have the opportunity to evaluate the 2 individual.</p> <p>3 MEMBER DELEON: So the first term would be two 4 years or four?</p> <p>5 MR. MONTGOMERY: The first term would be two 6 years.</p> <p>7 MEMBER DELEON: All right. Thank you.</p> <p>8 CHAIR STONE: Thank you very much, 9 Mr. Montgomery. Any other clarifications? Oh, sorry, 10 one more. Commissioner DeRego.</p> <p>11 MEMBER DEREGO: Getting back to the term 12 limits, what would the significant difference be for you 13 for three four-year terms or two eight-year terms?</p> <p>14 MR. MONTGOMERY: I think the importance is 15 that -- I think two years is too short. And whether 16 it's three four-year terms or two four-year terms, that 17 isn't the importance. I think going to four years makes 18 a lot of sense. And I think having term limits where 19 people serve and then they're done serving were the main 20 points I was interested in.</p> <p>21 MEMBER DEREGO: Okay. So even after they 22 finish the four and then they -- they can't come back 23 again, I mean, ever, correct?</p> <p>24 MR. MONTGOMERY: Right. I mean, there are 25 other -- there are other -- your service here is another</p>	<p style="text-align: right;">Page 12</p> <p>1 Councilmember Gladys Baisa, which is why some of you 2 didn't even know she was here. So Gladys is here.</p> <p>3 Thank you very much for coming.</p> <p>4 Oh, and we have another Commissioner who has 5 decided to attend. Thank you very much. And that is 6 Susan Moikeha. Much appreciated.</p> <p>7 So, Lisa, would you please bring up the next 8 testifier?</p> <p>9 MS. KAHUHU: John Wilson.</p> <p>10 CHAIR STONE: Thank you for coming, 11 Mr. Wilson.</p> <p>12 MR. WILSON: Thank you. I like to reiterate 13 what Ron said, but, to save myself some time, I'll just 14 say, fellow citizens, please lend me your ears.</p> <p>15 I would like to present two proposals.</p> <p>16 One has to do with a change in -- take my 17 glasses off so I can read -- a change in the way we have 18 the at-large election of councilmembers with residency 19 requirements, Section 3-1 of the Charter. I believe we 20 should either have nine single-member districts or three 21 multi-member districts; however, you will probably hear 22 other information regarding this and get other data and 23 input. So I would like to leave it up to you.</p> <p>24 I just think that the present system of 25 electing nine people from the island with just residency</p>

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1 requirements does not serve the function of our
2 government as well as it might. That was one proposal.

3 My second proposal would be to strengthen the
4 role of the Board of Water Supply by a Charter
5 amendment. And I used, basically, some of the -- some
6 of the wording that's included in the Planning
7 Commission to do this, but I really think the Department
8 of Water Supply needs a lot of help in getting things
9 done.

10 And so I would suggest the role include advise
11 the mayor, and the council and Water Supply director of
12 matters concerning water supply programs.

13 Secondly, to review the Long Range Capital
14 Improvement Plan and annual Water Use and Development
15 Plan and transmit recommendations to the council for
16 approval as provided by law.

17 And, three, to review the proposed water
18 ordinances and amendments thereto prepared by the
19 director of the council, or the council, and, after
20 public hearing, transmit such ordinance with findings
21 and recommendations to the council for consideration and
22 action no later than 90 days after the final public
23 hearing.

24 And, four, have other such powers and duties
25 as may be provided by law.

1 They -- they have existing three, I believe,
2 sections in their Board of Water Supply, but I don't
3 think they're really strong enough to help the
4 department specifically in the Water Use plans and the
5 long-range capital improvement requirements, and have
6 some influence on how the council and the department
7 actually gets those things implemented.

8 CHAIR STONE: Thank you, Mr. Wilson.
9 Commissioners, anybody need clarification on the
10 testimony?

11 MEMBER DELEON: So, John, you're proposing
12 that the water -- the Board of Water Supply act more
13 like a researcher, legislative researcher to the council
14 when the council makes its --

15 MR. WILSON: Yeah, similar to what the
16 Planning Commission does for things that relate to the
17 Plan.

18 Now, one of the things the Planning Commission
19 does has to do with the General Plan, which, of course,
20 the Water Department really doesn't have that kind of
21 significant role, and, also, the land use requirements.
22 But there are other things that the Water Supply Board
23 could do to assist promoting the department's needs with
24 the council, as an example.

25 MEMBER DELEON: Okay. Would you also agree

1 that the Board of Water Supply should have in the
2 Charter that it acts as the appeals board for the board,
3 for the department?

4 MR. WILSON: I believe it is now.

5 MEMBER DELEON: That's Code; I don't think
6 it's in the Charter.

7 MR. WILSON: I would agree to that, yes.

8 MEMBER DELEON: Okay.

9 MR. WILSON: Similar to Board of Variances for
10 the Planning Department.

11 MEMBER DELEON: Thank you.

12 CHAIR STONE: Thank you very much. Any
13 further questions for Mr. Wilson? No. Thank you very
14 much for your testimony. Lisa, our next testifier,
15 please.

16 MS. KAHUHU: Sally Raisbeck.

17 CHAIR STONE: Thank you for coming,
18 Ms. Raisbeck.

19 MS. RAISBECK: Thank you for letting me
20 testify.

21 I have passed out to you two different little
22 memos. One is very trivial. I just saw what I thought
23 was a good form from the Honolulu Charter Commission for
24 having people apply for proposals. And so I thought you
25 might find that of interest, but I see you have one

1 already. And I also gave you some -- some statistics on
2 registered voters and how much in actual voters and how
3 much 10 percent and 20 percent of those were.

4 The main thing I am suggesting is -- you
5 probably all read the editorial in "The Maui News" the
6 other day that said there was total redundancy here,
7 and, if the Charter can be amended by the council, why
8 should we even have a Charter Commission. Well, in
9 answer to that question, I propose to remove the
10 authority of the council to propose Charter amendments,
11 and make it easier for citizens to propose amendments
12 while still preserving the Charter Commission's power to
13 propose amendments or draft a new charter. The Charter
14 should not be tinkered with every two years, which it
15 can be now by the council.

16 Back in the 1960s, the County chose a strong
17 mayor with council form of government, giving
18 legislative and budget conscience to the council and
19 executive functions to the mayor. This separation of
20 powers is intended to limit the power of both council
21 and mayor. This is the solution that our founding
22 fathers came up with; a president with a congress,
23 separated powers, and they wish to avoid the ills caused
24 by unlimited power.

25 And this morning I woke up and I was thinking,

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1 my God, those guys invented this. They -- there wasn't
 2 -- unless somebody knows more history than I do, there
 3 wasn't any government of this type, that we now take for
 4 granted, in the world at that time. And they had to
 5 figure it out for themselves.

6 So you need to limit power. The council has
 7 power, the mayor has power, they're constantly trying to
 8 seesaw back and forth. And the council, if it had the
 9 power of making Charter amendments, it would use that
 10 power to increase its power relative to the mayor. That
 11 might disturb the balance of power between the two.

12 There are two amendments in committee now in
 13 the council which would give the power of approval of
 14 the Planning Director and power of approval of the
 15 finance director. Now, I see this as not desirable
 16 because the mayor, if he's gonna be responsible for the
 17 executive power, he --

18 MS. KAHUHU: Time.

19 MS. RAISBECK: Pardon?

20 MS. KAHUHU: Time.

21 CHAIR STONE: I'll allow one more minute,
 22 please.

23 MS. RAISBECK: Okay. Thank you. And if I
 24 could come back at the end of testimony.

25 CHAIR STONE: No problem.

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1 MS. RAISBECK: Okay. So should I take the
 2 minute now or just wait?

3 CHAIR STONE: You're on a good roll. Why
 4 don't you take the minute?

5 MS. RAISBECK: Thanks. Let's see, where was
 6 I?

7 They have amendments in there to increase the
 8 power of the council relative to the mayor by more
 9 approvals of executive directors of departments. I
 10 think that would be a mistake. Also, if you do anything
 11 they don't really like, they're gonna come up with an
 12 alternative at the same election. And so I wouldn't be
 13 at all surprised if there's a hard fought battle a year
 14 and-a-half from now on the subject of district
 15 elections.

16 It's no secret why the council doesn't want
 17 them. 14,000 people have three seats on -- are
 18 represented by three seats on the council. That's the
 19 populations of Lanai, Molokai and Hana. 14,000 people.
 20 The rest of the County, which is over 140,000 people,
 21 has six council seats. It's totally out of whack.

22 But it's a very difficult problem to be fair
 23 to Lanai and Molokai, represent their special needs.

24 MS. KAHUHU: Time.

25 MS. RAISBECK: I'll come back later. Thank

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1 you.

2 CHAIR STONE: Thank you very much,
 3 Ms. Raisbeck. Commissioners?

4 MEMBER BAXA: Mr. Chair?

5 CHAIR STONE: Yes, please.

6 MEMBER BAXA: Yeah. Ms. Raisbeck, yes, I
 7 think we have a real problem with districting, one man,
 8 one vote. I do not -- I tend to agree that that is a
 9 very good solution, one man, one vote. That is what we
 10 fought for. I have a problem with isolating Lanai and
 11 Molokai. How to do that, I really don't know. As far
 12 as the other districts are concerned, to me, there is no
 13 question about it, we can do that. But the question now
 14 that I have is the legality of trying to give Lanai and
 15 Molokai their own without in fact contravening the law
 16 of the land.

17 The second question that I would like to pose
 18 to you is you mention about the council wanting to
 19 confirm more of the executive appointments of the mayor
 20 What about the governor's cabinet? Almost all of them
 21 are confirmed by the State Senate. And I think that
 22 they're trying to duplicate this in a sense. Right now,
 23 not all of them are being confirmed; only a significant
 24 few of the cabinet appointments of the mayor.

25 MS. RAISBECK: May I respond?

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1 MEMBER BAXA: Because my understanding is
 2 this: Once they confirm the appointment of the mayor,
 3 the council has nothing to do with the performance of
 4 the duties of -- they cannot dictate to the executive
 5 heads.

6 MS. RAISBECK: Yeah. I believe that in the
 7 present Charter, the Corp Counsel, of course,
 8 Prosecuting Attorney and the -- is it Director of Water
 9 Supply -- anything else confirmed by the council? I
 10 just think they're gonna -- I don't think it's a good
 11 idea to have the finance director and the -- what was
 12 the other one, Planning -- I think -- there's enough
 13 politics already in the way the council operates that I
 14 don't think it would be a good idea. But, of course,
 15 the council has every right to put such an amendment on
 16 the -- on the Charter.

17 And if -- can I say one thing more? If I can?

18 CHAIR STONE: Yes.

19 MS. RAISBECK: Thank you.

20 It's remarkably easy to pass an amendment that
 21 gets on the ballot. I used to be confused every
 22 election that the State Constitutional amendments, a
 23 blank vote was a no, and, in the County Charter
 24 amendments, a blank vote just doesn't count. So it's --
 25 so only the people who vote on that point, on that

5 (Pages 17 to 20)

1 issue, they count the yeses and noes. Well, obviously,
2 the people who really want it to pass are going to come
3 out in force, and most of the people in the County won't
4 even care. So it's easy to pass a Charter amendment
5 once it's on the ballot. The council has been
6 gatekeeper that keeps anything about district voting off
7 the ballot. You guys can put it on. And I hope you
8 will.

9 CHAIR STONE: Okay. Ms. Raisbeck, I don't
10 mean to be rude --

11 MS. RAISBECK: Thank you. Thank you.

12 CHAIR STONE: Any other questions? Please.

13 MEMBER CRIVELLO: Mr. Chair?

14 MEMBER OKAMOTO: I just have a question on
15 your one handout. The five percent, 10 percent, you're
16 doing that to show us that percent that is needed for
17 petition, is that right?

18 MS. RAISBECK: Yeah. And, also, they'll come
19 in handy, if you stick it away someplace, when you get
20 to considering initiative and recall.

21 MEMBER OKAMOTO: Okay.

22 MS. RAISBECK: Because initiative isn't bad,
23 but recall is way worse.

24 MEMBER OKAMOTO: Okay. So you just put those
25 percents there for that.

1 My second question is, you were saying with
2 the council having the ability to do, you know, Charter
3 amendments, how often in the past has the council, do
4 you know, put up various amendments, not at the time
5 that the Charter Commission is operating?

