

Approved 7/25/11

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COUNTY OF MAUI, STATE OF HAWAII

CHARTER COMMISSION
REGULAR MEETING

Held at the Planning Department Conference Room,
250 South High Street, Wailuku, Maui, Hawaii, commencing
at 12:10 p.m., on Monday, June 27, 2011.

Reported by: Tonya McDade, CSR, RPR, CRR, CBC
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1 (Monday, June 27, 2011, 12:10 p.m.)

2 * * *

3 CHAIR STONE: Aloha, everyone, and thanks for
4 attending this public meeting of the Charter Commission.
5 My name is Josh Stone, and I'm the Chairman of the
6 Commission.

7 If you need, there are copies of our agenda
8 for today's meeting available over there with Lisa
9 Kahuhu.

10 And before beginning public testimony, we have
11 a few items of business to address.

12 Firstly, I would like to call this meeting to
13 order as of 12:10 p.m., and recognize our Commissioners
14 that are present or excused. Lisa, do you have our roll
15 call for that?

16 MS. KAHUHU: Yes, Chair. Wayne Hedani will
17 not be present today. Flo should be on her way. I
18 didn't hear otherwise, that she was not attending.

19 CHAIR STONE: Okay. Thank you very much.
20 Also in attendance, we have our staff, Ed Kushi, Jr.,
21 from Deputy Corporation Counsel; Lisa Kahuhu,
22 Supervising Law Technician; Tonya McDade, our court
23 reporter. Also, we have Mike Molina, EA from the
24 Mayor's Office. Thank you very much for being here.

25 So first order of business, I'd like to take

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1 ATTENDANCE
2 BOARD MEMBERS PRESENT:

3 Joshua A. Stone, Chair
4 Artemio C. Baxa, Member
5 Stephanie S. Crivello, Member
6 David P. DeLeon, Member
7 Frank R. DeRego, Jr., Member
8 Clifford P. Hashimoto, Member
9 Wayne N. Hedani, Member
10 Susan A. Moikeha, Member
11 Linda Kay Okamoto, Member
12 Yuki Lei Sugimura, Member
13 Flo V. Wiger, Member

14 STAFF PRESENT:

15 Edward S. Kushi, Jr., First Deputy Corporation Counsel
16 Lisa Kahuhu, Supervising Law Technician

17 ADMINISTRATION PRESENT:

18 Michael Molina, Executive Assistant to the Mayor

19 OTHERS PRESENT:

20 Sally Raisbeck
21 Jim Smith
22 DeGray Vanderbilt
23
24
25

not present

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1 this time to approve the minutes from our last meetings.
2 And this time around, we're approving minutes for June
3 8, June 13th Regular Meeting, and June 13th Public
4 Hearing.

5 MEMBER BAXA: I so move.

6 CHAIR STONE: We have a motion to approve --

7 MEMBER DELEON: Second.

8 CHAIR STONE: We have a motion to approve from
9 Commissioner Baxa and seconded by Commissioner DeLeon.

10 MEMBER OKAMOTO: Is that what we just got?

11 CHAIR STONE: This novel. Do you have it?

12 MEMBER OKAMOTO: I have -- well, I have it,
13 yes.

14 CHAIR STONE: Any discussion on our minutes?

15 MEMBER DELEON: You know what, I think I'll
16 take my second back. It's kind of inappropriate to --
17 if we just got the minutes, we haven't had a chance to
18 read it. Maybe we ought to hold 'em.

19 CHAIR STONE: Why don't we take a few minutes
20 to look over our minutes?

21 MEMBER DELEON: No. You're not going to be
22 able to get that in time. Just at the next meeting. We
23 don't have to approve the minutes every time.

24 Especially when we get them as we walk in the door.

25 CHAIR STONE: That is true. I guess there's

071111 - Reg - Item No. I.B.

1 (Pages 1 to 4)

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<p style="text-align: right;">Page 5</p> <p>1 not much time to review 40 pages. Okay. Why don't we</p> <p>2 go ahead and review and defer the minutes until our next</p> <p>3 meeting?</p> <p>4 MEMBER OKAMOTO: Yes.</p> <p>5 CHAIR STONE: We'll now move on to oral</p> <p>6 testimony. And before I begin, I would like to go over</p> <p>7 oral testimony rules. We'll call up each public</p> <p>8 testifier in the order that they registered to testify.</p> <p>9 Each person will have three minutes to testify on items</p> <p>10 on our agenda today. If the testifier requires more</p> <p>11 time, I will grant them an additional minute to complete</p> <p>12 their testimony. At the end of this additional minute,</p> <p>13 the testifier will be asked to stop their testimony.</p> <p>14 And if more time is required on an item, the testifier</p> <p>15 will be allowed an additional three minutes to complete</p> <p>16 their testimony, following the testimony of all</p> <p>17 registered testifiers. Following the testifier's</p> <p>18 testimony, I will ask the Commissioners if they need</p> <p>19 clarification of the presented testimony. Also, we</p> <p>20 request that the testifiers try to focus their testimony</p> <p>21 on Charter related items, please.</p> <p>22 Lisa, do we have our first testifier?</p> <p>23 MS. KAHUHU: Yes, Chair. Sally Raisbeck.</p> <p>24 CHAIR STONE: Ms. Raisbeck, thank you for</p> <p>25 coming.</p>	<p style="text-align: right;">Page 7</p> <p>1 should be, but I did make up this bumper sticker, "One</p> <p>2 person, one vote and self rule for Molokai and Lanai."</p> <p>3 Then I decided I had to change it to "One person, one</p> <p>4 vote and self rule for Lanai and Molokai. I think that</p> <p>5 is --</p> <p>6 MS. KAHUHU: One minute.</p> <p>7 MS. RAISBECK: -- a bumper sticker I can -- I</p> <p>8 can really --</p> <p>9 I would like to talk about other items, too.</p> <p>10 I get three minutes by your rules for each -- any item I</p> <p>11 care to testify on. Thank you very much.</p> <p>12 MEMBER SUGIMURA: No.</p> <p>13 MS. RAISBECK: The letter to Danny Mateo --</p> <p>14 CHAIR STONE: That's not correct, but just</p> <p>15 keep going.</p> <p>16 MS. RAISBECK: I'm sorry?</p> <p>17 CHAIR STONE: Continue, please.</p> <p>18 MS. RAISBECK: Okay. There's a letter from</p> <p>19 the Chairman to the Chairman of the Council. And I</p> <p>20 merely would like to remind everybody listening to this</p> <p>21 that the Charter Commission does not have to have</p> <p>22 approval from the Council for any propositions it puts</p> <p>23 on the ballot. You are totally independent of their</p> <p>24 approval. I'll talk to you more about that some other</p> <p>25 day.</p>
<p style="text-align: right;">Page 6</p> <p>1 ...BEGIN PUBLIC TESTIMONY...</p> <p>2 MS. RAISBECK: Thank you, Mr. Chair.</p> <p>3 I am here today to both speak about some of</p> <p>4 the things that are in the green sheets I passed out to</p> <p>5 you, which have various items on them, but, also, I want</p> <p>6 to speak about district voting.</p> <p>7 I think the proposal made by Commissioner</p> <p>8 DeLeon for district voting, nine equal population</p> <p>9 districts and -- and island boards or island councils</p> <p>10 for Lanai and Molokai takes care of the constant concern</p> <p>11 about Molokai and Lanai. But it also brings up some</p> <p>12 very basic questions about representation.</p> <p>13 Can an island of 3,000 people, where 98</p> <p>14 percent of the land is owned by an absentee landlord,</p> <p>15 David Murdock, can that island have self-government?</p> <p>16 Can Molokai have self-government? How much</p> <p>17 self-government? It takes you back to very basic</p> <p>18 principles. And in the green thing that I gave you, I</p> <p>19 quoted from the Declaration of Independence which said</p> <p>20 that people would often rather live with evils that</p> <p>21 they're familiar with than advance into the changes that</p> <p>22 are somewhat upsetting. I think we need to -- you need</p> <p>23 to discuss very fully what kind of self-government is</p> <p>24 appropriate for Lanai, is appropriate for Molokai.</p> <p>25 I won't try to tell you what your decision</p>	<p style="text-align: right;">Page 8</p> <p>1 There -- I sent you a communication, including</p> <p>2 the proposal by Commissioner --</p> <p>3 MS. KAHUHU: Time.</p> <p>4 CHAIR STONE: Okay, Ms. Raisbeck.</p> <p>5 MS. RAISBECK: Okay. I'd like to skip, then,</p> <p>6 to the Executive Session.</p> <p>7 CHAIR STONE: Ms. Raisbeck, after all</p> <p>8 testifiers, you are welcome to come back.</p> <p>9 MS. RAISBECK: No. No. I'm sorry, sir. I</p> <p>10 get three minutes on any item I have listed. That's in</p> <p>11 your rules. I get three minutes on each item. And</p> <p>12 that's -- that's what I have done with the Council on</p> <p>13 occasion, when it's important.</p> <p>14 CHAIR STONE: My understanding, Ms. Raisbeck,</p> <p>15 is that we allow all testifiers three minutes time to</p> <p>16 discuss any agenda item.</p> <p>17 MS. RAISBECK: Any -- any --</p> <p>18 CHAIR STONE: But not --</p> <p>19 MS. RAISBECK: -- and all.</p> <p>20 CHAIR STONE: -- per agenda item.</p> <p>21 MS. RAISBECK: Well, that -- in that case,</p> <p>22 your rules differ from the Council's interpretation of</p> <p>23 that same rule.</p> <p>24 CHAIR STONE: You know, just quickly,</p> <p>25 Mr. Kushi, that is our rules, as I understand it. Is</p>

2 (Pages 5 to 8)

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1 that correct?

2 MR. KUSHI: It could be interpreted to conform

3 to what Ms. Raisbeck is saying, as long as she's listed

4 the agenda items on the testimony --

5 MS. RAISBECK: I did.

6 MR. KUSHI: So I would suggest she has three

7 minutes on each item.

8 MS. RAISBECK: Thank you, Mr. Kushi.

9 MR. KUSHI: I would also suggest you carefully

10 time them.

11 MS. RAISBECK: Pardon?

12 CHAIR STONE: Let's stick to that.

13 MS. RAISBECK: Okay. I apologize for taking

14 advantage of errors in your rules, but I need to do it.

15 On the Executive Session, obviously, if you're

16 going to talk about who you are going to hire, you need

17 to go into Executive Session. Who you hire will be

18 determinative of how effective your work is going to be.

19 So I hope you will announce in public, which you should,

20 how many applications there have been for each position.

21 If you really have very few, if you don't have good

22 applicants, open the process and start over. Because

23 who you hire as your analyst is going to determine how

24 much you can do good work.

25 Okay. That's all I need to say. Thank you

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1 very much.

2 CHAIR STONE: Thank you very much. Lisa, our

3 next testifier, please.

4 MS. KAHUHU: Jim Smith.

5 CHAIR STONE: Hello, Mr. Smith. Thank you for

6 coming.

7 MR. SMITH: Chairperson Stone, Members of the

8 Commission, thank you very much for serving. I'm deeply

9 grateful, deeply grateful for your service.

10 There's two items I've listed I wish to

11 address. They are -- that would be Section II-A, the

12 letter to Councilman Mateo that's already been sent, as

13 well as IV-A, which is a presentation by the Department

14 of Water Supply.

15 First, let me just ask if, in your minutes,

16 under the provision that says "Proposed Charter

17 Amendments by Commissioners," that you identify the

18 Commissioner and the section of the Charter that the

19 amendment relates to. It would help, I think, interest.

20 The other thing is that, right now, all you

21 have to do is look around and see whether or not the

22 structure needs to be addressed. I don't think it does.

23 I don't think we need district voting. I think at the

24 -- at the best, it's even, and -- and, at the worst, it

25 will destroy. So it shouldn't even be considered.

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1 The functional problem is that, on Friday, the

2 Council is taking up a amendment related to property

3 tax. And our Charter specifically says that anything

4 having to do with revenues has to be taken up in the

5 annual budget. Now, our annual budget has already been

6 proven.

7 Now, if you want a rate change, okay, this

8 would mean that you can change your rate anytime during

9 the year. And that's what's happening with our Charter

10 amendment that specifically says, "Unless otherwise

11 specifically provided for in this Charter, all fees,

12 assessments, rates and taxes imposed by the County shall

13 be set in the annual budget." How does this happen?

14 The annual budget was approved in -- in May or

15 June. It's been signed. And now they're taking up --

16 well, obviously, Corporation Counsel said it was legal.

17 Well, what language is he speaking? An ordinary -- what

18 construction is he getting to our Charter? Is he making

19 our Charter irrelevant and -- and depending upon his

20 skill and articulation that, as a scholar, does that

21 leave me, a guy who reads English on a medium level,

22 guessing as to where the power goes? It does.

23 So I think these are the problems that you

24 need to address, not district voting. Okay. This is

25 the -- this is the tearing apart of our system right

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1 here. It's entrepreneurial zeal, this balancing by a

2 Director of Planning when we have rules that apply for

3 equal treatment. So what's the balance? Easy. Is it

4 good or bad or nothing? If it's nothing, don't do it.

5 If it's bad, don't do it. If it's good, it's necessary,

6 then do it. That would be my advice on that.

7 The Department of Water Supply I have been

8 involved with for 20 years in a private way, in a legal

9 system way --

10 MS. KAHUHU: Time.

11 MR. SMITH: -- and a personal way. It will be

12 a minute. And basically --

13 CHAIR STONE: Mr. Smith, you're welcome to

14 come back after the --

15 MR. SMITH: It will be a minute. I'm sorry.

16 My point -- my point on this -- you say I have one more

17 minute?

18 CHAIR STONE: Sorry.

19 MR. SMITH: I don't want to take any more of

20 your time.

21 CHAIR STONE: We've decided to really stick

22 closely to the rules. And -- and we are happy to have

23 you back just after the other testifiers.

24 MR. SMITH: Fine. I'll come back -- I'll come

25 back after the other testifiers.

1 CHAIR STONE: Okay. Thank you.
 2 MR. SMITH: Even though I had two items listed
 3 on my sheet.
 4 CHAIR STONE: Oh, really?
 5 MS. KAHUHU: Yes.
 6 CHAIR STONE: Okay. I'm sorry. Actually,
 7 Mr. Smith --
 8 MR. SMITH: I'm waiving. I'll defer to your
 9 taking up of another testifier.
 10 CHAIR STONE: Thank you.
 11 Quick question. We got to talk about this.
 12 Lisa, next testifier, please.
 13 MS. KAHUHU: DeGray Vanderbilt. And there's
 14 no items listed.
 15 MR. VANDERBILT: I didn't know I could list
 16 items. Huh-oh.
 17 CHAIR STONE: That's a new one for us.
 18 MR. VANDERBILT: Oh, boy. All right. Anyway,
 19 my name is DeGray Vanderbilt, resident of Molokai. And
 20 I -- I just wanted to talk about coordinating of
 21 information that you already have and how that can best
 22 be used to get out to the public so that, when you have
 23 meetings on the neighbor islands, you can have
 24 constructive meetings. One of the things that would be
 25 really helpful is that, with the agendas, when they're

1 posted, that you get a package that has all the items on
 2 it, whether -- the communication items and everything
 3 else, if those could be attached to the agenda, which is
 4 online, then people could read over and see if they had
 5 any interest in testifying or whatever. And that would
 6 be a big help because, otherwise, what are people -- I
 7 looked -- for instance, I looked on the website. And
 8 there's no way to really know what proposals have come
 9 in, or anything else, unless you go through the minutes.
 10 But there's nothing on that says about the Molokai plan
 11 as one of the items of interest or something like that.
 12 And then if you go to the agenda for today's meeting, it
 13 has an agenda, which has some really interesting items,
 14 communication items, but where do you find those?
 15 There's no Charter Commission office on Molokai. There
 16 is one here, where people on Maui can. So it just seems
 17 that it would be quite easy to scan the package that you
 18 get and have it attached to the agendas that are online.
 19 And so that was one of the -- that was one of
 20 the things that I really had. Because it's just so much
 21 information out there that's come in. The minutes are
 22 excellent, they're coming in quickly. I mean, I know it
 23 would be hard, but it would even be on a -- on an item,
 24 if it was on the agenda and you were able to say, this
 25 was discussed at the June 13th and the July 7th

1 meetings, people could go back and refer to that,
 2 because nobody really has time to try to look through
 3 all of the minutes and --
 4 MS. KAHUHU: One minute.
 5 MR. VANDERBILT: -- and everything else. So
 6 that's all I'm saying, is that it would help, because
 7 everybody's busy, just working and doing everything
 8 else. So if you can make it easier for them to find
 9 information on your website of items of interest, that
 10 would be really great.
 11 And maybe I could just come back after my --
 12 for three minutes.
 13 CHAIR STONE: Yes, absolutely. No problem.
 14 MR. VANDERBILT: Okay. Thank you.
 15 CHAIR STONE: Thank you very much for your
 16 testimony. One second. Commissioners, any
 17 clarification on that testimony?
 18 MEMBER DELEON: Chair?
 19 CHAIR STONE: Commissioner DeLeon.
 20 MEMBER DELEON: DeGray, I think your point's
 21 well-taken about the material. We'll try to get more
 22 attached to it.
 23 The other point is, we're going to be going to
 24 Molokai, how do we best get the community over there
 25 engaged? You have a broad experience in that community

1 What would be the best way for us to engage that
 2 community so we don't end up with an empty room?
 3 MEMBER CRIVELLO: You won't end up with an
 4 empty room. Trust me.
 5 MR. VANDERBILT: No. I don't think you'll end
 6 up with an empty room, especially if they knew about
 7 this plan for Molokai having either a change in the way
 8 the Council's set up and have its own neighborhood type
 9 board or commission or whatever it is. But, again, it's
 10 hard to -- nobody really, I don't think, knows.
 11 Was it in the "Dispatch" about the Board,
 12 Stacy?
 13 MEMBER CRIVELLO: I think they plan to do it
 14 the week before.
 15 MR. VANDERBILT: Yeah. Because I know you
 16 guys want to get all the proposals in and -- and see
 17 what's happening, but the best way to stimulate people
 18 to get involved is to understand what you're already
 19 looking at and will any of these things affect Molokai.
 20 And then they can testify, or maybe they'll testify on
 21 something that --
 22 MEMBER DELEON: So, DeGray, you're suggesting
 23 the "Dispatch", then, is --
 24 MR. VANDERBILT: Yeah. Well, that would be --
 25 MEMBER DELEON: Is probably the organ of

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1 communication that would work the best?

2 MR. VANDERBILT: Yeah. I --

3 MEMBER DELEON: Okay. Thank you.

4 MEMBER CRIVELLO: May I say something?

5 CHAIR STONE: Yes, please, Commissioner.

6 MEMBER CRIVELLO: Commissioner DeLeon, there's

7 also flyers that's an important means of communication

8 for Molokai residents as well as the understanding

9 what's on the agenda and some of the discussion that has

10 been going on. Trust me, you'll have Molokai people

11 engaged, more than we've had on Maui.

12 I think that's a concern we should even

13 address as to how many people are turning out to our

14 public hearings on Maui.

15 MEMBER DELEON: I agree.

16 CHAIR STONE: I think, actually, it's

17 interesting enough, I had a number of communications --

18 since we're on this topic, I'll briefly touch base on

19 it -- from -- from community boards, for example, that

20 are more community outreach. And they have expressed

21 concern because they don't -- they're expecting to see

22 what -- what we are looking at now. But as we

23 discussed, first we need to organize it properly before

24 it can be presented. So I think the last testifier has

25 a very valid point, but we do have to -- it is our

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1 process. We need somebody -- first hire an analyst who

2 can put it together in a fashion that's presentable to

3 the public, which is what we're going to do as soon as

4 we can get a list going on these proposals that have

5 been flooding in. That list is going out as soon as we

6 can. And we'll continue working on that list

7 organically.

8 So, hopefully, the public has a little bit of

9 patience with us because we are pushing as quickly as we

10 can, but trying to get as much information as we can.

11 And we are working on PDF'ing everything and putting it

12 on the website for the public. That is already in the

13 works.

14 MEMBER DELEON: Chair, is there a possibility

15 of continuing this conversation in our regular meeting?

16 CHAIR STONE: Yes.

17 MEMBER DELEON: Okay.

18 CHAIR STONE: Absolutely.

19 MEMBER DELEON: Thank you.

20 CHAIR STONE: Lisa, next testifier, please.

21 And, Lisa, could I ask you, when you call up the

22 testifiers, please notify me how many agenda items they

23 have signed up to discuss?

24 MS. KAHUHU: Sure.

25 CHAIR STONE: That way, I'm not rude to them.

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1 MS. KAHUHU: There's no other testifiers

2 signed up.

3 CHAIR STONE: Okay. Before I move on to the

4 next round of public testimony, is there anybody in the

5 public that want to come forward before we go to the

6 next round?

7 (Silence.)

8 CHAIR STONE: No, okay. Great. Mr. Smith,

9 please, come forward.

10 (Laughter.)

11 CHAIR STONE: I just like watching you go back

12 and forth.

13 (Laughter.)

14 MR. SMITH: I used to run in college.

15 CHAIR STONE: Mr. Smith, I apologize,

16 Ms. Raisbeck has just brought this ruling to our

17 attention, and now I know. So three more minutes,

18 please. Enjoy it.

19 MR. SMITH: I appreciate your patience.

20 This is a functional problem. The executive

21 branch doesn't want to be held accountable. It wants to

22 be efficient and do what it wants whenever it wants.

23 And we decided, in 1970, we're going to have a check and

24 balance.

25 The Department of Water Supply is an example,

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1 a perfect example, of how this has been shuffled around.

2 One of the consequences is that the Department of Water

3 Supply, prior to its last change, had a Board of Water

4 Supply that had rules and regulations that had authority

5 of law, okay, and they pretty much were the check and

6 balance in the -- in the Department of Water Supply.

7 But that was taken away by the Charter amendment. And

8 what happened then is the legislative branch became, in

9 effect, okay, the board with the power. But they're a

10 legislative branch; they're not an executive

11 functionary. Okay. So then you've changed the

12 structure of your government by having a legislative

13 rule-making body in a department.

