

Approved 7/25/11 Page 1

COUNTY OF MAUI, STATE OF HAWAII

CHARTER COMMISSION
PUBLIC HEARING

Held at the Paia Community Center, Hana Highway,
Paia, Maui, Hawaii, commencing at 6:30 p.m., on Tuesday,
June 21, 2011.

Reported by: Tonya McDade, CSR, RPR, CRR, CBC
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1 (Tuesday, June 21, 2011, 6:30 p.m.)

2 * * *

3 ACTING CHAIR HEDANI: Good evening. And
4 welcome, everybody. We would like to open the Maui
5 County Charter Commission's Public Hearing for Paia, at
6 the Paia Community Center. At this time, I'd like to
7 ask each of the Commissioners, starting on my right, to
8 introduce themselves to you.

9 MEMBER CRIVELLO: Stacy Crivello. I'm sorry.
10 Aloha. Stacy Crivello from Molokai.

11 MEMBER DELEON: Aloha. Dave DeLeon from
12 Haiku.

13 MEMBER HASHIMOTO: Good evening. Clifford
14 Hashimoto from Hana.

15 ACTING CHAIR HEDANI: Wayne Hedani from
16 Wailuku.

17 MEMBER DEREBO: Frank DeRego from Kahului.

18 MEMBER BAXA: Artemio Baxa from Upcountry and
19 Makawao.

20 MEMBER SUGIMURA: Yuki Lei Sugimura from Kula.

21 MEMBER MOIKEHA: Susan Moikeha from Kula.

22 ACTING CHAIR HEDANI: Thank you. At this time
23 we would like to go ahead and open up public testimony.

24 We also have in attendance at today's meeting, Edward
25 Kushi who is First Deputy Corporation Counsel; Lisa

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1 ATTENDANCE

2 BOARD MEMBERS PRESENT:

Wayne N. Hedani, Acting Chair
3 Artemio C. Baxa, Member
Stephanie S. Crivello, Member
4 David P. DeLeon, Member
Frank R. DeRego, Jr., Member
5 Clifford P. Hashimoto, Member
Wayne N. Hedani, Member
6 Susan A. Moikeha, Member
Yuki Lei Sugimura, Member
7

8 STAFF PRESENT:

Edward S. Kushi, Jr., First Deputy Corporation Counsel
Lisa Kahuhu, Supervising Law Technician
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10 ADMINISTRATION PRESENT:

Rob Parsons, Executive Assistant to the Mayor

11 OTHERS PRESENT:

Malcolm Findley
12 Sally Raisbeck
Nikhilananda
13 John Dunbar
Gordon Stewart
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1 Kahuhu, Supervising Law Technician with the Corp
2 Counsel's Office; Tonya McDade, our court reporter; and
3 Mr. Rob Parsons, the Executive Assistant to the Mayor.
4 Thank you for being here tonight.

5 At this time, Lisa, can you call up our first
6 testifier, please?

7 MS. KAHUHU: Malcolm Findley.

8 MR. FINDLEY: Well, good evening, everyone.

9 I'm here to talk to you about one of my favorite
10 subjects, which is the County auditor position. More
11 specifically, to have a County auditor put into the city
12 Charter, which I think is a very important issue.

13 Let me tell you a little bit about myself. I
14 spent almost 30 years in local and federal government.
15 I also have a master's degree in public administration.
16 So I have a pretty good idea about how governments and
17 bureaucracies work or don't work. Also, I was fortunate
18 enough to spend two years on the Cost of Government
19 Commission here in Maui County.

20 And that was a very worthwhile experience. It
21 was very enlightening in many ways. But of all of the
22 various things that I was involved in looking into,
23 along with the other members of the Commission, the
24 thing that most disturbed me, that most startled me, was
25 the lack of a County auditor, or, in fact, any kind of

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<p style="text-align: right;">Page 5</p> <p>1 an auditor, as far as I could determine. That was the 2 equivalent to me of having a bank that doesn't have an 3 auditor. 4 Now, I then sat out to see what, if anything, 5 I could do about that. And as it turns out, it wasn't a 6 whole lot, but I -- the first year, 2009, I served as 7 chair of the audit subcommittee. And I interviewed a 8 number of key people, including the Finance Director, 9 the Chair of the Council. At that time it was Riki 10 Hokama, who was very supportive of audits. And we -- 11 and I prepared a report for the commission with a series 12 of recommendations about what needed to be done. As far 13 as I could tell, however -- and I can't say I was really 14 surprised about it -- very little came of it. The next 15 year, 2010, the chair of the Cost of Government 16 Commission did incorporate into its introductory 17 comments a request that indeed there should be a County 18 auditor, an auditor of -- some sort of auditor in place, 19 and reiterated that recommendation. 20 I also was fortunate enough to be the chair of 21 the energy subcommittee. And the energy subcommittee 22 had a rather sweeping mandate. And I was pleased that 23 there was some very good people on the subcommittee as 24 well as some excellent people on the Mayor's staff. And 25 we ended up looking at the County vehicle fleet.</p>	<p style="text-align: right;">Page 7</p> <p>1 billion dollar budget, 250,000 [sic] employees, and 2 trillions of dollars -- scratch that -- billions of 3 dollars, rather, in assets. All that means is a lot to 4 keep track of and a lot to be held accountable for. 5 Okay. There are audits that have been in 6 place, they're listed in 4, but they're inadequate, the 7 various checks and balances. So -- 8 MS. KAHUHU: Time. 9 MR. FINDLEY: Mr. Chair, can I have another 10 minute? 11 ACTING CHAIR HEDANI: Thank you very much, 12 Malcolm. What we'll do is, after all the testifiers 13 have finished, you can return to comment. 14 MR. FINDLEY: Thank you. 15 ACTING CHAIR HEDANI: Any questions for the 16 testifier from the Members of the Commission? 17 MEMBER DELEON: I'll refrain until he comes 18 back. Let him go and then we'll -- 19 ACTING CHAIR HEDANI: We'll withhold questions 20 until he returns on the second round. Thank you. 21 MR. FINDLEY: Thank you. 22 ACTING CHAIR HEDANI: Lisa. 23 MS. KAHUHU: Sally Raisbeck. 24 MS. RAISBECK: Good morning -- or good 25 evening --</p>
<p style="text-align: right;">Page 6</p> <p>1 Needless to say, the County vehicle fleet and the 2 various record keeping and other aspects of how the 3 fleet was managed and kept track of left a lot to be 4 desired. And there were dozens and dozens of findings 5 and recommendations. 6 MS. KAHUHU: Time. 7 MR. FINDLEY: Excuse me? 8 ACTING CHAIR HEDANI: Take another minute to 9 finish up. 10 MR. FINDLEY: Oh, sure. Okay. Let me cut 11 right to the chase. I didn't know there was a time 12 limit, so I apologize. I would have gone much quicker. 13 If you -- you've been handed a briefing paper, 14 a rather lengthy one; however, it's my intention to keep 15 it very brief, at least today. And then, after you've 16 had a chance to review this paper, I'll be glad to 17 return and try to answer questions of the Commission at 18 a later date. 19 Let me call your attention to the five 20 justifications that I've listed. County -- Maui's the 21 only county that does not have an auditor. The position 22 was recommended by the Cost of Government Commission, 23 nothing's happened. 24 But here's the most important thing: The 25 County is a huge business operation. 550 -- half a</p>	<p style="text-align: right;">Page 8</p> <p>1 MEMBER DELEON: Good night. 2 MS. RAISBECK: -- gentlemen and ladies. I 3 wish the testifier could have continued. I'd like to 4 listen to him at length because I think he has some very 5 interesting stuff to say. 6 The three things I wanted to say in my 7 testimony, I gave you written testimony about it. 8 Your effectiveness is going to depend on the 9 analyst that you hire. Supposedly, the application 10 period closed last Friday. If it did close, I hope you 11 will reopen it and ask Chairman Stone to contact 12 Professor Jon Van Dyke, if he has not yet applied, 13 because he would make a very ideal analyst for you. He 14 was the analyst 10 years ago and he's a professor at the 15 University of Hawaii Law School, he's recognized as an 16 authority on Constitutional law. I think he would make 17 an excellent person. And I hope you won't let 18 bureaucracy say we close the application, it's too late. 19 I also passed out to each of you some 20 information about Open Mic at Akaku. You have a very 21 limited budget, you won't have very much opportunity to 22 publicize your work. If you were each to do five 23 minutes of Open Mic -- it gets played frequently on 24 Akaku, and a lot of people watch Akaku -- and just 25 emphasize the importance of the work that you're doing.</p>