6 MS. RAISBECK: Okay. I would love to research
7 that question. I haven't done so yet. I hope, when you
8 get an analyst, you will have that kind of information
9 at your fingertips.

10 MEMBER OKAMOTO: Thank you.

11 I guess I hate to get on the soapbox, but one
12 of the things that you brought up had to do with our
13 U.S. Government and the Constitution and our
14 forefathers. And they guaranteed every state one
15 representative regardless of numbers. I'm sure there
16 are people in California and Texas that have fits
17 because our two senators are more powerful than their
18 senators. And so we talk about one man, one vote. And
19 I agree there, we've got to look at something, but we
20 have to find a way that we're really representing
21 everyone. And I think our forefathers did a very good
22 job by saying every state gets two senators regardless
23 of how many people you have. And that somehow the
24 smaller states still had their at least one
25 representative. So we are not a truly one man, one vote

1 in the U.S.

2 MS. RAISBECK: In the Senate.

3 MEMBER OKAMOTO: And I think that's something
4 that we need to look at. Thank you.

5 CHAIR STONE: Commissioner Crivello.

6 MEMBER CRIVELLO: You mentioned that how will
7 you meet the requirements so that the rural areas like
8 Molokai, Lanai and Hana would be fully represented. Do
9 you have a solution for that?

10 MS. RAISBECK: I don't. And I'm looking
11 forward to all the -- I hope somebody brighter than me
12 will come before this council and have a perfect
13 solution because I don't have that.

14 But I would point out one of the difficulties
15 with, for example, Lanai. And let's -- let's face it,
16 it's Lanai and Molokai that are the problem. One of the
17 difficulties is there is such a small pool of people who
18 can even run for council on that island. 3,000
19 population, maybe 1,500 voters, all -- almost all of
20 them work for the company. They can't even run for
21 council because they would have a conflict of interest.
22 So such a tiny, tiny pool of people who can run for a
23 seat on the council is totally unfair to all the rest of
24 the voters.

25 MEMBER CRIVELLO: That's your feeling.

1 MS. RAISBECK: What?

2 MEMBER CRIVELLO: That's your feeling that
3 there is --

4 MS. RAISBECK: Right.

5 MEMBER CRIVELLO: -- unfairness. But they
6 have direct representation.

7 MS. RAISBECK: Well, I don't think we want two
8 houses seated in the council, like a senate and a house
9 of representatives.

10 CHAIR STONE: Commissioners, I want to just
11 point out, this isn't really the venue to debate --

12 MS. RAISBECK: Sorry.

13 CHAIR STONE: -- the proposal -- potential
14 proposals. We'll have a lot of time for that. Any
15 other --

16 MEMBER DEREGO: I just have a question.

17 CHAIR STONE: Sure.

18 MEMBER DEREGO: Sally, would you be in favor
19 of the council having the ability to approve those
20 people in order of succession to the mayor? In other
21 words, the managing director and the finance director?
22 At the present moment, those two positions, actually, if
23 the mayor -- heaven forbid -- if anything happened to
24 the mayor, or if he resigned tomorrow, right, the
25 managing director would be mayor, at least temporarily,

<p style="text-align: right;">Page 25</p> <p>1 until there's a special election. If it was less than 2 15 months, the managing director would be mayor for the 3 rest of the term. Same with the finance director. If 4 anything would happen to the managing director within 5 that period, then the finance director would be mayor. 6 Do you think it would be advisable that the legislative 7 branch have some sort of say, at least in that regard, 8 in terms of who is in order of succession? 9 MS. RAISBECK: I can't -- I don't -- I haven't 10 thought about that question. And I'll think about it. 11 And I hope someone more -- with more experience than I 12 comes up and you can ask them that question. But I will 13 think about it. 14 MEMBER DEREGO: Okay. Thank you. 15 CHAIR STONE: I actually have a question for 16 you, Ms. Raisbeck. You were discussing Section 14-1-3, 17 which is the third option in which to amend the Charter 18 Commission. And to date, it's my understanding that 20 19 percent of registered voters has never been achieved for 20 normal people to put through -- or citizens to put 21 through an amendment. 22 MS. RAISBECK: 17,000 people. 23 CHAIR STONE: What, in your opinion, would be 24 a fair amount of people? 25 MS. RAISBECK: Well, I would like to see it be</p>	<p style="text-align: right;">Page 27</p> <p>1 came up before the Board of Ethics. And the first issue 2 I would suggest you might want to look at is just 3 clearing up some of the language. 4 There are three different instances where it 5 talks about how financial disclosure forms are submitted 6 and where they go. While the language is similar, it is 7 not identical. And it's very clear, even as the 8 language is different, but there's no reason not to make 9 the language identical. And I'd suggest you do that. 10 Also, I don't know for sure -- actually, Lisa, 11 sitting over there, might have a better idea -- but 12 there are some financial disclosures that are public and 13 some that are confidential and kept private. It might 14 make sense to have the public ones submitted to the 15 County Clerk and the private ones directly to the Board 16 of Ethics. It might create more confusion. Maybe you 17 could color coordinate those that are public versus 18 those that are private, and keep it simple, because I do 19 believe in keeping it simple, which is probably my 20 introduction to district voting. 21 There are a number of issues there. And, you 22 know, those of us who have many friends on the other 23 islands, Lanai and Molokai, you know, I really firmly 24 believe that those small islands need their 25 representation. I also wonder about the smaller</p>
<p style="text-align: right;">Page 26</p> <p>1 10 percent of the voters that actually voted. That 2 comes up to about 4,000. That's doable by amateurs. I 3 don't think we've reached the point that California has 4 where you get -- hire companies to go out and get your 5 signatures. But 4,000 would be reachable; 17,000 is 6 not. 7 CHAIR STONE: Okay. Thank you very much. 8 Commissioners, any further questions? No. Thank you 9 very much for your testimony. 10 MS. RAISBECK: Thank you. 11 CHAIR STONE: Lisa, can we have the next 12 testifier, please? 13 MS. KAHUHU: Alan Kaufman. 14 CHAIR STONE: I'm sorry, Lisa. Was that 15 Mr. Gaklin? 16 MS. KAHUHU: Kaufman. 17 CHAIR STONE: Mr. Kaufman, thank you. 18 MR. KAUFMAN: Hi. I'm Dr. Alan Kaufman and I 19 live in Kula. And I, too, think that you're to be 20 commended for being here, regardless of what The Maui 21 News says. And rather than get rid of the council's 22 involvement in the Charter, maybe we should just get rid 23 of The Maui News' involvement. 24 The first issue -- and I will get to district 25 voting -- but a couple of years ago, a number of issues</p>	<p style="text-align: right;">Page 28</p> <p>1 communities on Maui. How come Kahakaloa doesn't have 2 any representation? But I also recognize that these -- 3 neither Lanai or Molokai, or even Hana, have most of the 4 time not been represented by the people who those 5 communities vote for. And I think that members of the 6 public, in many instances, would rather not be 7 represented by their immediate neighbor as much as by 8 the person they prefer, even if they live more than a 9 few doors down. 10 I would actually look at the single-district 11 voting as being a way of giving the people who live on 12 Lanai and Molokai more of a say in who represents them, 13 even if it may not be somebody from their own island. 14 Anybody running in a single-district voting district 15 would definitely want the support of the people on -- 16 within those communities. And they would have to either 17 be from those communities or be very knowledgeable about 18 those communities. So I look at it as simply being a 19 way to be more inclusive of the needs for those small 20 rural communities that continue to exist on Lanai and 21 Molokai. 22 MS. KAHUHU: Time. 23 MR. KAUFMAN: Perfect timing. 24 CHAIR STONE: Very good timing, Mr. Kaufman. 25 Commissioners, do we have any questions or</p>

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1 clarifications on that testimony?

2 MR. KAUFMAN: Ah, I did a good job.

3 CHAIR STONE: Thank you very much for your
4 testimony. Lisa, next testifier, please.

5 MS. KAHUHU: Michael Howden.

6 CHAIR STONE: Mr. Howden, thank you very much
7 for coming.

8 MR. HOWDEN: Hi. I'm Michael Howden. I live
9 up in Olinda. I would like to testify on behalf of
10 district voting.

11 I'm very much in favor of using the present
12 senatorial -- the three senatorial districts that we now
13 have. I think that, by and large, it would begin to
14 bring more people into the political process. It's a
15 formidable task, as I think most of you are aware, for
16 nonincumbents to run for the County Council. And, you
17 know, to run county-wide is a real stretch for many
18 people.

19 I remember when the folks from Lanai came over
20 to the Kula Community Association four years ago. And a
21 lot of -- I mean, besides their unique perspective, it
22 was such a stretch for them even to get to this island.

23 You know, when we did the Water Use and
24 Development Plan on Lanai, I mean, there's no way that
25 that testimony could have happened anywhere but on the

1 to try to say to people, "Well, sorry, you know, but
2 this is what we're stuck with." But if you had a
3 hearings officer, someone like Lee Aldridge, who is a
4 professional water engineer and former chair of the
5 board, and the only person besides Ed Kushi who has
6 probably ever read the rules and regs for the Water
7 Department -- you know, which is torture -- you know,
8 that kind of thing would really facilitate it. So
9 I'm --

10 MS. KAHUHU: Time.

11 MR. HOWDEN: Thank you.

12 I'm really here to support district voting
13 based on the senatorial thing.

14 And I compliment this Commission. I really --
15 I know many of you somewhat casually and others by
16 reputation. And I think you have unusual qualities and,
17 I think, a great challenge before you. Thank you.

18 CHAIR STONE: Thank you very much, Mr. Howden.
19 Commissioners, any clarification?

20 MEMBER SUGIMURA: Michael, I have a question.
21 On your water hearing officer, so what you're saying is
22 that there should be that element added to this whole
23 process? To streamline it, is that what you meant?

24 MR. HOWDEN: Yeah. And one of the problems --
25 and nothing against attorneys and retired judges, but,

1 Island of Lanai. And it was deeply enriching to the
2 members of the Water Board to have that.

3 My feeling, as I heard this back and forth
4 thing, and what Stacy was saying, too, is that there's
5 an affinity of interest within the senatorial districts.
6 You know, that's why I think we have -- like Kalani, I
7 think, is a very unusual state senator in many respects,
8 Kalani English, and Mele Carroll, that she represents
9 Hana, Molokai, and Lanai, I believe. It gives them a
10 character that I think, ordinarily, people wouldn't
11 have. And you want -- you want to be inclusive and you
12 don't want to cut people out. But the whole political
13 process seems, by and large, to me, to be kind of
14 stagnant and to be more exclusive than inclusive. And I
15 think if you can work certainly within senatorial
16 districts, you have a chance to really know the people
17 within those districts and respond to their needs.

18 I'll mention briefly, Mr. Wilson mentioned the
19 Board of Water Supply and changing some of that. We
20 were -- we were handling appeals, but not in a timely
21 manner. And if we really wanted to address the appeals
22 more quickly -- you know, because just the logistics of
23 appeals and letting people know when they could come and
24 people changing their minds, things are dragging on.
25 And it was kind of embarrassing as chair of that board,

1 you know, some people just don't know water law. I
2 mean, really. Not you. They don't know water law. And
3 it's a whole different thing. And the -- and the
4 process of the whole public trust doctrine. And if you
5 had someone who could go through -- and Lee was a very
6 good example because he assiduously studied everything
7 that came before the board -- you know, that kind of
8 person would facilitate a more timely response to the
9 appeals which we certainly don't have at the present.

10 MEMBER SUGIMURA: Lee is Lee Atwater?

11 MR. HOWDEN: Aldridge.

12 MEMBER SUGIMURA: Oh, Aldridge.

13 CHAIR STONE: Commissioner DeRego.

14 MEMBER DEREGO: So you were suggesting that
15 the hearings officer would be better placed in the
16 Charter than, let's say, creating an ordinance creating
17 the position?

18 MR. HOWDEN: Either way. It seems simpler to
19 have an ordinance, but I think, other than Gladys, not
20 very many people on the council are that familiar. I
21 mean, Mike Victorino, to some degree. But they're not
22 that familiar with the process of the Water Board or the
23 Water Department. And what a tremendous mountain of
24 frustration most people face who try to get things
25 through the Water Board.