14 But that's part of the confusion. And that's

15 why you need to look at the structural aspects and the

16 language of the Charter, so that we can get back on a

17 sensible ground. The simple language, the original --

18 the ordinary language is where we need to be. And it's

19 being thrown out by Corporation Counsel whenever the

20 County Council wants to do something. If they want a

21 general plan and they don't like the word "general

22 plan," they'll change it to a community-wide policy plan

23 and then they'll have an island-wide plan and then

24 they'll have community plans. But our Charter doesn't

25 specify an island-wide plan that gives you boundaries

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<p style="text-align: right;">Page 21</p> <p>1 that compromises community plans. Our Charter doesn't</p> <p>2 do that, but they did it. And how did they do it? They</p> <p>3 did it with a Corporation Counsel saying this is legal</p> <p>4 as to form and legality.</p> <p>5 MS. KAHUHU: One minute.</p> <p>6 MR. SMITH: So I think you need to look at</p> <p>7 that. I appreciate that. I'd like you to study that to</p> <p>8 decide whether efficiency is the problem or whether it's</p> <p>9 a diversion.</p> <p>10 Thank you very much for your time.</p> <p>11 CHAIR STONE: Commissioners, any clarification</p> <p>12 on Mr. Smith's testimony?</p> <p>13 (Silence.)</p> <p>14 CHAIR STONE: No clarification. Thank you</p> <p>15 very much, Mr. Smith.</p> <p>16 Lisa, who -- I'm sorry --</p> <p>17 MS. KAHUHU: There's no other testifiers.</p> <p>18 CHAIR STONE: I think Mr. -- is it -- it's --</p> <p>19 MS. RAISBECK: Vanderbilt.</p> <p>20 CHAIR STONE: Mr. Vanderbilt wanted to come</p> <p>21 back.</p> <p>22 MR. VANDERBILT: Thank you, Chair Stone.</p> <p>23 Yeah, I'd just like to -- I'm not really</p> <p>24 familiar with this idea of the island board for Lanai</p> <p>25 and Molokai, but I think it's -- the intent is very good</p>	<p style="text-align: right;">Page 23</p> <p>1 Commission is funded with federal funds through the</p> <p>2 Coastal Zone Management. Would those apply? There's</p> <p>3 just a lot of things that just can come up. And I think</p> <p>4 they could probably be resolved, but it's going to take</p> <p>5 a while. And I don't know how much time you got to</p> <p>6 resolve all these things.</p> <p>7 But looking forward to all of you coming to</p> <p>8 Molokai. That's great. Thank you.</p> <p>9 CHAIR STONE: Thank you very much.</p> <p>10 Commissioners, any clarification on the testimony?</p> <p>11 (Silence.)</p> <p>12 CHAIR STONE: No. Thank you, Mr. Vanderbilt.</p> <p>13 for your time. Very much appreciated.</p> <p>14 If there are no objections, I will close the</p> <p>15 oral testimony at this time.</p> <p>16 (Silence.)</p> <p>17 ...END PUBLIC TESTIMONY...</p> <p>18 CHAIR STONE: And without objections, the</p> <p>19 Chair will accept and file all public communications for</p> <p>20 the record.</p> <p>21 So moving forward, Communications. You've all</p> <p>22 -- you all have these communications in your packets.</p> <p>23 The Chair has one communication that he would like to</p> <p>24 discuss, one point in the communications, but, before we</p> <p>25 go forward, is there any discussion on the</p>
<p style="text-align: right;">Page 22</p> <p>1 there. I think you're going to find, as you delve into</p> <p>2 it, there's going to be a lot of -- a lot of things that</p> <p>3 may not have been considered now that have to do -- that</p> <p>4 are going to bring some complexities to doing that.</p> <p>5 And I see, in one part, it talks about maybe</p> <p>6 Lanai and Molokai not being part of the same -- same</p> <p>7 district, if you go district voting. Everybody seems,</p> <p>8 in Maui, to want to go district voting. And that's</p> <p>9 fine. But if, for some reason, these neighborhood</p> <p>10 boards or island boards didn't work out and then you had</p> <p>11 Molokai as one part of a bigger district and Lanai in</p> <p>12 another district as a small percentage and Hana and</p> <p>13 another district as a small percentage, their weight</p> <p>14 would be compromised even greater. So I think that if,</p> <p>15 for some reason, these island boards don't work that</p> <p>16 there ought to be some mechanism whereby the small</p> <p>17 communities that Flo Wiger referred to, that initiated</p> <p>18 all these island boards, that they be together in one</p> <p>19 district. And I think then they would be able to elect</p> <p>20 somebody from one of those areas that truly represented</p> <p>21 more of the small community point of view.</p> <p>22 And so that's, basically, all I have to say on</p> <p>23 that. Because, you know, there's the -- it's going to</p> <p>24 take the position of the Planning Commission, this</p> <p>25 initial -- the initial thought on it. And the Planning</p>	<p style="text-align: right;">Page 24</p> <p>1 communications from the Commissioners?</p> <p>2 (Silence.)</p> <p>3 CHAIR STONE: No. Okay. So I would just like</p> <p>4 to point out, under Communications, II-C, Agenda Item</p> <p>5 II-C, as per our last meeting, I wrote a letter to the</p> <p>6 Managing Director. And that draft is with Lisa Kahuhu</p> <p>7 now, very simple. And I just -- without -- without any</p> <p>8 objections, I am going to send that letter concerning</p> <p>9 the GIS software, requesting that the GIS Managing</p> <p>10 Director purchase the GIS software. That's going to go</p> <p>11 out. Okay? Okay. Very good.</p> <p>12 MR. KUSHI: Mr. Chair, one housekeeping</p> <p>13 matter. I know you stated that you would accept all</p> <p>14 written communications and testimony. There was a</p> <p>15 email, I guess you have it on your desk, from Member</p> <p>16 Hedani to Lisa Kahuhu, and it just kind of attaches</p> <p>17 Mr. Rick Medina's testimony of June 13th. So is that</p> <p>18 being included, also?</p> <p>19 CHAIR STONE: Yes, that will be included as</p> <p>20 well.</p> <p>21 MR. KUSHI: Okay. Thank you.</p> <p>22 CHAIR STONE: Old Business, we have none.</p> <p>23 On to New Business. Today, we have a</p> <p>24 presentation from the Director of the Department of</p> <p>25 Water Supply, Dave Taylor, on historical changes made to</p>

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<p style="text-align: right;">Page 25</p> <p>1 the Department of Water Supply through the Charter 2 amendment process. So, Mr. Taylor, thank you very much 3 for being here today. Appreciate it.</p> <p>4 MR. TAYLOR: Thank you, Mr. Chair and Members 5 of the Commission.</p> <p>6 I wasn't exactly sure what you wanted to hear, 7 so let me just give some general facts. And towards the 8 end, I'll throw in some sort of opinion.</p> <p>9 There have been five Charter changes regarding 10 the autonomous, semiautonomous or -- or under the County 11 management role of the Board of Water Supply since 1955. 12 1955, 1960, 1977, 1983, and then 2002, all of those 13 years, we kind of went back and forth between some level 14 of semiautonomy and being a County department. So it 15 has changed five times since 1955.</p> <p>16 The Board of Water Supply is in receipt of 17 your letter asking for input. They discussed this item 18 at their meeting last Thursday. They intend to discuss 19 it and write you a letter about how, as a board, they 20 feel by roughly September. Just like your group, they 21 only meet once a month, so they need some time to do 22 that. But they've already discussed it and they intend 23 to get you something about whatever that board feels by 24 September.</p> <p>25 The County Council is discussing it at Water</p>	<p style="text-align: right;">Page 27</p> <p>1 sets their rules, their board approves the budget, and 2 their -- they actually have their own attorneys. I 3 think they have two of their own attorneys. So that's a 4 very strong board. The only thing I think they're 5 linked to the County with is human resource support and 6 maybe some other, you know, miscellaneous things. They 7 float their own bonds, et cetera. So they are very 8 strong semiautonomous, almost to the point of being 9 autonomous.</p> <p>10 I think all the incarnations of the Maui 11 County Board of Water Supply in the past, even when it 12 was semiautonomous, is what I will call weak 13 semiautonomous. The Board set the rules, but the 14 Council controlled the rates and Corporation Counsel was 15 still the attorneys. So you had this sort of weak 16 semiautonomous that was only a little bit further than 17 where we are now. And Mr. Kushi can -- can verify, but 18 I think even the Mayor and possibly the Council even had 19 some -- some authority to -- to approve the rules of the 20 Board. So you had this semiautonomous board that was 21 sort of weak.</p> <p>22 So it's important to note in your future 23 discussions that simply saying "semiautonomous" does not 24 define the management structure. You have to be more 25 clear about rules, rates, budgets, attorneys, ability to</p>
<p style="text-align: right;">Page 26</p> <p>1 Resources Committee tomorrow morning at 9:00. It's the 2 second thing on the agenda item.</p> <p>3 So there is discussion about these items.</p> <p>4 Some other things that are factual that I 5 think are sometimes discussed incorrectly is what it 6 means to be autonomous, what it means to be 7 semiautonomous. Right now, we're under the County, like 8 any other County department. The Mayor is my boss, the 9 Council is our legislative authority.</p> <p>10 Complete autonomy means that neither the Mayor 11 nor the Council have anything to do with your 12 operations. It means your board has complete authority 13 and it also means that, even though autonomy means 14 you're a government agency, you have your own human 15 resources, you have independent negotiations with the 16 union and with -- with acquiring land and things like 17 that.</p> <p>18 Even the City and County of Honolulu Board of 19 Water Supply is not autonomous because they still get 20 human resources support and still fall under the union 21 contracts of the City and County of Honolulu. So 22 they're also semiautonomous.</p> <p>23 Semiautonomous is a whole range. You can be 24 very strong semiautonomous, like the Honolulu Board of 25 Water Supply. Their board sets their rates, their board</p>	<p style="text-align: right;">Page 28</p> <p>1 float bonds, you know, land acquisition, et cetera. So 2 I think that's the number one thing that I told the 3 Board last week, and I'll tell Council tomorrow, keep 4 that in mind, that there's a wide range of things called 5 semiautonomous, or even autonomous.</p> <p>6 And in our past, the board members were all 7 appointed by the Mayor, approved by the Council. Now, 8 other municipalities, they sometimes even have elected 9 board members. So that's another possibility. There's 10 a lot of different ways to do this.</p> <p>11 So those are the facts about the history and 12 what some of these possibilities are.</p> <p>13 I'm going to move a little into some -- try to 14 frame this discussion for you.</p> <p>15 I was just at the National American Waterworks 16 Association Conference two weeks ago. And that's the -- 17 it's the association of all the water utilities in the 18 country. Knowing this was coming up, I attended a 19 three-hour panel discussion on to have a board, to not 20 have a board, to have it under the County, to not, you 21 know, with maybe 150 of the largest utility managers in 22 the country. So I was able to ask them a lot of 23 questions, get a lot of information.</p> <p>24 And I explained a lot of this to the Board on 25 Thursday. And I'll say some of the same things to you</p>

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1 in brevity.

2 First of all, a board, if you have one, is
3 supposed to be representation of the owners, not an
4 extension of management. That is the first thing to
5 remember. The board's not supposed to represent the
6 customers, they're not supposed to be the managers,
7 they're the owners. The public owns the water system,
8 the public owns the pipes, the public owns the pumps,
9 the public owns the treatment plants and the tanks, the
10 public owns the trucks. The public owns the system.
11 The board is supposed to represent the owners. The
12 department manager is senior manager. The board is not
13 supposed to be management. They're supposed to be
14 owner's representation.

15 Okay. That's the first thing to remember.

16 So second is to think about what problems we
17 have and look for the right structure to solve those
18 problems.

19 Now, I'll get really strong into my opinion
20 here. I think the problems we have for the next decade
21 are these questions of equity. Are we going to expand
22 our service area? Are we going to get more sources?
23 Are we going to get water to the people Upcountry? If
24 so, who is going to pay for this? Are we going to raise
25 meter fees and have the new users pay? Are we going to

1 and be the full representatives, either one or the
2 other, and not try to go halfway. Because then we end
3 up with something that's ineffective.

4 And, again, the board is representation of
5 ownership, not an extension of management. So I think,
6 if everyone focuses on those issues, at least we can
7 decide that we agree on that, and how best we do that is
8 a question, you know, for the Board of Water Supply and
9 for you folks.

10 So I hope that kind of helps explain some of
11 the language and what we've done, what some other people
12 are doing, and helps frame your discussions.

13 CHAIR STONE: Thank you for that.

14 Commissioners? Commissioner DeLeon.

15 MEMBER DELEON: Thank you for coming, Dave.
16 Owners are the ratepayers, then?

17 MR. TAYLOR: The owners are the ratepayers,
18 yes.

19 MEMBER DELEON: Okay.

20 CHAIR STONE: Commissioners, any further
21 questions? Commissioner Moikeha.

22 MEMBER MOIKEHA: Dave, you said you met with
23 numerous management of these utilities, water, whatever.
24 In their experience, did one prove to be better than the
25 other, government versus the board?

1 raise everyone's rates and have everyone pay? These are
2 the questions that are not water utility management,
3 they're not engineering; they're pure questions of
4 equity and fairness of the owners. So who is going to
5 balance cost versus output? That's, in my opinion, the
6 real challenge we have, say, for the next decade.

7 Now, is that better to have a board, is that
8 better to have a council? I'll leave that to you folks.

9 What I would say, again, from opinion, is
10 rules, rates and budgets are one thing. They're not two
11 different things. So to have a system where one group
12 sets the rules and the other group sets the rates, I
13 don't think that's very functional.

14 Right now, you have Council setting the rules,
15 setting the rates, approving the budgets. If you had a
16 strong board set the rules, set the rates, set the
17 budgets, that would also be clear. My opinion is
18 anything in between is structurally ineffective.

19 So what I told the Board, and what I'll tell
20 Council tomorrow, and what I'll tell you, is whatever
21 you think the best way to look towards the future is,
22 you know, I won't opine on that, but I would say that
23 you should really focus on one group or the other,
24 either a council or a board, setting rules, setting
25 rates, setting the budgets, floating bonds, et cetera,

1 MR. TAYLOR: I think the biggest thing I
2 learned is that you have to set up a system that works
3 for your problems. And you had a lot of people
4 advocating for what they did. But that may not work for
5 us. I think most of the bigger groups seem to have a
6 strong board. That doesn't mean it works in --
7 everywhere. It doesn't mean it's the right thing. But
8 everyone was pretty clear that you have to decide what
9 are the issues facing us and what's the best way to
10 handle them. But most of the large utilities do seem to
11 have strong boards.

12 MEMBER MOIKEHA: Okay. Thank you.

13 CHAIR STONE: Commissioner DeRego.

14 MEMBER DEREGO: Yeah. I was going to ask the
15 same question, but in a little different way. Were
16 there other variables besides size that dictated whether
17 one system worked better than another, or is size the
18 primary variable?

19 MR. TAYLOR: It's not primary -- it didn't
20 seem to be primarily sized. And there didn't really
21 seem to be any two that were identical. For example, a
22 lot of them had different authorities vested in these
23 different groups. And, again, some had appointees, some
24 had elected people on the Board. There -- it just seems
25 like if you can take all these variables, choose some,

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1 you'll find a utility that -- that operates that way,
 2 and you'll find one that works well and one that doesn't
 3 work very well. And everyone also agreed it has to do
 4 with, you know, who's on the Board and their knowledge
 5 of what their role is, and, you know, what problems as a
 6 community you're facing. But it -- no structure itself
 7 is going to resolve all the issues.

8 You know, as I mentioned earlier, the big
 9 issue in water utilities is, are you going to pay a lot
 10 and have a lot of services, pay a little and have a
 11 little services. At some point -- and in our community,
 12 it stretches even further; who is going to subsidize
 13 who. All right. Right now, we have -- for example,
 14 residential rates are subsidizing agriculture, down
 15 country subsidizes Upcountry. Should this continue?
 16 Should it get more subsidies? Should we have lack of
 17 subsidy? Should existing users subsidize newer users,
 18 or not? It's these questions of equity that it really
 19 matters.

20 Is either your government agency or your
 21 council, let's say, or your board going to be willing to
 22 face those issues and make some decisions about them.
 23 And whether that's your elected officials or an
 24 appointed board or an elected board, whatever way you
 25 think is best, I think it's best to clarify that those

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1 are really the issues facing us. And whoever is going
 2 to take them on, whoever is best to take them on, that's
 3 the best way to do it. And what's best in our
 4 community, I think, is why you folks have been put on
 5 this Commission.

6 MEMBER HASHIMOTO: Chair?
 7 CHAIR STONE: Cliff.

8 MEMBER HASHIMOTO: Yes, sir. I had a
 9 conversation with a friend, also involved in some of
 10 this County work as well, but he made a point, he
 11 said -- I said, "Would you be willing to serve as an
 12 elected official of some kind, you know, for the next
 13 coming years?" He said, "No." I said, "Why not?" And
 14 he said, "Well, I'd rather be appointed." He said,
 15 "That way, I don't owe it anybody. That way, I can make
 16 decisions purely on how I feel rather than to the people
 17 who elected me or paid to have me elected." Because
 18 that's the way it works today. So what are your
 19 thoughts?

20 MR. TAYLOR: Again, there's some different
 21 ways to do it. And both sides chime in very strongly.
 22 Some feel that an independent board is the best way to
 23 represent the people, and other people feel that
 24 authority and accountability right back to the elected
 25 officials is best. And whether you like the results or

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1 not, you know, one or the other.

2 Again, I do have some personal opinions, which
 3 I'm not going to share. I told the Board the same
 4 thing. I don't think it's really appropriate for me to
 5 say what I think is best. I think it's best for me to
 6 show what the options are, talk about what we can all
 7 agree with, in that these definitions are the different
 8 ways to run things, and we can all agree the problems
 9 we're facing and we can all sort of structure our
 10 decision, saying we can all agree that whatever's best
 11 to solve these problems is what's best. And then the
 12 Board will make their own determination about what they
 13 think is best, and they'll let you know that. And you
 14 folks will, you know, obviously, listen to the public.

15 But they can all work. The question is, which
 16 one is best and which one is best to handle our future.

17 CHAIR STONE: Commissioner Wiger, you had a
 18 question? I'm sorry. Commissioners, please speak into
 19 the microphone just for our records. Thank you.

20 MEMBER WIGER: Yes. Wondering, given that you
 21 were at this conference and, obviously, had a chance to
 22 meet with people coming from a variety of places, was
 23 there any place that you felt was anywhere close to some
 24 of the geographical challenges that we face here as
 25 opposed to -- I think a lot of other places probably are

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1 a little more tidy in their physical orientation.

2 MR. TAYLOR: I don't think, for this
 3 discussion, that's the biggest issue.

4 MEMBER WIGER: No, no, no. I was just
 5 wondering if that was --

6 MR. TAYLOR: There are certain other areas
 7 that have wide-ranging geographical operations. But
 8 from a board standpoint, what there certainly are is
 9 places in the Southwest who -- they're out of water.
 10 Everyone's accounted for all the water. They're trying
 11 to grow their communities, but they have -- for example,
 12 they have Native American tribes who have water rights
 13 and -- and there's downstream water users. And so
 14 they're trying to grow, but the local municipal
 15 governments are tapped out of water source, just like
 16 us. The economy is down, nobody has any money. So from
 17 that sense of decision-making, I found, whether they
 18 were big or small, an awful lot of other utility
 19 managers that were in exactly the same seat. And I
 20 think that is a more important --

21 MEMBER WIGER: Yeah.

22 MR. TAYLOR: -- kinship than their size or --
 23 or their operation.

24 MEMBER WIGER: That's very helpful, I mean,
 25 that kind of framework. Because that does put it, then,

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1 in a frame of reference that we can grapple with and
 2 that you have an understanding of. Thank you.
 3 CHAIR STONE: Commissioner Crivello.
 4 MEMBER CRIVELLO: Thank you for affording us
 5 this opportunity. I have a question. You know, it says
 6 that the Department of Water Supply shall implement the
 7 County's General Plan and Community Plan, et cetera, and
 8 then whatever the long-range plan is, they take to the
 9 Council for approval. Does that come from the Board,
 10 basically? Is there a total discussion with -- with the
 11 Board of Water Supply, or does that come from the
 12 management, the director and --
 13 MR. TAYLOR: The job of the director, whether
 14 it's -- whether there's a council or the board, is
 15 really the same. And that's to come up with a plan to
 16 meet our needs and present it to either the board or to
 17 the Council or, in this case, sort of both, and get
 18 approval. So as far as implementation of the Maui
 19 County General Plan or any of the other plans, it's
 20 still our responsibility as a department to kind of put
 21 something together and say, here's what we want to do,
 22 here's how we want to pay for it, here's how we want to
 23 change our rules. Whether or not we go to the Council
 24 with that or go to a strong board isn't really
 25 fundamentally different to -- to somebody like me. It's

1 still a group of people, we go, we explain everything,
 2 they end up voting, we get our direction.
 3 So I think what's most important is to not
 4 have piecemeal authority, where you have to go to both
 5 the board and the Council, and they both have to agree.
 6 In the old days -- which was, you know, nine
 7 years ago -- the Council -- I'm sorry -- the board had
 8 to approve the budget. But then the Water Department
 9 still had to go to Council and get the rates approved.
 10 But if the Council didn't approve the rates that would
 11 fund for that budget, you had to go back to the Water
 12 Board and say, "Well, it didn't work out." So you're
 13 kind of going back and forth between two boards.
 14 MEMBER CRIVELLO: Thank you.
 15 MR. TAYLOR: That's, I think, really the
 16 issue, to answer your question.
 17 MEMBER CRIVELLO: That's what I needed, the
 18 clarification.
 19 CHAIR STONE: Commissioner Baxa.
 20 MEMBER BAXA: So, sir, what you are saying
 21 is -- if I got it correctly, is that the authority of
 22 the rules, budget and rates should be confined to just
 23 one entity?
 24 MR. TAYLOR: That is absolutely my opinion.
 25 That's correct, one entity. Either a strong board with

1 rule, rate, bond float, budget approval, or leave it the
 2 way it is where the Council has all that approval. But
 3 not try to split those and call them different -- you
 4 know, to different bodies. One body needs to control
 5 all those things.
 6 MEMBER BAXA: Thank you.
 7 CHAIR STONE: Please, Commissioner DeRego.
 8 MEMBER DEREGO: Thank you. Dave, so what
 9 you're saying is -- and I don't know that much about the
 10 Honolulu Department of Water Supply -- is that the
 11 County in no way subsidizes any of the operations of the
 12 Department of Water Supply in Honolulu, or it's all the
 13 ratepayers' kuleana, if you want to put it that way, to
 14 maintain the system, the infrastructure. And even now,
 15 they're branching out into wastewater, from what I hear,
 16 in some areas. Is that what I'm understanding you're
 17 saying?
 18 MR. TAYLOR: That is correct. And it's also
 19 correct here in Maui County. Your water rates and water
 20 fees only go for Water Department operations. Your
 21 sewer rates and sewer fees only go for sewer operations.
 22 Both water and sewer in Maui County are utilities where
 23 they operate 100 percent off their own revenue and
 24 they're not subsidized by property taxes. And, in fact,
 25 both water and sewer pay money into the General Fund to