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<p style="text-align: right;">Page 9</p> <p>1 I think you're well known people and you would really 2 convince people that this was important to you and 3 important to the County. 4 I had never heard of Matt Mano. Evidently, 5 Dave DeLeon did. I don't know if -- probably, okay, 6 some of you have heard of him. I had not. In the 2010 7 general election, Matt Mano beat Riki Hokama on Lanai. 8 He got 60 percent of the vote on Lanai. This is another 9 example of what is wrong with the residency areas way of 10 structuring it. Nobody can possibly run against an 11 incumbent, now that the cost of running for the Council 12 is \$100,000. Ordinary people can't run for that, so 13 that you're stuck with the incumbents you've got. They 14 have every -- well, enough said. 15 I did want to congratulate Dave on his 16 proposal for district voting combined with island boards 17 for Lanai and Molokai. Hana's another candidate. It's 18 really breathtaking because it opens up the possibility 19 of actual -- 20 MS. KAHUHU: Time. 21 MS. RAISBECK: One minute, Mr. Chair? 22 ACTING CHAIR HEDANI: One minute to finish up, 23 Sally. 24 MS. RAISBECK: It opens up the possibility of 25 these small areas having a voice and, yet, at the same</p>	<p style="text-align: right;">Page 11</p> <p>1 Coordinator. I'm here before you tonight to plant a 2 seed of an idea, and I would be glad to develop it 3 further. I don't have it written to present at this 4 point, although I have done some research on this issue. 5 And that is now that we have, via Charter 6 provision, in 2006, broken apart the -- or separated the 7 largest County department, which was Department of 8 Environmental Management -- Public Works and 9 Environmental Management into two separate 10 departments -- we now have, I feel, the bureaucratic 11 structure that could support another division within 12 Department of Environmental Management. So I'm going to 13 propose that this Charter Commission consider a division 14 of sustainability and environmental protection so that 15 we can expand the County's efforts beyond just one 16 appointed person, to begin to build staff, three, four, 17 five people. 18 You know, I was in a meeting today with Deputy 19 Director of Planning Michelle McLean. She said when she 20 was last with the County, there was about 30 County 21 planners. Now that number is 62 or 63. So, you know, 22 we're continuing to expand our efforts. 23 It was back in the nineties that we began the 24 Office of Recycling within Environmental Management. 25 And what I would really hope to share with you is that</p>
<p style="text-align: right;">Page 10</p> <p>1 time, the rest of us who don't live in them have 2 district voting and have someone that we really can feel 3 is responsible to us. So I think the combination solves 4 the big problem about Lanai, Molokai, and possibly Hana, 5 as I say. Working out the details would be very tricky 6 and very interesting and almost like inventing 7 government again. I think it would be exciting and 8 probably bring international attention to Maui. 9 Okay. So if I can, I'll come back and just 10 say one more thing later on after Mr. -- what was it? 11 MR. FINDLEY: Findley. 12 MS. RAISBECK: Mr. Findley. Thank you. 13 ACTING CHAIR HEDANI: Thank you very much, 14 Sally. Any questions from the Commissioners? 15 (Silence.) 16 ACTING CHAIR HEDANI: Okay. If not, Lisa, do 17 you have any other people that signed up to testify? 18 MS. KAHUHU: Yes. Rob Parsons. 19 ACTING CHAIR HEDANI: Mr. Parsons. 20 MR. PARSONS: Aloha. Good evening. I'm Rob 21 Parsons. I think most of you know I'm on my second time 22 around as Executive Assistant to Mayor Alan Arakawa. 23 Eight years ago, the Mayor made a step forward in how 24 County of Maui addresses environmental issues by 25 appointing me as a first Maui County Environmental</p>	<p style="text-align: right;">Page 12</p> <p>1 what's on my plate or my desk or what-have-you is far 2 more than even the most talented person I can imagine 3 can handle. There's a tremendous amount that is 4 perceived to be an environmental concern. And I think 5 we need more structure, staff, funding. I don't have 6 any funding other than, you know, my own salary. 7 And there are a number of examples of forward 8 thinking communities that have supported this kind of 9 bureaucratic structure. Portland and Seattle are two 10 that come to mind. And I'd be happy to provide you with 11 information about how those communities developed this 12 sort of focus. 13 So it's a difficult sell in a climate of 14 reducing government, which we've been in for a few 15 years, and looking to reduce through attrition and other 16 means. So avoid duplication. But I think as we move 17 forward, we absolutely want to not just talk 18 sustainability, but have it be a -- 19 MS. KAHUHU: Time. 20 MR. PARSONS: -- primary focus. And I can 21 finish within a minute. 22 ACTING CHAIR HEDANI: One minute. 23 MR. PARSONS: But have sustainability be a 24 primary focus. And I do a lot with conservation groups. 25 We have great support through Office of Economic</p>

3 (Pages 9 to 12)

<p style="text-align: right;">Page 13</p> <p>1 Development, Department of Water Supply, for our 2 watershed partnerships, for a broad range of invasive 3 species efforts. This is -- it's a big job just to 4 connect with some two to three dozen partners, not just 5 nonprofit organizations and conservation and restoration 6 organizations, but also other agencies, county, state 7 and federal. So there's a lot of opportunity here. And 8 I'll have to convince you, and perhaps even the voting 9 public that would consider this, that this will save us 10 money in the long run, that we're doing things properly, 11 avoiding lawsuits, environmental lawsuits, and we're 12 really growing our green economy, local renewable 13 energy, local food production. I think we can do it. 14 And I'd be happy to work with you as you go through 15 this --</p> <p>16 MS. KAHUHU: Time.</p> <p>17 MR. PARSONS: -- tall task. Thank you.</p> <p>18 ACTING CHAIR HEDANI: Thank you very much.</p> <p>19 Rob. Questions from the Commissioners? Commissioner 20 Sugimura.</p> <p>21 MEMBER SUGIMURA: Rob, can you tell me the 22 division again and what its role would be? What are you 23 seeing is not happening and why do you think it's 24 important to create this?</p> <p>25 MR. PARSONS: Well, I don't see a point person</p>	<p style="text-align: right;">Page 15</p> <p>1 instance, there's nothing in the Department of 2 Environmental Management that sorts out the Water 3 Reclamation Division, right, or the Wastewater Division, 4 or the trash, right, Solid Waste Division? Isn't this 5 really a way -- or, I mean -- let me ask it this way: 6 Isn't this really an administrative decision where the 7 Mayor can propose to the Council that they create 8 another division within Department of Environmental 9 Management instead of putting it into the Charter per 10 se?</p> <p>11 MR. PARSONS: That's a great question. And I 12 can give you my answer, but I would hope that each of 13 you try to answer that for yourselves as well, because I 14 looked at the very same section there. And there isn't 15 that specificity that says there shall be a Division of 16 Solid Waste Management and there shall be a Division of 17 Wastewater Reclamation. And, also, within the Solid 18 Waste Division, there is another subgroup, Office of 19 Recycling, and, also, there's the Abandoned Vehicle 20 Program in there, too. Not specified, but -- I guess my 21 answer to that is that it -- it would give the voting 22 public and the community a chance to weigh in on the 23 importance of this. So it wouldn't just be coming down 24 from the top administratively, but it would be something 25 that, hopefully, the community could embrace and help</p>
<p style="text-align: right;">Page 14</p> <p>1 in the County right now for what I would call green 2 economy -- some people call it ecological economics -- 3 to make sure that as we make decisions in all of the 4 departments that there's some oversight that we're cost 5 saving, energy efficient. We have two energy people 6 right now, but it's -- you know, my -- my role is one of 7 kind of connecting the dots rather than having an office 8 or division that -- that has staff that's collaborating 9 together. So, you know, I feel that we don't really see 10 the big picture until we connect the dots effectively. 11 So I call it Division of Sustainability and 12 Environmental Protection. I have at least three or four 13 issues right now that I'm working with other departments 14 and divisions to try to keep us out of expensive 15 litigation. And so I think that's very important, you 16 know, it's a high cost to the County. And if we 17 anticipate things rather than react to them, we can 18 avoid a lot of this.</p> <p>19 Does that help?</p> <p>20 ACTING CHAIR HEDANI: Commissioner DeRego.</p> <p>21 MEMBER DEREGO: Yeah. One question. I'm 22 looking at the section of the Charter where it says 23 Department of Environmental Management. And I've been 24 looking at the other departments. And the Charter 25 doesn't become as specific to outlying divisions. For</p>	<p style="text-align: right;">Page 16</p> <p>1 encourage the Council which ultimately would have to 2 fund the positions.</p> <p>3 So that's -- that's my sense of it, is, no, I 4 don't think it absolutely has to come from the Charter 5 Commission, but I think it's a good place for it to come 6 from.</p> <p>7 ACTING CHAIR HEDANI: Additional questions 8 from the Commission? Commissioner Baxa.</p> <p>9 MEMBER BAXA: Mr. Chair. Mr. --</p> <p>10 MR. PARSONS: Parsons.</p> <p>11 MEMBER BAXA: I read that to read there shall 12 be a Department of Public Works and Environmental 13 Management consisting of a director and the necessary 14 staff. If I gather from you, you are almost a 15 department. Do you have any staff?</p> <p>16 MR. PARSONS: No, sir. There's -- that's the 17 2003 Charter you're looking at. Also, there's an 18 amendment that redescribes two departments.</p> <p>19 MEMBER BAXA: I see. Okay. I will stop right 20 there.</p> <p>21 MR. PARSONS: Okay.</p> <p>22 ACTING CHAIR HEDANI: Commissioner Moikeha.</p> <p>23 MEMBER MOIKEHA: Thank you for your testimony.</p> <p>24 Just so I -- for clarity purposes, you are speaking on 25 behalf of the Administration or --</p>