<p style="text-align: right;">Page 33</p> <p>1 MEMBER DEREGO: I just have one comment on 2 this, is that one of the things that we're going to have 3 to decide is where things are better placed in the 4 Charter and where they are better placed in dealing with 5 it with the Maui County Code. Because, oftentimes, when 6 you place things into the Charter, especially specific 7 things, at least -- this is my opinion -- that it 8 actually clutters the Charter with a lot of just 9 specific kinds of positions and things that could be 10 better handled at the legislative process. But that's 11 just my opinion on that. 12 CHAIR STONE: Thank you. Anyone else? 13 MEMBER BAXA: Yeah. Sir, regarding the 14 hearings officer, I would suppose that a hearing officer 15 before the Board of Water Supply, and a hearing officer 16 that concerns the Planning Department -- I do not know 17 if they would require the same expertise or different 18 expertise. How would you select these hearing officers 19 and where would you attach them? Would you attach them 20 to particular department or an independent body within 21 the government, County government? 22 MR. HOWDEN: Yeah. As it is now, I think as 23 you know, there's a list of mostly attorneys and retired 24 judges that we pick from. And to try to get Lee's name 25 on that was not possible. It seemed to be not feasible,</p>	<p style="text-align: right;">Page 35</p> <p>1 you put in the Charter simply that would accomplish 2 that? 3 MR. HOWDEN: I think I would charge more for 4 an appeal and I would give the money back if the 5 appellant won. And I would really try to recruit a 6 decent -- a decent hearing officer who had an interest 7 -- like on Cultural Resources Commission, for instance, 8 you have -- you have certain qualifications to be on 9 that commission. You know, areas of interest, areas of, 10 you know, your passion. And I think that that makes 11 that an unusual and unique commission. I think that you 12 want to look for those same kind of qualities in a 13 hearings officer. 14 CHAIR STONE: Commissioners, any further 15 clarification? 16 (Silence.) 17 CHAIR STONE: No. Thank you very much, 18 Mr. Howden. 19 MR. HOWDEN: Thank you. 20 CHAIR STONE: Appreciate it. Lisa, our next 21 testifier, please. 22 MS. KAHUHU: Lance Collins. 23 CHAIR STONE: Mr. Collins, thank you for 24 coming. 25 MR. COLLINS: Thank you. Aloha and good</p>
<p style="text-align: right;">Page 34</p> <p>1 I should say, not, you know, possible. I don't know. 2 But, you know, when I -- in discussion with the 3 administration, discussion with other people, a feeling 4 of burden of trying to move things forward and really 5 respond in a more timely manner. I don't think the 6 person -- the consultant is fine, you know, as long as 7 the fees are reasonable. 8 That's another thing, is that sometimes the 9 fees that you give someone simply because they're an 10 attorney or a retired judge, with all respect, you know, 11 they're excessive. 12 And I don't think that -- especially with the 13 East Maui waters and how that's been dealt with -- that 14 it's been dealt with in a very timely fashion. And we 15 need to move forward. The needs are extreme and there 16 are communities and, of course, many individuals whose 17 needs simply are not addressed. 18 CHAIR STONE: Commissioner DeLeon. 19 MEMBER DELEON: Michael, could you, in a 20 sentence -- what you're saying, then, is -- to expedite 21 the appeals process in the Board of Water Supply is what 22 you're saying? 23 MR. HOWDEN: Yes. 24 MEMBER DELEON: In a sentence, how can we do 25 that? What would you do? What would you -- what would</p>	<p style="text-align: right;">Page 36</p> <p>1 evening, everybody. My name is Lance Collins. I'm a 2 doctor and an attorney in Wailuku. And I'm -- actually, 3 Mike Howden's testimony ties into what I intended to 4 testify about. 5 I think in a -- I understand what Mike is 6 saying and I think, in a broader sense, what the County 7 needs to look at is having an office of administrative 8 hearings or something similar like the State has so that 9 every time a board or commission has to have a contested 10 case process, or an appeal, they don't have to hire 11 outside administrative hearings officers. It's a huge 12 waste of money. It's something that is so repetitively 13 done, there probably would be two full-time County 14 employees to do that kind of job, saving the County 15 hundreds of thousands of dollars, if not millions, on 16 administrative hearings officers outside. 17 Pretty much every board -- every board and 18 commission that the County has, they engage in one of 19 two functions. One is either making recommendations or 20 advising departments, and the other one is being the 21 adjudicatory body for some kind of contested case. For 22 Water Supply, it's appeals; for Planning, it's appeals 23 of the director, but it's also contested cases for SMA 24 interventions. The Liquor Adjudication Board actually 25 has -- which I was a member of previously -- actually</p>

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1 has trials with the prosecutor and the defense attorney.
 2 And it's -- it's a pretty big thing. And I can tell you
 3 that a lot of times those go up on appeal. And Circuit
 4 courts kick it back down because something was not done
 5 correctly or one of the members of the board or
 6 commission did something that they weren't supposed to.
 7 And when you have an administrative hearings officer,
 8 that's generally not a problem. When an administrative
 9 hearings officer deals with something, when it goes up
 10 on appeal, it usually is sustained because they are
 11 experts in the areas that they're doing the
 12 administrative hearings officer for.

13 And, also, contested case processes usually
 14 waste tremendous amounts of time of the board or a
 15 commission. I'm sure that several people who previously
 16 have been on the Planning Commission can attest to, if
 17 they were part of a contested case proceeding, it's a
 18 huge waste of time. And most of it is a bunch of legal
 19 stuff that has to get deferred to Corp Counsel, anyways,
 20 which questions the whole process of what's the purpose
 21 of having the Planning Commissioners have to be tortured
 22 by going through contested case process. And same with
 23 the Liquor Adjudication Board. Hearing evidence,
 24 determining what's relevant and probative and what's
 25 not, that's stuff that really is outside of lay people's

1 knowing. And when I was on the Adjudication Board, I
 2 was the only attorney. So it was usually me and Corp
 3 Counsel bickering over what was relevant and what
 4 wasn't, and everybody else that was there just sort of
 5 looked at us and wasn't sure what to decide. And that's
 6 -- it's not very efficient and it wastes precious time
 7 of all the --

8 MS. KAHUHU: Time.

9 MR. COLLINS: I can finish.

10 CHAIR STONE: One more minute.

11 MR. COLLINS: Yeah. So it wastes a lot of
 12 time of volunteers. And the Planning Commission meeting
 13 would run from 8:00 a.m. until 5:00 p.m., and then not
 14 everything would get done. When I was on the
 15 Adjudication Board, we had the same problem, where we
 16 were having meetings all day long. And there's really
 17 no reason to have nine people listening to all of this
 18 stuff and having to make all sorts of legal decisions
 19 when they don't really have the expertise to do it in
 20 the first place.

21 And then the alternative is, is to contract
 22 out a hearings officer, an attorney or a retired judge,
 23 and have to pay fees through the nose. And so that's
 24 something that I think could really streamline and make
 25 our county government efficient by saying any time

1 there's a contested case, that it goes to a hearings
 2 officer and the board or commission simply -- they get
 3 the decision as a recommendation and then they decide to
 4 agree or disagree with -- with what the hearings officer
 5 says. So it keeps the citizens involved, but without
 6 having to go through all of the legal stuff and all of
 7 the other inefficiencies of having to sit and take
 8 evidence and listen to evidence and all of that.

9 MS. KAHUHU: Time.

10 CHAIR STONE: Thank you, Mr. Collins. We have
 11 a question from a commissioner. Commissioner DeLeon.

12 MEMBER DELEON: I just wanted to request you
 13 put your concept into writing and give us a formal
 14 perspective on it.

15 MR. COLLINS: Sure. Just so you know, I
 16 actually didn't come up with this idea, although I would
 17 like to take credit for it. The West Maui Charter
 18 Working Group, in their thing, actually are the ones
 19 that proposed it. And I thought oh, actually, that's a
 20 good idea, although, you know, for attorneys, it's not
 21 because then we won't get paid.

22 MEMBER DELEON: Is that coming in writing?

23 MR. COLLINS: I'm not sure. I can phone them
 24 and see. I thought that they had sent something, but
 25 maybe they didn't.

1 MEMBER DELEON: Okay. Well, whoever sends it
 2 we would appreciate it in a written form so it would be
 3 easier to comprehend.

4 MR. COLLINS: They kind of disbanded because
 5 they're done with their thing, but I'll phone somebody
 6 and see if they've done that.

7 MEMBER DEREGO: I was going to actually say
 8 the same thing. In regards to this administrative
 9 hearings office, would this also include the Fire and
 10 Public Safety, which almost tend to seem to be a
 11 separate entity unto themselves since they do hire and
 12 fire the --

13 MR. COLLINS: No, because those are not
 14 contested cases. Those are like personnel decisions and
 15 stuff like that.

16 MEMBER DEREGO: Okay.

17 MR. COLLINS: And they're not covered by
 18 Chapter 91, so it's a little bit different. Or
 19 complaints to the Police Commission, those things are
 20 not contested case proceedings. So I don't believe the
 21 Police Commission right now picks up hearings officers
 22 by contract. So it wouldn't -- yeah, it would not be
 23 covered, at least the idea of the --

24 MEMBER DEREGO: So the suggestion is to choose
 25 -- to look through the Charter, look at every board that

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1 has some sort of adjudicatory role, then develop a
2 hearings officer within that office that would have an
3 expertise in that particular area?
4 MR. COLLINS: No. It would be a centralized
5 hearings officer.
6 MEMBER DEREGO: County-wide?
7 MR. COLLINS: Yeah. Because in areas where
8 there needs to be expertise in some particular thing,
9 that's something that the hearings officer, for a much,
10 much reduced cost, can get additional information if
11 they -- if they need it. That's how the State -- the
12 State actually has an Office of Administrative Hearings.
13 And I have to tell you, every session, legislators are
14 trying to dump more and more stuff off of State agencies
15 on to them because they're so efficient. And they are
16 constantly saying, unless you give us more money, we're
17 not taking anything else on. Because they're so
18 efficient that it's like, every year, they try to, oh,
19 how can we save money in the State budget, why don't we
20 dump this on them. But it's centralized.
21 And the proposal that the West Maui group has,
22 it's like three sentences to be added to the Charter,
23 and it doesn't require much more. It just says anything
24 that involves a contested case goes to them and then
25 their recommendation gets sent to the citizen board or

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1 commission for final decision.
2 MEMBER DEREGO: Okay. Thank you.
3 CHAIR STONE: Thank you. Any further
4 clarification? Commissioner Baxa.
5 MEMBER BAXA: Sir, I have two questions.
6 First question is, would you suggest that this hearing
7 officer be appointed by the mayor and confirmed by the
8 council?
9 MR. COLLINS: Yes.
10 MEMBER BAXA: What is the minimum
11 qualification for your hearings officer?
12 MR. COLLINS: That's, actually, a good
13 question. I think that I -- I am hesitant to put too
14 many qualifications in the Charter because that is
15 something that I think should be subject to the
16 political process. But I think that there's some
17 minimum standards for hearings officers, somebody who is
18 able to make legal findings in a broad area, although
19 the State hearings officers are all attorneys. And some
20 of them actually become judges eventually, but they're
21 all attorneys. And I don't know if it necessarily has
22 to be an attorney, but I think that's something that
23 doesn't necessarily need to be spelled out in too much
24 detail in the Charter.
25 MEMBER BAXA: Thank you.