1 support payroll, Corporation Counsel, management
 2 information computer services, you know, personnel, et
 3 cetera. So both of us -- both water and sewer of Maui
 4 County are independently -- are financially independent
 5 and we pay for the general services we -- we use.
 6 CHAIR STONE: Commissioner Okamoto, you had a
 7 question?
 8 MEMBER OKAMOTO: Yes, because I'm not as
 9 familiar with the Water Board, since Lanai is not under
 10 you. Would you -- when you're talking about a strong
 11 board, you're meaning strong, that they have all the
 12 powers to do these things. Would you consider the
 13 current one not -- I hate to say weak, but the Council
 14 is the one that has those powers, is that what you're
 15 saying?
 16 MR. TAYLOR: Yeah. Under -- under my
 17 terminology, the current -- the current board, I
 18 wouldn't even -- I wouldn't even call weak. I would
 19 call them advisory. They -- their only authority is
 20 appealing specific determinations by the director. So
 21 the terms I was using, "strong" and "weak," are meant to
 22 go with the word "semiautonomous."
 23 MEMBER OKAMOTO: Right.
 24 MR. TAYLOR: So either strong semiautonomous
 25 or weak semiautonomous. When you're under the County,

<p style="text-align: right;">Page 41</p> <p>1 you know, my terminology of strong and weak has no 2 meaning. So they're just advisory, because -- because 3 the -- the Department is under the Council and the 4 Mayor.</p> <p>5 MEMBER OKAMOTO: Now, all these changes that 6 have happened, the five different changes, have you gone 7 back and researched? Did things work any better under 8 any one of them that you could see?</p> <p>9 MR. TAYLOR: I've only been with the 10 department for six months. I was in the Wastewater 11 Division of the County for about 19 years before that. 12 So I watched it from the outside. And I just look back 13 at watching how the Council and the board sort of 14 struggled with who was responsible.</p> <p>15 And I think you're lucky discussing this issue 16 as a -- as a commission, because you have Mr. DeLeon, 17 Commissioner DeLeon, who probably knows more about the 18 historical happenings of the Department of Water Supply 19 than about anybody who lives on this island over the 20 past 20 or however long years. So I think -- when you 21 have those discussions, I think he can probably tell a 22 lot of stories about what was good and what was bad, far 23 more than I can.</p> <p>24 Sorry to put you on the spot there, Dave.</p> <p>25 MEMBER OKAMOTO: Thank you.</p>	<p style="text-align: right;">Page 43</p> <p>1 very happy. I think if you want to be a water user and 2 you're not, you have a lot you want to subdivide and 3 you've been on a list for decades, you're probably 4 thinking it's not so good. So I think that's really 5 this question of equity, is, is that a problem. You 6 know, if you feel that the people who aren't getting 7 service, who should get service, that that is somehow 8 the County or the department's letting them down, then 9 something is broken. If you feel that the goal of the 10 department is to serve its existing customers, then I 11 would say it's not broken. But, again, that's really 12 something only -- only the public as a whole, I think, 13 can answer.</p> <p>14 I think the management of the operations -- 15 this is before I got there -- I think it's pretty good. 16 I think the guys run the plants well, they maintain it 17 well, they fix things quickly, you know, that your bills 18 go out on time, et cetera, et cetera, et cetera. I 19 think, from an operational standpoint, I don't see any 20 problems.</p> <p>21 The question is, is equity of growth. And I 22 think that's really what we're facing as this challenge, 23 this problem. And whatever best way to hit that is what 24 we need to do. But, again, that's really a question, 25 really, for the public and not for me.</p>
<p style="text-align: right;">Page 42</p> <p>1 CHAIR STONE: Commissioner DeLeon.</p> <p>2 MEMBER DELEON: I'll take that under 3 advisement.</p> <p>4 Dave, I'm going to put you on the spot. Is it 5 broken? Is the present system we have now functional? 6 Does it need to be fixed?</p> <p>7 MR. TAYLOR: I could answer that both ways. 8 And if you -- if you look out there and feel like 9 everything's fine, then it's not broken. If you think 10 that there's problems out there in the real world --</p> <p>11 MEMBER DELEON: No. I mean the structure -- 12 the structure of the Water Department as functioning 13 under the political system now, as to all the -- all the 14 marbles are on one side, they're all on the Council, 15 and -- and so you have one set of decision-makers, 16 you're not -- you don't have two. You're not a division 17 you're talking about. And I don't hear anything coming 18 from the public. I was wanting to hear from you whether 19 you thought there was something we need to fix?</p> <p>20 MR. TAYLOR: I think that's something that 21 only each member of the public can decide for 22 themselves. I think if you're an existing water user, 23 you get your bill on time, the water is clean, safe to 24 drink, you always have pressure, if there's a break, it 25 gets repaired quickly. I think existing water users are</p>	<p style="text-align: right;">Page 44</p> <p>1 CHAIR STONE: Commissioner Moikeha.</p> <p>2 MEMBER MOIKEHA: You know, I'm sitting here 3 thinking about this, and then I reread your functions of 4 the department. And to me -- and I can see why you have 5 called out some really strong points, expand service or 6 additional resources, is really what the challenge is. 7 And whether the Council does all of the rules, rates and 8 budgets or whether the board does it really doesn't 9 matter, because the key to all of this is the General 10 Plan which is under review by the Council now. And 11 because we're introducing urban growth boundaries within 12 the Maui Island Plan, that's going to dictate whether or 13 not you're going to have expansion of services where 14 growth is going to go and it's also going to tell us 15 what additional resources we need.</p> <p>16 MR. TAYLOR: Except I would -- I would 17 respectfully disagree where it doesn't solve the real 18 issue. The Maui Island Plan can make lists of all the 19 things it wants that we should have, but only in the 20 annual budget are resources dedicated to actual 21 implementing actions.</p> <p>22 MEMBER MOIKEHA: And I totally agree with 23 that; however, this plan has been through three bodies 24 of review and nobody has talked about the budget, which 25 the ordinance calls out. And if they did do that, then</p>

1 your plans would all line up, your resource plan, your
2 money plan, where this is going to be paid for, but
3 nobody has even done that yet. And if that happens,
4 then when you go to do your resource or your use plan,
5 you're going to know exactly what's before you and what
6 the people want and what has been adopted by ordinance.
7 So it kind of really doesn't matter whether it's the
8 Council or the board, it's maybe who you trust more to
9 get the work done.

10 MR. TAYLOR: If that -- if that ever exists,
11 where, for example, there's a 20-year -- you know, we're
12 going to raise rates at five percent a year and charge
13 this much, you know, for meters, and here's who we're
14 going to serve first, and, once we're finished with
15 that, we're going to go to this area, if that existed,
16 the Maui Island Plan --

17 MEMBER MOIKEHA: And isn't it --

18 MR. TAYLOR: -- I would agree with you.

19 MEMBER MOIKEHA: Yeah. And isn't it
20 interesting, we just finished the budget, they're in the
21 middle of completing this plan by the end of the year,
22 and they have no idea what it's going to cost, yet they
23 think that's going to be force of law? For who? And
24 this is why -- I can see why we have all these issues of
25 trying to get things done or accomplished, because they

1 operating under, for both water and wastewater -- Maui
2 Electric does the same thing -- is new users, new
3 development, whether it's one house or 1,000 houses, are
4 supposed to pay the infrastructure costs and then
5 dedicate it to the utility. So that's -- water, sewer
6 and power are all, basically, done the same way through
7 some different tools.

8 MEMBER MOIKEHA: So where do you get your
9 moneys to develop new sources?

10 MR. TAYLOR: The new source money is supposed
11 to come from meter fees. For example, a
12 five-eighths-inch meter costs about \$6,000.

13 MEMBER MOIKEHA: Okay.

14 MR. TAYLOR: So that \$6,000 from everybody is
15 supposed to pool together to -- to pay for that.
16 That's --

17 MEMBER MOIKEHA: How has that worked? Have we
18 developed new sources at the rate that we need to?

19 MR. TAYLOR: Well, some people would -- would
20 say "yes" and other people would say "no," depending on
21 whether they want a lot of source or -- or not.

22 MEMBER MOIKEHA: Whether or not they want
23 development?

24 MR. TAYLOR: Exactly.

25 MEMBER MOIKEHA: Thank you.

1 don't have any idea what it's going to cost. Yet, they
2 call out these plans, they make it the force of law, and
3 we don't implement them. And, yet, this Charter says
4 the Department of Water Supply shall implement the
5 County's General Plan and community plans in the
6 administration of its affairs. Well, how can they do
7 that?

8 So the problem really needs to go back a step
9 to the plans and get those where they need to be and in
10 the perspective of a budget, so we know what it's going
11 to cost and how much growth we really are going to have
12 or allow in the way of expansion of service or
13 additional resources.

14 Does the current use of water now for the
15 individual family -- or whoever they are out there --
16 that does not cover any kind of resource development,
17 does it?

18 MR. TAYLOR: That's correct, it does not.

19 MEMBER MOIKEHA: Okay. So that comes from
20 the --

21 MR. TAYLOR: Your --

22 MEMBER MOIKEHA: -- developers.

23 MR. TAYLOR: Your water bill is for
24 operations, maintenance, replacement, things like that.
25 And the current sort of policy the County's been

1 MR. TAYLOR: But I think every infrastructure
2 manager in the County would agree with you that our
3 lives would be certainly a lot easier if there was some
4 longer term plan of what's expected of us and what our
5 revenue stream to pay for that would be and have that be
6 balanced. I think we all go in every year, you know,
7 with sort of these visions of long-term strategy and,
8 yet, every year, you know, we -- we -- we ask just for
9 enough money to get through the next year, not knowing
10 what the year after that is.

11 So I think what you said is certainly well
12 received. And I think all the County infrastructure
13 managers would agree that it's difficult to do
14 long-range planning with year-by-year budget.

15 MEMBER MOIKEHA: They never look at it.

16 CHAIR STONE: Commissioner Baxa.

17 MEMBER BAXA: I am not too familiar.

18 Actually, I should not even use the word "too" because I
19 am not familiar at all with the operations of the board.
20 But if I get it from you, you're saying that the board
21 represents ownership; it's not -- it does not represent
22 management.

23 MR. TAYLOR: Right now, the board is advisory,
24 so I'm not really sure who it represents. But the --
25 they're technically still supposed to be representing

<p style="text-align: right;">Page 49</p> <p>1 ownership. And the Council, being really our -- our</p> <p>2 rule-making and ratemaking authority, is really</p> <p>3 representing ownership, not management.</p> <p>4 MEMBER BAXA: Oh, I see. Ownership.</p> <p>5 MR. TAYLOR: And it's the Mayor, Managing</p> <p>6 Director and myself that represent management.</p> <p>7 MEMBER BAXA: So if you are going to take that</p> <p>8 the board really represents ownership, it would be the</p> <p>9 entity that would be responsible for making equity</p> <p>10 decision things?</p> <p>11 MR. TAYLOR: If it was a strong semiautonomous</p> <p>12 board. I mean, that -- again, that's -- that's what</p> <p>13 City and County of Honolulu has, a strong semiautonomous</p> <p>14 board who represent the owners, sets equity rates, fees,</p> <p>15 budgets, et cetera. Right now, we have a strong Council</p> <p>16 who does all those same things.</p> <p>17 MEMBER BAXA: I see. And the director would</p> <p>18 simply be responsible for operational matters?</p> <p>19 MR. TAYLOR: Well, my job, the director's job,</p> <p>20 is to give them enough information, saying your choice</p> <p>21 is A, B, or C, here's the implications, explain it, and</p> <p>22 then, once they make a decision, have it implemented.</p> <p>23 So the director doesn't just wait for them to decide</p> <p>24 something. You know, as the technical experts, it is</p> <p>25 certainly our job to explain the choices to the owners,</p>	<p style="text-align: right;">Page 51</p> <p>1 So that if these three things, rules, budget and rates,</p> <p>2 are confined to an entity, then they would be able to</p> <p>3 move along? Thank you.</p> <p>4 CHAIR STONE: Commissioner DeRego.</p> <p>5 MEMBER DEREGO: Yeah. I'm trying to say this</p> <p>6 without putting you on the spot.</p> <p>7 MR. TAYLOR: Everyone else did.</p> <p>8 (Laughter.)</p> <p>9 MR. TAYLOR: And I'm pretty good about going</p> <p>10 around it.</p> <p>11 MEMBER DEREGO: I know. Yeah.</p> <p>12 (Laughter.)</p> <p>13 MEMBER DEREGO: I want to follow -- and I</p> <p>14 don't want to put words in Commissioner's --</p> <p>15 Commissioner Moikeha's mouth, but I think what I heard</p> <p>16 her saying is that, ultimately, there's no stability and</p> <p>17 direction in leadership to achieve this long-range</p> <p>18 planning that is necessary for developing</p> <p>19 infrastructure, for establishing rates, for looking at</p> <p>20 the health and the long-term viability of the water</p> <p>21 systems here in Maui County. Now, you went to all these</p> <p>22 meetings and you said, okay, there's these different</p> <p>23 entities, and certain variables work with certain types</p> <p>24 of municipalities. It would -- it just keeps rolling</p> <p>25 through my head that there's got to be -- considering</p>
<p style="text-align: right;">Page 50</p> <p>1 in which case, the board or the Council, force them --</p> <p>2 try to get them to make an answer and then implement it.</p> <p>3 So either way, the Council or the board -- the Council</p> <p>4 or the strong board has a similar rule.</p> <p>5 MEMBER BAXA: But as far as you are concerned,</p> <p>6 it does not really matter where the power should be, in</p> <p>7 the elected officials or in the board itself, so long as</p> <p>8 the rules, budget and rates would be confined to an</p> <p>9 entity?</p> <p>10 MR. TAYLOR: I'm saying I think we should all</p> <p>11 agree that it's true that those should be combined with</p> <p>12 one entity with that role. I personally have some</p> <p>13 strong feelings about which is better, which, again, I'm</p> <p>14 just not going to share, but I think -- I think that</p> <p>15 whatever you folks think is better, you should make a</p> <p>16 conscious decision about that and go in one direction or</p> <p>17 the other. And I think a lot of people have a lot of</p> <p>18 very strong opinions on this. I just don't think my</p> <p>19 decision about what's the best way to do equity really</p> <p>20 has anything to do with my abilities of running an</p> <p>21 infrastructure department. That's really just my -- my</p> <p>22 opinion as -- as a citizen. And I don't want to mix</p> <p>23 that with -- with sort of my role to -- to run the</p> <p>24 utility.</p> <p>25 MEMBER BAXA: I see. I can see your point.</p>	<p style="text-align: right;">Page 52</p> <p>1 our water law, right, public trust, those kinds of</p> <p>2 things, considering our climate, our, you know,</p> <p>3 topography, our geography, and all those other things,</p> <p>4 how do you get that long-range stability and direction</p> <p>5 when the politics of it always seem to intervene in some</p> <p>6 way, shape or form?</p> <p>7 And this is the thing that's running through</p> <p>8 my head. There's -- there's an -- there's an inherent</p> <p>9 sort of instability in short-term decision-making in</p> <p>10 political institutions. I mean, you know, there's a</p> <p>11 certain amount of expediency involved in that</p> <p>12 oftentimes. And I guess my question is, did you see any</p> <p>13 kind of clump of directions that would say, well, under</p> <p>14 these certain circumstances, these might work better as</p> <p>15 versus these set of variables?</p> <p>16 MR. TAYLOR: I think what everyone's</p> <p>17 struggling with, and everyone's struggling with the same</p> <p>18 questions we are, and it's about accountability of the</p> <p>19 people versus long-term stability. And, of course, you</p> <p>20 can have long-term stability. Appoint a water director</p> <p>21 for life and you'll have long-term stability, but you</p> <p>22 won't have accountability to the people or -- or our</p> <p>23 system of government. Or you can, you know, have the</p> <p>24 elected officials that are voted on every three weeks</p> <p>25 and you'll have, you know, absolute accountability to</p>

1 people and no stability. So where is that middle
2 ground? You know, I don't -- I think everyone has their
3 own opinion on that. And where the best balance is, I
4 think every community is making a little different
5 decisions.

6 I mean, I think the guy I met who -- who
7 seemed happiest with his group is somebody I was
8 partnered with in some of the working sessions. I think
9 it was Pueblo, Colorado, is where he was from. They
10 have an elected board who serves six-year staggered
11 terms. And he was pretty happy with -- with his. And
12 he was -- he was in my position. I think Pueblo,
13 Colorado, I think that's where it was. And he was
14 pretty happy with that. He felt they had a balance of
15 long-term direction and accountability back to the
16 people. So --

17 But then, you know, I did ask him some
18 questions. And I asked several people this question.
19 What happens if the county as a whole is redoing sewer,
20 roads, sidewalks and drainage over here, and this
21 semiautonomous water board says, we're not doing that,
22 we're doing this other thing. You know, how do you --
23 who is -- no one's really in charge. So I never really
24 got a good answer to -- to that.

25 I mean, the opposite side to the argument you

1 were making is, right now, Council does zoning. And so
2 if Council zones an area, you know, you can say they
3 also have some authority to get those people water,
4 whereas if an independent board or semi-independent
5 board said, we don't care that you zoned that, we think
6 that was a dumb place to zone, we're not putting a water
7 line over there. You know, you have that possibility.

8 So there are -- there is no great way to do
9 this that settles all these problems. I mean, there --
10 there is nothing. I think you'll find that almost every
11 infrastructure manager in the country at every level
12 wishes there was some five or 10-year guaranteed
13 strategic plan of funding and actions they could follow.
14 And every one of us at every level goes year to year
15 trying to keep their plan going, whether it's federal,
16 state or local.

17 And I don't know of any real absolute answers
18 to any of these questions. So that's why I think
19 it's -- it's a good thing to talk about, because it's
20 not something you can calculate or define or know for
21 sure you did the right thing. It's really a subjective
22 judgment, which I think is why the board is going to
23 weigh in and -- and you folks are going to weigh in and
24 do something or not.

25 CHAIR STONE: Commissioner.

1 MEMBER SUGIMURA: So when was the last time
2 that the Charter was changed in your department? When
3 was the change?

4 MR. TAYLOR: I believe it was 2002. It was --

5 MEMBER SUGIMURA: It was just --

6 MR. TAYLOR: It was the same election that
7 Mayor Arakawa was first elected. I know it was that
8 election. I believe that was the 2002 election that the
9 Charter changed.

10 MEMBER SUGIMURA: So it was just done and so
11 you're sitting with the changes that were done at that
12 time, correct, that you're running with?

13 MR. TAYLOR: That's correct.

14 MEMBER SUGIMURA: And so I'm just -- I'm just
15 wondering if -- if we're the public or we're
16 representing or trying to make changes to the public and
17 we keep on trying to change your department, how
18 effective is that? I'm sure you're going to send us
19 some of your good ideas so that we can consider it,
20 because we certainly wouldn't want to just keep on
21 changing your departments every 10 years without having
22 you or the department being able to work through and
23 make it work with whatever -- whatever the wishes were
24 in 2002, does it need time, then, to still implement or
25 -- or is it time to look at it again?

1 MR. TAYLOR: I think that largely is a
2 question up to you folks. I can tell you that I'm not
3 going to be sending you anything. The Mayor may or may
4 not send you his suggestions, and they may involve the
5 Department of Water Supply. I'm an appointee of the
6 Mayor. I'm not -- you know, I share my opinions with
7 him and his staff. And whether or not, you know, he
8 chooses to endorse that and send them to you, that will
9 be up to him. So I am not going to be taking any
10 position on this. I'm just really trying to educate the
11 board, the Council, the Mayor and you folks about your
12 options and -- and really the different variables that
13 weigh against each other.

14 As far as how long they've had to kick in,
15 every transition is, obviously, difficult. There's
16 always going to be a couple years of transition.

17 Again, I'll go back to -- to looking at the
18 past eight years. And let's just use the Upcountry
19 meter list as an example. The only way to solve that
20 problem, as I've said a number of times, is somebody is
21 going to have to pay a lot of money, either the people
22 who are on the list, the people Upcountry, or everybody.
23 Somebody's going to have to say, look, we're going to
24 pay and we're going to do this. Now, if you think
25 that's so expensive that it shouldn't be done, well,

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1 then nothing's wrong. But if you think, no, that should
 2 absolutely be done, and, you know, somehow the whole
 3 system's let us down because it hasn't been done, well,
 4 then there's something wrong.
 5 So it's really not for me to say whether
 6 that's wrong. I mean, the budgets have been approved by
 7 the County Council and by the Mayor that say this is
 8 what we're going to do, this is how much rates are going
 9 to be, and that stuff has gotten done. Whether you
 10 think that's been the right balance or the wrong
 11 balance -- I mean, you have to decide that. And then if
 12 you think that's the wrong balance, well, then,
 13 obviously, you think there's a problem. But if you
 14 think it's been the right balance, well, there's no
 15 problem. But only -- only, you know, you can really
 16 decide if you think it's been okay or not.
 17 I'm ready to teach eighth grade civics, you
 18 know, with my power for the people.
 19 CHAIR STONE: Commissioner Sugimura, you have
 20 something else to say?
 21 MEMBER SUGIMURA: Let me just finish this,
 22 then. So thank you for your response. And maybe you
 23 should run for office. It's like listening to a --
 24 you're trying to answer us, but not answer us. But I
 25 understand that.