<p style="text-align: right;">Page 17</p> <p>1 MR. PARSONS: No. I signed it as an 2 individual. 3 MEMBER MOIKEHA: As an individual? 4 MR. PARSONS: Yes. 5 MEMBER MOIKEHA: Is there support from the 6 Administration to move in this direction? 7 MR. PARSONS: Yes, there is support. I asked 8 the Mayor specifically if this would be an appropriate 9 time to come and launch this idea. And he said, yes, it 10 would. And as we move forward, I will provide you more 11 detail in writing. We're somewhat early in the process. 12 So as I said, I'm just planting the seed of an idea 13 right now. And, hopefully, we can develop it together. 14 MEMBER MOIKEHA: And as your role in the 15 County, is this solely what your duties are in 16 relationship to sustainability and environmental 17 protection? 18 MR. PARSONS: My role as an assistant to the 19 Mayor is to take on whatever environmental concerns come 20 to the 9th Floor and -- rather, straight from the 21 community or from other government agencies or from 22 other departments. So I work with quite a few other 23 people in the County and in the community. Also, when I 24 applied for my position, I said that I really believed 25 that there is great interest in the community for</p>	<p style="text-align: right;">Page 19</p> <p>1 forming more expanded government, even if it is a worthy 2 cause. So in your proposal, that's kind of like some of 3 the things I'd be looking at. I'd be wondering why this 4 isn't something that can be done through another venue 5 other than a Charter. And you've kind of answered that 6 a little bit. I'd be interested in statistics now 7 within the department as to is there truly overwhelming 8 support for this in the County of Maui or is this just a 9 select few that are pushing this forward. And this is 10 not to say that what they're doing is not a good thing, 11 but, you know, is there support data-wise for what 12 you're talking about as well. So those would be some of 13 the things I would also be looking at in any kind of 14 proposal you might have. But thank you for your 15 information. 16 MR. PARSONS: Thank you. That's exactly the 17 kind of feedback I was looking for, so that I didn't 18 submit something that wouldn't be useful to you and, you 19 know -- so I want to invest my time wisely. So I really 20 appreciate that. 21 ACTING CHAIR HEDANI: Thank you, Rob. Any 22 other questions from the Commissioners? Commissioner 23 Crivello. 24 MEMBER CRIVELLO: Aloha, Rob. You mentioned 25 the green economy and energy as being part of the</p>
<p style="text-align: right;">Page 18</p> <p>1 developing more sustainably. And specifically what I 2 heard in campaign discussions and forums this year is 3 that there's a lot of interest in better support for 4 local food production and local renewable energy 5 production. So both of those things I would consider, 6 you know, good green economy choices that -- that have a 7 small level of support from the County that I think 8 could be stronger. 9 MEMBER MOIKEHA: Okay. And then within this 10 division, do you see assisting more with your position 11 to accomplish some of these goals or would this be a 12 collaborative equal type of, you know, working 13 relationship? 14 MR. PARSONS: Well, I'm thinking something 15 that will live beyond my years with the County. You 16 know, I'll give all I can while I'm serving, you know, 17 in the Mayor's Administration. So I'm looking for 18 expanding the County's efforts, you know, into the next 19 generation, really. 20 MEMBER MOIKEHA: Okay. I guess I would be 21 interested in seeing more what you have to offer. I 22 think some of the things that weigh on my mind is being 23 careful about the kind of legislation we propose out 24 there, even though it is up to the voters to make that 25 final decision, and what related costs there would be in</p>	<p style="text-align: right;">Page 20</p> <p>1 sustainable economics. Would that be something that may 2 be considered from our Office of Economic Development? 3 MR. PARSONS: Yes. It is currently considered 4 there now. We have an agricultural coordinator, we have 5 an energy commissioner, both within Office of Economic 6 Development. I work with both of them. And because 7 there's -- there's such a opportunity for greater return 8 there, that's why I would like to bolster these efforts. 9 Because there's been a lot of articles written about the 10 amount of dollars that leave this state to import food 11 and to import fossil fuels. And we've made some strides 12 to offset that, but the percentages haven't dropped 13 greatly. We've added more renewables, a little bit, you 14 know. We're moving in that direction. We have done a 15 little bit of work on energy efficiency. We just think 16 there's such opportunity for payback when we keep the 17 dollars in the local economy. And with minimal support 18 within the Administration, I think we can do a much, 19 much better job of keeping those dollars here. 20 MEMBER CRIVELLO: Thank you. 21 ACTING CHAIR HEDANI: Any other, 22 Commissioners? Any other questions from any other 23 Commissioners? Commissioner DeRego. 24 MEMBER DEREGO: Rob, I'm going to go back and 25 just expand a little bit more on what I was trying to</p>

5 (Pages 17 to 20)

<p style="text-align: right;">Page 21</p> <p>1 get at, and I think you understood. But I have a 2 suggestion to go along with it. As I read each of the 3 powers and functions of the Department of Environmental 4 Management, nowhere does it talk about the kinds of 5 issues, except in general senses, about recycling, 6 protecting the unique beauty of Maui, you know, those 7 kinds of things. What you're talking about specifically 8 in sustainability isn't mentioned here as a power, 9 function and duty. As I read through the functions and 10 duties, I can actually think in my own mind whose 11 responsibility that is in terms of offices within the 12 County because there's a mandate from the Charter to 13 make sure those things are taken care of. And this gets 14 back to my reluctance to start legislating, you know, 15 which is a legislative function, of establishing offices 16 and funding those things, you know, which actually would 17 create a mandate for that within the Charter. That's 18 personally my reluctance. But there might be another 19 way of approaching this, is by creating a mandate in the 20 sense by writing, within the powers, duties and 21 functions of the office, something directly related to 22 sustainability, which the Mayor's Office and then the 23 Council would have to deal with in some way, shape or 24 form because that issue now is defined by the Charter. 25 So that's just an observation about -- and some comments</p>	<p style="text-align: right;">Page 23</p> <p>1 ACTING CHAIR HEDANI: Commissioner DeLeon 2 MEMBER DELEON: When the Department of 3 Environmental Management was being created, I guess -- I 4 think you remember we had a little dispute with Council 5 over how to name it. And we deliberately wanted to have 6 it named Environmental because it was a natural -- it 7 seemed like a natural place where it was going to grow. 8 We were going to have some kind of division to deal with 9 the environment over time. But I want to just concur 10 with what Mr. Baxa just said, Judge Baxa just said, 11 about we need to have a -- you need to have something 12 drawn out, you know, that's clear. It's more than just 13 a couple words, you know. Where is it going? 14 But I also want to reiterate Commissioner 15 Moikeha said, it can't just be Rob, it's going to have 16 to be an outpouring. But, also, to note to the 17 Commission that the Department of Transportation was 18 somebody's idea, too. There was no Department of 19 Transportation in Maui County and there was nothing for 20 transportation until the last Charter. And the last 21 Charter kind of popped that up. So we had a Department 22 of Transportation. And I don't think anybody would say 23 we need to work on the bus system. So, yeah, sometimes 24 we are growing and we need to grow, you know, in an 25 appropriate manner.</p>
<p style="text-align: right;">Page 22</p> <p>1 about how I think the Charter works as a general sort of 2 outlining document instead of being very specific about 3 offices and, you know, creating, you know, structures, 4 bureaucratic structures within government. 5 MR. PARSONS: Having looked at those 6 paragraphs that you just reviewed there, I would agree. 7 I think that's good feedback. And, you know, there's 8 that catch phrase at the end of most of the departments 9 that says "and other duties as deemed by the director." 10 But I think, with some specificity, we could help define 11 something within that department. 12 ACTING CHAIR HEDANI: Any other questions from 13 the Commissioners? Commissioner Baxa. 14 MEMBER BAXA: Mr. Parsons, by suggesting this, 15 I am not saying to you that I will be in favor of your 16 proposition, what you want to do, but if I understand 17 from you, you want a certain focus. Right now, you're 18 cooperating with other branches of the County 19 government, this, there and here, to perform your 20 personal function right now. You may want to develop a 21 comprehensive profile on how that department will work, 22 the benefits that will accrue. And you may want to 23 focus -- you may want to state how the focus will 24 benefit the County as a whole. That's my comment. 25 MR. PARSONS: Good. Thank you.</p>	<p style="text-align: right;">Page 24</p> <p>1 But my question to you would be how would you 2 differentiate what you're talking about from what the 3 State does? Because the State handles most 4 environmental issues today in our community, how would 5 you differentiate what you're talking about from that? 6 MR. PARSONS: Well, one of the things that is 7 a prime responsibility of my position is to coordinate 8 with those State functions. 9 Let me give you an example. Today was the day 10 of the DLNR division chiefs meeting, Maui division 11 chiefs meeting, once a month. And I sit in, you know, 12 to share the discussions, usually three to four hours, 13 to hear the issues from each of the divisions. And I 14 share what's on my plate. And we, you know, solve 15 things before they're problematic, by -- by saying, you 16 know, can someone -- Rob, could you help direct our 17 efforts with this department or that division. It's 18 been very effective. Today, I couldn't go because I was 19 double booked, triple booked. If there were a couple 20 other people like myself working on the same types of 21 issues, we could delegate better. I mean, I've been 22 double booked so many times. Today was a classic 23 example. I attended six meetings on the 9th Floor, but 24 there were ones that I completely missed and there was 25 nobody else that could go.</p>