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1 CHAIR STONE: Thank you, Mr. Collins. Any
2 further clarification?
3 MEMBER MOIKEHA: I do, Chair.
4 CHAIR STONE: Please, Commissioner.
5 MEMBER MOIKEHA: I'm kind of interested in
6 what you're saying, but is there any other venue by
7 which that could be established, besides a Charter
8 amendment?
9 MR. COLLINS: No. Because, for example, the
10 Planning Commission has the -- essentially, you could,
11 but you would have to go to every single commission and
12 have them adopt rules and regulations to do that. And
13 then you would also have to have the council perhaps set
14 up by ordinance this office and then say, for every
15 board and Commission that opts into it, that's okay. It
16 would be -- it's actually quite -- it could be done, but
17 it would be purely voluntary. And, of course, any board
18 could decide to opt out and then try to contract
19 hearings officers. But, yeah, it could be done through
20 each board and commission adopting -- through adopting
21 rules, and then the council would have to establish, by
22 ordinance, and then pay for it through the budget.
23 MEMBER MOIKEHA: Yeah. Because my previous
24 experience on the Planning Commission, it wasn't that
25 difficult to make rule changes. And if that's where we

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1 would do it, at that level, you know, I don't see the
2 difficulty in doing that.
3 And as you already stated earlier, if I
4 understood you correctly, not all of these boards and
5 commissions would need the use of a hearing officer. So
6 there is a venue. It may be, maybe, possibly a little
7 bit more challenging, but it -- it is a possibility.
8 MR. COLLINS: Sure. Like the Liquor
9 Commission usually takes four to five years for a rule,
10 from the time it's proposed to when it gets adopted. So
11 the Planning Commission is used to making -- I mean, you
12 guys meet like twice a month for all day, but some of
13 the other boards, it's not quite that way.
14 MEMBER MOIKEHA: Okay.
15 MR. COLLINS: And I don't know the Board of
16 Water Supply would do it.
17 MEMBER MOIKEHA: And, again, this would be one
18 department housing these --
19 MR. COLLINS: Yeah, it would be some office,
20 probably be attached to Finance, because -- I don't --
21 that's how the -- well, the State does it through the
22 DCCA, but, yeah, it would just be a one or two-person
23 office. And that's pretty much all they do, is they
24 deal with all of the appeals, and all that kind of
25 stuff, and then they make a recommendation or decision

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1 to the boards or commissions that are involved.
2 MEMBER MOIKEHA: Is it because it would
3 service many boards and commissions that would need this
4 service that you feel it's necessary to be an
5 appointment approved by the council?

6 MR. COLLINS: Well, I mean, that's one
7 possibility. I don't really know otherwise how you
8 would do it.

9 I think the proposal the West Maui group came
10 up with was that it would be actually an appointment for
11 like seven or eight years, like the State Auditor. So
12 that it's like totally out of the political process and
13 it's really somebody who is qualified, but that really
14 is just their job. And that they just -- you know, that
15 it takes -- one thing that would not be part of the
16 boards and commissions thing would be property tax
17 appeals. Because that's something, also, that -- you
18 know, I think right now it's being done in-house by
19 somebody at the -- but there's a backlog for it. And
20 that's because, you know, there isn't somebody who is
21 able to just sort of -- like this is their job and so
22 that's all they do all year long is hear different
23 appeals and -- and interventions and other contested
24 case types of things.

25 MEMBER MOIKEHA: Okay. Thank you.

1 simple straightforward hearing and decision. And,
2 actually, at the Planning Commission, a lot of people
3 who intervene in the SMA processes, they use this sort
4 of, you know, laborious process to drag things out and
5 try to get more angles into getting what they want.
6 And, you know, that isn't -- I'm sure it's an unintended
7 consequence of how our setup is, but I think the best
8 thing to do is -- that's one of the policies of the SMA
9 process, to just be there in the rules as opposed to
10 having people using the rules to try to game and get
11 advantage.

12 MEMBER OKAMOTO: So you would think that this
13 setting up this administrative hearing could move those
14 kinds of things along better?

15 MR. COLLINS: Absolutely. Absolutely.

16 MEMBER OKAMOTO: Thanks. Thank you.

17 CHAIR STONE: Thank you very much. Any
18 further clarifications from the Commissioners?

19 (Silence.)

20 CHAIR STONE: No. Mr. Collins, thank you for
21 your time.

22 MR. COLLINS: Thank you.

23 CHAIR STONE: Lisa, next testifier, please.

24 MS. KAHUHU: Dick Mayer.

25 CHAIR STONE: Mr. Mayer.

1 CHAIR STONE: Commissioner Okamoto.

2 MEMBER OKAMOTO: Just because I'm not really
3 aware of how many types of these appeals, off the top of
4 your head, what would you say, per year, the contested
5 cases throughout the different departments, how many
6 would there be?

7 MR. COLLINS: The Planning Commission, the BVA
8 and Water Supply, and, of course, the tax office, those,
9 I think, are the big four. Lately, at least according
10 to Maui Times Weekly, I don't know how true this is, but
11 the Liquor Adjudication Board has not been meeting very
12 often. So theirs have sort of gone down. But they used
13 to. When I was on it, there was like two or three
14 people that were getting brought in every month. And in
15 that particular instance, they sort of felt that the
16 setup -- because there weren't -- they didn't have an
17 attorney that was hearing evidence and stuff, my
18 understanding is that most people just pled guilty
19 because they felt like it was a huge waste of time to
20 even try to contest it, even if they weren't. And then
21 I guess what they would do is if -- there was a
22 three-strike rule. What they would do is they would
23 just change a partner or a percentage or something and
24 they -- and, I mean, it's just all this game playing
25 because of all of the complications with just getting a

1 MR. MAYER: Am I last? I would like to go
2 last because I have a lot of things, and I would like
3 other residents to have an opportunity first. Is there
4 anybody after?

5 MS. KAHUHU: There's one person after you.

6 MR. MAYER: Let that person go first.

7 CHAIR STONE: I don't see a problem with that.
8 Let's go ahead with that.

9 MS. KAHUHU: Nikhilananda.

10 CHAIR STONE: Nikhilananda.

11 NIKHILANADA: I was going to ask Dick to do
12 the same thing and wait, too, because I got a lot of
13 things to talk about, too.

14 CHAIR STONE: Well, gentlemen, don't worry,
15 you'll have four minutes.

16 NIKHILANANDA: Well, actually, we'll have
17 seven or eight, but I plan to be at this meeting, the
18 Paia meeting and, also, your meetings in town. So I
19 have a lot of issues. I'll touch as many as I can. Try
20 to talk a little slower than I did last time.

21 First, really important, is I'm sure you all
22 saw the editorial in our daily paper responding to
23 Joshua's -- the Chair -- excuse me -- Mr. Stone, the
24 Chair of this committee. And you can see the -- I'm
25 trying to think of a gentle word that doesn't get

<p style="text-align: right;">Page 49</p> <p>1 bleeped out, but the unbelievable unawareness of our 2 local daily paper. 3 I wanted to speak about how you could change 4 the Charter since you spoke about it last time, at the 5 last meeting I was at. And what you may suggest -- you 6 definitely do not want to do away with this committee. 7 So that was, to put it bluntly, idiotic, but it's not 8 the first time this daily paper has said things that 9 really don't make sense. But you may want to look at -- 10 and I listened to your discussion in your meeting last 11 time in town. And that you may want to say that for the 12 one year or year and-a-half that this committee is in 13 existence, that the County Council does not propose any 14 Charter amendments, but it comes to this committee for 15 that year and-a-half, two-year period, so you don't have 16 a duplication. And you guys talked about -- very 17 specifically about why that might be a little tension. 18 So don't take away that power. You don't want to 19 challenge the power. They're elected officials. On the 20 other hand, there's a reason why this committee is in 21 existence. And it's that kind of nonsense that came out 22 of the daily paper. Okay. So -- and at other meetings, 23 I'll talk more in depth if you want more information. 24 But as far as election terms, do not -- well, 25 first of all, you want the people in the community to be</p>	<p style="text-align: right;">Page 51</p> <p>1 someone who has run for office, I understand the 2 absurdity of going to other islands and trying to 3 convince them. And then even when I ran in my own 4 district and I went out to Hana, they felt like I was 5 intruding on them because they felt like I don't live in 6 Hana. Because no one calls it East Maui, you call it 7 Hana. 8 Speaking of East Maui, I definitely think the 9 way that you have the -- the borders broken down, where 10 I live in Huelo is really much more part of Haiku. And 11 we don't have a precinct anymore. It's now we vote in 12 Haiku. So we're voting in a different district. So 13 that's something else, even though I want to see a 14 13-member council district voting -- 15 MS. KAHUHU: Time. 16 NIKHILANANDA: -- if you don't do anything, at 17 least -- 18 CHAIR STONE: One minute. 19 NIKHILANADA: -- change our -- ours so that 20 it's part of Haiku. I served on the Haiku Community 21 Association as president and, currently, the current 22 president lives in Huelo. He doesn't even live in that 23 district. Okay. So that's as far as the composition of 24 the council. 25 Now, the initiative, you need to lower the</p>
<p style="text-align: right;">Page 50</p> <p>1 able to vote on things. So I might have a certain 2 position on district voting or terms of office. But 3 I'll give you my terms. So something should be on the 4 ballot. 5 And we have not been given the opportunity to 6 talk about -- to vote on district voting. It's been 7 blocked. And so at least put that -- some type of 8 district voting. And you -- you can decide how you're 9 going to do that. 10 For example, I disagree with Michael's 11 position. Though, at one time, it came out of -- I 12 don't know if I should give Dick the credit -- that I 13 did support the three people out of three council 14 districts, but -- but the more I thought about it, what 15 I would suggest, because of the sensitivity of a 16 community like Molokai, is that we expand our council to 17 13. As I have said before, there's no reason why, 18 there's nothing sacrosanct about nine members. Have 13, 19 that gives Molokai almost its own councilmember. 20 Now, I walked in on Alan's testimony. And 21 he's right on about you want accountability. My State 22 Senator and State Representative do not live on Molokai 23 or Lanai, but they are well represented. And I was 24 represented by someone who lived in Lanai for many 25 years. So you want accountability. It's really -- as</p>	<p style="text-align: right;">Page 52</p> <p>1 threshold. I'm currently trying to get a petition 2 obtained for a political party. And we need one-tenth 3 of one percent of the people registered in the State. 4 The problem with getting petitions signed, it sounds, 5 oh, yeah, just sign this petition, a lot of people, for 6 whatever reason, don't want to sign petitions, but, 7 also, try going to the place where most people are. You 8 cannot -- unless you're the police department, go to 9 Walmart, you cannot go to all of these places where 10 people are. So it's time-consuming. And the reason 11 they do that is they don't want the people to have a 12 voice. We have been going to the council for many years 13 to try to get district voting. Lower the threshold and 14 sometime we can talk about that -- lower the threshold 15 as far as the number of people that can sign. Both 16 Charter Commission amendments, you have 10 percent of 17 the voters in the last election, 20 percent for the -- 18 to the County Clerk, think of how many thousands of 19 people that are. It's -- 20 MS. KAHUHU: Time. 21 NIKHILANANDA: -- impossible to get that. And 22 then I will -- only give him a two and-a-half minutes so 23 I can get more things out. 24 CHAIR STONE: Thank you, Mr. Nikhilananda. 25 Thank you very much. Commissioners, any clarification</p>

13 (Pages 49 to 52)

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1 on that testimony?

2 MEMBER OKAMOTO: I have one. I -- okay. On
3 expanding the council, I was -- my first thought when I
4 heard that was, well, that's going to cost us a lot more
5 money. And, interesting, I just read something that
6 said that sometimes expanding does not really cost that
7 much more. Obviously, it would cost some. But you feel
8 that expanding the council would be a good idea
9 regardless, is that --

10 NIKHILANANDA: I'll try to make that brief in
11 the form -- you, actually, answered it, "regardless".
12 But, of course, we're not unlimited deep pockets. But
13 the fact of the matter is, is accountability and our
14 freedoms and democracy. And Kauai has seven people. So
15 it's -- it's different. Oahu has nine. You think it's
16 so large, but they're in districts. So because we have
17 a unique situation, you know, people -- people say, oh,
18 yeah, I want district so Molokai has their own person,
19 but not with 7,500 people. And you can argue back and
20 forth how people say, how can one district -- one
21 representative from Lanai, 3,500 people, represent -- I
22 think somebody had a letter in the editor recently about
23 that, 3,500 people and somebody else represents 28,000.
24 It's not equal.

25 So, yes, look at the cost. I haven't broken

1 it down. I don't have those figures. And, yes, it
2 would cost more, but, in the long run, it's our
3 democracy that's at stake, and accountability. Thank
4 you.

5 MEMBER SUGIMURA: Can I --

6 CHAIR STONE: Thank you. Of course.

7 MEMBER SUGIMURA: Just an observation just
8 because I had an opportunity, a long time ago, to work
9 for the council. There's only limited amount of office
10 space. I think we'd run into a really big, you know,
11 problem if we try to expand it to 13 offices, while the
12 council chair would probably still be on the 7th Floor,
13 but you know I think that would be another big
14 consideration, for me, it would, cost. But --

15 NIKHILANANDA: May I briefly --

16 MEMBER SUGIMURA: I am curious how you would
17 break off -- how is the 13 broken up?

18 NIKHILANANDA: Oh, the way I came up with 13
19 is because, like I said, I really signed on to the three
20 people out of three senatorial districts, it makes
21 sense. Then I thought about it. Again, Molokai has
22 7,500 people, if you have 13, with 155,000 people in the
23 community, you break that down. So it's about -- each
24 district is about 12,000 people. Molokai has 7,500. So
25 they would be at least a majority in one district. So

1 that's why I came up with the 13. I came with the 13,
2 also, because you won't have an odd number. Though
3 there are boards that don't have odd numbers. You know,
4 it might have a lot of people, but not odd numbers. But
5 they do that so -- of course, the voting. So that's --
6 that's why I came up with the 13.