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1 (Laughter.)
 2 MEMBER SUGIMURA: I also --
 3 MR. TAYLOR: That's why I won't run for
 4 office.
 5 MEMBER SUGIMURA: Yeah. So I also remembered,
 6 during the last election, that part of the excitement
 7 was that this Administration would provide water meters,
 8 because I live Upcountry, so -- for, you know, that long
 9 wait list. And then what are you -- take us through --
 10 or take me through the example of what you're -- what
 11 you would need to do to make that happen or your
 12 challenges that you may have to make that happen and
 13 tying it to what --
 14 MR. TAYLOR: Sure.
 15 MEMBER SUGIMURA: -- Susan said about the
 16 community plan.
 17 MR. TAYLOR: That's great. I can definitely
 18 fit that into -- into this discussion.
 19 MEMBER SUGIMURA: Okay.
 20 MR. TAYLOR: What we're doing, for example, is
 21 we have some staff that are going through everybody on
 22 the list, looking at exactly where they are, how far
 23 they are from lines to connect, how much source is
 24 needed, doing cost estimates, et cetera. So there's
 25 about 1,500 names. So they're doing an incredible

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1 amount of engineering work. And they're -- they're
 2 nearing completion on that. We also have our finance
 3 group looking at how we might fund this, how it would
 4 affect rates or meter fees. That's all being packaged
 5 together. And probably, in a couple months, we're going
 6 to go to Council, we're going to show this to them and
 7 say, look, here are some options, option A, we just take
 8 care of the easy people, Option B, we take care of
 9 everybody and float, you know, some -- some enormous
 10 amount of bonds, what do you want us to do.
 11 So we have to do that -- we have to do our
 12 engineering work regardless of whether or not it's a
 13 board or the Council. So the question is, when we take
 14 this package of Option A, B and C -- you know,
 15 inexpensive, it doesn't serve a whole lot of people,
 16 super expensive and takes care of everybody, or
 17 somewhere in between -- when we take this, we either
 18 take it to a board or we take it to the Council and say,
 19 which do you want us to implement.
 20 So that's the kind of question that maybe the
 21 two would decide exactly the same thing, in which case
 22 it doesn't matter. You know, maybe one or the other
 23 makes good long-term decisions. But our role doesn't
 24 really change. We have to put together these scenarios
 25 and costs and implementing actions. And we need to get

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1 approval from the representation of ownership about how
 2 to proceed and how to accurately change our revenue to
 3 pay for it.
 4 So that's where I was saying that it doesn't
 5 really matter who we go to, one group or the other has
 6 to approve that. The question to you folks is who do
 7 you think is best to make those kind of decisions. So
 8 that's how -- and, again, if you think that hasn't been
 9 -- if you think that either the Board or Council hasn't
 10 done their jobs, then there you go. If you think that's
 11 because the Department hasn't done its job, well, then
 12 this is more of a management issue, not of -- of an
 13 ownership issue.
 14 So I think those are the issues we should
 15 really focus on, and not about any, you know, particular
 16 guy or any particular project or anything.
 17 CHAIR STONE: Commissioner Hashimoto, you had
 18 a question?
 19 MEMBER HASHIMOTO: I think he answered the
 20 question. Thank you.
 21 CHAIR STONE: Okay. Commissioners, any
 22 further questions? We do have Dave here now. Go ahead,
 23 Commissioner.
 24 MEMBER OKAMOTO: Just in listening to this, it
 25 almost makes me wonder why you bother to have a board.

15 (Pages 57 to 60)

1 If the Council is doing all the decisions, do you need
2 to have a board?

3 MR. TAYLOR: Well, I -- I don't want to speak
4 for the board, but I can tell you one thing they have
5 discussed, it's in their minutes, my guess is they're
6 either going to ask -- they're probably going to ask you
7 for one of two things, either to make them a strong
8 semiautonomous board, or sort of downgrade them to just
9 an appeals board, or get rid of them completely and have
10 those appeals go to BVA. I mean, they recognize that an
11 advisory board isn't of a whole lot of use. So they
12 either want some real authority with some real
13 responsibility, or they're saying, you know, make it
14 clear that we are an appeals board. That's probably --
15 I don't know which direction they're going to go in,
16 they may give a couple options, but it's very clear from
17 their discussions that they're not even very satisfied
18 being an advisory board without really a whole lot of
19 much to do.

20 CHAIR STONE: Commissioner Sugimura.

21 MEMBER SUGIMURA: So tied to what you just
22 said, then, if -- let's say we got rid of the Board of
23 Water Supply and they did not have to take care of
24 appeals, and leave it to the BVA, I think that would
25 slow the process down for people, just because the BVA

1 that expertise. They're, again, membership, they're the
2 owners. And so we don't really need advice from the
3 owners about how to, you know, fix things and operate
4 things. We need advice from owners about what is
5 equity. So I think that's again back to the equity
6 question, not management.

7 CHAIR STONE: Commissioners, any further
8 questions? Commissioner DeRego.

9 MEMBER DEREGO: Can I just ask a factual
10 question? Earlier, you said the average rate for a
11 meter is \$6,000?

12 MR. TAYLOR: A five-eighths-inch meter is
13 about \$6,080, or something. It's right around \$6,000.

14 MEMBER DEREGO: Is that the actual cost?

15 MR. TAYLOR: No, that's not the cost of the
16 meter. The meter costs --

17 MEMBER DEREGO: I mean -- no. I mean, does
18 \$6,000 really cover the cost for the meter?

19 MR. TAYLOR: Well, the question is what costs
20 are necessary --

21 MEMBER DEREGO: Necessary.

22 MR. TAYLOR: -- to cover future water
23 development?

24 MEMBER DEREGO: Right.

25 MR. TAYLOR: That depends on how much we

1 is pretty busy just in itself. So they're serving,
2 right now, that function, correct, and --

3 MR. TAYLOR: That's correct.

4 MEMBER SUGIMURA: -- some value in terms of
5 the --

6 MR. TAYLOR: Absolute value.

7 MEMBER SUGIMURA: -- the absolute value in
8 terms of for the people?

9 MR. TAYLOR: And I would recommend -- you
10 know, if it's decided that -- that you want to make a --
11 that you're not going to submit a change to have a
12 strong semiautonomous board, then, if that happens, I
13 would recommend, to couple with that, then downgrade the
14 Board of Water Supply from advisory to a water appeals
15 board. I mean, I think if -- if you're not going to put
16 one on the -- on the ballot, then do the other.

17 But I really don't think anybody thinks it
18 makes a whole lot of sense to have an advisory board to
19 the Department of Water Supply when it's a County
20 department and they only really function as a -- as a --
21 as an appeals board. Especially because they're not
22 really hired for their -- their expertise in management
23 functions. It's not like they're engineers and CPAs and
24 -- and water treatment plant operators and they're
25 really advising us on technical things. I mean, we have

1 develop, where and -- and when. So it really depends on
2 what we do. But probably not, to answer your question.
3 I mean, \$6,000 is probably not going to cut it, which is
4 one of the reasons there probably hasn't been a lot of
5 source development. Because if you're basing that on
6 \$6,000 a meter coming in, and you have to make your
7 numbers work, well, then, you can't afford to develop
8 something that costs \$2 million and you can only give
9 away 300 meters. You know, of course, you're not doing
10 that, if that's the expectation.

11 And it's these questions that either the Board
12 or the Council really needs to own. And, again, that's
13 what I will ask, is whoever you think is the best to
14 take that on, whether it's a semiautonomous strong board
15 or the Council, you know, I would just think that would
16 guide yours and -- and the Board of Water Supply's
17 discussions on this.

18 CHAIR STONE: Commissioner Baxa.

19 MEMBER BAXA: This is not actually -- I just
20 want to make a comment. I would like to thank you so
21 much. I consider your presentation a balanced
22 presentation. You came here -- I know that you are
23 employed with the County, is that correct?

24 MR. TAYLOR: Yes, I am.

25 MEMBER BAXA: But you have come here without

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1 suggesting one way or the other. I see that your
 2 presentation is very well balanced. You're presenting
 3 us with the options and it is for us to decide which way
 4 or the other we will take. Thank you so much.
 5 MR. TAYLOR: Thank you.
 6 MEMBER OKAMOTO: Yes.
 7 CHAIR STONE: Commissioners? Commissioner
 8 DeLeon.
 9 MEMBER DELEON: Yeah. I want to echo
 10 Commissioner Baxa's statement. This is probably the
 11 most articulate water director we've ever had in this
 12 County. And he's taken a very complicated problem and
 13 boiled it down to -- to the simple facts that even I can
 14 understand them. And what I'm hearing from him is it's
 15 not broken. We don't really need to run around trying
 16 to fix something that isn't broken right now. And if
 17 it's not broken, in part, because Dave is in this
 18 position and he's able to lead us into the future. I
 19 appreciate it, Dave.
 20 MR. TAYLOR: Well, thanks, Commissioner
 21 DeLeon. I just want to be clear. I'm not saying it's
 22 not broken.
 23 (Laughter.)
 24 MR. TAYLOR: I'm not saying it is. I don't
 25 think you should really say that. If you feel that our

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1 -- what we're doing, the source development and getting
 2 the customers, isn't good enough, isn't fair enough,
 3 then it is broken. If you think it is good enough and
 4 it is fair enough, then it's not broken.
 5 MEMBER DELEON: No. I think what I said
 6 was -- what I heard was that it's not broken.
 7 MR. TAYLOR: But I did not say that.
 8 MEMBER DELEON: You didn't say that, but
 9 that's what I heard. Thank you.
 10 CHAIR STONE: Commissioner DeLeon, thank you
 11 for debating.
 12 (Laughter.)
 13 CHAIR STONE: Commissioners, anything further?
 14 Commissioner DeRego.
 15 MEMBER DEREGO: Just one comparative question.
 16 You mentioned earlier that there's a possibility when
 17 there is a strong independent board of a lack of
 18 coordination between various departments and development
 19 of water resources, whether it be zoning or wastewater
 20 management. Are you aware of how Honolulu handles that
 21 without a coordination problem?
 22 MR. TAYLOR: You know, I'm not. I haven't
 23 gotten a chance to talk to those guys since I got back
 24 from the conference. But that's -- that's a question I
 25 have for them, is exactly how do they do that. And --

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1 MEMBER DEREGO: Because I would be interested
 2 in --
 3 MR. TAYLOR: I haven't had a chance to talk to
 4 them about that.
 5 CHAIR STONE: Commissioners? Everybody good?
 6 MEMBER CRIVELLO: One last --
 7 CHAIR STONE: Commissioner Crivello.
 8 MEMBER CRIVELLO: Thank you. Thank you again.
 9 This may just be a side line, but how much of a
 10 relationship, as far as with Planning, you have -- does
 11 the Board of Water Supply, including the board, with
 12 Department of Public Works, who approves, I guess, the
 13 subdivisions or what-have-you?
 14 MR. TAYLOR: The County's a pretty small
 15 place. And most of us, especially like me who's been an
 16 engineer -- I used to be an engineer with Public Works,
 17 then Environmental Management, I'm here. A lot of
 18 people have moved around. We all tend to be in the same
 19 buildings and we still have lunch together. For all the
 20 talk in the community that there's no coordination, I
 21 think there's actually a lot of coordination and
 22 discussion because there's not a whole lot of people
 23 involved. And we've all known each other for, you know,
 24 a couple decades. So I think some people aren't happy
 25 sometimes with the results, but that doesn't mean it

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1 wasn't discussed early. I mean, sometimes you just --
 2 the timing of -- you know, there's a new pipe here and
 3 an old one there, and you just can't get the timings
 4 together. But I don't think it's due to a lack of
 5 discussion or people not talking to each other.
 6 MEMBER CRIVELLO: Okay. Great. Good. Thank
 7 you.
 8 MEMBER DEREGO: Just one comment on that.
 9 CHAIR STONE: Go ahead, Commissioner DeRego.
 10 MEMBER DEREGO: Isn't the Department of Public
 11 Works and the department head of Planning ex officio
 12 members of the Board of Water Supply?
 13 MR. TAYLOR: You know, I know they used to be,
 14 when it was semiautonomous, but I honestly don't know if
 15 they are now.
 16 MEMBER DEREGO: I think --
 17 MR. TAYLOR: I haven't seen them at any
 18 meetings, so I don't know. Maybe I should let them
 19 know.
 20 MEMBER DEREGO: I still think they are,
 21 actually.
 22 CHAIR STONE: The Chair, actually, has a
 23 question. So, first of all, thank you so much for
 24 coming down. We really appreciate your time.
 25 MEMBER DEREGO: Yeah.

17 (Pages 65 to 68)

1 CHAIR STONE: I understand the idea of keeping
2 the vast control under one entity or the other, it makes
3 a lot of sense. So the question is, in your experience
4 to date, have you noticed dysfunctionalities with the
5 political side of the decision-making?

6 MR. TAYLOR: You guys keep asking the same
7 question, thinking I'm going to answer it.

8 CHAIR STONE: Okay. Let me -- let me restate
9 the question.

10 MEMBER DEREBO: I asked it.

11 (Laughter.)

12 CHAIR STONE: Let me restate the question.
13 Dave, let's say you had a friend and he was the director
14 of water supply in, let's say, California.

15 MEMBER DEREBO: I love that.

16 CHAIR STONE: And, you know, Dave, our whole
17 -- our goal here is to make things better, to make
18 things more efficient. I realize that you don't want to
19 give your opinion, but it's very helpful. Maybe on an
20 individual basis, somebody would say, hey, Dave, what do
21 you think?

22 MR. TAYLOR: I think if you ask almost any
23 engineering manager in this country whether or not two
24 and four and six-year elected people are making good
25 infrastructure decisions -- because infrastructure has

1 CHAIR STONE: So, Commissioners, I think we're
2 going to let Dave go here. I'm sure he has to get back
3 to work and --

4 MR. TAYLOR: Thank you.

5 CHAIR STONE: -- start getting us some water
6 meters. Dave, thank you very much --

7 MR. TAYLOR: Thank you.

8 CHAIR STONE: -- for coming here. We really
9 do appreciate it.

10 With that, I would like to take a short
11 recess. Let's do 10 minutes, stretch out. So we'll be
12 back here at -- I'm sorry -- 1:40.

13 (Recess, 1:25 p.m. to 1:42 p.m.)

14 CHAIR STONE: Let's call the meeting back to
15 order.

16 So next order of business on the agenda, New
17 Business, Point B, Communication dated June 17, 2011,
18 from Lance Collins transmitting a Mark Research
19 informational document relating to the scientific poll
20 taken April 2010, regarding single-member district
21 voting. Everybody got one of those in their packets?
22 If anybody is missing one, raise your hand. One second.
23 It starts with a email from Lance Collins. And this was
24 per the request of Commissioner DeRego. It looks -- it
25 looks like this, I would say about two-thirds of the way

1 this almost geological life, you know, you plan it, you
2 design it, you build it, it operates for decades, then
3 you replace it. I don't think anybody, including any
4 political scientist, would think that our political
5 system was built to very well look at things on these
6 long infrastructure time scales. I don't think -- the
7 public seems to demand that; I don't think our
8 government really looks at it that way. I -- I don't
9 think you'll find anyone who disagrees with that. And
10 so it's very difficult, which is why you get places like
11 state airports and harbors, you know, these things are
12 all yanked out of the normal system, have their own
13 money and try to make longer decisions. Because roads,
14 sewer, water, power, airports, harbors, highways,
15 railroads, these things can't go year to year to year
16 making decisions for the next year. We do our thinking
17 on decades long infrastructure planning. So anything
18 that helps that tends to help the operation, smooth it
19 out. And anything that is, you know, year to year, you
20 know, sends things sort of up and down. I don't think
21 you'll find any political science major or -- or
22 engineering manager who would say differently.

23 CHAIR STONE: Thank you for not giving your
24 opinion.

25 (Laughter.)

1 through our packets.

2 MEMBER OKAMOTO: It's three pages altogether.

3 MEMBER DELEON: Here it is.

4 CHAIR STONE: Commissioner DeRego, could you
5 refresh our memory why this was requested? I'm sorry.

6 MEMBER DEREBO: We wanted to get an idea -- at
7 least Commissioner DeLeon and I wanted to get an idea of
8 what the actual results of the full survey was, the
9 methodology and the results, the actual results. So we
10 had been questioning some of the hard data behind some
11 of the recommendations. And this was the only actual
12 piece of data that was being offered.

13 CHAIR STONE: Yeah. That was in reference
14 to -- if you recall, Lance Collins provided us with the
15 West --

16 MEMBER DEREBO: Maui.

17 CHAIR STONE: West Maui proposals.

18 MEMBER DEREBO: Charter Working Group, yeah.

19 CHAIR STONE: So is this sufficient for you to
20 review?

21 MEMBER DEREBO: I'm trying to find it right
22 now.

23 MS. KAHUHU: Excuse me. Chair?

24 CHAIR STONE: Yes. Yes, Lisa.

25 MS. KAHUHU: I just wanted to note that the

<p style="text-align: right;">Page 73</p> <p>1 agenda inaccurately reflects Mark Research. It's 2 actually QMark Research. 3 CHAIR STONE: Oh, thank you. Noted. Thank 4 you very much. 5 MEMBER OKAMOTO: Chair? 6 CHAIR STONE: Yes. 7 MEMBER OKAMOTO: May we comment? 8 CHAIR STONE: Yes, of course. Please comment. 9 MEMBER OKAMOTO: I also wanted to see this 10 because I wanted to see the actual question asked. I 11 think everybody agrees surveys can get any answer you 12 want to get. And this was very obvious the answer that 13 was wanted. They were asked if you -- there was no -- 14 did not seem to be any explanation of what it would do, 15 simply if you could elect the person in your own 16 district. There didn't seem to be any other explanation 17 on how that might affect having a representative. So 18 that with what Lanai has been through in the last year 19 with the residency issue, I would see Lanai people 20 saying 100 percent yes because there was not -- it's 21 like saying, would you like to pay less taxes. Sure. 22 You know, there has to be what's the other side of it. 23 So I was very happy to see this because, to me, it 24 answered the question that I had, that the question 25 asked gave the results that they wanted to get.</p>	<p style="text-align: right;">Page 75</p> <p>1 first reaction I had to it is that the methodology and 2 background section being like three sentences seemed a 3 bit thin to me. And, you know, no explanation of why 4 that particular number, where they -- why didn't they 5 over-sample Molokai and Lanai, which is common practice 6 for smaller places. Yeah. Methodologically, you know, 7 it would be nice not just to have Lance, but the people 8 who actually ran the survey explaining exactly what they 9 did and why they did it, so -- instead of third-party. 10 CHAIR STONE: We'll organize that. We'll 11 figure that out. 12 Also, as I recall, Mr. Collins mentioned that 13 it was -- he felt it was loose, very loose. It was more 14 -- what they had offered to us was a group within -- 15 with opinions. And this part of it, as I recall, was 16 meant to be quite loose in its -- 17 MEMBER DELEON: Mr. Chair, he was speaking to 18 the actual recommendations from the -- from the -- from 19 the group as being the opinions of four or five 20 individuals working and chewing on the thing. The 21 survey itself was not loose. 22 MEMBER DEREKO: Right. 23 MEMBER DELEON: The survey itself was a formal 24 professionally-done scientific survey. 25 CHAIR STONE: Oh, okay. Okay.</p>
<p style="text-align: right;">Page 74</p> <p>1 CHAIR STONE: Okay. Good. Commissioners, any 2 further discussion on this? And, recall, this is -- 3 this is about proposals which we'll review down the 4 road. 5 MEMBER DELEON: Chair, I think it would be 6 appropriate to have Lance Collins come and explain the 7 full survey and answer questions of like what were 8 exactly the questions, so we can understand the validity 9 a little bit better. He is not currently available to 10 us, so -- 11 CHAIR STONE: That's correct. So we will try 12 to get Lance Collins here to another meeting and we can 13 discuss that. 14 MEMBER DELEON: I think I made a request to 15 that effect. And I think rather than pass judgment 16 based on this one sheet, I think -- 17 CHAIR STONE: I think, yes, he was attempting 18 to make this meeting. Is that correct, Lisa? 19 MS. KAHUHU: Yes. He is out of town. And we 20 have scheduled him for the July 25th meeting. That's 21 the first time he'll be available. 22 CHAIR STONE: Okay. Thank you very much. Any 23 further comments? 24 MEMBER DEREKO: Yeah. I'm just looking at 25 this, relooking at this. And I just remembered the</p>	<p style="text-align: right;">Page 76</p> <p>1 MEMBER DEREKO: Exactly. 2 MEMBER WIGER: Mr. Chair? 3 CHAIR STONE: Yes, Commissioner Wiger. 4 MEMBER WIGER: As one of the people involved 5 in that group, from the West Maui Charter Working Group, 6 I really want to endorse the commentary about the fact 7 that what was offered in terms of opinions came from our 8 group which was comprised of people with a very diverse 9 set of opinions in terms of the whole process. I think 10 it's safe to say that there were people all the way -- 11 in this group, there were people all the way from an 12 extremely conservative orientation to a very liberal 13 orientation, if one were to put political terminology 14 around it, and a variety of opinions as to how to 15 approach getting to an end point. But the methodology 16 and the survey was not put together by the people who 17 were on that Charter Working Group. 18 MEMBER DEREKO: Yeah. Yeah. 19 MEMBER WIGER: That was done by a professional 20 firm, professional people, who did that. 21 MEMBER DEREKO: I understand that. 22 MEMBER WIGER: And so I -- I think that from 23 the -- I can safely say from the standpoint of the 24 people on that Charter Working Group that we were 25 interested in bringing the item to the table for</p>

1 discussion. There were some people who were very -- on
2 that Charter Working Group very committed to a
3 particular outcome, but wanted to bring the item to the
4 table for a discussion. And interestingly,
5 interestingly, again, from the people who were on that
6 Charter Working Group, having a variety of opinions,
7 everybody wanted the same outcome. How one would get to
8 that outcome was certainly a matter of let's, you know,
9 play with this a little bit, but the outcome from the
10 Charter Working Group is very clear. I think it's safe
11 to say that.

12 CHAIR STONE: Okay. Thank you very much,
13 Commissioner. Commissioner.

14 MEMBER OKAMOTO: Could we ask other
15 Commissioners questions?

16 CHAIR STONE: Yes, please do.

17 MEMBER OKAMOTO: Just because what we were
18 given, there were four names. Now I'm sure that you at
19 least, at times, had more people. As I read the four
20 names, they all looked to be very professional people.
21 Is that true? I mean, one was an engineer, one was a
22 doctor, you know, college professor. I don't remember
23 what the fourth person was.

24 MEMBER DELEON: Retired police officer.

25 MEMBER WIGER: Yeah.

1 MEMBER WIGER: Yeah.

2 MEMBER OKAMOTO: So it was the settlement that
3 had to do -- I'm just -- I'm trying to figure out how
4 this is --

5 MEMBER WIGER: Right. Right.

6 MEMBER OKAMOTO: -- happening. Because I
7 understand about the North Beach, and that had to do
8 with development.

9 MEMBER WIGER: Right.

10 MEMBER OKAMOTO: How's the jump from that to
11 this?

12 MEMBER DELEON: I believe there was a
13 settlement, a dollar settlement, that some of the money
14 was to be used for community benefit. And this Charter
15 Working Group was put together to figure out how -- how
16 to proceed with that resource. That's what paid for the
17 survey.