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<p style="text-align: right;">Page 25</p> <p>1 ACTING CHAIR HEDANI: Thank you very much, 2 Rob. Any other questions from the Commissioners? 3 (Silence.) 4 ACTING CHAIR HEDANI: Commissioner Hashimoto, 5 did you have a question? 6 MEMBER HASHIMOTO: No. 7 ACTING CHAIR HEDANI: Okay. Thank you very 8 much, Rob. 9 MR. PARSONS: Thank you all. And if this 10 feels like it's a square peg in a round hole, I'm not so 11 much attached to it being part of your process. But all 12 of your feedback has been very valuable at this point. 13 So I will develop something and submit that for your 14 review. 15 ACTING CHAIR HEDANI: Thank you very much, 16 Rob. Lisa? 17 MS. KAHUHU: There is no other public 18 testimony. So it will be Malcolm Findley. 19 ACTING CHAIR HEDANI: At this time, we've 20 completed the testimony from individuals interested in 21 testifying. And we'll come back to Mr. Findley, Malcolm 22 Findley. Three minutes, Malcolm. 23 MR. FINDLEY: I provided a rather voluminous 24 handout. So what I would like to do, in the interest of 25 time, is just call your attention to several items on</p>	<p style="text-align: right;">Page 27</p> <p>1 Number 4. Of those, I would say that three of the most 2 important are Exhibit A. This was the report on why we 3 need audits focusing on operations and processes. The 4 financial aspect of it is somewhat covered by the annual 5 financial report. 6 The second item I'd like to -- exhibit I'd 7 like you to really pay attention to is Exhibit C. These 8 are examples that I've discovered what I view as 9 management deficiencies and losses. The poster child 10 for that is Item Number 1, having to do with unpaid road 11 work for decades. And then there's the matter of the 12 County vehicle fleet. 13 Finally, I urge you to read Exhibit E. This 14 has to do with the details of the Honolulu City 15 Auditor's position that's provided in their Charter. 16 And I think it would be a perfect template for Maui 17 County. 18 And, finally, in conclusion, I'd like to call 19 your attention to Page 3. This is the Cost of 20 Government Commission annual report format, introductory 21 format. And, specifically, there's a sentence there 22 that reads as follows, it is the declared policy of the 23 County to promote economy, efficiency and improve 24 service in transacting public business, and so forth. 25 Those are very worthy sentiments. I doubt that anybody,</p>
<p style="text-align: right;">Page 26</p> <p>1 that handout, and then offer the possibility, at a later 2 date, after you've had a chance to look at it in more 3 detail, that I would return to another meeting and be 4 available for more questions and so forth. 5 At any rate, the issue of any additional job 6 that the County is going to establish, the question is, 7 is it really cost effective. And I direct your 8 attention to Justification Item 5. These are estimates, 9 of course, but there's a potential, in my view, of up to 10 5.5 million a year, one percent of the County's budget, 11 if there's an auditor on the job fully staffed to deal 12 with it. And I estimate the staff cost at \$350,000; 13 maybe \$100,000 for the auditor plus support staff. 14 Okay. Implementation, this is a very 15 important element of the audit process. It has to do 16 with the independence of the auditor from those audited. 17 In this instance, the City of Honolulu auditor provides 18 an excellent, mighty outstanding model or prototype as 19 to what Maui should have. And there's an attachment 20 that deals with the makeup of the Honolulu City auditor. 21 And there are various provisions for obtaining 22 independence having to do with separating the auditor 23 position from those audited. And those are set forth in 24 some detail under 1 and 2. 25 Okay. I then refer you to the exhibits, Item</p>	<p style="text-align: right;">Page 28</p> <p>1 any citizen -- 2 MS. KAHUHU: Time. 3 MR. FINDLEY: -- would disagree with it. 4 ACTING CHAIR HEDANI: One minute. 5 MR. FINDLEY: But I think it's time for 6 reality check. Without a County auditor in place to 7 follow up on those kinds of issues, I can guarantee you 8 that those sentiments will not be fully achieved in this 9 County. And there's a reason. And I won't get into 10 details now as to why Maui's the only county in the 11 State without a County auditor. But that's another 12 story. 13 ACTING CHAIR HEDANI: Thank you very much, Mr. 14 Findley. Questions from the Commission? Commissioner 15 DeLeon. 16 MEMBER DELEON: I have two questions. One is, 17 can you give me some inkling of how you come up with 18 \$5.5 million savings annually? 19 MR. FINDLEY: To be honest about it, it's a 20 guesstimate. Some people would say the swag in 21 government. But, at any rate, to me, with a budget of 22 \$550 million -- and I've been around government for over 23 30 years in a number of different positions -- I 24 guarantee you that there's a certain element of waste, 25 mismanagement and loss. There's also something known as</p>

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<p style="text-align: right;">Page 29</p> <p>1 shrinkage, which you'll see in the exhibit dealing with 2 the original audit report from the Cost of Government 3 Commission. 4 Basically, there's all kinds of ways that 5 money can be misused or not used. Mistakes that are 6 made that are honest mistakes people overlooked, but, 7 also, theft, incompetence, misuse of government 8 vehicles. I could go on and on. But it drains away 9 funds. 10 The other thing about having an auditor, 11 though, is that if there's an auditor on the job, it's 12 like having a highway patrolman on the highway. If 13 there's nobody watching the store, there are all kinds 14 of instances, because we're dealing with an enormous 15 amount of money and assets, that are subject to loss and 16 mismanagement. So I'm confident that whether we get -- 17 achieve up to 5.5 million or something significantly 18 less, it will be far in excess of whatever the County 19 auditor and staff would cost. And, furthermore, it 20 builds -- how shall I say it? It builds a certain sense 21 of discipline -- that's the word I'm looking for -- 22 into the system. 23 MEMBER DELEON: Second question: Do you see a 24 synergy between the auditor and Cost of Government 25 Commission? If you had an auditor, would you still have</p>	<p style="text-align: right;">Page 31</p> <p>1 and coming up with defensible recommendations and 2 findings. That generally, in my view, does not exist, 3 with some rare exceptions, on the Cost of Government 4 Commission. 5 MEMBER DELEON: I'm have the opinion the 6 Cost of Government Commission was really the first 7 commission that ought to go if we were to take out 8 commissions. But the work done in the last two years in 9 these reports kind of changed my opinion of the whole 10 thing. It made me think that, number one, the right 11 people weren't being appointed to it; and, two, the term 12 was too short. Also, I'm thinking that there should be 13 a commission that is staffed by the auditor and have a 14 relationship to the auditor so there's some leadership 15 toward where it goes and level of professionalism. But, 16 yeah. I can -- I used to do the appointments for boards 17 and commissions for the County. And that was a waste -- 18 that was the waste leader. If you had somebody you had 19 to appoint, but you didn't have a place to put them, you 20 just put them on the Cost of Government Commission. No 21 in any reference to their capacity because what can you 22 do in two years. 23 MR. FINDLEY: Well, I'll have to think through 24 the more direct relationship between the County auditor 25 and the Cost of Government Commission. I think the Cost</p>
<p style="text-align: right;">Page 30</p> <p>1 the Cost of Government Commission? 2 MR. FINDLEY: Well, that's a good question. 3 And having served on the Cost of Government for two 4 years, I do indeed. I do think there ought to be 5 coordination. I think appear before the Cost of 6 Government Commission on a regular basis. However, the 7 Cost of Government Commission, as worthy as that 8 objective is, and as much as I enjoyed serving on it, 9 has a number of limitations. You're talking about a 10 nine-member commission with a two-year appointment that 11 meets once a month. Now, there's some very dedicated 12 people the commission, I've worked with them, but the 13 capacity of that commission to do the kind of in-depth 14 analysis, particularly in a structured format that 15 auditors require, is not there. 16 As far as the energy subcommittee reports, 17 particularly related to vehicles, I'm not an auditor, 18 but, as it happens, I've had years, decades of 19 experience dealing with audits. I was the recipient of 20 a number of audits from the Office of Inspector General. 21 That's no fun, being audited, by the way. I'll tell 22 that you right now. But, eventually, you begin to 23 appreciate there's a reason for that -- for that 24 happening. Thus, it needs to be -- you have to 25 understand what the process is in gathering information</p>	<p style="text-align: right;">Page 32</p> <p>1 of Government Commission has tremendous potential 2 because it has wide-ranging authority to gain access to 3 different County department heads. It's a matter of 4 knowing how to do it, how to leverage that knowledge. 5 There was a lady by the name of Shelly 6 Pellegrino, who was the mayor's executive assistant, 7 who, in my 30-plus years in government, was one of the 8 finest, most competent people I have ever worked with. 9 And she was almost a savant in terms of her ability to 10 gather information and, also, to edit it. Where I came 11 in is one of my fortes is asking questions. I ask a lot 12 of questions. And if you read the Cost of Government 13 Commission report, you will see large numbers of 14 questions. The secret of most ability to get to the 15 bottom of what is going on is to ask the right question. 16 I don't know if there are any attorneys here, but, in 17 any event, it's a matter of really boring down what you 18 want to know and then the next thing is to evaluate what 19 you're told. 20 So the COGC is -- the format is findings and 21 recommendations. You have to correlate the findings, 22 the information you've gathered, with actionable 23 recommendations. And then you have to provide 24 documentation in the form of exhibits that are 25 attachments. And you have to tie the three together.</p>