7 And as far as space -- and I apologize for
8 this -- I mean, yeah, there would have to be some
9 rearranging. Just like some people have said, that one
10 way that we should change the way the council meets.
11 And if you look at other communities, they don't meet
12 where the -- the -- he's up here like the dictator then
13 you have people with their backs. I like to -- when I
14 testify, I like to look at the community, too. And I
15 can't do both. So I have got my back to someone. And
16 he's going to be mad at me because I have my back to
17 him, but -- so, in other words, we need to rearrange
18 that. So as far as space, we could figure that out, but
19 it's -- again, I don't mean to be so flippant or
20 anything, but it's our democracy, I mean. So to have
21 accountability, a representative to represent someone
22 that you can actually touch, then, yeah, you would have
23 to rearrange that. And I don't think the building was
24 built for nine people; it was built to be the seat of
25 county government. So we could -- we could work that

1 out. I remember there were days when it was locked, you
2 couldn't go up there. So things will change.

3 CHAIR STONE: Thank you. Commissioners, any
4 further clarification?

5 (Silence.)

6 CHAIR STONE: No. Thank you very much for
7 your testimony.

8 NIKHILANANDA: Thank you.

9 CHAIR STONE: And, of course, you're welcome
10 to come back after --

11 NIKHILANANDA: Thank you.

12 CHAIR STONE: -- our last testifier. So,
13 Lisa, our final testifier.

14 MS. KAHUHU: Dick Mayer.

15 CHAIR STONE: Mr. Mayer.

16 MR. MAYER: Thank you very much,
17 Commissioners. Thank you for coming Upcountry. I'm
18 going to cover a number of issues and, hopefully, be
19 able to get through as many of 'em as I can.

20 The first one is that there is such a thing as
21 the Countywide Policy Plan that was adopted by the
22 council last year. And it has in there recommendations.
23 Susan Moikeha, a member of your board, was a member of
24 the committee that helped put this together. One of the
25 areas it talks about is -- it's one of the goals -- is

<p style="text-align: right;">Page 57</p> <p>1 to strive for good governance. Now, I would urge you to 2 take a look at this document, it's Pages 78 to 81. And 3 I'll mention two of the items in there because they 4 relate to testimony you already heard and will be 5 hearing. 6 One is, study and evaluate the feasibility 7 implications of district voting in Maui County Council 8 elections. 9 The second item that will come up is implement 10 two-way communications using audio-visual technology 11 that allows residents to participate in the County's 12 planning process. 13 I'll come back to those in a few minutes, but 14 one of the recommendations I would like to make -- and 15 it's to get around this problem of the isolation of 16 Hana, Molokai and Lanai -- I'd like to see the Charter 17 review commission recommend an amendment to the County 18 Charter which would require that telecommunications 19 facilities be made available in our three more remote 20 communities, Lanai, Molokai and Hana. These facilities 21 would allow residents in those areas to testify remotely 22 and at County Council meetings. It would empower those 23 more isolated communities. So a person doesn't have to 24 come over to Maui. Right now, almost the only person we 25 see from Molokai coming over is DeGray Vanderbilt comes</p>	<p style="text-align: right;">Page 59</p> <p>1 at-large. This would allow those who want to first get 2 into politics to start off at the district level. They 3 could get in, get known. And then, at some point in 4 their career, they may say, "I'm going to move up to the 5 large race," perhaps thinking they want to be mayor and 6 want to get a larger population base supporting them. I 7 think there's a strong argument. That personally is my 8 favorite of the various proposals. 9 Why would you want to change the process? In 10 the present, voters in a residential seat with a small 11 population -- 12 MS. KAHUHU: Time. 13 MR. MAYER: -- base, such as Molokai, Lanai, 14 East Maui, may find that the candidate whom they want to 15 -- would want loses an election because voters in the 16 distant, more populated district vote for someone else. 17 This has often happened and all too often. And one of 18 your members, Stacy Crivello, is subject to that. When 19 she ran, I think, she won on her island, but lost 20 because voters on this island voted for another 21 candidate. It's not uncommon. At last council, we had 22 four candidates who, in their previous election, had 23 lost in their own districts. So the argument that 24 people on Lanai, Molokai and East Maui should be able to 25 get a representation of the community is often</p>
<p style="text-align: right;">Page 58</p> <p>1 over regularly, but the rest can't testify. And I think 2 that's a major impediment. It would perhaps help us get 3 around the second issue of the district voting, which 4 sort of people are pushing for on Molokai and Lanai and 5 Hana because they feel so much more isolated. 6 Now on to the question of district -- district 7 voting. I think there are four possibilities that you 8 have in front of you. 9 By the way, I'll be giving this to you on 10 paper. 11 The present system with nine significantly 12 unequal residency districts. 13 Number two, nine single-member districts with 14 equal population size. 15 Number three, three districts with equal 16 population size, each district with three members 17 elected, so that everybody would have three 18 representatives at the council. This, basically, would 19 be the three senatorial districts that we now have. And 20 we will have, by the way, after the next -- after the 21 census count, we're going to still have three Senate 22 districts and six House districts. 23 And the fourth possibility would be six 24 districts with equal population size based on the State 25 House districts and then three people being elected</p>	<p style="text-align: right;">Page 60</p> <p>1 overridden by the fact that, in our present system that 2 outside voting -- outside areas vote against their 3 candidate. 4 Voters -- and another reason for having -- 5 getting away from the present system is we would have 6 larger population bases upon which to get good 7 candidates running for office. 8 And, finally, nowadays, with internet and 9 Akaku broadcasts, places that used to be thought of as 10 geographically remote have much more contact with the 11 center. 12 MS. KAHUHU: Time. 13 MR. MAYER: Let me just finish the sentence. 14 And then the -- now with the ferry systems running 15 between the islands, plus the possibility of having 16 telecommunication capabilities to the other islands, 17 would allow those more remote areas to be able to 18 participate more fully in the council. 19 CHAIR STONE: Thank you, Mr. Mayer. 20 MR. MAYER: Thank you. I have some more -- 21 CHAIR STONE: Much appreciated. 22 MR. MAYER: -- after everybody else. 23 CHAIR STONE: Again, of course, you can come 24 back to finish your testimony. I'm going to call for a 25 brief break here, bathroom break.</p>

15 (Pages 57 to 60)

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1 MR. MAYER: May I ask if there are any other
2 questions on this part before I move on to the other
3 items?
4 CHAIR STONE: Commissioners, any clarification
5 on his testimony?
6 MEMBER BAXA: Mr. Mayer, could you please
7 elaborate more on your suggestion about the at-large,
8 that component, as to at-large component?
9 MR. MAYER: Right. I would visualize that we
10 have -- we have right now six House seats represented.
11 And they're all of equal population size. I would urge
12 that we have one person elected from each of those six
13 areas and then three people elected at-large
14 county-wide. And I think what we then will have -- it
15 will make it easier for newcomers. Right now, it's
16 almost impossible to defeat an incumbent because you
17 have to run county-wide. This way, it would allow
18 people to come in, they may be well known, to run, and,
19 eventually, if they get well known, after two years or
20 one or two terms, they could run for the at-large
21 position.
22 And I think there's one other advantage to
23 that. And that is then every person in the -- in the
24 county would have four people who represent them. Their
25 own district person and three at-large people. If we

1 have only single-member districts, you only have one
2 person you can go to. And, hopefully, you get along
3 with that person. If they -- you don't, there may be
4 some problems getting representation from that person.
5 But if you -- if there are four people who are
6 responsible to -- for each area of the island, three
7 at-large, plus your own, I think we'll have better
8 representation for the public.
9 MEMBER BAXA: Where would you put Lanai and
10 Molokai in this concept?
11 MR. MAYER: Lanai and Molokai, they're -- that
12 would be -- right now, the way we have a House district,
13 Lanai and Molokai are lumped together with East Maui in
14 -- in one House seat, Mele Carroll's seat right now.
15 And that, conceivably, could be one district, all of
16 which are very rural, remote. And the person
17 representing them could conceivably have very common
18 interests in these remote areas and representing that
19 particular perspective.
20 MEMBER BAXA: So --
21 MR. MAYER: There could be other ways.
22 Molokai could be attached to (inaudible), for example,
23 Lanai could be attached to Lahaina. We could do it in
24 other ways. And we would probably have to have some
25 kind of redistricting commission every 10 years to do

1 it. But that should be something that could be built
2 into the process.
3 MEMBER BAXA: I see. So Lanai and Molokai
4 would be within the six?
5 MR. MAYER: If we did it by the way the House
6 seats are, which I think, from the County Clerk, the
7 election officer's way, would probably be the easiest
8 way to handle it. But it's not, certainly, the only
9 way.
10 MEMBER BAXA: Thank you, sir.
11 CHAIR STONE: Commissioners, any further
12 clarification?
13 MEMBER MOIKEHA: Chair, I have a question.
14 CHAIR STONE: Please.
15 MEMBER MOIKEHA: Thank you, Dick, for your
16 testimony. On the telecommunications, again, is there
17 another venue other than the Charter to establish that
18 since it's already established in the County Policy
19 Plan, which has been adopted?
20 MR. MAYER: I think -- I mean, the council
21 could adopt it in its rules, certainly, and say that
22 that's a possibility. But they haven't done that. I
23 think they know it's a possibility. And I think it --
24 it would be an expression by the County that we
25 recognize, especially if we -- if your Commission

1 recommends single-member districts or one of these other
2 variants on the process. People on Lanai and Molokai
3 will feel, oh, we've been cut out entirely by the
4 county, by the majority of the voters on Maui Island.
5 This, I think, will be affirmation on your part to those
6 people, saying we want you to participate, we're going
7 to give you an additional venue to facilitate your
8 ability to communicate. And it could be used in other
9 ways; not just to the County Council. But if that
10 facility was set up effectively, it would allow
11 councilmembers, all nine, let's say, to be able to
12 communicate with constituents on these neighbor islands
13 more effectively. Given the difficulty of travel
14 between the islands, that will always exist, it will
15 allow for other committees, planning commissions and
16 other bodies, to have representation on these islands.
17 I think it would just facilitate everything. It would
18 be a statement by the Charter Commission saying we
19 recognize these remote areas should be better
20 participate -- be able to better participate in the
21 County government process.
22 MEMBER MOIKEHA: Yeah. And my reason for
23 asking these questions is also to distinguish what can
24 be done through other venues. And I understand your
25 point of giving it a more stronger foundation for a