18 MEMBER WIGER: That was the survey.

19 MEMBER DELEON: And that's what paid for
20 Lance's time and energy as the -- as the secretary of
21 this group.

22 MEMBER WIGER: And if I -- if I understand the
23 process, by the way that we were put on this, there were
24 a variety of names that were discussed by, at that time,
25 some people who were on the Council, no longer on the

1 MEMBER OKAMOTO: Okay.

2 MEMBER WIGER: Yeah.

3 MEMBER OKAMOTO: Was that the only -- were
4 those the only four people in the Charter Working Group,
5 at least at the end?

6 MEMBER WIGER: Those -- we were the only four
7 people who were on the Charter Working Group, who were
8 appointed to the Charter Working Group. But all of
9 us -- all of us had smaller subsets of people that we
10 reached out to and had meetings with, members of the
11 community that we went out, interviewed and did things
12 like that.

13 MEMBER OKAMOTO: And who were you appointed
14 by?

15 MEMBER WIGER: We were asked to serve on this,
16 and Lance Collins was the person who contacted us. That
17 there was a larger organization, and I don't remember
18 the name of it.

19 MEMBER DELEON: North Beach.

20 MEMBER WIGER: North Beach.

21 MEMBER DELEON: Can I interject?

22 MEMBER WIGER: Yeah.

23 MEMBER DELEON: It was part of a settlement
24 that had to do with an SMA case on North Beach,
25 Kaanapali.

1 Council, but some people who were on the Council, and
2 people in the community that were contacted, some of
3 what would be called people in the community of the west
4 side who would work with other people in the community.
5 And I know how I was contacted and I know how one of my
6 colleagues was contacted. And I got a call from a then
7 Maui councilmember, who is no longer on the Council,
8 asking if this is something I might be interested in.
9 And I indicated yes. And then I received a call from
10 Lance Collins, and he explained a little bit more and
11 asked if I was interested. And I said I would be. And
12 then I was invited to come to a meeting.

13 MEMBER OKAMOTO: Was there any other -- you
14 mentioned that it being an outcome of community
15 benefits. Was there other than just that one Charter
16 Working Group, or did you discuss other, you know,
17 larger issues or -- I'm just trying to get a feel on how
18 that happened.

19 MEMBER WIGER: The majority of our focus,
20 majority of the focus, was on the issue of district
21 voting. That was the majority of the focus.

22 MEMBER OKAMOTO: And that was at the direction
23 of?

24 MEMBER WIGER: I believe that that -- that
25 that came from -- that came, in part, from the North

<p style="text-align: right;">Page 81</p> <p>1 Beach Charter Working Group. But it also -- it also was 2 a response to the people on the Charter Working Group. 3 Because we were asked the question, what are the issues, 4 what are the issues that you feel are of particular 5 interest for West Maui, what are the issues that you 6 feel are of particular interest for West Maui. And 7 that's an issue -- I can say it very candidly, that's an 8 issue in West Maui that rises to the top of a lot of 9 people's list.</p> <p>10 MEMBER OKAMOTO: Okay. Now, you mentioned the 11 North -- is there a separate Charter Working Group, a 12 North Beach Charter Working Group? I thought you said a 13 North Beach one --</p> <p>14 MEMBER WIGER: They were the ones -- 15 MEMBER OKAMOTO: -- and West Maui.</p> <p>16 MEMBER WIGER: No. No. The North Beach one 17 was the one that I think Dave was referring to in the 18 settlement.</p> <p>19 MEMBER OKAMOTO: Okay.</p> <p>20 MEMBER WIGER: And they were the ones who had 21 -- who had this money.</p> <p>22 MEMBER OKAMOTO: Okay.</p> <p>23 MEMBER WIGER: And could --</p> <p>24 MEMBER OKAMOTO: I think I have it now.</p> <p>25 MEMBER WIGER: The West Maui -- the West Maui</p>	<p style="text-align: right;">Page 83</p> <p>1 MEMBER WIGER: No. There would -- there would 2 not be. Because we were called together, we had -- we 3 had our meetings. And the majority -- I think that 4 Lance probably could give you the people who were at the 5 -- the four of us, when we would meet, the days that we 6 would meet and who was there. Because most times, all 7 of us were there. There were only a couple of times 8 that people weren't. Other than that, that we did not 9 hold public hearings, for example. People went out, 10 talked with folks, had conversations with them, things 11 of that nature. And I don't -- and I don't think that 12 we were -- I don't think that any of us were under the 13 impression that this was something of going out and 14 having public hearings or anything like that.</p> <p>15 CHAIR STONE: Commissioner Baxa.</p> <p>16 MEMBER BAXA: Yeah, Mr. Chair. I remember 17 very well when Mr. Collins appeared before us. I think 18 one of the concerns that we had was that he did present 19 findings or recommendations by a group of four people. 20 The key question that we had was whether these four 21 groups of people represented some specific sections of 22 the community, that they spoke for a specific -- several 23 units or groups of people within the community. I still 24 do not get whether in fact that is the truth or this was 25 just a group of people who tried to crystalize what they</p>
<p style="text-align: right;">Page 82</p> <p>1 Charter Working Group was called together under the 2 aegis of that. And we were asked what -- one of the 3 questions that was posed was, what are some of the 4 issues that you feel are of relative importance to 5 people in West Maui. And, very quickly, that issue came 6 to the top, as I will tell you candidly. When you talk 7 to a lot of people in West Maui that are interested in a 8 lot of issues, district voting comes out of a lot of 9 people's mouths. And it just has for a long time.</p> <p>10 CHAIR STONE: So, again, these proposals, 11 obviously, will go on the list of proposals to be 12 discussed further. All right? Commissioner.</p> <p>13 MEMBER SUGIMURA: I just have a general 14 question on this report, because Lance gave us all a 15 copy of the report at the June 13th public meeting. And 16 I'm just wondering if there's documentation of sign-in 17 sheets, when you had meetings, or how many public 18 meetings did you have and --</p> <p>19 CHAIR STONE: Scope.</p> <p>20 MEMBER SUGIMURA: -- sort of -- sort of like 21 data to support this. That it was not only, you know, 22 just the four of you.</p> <p>23 MEMBER WIGER: Uh-huh.</p> <p>24 MEMBER SUGIMURA: And, you know, how many 25 actual people did you touch.</p>	<p style="text-align: right;">Page 84</p> <p>1 thought was what the community wanted.</p> <p>2 CHAIR STONE: Well, that's not a direct 3 question, but, Commissioner Wiger, would you like to 4 take that?</p> <p>5 MEMBER WIGER: Yeah. I think that -- again, I 6 don't believe that any of us were under the impression 7 that our task was to, in fact, conduct large community 8 hearings or anything like that, that we were called 9 together as a group of people from West Maui -- and it 10 certainly wasn't the island, by any stretch of the 11 imagination, it was from West Maui -- and within that -- 12 within that construct, they tried to balance the four 13 people, as I say, from people that would be considered 14 to be along various points of the political spectrum. 15 And it was really crystalizing then, bringing together 16 these folks, saying, okay, in your opinion, coming from 17 different orientations, what do you think are the big 18 issues facing West Maui. And it quickly came to one 19 real focused question. And then we were -- we were all 20 encouraged to go out, talk to colleagues that we knew, 21 talk to people that we knew, have conversations. We did 22 that, we would come back together, would communicate 23 again.</p> <p>24 CHAIR STONE: Commissioner DeLeon.</p> <p>25 MEMBER DELEON: Try to bring this into focus.</p>

1 I would put this in the same kind of -- same type of
 2 realm as a community association. It's similar to a
 3 community association having a subcommittee, and they
 4 know the Charter is going to come up on the agenda, and
 5 try to see what they are going to come up with. And you
 6 have four people who are appointed by the community to
 7 go out and try to figure out ad hoc what to do. This is
 8 relatively ad hoc. What isn't ad hoc is the survey.
 9 MEMBER WIGER: Exactly.
 10 MEMBER DELEON: And the survey is, I think,
 11 the base of what we need to consider. Thank you.
 12 MEMBER CRIVELLO: Mr. Chair?
 13 CHAIR STONE: Yes.
 14 MEMBER CRIVELLO: So instead of having Lance
 15 Collins come before us, maybe we can have a
 16 representative of Mark Research.
 17 MEMBER DELEON: QMark.
 18 CHAIR STONE: QMark.
 19 MEMBER CRIVELLO: QMark Research to explain
 20 this. It's really an open question, do you support
 21 amendment to change system to single-member districts.
 22 MEMBER DELEON: It might cost a airplane
 23 ticket, because these are professionals.
 24 MEMBER CRIVELLO: Or not support --
 25 MEMBER DELEON: These guys aren't in Maui. I

1 mean, they are based on Oahu. So --
 2 MEMBER CRIVELLO: I understand that. But,
 3 Commissioner DeLeon, when, you know, you say that this
 4 is not part of an ad hoc committee, I think then we --
 5 and because it's a professional research or survey, I
 6 think we need to have some answers to our questions as
 7 to how they come to this conclusion.
 8 MEMBER DELEON: Good. Okay.
 9 CHAIR STONE: Point noted. We'll look into
 10 that. Lisa, maybe we could have some level of
 11 communication with QMark. The cost is definitely an
 12 issue on that part, but --
 13 MS. KAHUHU: Chair --
 14 CHAIR STONE: -- we'll see what we can do.
 15 Yes.
 16 MS. KAHUHU: I need a point of clarification.
 17 CHAIR STONE: Yes.
 18 MS. KAHUHU: So I will look into QMark. Do I
 19 also attempt to see if the other three members from the
 20 Charter Working Group are available as well as Lance
 21 Collins?
 22 CHAIR STONE: You know, I think at this time
 23 we have a pretty good understanding of what the group
 24 was. I don't think we need further clarification on
 25 what -- it sounds like it was a group putting forward

1 proposals to the Charter, which everybody has the right
 2 to do. So right now, we have those proposals in our
 3 hands. And what the -- the issue is support for this
 4 because it's -- it's an informational piece that could
 5 guide us somewhat when reviewing those proposals. So at
 6 this time, I think we're good on that. Let's see what
 7 we can do with the QMark people.
 8 Yes, Commissioner Moikeha.
 9 MEMBER MOIKEHA: You may have said this, but I
 10 just totally got lost in another thought when I heard
 11 this money came from an intervention settlement. So
 12 excuse me. Were you folks paid for this?
 13 MEMBER WIGER: No.
 14 MEMBER MOIKEHA: Okay.
 15 MEMBER WIGER: No.
 16 MEMBER MOIKEHA: So who was -- the contact was
 17 Lance? Lance was your contact to --
 18 MEMBER WIGER: Lance was our --
 19 MEMBER MOIKEHA: -- selecting your folks.
 20 MEMBER WIGER: Lance was -- Lance, I believe,
 21 came to the conclusion of who by -- by discussion with
 22 other people involved in it. I know, for example,
 23 someone that asked me if I'd be interested, and that
 24 person talked with Lance and then, ultimately, I was put
 25 on. I don't know who all the people were that Lance --

1 MEMBER MOIKEHA: But Lance would have that
 2 information?
 3 MEMBER WIGER: He would have that information.
 4 MEMBER MOIKEHA: Okay.
 5 MEMBER WIGER: Yeah.
 6 MEMBER MOIKEHA: And then these were not
 7 slated as public meetings?
 8 MEMBER WIGER: No.
 9 MEMBER MOIKEHA: Information came to you
 10 through independent people that were connected with this
 11 group that selected you folks?
 12 MEMBER WIGER: We had very little contact with
 13 anybody except -- I mean, outside of -- of going out and
 14 talking with our colleagues and neighbors, we had very
 15 little contact with anybody except Lance. I never spoke
 16 with anybody from -- from the other committee.
 17 MEMBER MOIKEHA: Okay.
 18 MEMBER WIGER: Only Lance.
 19 MEMBER MOIKEHA: You know, I'm going to look
 20 at it very objectively, but I will tell you right now
 21 that I would like to ask Lance some questions about
 22 this. Because if I understand this, and if it's the
 23 case I'm thinking of, I was personally involved in it as
 24 a commissioner. And there were funds that were -- that
 25 went out as part of a settlement. And I think, and I'm

<p style="text-align: right;">Page 89</p> <p>1 not positive, and I'd like to clarify this with Lance, 2 but he is the attorney today on that case. Because 3 these people have to come back every year and report to 4 the commission as to what they've done with the money. 5 And, you know, while that shouldn't give a negative 6 effect on what happened here, I think it's important to 7 understand, because it's -- if it's a public meeting and 8 it was slated for that, that I can understand, but it 9 seemed very private and you guys were kind of on your 10 own, trying to put this together. And not saying what 11 you came up with is not good, I haven't even read it, 12 but I'm concerned that an attorney put this together 13 from funds, it was never slated as a public meeting. 14 So, I mean, I just have some questions. And I -- and 15 if -- I think it's the case that I'm -- on the North 16 Beach, and I was part of that on a volunteer basis as a 17 Commissioner. For me, I need to know that. So I do 18 want to hear from Lance. 19 MEMBER WIGER: And I -- I'm just saying that 20 from the standpoint of the people who sat on the Charter 21 Working Group, I think that we did what we were asked to 22 do and did it objectively and -- and honestly and -- 23 MEMBER MOIKEHA: And I don't want -- I don't 24 want what I just said to -- to give that impression, 25 that I'm challenging you on any point in that way. I'm</p>	<p style="text-align: right;">Page 91</p> <p>1 is possible. If they have that capability, that might 2 be better for everyone concerned in terms of instead of 3 having to bring somebody over. That might be another 4 possibility. I don't know what our capabilities here 5 are for that, but it might be something worth looking 6 into as a suggestion. 7 CHAIR STONE: Very good. Suggestion noted. 8 We can look into it. Yeah? 9 MEMBER OKAMOTO: Just one further. And I -- 10 you know, I hope Flo is not, you know, taking -- 11 MEMBER WIGER: I'm -- 12 MEMBER OKAMOTO: Because I brought it up 13 MEMBER WIGER: I'm getting very concerned 14 about this. 15 MEMBER OKAMOTO: And I certainly didn't -- you 16 know, nothing against the group or anything, but I think 17 we just have so many questions. And especially, I -- I 18 have more now that we started talking about it, that the 19 group was -- and not necessarily your group, there may 20 have been other groups that we don't know that North 21 Beach may have asked other things. But to ask a Lahaina 22 West Maui organization what are your strongest concerns, 23 I would be awfully surprised that Charter amendments 24 would be their strongest concerns. I mean, I would 25 think there would be traffic and, you know, lots of</p>
<p style="text-align: right;">Page 90</p> <p>1 concerned that Lance is the key person here and you did 2 everything through him, and he was representing, 3 possibly, a client -- today, I know he is -- and if this 4 is the same case and, you know -- 5 CHAIR STONE: Why don't we -- 6 MEMBER MOIKEHA: I have some strong feelings. 7 CHAIR STONE: Good point, Commissioner. We'll 8 get some clarification on it, make everybody feel 9 comfortable. We'll get it -- we can put some written 10 questions to Lance as well directly. 11 MEMBER DEREBO: Because there's one more point 12 I want to make about this from the public hearing. I'm 13 going to go back and look again at the record from the 14 last public hearing, but I got the impression that this 15 Charter Working Group reached out to Lance to have him 16 be their consultant. And now I'm hearing that it's 17 Lance that reached out to these particular individuals. 18 So I'm a little bit confused about process here at this 19 point because there are almost two diametrically opposed 20 kinds of explanations about how this actually came 21 about. Now, I'm not ascribing motivation or intention 22 on any of this; it's just an issue for clarification. 23 On another point, which is not even resolved 24 to this in terms of saving money, we might consider, if 25 it's possible with QMark, to see if video conferencing</p>	<p style="text-align: right;">Page 92</p> <p>1 other kinds of things. So we don't know if maybe there 2 were other groups working on those kinds of things. I 3 don't know. 4 MEMBER WIGER: Well -- and, yeah, I guess I 5 have to say in response that, I mean, we -- we were 6 looking at the Charter. I mean, that's where -- that's 7 where I first got involved. Because we went back and -- 8 and looked at the Charter as it had been going on for a 9 long time, we have copies of the Charter, and -- and 10 talked about a whole number of things. So it wasn't 11 that at the first meeting district voting was the only 12 thing we talked about. We talked about a number of 13 issues. What we -- what we came out with and made 14 recommendations regarding was district voting. 15 And I'm not -- I'm not sure where -- I'm not 16 sure how an impression was given that we reached out to 17 Lance because our committee was formed by being called 18 together. So it wasn't a matter of -- we wouldn't -- we 19 wouldn't have known to reach out to anybody. 20 CHAIR STONE: Commissioner Hashimoto, you had 21 a -- 22 MEMBER HASHIMOTO: Yeah. I think, Chair, 23 we're spending a lot of time on this. 24 CHAIR STONE: Yeah. 25 MEMBER HASHIMOTO: And there is no reason for</p>

1 us to do that. Because --

2 CHAIR STONE: I agree with you.

3 MEMBER HASHIMOTO: If we were voting on -- on
4 district voting or whatever we'd be voting on today,
5 perhaps so, but we're not doing that. This has begun to
6 sound like we're sitting on the Ethics Committee more
7 than we are --

8 CHAIR STONE: Yeah. You know, let's put this
9 -- let's put this in context here. We have proposals
10 put forward from a group. Anybody in Maui County can
11 put proposals forward, no matter what group they are.
12 So let's not worry right now about that. We will -- why
13 don't we review those proposals down the road and give
14 them the merit of the proposal? And I don't think we
15 have to be too concerned about where the proposal
16 started and where it came from because special interest
17 groups will, most likely, give us proposals, if that's
18 what we're assuming could be happening here. Okay?

19 So, yes, I'll look into discussion, just so,
20 when we do review the proposals, we understand where
21 they originated. Okay? But let's move forward because
22 -- okay.

23 And so moving on to our next order of
24 business. Our discussion regarding HB593, CD1, 2011
25 Hawaii State Legislature, and proposed bill before Maui

1 ordinance or original change, as it was suggested, it
2 would be an ordinance, I guess, was that there be some
3 sanction attached to the filing. If it wasn't filed
4 concurrently, then you didn't end up on the ballot. And
5 that somehow got taken off because it was in conflict
6 with state law at this point.

7 MEMBER DELEON: I think it would be better
8 that Corporation Counsel deal with it.

9 CHAIR STONE: Let's let Corporation Counsel
10 take that.

11 MR. KUSHI: Yeah. The short answer is yes.

12 MEMBER OKAMOTO: That was a long question

13 MR. KUSHI: The proposed Charter amendment,
14 which went through in 2009 -- and I'll pass out a copy
15 of that, it's on the second page -- required a person
16 for elective office, County office, to file financial
17 disclosures concurrently with the filing of these
18 papers.

19 MEMBER DEREGO: Right.

20 MR. KUSHI: And there's some language saying
21 that unless you don't do it, some -- some penal
22 provisions or provision saying that your nomination is
23 void. Okay. Our office opined that that is -- I mean,
24 you can do -- you can say that, but it's not effective
25 because state law controls who is going to be a

1 County Council to amend Section 2.56.060 of the Maui
2 County Code, requiring candidates for elective County
3 office to file financial disclosure statements
4 concurrently with the filing of nomination papers. I
5 believe this is in reference to a discussion.
6 Commissioner DeLeon.

7 MEMBER DELEON: This grew out of the testimony
8 from former Councilmember Medina. He is making a
9 suggestion that we -- that we reform the financial
10 disclosure law in reference to what happened in the
11 previous election. And where we explained to him that
12 there was a Charter amendment, the County Code
13 provision, the bill that's pending in the County
14 Council, is in relationship to that Charter amendment.
15 So it will match up the Code with the Charter. The
16 Charter has changed. It was changed in the last
17 election. And then the House Bill is in reference to a
18 request from Maui County -- Maui County Council
19 to the State Legislature to amend state law to allow the
20 intent of these changes to take effect.

21 MEMBER DEREGO: Question.

22 CHAIR STONE: Thank you. Yes, Commissioner
23 DeRego.

24 MEMBER DEREGO: Which came up at the hearing
25 as well. It was my understanding that the original

1 candidate for all the elections. That being the case,
2 they just generally proposed the amendment, on Page 2 of
3 that handout I just gave you, shaded in yellow. It
4 says, "A candidate for elective office shall file a
5 financial disclosure statement concurrently with the
6 filing of nomination papers," period. Okay. Then, as
7 Member DeLeon said, we lobbied the State Legislature to
8 change the law, state elections law, which is the -- in
9 your packets, HB Number 593.