<p style="text-align: right;">Page 33</p> <p>1 Now, I have to say, to be put modestly, in the two 2 years, I was the most knowledgeable person in terms of 3 how government works. And sometimes a little 4 frustrating for me because my colleagues, who were good 5 folks, weren't really sure where to start. So -- but we 6 still had -- were able to accomplish a great deal. And 7 I enjoyed the whole process.</p> <p>8 ACTING CHAIR HEDANI: Additional questions 9 from the Commission? Commissioner Baxa, did you have a 10 question?</p> <p>11 MEMBER BAXA: Mr. Findley, I would suppose 12 that presently there is a system by which the operation 13 of the County government is being audited. I do not 14 really know, but I suppose there is some way.</p> <p>15 MR. FINDLEY: Well, there's several kinds of 16 audits. So it's -- it's a little confusing. Some of 17 that is set forth in the information that I handed you 18 in dealing with the Honolulu audit. There's financial 19 audits, basically looking for money. In that area, one 20 could argue that the County is probably reasonably well 21 covered up to a point because what you have is the 22 annual financial report that's quite voluminous and then 23 there's an audit component of that that's contracted 24 out. Now I'm not a CPA, but -- but that's -- that 25 aspect of it, I'm more or less comfortable with at this</p>	<p style="text-align: right;">Page 35</p> <p>1 in the immediate chain of command. And then you get 2 into, do people really want these kinds of things 3 necessarily looked into, to begin with, for whatever 4 reason. And that gets into a lot of other issues.</p> <p>5 ACTING CHAIR HEDANI: Commissioner Baxa? 6 MEMBER BAXA: Okay. I have not read the setup 7 of the auditor's position in Honolulu, but you must be 8 familiar with it. Will the auditor have discretion to 9 determine which operation of the government he will 10 audit from time to time or will there be a regular audit 11 made of any operations of the County government?</p> <p>12 MR. FINDLEY: I'll have to say that what I 13 know about Honolulu is twofold. First off, I like what 14 they've got on their website, which I passed out to you 15 as Exhibit E. That -- that tells, basically, they don't 16 take direction from either the mayor or the council, but 17 they do report to the council on administrative issues. 18 So, basically, they -- they should have autonomy and 19 discretion as to where they go to look into.</p> <p>20 Now, presumably, a lot of people, 21 councilmembers, administration members, might -- might 22 ask the auditor to take a look at this and that. But 23 that would be my -- my preference is that not only would 24 they be -- it would be up to them to decide what their 25 priorities are. Because they are always going to be</p>
<p style="text-align: right;">Page 34</p> <p>1 point in time. Where the weak spots are have to do with 2 operations and processes. And in that area, it's -- 3 it's virtually nonexistent, as far as I can see, with 4 one exception. And that is when there's something 5 perceived that's so dire, so extremely deficient that 6 there's a need for an audit, then the Council and the 7 Administration request an outside audit and a 8 contractor's hired. To hire a contractor to do an 9 audit, typically a process is one that was done on the 10 Planning Department in 2006, I believe it was, is quite 11 expensive, in excess of \$200,000, and it takes a great 12 deal of time. So -- but here's the thing that troubles 13 me the most. It's like waiting to see the fire and the 14 smoke billowing out of the burning building and saying, 15 okay, it's now time to, you know, call the fire 16 department. If you read the first exhibit dealing with 17 the Cost of Government Report, where I was the chair of 18 the audit subcommittee, I'm a big believer in 19 regularly-scheduled audits and being proactive rather 20 than reactive. You don't just sort of wait until you 21 see something really dire and then you rush in and say, 22 "I wonder what the devil is going on," because what 23 happens is, in this vast County Administration -- and it 24 is vast -- there's a lot of things that are happening, 25 or not happening, that nobody is aware of beyond those</p>	<p style="text-align: right;">Page 36</p> <p>1 taxed for resources.</p> <p>2 I'm a great admirer of the Marion Higa who is 3 the State Auditor. And the lieutenant governor wanted 4 her to audit the Education Department. And she said I 5 haven't got the staff for it, I haven't got -- you know, 6 I can't do it. So, you know, like everything else in 7 government, you have to weigh your capabilities and 8 priorities. But there are a wide range of options. But 9 my important -- most important point is this: It's not 10 whether the auditor responds to that specific request, 11 at least the auditor is there to respond.</p> <p>12 MEMBER BAXA: Okay. So you're saying that 13 this auditor will be independent --</p> <p>14 MR. FINDLEY: Absolutely.</p> <p>15 MEMBER BAXA: Independent of the mayor, 16 mayor's office, and the council? How would you propose 17 the selection of this auditor, then?</p> <p>18 MR. FINDLEY: Well, the -- the -- you know, I 19 would follow the format of Honolulu. It sets forth what 20 the general requirements would be. Perhaps it would be 21 a CPA, perhaps not. But the -- the council -- I'm not 22 sure exactly because the -- the website doesn't exactly 23 point out in detail who makes the final selection of the 24 auditor, whether it's the council itself or whether the 25 mayor or anybody else is involved, but there's a</p>

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<p style="text-align: right;">Page 37</p> <p>1 process, I'm sure, that comes up. I would have to tell 2 you I'm not sure except whatever Honolulu's doing, I'm 3 fairly confident that they're doing something that's 4 defensible.</p> <p>5 MEMBER BAXA: Yeah. The reason I ask that 6 question, if you operate independent of the council and 7 the mayor's office, then the selection process should be 8 out of the council and the mayor's office.</p> <p>9 MR. FINDLEY: Perhaps. But a lot of the 10 independence has to do with the term of the auditor. 11 It's different from the Council and the Mayor. And the 12 fact that once the auditor is selected, they cannot 13 easily be removed. And so I personally believe there's 14 enough integrity in the process and the people who would 15 be making the decision that they would come up with a 16 satisfactory candidate and, also, a satisfactory -- now, 17 whether that person failed to perform, that would be 18 another issue.</p> <p>19 MEMBER BAXA: Thank you.</p> <p>20 ACTING CHAIR HEDANI: Any additional questions 21 from the Commissioners? Commissioner Hashimoto.</p> <p>22 MEMBER HASHIMOTO: Are you aware that there is 23 an amendment, I believe, that came -- a recommendation 24 that came from the Council this year about the auditor 25 position?</p>	<p style="text-align: right;">Page 39</p> <p>1 MR. FINDLEY: I suppose so.</p> <p>2 ACTING CHAIR HEDANI: Additional questions 3 from the Commissioners? 4 (Silence.)</p> <p>5 ACTING CHAIR HEDANI: Seeing none, thank you 6 very much, Mr. Findley.</p> <p>7 MR. FINDLEY: Thank you.</p> <p>8 ACTING CHAIR HEDANI: Thank you very much for 9 the comprehensiveness of your submittal. Thank you.</p> <p>10 MR. FINDLEY: Thank you. I appreciate that.</p> <p>11 ACTING CHAIR HEDANI: Are there any other 12 members of the public that would like to offer testimony 13 at this time?</p> <p>14 MS. KAHUHU: Chair, we have two more.</p> <p>15 ACTING CHAIR HEDANI: Okay. Could you go 16 ahead?</p> <p>17 MS. KAHUHU: Nikhilananda.</p> <p>18 ACTING CHAIR HEDANI: Go ahead.</p> <p>19 NIKHILANANDA: Good evening, Members of the 20 Charter Commission. My name is Nikhilananda. I've 21 appeared before you a couple times. And I want to 22 reiterate some of my previous testimony and, also, add a 23 few other items.</p> <p>24 Again, I am a strong proponent of a district 25 voting system. You will discuss a number of different</p>
<p style="text-align: right;">Page 38</p> <p>1 MR. FINDLEY: No, I'm not. I try to follow 2 "The Maui News" and I have a few contacts with people 3 who are still, you know, on various boards and 4 commissions. But I have not -- once my term expired a 5 year and-a-half ago, on Cost of Government Commission, 6 and my sources of information -- anyway, I'm not 7 following it that close.</p> <p>8 But what often happened, they tried to 9 establish some sort of an audit position, although not 10 that independent, except what happens is, with a 11 budgetary situation, it always seems to be one of the 12 items to get cut.</p> <p>13 ACTING CHAIR HEDANI: Additional questions 14 from Commissioners? Commissioner DeLeon.</p> <p>15 MEMBER DELEON: So I'm looking at this 16 Honolulu prototype. And I don't see how they're 17 appointed, how the auditor's appointed here.</p> <p>18 MR. FINDLEY: I agree with you. I don't see 19 it, either. And I don't think that that was necessarily 20 -- that was something that's on the internet that's sort 21 of "here's who we are and what we do" kind of thing. I 22 don't think it was intended to be a totally sweeping 23 explanation of the whole process.</p> <p>24 MEMBER DELEON: So we would have to look to 25 their charter to find it?</p>	<p style="text-align: right;">Page 40</p> <p>1 ways of going about it. I have mentioned to you 2 previously about expanding the council to 13. I think 3 that's the fairest. There's other suggestions that have 4 been made. I don't want to argue here since there's a 5 limited amount of time, but it might be that what goes 6 on the ballot is a couple of choices for district 7 voting, to look at that. It would be sad to see one go 8 that would really not be the best one.</p> <p>9 I have also mentioned previously about Article 10 11, the initiative, lowering the threshold in Section 11 11-3. Such petitions must be signed by not less than 20 12 percent of the total number of voters who cast ballots 13 in the last mayoral election. We've never had an 14 initiative. Obviously, it's too high a threshold. 15 Please lower that. That's really important. Let the 16 community decide.</p> <p>17 I know the Chair of this committee was on the 18 radio last week talking about what a great showing it 19 has been by the community coming and appearing here. 20 And you can see today how few people are here. And I 21 think that leads into a number of issues that I see, is 22 to really make it more accessible.</p> <p>23 Now, one of my other strong -- and because we 24 have a state election, office of election, there's only 25 certain things that the County can do. But I'm also a</p>