<p style="text-align: right;">Page 65</p> <p>1 Charter amendment. But there's always the case that it 2 may not be voted on as supported by the voters. And so 3 if there's -- if it's that important, then other venues 4 could help towards achieving those goals. So within the 5 Policy Plan, also, there is an implementation and action 6 to implement something like that.</p> <p>7 MR. MAYER: Yes.</p> <p>8 MEMBER MOIKEHA: So what it would do is 9 necessarily call upon the council to -- to act upon it. 10 And I think through the citizen process, that could be a 11 way to assure that something might get done. But thank 12 you for your -- your comments. Again, it's just to kind 13 of, in my mind, see, you know, with some of these 14 comments that are being brought forth, if there's other 15 venues. And even if we did adopt it and put it out 16 there, there's no guarantee it would be adopted by the 17 voters. So to me, it's worthy of conversation, it's 18 worthy to make it -- see it happen, but I think you 19 can't just rely on the Charter amendment in hopes that 20 everybody will see it the same way. So that's the only 21 reason I question these things.</p> <p>22 MR. MAYER: Good point. And one way of the 23 doing it, possibly, might be to put it into the same 24 amendment that you have -- let's say you end up with 25 single-member districts, you put it in that they will be</p>	<p style="text-align: right;">Page 67</p> <p>1 problem with like 13th District being part of what is 2 13th now, being part of the Big Island. So, I mean, if 3 they did that to us again, we would have a hard time 4 following them, naturally. So, you know -- okay.</p> <p>5 MR. MAYER: Good point. But the same thing 6 would be true if you have single-member districts. 7 Every 10 years, you will have to reapportion depending 8 on where populations go. So there will be a process 9 every 10 years, no matter what you write up, whether it 10 be six, three, nine, you will, every 10 years, have to 11 have a redistricting taking place to account for 12 population changes.</p> <p>13 MEMBER DELEON: How would this system work 14 better for Lanai and Molokai, though? If -- even having 15 larger districts, then aren't we giving those folks less 16 hope of being close to the representative?</p> <p>17 MR. MAYER: There's no question that they 18 would feel, you know, hurt by this process. Except for 19 the fact that I mentioned, Lanai, last election, and the 20 last time representative -- excuse me -- Councilmember 21 Mateo ran for Molokai, both of them lost on their own 22 neighbor islands. So the fact that the argument is that 23 Lanai and Molokai want to select their own doesn't 24 always work. They don't get to elect their own because 25 Central Maui elects those people. Look at the vote</p>
<p style="text-align: right;">Page 66</p> <p>1 able to participate, then it makes it a package, it 2 relates very closely together, as opposed to having a 3 separate amendment.</p> <p>4 CHAIR STONE: Thank you. Commissioner DeLeon, 5 you had a question?</p> <p>6 MEMBER DELEON: Two. So you would see these 7 new districts as being -- mirroring the representative 8 districts, the six, that mirror --</p> <p>9 MR. MAYER: That's the easiest mechanical way 10 to do it. But the Charter, as you folks will eventually 11 decide, does not -- you could say we'll have an 12 apportionment committee that does it another way.</p> <p>13 MEMBER DELEON: Okay.</p> <p>14 MR. MAYER: It's six equal districts.</p> <p>15 MEMBER DELEON: Okay. So you kind of -- but 16 the second thought or part of that was, then, if you did 17 mirror the representative districts, then, every 10 18 years, we would change our districts like they would 19 change theirs?</p> <p>20 MR. MAYER: Right.</p> <p>21 MEMBER DELEON: So the State Apportionment 22 Commission, the problem with the State Apportionment 23 Commission -- this is a thought that comes to mind -- 24 for a while, they had the 13th District being part of 25 Kauai. And, you know, they also had, you know, the</p>	<p style="text-align: right;">Page 68</p> <p>1 totals. So, yes, it will hurt them in the sense that 2 they don't have a resident from their island on the 3 Commission. But then again, the councilmembers have to 4 spend so much time on Maui that, very often, they're not 5 really even back in the community. They go home maybe 6 on the weekend occasionally or they go home every other 7 weekend, but they have a real difficulty because the 8 council ties them up so much.</p> <p>9 I just think that -- I just think that it 10 would be fair not just for the whole County -- I don't 11 think it's necessarily going to -- I think we're talking 12 about trying to get the best for the whole County. 13 That's really why I'm saying we have to change the 14 system because I don't think it's necessarily best for 15 the whole County the way we have it now. And I do think 16 there's some compensations that would help Lanai and 17 Molokai still be included in the process.</p> <p>18 CHAIR STONE: Thank you. Commissioners, any 19 further questions? Commissioner Baxa.</p> <p>20 MEMBER BAXA: I have just one question, sir. 21 Among the alternatives that you have mentioned, in your 22 best judgment, which among these is the best?</p> <p>23 MR. MAYER: I personally like the six and 24 three, six representatives and three at-large. I know 25 that, every 10 years, we will have to reapportion, so I</p>

17 (Pages 65 to 68)

1 don't think that's the big issue. And if the State goes
 2 ahead and changes, canoes districts with Kauai or the
 3 Big Island or wherever, the redistricting group from
 4 Maui will have to adjust to get the six equal districts.
 5 But I do think that -- I just think that the three
 6 at-large makes sense. It gets people prepared to become
 7 mayor, perhaps, by giving them the larger base, the
 8 people get to know them, but it also allows incumbents
 9 to start off with a smaller district. So I think it has
 10 the best blend of two. If we only have single-member
 11 districts, then one of those nine wants to run for
 12 mayor, they don't have a population base that's
 13 county-wide. And so I think that there's a value to
 14 having the at-large representation. And it gives every
 15 person in the County four people who directly represent
 16 them.

17 MEMBER BAXA: Thank you.

18 CHAIR STONE: Commissioner Okamoto.

19 MEMBER OKAMOTO: Yeah. Didn't we used to have
 20 where there were three at-large -- there were some
 21 districts and there were some at-large? That was back a
 22 few years ago.

23 MR. MAYER: Yes, back in the eighties.

24 MEMBER OKAMOTO: Okay. My second question
 25 was, I haven't heard anybody talk about residency. And

1 that seems to be a major problem. I don't care where
 2 you do it. I'm surprised. I thought that would be an
 3 issue. Because the more you get into districts, the
 4 residency requirements may be something we need to look
 5 at.

6 MR. MAYER: Whether you talk about the present
 7 system or any of these other proposals, defining what
 8 makes a person a resident is something that you
 9 definitely should handle. I didn't get into it because
 10 I assumed that no matter what district regulation you
 11 have, you still will have to establish what defines a
 12 person's residency. And that is something that the
 13 Charter review commission should definitely put into
 14 action.

15 MEMBER OKAMOTO: Thank you.

16 CHAIR STONE: Thank you. Commissioners, any
 17 further clarification?

18 MEMBER SUGIMURA: Residency, isn't that a
 19 state issue? It's not really a -- oh, sorry.

20 MR. MAYER: Well, the County --

21 MEMBER SUGIMURA: Okay. Sorry.

22 CHAIR STONE: No. Please, go ahead.

23 MEMBER SUGIMURA: Isn't that correct,
 24 residency is HRS level, which would supersede this --
 25 MR. MAYER: There is state residency rules and

1 regulations, but then you become a resident of the
 2 state. I don't think the State defines whether the
 3 person's a resident of Lanai or Molokai or East Maui or
 4 West Maui. That's not part of the State's residency
 5 requirements, I don't think. Now, I think that -- I'm
 6 not sure. How does the County Clerk -- the question I
 7 guess we would ask the County Clerk, how does the County
 8 Clerk define residency. And if it's not clear, that's
 9 something you should make clear.

10 CHAIR STONE: Thank you. Commissioner Baxa.

11 MEMBER BAXA: May I just pose this question to
 12 you, Mr. Mayer? What if we say the candidate for office
 13 must be a resident and voter in the district where he's
 14 elected? Except for the three that would be voted, they
 15 should be a resident voter in the County.

16 MR. MAYER: And then again, the question of
 17 what -- how does the person actually say that I'm a
 18 resident, what length of time period? After what date,
 19 do they have to it for one year, two years, voting in
 20 that district for at least one year or two years?

21 MEMBER BAXA: Well --

22 MR. MAYER: Yes. If you set that --

23 MEMBER BAXA: If you combine the two, resident
 24 and voter within the district, then the voting should,
 25 in a way, define the residency.

1 MR. MAYER: I would think so. If it -- but
 2 somehow it should be clearly defined. Maybe, even if
 3 you don't put it into the Charter, in the background
 4 material, when you give rationale for why you put
 5 Charter amendments in, it will define what exactly you
 6 mean. That might be very helpful.

7 MEMBER BAXA: Thank you.

8 CHAIR STONE: Thank you. Any further
 9 clarification from the Commissioners? Mr. Mayer, thank
 10 you very much.

11 Before we go to recess, and our second round
 12 of testimony, I'd like to ask if there are any other
 13 people who would like to testify for the first time?
 14 No. With that said, I would like to take a 10-minute
 15 recess. And we will be back here at 8:10. Thank you
 16 very much.

17 (Recess, 7:59 p.m. to 8:10 p.m.)

18 CHAIR STONE: Let's call this meeting back to
 19 order. And what I'd like to do is if anybody has come
 20 in who would like to testify for the first time, I'd
 21 like to give them an opportunity before we go to the
 22 next round of testimony. Is there anybody who would
 23 like to testify that hasn't spoken already?

24 (Silence.)

25 CHAIR STONE: No. Okay. Let's go to the next

<p style="text-align: right;">Page 73</p> <p>1 round of testimony. And this will be three minutes, but 2 I'm sure there will be some major communications. So, 3 Nikhilananda, please. 4 NIKHILANANDA: Let Sally -- 5 CHAIR STONE: Oh, Sally. I'm sorry. Excuse 6 me. Ms. Raisbeck, did you want to testify again? 7 MS. RAISBECK: Yeah, I do. 8 CHAIR STONE: I'm very sorry. 9 MS. RAISBECK: That's okay. No. 10 CHAIR STONE: So, Ms. Raisbeck, please go 11 ahead with your three minutes. 12 MS. RAISBECK: Can you hear me? You may think 13 that I was merely being facetious when I put in this 14 request that the council be -- that you eliminate the 15 council's ability to make amendments. I think there's a 16 rationale behind it, is that they should not be 17 determining their own method of election, their own term 18 of -- you know, the term limits and all of that, they 19 shouldn't be allowed to determine that. And if it 20 weren't coupled with the fact that, as I say, in my 21 perception, it's easy to pass amendments that get on the 22 ballot, I wouldn't be so worried about it. But maybe 23 the suggestion that somebody made that they simply not 24 be allowed to put ballots on the amendment at the same 25 time that you people put ballots -- put amendments on</p>	<p style="text-align: right;">Page 75</p> <p>1 working the way they should work as the community gets 2 larger and larger. And I don't have a recommendation at 3 this time, but I just hope you will look at it. 4 Thank you. 5 CHAIR STONE: Thank you very much. 6 Commissioners, clarification on the testimony? 7 (Silence.) 8 CHAIR STONE: No. Thank you very much, 9 Ms. Raisbeck. Our next testifier, Lisa, actually, who 10 was next in line. 11 MS. KAHUHU: Sally was the last to come back. 12 I'm not sure if Nik wanted to come back. 13 MEMBER DELEON: Nik and Dick last. 14 NIKHILANANDA: I was waiting for you to call 15 me up. 16 CHAIR STONE: Nik, please come forward. 17 NIKHILANANDA: Thank you, Commissioner Stone 18 and Members of the Charter Commission. Sally said, 19 "Somebody said that." I have known her for 25 years and 20 she calls me "somebody". 21 I'm going to get to a couple of things that I 22 haven't talked about yet. And one of 'em was very clear 23 about what this testimony is that you were just talking 24 about. But I think one that's very important to me -- 25 and I sort of worded it, but it's just food for thought.</p>
<p style="text-align: right;">Page 74</p> <p>1 the ballot. That -- because we had the Board of Water 2 Supply back two -- two elections ago. And it was a 3 pretty hard fought battle. And the Director of Water 4 Supply was putting up big political signs on the -- down 5 in Kihei. And we really fought about that. That was 6 about taking away a semiautonomous character. 7 This brings me to the main thing I want to 8 talk about, which is I think commissions have gotten 9 totally out of hand. There are 13 commissions specified 10 in the Charter; some of them very powerful, some of them 11 not. And there are 26 boards and commissions not in the 12 Charter, which mostly have less power, but probably some 13 of them do. And I think, in a small community, a 14 commission of trusted people can be very effective. And 15 as the community gets larger and larger, nobody knows 16 who those people are. It's -- there's no accountability 17 because you have a problem, who do you go to, you go to 18 your councilperson. So I think the fewer commissions 19 the better. 20 I think part of your mandate could be to look 21 at some of the commissions, including the ones in the 22 Charter, some of which are survivals from the 1960s, 23 Board of Supervisors, which mixed executive power with 24 legislative power. I think the commissions that have a 25 lot of power need a careful look to see if they're</p>	<p style="text-align: right;">Page 76</p> <p>1 But it's under Article 8, Chapter 11, so it's Section 2 8.11.2, Subsection 1, and that would be that the County 3 -- this is dealing with water, the Department of Water 4 Supply -- shall attain, via purchase, eminent domain 5 and/or via any other legal mechanism, all ground and/or 6 surface water sources currently held by private 7 corporations. And I want you to discuss. That's got a 8 lot, but it's just the idea that the State Constitution 9 says that the water should be publicly held. Right now, 10 we buy from a private corporation. I think that's 11 reprehensible. 12 As far as your rules, one of the benefits of 13 coming up now -- and I appreciate that, that we're given 14 a second chance -- at your regular meetings, you then 15 have a second round where we can come up. But then, 16 after that, you talk about what's on the agenda. And 17 the last time you talked about this idea of what -- 18 there was a little bit of discussion about should the 19 Charter -- something that Sally just mentioned, should 20 the Charter -- while the Charter Commission is meeting, 21 maybe the County Council should not be proposing 22 charters. And I'm sitting there saying, gee, I'd like 23 to make a comment about that. As an example, Akaku does 24 allow a second round of public testimony. So I'm not 25 sure how you would do that, but you can talk about it.</p>

1 But it's in your rules under 11.2, Subsection D, that
2 public testimony will be accepted at a later period
3 during your meeting. Because sitting there for three
4 hours, you talk about things, so maybe have maybe an
5 hour, hour and-a-half or two hours, you will make some
6 comments that maybe somebody could enlighten this
7 Commission, that you could then talk about further. So
8 just to look at your rules.