10 MEMBER DEREGO: Yeah.

11 MR. KUSHI: And on Page 3 of that proposal,
12 Number 8, underlined, says, for candidates seeking
13 elective office -- county office, a sworn certification
14 by self-subscribing oath by the candidate that the
15 candidate has complied with all relevant provisions of
16 the applicable county charter and county ordinances
17 pertaining to elections. So that amended the state law
18 to say, now, you run from County of Kauai, you've got to
19 comply with County of Kauai charter requirements; if you
20 don't, then you're not elected -- you're not a
21 candidate. It gives the counties the authority to say
22 you're not a candidate. So now, instead of becoming a
23 ethical question whether or not he files his financial
24 disclosure, it becomes a --

25 MEMBER DEREGO: Administrative.

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1 MR. KUSHI: -- nomination question. So it's
 2 clear -- it's going to be clear, if the Council passes
 3 this bill, saying that unless you file your financial
 4 disclosure at the same time you file your nomination
 5 papers, you're not a candidate.
 6 MEMBER DEREBO: So they're going to do it by
 7 ordinance?
 8 MR. KUSHI: Right.
 9 MEMBER DEREBO: There's no need to do it by
 10 Charter?
 11 MR. KUSHI: Well, now --
 12 MEMBER DELEON: It was done by Charter.
 13 MR. KUSHI: It's been done by Charter.
 14 MEMBER OKAMOTO: Then why has it taken this
 15 many years to get it --
 16 CHAIR STONE: It didn't align with the State.
 17 MEMBER OKAMOTO: No. But he's saying there's
 18 something more the Council has to pass.
 19 MR. KUSHI: Right. Right. In the last -- in
 20 your handouts, you have this April 4th, 2011 memo from
 21 Council Chair Danny Mateo which attaches an ordinance.
 22 And I believe this passed first reading. I'm not sure.
 23 MEMBER DELEON: It's going to first reading.
 24 MR. KUSHI: It's going to first reading. And
 25 -- where's the meat of it? Okay. On the first page, it

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1 says financial disclosure statements filing deadlines,
 2 and it, basically, changes the Code section, all
 3 candidates for nomination for elective office in the
 4 county government shall file a public financial
 5 disclosure statement concurrently with their nomination
 6 papers. Prior to this, it said within 15 days of
 7 filing. So now it lines up with the Charter provisions
 8 and the state law has been changed to allow the counties
 9 to enforce their own Charter provisions.
 10 MEMBER OKAMOTO: Chair?
 11 CHAIR STONE: Yes.
 12 MR. KUSHI: I'm not sure if the governor
 13 signed. DeLeon and I spoke to the governor's rep last
 14 week.
 15 MEMBER DELEON: I tried this morning, I didn't
 16 get any answer.
 17 MR. KUSHI: Right. Late last week, I think.
 18 MEMBER OKAMOTO: So does there need to be a
 19 specific statement saying that you are not allowed to
 20 run if -- or is that just understood?
 21 MR. KUSHI: Well, it's by -- it's by mandate
 22 now. It's by County ordinance.
 23 MEMBER OKAMOTO: No. The County ordinance
 24 says you have to file it concurrently. But is that
 25 going to be open to interpretation, well, I didn't file

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1 it, so what? Because you don't say specifically, then
 2 your name will not be on the ballot?
 3 MR. KUSHI: You're not -- well, correct. The
 4 clerk should not certify you as a candidate.
 5 MEMBER OKAMOTO: Should not. But what I'm
 6 saying is does the Charter need to say that the clerk
 7 cannot certify?
 8 CHAIR STONE: The ordinance.
 9 MR. KUSHI: The Charter says --
 10 MEMBER OKAMOTO: Yeah.
 11 MR. KUSHI: -- A B C. The ordinance, it
 12 forces the Charter, X, Y, Z. Okay?
 13 MEMBER OKAMOTO: Okay.
 14 MR. KUSHI: Above that, the state law
 15 prevails.
 16 MEMBER OKAMOTO: Right.
 17 MR. KUSHI: State law has been changed and we
 18 changed the Charter, now we're changing the ordinance.
 19 So I think the gaps have been closed.
 20 MEMBER OKAMOTO: Okay. That's -- that was my
 21 question.
 22 MR. KUSHI: This is just for your information
 23 because there's nothing for this Commission to do. You
 24 did it -- the Council did it in 2009.
 25 MEMBER OKAMOTO: Thank you.

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1 CHAIR STONE: Any further discussion? Kay.
 2 MEMBER OKAMOTO: The problem, I believe, in
 3 the past was also what the clerk did with the filing
 4 after they got it. Is that just a policy procedure, how
 5 it's handled after they get it?
 6 MR. KUSHI: My understanding was it was some
 7 kind of procedural complications between our office,
 8 because our office represents the Board of Ethics and
 9 the County Clerk's Office. And I'm not sure what
 10 happens.
 11 Maybe, Lisa, you can expound on that, if you
 12 remember.
 13 MS. KAHUHU: It was just -- it was a matter of
 14 when elective people filed their nomination papers and
 15 they filed -- their public financial disclosures are
 16 held by the County Clerk's Office because they're public
 17 and that's where the public would go to view. So it was
 18 just miscommunication as to having identical files
 19 because we also, for the Board of Ethics, need a copy of
 20 the public financial disclosures that are filed. Our
 21 office keeps all confidential board and commission
 22 members. We're like the custodians for that. And the
 23 County Clerk is kind of like the custodian for the
 24 public. So it was just -- but that -- to my knowledge,
 25 those problems have been worked out. And both -- I

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1 mean, for public financial disclosures, County Clerk and
 2 our office have identical records.
 3 CHAIR STONE: Commissioner DeLeon.
 4 MEMBER DELEON: Yeah. We brought this to the
 5 record because it was raised in the -- in the public
 6 hearing. What was happening was the 15 days, some
 7 people wouldn't file, then so what, you know. And in
 8 one particular case, it went to 75 days, it almost went
 9 to the election, without a filing. And he was on the
 10 ballot. There wasn't anything you were going to do
 11 about it.
 12 MEMBER OKAMOTO: Okay.
 13 MEMBER DELEON: So this requires you to file
 14 on nomination day. If you have not filed your financial
 15 disclosure, then you have not filed complete nomination
 16 papers and you're done, you're not on the ballot. And
 17 when the governor signs this law -- and there was some
 18 debate going on in the governor's office whether he was
 19 going to sign this law or not -- that closes the door
 20 finally. But that's a state law issue; that's not
 21 something we can address here. And I only brought it to
 22 your attention because it was something raised in public
 23 hearing that was a legitimate point that needed to be
 24 cleared.
 25 CHAIR STONE: Thank you, Commissioner DeLeon.

1 for bringing that forward for us. Okay.
 2 Moving on to the next order of business,
 3 proposed Charter amendments by Commissioners. And,
 4 again, I believe this is on the agenda to give the
 5 Commissioners the ability, if they have formalized a
 6 proposal, to put it forward, and not to discuss.
 7 Commissioners?
 8 MEMBER OKAMOTO: No. A question. We were
 9 talking during the break that maybe we need some time --
 10 and I'm thinking out of order here, maybe put it at the
 11 end -- to really talk more of a philosophical, not a
 12 specific proposal. But we've heard problems that have
 13 come up and are those problems really Charter, you know,
 14 how -- things like how do we get more people to come
 15 out, how do we -- after we've looked at proposals, do we
 16 take them back, some of those kinds of things. But I'm
 17 thinking at the end, when -- you know, so that we do
 18 that at whatever end of time we have.
 19 CHAIR STONE: We, actually, are close to done
 20 with our meeting.
 21 MEMBER OKAMOTO: Well, we have Executive
 22 Session.
 23 CHAIR STONE: We move on to Executive, and
 24 then --
 25 MEMBER OKAMOTO: That's --

1 CHAIR STONE: So I believe what we -- what we
 2 could do is put a -- you know, one thing is we do have
 3 to put all of our items that we're going to discuss on
 4 our agenda. So housekeeping items like that could be --
 5 let me talk to Ed and Lisa about how we could do
 6 something like that. All right?
 7 MEMBER OKAMOTO: Okay. But -- no, we already
 8 said we were going to come back and discuss how to get
 9 more people out, that kind of thing, right, to the
 10 meetings? Wasn't that earlier in the day?
 11 CHAIR STONE: Was that deferred to now?
 12 MEMBER OKAMOTO: I don't -- I'm not sure.
 13 CHAIR STONE: Judge Baxa.
 14 MEMBER BAXA: Mr. Chair, I see that the
 15 subject matter's about proposals by the individual
 16 Commissioners. This is just a suggestion. We have not
 17 yet appointed the analyst, but what I would like to see
 18 and propose is that once the Chair or the body has
 19 selected the analyst -- and, hopefully, that analyst
 20 will be one who is well grounded in Constitutional
 21 law -- if we could hear that analyst to explain, without
 22 making any suggestion, but to explain the structure of
 23 county government in relation to state and federal
 24 government so that we know how to proceed in some way,
 25 how to structure the calendar of the proposals that we

1 are going to make. I would like to be enlightened a
 2 little bit about those. I have some rudimentary
 3 knowledge, but mine is very, very simple. It's not what
 4 I expect from a Constitutional expert. So I would like
 5 to be able to hear that before we make specific
 6 proposals.
 7 CHAIR STONE: Very good. That's a good point,
 8 valid point. And once we have our analyst, we're really
 9 going to use him and get all the information out of him,
 10 or her -- excuse me -- whoever they may be, and get that
 11 information. Thank you. We'll make sure that we have
 12 some understanding on that.
 13 Again, I believe this agenda item is in here
 14 just in case a Commissioner had a proposal to put
 15 forward during a meeting. So if there -- at this time,
 16 if there isn't a proposal put forward from a
 17 Commissioner --
 18 MEMBER DEREGO: Point of information, Chair.
 19 In the past meetings, you've asked us to send you, I
 20 guess, through Lisa, requests for information. And I
 21 would like a clarification exactly of what that means.
 22 Can I give you an example?
 23 CHAIR STONE: Yes, please.
 24 MEMBER DEREGO: I'm putting together a list,
 25 that's why. There's a -- for instance, if a proposal,

<p style="text-align: right;">Page 105</p> <p>1 which has been, you know, come -- has been at least 2 voted around, and we discussed it earlier by one of the 3 councilmembers, an interest of mine as well, about a 4 county auditor, would it be appropriate to send you, 5 through Lisa, a request that the Finance Department 6 begin making cost estimates of what it would cost to 7 develop a new department that would include equipment, 8 salaries, benefits, staff, personnel? Because if we're 9 going to create a new department, it's going to cost 10 some money. And, you know, would those be the kinds of 11 requests that you're asking at this point that would be 12 appropriate that you would pass on to other departments 13 for input? 14 CHAIR STONE: First of all, requests are good. 15 Requests can come in and, again, on an individual basis, 16 the request, whatever makes sense at the time. For 17 example, we haven't delved into the proposals yet that 18 would take us there, but it's something that is 19 potentially coming up and something we need to start 20 understanding, then -- 21 MEMBER DEREBO: Right. 22 CHAIR STONE: -- yes, the request makes sense. 23 And we would see what we could do. I think at this 24 time, really, again, it's informational. Like today, we 25 had a very good informational speech from Dave Taylor,</p>	<p style="text-align: right;">Page 107</p> <p>1 them the time what -- to do what they need to do. So 2 that -- that is the only reason. 3 CHAIR STONE: Valid point. And, please, put 4 the request forward. 5 And, again, also -- down on our agenda as 6 well, under announcements, Point A, we will be 7 discussing meeting agenda items for the next meeting, 8 too. 9 MEMBER OKAMOTO: Excuse me. Mr. Chair? 10 CHAIR STONE: Yeah. 11 MEMBER OKAMOTO: This is, I guess, kind of an 12 Old Business, but had to do with Cost of Government 13 Report. Have we -- 14 CHAIR STONE: Huh-oh, Commissioner DeRego has 15 been called out. 16 (Laughter.) 17 CHAIR STONE: We had a last-minute email from 18 Commissioner DeRego apologizing. 19 MEMBER DEREBO: Well, actually, I wasn't on 20 the agenda, so I was off the hook. 21 CHAIR STONE: He has been extremely busy and 22 he was -- he was relieved to see he wasn't on the 23 agenda. 24 MEMBER DEREBO: I will make a promise to put 25 one together.</p>
<p style="text-align: right;">Page 106</p> <p>1 and that was good for us to have. I want to continue 2 forward with that so we all have -- we're smarter people 3 by the time we look at the proposals. So send the 4 requests and we'll discuss them on an individual basis. 5 And if things are -- if it's -- doesn't make sense, then 6 possibly the request will be put aside until we get to 7 the proposal stage. But we'll look at it as they come 8 in. All right? 9 MEMBER DEREBO: All right. I guess my concern 10 is that, you know, since we're doing this sort of 11 gathering everything at a certain point and then 12 beginning discussing them, is the time factor involved 13 for the departments to be able to get the work done that 14 would be necessary to gather that kind of information 15 over and above their regular duties? We wouldn't want 16 to tax the Finance Department because a lot of my 17 requests are going to be the financial implications of 18 these particular proposals. Whenever you make a 19 transition or a change in structure, there's usually 20 some financial impact involved. And it would be good 21 information, I think, for the Commission to have. But 22 the only way to do that is to do some maybe 23 prognostication, if you want to put it that way, of the 24 kinds of things that we might be discussing early enough 25 to be able to give it to the Finance Department to give</p>	<p style="text-align: right;">Page 108</p> <p>1 CHAIR STONE: But he will be coming on the 2 agenda. Was it after July 13th, you said? 3 MEMBER DEREBO: July 13th, yeah. 4 CHAIR STONE: So do we -- we have a meeting 5 that day, yeah? 6 MEMBER DEREBO: The 11th, I think, we have a 7 meeting. 8 CHAIR STONE: So after July 13th. Okay. We 9 will get him on that. 10 MEMBER OKAMOTO: Thank you. 11 CHAIR STONE: Okay. Commissioner DeLeon. 12 MEMBER DEREBO: I knew you weren't going to 13 forget. 14 (Laughter.) 15 MEMBER DELEON: Yeah. Taking it from the 16 opposite perspective -- well, for one thing, we did get 17 a -- we did get an estimate of what the audit would cost 18 from -- from Cost of Government Commissioner -- former 19 Cost of Government Commissioner Findley. He put in like 20 325,000 or something like that. He actually had a 21 dollar amount, so we might want to go back to him to see 22 where that came from before we bother -- 23 MEMBER DEREBO: Yeah. 24 MEMBER DELEON: -- anybody else. 25 MEMBER DEREBO: It was about three years ago,</p>

1 so I would imagine --
 2 MEMBER DELEON: Well, okay. So put 10 percent
 3 on it. But I wouldn't want to get our ideas hung up on
 4 that kind of complication. I think the ideas got to
 5 come first. And if it's obvious, like if you were to
 6 change the Water Department back to -- back to -- from
 7 Council to Board of Water Supply, you're going to have
 8 to rewrite the rules again, you have to go around that
 9 whole circle. So there's significant cost with that.
 10 But this is about democracy; it's not about
 11 the cost of democracy. And I think we need to focus on
 12 the structure and what works best. And -- and if -- and
 13 if the dollar amounts are extreme, then the voters will
 14 say, no, I don't think it's worth it.
 15 MEMBER DEREGO: But I think that's part of the
 16 information that's involved.
 17 CHAIR STONE: I think -- okay. Commissioner
 18 DeLeon, thank you. Yes, Commissioner Moikeha.
 19 MEMBER MOIKEHA: I would agree with
 20 Commissioner DeRego's comments because, for me, it is
 21 going to be a lot of cost. It's not just about
 22 structure. And maybe one of the things that helps me to
 23 come to terms of whether or not this is something that
 24 should be on -- out there for the voters may include
 25 cost. So I don't see anything wrong with getting some

1 preliminary information on costs when people are
 2 testifying about, you know, changing the structure and
 3 if it's going to involve that cost, what is it going to
 4 be. Just give me a ballpark figure. I don't need a
 5 Excel spreadsheet.
 6 CHAIR STONE: I understand.
 7 MEMBER MOIKEHA: I don't know. Maybe --
 8 CHAIR STONE: I think what Commissioner DeLeon
 9 is saying as well is that to be looking into cost before
 10 we even agree that a proposal is valid is what he is
 11 saying. Maybe initially it wastes time, but
 12 prognosticating, as Commissioner DeRego said, obvious
 13 proposals that are going to come forward that are -- I
 14 think we should be looking into those costs, just to
 15 have the information, if we can get resources to work on
 16 it. So send in the requests. All right. And other
 17 informational requests as well, please.
 18 Okay. Commissioners, anything -- we haven't
 19 discussed Charter amendments, but anything else you guys
 20 want to discuss?
 21 MEMBER DELEON: Go back to this process. So
 22 what we have is an item on the table suggesting that
 23 Commissioners will make proposals. I have a list.
 24 Frank's got a list. I don't know if anybody else has
 25 got a list. But how do you want them to come?

1 CHAIR STONE: Yes.
 2 MEMBER DELEON: You want them to come as units
 3 or you want them to come as like one -- one fall swoop?
 4 CHAIR STONE: Commissioner DeLeon, when I
 5 scanned through, I did not notice that this point was on
 6 the agenda. And to tell you the truth, I would prefer
 7 proposals to come in written from the Commissioners to
 8 be discussed. So Chair will reword this and find the
 9 proper intent behind it for the next meeting. How's
 10 that? But I do think that the best way that proposals
 11 should come forward from our Commissioners is via
 12 written. And it will go on the list and be discussed
 13 down the road, as Commissioner DeLeon did previously
 14 with his proposals.
 15 MEMBER DELEON: And at what point will we
 16 discuss them?
 17 CHAIR STONE: Again, after -- once we get
 18 through our public outreach period, as we agreed, we
 19 will then move forward and dive into the --
 20 MEMBER DELEON: Thank you.
 21 CHAIR STONE: -- proposals.
 22 MEMBER OKAMOTO: After --
 23 CHAIR STONE: Sorry. Sorry. One second,
 24 Commissioner.
 25 MEMBER OKAMOTO: I'm sorry.

1 CHAIR STONE: Mr. Molina.
 2 MR. MOLINA: Mr. Chair, my apologies to
 3 Commissioner Okamoto. Just on the subject of submitting
 4 Charter amendments, the Mayor's considering submitting a
 5 proposed amendment or two, so I could relay back to the
 6 Mayor an accurate date of when you would like to receive
 7 those amendments from the Administration.
 8 CHAIR STONE: The end date for our public
 9 outreach -- when is our last meeting, Lisa? It doesn't
 10 mean that is the end date of accepting proposals, by the
 11 way.
 12 MS. KAHUHU: July 25th is our last public --
 13 CHAIR STONE: Of our first round of outreach.
 14 So once we start diving into the proposals, it's going
 15 to get pretty intense. So I would pass on to the Mayor
 16 that the beginning of August would be getting on to time
 17 to get us those proposals; otherwise, we might already
 18 have opposing proposals on the table. So, again, the
 19 proposals can come in, you know, we're going to accept
 20 proposals, and that's our job. So -- and it's -- we'll
 21 figure out how we're going to work with late incoming
 22 proposals. But from the Mayor's Office, I think that he
 23 has enough intelligence and smart resources to get it in
 24 on time.
 25 MR. MOLINA: We'll make sure to try and get

<p style="text-align: right;">Page 113</p> <p>1 you all the proposals by August 1st.</p> <p>2 CHAIR STONE: Yes, that would be great.</p> <p>3 MR. MOLINA: Thank you.</p> <p>4 CHAIR STONE: Thank you. Commissioner</p> <p>5 Okamoto.</p> <p>6 MEMBER OKAMOTO: From today when</p> <p>7 Mr. Vanderbilt was talking about the -- our first round</p> <p>8 of meetings, we're not giving them anything to say</p> <p>9 here's some things that are coming up. And it dawned on</p> <p>10 me, well, in February, we're giving them what we're</p> <p>11 proposing. We don't have anything in between to say,</p> <p>12 okay, these 10 items have come up, how important are</p> <p>13 they to you. And how do we -- how do we work with that?</p> <p>14 Because I think maybe that's why we're not having so</p> <p>15 many people attend, there's nothing -- unless they have</p> <p>16 a real strong feeling about something, there's nothing</p> <p>17 for them to grab hold of.</p> <p>18 CHAIR STONE: I agree.</p> <p>19 MEMBER OKAMOTO: But when -- when we start to</p> <p>20 get -- okay, we've got these 20 items or 10 items or</p> <p>21 five, I hate to wait until February and say, "Here are</p> <p>22 our proposals." And they're going to say, "Well, why</p> <p>23 didn't you come back and talk with us."</p> <p>24 CHAIR STONE: And in fact, I've had this --</p> <p>25 I've been on the hot seat about this for the last three</p>	<p style="text-align: right;">Page 115</p> <p>1 way to do it. So if we publicize those proposals well,</p> <p>2 we're going to get good response before we have to make</p> <p>3 our decisions.</p> <p>4 And I understand your concern. And other</p> <p>5 people have your concern, as well as I.</p> <p>6 MEMBER OKAMOTO: Are we tied into only two</p> <p>7 public meetings?</p> <p>8 CHAIR STONE: No, we are not. But --</p> <p>9 MEMBER OKAMOTO: Okay.</p> <p>10 CHAIR STONE: There's timing concerns, but we</p> <p>11 -- you know, we can do what we need to do. So --</p> <p>12 MEMBER BAXA: Mr. Chair?</p> <p>13 CHAIR STONE: I'm sorry. Commissioner Moikeha</p> <p>14 had her hand up.</p> <p>15 MEMBER MOIKEHA: No. I agree with that, your</p> <p>16 list and getting it out there. But the agenda is also</p> <p>17 going to tell you what we're talking about.</p> <p>18 CHAIR STONE: Yes.</p> <p>19 MEMBER MOIKEHA: And so, I mean, they should</p> <p>20 have that information when it's publicized, but -- to</p> <p>21 know ahead of time. And that's why August 1st is too</p> <p>22 late for me to get something from the Mayor. I want to</p> <p>23 know what it is today. And I don't know why we're</p> <p>24 giving anybody a deadline. Just send it in. Because</p> <p>25 you need time to read it, you need time to digest it.</p>
<p style="text-align: right;">Page 114</p> <p>1 days coming from community groups. Our issue is, of</p> <p>2 course, we're against the gun, so we had to get working.</p> <p>3 And that's what we're doing. What I want to do is get</p> <p>4 those -- the list of proposals on -- on the internet,</p> <p>5 out in -- if it can be done through other media avenues,</p> <p>6 we get those -- the list of proposals that have -- are</p> <p>7 coming in. But, remember, we need our analyst and our</p> <p>8 secretary to get that list done. And, also, it has to</p> <p>9 be -- it has to be labeled properly so people understand</p> <p>10 what the proposal is even pertaining to. So one of our</p> <p>11 jobs is going to be getting it out there to the public.</p> <p>12 Because I can tell you, the second round of public</p> <p>13 meetings is going to look a whole lot different than the</p> <p>14 first round. But we do want their input because those</p> <p>15 are already proposals that we are putting forward as a</p> <p>16 group by that stage. So I think -- I think we do -- we</p> <p>17 have to do our job to get out what has already been</p> <p>18 proposed and get people interested.</p> <p>19 Now, don't forget, all of our meetings are</p> <p>20 public. The public has -- I understand, for Lanai and</p> <p>21 Molokai, it's, obviously, very difficult, but -- but,</p> <p>22 you know, people, they can write in, they can email in,</p> <p>23 they can show up for oral. I just think we have to do</p> <p>24 the best job we can do. And this is the structure and</p> <p>25 format that we're going to work down because this is the</p>	<p style="text-align: right;">Page 116</p> <p>1 If there's future information or resources you need, you</p> <p>2 won't be able to schedule that. That's why I'm not</p> <p>3 opposed to Commissioner DeRego's comments to start</p> <p>4 looking at costs. Because those -- and each of us will</p> <p>5 be different in what we weight in our decision to</p> <p>6 support or not support something that's going to be out</p> <p>7 there for the voters to vote on.</p> <p>8 So in my mind, get it as soon as you have it,</p> <p>9 let's individually start doing our own little homework</p> <p>10 on it, and then make requests for resources if we need</p> <p>11 that. So when it does come to the day that we are</p> <p>12 scheduling these discussions, we'll be a little ahead of</p> <p>13 the game instead of waiting, "oh, well, I need more</p> <p>14 information."</p> <p>15 CHAIR STONE: Good point. Very good point.</p> <p>16 Commissioner Baxa.</p> <p>17 MEMBER BAXA: Yeah. Mr. Chair, I do not know</p> <p>18 if it is (inaudible), but it was really disappointing to</p> <p>19 go to meetings, public meetings, where there are only</p> <p>20 two or three people up there. I do not mean to say that</p> <p>21 they should not be there, but -- and we should be</p> <p>22 thankful that some people are almost there every time.</p> <p>23 But it's really disappointing we do not see more faces</p> <p>24 from the community. I wonder if -- I know that, in this</p> <p>25 community, there are several well-known organizations.</p>

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1 And there are lists of organizations that I know. And
 2 there should be other organizations that you know as
 3 well. If the Chair could perhaps write a letter to the
 4 head or presidents of these different organizations and
 5 invite them to come and attend any place, at any public
 6 meeting, even here, so that at least -- I know -- I know
 7 that we publicize in "The Maui News" or even online,
 8 whatever, but, to me, the direct communication from this
 9 body to those bodies, the representatives, I think it
 10 has more effect.