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<p style="text-align: right;">Page 41</p> <p>1 strong proponent. I believe that the County can 2 establish the way that we elect our people. And I would 3 like to see an instant runoff voting system established 4 here. We don't have the time here to go over. There's 5 lots of information. Fair voting is a site on the 6 internet. San Francisco's the largest city in the 7 United States that does instant runoff voting. Very 8 simply, you have everyone listed. You would save money 9 by only having one -- you would not have a primary and 10 then a second -- first special election, second special 11 election. You just have everyone listed and that allows 12 everybody a choice.</p> <p>13 We are only five states in the United States 14 that does not allow write-in voting. I think that's 15 reprehensible, also, but that's a state -- again, 16 because we are a state, so we're limited in what we can 17 do. But allow people so that people -- how many times 18 have people said, oh, there's very little difference, 19 or, during a primary, you got seven or eight people, but 20 they're afraid to vote for someone who might lose so 21 they're going to vote a lesser person. Well, instant 22 runoff voting allows your preferential voting, allows 23 you to say this is my favorite, but, if they don't get 24 it, this is my second favorite, and third favorite. 25 St. Paul, Minnesota, Minneapolis, San Francisco, and</p>	<p style="text-align: right;">Page 43</p> <p>1 because they know all of the contacts, things get 2 through.</p> <p>3 Another thing -- and I meant to do more 4 research on this -- but the Department of -- 5 MS. KAHUHU: Time. 6 NIKHILANANDA: -- Planning -- I just want to 7 finish this one points on Department of Planning, 8 that -- 9 ACTING CHAIR HEDANI: One minute to conclude 10 your remarks. 11 NIKHILANANDA: Right. The Council really has 12 an opportunity to review things that come out of the 13 Planning Commission, because the Planning Commission are 14 appointed people as you guys are. But there's nobody to 15 -- to review. Your decisions, what you put out, will be 16 reviewed by the community. 17 And the other one, very strongly, of course, 18 there was discussions about doing away with the Charter 19 Commission, that it's redundant. And as I mentioned in 20 previous testimony, that what you could do is perhaps 21 during the time when the Charter Commission meets, that 22 the County Council does not propose any Charter 23 commissions, but that -- Charter amendments, but that -- 24 during that one period. 25 But there's so many things that people have</p>
<p style="text-align: right;">Page 42</p> <p>1 Cambridge, Massachusetts are just some of the numerous 2 communities that have adopted that.</p> <p>3 There's other more progressive ways of voting. 4 And, of course, it's -- the community can decide, but, 5 again, because we're limited with our election. But 6 there are some countries around the world that require 7 people to vote, and it's a small fine if you don't vote. 8 That would encourage people to vote. There's a lot of 9 arguments saying, oh, you're making me vote, but you 10 actually have a choice, you don't have to vote, you just 11 get a little fine. Or it could be done the other way. 12 I'm not sure if we could do that our county itself, but 13 it would be something to look at because our voting -- 14 when you look at the small percentage of people that 15 vote in our elections, we need to do something about 16 that.</p> <p>17 Also, I think I've mentioned this before, 18 about Article 10, Section 10.3 our Code of Ethics, and 19 Section 10.4, Prohibitions, I think it limits a County 20 official one year from testifying about some -- before 21 County Council about some -- some position that they're 22 involved with at that time. I think we need to expand 23 that. How many times have people, especially the 24 Planning and Public Works, have left and gone and often 25 gotten a high-paying job and then come back. And</p>	<p style="text-align: right;">Page 44</p> <p>1 approached the Council over numerous years. Taxes is 2 another one, change our tax system. And they are just 3 not receptive to that. So, again, we need to do 4 something that at least people have an opportunity.</p> <p>5 You have this meeting, no one shows up, they 6 get the government that they deserve because of lack of 7 interest. Yet, you want to at least allow people -- and 8 one other thing about the elections I did want to 9 mention, I forgot -- 10 MS. KAHUHU: Time. 11 NIKHILANANDA: That is that you have -- 12 ACTING CHAIR HEDANI: Nik, thank you very 13 much. After all of the people that want to testify have 14 had a chance to testify, we will bring you back. 15 NIKHILANANDA: No, no. Thank you very much. 16 ACTING CHAIR HEDANI: Lisa. 17 MS. KAHUHU: John Dunbar. 18 MR. DUNBAR: Good evening, Ladies and 19 Gentlemen. My name's John Dunbar. 20 MEMBER BAXA: Turn your mic on. 21 MR. DUNBAR: Good evening, Ladies and 22 Gentlemen. 23 Frankly, I just simply want to testify on the 24 testimony I heard from Mr. Findley. I was quite 25 intrigued by that. And, frankly, I think his points and</p>

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<p style="text-align: right;">Page 45</p> <p>1 recommendations should perhaps touch a nerve with this 2 Commission. And I heard testimony -- comments from a 3 retired Circuit Court judge, Mr. Baxa, with regards to 4 how such an auditor might be appointed, but I've heard 5 nothing about the possibility of a judicial appointment, 6 which would keep this independent and no conflict with 7 the Administration in our present government, which 8 would certainly be a conflict. So I would be 9 appreciative to hear some comments from the Commission 10 as to how they might further address the points that 11 were made by Mr. Findley and, also, the possibility of 12 perhaps having a judicial appointment. And it's 13 borderline shocking to me that there's not an audit and 14 it's not planned for.</p> <p>15 It also was kind of surprising, as was 16 commented earlier, that we don't have attendance from 17 the community. I had to go on the website a couple 18 hours ago to find out that the site had changed 19 recently. And perhaps maybe there could be more public 20 announcements with regard to this.</p> <p>21 It is quite interesting for some of us to 22 hear. And I know you Ladies and Gentlemen have done 23 quite a bit of work and we appreciate your service. And 24 I think more involvement from the community and the 25 public, perhaps making it more interesting, and inviting</p>	<p style="text-align: right;">Page 47</p> <p>1 MEMBER BAXA: If you want the proper 2 appointment system, perhaps you can suggest -- like 3 there are ways by which a committee can be formed to 4 suggest names from which the appointing power will pick 5 the name. I don't know. I think that in this case it 6 will be functioning under the County Council. Isn't 7 that correct, Mr. Findley?</p> <p>8 MR. FINDLEY: That seems to be the most 9 reasonable option for me.</p> <p>10 MEMBER BAXA: It looks like that the procedure 11 is more or less aligned to the position of the --</p> <p>12 ACTING CHAIR HEDANI: Commissioner Baxa, if 13 you could direct your question to Mr. Dunbar.</p> <p>14 MEMBER BAXA: Yeah. I think I lost my train 15 of thought.</p> <p>16 ACTING CHAIR HEDANI: Any other questions by 17 the Commissioners?</p> <p>18 MEMBER BAXA: I think you should be able to 19 formulate a system by which appointing a selection 20 process could be made.</p> <p>21 MR. DUNBAR: Okay. I've made my suggestion. 22 Thank you very much.</p> <p>23 ACTING CHAIR HEDANI: Any other questions from 24 the Commissioners? 25 (Silence.)</p>
<p style="text-align: right;">Page 46</p> <p>1 the youth here and perhaps even having a youth council 2 that could provide their input. And that could be 3 processed through this Commission and our County Council 4 to know what the vision of young people are who will 5 soon be maybe in your positions.</p> <p>6 Thank you very much.</p> <p>7 ACTING CHAIR HEDANI: Thank you very much, 8 Mr. Dunbar.</p> <p>9 Questions from the Commissioners? 10 Commissioner Baxa.</p> <p>11 MEMBER BAXA: Mr. Chair, thank you. I am just 12 responding because of the suggestion that perhaps the 13 Judiciary should make the appointment in this case. 14 This is my personal opinion. I doubt it very much.</p> <p>15 ACTING CHAIR HEDANI: Commissioner Baxa, can 16 you speak directly into the mic, please?</p> <p>17 MEMBER BAXA: I doubt it very much if the 18 Judiciary will come into play because, normally, the 19 Judiciary only take cases that they're to decide cases, 20 only cases for them. And perhaps this will also be an 21 operation in other forms of government here.</p> <p>22 MR. DUNBAR: Perhaps.</p> <p>23 MEMBER BAXA: Perhaps it will be out of their 24 kuleana, as we say.</p> <p>25 MR. DUNBAR: Perhaps it could be.</p>	<p style="text-align: right;">Page 48</p> <p>1 ACTING CHAIR HEDANI: Thank you very much, 2 Mr. Dunbar.</p> <p>3 MR. DUNBAR: You're welcome.</p> <p>4 ACTING CHAIR HEDANI: Lisa.</p> <p>5 MS. KAHUHU: There's no other testifiers.</p> <p>6 ACTING CHAIR HEDANI: Okay. That concludes 7 the list of people that have signed up. Sally.</p> <p>8 MS. RAISBECK: Yeah, I had -- after.</p> <p>9 ACTING CHAIR HEDANI: You wanted to conclude?</p> <p>10 MS. RAISBECK: Yes, if I may.</p> <p>11 ACTING CHAIR HEDANI: Go ahead. Three 12 minutes.</p> <p>13 MS. RAISBECK: In my written testimony, I --</p> <p>14 ACTING CHAIR HEDANI: Sally, if you could use 15 the microphone.</p> <p>16 MS. RAISBECK: Sorry. In my written 17 testimony, I included a little incident that showed me 18 how people who understand even our present system are 19 few and far between. And you are going to have to have 20 the resources to do a very major job of education if you 21 want response from the community and if you want them to 22 understand what you're proposing, at least as far as 23 district voting is concerned. It just shocked me that 24 my friend really knew -- didn't know anything about the 25 Charter, didn't know anything about district voting, and</p>