9 And I really appreciate -- because you were
10 talking about, for example, if people came in late. I'm
11 glad that you decided that people can come in and sign
12 up. And I really -- Commissioner Stone, I really
13 commend you in allowing people to come back afterwards.

14 So another one, something that was mentioned,
15 qualifications. So it's Section 3.3. Commissioner
16 Baxa, I'm glad you mentioned that. I actually had
17 touched on that. So I apologize that I put my hand up,
18 but that's something that you need to look at,
19 qualifications. And that is in your districts, that
20 will be 13 districts, that's what you're going to have,
21 not six and three, but that's only if it passes.

22 Remember, you're going to put things on the
23 ballot and it's up to the community to vote for it. I'm
24 not sure how you do that. If you're going to have one
25 or two or three proposals, I think you're not allowed to

1 people representing me. I -- and I apologize for anyone
2 who might be listening who -- or present, who was my
3 representative at some time. And that is that I used to
4 go to someone who lived in the totally opposite side of
5 the island because they were the one person I could
6 really talk to and would listen to me and was closer to
7 my positions. So the people that are in my district I
8 don't go to because I don't find that I get any
9 successful things, generally. Everyone's a very nice
10 person -- we have a councilmember sitting here -- but
11 we're talking about issues. So it's never an attack or
12 condemnation on the individual as a human being; it's on
13 the position. When you're elected to office, that's
14 your role.

15 So -- and, again, I just want to stress --

16 CHAIR STONE: I apologize.

17 NIKHILANANDA: If that's it, that's fine,
18 because I'm going to come back to other meetings. I'm
19 going to be in Paia, also. I'll try to get into other
20 issues and go into detail. But there are so many
21 issues. And you can see, for example, Dick presented
22 four kinds of district voting, but the major thing we're
23 right on the same page is having individual districts
24 somehow.

25 CHAIR STONE: Thank you. Thank you very much,

1 do that. So that's why it's important what you come up
2 with. But I would recommend that. And that is that
3 qualification that a voter lives for one year in the
4 County and six months in a district. And then there are
5 State rules about qualifications and who lives in the
6 community. But if you look at your 3.3, it's in our
7 Charter. So the question about can we do that, of
8 course, it's right in our Charter. Yes, we can. That's
9 our qualifications. Right now, I think it says 90 days.
10 And that is, as you can see, we've had -- how many
11 people have been challenged in the last couple of years.

12 MS. KAHUHU: Time.

13 NIKHILANADA: So I will make this really
14 quick. And I think I might have said it before, but as
15 far as the term of the council -- and I might have said
16 that -- you know, it might go to the voters and then
17 we'll just have to have a lot of people really
18 campaigning against it, but keep the term for two years.
19 So if you get a great person, you could reelect them.
20 If you get somebody who is not great, and, of course,
21 gets bleeped nowadays, those seven words, we're stuck
22 with them for four years.

23 As far as representation, something that Dick
24 was talking about, that you have now four people
25 represent you, the way our system is now, I have nine

1 Nik. Thank you for your testimony.

2 NIKHILANANDA: Any comments or suggestions?

3 CHAIR STONE: Commissioners, any
4 clarification?

5 MEMBER DELEON: I'm not trying to encourage
6 you, Niky, but the qualification for councilmember,
7 being a registered voter in the district?

8 NIKHILANANDA: You asked me when I said the
9 one year and --

10 MEMBER DELEON: No, no. You were talking, you
11 were giving dates and times and stuff like that.

12 Registered voter. No -- yeah, being a registered voter
13 in the district.

14 NIKHILANANDA: Correct.

15 MEMBER DELEON: As a qualification.

16 NIKHILANANDA: Yeah. Well, that's why I said
17 one year residency in the county. Right now 3.3 --

18 MEMBER DELEON: No, no.

19 NIKHILANANDA: -- says 90 days.

20 MEMBER DELEON: Resident voter in the
21 district. If it's a voting district, if it's a
22 district --

23 NIKHILANANDA: Right. Which is why I said one
24 year and six months in that district because I do
25 realize, I -- I --

<p style="text-align: right;">Page 81</p> <p>1 MEMBER DELEON: Okay. Okay. I got it. I got 2 it. 3 NIKHILANADA: You know what I'm getting at? 4 Yes, no? 5 MEMBER DELEON: We're going different ways, so 6 I don't want to have debate. Okay. Thanks. 7 NIKHILANADA: Do you want to clarify what 8 you're asking? Or no? Okay. That's fine, okay. 9 CHAIR STONE: Commissioners, any further 10 clarification? 11 (Silence.) 12 CHAIR STONE: No. Thank you very much for 13 your testimony. 14 NIKHILANADA: Thank you. 15 CHAIR STONE: Mr. Mayer, please. 16 MR. MAYER: Thank you again. I've got five 17 items. Hopefully, they're shorter. 18 The first one deals with something called 19 community plan district participation. Right now, every 20 10 years we're supposed to, every 20 years it actually 21 happens, we rewrite our community plans, we have an 22 advisory committee that recommends the community plan. 23 And when the plan is adopted, that committee ends. I 24 would like to see an advisory committee established for 25 each of the community plan districts. And I have got</p>	<p style="text-align: right;">Page 83</p> <p>1 nobody from that district is even on the Planning 2 Commission. And this is a problem. So this would give 3 each of the districts now a chance to give some input 4 from an established body that has some procedures and 5 rules to the body rather than saying the Y, X, Y, Z 6 community association which may have two members, that 7 no one knows who they are, makes a recommendation to the 8 Planning Commission. This would give a long established 9 -- and I would urge you to consider that carefully. And 10 it would go in -- where you have to modify it. It's in 11 Section 8-8.5(4), 8-8.5(4), where you make modification 12 of the Charter that would allow the advisory committees 13 to be established. The rules by which they would get 14 established and whatever could be handled by the 15 departments, by the council rules. 16 The second recommendation I'd like to make is 17 something that Mr. DeLeon and I am both very familiar 18 with. When Mr. Arakawa came in to be mayor 10 years 19 ago, eight years ago, eight, nine years ago, he 20 established a blue ribbon committee to help select 21 people for all the various boards and commissions. And 22 what I would urge you to do is to reestablish that 23 process in the Charter. What it was, was a committee 24 that was made up of people who really were not part 25 of -- necessarily part of a political machine, the mayor</p>
<p style="text-align: right;">Page 82</p> <p>1 wording that I would like to put in there, basically 2 saying the following: Each island shall have its own 3 planning commission, each of the six community plan 4 districts on Maui Island shall have its own permanent 5 advisory board such as the advisory board which already 6 exists in Hana. The six advisory boards would make 7 recommendations to the County Council, the Maui Planning 8 Commission and, where appropriate, to other County 9 boards and commissions. Each advisory board shall have 10 a 11 members, two members selected by the mayor and one 11 selected by each councilmember. Members will serve for 12 three years and may be reappointed twice. 13 In other words, let's just take this Upcountry 14 area here, it would have an advisory board. If the 15 Planning Commission has an item that comes before the 16 project, somebody that deals with the area, they could 17 refer to this body, this advisory body, just as exactly 18 as done now in Hana. Hana has that advisory. But it's 19 interesting that a small community like Hana has a whole 20 advisory board, but the big areas like Central Maui, 21 South Maui, West Maui, Upcountry, Haiku do not have any 22 kind of body to recommend. 23 And the problem is that, very often, the 24 Planning Commission, as Mr. Hedani and Ms. Moikeha know, 25 who have served on it, there are oftentimes cases where</p>	<p style="text-align: right;">Page 84</p> <p>1 or a political party, but, rather, somebody -- 2 MS. KAHUHU: Time. 3 MR. MAYER: Okay. Let me finish this up and 4 then -- 5 CHAIR STONE: I'll allow him to continue for a 6 little bit. 7 MR. MAYER: Thank you. This will be a 8 committee that will be set up. 9 And I have got procedures and rules here. 10 And, by the way, I'm going to be handing this to you. 11 My printing press went out, so I only have copies for 12 about eight of you, but I'll get it to the staff and 13 they'll get it to you all. 14 The committee would be set up by the council 15 and the mayor, three members appointed by the mayor, 16 three appointed by the council, and six of them would 17 select their chair. And this committee would meet and 18 would take applications, but they would also recruit 19 people. Right now, some of the boards and commissions 20 are very technical, like, you know, you need an 21 architect, you need an engineer, you need somebody in 22 the -- a veterinarian. And other ones are much more 23 open, Street Naming Committee, which, hopefully, would 24 have somebody with Hawaiian language expertise, et 25 cetera. Some are technical, some are nontechnical, some</p>

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1 have this or that. This committee, then, would be able
 2 to look at and say we want to make sure there's
 3 geographic representation on some of these boards,
 4 there's gender representation, there's ethnic
 5 representation. So we don't have committees that are
 6 very one-sided one way or another, that can happen if
 7 somebody isn't carefully paying attention to that.
 8 And I think, as you'll see by the proposal
 9 I'll give you, that could be put into the Charter. I
 10 think it would be under Section 13-2, but you'll get the
 11 wording from me later.
 12 CHAIR STONE: Mr. Mayer, thank you very much.
 13 MR. MAYER: Three other items that would be
 14 much shorter, but any questions on those?
 15 MEMBER MOIKEHA: Chair?
 16 CHAIR STONE: Any clarification from the
 17 Commissioners? Yes.
 18 MEMBER MOIKEHA: I have a question.
 19 CHAIR STONE: Yes, please.
 20 MEMBER MOIKEHA: Dick, on the permanent
 21 advisory boards, how is that any different than the way
 22 an association works in each community?
 23 MR. MAYER: The associations are -- by those
 24 who happen to want to join the association, they're not
 25 connected to the government in any way. They haven't

1 been appointed to be representative necessarily of the
 2 community. And we have, on the island, maybe four or
 3 five really long-standing experienced boards and
 4 commissions. But many of the communities,
 5 Wailuku-Kahului are two larger communities, have no
 6 representative body. South Maui has an excellent one.
 7 Upcountry, Kula has one, but -- Makawao has a new one,
 8 Waikapu has a new one, but Pukalani has none. So it's
 9 really difficult to -- to necessarily get good
 10 representation always on -- on projects. And this would
 11 be an attempt -- for example, let's just take the
 12 Upcountry one. I would hope there would be like three
 13 members from Kula, three from Pukalani, three from
 14 Makawao, at least, on the board that could help
 15 represent their communities. And that's what I'm -- why
 16 -- as opposed to community associations.
 17 MEMBER MOIKEHA: Okay. Thank you.
 18 CHAIR STONE: Commissioners, any further
 19 questions?
 20 MEMBER BAXA: Mr. Chair?
 21 CHAIR STONE: Yes, Commissioner Baxa.
 22 MEMBER BAXA: I am going back to that
 23 suggestion that you have about this advisory committee,
 24 something like that, which would select from qualified
 25 people, the nominees to a particular commission, then

1 the mayor will -- can only pick out from the nominees,
 2 and then probably the nominee picked by the mayor will
 3 be confirmed by the council.
 4 MR. MAYER: Right.
 5 MEMBER BAXA: Is that the concept?
 6 MR. MAYER: Yes, exactly.
 7 MEMBER BAXA: In other words, this would be
 8 similar to the Judicial Selection Commission?
 9 MR. MAYER: That's the reference I have in
 10 here.
 11 MEMBER BAXA: Selection commission?
 12 MR. MAYER: Right. And really -- and the
 13 committee would take a proactive stance to really go out
 14 and try to get good people. You have a benefit on the
 15 panel of having Mr. DeLeon. He was the staff person for
 16 this committee -- I was the chair of it, for four
 17 years -- and he did an excellent job. And we worked
 18 together. And I'm not sure necessarily it saved effort.
 19 He probably could have done a lot of it without having
 20 to call the group together all the time. But I think,
 21 in the end, it provided a better list of names because
 22 you had people there who knew a lot of people out in the
 23 community. You would say, hey, we need somebody for X,
 24 Y, Z committee, and then somebody says, oh, yeah, I know
 25 somebody who would be excellent at that, they're a