11 CHAIR STONE: It's a very valid point. And I
 12 think what I would like to see is, Commissioners, send
 13 me a list of the groups they believe would have some
 14 good input for our Commission. We will get them all the
 15 information they need. They can get on our mailing
 16 list. We can get them on the emailing list. We can get
 17 them all the information we need.

18 I know, again, today, I really -- I really was
 19 on the hot seat with a group that was wondering why they
 20 didn't know what was going on. And they -- they said
 21 they needed time to know what the Charter was before
 22 they were able to bring any ideas forward.

23 So, again, we're doing the best job we can.
 24 Okay. And we have a tight timeline, which is what I
 25 told them, and we want as much public input as we can.

1 We're not going to stop taking public input through this
 2 process. At some point, you know, when we're really
 3 formalizing our proposals, that's done, but at this
 4 point, get me the list of groups that you guys want to
 5 see. I will -- I will put together a formal letter
 6 requesting a request from them, as we did with Council,
 7 as we did with the department heads, and get them out as
 8 soon as possible. I think that's a great idea.

9 Yes, Commissioner.

10 MEMBER SUGIMURA: Is this an appropriate time,
 11 then, to talk about possibly having someone -- I don't
 12 know what the process is right now to get the
 13 information out, but -- I don't know if it's Rod Antone,
 14 Mike from the Mayor's Office.

15 CHAIR STONE: You know what, I think let's --
 16 I think that we'll actually put that -- let's put this
 17 on the next meeting's agenda and discuss it individually
 18 via email. We're going to be running out of -- well, we
 19 got another hour-fifteen, but we do have more stuff to
 20 take care of. It is a very important discussion, Yuki.
 21 We need to discuss it. And, again, all of us, the best
 22 thing we can do is give -- give the best input we can
 23 and make it happen.

24 MEMBER CRIVELLO: Chair?

25 CHAIR STONE: Yes.

1 MEMBER CRIVELLO: I would just like to ditto
 2 Commissioner Moikeha's thoughts. I don't think we
 3 should have deadlines because the sooner we have the
 4 information, we can do more of our homework.

5 CHAIR STONE: Okay. Thank you very much.

6 MEMBER HASHIMOTO: Chair?

7 CHAIR STONE: Commissioner Hashimoto.

8 MEMBER HASHIMOTO: I would like to add to --
 9 to what Commissioner just said and Commissioner Moikeha
 10 just said. You know, I think -- I think it's -- you
 11 know, one of the things we don't have much of is time.

12 CHAIR STONE: Uh-huh.

13 MEMBER HASHIMOTO: And every time that we walk
 14 away from this room early or any room that we meet in,
 15 every time we walk away from there, whatever time was
 16 left for us that was scheduled for us to meet we've
 17 lost, we're never going to get it back. So my
 18 recommendation to you is, is that we should take that
 19 time to discuss anything that we heard that day or the
 20 day before that, or the meeting before that, and come to
 21 some kind of thought process that tells us what -- what
 22 we learned today and what was hot today, what of all the
 23 things that were provided by the testifiers was hot,
 24 that we considered to be right on the top of the -- the
 25 hot list.

1 CHAIR STONE: I think that we can discuss
 2 items such as what we're discussing.

3 MEMBER HASHIMOTO: And then we don't have to
 4 wait until we have all this big pile of paper in the
 5 middle of the room.

6 CHAIR STONE: What we do need to avoid is that
 7 we do need items on the agendas for Sunshine Law. So we
 8 got to be a little cautious about discussing proposals,
 9 for example, that came in, that kind of stuff. And we
 10 aren't going to do that until the end of -- I understand
 11 what you're saying. So what I'm going to do on our next
 12 agenda is, again, we have -- in announcements, we have
 13 next meeting agenda items. There's a lot of stuff we
 14 can discuss within there. It's very loose.

15 MEMBER HASHIMOTO: I just want to make this
 16 point, Chair. Again, I've done this before. Okay. I
 17 don't want to waste my time to drive from Hana out here
 18 for a meeting for one hour.

19 CHAIR STONE: I respect that.

20 MEMBER HASHIMOTO: Okay. And if we're going
 21 to waste the three hours, then there's no reason for me
 22 to show up.

23 CHAIR STONE: Commissioner Hashimoto, I
 24 totally respect that. All I'm saying is, is put it in
 25 the right place on the agenda. That's all I'm saying.

<p style="text-align: right;">Page 121</p> <p>1 I think there's --</p> <p>2 MEMBER HASHIMOTO: Why do we need an agenda</p> <p>3 when our meeting's complete? Our meeting is over,</p> <p>4 you've closed the meeting. All we're doing now is</p> <p>5 having a discussion of what we heard today.</p> <p>6 CHAIR STONE: You misunderstand me. I'm</p> <p>7 saying, within today's meeting, there is a place for us</p> <p>8 to discuss --</p> <p>9 MEMBER HASHIMOTO: I understand.</p> <p>10 CHAIR STONE: -- next meeting agenda items,</p> <p>11 within this meeting. I agree with you that we should</p> <p>12 use all the time we have because we're on a short list.</p> <p>13 But we have already agreed as a group that we are not</p> <p>14 going to be discussing specific proposals, for example.</p> <p>15 So there's items that we can discuss, such as --</p> <p>16 MEMBER DELEON: Water.</p> <p>17 CHAIR STONE: -- media, what we heard today,</p> <p>18 water. Okay. There you go. But let's -- I think that</p> <p>19 we need to stick with the structure. Otherwise, we're</p> <p>20 going to run into a lot of trouble. All right. We've</p> <p>21 laid these rules on ourselves. We've agreed that this</p> <p>22 is a good path to go down. Yes, we will use all of the</p> <p>23 time and make the most of the meetings. Right. So --</p> <p>24 yes, Commissioner Okamoto.</p> <p>25 MEMBER OKAMOTO: Well, on the Sunshine Law, so</p>	<p style="text-align: right;">Page 123</p> <p>1 discussing regular meetings, right? Am I correct.</p> <p>2 MEMBER OKAMOTO: Well, no. I'm just -- I</p> <p>3 was -- on the public meetings, how much we can clarify,</p> <p>4 I guess is the word for it.</p> <p>5 CHAIR STONE: I think we've been doing a</p> <p>6 pretty good job so far. So let's just continue forward</p> <p>7 and we'll keep working the way we are. Everything is</p> <p>8 fine.</p> <p>9 Go ahead, Commissioner.</p> <p>10 MEMBER DELEON: I'm just hearing from the</p> <p>11 Commissioners from Molokai, Hana and Lana, who have to</p> <p>12 spend the whole day to get to these meetings, they're</p> <p>13 trying to squeeze every element out of it they can. So</p> <p>14 we ought to be as thorough as we can to try to squeeze</p> <p>15 that into the agenda, so, as Commissioner Hashimoto</p> <p>16 said, we don't waste a minute.</p> <p>17 CHAIR STONE: Very good. So --</p> <p>18 MEMBER BAXA: Mr. Chair?</p> <p>19 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>20 MEMBER BAXA: I heard what Mr. Hashimoto said.</p> <p>21 I think it's a very, very good point, Mr. Chair. But I</p> <p>22 am also aware about the Sunshine Law prohibition here.</p> <p>23 Perhaps if we can do something like this. And I do not</p> <p>24 know if it is feasible. There is an agenda where you</p> <p>25 have specific topics to be brought in at a certain</p>
<p style="text-align: right;">Page 122</p> <p>1 if we go to a public meeting and John Doe brings up</p> <p>2 something that maybe we haven't heard before, we're not</p> <p>3 discussing it so much as a Charter amendment, but is --</p> <p>4 can we then talk about it at that meeting, because it</p> <p>5 was brought up at that meeting, or not? I just --</p> <p>6 CHAIR STONE: Well, for example --</p> <p>7 MEMBER OKAMOTO: As far as Sunshine Law.</p> <p>8 CHAIR STONE: To be realistic, when somebody</p> <p>9 comes up and gives oral testimony, we discuss it, we ask</p> <p>10 them questions, we want to know about it. And that's</p> <p>11 part of our job to find out, clarify.</p> <p>12 MEMBER OKAMOTO: Okay.</p> <p>13 CHAIR STONE: All right. We're not</p> <p>14 debating --</p> <p>15 MEMBER OKAMOTO: Right, you're clarifying.</p> <p>16 CHAIR STONE: -- the proposal; we're</p> <p>17 clarifying the proposal. Yes.</p> <p>18 MEMBER SUGIMURA: Correct me if I'm wrong,</p> <p>19 Chair, but I thought that, in early discussions, our</p> <p>20 earlier meetings, we had decided that the public</p> <p>21 meetings would be to receive information from the public</p> <p>22 and ask them questions, and that meetings would be</p> <p>23 conducted here. So I thought that's what we were doing,</p> <p>24 the public meetings versus our regular meetings.</p> <p>25 CHAIR STONE: Yeah. I think they're</p>	<p style="text-align: right;">Page 124</p> <p>1 period. I wonder if there is a portion at the end of</p> <p>2 the agenda where it is devoted to discussing what had</p> <p>3 been discussed the day before, or the present day, so</p> <p>4 that maybe not lose track of the things that had been</p> <p>5 said, as suggested by Mr. Hashimoto. I'm just trying</p> <p>6 to, if we can -- I do not know if that is possible. We</p> <p>7 have to ask the First Deputy Corporation Counsel whether</p> <p>8 this will comport with the Sunshine Law.</p> <p>9 CHAIR STONE: Very good. Before I move to</p> <p>10 you, Commissioner DeLeon, Corp Counsel, could we have</p> <p>11 some input on that, please?</p> <p>12 MR. KUSHI: Yeah. If it's -- if it's -- the</p> <p>13 rule of thumb is if it's so general you can be</p> <p>14 discussing anything, that would be a violation. Okay.</p> <p>15 The second rule is if you're going to --</p> <p>16 CHAIR STONE: Sorry. Could you speak up and</p> <p>17 repeat that, please?</p> <p>18 MR. KUSHI: If an agenda item is labeled to be</p> <p>19 so general, so general, generic, that a member of the</p> <p>20 public does not know what you're going to discuss, then</p> <p>21 I would say it's too vague and stay away from it.</p> <p>22 Secondly, any item that you discuss, you got</p> <p>23 to indicate whether you're going to take action on it or</p> <p>24 not. That notifies the public that, hey, they better be</p> <p>25 there if they're against it or for it.</p>

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1 So those are the two rules of thumb. You
 2 could have some general, but, yet, a little bit more
 3 identifiable issues, about, you know, comments from
 4 Commissioners on public testimony received, stuff like
 5 that.
 6 MEMBER DEREGO: Can I ask a question here,
 7 clarification as well?
 8 CHAIR STONE: Please, Commissioner. Go ahead.
 9 MEMBER DEREGO: We still have several
 10 housekeeping issues we have not discussed at length.
 11 One of them Dave brought up. And I'm more and
 12 more now thinking that we do need a separate website or
 13 something to at least get ourselves out there. I am
 14 coming to that point, at least, with the -- but I think
 15 these are -- that could be a specific kind of issue we
 16 could discuss.
 17 Another issue that we still haven't worked out
 18 is calendaring everything we're supposed to do so it all
 19 fits in into some -- some kind of time schedule so we
 20 get a report done in a reasonable amount of time. That
 21 would be an issue, I think -- correct me if I'm wrong --
 22 that we, as a Commission, could do some calendaring at
 23 that particular point if we have one of these hearings,
 24 you know, that just lasts an hour and-a-half, you know,
 25 if we put on the agenda beforehand. And if we don't get

1 to it, then we don't get to it. But it's -- it would --
 2 it would be just in case, you know, okay, that
 3 particular specific agenda item that we're going to talk
 4 about calendaring and -- and working on what we're going
 5 to do and how we're going to work these proposals, or
 6 we're going to talk about media or we're going to talk
 7 about what information that we feel that we need from
 8 particular departments, who we want to show up at our
 9 meetings. Oftentimes, we don't -- aren't able to
 10 discuss those kinds of issues which are, basically, a
 11 lot of times, housekeeping. Hard to do via email,
 12 right, but -- but something that would be a part of the
 13 agenda. That's just a suggestion I would have.
 14 CHAIR STONE: I have a question for
 15 Corporation Counsel. Is it possible to have, within our
 16 agenda, a housekeeping agenda item? And that way --
 17 MR. KUSHI: That's a really good idea,
 18 Mr. DeRego, as far as, you know, like calendaring some
 19 separate issues that you could cover at your public
 20 hearings, your community hearings in addition to
 21 receiving testimony, blank unsolicited testimony. But
 22 you have to put it down on the agenda.
 23 MEMBER DEREGO: Exactly. And that would be my
 24 suggestion.
 25 MR. KUSHI: What we've done last week is we

1 issued agendas for the next four or five public
 2 hearings. We did it already. We can always amend the
 3 agendas. So if you've got some ideas, work with the
 4 Chair, work with our staff, and we can put in on the
 5 next public hearings. So not to waste your time, maybe
 6 you can at least have another half an hour of
 7 discussion.
 8 In terms of maybe calendaring, scheduling,
 9 maybe you can handle it right now. I was going to, with
 10 the Chair's permission, give you a proposed structure as
 11 far as that. And it was your idea to work backwards
 12 from April 2012.
 13 CHAIR STONE: Very good. Let's do it.
 14 MR. KUSHI: So, you know, according to the
 15 schedule, July 25th of this year, next month, is your
 16 last public hearing. So from August 1st until end of
 17 November, that's four full months. Okay. If you meet
 18 twice a month, that's eight possible hearings, hearings
 19 like this, that you have to work on and come up with
 20 concrete proposals. Meetings, right. Yeah, meetings.
 21 If you want to do it more than twice a month, better
 22 yet. So we're looking at the end of November. Then
 23 second round of public hearings start December and end
 24 in January. That's two full months. You're going to
 25 have eight meetings, one meeting per week, at the

1 various community areas.
 2 MEMBER DELEON: I have a problem with that.
 3 It's right in the middle of the holiday season.
 4 MR. KUSHI: Well, I mean, I'm trying to fit it
 5 in. Then you look at September -- I mean, then we go
 6 into February 1st to, actually, April 9th, 2012. That's
 7 two-plus full months. Nine weeks, possibly could have
 8 nine meetings to finalize your report, if you choose to
 9 meet once every week. So I think, based on that
 10 schedule, aside from the problems with holidays, you
 11 have more than enough time to complete your task.
 12 MEMBER SUGIMURA: What was August 1 to
 13 November?
 14 MR. KUSHI: August 1st to November 30th would
 15 be four full months for this Commission to work on
 16 proposals. And if you meet twice a month, that's eight
 17 meetings.
 18 CHAIR STONE: Again, obviously, if we're not
 19 getting to our target, we're going to have to increase
 20 our meeting duration.
 21 MR. KUSHI: Right.
 22 CHAIR STONE: Or our meeting schedule.
 23 MEMBER BAXA: Mr. Chair?
 24 CHAIR STONE: Yes, Commissioner Baxa.
 25 MEMBER BAXA: I don't want to lose focus on

<p style="text-align: right;">Page 129</p> <p>1 the suggestion of Mr. Hashimoto. I want to follow that</p> <p>2 up. I think that his suggestion was good. But, again,</p> <p>3 as we mentioned, perhaps the Chair could make specific</p> <p>4 topics for the agenda, but then, at the last portion,</p> <p>5 there is a portion that is devoted to discussing what</p> <p>6 happened the day before, the day, right there, and maybe</p> <p>7 assign for the next meeting -- that it will now be in</p> <p>8 the agenda for the next meeting that some</p> <p>9 decision-making may be made, perhaps not final, maybe</p> <p>10 tentative, something that we could go back later on so</p> <p>11 that we do not lose sight of the important things that</p> <p>12 happened yesterday and today. I like that idea.</p> <p>13 MEMBER OKAMOTO: Mr. Chair?</p> <p>14 CHAIR STONE: Yes.</p> <p>15 MEMBER OKAMOTO: Under Old --</p> <p>16 CHAIR STONE: Commissioner Baxa, thank you.</p> <p>17 MEMBER OKAMOTO: Under Old Business, can you</p> <p>18 discuss anything that's already been discussed?</p> <p>19 CHAIR STONE: I believe we can put a number of</p> <p>20 items in Old Business.</p> <p>21 MEMBER OKAMOTO: Oh. But you would have to</p> <p>22 put it in?</p> <p>23 MR. KUSHI: You have to list it.</p> <p>24 CHAIR STONE: You have to list it.</p> <p>25 MEMBER DEREGO: It has to be listed.</p>	<p style="text-align: right;">Page 131</p> <p>1 CHAIR STONE: -- one of the items that will</p> <p>2 definitely be --</p> <p>3 MEMBER DELEON: Then, that way, you're not</p> <p>4 dealing with ad hoc testimony walking in the door.</p> <p>5 CHAIR STONE: Right.</p> <p>6 MEMBER DELEON: Whatever idea somebody walks</p> <p>7 in the door. And that way, you know you got it on your</p> <p>8 agenda and it's something that's in the Members' minds</p> <p>9 already, and then it gives it the chance to get digested</p> <p>10 before it goes away. Because, the next meeting, we'll</p> <p>11 be on to something else.</p> <p>12 CHAIR STONE: I think we could potentially</p> <p>13 discuss -- and let me run this by Corporation Counsel --</p> <p>14 is could we discuss -- for example, let's say we want to</p> <p>15 talk about the last meeting. Can we discuss the agenda</p> <p>16 of last meeting towards of the end of our meeting, if</p> <p>17 there's any items of discussion people wanted to bring</p> <p>18 back up? In other words, we're getting close to the end</p> <p>19 of our meeting.</p> <p>20 MR. KUSHI: I don't understand the question.</p> <p>21 CHAIR STONE: In other words, the agenda is on</p> <p>22 our agenda -- or, I'm sorry, the minutes. Excuse me.</p> <p>23 Sorry. The minutes are on our agenda now. We approved</p> <p>24 the minutes. It doesn't mean that we can't go and</p> <p>25 discuss the minutes later on down the line if we have</p>
<p style="text-align: right;">Page 130</p> <p>1 CHAIR STONE: This is a -- it's a bit of a</p> <p>2 tricky issue. I understand what -- what you</p> <p>3 Commissioners want. Let me take care of it. I will</p> <p>4 make sure that we have enough items to fill our plate,</p> <p>5 more than enough items, so that when we leave this room,</p> <p>6 we have some stuff we have to take care of for the next</p> <p>7 meeting. I understand what you guys are getting at.</p> <p>8 Let me take care of it. And I will make sure that we</p> <p>9 have a lot of very good stuff to discuss.</p> <p>10 Again, today was our first -- well, our second</p> <p>11 presentation. And I'm trying to get a idea of how long</p> <p>12 these presentations will take and how long we need the</p> <p>13 Q&A for. So I could -- I could also add a couple of</p> <p>14 other informational periods. I'm balancing that right</p> <p>15 now, but I do understand what the Commissioners face</p> <p>16 coming here, which is much appreciated. Your time is</p> <p>17 very much appreciated.</p> <p>18 Any other Commissioner on this discussion?</p> <p>19 Commissioner DeLeon.</p> <p>20 MEMBER DELEON: In reference to items like the</p> <p>21 water director today, it's on the -- on the agenda,</p> <p>22 further discussion on the bottom of the agenda would be</p> <p>23 appropriate --</p> <p>24 CHAIR STONE: I agree. That's --</p> <p>25 MEMBER DELEON: -- without decision-making.</p>	<p style="text-align: right;">Page 132</p> <p>1 topics of discussion from that -- the minutes. Is that</p> <p>2 possible?</p> <p>3 What we're trying to do here, Ed, is we're</p> <p>4 trying to have -- to use our time wisely and use all of</p> <p>5 the time since we're all sitting here. So help me out</p> <p>6 here in trying to come up with ways, at the end of our</p> <p>7 meetings, to have discussion topics without them being</p> <p>8 too vague or outside of the Sunshine Law. That's what</p> <p>9 we're trying to avoid.</p> <p>10 MEMBER CRIVELLO: Mr. Chair?</p> <p>11 CHAIR STONE: Yes, please.</p> <p>12 MEMBER CRIVELLO: Is this something that you</p> <p>13 can take up with Corp Counsel?</p> <p>14 CHAIR STONE: Yes, it is.</p> <p>15 MEMBER CRIVELLO: And bring it back --</p> <p>16 CHAIR STONE: That's what I'm going to do.</p> <p>17 MEMBER CRIVELLO: -- to the Commissioners so</p> <p>18 we can continue with our --</p> <p>19 CHAIR STONE: Yes. Let's continue forward.</p> <p>20 Yes. This will be taken care of and we will make sure</p> <p>21 that people will be begging me to close the meetings.</p> <p>22 (Laughter.)</p> <p>23 MEMBER DEREGO: And can we get --</p> <p>24 CHAIR STONE: Yes, Commissioner DeRego.</p> <p>25 MEMBER DEREGO: One more point of information</p>