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<p style="text-align: right;">Page 49</p> <p>1 she's been on Maui 40 years and is a very competent, 2 intelligent businesswoman. So I think you need money to 3 do advertising, and you need a campaign to let people 4 know what's going on and become involved. And then when 5 you make your decisions and have proposals, to publicize 6 those proposals. If they just show up on the ballot, 7 nobody's going to know what to do, really.</p> <p>8 ACTING CHAIR HEDANI: Any questions for the 9 testifier? Commissioner Hashimoto.</p> <p>10 MEMBER HASHIMOTO: I thought a good idea would 11 have been if the representatives from each district 12 would get out into the community beforehand and hold 13 some kind of informational meetings with the community 14 that they represent and make them aware of what the 15 Charter is about.</p> <p>16 MS. RAISBECK: Maybe it could be added to -- I 17 mean, especially when you have so few testifiers, the 18 education could be added. But it needs more 19 circulation. Akaku is great, people watch Akaku. But, 20 obviously, "The Maui News" calling you redundant and 21 unnecessary didn't help your cause at all. You need -- 22 you need -- Honolulu had \$500,000 in their budget. They 23 were given \$900,000, they used \$500,000. And half of 24 that was for publicizing, ads on the TV and all kinds of 25 stuff, if you read their budget.</p>	<p style="text-align: right;">Page 51</p> <p>1 NIKHILANANDA: Thank you. I'm actually glad 2 that Sally brought what she just brought up because one 3 of the things I had mentioned earlier is to change your 4 rules where, after you have your meetings in Wailuku, 5 that you then allow the public a few minutes, and you 6 could limit that to only three minutes, to make comments 7 on things that you say. Because what Sally is just 8 bringing up, the suggestion by one Commissioner was to 9 have the people that represent. We don't have people 10 that represent districts because we don't have district 11 voting. And the reason they don't want district voting 12 is because we've had a couple councilmembers that are 13 elected that lose their districts and they win because 14 we have county-wide. So if they were interested, the 15 Council generally -- this has been going on for 20 years 16 that people have been going to -- which is the reason 17 why that Sally brought it up, about redundancy, that's 18 why you want a separate board, the Charter Commission 19 to bring up issues that the Council, they -- the system 20 as it's set up now, they benefit from.</p> <p>21 So, again, I don't know where the funding 22 comes from. And Akaku, it's only people that have 23 cable. And so there's people that don't have cable. So 24 the massive amount of raising people's awareness -- but 25 you see how our voting -- which is why I brought that</p>
<p style="text-align: right;">Page 50</p> <p>1 ACTING CHAIR HEDANI: Any other questions from 2 the Commissioners? Thank you very much, Sally. Oh, 3 sorry. Dave.</p> <p>4 MEMBER DELEON: Very quickly. I think your 5 point is well-taken.</p> <p>6 MS. RAISBECK: Thank you.</p> <p>7 ACTING CHAIR HEDANI: Any other questions from 8 the Commissioners?</p> <p>9 (Silence.)</p> <p>10 ACTING CHAIR HEDANI: Thank you very much, 11 Sally.</p> <p>12 Are there any other individuals that would 13 like to offer testimony at this time?</p> <p>14 (Silence.)</p> <p>15 ACTING CHAIR HEDANI: Seeing none, 16 Nikhilananda, you wanted to come and conclude?</p> <p>17 NIKHILANANDA: Yeah. That's why I put my hand 18 up right away.</p> <p>19 ACTING CHAIR HEDANI: Why don't you come up 20 and you can conclude your comments? I think you've only 21 had three minutes, right?</p> <p>22 NIKHILANANDA: And the extra minute. I had 23 four minutes, but there's nobody else that wanted to 24 testify.</p> <p>25 ACTING CHAIR HEDANI: Go ahead.</p>	<p style="text-align: right;">Page 52</p> <p>1 thing up before, I wanted to finish that. I don't want 2 to go into detail because it's limited, but when I said 3 there was three sort of progressive issues, instant 4 runoff voting is one, or next rank voting is another 5 name for it. Mandatory voting -- and they talk about 6 that, again, that people feel like -- how would you 7 educate people? Because people say, oh, I want my 8 freedom not to vote. But then people, of course, 9 complain about what -- what occurs. And most people are 10 ignorant about the system.</p> <p>11 So you have to pay taxes, you have to get a 12 registration for your dog, you have to get a 13 registration for bicycle. You can be required to vote. 14 And if you don't vote, then there's some minimal fine. 15 Or the opposite, people that vote maybe get a five 16 dollar or 10 dollar or 15 dollar benefit somewhere.</p> <p>17 The other one is automatic registration. In 18 Oregon, you vote the day you vote. A lot of people say, 19 oh, I forgot got to register. Why do we make it 20 difficult? Generally, our election system makes it 21 difficult for people to -- to vote. So there's so many 22 ways -- and I don't have the time to go through it 23 here -- that's -- analysis has been done to allow. 24 Now, again, like I said, with voting, we may 25 not be able to effect this because we have a State</p>