1 retired engineer or a retired this or that. And we had
 2 the benefit of really getting good input. And it was
 3 like the Judicial Selection Committee. We, in most
 4 cases, recommended three names to the mayor, very often
 5 ranked one, two, three, but sometimes we said all of 'em
 6 were equal, and it was up to the mayor, then, to select
 7 from that group. And I would say 80 to 90 percent of
 8 the time, Mayor Arakawa, in this case, used the names
 9 that we selected and very often took our first choice on
 10 it. And in a few cases, he said, no, I would rather
 11 have somebody. And they -- they sent the name down to
 12 the council. And I think we had some very good
 13 appointees because of that process.
 14 MEMBER BAXA: Thank you.
 15 CHAIR STONE: Commissioner DeLeon.
 16 MEMBER DELEON: The one caution I get from
 17 your proposal, Dick, is the idea that the council is
 18 going to be picking members of this body. This is
 19 supposed to be a mayor's responsibility and power. The
 20 council gets the responsibility to advise and consent.
 21 If you give the -- you know, I like your thoughts, why
 22 you need to have the council involved in picking the
 23 members of the advisory committee. One.
 24 Two, the advisory committee seems to be too
 25 small in that you need to be able to have a full

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1 spectrum. You need to have Lanai and Molokai on it, you
 2 need to have somebody from -- hopefully, from Hana, if
 3 you can get 'em. And that's -- and following up on my
 4 -- the thought you had about all these advisory
 5 committees, good luck finding all those people and make
 6 sure they actually show up. I mean, you guys have a
 7 really wonderful organization up here because you have a
 8 lot of people that feel empowered and actually come and
 9 do it. But I have watched boards and commissions -- I
 10 mean these advisory committees be appointed by the
 11 council, and then the individual members picking one by
 12 one, and it turns into like three guys showing up and
 13 running the whole thing. A lot of people, they're
 14 really not having a clue why they're there, if they show
 15 up at all. So I have a -- I'm sorry, it's getting late,
 16 I'm digressing. My main point, though, is the thing
 17 about the -- the council selecting, being involved in
 18 the selection of the advisory committee.

19 MR. MAYER: I just thought it would be a
 20 buy-in for them to participate in the boards and
 21 commission that run the County. I think sometimes it's
 22 too much power to the mayor to appoint all the people to
 23 all the boards and commissions. Yes, the council has an
 24 opportunity to say yes or no, but, very often, that
 25 doesn't really happen. I think this just gives a little

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1 more power, gets the council involved in that process of
 2 selecting people. I'm not wedded to it. If you -- if
 3 the Charter Review Commission said we're going to have a
 4 nine-member body to do this thing, I would be very
 5 happy; however, I think the idea is to try to get people
 6 who really are not part of the political machine.
 7 That's one reason why I would like to see that it's not
 8 just one person appointing all those people. That's one
 9 thing. And, also, not -- not from a political party.
 10 And I think we have benefit by not having nonpartisan
 11 mayor, nonpartisan councilmembers, so that's less likely
 12 to be the case, but just to diversify how the people are
 13 selected.

14 MEMBER DELEON: And the mayor would retain the
 15 power to make the final choice?

16 MR. MAYER: Yes. And the check would be, of
 17 course, the council would have to agree to that final
 18 choice.

19 MEMBER DELEON: Well, yeah, advise and
 20 consent.

21 MR. MAYER: Exactly. So you still have the
 22 check. I just think that if you get a little bit
 23 broader base as to who picks the -- who picks the people
 24 for the selection committee, I think it's better than
 25 having one person pick "cronies", if they will. And it

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1 could be -- it could not be -- could not work out for
 2 the best interest of the community. That's why I said
 3 that.

4 MEMBER DELEON: For the Commission's sake, for
 5 the record, this process really worked well for us. I
 6 did the boards and commissions for Lingle and -- Mayor
 7 Lingle and for Mayor Arakawa. And this was an
 8 advancement. The process we have now was created by
 9 Mayor Lingle and it was later codified. But the -- the
 10 thing that Mayor Arakawa did really kind of broadened it
 11 and made it a lot deeper, a lot better selections
 12 resulted.

13 CHAIR STONE: Thank you very much.
 14 Commissioner DeRego.

15 MEMBER DEREGO: Yeah. The Cost of Government
 16 Commission -- in fact, I helped write the report --
 17 spent about a year looking at boards and commissions.
 18 And we actually steered away from some of them because
 19 they tended to be a little bit more politically
 20 sensitive. But we began finding that out of these 37
 21 boards and commissions all together, that quite a number
 22 of them did not meet at all for long periods of time.
 23 In fact, if you look at the website, on the County
 24 website, you'll find some of these commissions have not
 25 met for two or three years.

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1 There is a question behind this.

2 MR. MAYER: Okay.

3 MEMBER DEREGO: It would seem to me that
 4 besides getting qualified applicants and before we start
 5 even thinking about expanding into extra advisory boards
 6 for each district, I think maybe, as a suggestion maybe,
 7 this blue ribbon committee would expand what the Cost of
 8 Government Commission did and maybe look at the whole
 9 gamut of boards and commissions, and maybe make
 10 recommendations to the mayor and to the council about
 11 how to consolidate.

12 We did that with a limited number of 14 boards
 13 and commissions, and looked at each of them. Because
 14 there's a lot of soft costs involved, especially in the
 15 upfront of the recruitment and retention of -- of people
 16 on boards and commissions, you know, involved in the
 17 departments, in the mayor's office, you know. So I
 18 don't know how you would feel about that suggestion, the
 19 blue ribbon committee not only be involved in the
 20 selection process, but, also, be sort of a watchdog in
 21 some way, shape or form on the growth and the expansion
 22 of boards and commissions, and make recommendations of
 23 consolidation or elimination or something like that.

24 MR. MAYER: I couldn't agree more. Mr. DeLeon
 25 and I spent many hours wondering about some of those

1 boards and commissions that had met. In one case, there
2 was a board and commission, the Napili Improvement
3 Group, that hadn't met for decades, yet it was still on
4 the books. So I think your point is extremely
5 well-taken, that -- and that's something I think the
6 Charter review commission, if you get to the point, can
7 make a strong recommendation.

8 It may not even have to go in the Charter.
9 Even the recommendation say, you know, we've got so much
10 input or we've heard things about the boards and
11 commissions not being effective, we're going to limit
12 the boards and commissions to 10 or 20 or 30, or some
13 number, and let the council figure out which are the
14 most important ones. I mean, I don't know what process
15 you want to use. But certainly some of them should be
16 eliminated and consolidated.

17 CHAIR STONE: Thank you, Commissioners. Any
18 further questions?

19 (Silence.)

20 CHAIR STONE: No. Thank you very much,
21 Mr. Mayer, for your testimony.

22 MR. MAYER: I still have some other items if
23 other people are finished.

24 CHAIR STONE: Yes. I think we can go ahead
25 and let you go. I will give you another three minutes.

1 Basically, what I'm saying is let's say we say that a
2 shoreline should be protected or view corridors
3 protected, and we -- in fact, we even may say it shall
4 be protected or we give some force to the requirement,
5 but there's nobody there to enforce it, nobody there to
6 implement it, nobody to look for the money in the budget
7 to put -- to implement these things. If we had a unit
8 whose job was to say, hey, this is what the citizens of
9 Maui have said is important, General Plan Advisory
10 Committee, our Planning Commission, and the council have
11 all said this is what we should be doing in the County,
12 but if there's no one there doing it, why constantly
13 involve citizens in this participatory mockery? So I
14 would like to see some kind of implementation unit put
15 in there.

16 It doesn't have to be a large unit, but
17 somebody who can look at the plan and say, you know, we
18 could save our coral reefs or we could protect our
19 shorelines or open up walking trails or we could make
20 sure there are greenbelts between communities, or
21 whatever the plan may say. There should be a mechanism
22 by which we can make sure that that's carried out year
23 after year. That's something, I think, that could be
24 put into the Charter.

25 I'll go to two other things that are very

1 All right?

2 MR. MAYER: Okay. Thank you very much.

3 Let me -- with regard to the General Plan,
4 that's probably the biggest effort the County makes,
5 even beyond what -- the Charter review commission. It's
6 a four or five-year process that we've gone to get the
7 General Plan, the County-Wide Policy Plan, the Maui
8 Island Plan, the Molokai Plan, the Lanai, et cetera.
9 Huge effort goes in. Once it's adopted, as we often
10 say, these plans are put there, and who implements it?
11 A recommendation I'm going to make to you is that we
12 have an implementation unit created within the Planning
13 Department whose job it will be, is to see that this
14 plan is implemented and these plans are implemented.
15 And it would work -- we word it something like this,
16 very short: An implementation unit within the
17 Department of Planning's Long Range Division shall
18 proactively implement and coordinate the General Plan's
19 components, the Countywide Policy Plan, the Maui Island
20 Plan, and the respective community plans, and shall
21 coordinate with the Enforcement Unit -- which we already
22 have in zoning and other -- and within the plan --
23 within the current Planning Department -- to vigorously
24 enforce the provisions of these plans. I have some
25 other text here that we don't have to read right now.

1 short. One is -- even shorter. One is an ombudsman for
2 the County where people can go, just like at the State
3 level, and in other countries, where there's somebody
4 who has enough power that, if a citizen complained about
5 the permitting process in the department, they have
6 enough power to go ahead and change structure or make
7 strong recommendations to the council, really be an
8 advocate of the general public. I would urge you to
9 investigate that process.

10 And, lastly, the budget process of the County
11 takes up much too much time of our council. And the
12 suggestion I would have is something that is done
13 elsewhere, is have an operating budget and a CIP budget
14 done on a biannual basis. A two-year operating budget,
15 a two-year CIP budget done in alternate years.

16 MS. KAHUHU: Time.

17 CHAIR STONE: Okay. Thank you very much,
18 Mr. Mayer. Much appreciated. Commissioners, any
19 clarification needed on that testimony?

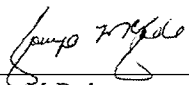

20 (Silence.)

21 CHAIR STONE: No. Thank you very much,
22 Mr. Mayer.

23 Again, thanks, everybody.

24 If there are no objections, I will close oral
25 testimony at this time. And, also, without objections,

1 I will -- the Chair will accept and file all written
 2 communications for the record.
 3 I would like to say thank you, everyone, for
 4 coming tonight and all of your time and your testimony,
 5 It's very important to us and very important to Maui's
 6 future. So thanks very much and drive safe.
 7 MR. MAYER: Thank you for coming Upcountry.
 8 CHAIR STONE: Our pleasure. Oh, next meeting.
 9 Next meeting will be Wednesday -- no, no, no. Lisa,
 10 what is the date?
 11 MS. KAHUHU: Monday, June 13th, a regular
 12 meeting and public hearing.
 13 CHAIR STONE: Right. Monday, June 13th, we
 14 have a regular meeting at noon, in Wailuku, and --
 15 MS. KAHUHU: And Kahului Community Center --
 16 CHAIR STONE: At 6:30, right. Thank you.
 17 (Meeting adjourned at 8:40 p.m.)
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1 CERTIFICATE
 2
 3
 4 I, TONYA MCDADE, Certified Court Reporter of
 5 the State of Hawaii, do hereby certify that the
 6 proceedings contained herein were taken by me in machine
 7 shorthand and thereafter was reduced to print by means
 8 of computer-aided transcription; and that the foregoing
 9 represents, to the best of my ability, a true and
 10 accurate transcript of the proceedings had in the
 11 foregoing matter.
 12 I further certify that I am not an attorney
 13 nor an employee of any of the parties hereto, nor in any
 14 way concerned with the cause.
 15 DATED this 21st day of June, 2011.
 16
 17  
 18 Tonya McDade
 19 Certified Shorthand Reporter #447
 20 Registered Professional Reporter
 21 Certified Realtime Reporter
 22 Certified Broadcast Reporter
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