<p style="text-align: right;">Page 53</p> <p>1 Office of Elections. But there are things, for example, 2 in our Council elections, our primaries, top two go into 3 November. On the Big Island, for example, if someone 4 gets over 50 percent plus one, they don't have a 5 election in the -- in November. So, in other words, we 6 do have that freedom. So, again, I don't have the 7 information, attorneys would have to look at that, what 8 we have freedom to effect. 9 So, again, with your rules, lowering the 10 threshold on initiative, like I said, get into 10 11 percent or something so that people -- six months that 12 people can bring things up. 13 And the Code of Ethics, again, I think, is 14 really strong. That people who are elected don't come 15 back and then appear before Council and bring up issues. 16 Now, if -- for example, if district voting -- 17 MS. KAHUHU: Time. 18 NIKHILANANDA: -- doesn't go through, as I've 19 mentioned -- 20 ACTING CHAIR HEDANI: You need to conclude, 21 Nik. 22 NIKHILANANDA: That's it? 23 ACTING CHAIR HEDANI: One minute to conclude. 24 NIKHILANANDA: Okay. Thank you. I'll be 25 back. Thank you.</p>	<p style="text-align: right;">Page 55</p> <p>1 know, I would like to see. And I know there's others 2 and I'll bring them up over time, but thank you. 3 ACTING CHAIR HEDANI: Thank you, Nik. 4 Questions from the Commission? Commissioner Sugimura 5 MEMBER SUGIMURA: Hi, Nik. 6 NIKHILANANDA: Hey, Yuki. 7 MEMBER SUGIMURA: You know, I think this is 8 like maybe your second or third time that you've come to 9 testify, maybe second. I wonder if you could write it 10 down and submit to us all your different -- because 11 you're like a machine gun, you have like all these -- 12 all these many, many things you're passionate about. 13 Just so we don't get it wrong, you know, what your point 14 is. I'm just curious. 15 NIKHILANANDA: I want to just make a quick 16 comment. I appreciate that. And sometimes I do submit 17 testimony. And if I recall -- and I don't have it in 18 front of me, so I don't want to misquote. But I think 19 something like you're supposed to submit 13 copies of 20 things. Okay. So then -- so thank you for that. So 21 somewhere I saw that if you bring testimony -- and I 22 don't have it in front of me, so I might have misread 23 it. So thank you, if that's not true. And that's the 24 reason why, you know, if I can bring one copy -- and I 25 forgot when that happened in the past -- so then that's</p>
<p style="text-align: right;">Page 54</p> <p>1 ACTING CHAIR HEDANI: You have a minute to 2 conclude your comments. 3 NIKHILANANDA: Oh, I do. That's what I meant 4 I want to say if, for example, you don't put district 5 voting on and you leave it at nine people -- I've also 6 mentioned, for example, that you see I'm here, I'm not 7 going to go to Hana, an hour and 15 minutes from Hana 8 where I live, I'm 20 minutes from here, and, yet, my 9 precinct, which is now done away with, we vote in Haiku. 10 So, again, I hope district voting gets on. 11 I'm suggesting that there might be two or 12 three proposals. And as Sally mentioned, a lot of 13 people are going to be totally confused the day of the 14 election. But, somehow, people have to take 15 responsibility for the government that they have. And, 16 again, one of the issues is that, for years, I've seen 17 that -- I don't feel that the person that's elected in 18 the area where I live is actually representative. 19 And there's a lot of discussion. We'll have 20 more of that both at your hearings and in the next 21 section about people feeling, oh, certain areas need to 22 have representation. But as we've said right now, they 23 really don't have representation. 24 So, again, thank you for the opportunity to 25 testify. Those are, again, the few things that, you</p>	<p style="text-align: right;">Page 56</p> <p>1 fine. I'm fine to, you know, write these things down. 2 I thought you had to bring 13 copies. 3 ACTING CHAIR HEDANI: I think what the rule is 4 on that is that if you're going to submit written 5 testimony, if you submit it in advance to, you know, the 6 secretary, she'll make copies ahead of time and 7 distribute it to all the Commissioners. So she will 8 make the copies. 9 NIKHILANANDA: I'm sorry, then. Thank you. I 10 misinterpreted that. I thought you had to bring it. 11 And I know there's this charge, I've done that before, 12 and I say, well, I don't want to pay that. But, anyway, 13 no. Thank you for that. So there's lots of issues. 14 I'm always reading the Charter and finding other things. 15 ACTING CHAIR HEDANI: Any other questions for 16 the Commissioners? I mean, any questions from -- I just 17 elevated you to commissioner. 18 NIKHILANANDA: I know. I appreciate that. 19 I've tried to get on for 20 years. 20 MEMBER DELEON: I think that was a cool idea. 21 Let's have a charter for Niki. 22 ACTING CHAIR HEDANI: Any other questions for 23 Mr. Nikhilananda? 24 (Silence.) 25 ACTING CHAIR HEDANI: Okay. Seeing none,</p>

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<p style="text-align: right;">Page 57</p> <p>1 thank you very much.</p> <p>2 NIKHILANANDA: Thank you again.</p> <p>3 ACTING CHAIR HEDANI: Are there any other</p> <p>4 members of the public that would like to offer testimony</p> <p>5 at this time?</p> <p>6 MR. GORDON: I got a couple suggestions.</p> <p>7 ACTING CHAIR HEDANI: Can you give your name</p> <p>8 to Lisa and then step to the microphone? Lisa?</p> <p>9 MS. KAHUHU: Justin Gordon.</p> <p>10 MR. GORDON: Hi. My name is Justin Gordon.</p> <p>11 Good evening. Hearing the testimony kind of brought</p> <p>12 together a couple ideas. One thing that I've been</p> <p>13 particularly involved in is working through the process</p> <p>14 of working with the Planning Department, been through</p> <p>15 the Building Department. I've been working on getting a</p> <p>16 bed and breakfast permit, so I've been going through the</p> <p>17 whole process. So I have some ideas on transparency of</p> <p>18 government.</p> <p>19 We were just talking about Akaku. I had a</p> <p>20 public hearing on November 9th. I wasn't able to get</p> <p>21 the video of that for about five or six months or so.</p> <p>22 And then it finally actually played on television.</p> <p>23 Actually, that's how I got to meet John Dunbar, is he</p> <p>24 actually commented on the injustice of my hearing. Of</p> <p>25 course, it's six months later. If you go to look at</p>	<p style="text-align: right;">Page 59</p> <p>1 do not put their policy on the internet. They have --</p> <p>2 they must have written policies. Why does the</p> <p>3 government not put their internal policies on the</p> <p>4 internet?</p> <p>5 In my case, I had permitted wet bars.</p> <p>6 Earlier, in the bed and breakfast process, they said you</p> <p>7 couldn't have any sort of heating element near them, you</p> <p>8 couldn't have a coffeemaker. Then during the process,</p> <p>9 my planner told me that it was okay to have microwave</p> <p>10 ovens, but we couldn't have a range and it would be</p> <p>11 okay. They came, they took pictures, and then, later on</p> <p>12 in the process, they say the process has changed again,</p> <p>13 you can't even have a coffeemaker.</p> <p>14 And why do these departments have these</p> <p>15 policies, these interpretations, of the ordinance? And</p> <p>16 they're -- clearly, they're supposed to be consistent.</p> <p>17 There should be transparency. Why do they not put any</p> <p>18 policy they're going to enforce as something written</p> <p>19 down on the internet?</p> <p>20 ACTING CHAIR HEDANI: Time.</p> <p>21 MR. GORDON: And that concludes my comments.</p> <p>22 ACTING CHAIR HEDANI: You have one minute to</p> <p>23 conclude your comments, if you have any.</p> <p>24 MR. GORDON: No. That just -- I'm just in</p> <p>25 favor of transparency in government and fairness and</p>
<p style="text-align: right;">Page 58</p> <p>1 Planning Commission notes, after the Planning Commission</p> <p>2 meets, how long do you think it takes for someone who</p> <p>3 takes notes to get it on the internet? It's definitely</p> <p>4 not a matter of weeks. And I think that is also unjust.</p> <p>5 There is no reason why, with the internet these days,</p> <p>6 that we can't put public documents on the internet.</p> <p>7 What I've done recently with my bed and</p> <p>8 breakfast application, and the public -- and the</p> <p>9 commission meeting notes, is I've actually put it on</p> <p>10 Scribe. It's a place where you can put in PDF</p> <p>11 documents. It works beautifully. And now there's</p> <p>12 transparency, and I'm sharing it with people, and</p> <p>13 they're seeing the complete injustice of the process.</p> <p>14 I'm also putting my testimony hearing on</p> <p>15 YouTube. There's no reason why we shouldn't be able to</p> <p>16 get the video up on YouTube within days, just so the</p> <p>17 public that does not have a chance to go to these</p> <p>18 meetings can see what is going on, what is being done</p> <p>19 and can comment on them.</p> <p>20 And now another issue is I've learned a lot</p> <p>21 about finding ordinances on the internet. I think it's</p> <p>22 great. All the ordinances that are laws. I've had to</p> <p>23 do a lot of different building and zoning issues and</p> <p>24 dealing with the Planning Department. It's all there,</p> <p>25 there's different ordinances. However, the departments</p>	<p style="text-align: right;">Page 60</p> <p>1 truth.</p> <p>2 ACTING CHAIR HEDANI: Thank you for your</p> <p>3 testimony. Questions from the Commission?</p> <p>4 (Silence.)</p> <p>5 ACTING CHAIR HEDANI: Thank you very much.</p> <p>6 Lisa, are there any other testifiers?</p> <p>7 MS. KAHUHU: No.</p> <p>8 ACTING CHAIR HEDANI: No. Okay. Are there</p> <p>9 any other members of the public that would like to</p> <p>10 testify at this time?</p> <p>11 (Silence.)</p> <p>12 ACTING CHAIR HEDANI: Seeing none, this public</p> <p>13 hearing is closed. The Chair would entertain a motion</p> <p>14 to accept the public communications into the record.</p> <p>15 MEMBER HASHIMOTO: So moved.</p> <p>16 ACTING CHAIR HEDANI: Moved by Commissioner</p> <p>17 Hashimoto. Second?</p> <p>18 MEMBER DEREGO: Second.</p> <p>19 ACTING CHAIR HEDANI: Seconded by Commissioner</p> <p>20 DeRego. All those in favor, say "aye."</p> <p>21 (A chorus of ayes.)</p> <p>22 ACTING CHAIR HEDANI: Opposed "no."</p> <p>23 (Silence.)</p> <p>24 ACTING CHAIR HEDANI: Carried. Thank you very</p> <p>25 much. Thank you, everyone, for your attendance this</p>

15 (Pages 57 to 60)

evening.
(Meeting adjourned at 7:46 p.m.)

CERTIFICATE

I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney nor an employee of any of the parties hereto, nor in any way concerned with the cause.

DATED this 8th day of July, 2011.

Tonya McDade



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