1 Could we get Corporation Counsel's suggested schedule in
2 writing?
3 MEMBER OKAMOTO: Yes.
4 MEMBER DEREBO: So we can look at it and mull
5 it over.
6 CHAIR STONE: That will be done. Thank you
7 very much, Corporation Counsel, for putting that
8 schedule. It puts it in perspective for us.
9 So moving on, we're looking at Executive
10 Session here. With reference to the agenda items listed
11 below --
12 MEMBER DELEON: Can we take a short break,
13 please?
14 CHAIR STONE: Oh, yes. We'll take a break.
15 Let's take a quick 10-minute recess, then we'll go into
16 Executive Session, please.
17 (Recess, 2:57 p.m. to 3:08 p.m.)
18 CHAIR STONE: I'm going to call the meeting
19 back to order, please. There's a request from a member
20 of our public to know how many -- before we go to
21 Executive Session, to know how many people we have
22 looking at each position. And it is -- there are six
23 analysts we're reviewing and one secretary.
24 MS. RAISBECK: Thank you.
25 CHAIR STONE: You're welcome. With reference

1 to the agenda items listed --
2 MR. KUSHI: Turn it off, please. Lisa, let
3 them know we'll call them back in. Commissioners,
4 before we go into that, we have a pretty open way to
5 discuss issues --
6 MEMBER DEREBO: Hang on.
7 CHAIR STONE: No. No, I'm not going into
8 Executive yet. We have a pretty open way to discuss
9 issues in next meeting agenda items. Proposed meeting
10 agenda items may be discussed, but the discussion can't
11 be decision-making discussions. Okay? So that opens
12 the door for a lot of -- a lot of things to discuss.
13 For example, Yuki is going to want to do a promotional
14 committee as a recommendation, you know, for ideas. So
15 those kind of items, that's where we'll discuss them and
16 that's where we can fill up a lot of time. All right?
17 Okay? All right. Are we all good?
18 MEMBER DEREBO: And I would suggest, as we
19 develop a list of those kinds of things, that -- to get
20 Clifford's issue involved, when we do have public
21 hearings, that we maybe add one of those to the agenda
22 as well, so that we do use our time completely. Because
23 we know the people from Molokai and Lanai and Hana do
24 make the long trip over here.
25 CHAIR STONE: And that we'll add an agenda

1 item that allows us to discuss anything that was brought
2 forward that day. So we can continue discussion. As
3 Clifford said, it's good to keep it in the mind, keep
4 that conversation going, you retain a lot more
5 information. All right? Okay. So we're going to go
6 into Executive Session.
7 MR. KUSHI: You need a motion, Mr. Chair.
8 MS. RAISBECK: Don't you have to vote?
9 CHAIR STONE: Excuse me?
10 MEMBER DEREBO: I move that we go into
11 Executive Session.
12 CHAIR STONE: Do we --
13 MEMBER OKAMOTO: I second.
14 CHAIR STONE: -- have a second? Okay,
15 seconded. Any discussion on going into Executive
16 Session? Discussion.
17 MR. KUSHI: Mr. Chair, for the record, you
18 should acknowledge that you are going into Executive
19 Session to discuss the hiring and dismissal -- of
20 personnel matters of your staff pursuant to 92-5(a), I
21 think it is.
22 CHAIR STONE: Why don't I do it formally and
23 read this prepared statement? Executive Session: With
24 reference to the agenda items listed below, one or more
25 executive meetings are anticipated. In particular, the

1 Charter Commission anticipates it will consider
2 personnel related matters where privacy may be involved.
3 The Charter Commission may also consult with the
4 Commission's attorney on questions and issues pertaining
5 to the Commission's powers, duties, privileges,
6 immunities, and liabilities. Therefore, pursuant to
7 Hawaii Revised Statutes, HRS, Sections 92-5(a)(2) and
8 (4), the following items may be considered in Executive
9 Session. We have a motion to --
10 MEMBER DEREBO: I move that we go into
11 Executive Session.
12 CHAIR STONE: We have a motion.
13 MEMBER SUGIMURA: Second.
14 CHAIR STONE: Seconded. All rightly. Any
15 discussion on that?
16 (Silence.)
17 CHAIR STONE: No. All in favor to go to
18 Executive Session, say "aye."
19 (A chorus of ayes.)
20 CHAIR STONE: All opposed?
21 (Silence.)
22 (Recess to Executive Session, 3:11 p.m. to
23 3:42 p.m.)
24 CHAIR STONE: So I'm going to reconvene our
25 Regular Session.

<p style="text-align: right;">Page 137</p> <p>1 In Executive Session, the Commission accepted 2 three nominees for analyst subject to bid, and deferred 3 selection on a secretary. 4 So our next item of discussion is our next 5 meeting date and discussion on next meeting agenda 6 items. Next regular meeting is Monday, July 11th, 12:00 7 p.m., here in this room. And then, again, on Monday, 8 July 11th, we will be on Molokai, 6:30 p.m., Mitchell 9 Pau'ole Center, Kaunakakai. So that's going to be a 10 nice busy day. All right. 11 So for next meeting agenda items, Commissioner 12 Sugimura had a suggestion. 13 MEMBER SUGIMURA: Just before, do we also want 14 to mention that, on July 5th, we're going to Hana, 6:30? 15 Hana, Helene Hall. So if you want to add one more item, 16 since you're making public announcements. 17 MEMBER OKAMOTO: Yes. 18 CHAIR STONE: July 5th? 19 MEMBER SUGIMURA: Yes. 20 MEMBER DEREGO: Next week, Tuesday. 21 CHAIR STONE: Cliff -- excuse me. Cliff, on 22 your notice, it says July 7th. 23 MEMBER HASHIMOTO: Something changed. 24 MS. KAHUHU: No. It's always been July 5th. 25 CHAIR STONE: I would just make sure you rip</p>	<p style="text-align: right;">Page 139</p> <p>1 next regular meeting July 11th, which is a Monday, here 2 in this office, 12:00 p.m. 3 MEMBER DELEON: Mr. Chair? I think we need to 4 look at that agenda and make sure it's tight so we can 5 get out of here at 3:00 or so. We're talking about 5:00 6 departure from the airport. 7 CHAIR STONE: Yes. 8 MEMBER MOIKEHA: We need something to eat. 9 CHAIR STONE: We'll have it scheduled. We'll 10 make sure. 11 MEMBER DELEON: Are we going to get dinner 12 here individually or are we going to get it over there? 13 CHAIR STONE: That hasn't been discussed. 14 MEMBER DELEON: Because we're doing like from 15 12:00 to whenever we go to Molokai. It would be good to 16 be able to get dinner in the middle of that somehow. 17 Even if it's -- even if we're doing it individually, I 18 want to know how we're doing it. 19 CHAIR STONE: Okay. Well, would you guys -- 20 be kind of fun to have everybody together. Let's do 21 that. We'll organize a group -- a quick group dinner. 22 Is that all right? I'll organize it. 23 MEMBER DELEON: Sure. However you decide to 24 do. But, I mean -- 25 CHAIR STONE: I know some people.</p>
<p style="text-align: right;">Page 138</p> <p>1 it down and put up the right one. I'm glad that you 2 brought it. 3 MEMBER DELEON: Also put up the day. 4 CHAIR STONE: Yeah, put up the day. It says 5 Tuesday, which is -- 6 MEMBER OKAMOTO: Which is the right day. 7 CHAIR STONE: That's correct. 8 MEMBER DELEON: Then the people know they got 9 a problem. 10 (Multiple speakers.) 11 MR. KUSHI: One at a time, please. 12 CHAIR STONE: No, it's written July 7th. So 13 it's Tuesday, July 5th, Helene Hall, in Hana, at 6:30 14 p.m. 15 MEMBER HASHIMOTO: 5th, is that right? 16 CHAIR STONE: July 5th. And on my agenda, I 17 don't have that on there. 18 MS. KAHUHU: Yeah. I apologize for that. The 19 next regular meeting is July 11th on Molokai. 20 CHAIR STONE: No. Here. 21 MS. KAHUHU: I mean, yes, here. 22 CHAIR STONE: Look at poor Lisa. Oh, don't 23 worry, Lisa. I've got it. So let's redo this. Okay. 24 We have a public hearing July 5th, at Helene Hall in 25 Hana, 6:30 p.m. Okay. Tuesday, July 5th. We have our</p>	<p style="text-align: right;">Page 140</p> <p>1 (Laughter.) 2 MEMBER SUGIMURA: Flatbread. 3 MEMBER DEREGO: "I know some people." 4 MEMBER WIGER: How long will it take the plane 5 to get to -- 6 MEMBER CRIVELLO: Yeah. What's the travel 7 time for the charter? 8 MEMBER DELEON: What's the arrival? 9 MS. KAHUHU: To Hana? 10 MEMBER CRIVELLO: To Molokai. 11 CHAIR STONE: To Molokai. 12 MEMBER CRIVELLO: For the charter. 13 MS. KAHUHU: It's about 20 minutes, as I was 14 quoted. 15 CHAIR STONE: Twenty minutes. And our 16 scheduled departure? 17 MS. KAHUHU: Is at 5:00. 18 MEMBER DELEON: It's at 5:00. So don't show 19 up at the airport at 5:00. 20 MS. KAHUHU: Yeah, don't show up at the 21 airport at 5:00. 22 CHAIR STONE: 4:30. So -- 23 MEMBER DELEON: Yeah. We really have to 24 tightly leave around 3:00. 25 CHAIR STONE: 5:20, so let's say 5:30</p>

35 (Pages 137 to 140)

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1 realistically. So we're going to have to have a really
2 quick dinner.

3 MS. KAHUHU: Again, it is a charter. I would
4 encourage you all to be on time, but, you know, if, for
5 some reason, you know, we can't leave at 5:15 -- it's
6 just to get there and have enough time to get -- our
7 Molokai, I believe, is rental vans, get to the facility
8 and for myself and staff to be able to set up and
9 everything prior to the meeting.

10 CHAIR STONE: So what Lisa is saying, if
11 you're not there at 5:00, we're leaving you.

12 MEMBER DELEON: So, Stacy, you think it's
13 reasonable we can get dinner on Molokai?

14 MEMBER CRIVELLO: If you guys excuse me from
15 our regular meeting, I'll get dinner.

16 MEMBER DEREHO: Stew and rice.

17 CHAIR STONE: Stew and rice sounds good to me.
18 (Multiple speakers.)

19 CHAIR STONE: We could have --

20 MEMBER CRIVELLO: Yeah, yeah, yeah.

21 CHAIR STONE: -- something in the hall
22 previously or --

23 MEMBER CRIVELLO: You'll have dinner. You'll
24 have dinner, you'll come to Molokai.

25 MEMBER DELEON: Whatever, yeah.

1 CHAIR STONE: We'll work it out. Okay. And
2 then, finally, public hearing, our next public hearing,
3 Monday, July 11, 6:30 p.m., again on Molokai. Okay.
4 So --

5 MEMBER DEREHO: Can I ask a question about the
6 arrangements for July 5th, what we're doing for that in
7 terms of getting to Hana? Are we -- we have a bus or
8 something?

9 MS. KAHUHU: No. It's all by charter.
10 (Multiple speakers.)

11 MEMBER DEREHO: Oh, we're flying.

12 MS. KAHUHU: Yes. Flying in and flying out.

13 MEMBER DEREHO: Okay.

14 CHAIR STONE: Lisa, what time, again, is that
15 flight?

16 MS. KAHUHU: That is the same.

17 MEMBER DEREHO: 5:00.

18 CHAIR STONE: 5:00 p.m.

19 MS. KAHUHU: Have to leave at 5:00. Although
20 I was going to try to see if the Members could leave --
21 there's two separate planes. Staff will be on the
22 smaller plane, members will be on the larger plane.

23 MEMBER DEREHO: Okay.

24 MS. KAHUHU: Parks will be picking us up in
25 Hana. So it is possible that Members could fly a little

1 bit like 5:15 or closer to 5:30. I believe it's only 10
2 to 12 minutes to get to Hana. So in that regard, I'm
3 going to contact the charter company to see if the
4 planes can fly out separately.

5 MEMBER DEREHO: I've never done this before,
6 so I need a map where to go.

7 MEMBER SUGIMURA: It's that commuter airlines.

8 MS. KAHUHU: Commuter airlines. So if you go
9 through Kahului Airport, you don't have to go through
10 Kahului Airport, you pass the rental cars on the right,
11 and then there's that little road, you take a right.

12 MEMBER DEREHO: Right.

13 MS. KAHUHU: It's your first left into the
14 small little parking lot, just a small little terminal
15 there for --

16 MEMBER CRIVELLO: Where Mokulele and Pacific
17 Wings are.

18 MEMBER DELEON: You park in the regular
19 parking lot and walk over.

20 (Multiple speakers.)

21 CHAIR STONE: Sorry. Excuse me. Let's get in
22 order. Lisa is running this one. Okay. All right. So
23 there we go.

24 Now, let's see, next agenda items.

25 Commissioner Sugimura had a suggestion for next agenda

1 item which we can discuss. Please, what's your --

2 MEMBER SUGIMURA: So what I would like to
3 suggest for the next meeting is for us to discuss having
4 a public relations sort of person as from one of our
5 Commissioners, Dave DeLeon, since he was a reporter, and
6 I know he will write a factual presentation of what the
7 community thinks. Sorry, Dave, I'm suggesting this. I
8 know you're very busy. But somebody like Dave who could
9 report on whatever we want the community to show up for
10 next, you know, hearing and meetings and whatever is
11 coming up. And once we come up with our list of what
12 we're going to talk about, then that could also be
13 shared. And I don't know how you coordinate this with
14 the Mayor's Office, but it would have to be coordinated
15 with Rod Antone so that it doesn't go out double.
16 Because, otherwise, we'll look kind of crazy. But that
17 our Commission then would have like a Dave DeLeon who
18 will write the report and like a Susan Moikeha who would
19 review it, and Josh, you know, something like that, a
20 committee, so that we could have several eyes looking at
21 it. And we'll to see what Junior says about that.

22 CHAIR STONE: Maybe we can take that a little
23 further and maybe that committee could also look at
24 getting a dedicated website and those kind of issues
25 which we've been discussing.

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1 MEMBER DELEON: (Inaudible.)
 2 MEMBER HASHIMOTO: I would be happy to put the
 3 dates in.
 4 CHAIR STONE: We'll have Clifford on
 5 scheduling.
 6 (Laughter.)
 7 CHAIR STONE: All right. Discussion on that?
 8 MEMBER OKAMOTO: I would like -- you're adding
 9 to the agenda, right?
 10 CHAIR STONE: Oh. No, we can -- we can
 11 discuss this, yeah. So -- no, no, we're able to discuss
 12 agenda items; we can't take action on agenda items.
 13 MEMBER SUGIMURA: I would suggest that, for us
 14 to put on the agenda because I think we can discuss it
 15 and propose then to have a Commissioner be the person
 16 who will write the press release, have other
 17 Commissioners become the subcommittee so we can review
 18 it. And I think what's really important for that -- for
 19 this is that information gets out on a timely basis.
 20 Because I think what I saw in the June meeting was we
 21 had to see what Rod Antone wrote, and, by then, it was
 22 too late.
 23 CHAIR STONE: It was too late.
 24 MEMBER SUGIMURA: You got to react fast.
 25 CHAIR STONE: So let's title this Public

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1 Relations Committee. Okay? That will be on the next
 2 agenda for discussion.
 3 MEMBER OKAMOTO: I would like to add to the
 4 next agenda, discussion of how we can -- with the -- oh,
 5 I'm sorry.
 6 MEMBER DELEON: Finish up on that topic.
 7 MEMBER OKAMOTO: Okay.
 8 MEMBER DELEON: I want to suggest that because
 9 I have a particular proposal on the table already that's
 10 kind of phrased as sensitivity, I would like to have Kay
 11 on that committee. And I've worked with Kay before on
 12 other issues. And we're -- she's very sharp and she
 13 would be able to review it. And I think the Chair --
 14 you know, have a triangle of perspective to make sure
 15 that it's going out in a way that everybody is happy
 16 with.
 17 CHAIR STONE: Okay. Sounds good.
 18 MEMBER DELEON: She's a former school teacher.
 19 She's good.
 20 CHAIR STONE: Commissioner Okamoto.
 21 MEMBER OKAMOTO: I would also like to discuss
 22 how we can get more citizen --
 23 MEMBER DELEON: That's part of that process.
 24 MEMBER OKAMOTO: -- participation. I know
 25 it's part of it, so it would -- it would fit in there.

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1 CHAIR STONE: Okay. Let's put that in as an
 2 agenda item, citizen participation, because it may be
 3 outside of the realm of that committee. So --
 4 MEMBER DELEON: I think we need to use what
 5 Sally was talking about, also, I mean, the thing about
 6 using Akaku and other kind of media forms. And in that
 7 regard, I wasn't going -- I was toying whether to ask
 8 about this, but I'm thinking about doing a commentary
 9 piece on my proposal as a way to shake the cage, but,
 10 also, just to get the word out.
 11 MEMBER OKAMOTO: "Shake the cage."
 12 MEMBER DELEON: Is there any Sunshine Law
 13 issues with doing that?
 14 MR. KUSHI: You're doing it as an individual,
 15 I see no reason how this can prevent you. If you're
 16 doing it as part of the Commission, you need a vote.
 17 CHAIR STONE: Why don't we make sure that
 18 anything you write, you run through Corp Counsel before.
 19 MEMBER DELEON: If I'm doing it as an
 20 individual, I'm just putting my name on it.
 21 MEMBER DEREGO: Yeah, he just puts his name on
 22 it. He --
 23 CHAIR STONE: For example, if it says --
 24 (Multiple speakers.)
 25 MR. KUSHI: This is your individual view.

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1 MEMBER DELEON: Okay. Thank you for your
 2 voice.
 3 MEMBER SUGIMURA: Would that make it
 4 confusing, though, for the community, when they read it?
 5 CHAIR STONE: You know, what we don't want to
 6 do is the community to believe that we took a position.
 7 MEMBER DELEON: Yeah. So, yeah. Right. So
 8 that's the important underlining point, is it's just one
 9 guy's opinion.
 10 CHAIR STONE: I think --
 11 MEMBER CRIVELLO: So -- excuse me, Mr. Chair.
 12 So, likewise, if I, as a Commissioner, may not agree
 13 with his commentary or viewpoint, I can come in as an
 14 individual, also?
 15 CHAIR STONE: Yes. I believe that would be --
 16 MEMBER CRIVELLO: Well, then --
 17 CHAIR STONE: Actually cause some stir, which
 18 is, I think, good. We need, you know, that -- got to
 19 get the temperature rising. Commissioner Moikeha.
 20 MEMBER MOIKEHA: So this is to -- this item is
 21 Public Relations Committee, establishing one and
 22 defining the role?
 23 MEMBER SUGIMURA: Subcommittee, yeah?
 24 CHAIR STONE: Yeah. Sorry.
 25 MEMBER MOIKEHA: Is that what we're going to

1 notice?
 2 CHAIR STONE: Yes. What we want to do is
 3 establish a --
 4 MEMBER MOIKEHA: So establish it and define
 5 what the role is?
 6 CHAIR STONE: Define the role.
 7 MEMBER MOIKEHA: And then which -- which
 8 agenda is this going to be on, July 11th or July 5th?
 9 MEMBER DELEON: It would be July 11th.
 10 MEMBER MOIKEHA: Our regular meeting?
 11 CHAIR STONE: I think that it would, most
 12 likely, be regular meeting. Again, I know it's very
 13 frustrating with the time. Yeah, July 11th.
 14 MEMBER MOIKEHA: Okay.
 15 CHAIR STONE: Okay. Then, also, the other
 16 agenda item that's going to be on that list is how do we
 17 -- is increasing public participation.
 18 MEMBER OKAMOTO: That probably is part of
 19 that. Just a quick question. At the ones where we're
 20 flying, if you have two testifiers, and the minute --
 21 you know, at 8:30, you're finished, can we come back or
 22 do we have to stay longer? See what I'm saying? If
 23 we're flying out, the flight is scheduled 5:00 and
 24 coming back at 9:00 or 9:30, but you have three people
 25 come to the meeting, you're finished at 7:30.

1 MEMBER WIGER: Yeah.
 2 MEMBER OKAMOTO: Is it -- will we be able to
 3 then simply leave and come back early?
 4 MS. KAHUHU: The pilots are on standby, and
 5 they can leave at any time that we're ready to go.
 6 CHAIR STONE: Yeah. There we go. That
 7 answers that.
 8 Any other items of discussion for the next
 9 meeting agenda? We have another two or three minutes.
 10 MEMBER MOIKEHA: Chair?
 11 CHAIR STONE: Yes.
 12 MEMBER MOIKEHA: Given the interpretation of
 13 what the time limit is for the public testifiers, do we
 14 need to revisit our rule on that? I didn't think that
 15 that's what it meant, but, apparently, it does.
 16 CHAIR STONE: I'm sorry? Oh.
 17 MEMBER MOIKEHA: Given the testimony --
 18 CHAIR STONE: During the break, Ed showed me
 19 the rule. It does state that.
 20 MEMBER MOIKEHA: That's the rule in our rules
 21 that we adopted?
 22 CHAIR STONE: Yes. It states that, on each
 23 agenda item, they need to be given time to discuss, a
 24 specific amount of time. So that was three minutes per
 25 agenda item, is that correct, Ed?

1 MR. KUSHI: Yes.
 2 MEMBER MOIKEHA: Does that mean for each
 3 agenda item, they get another three minutes to follow up
 4 on each one of those? Because that's our rule right
 5 now.
 6 CHAIR STONE: Yeah. Ed?
 7 MR. KUSHI: Yes.
 8 CHAIR STONE: Yes.
 9 MEMBER MOIKEHA: Okay. So my question is, do
 10 we need to go back and revisit that? Because that's a
 11 lot of time.
 12 CHAIR STONE: It's a long time.
 13 MEMBER MOIKEHA: This additional three minutes
 14 is something that I think is not usual in public
 15 meetings of the County. Council doesn't do an
 16 additional three minutes. Planning Commission doesn't
 17 do it that way, either. So that was something we kind
 18 of liberally added on as an additional thing.
 19 CHAIR STONE: I think -- I think that's a good
 20 point. Here's a proposal: How's about taking the
 21 second round as three-minute limit?
 22 MEMBER MOIKEHA: So we want to have that on
 23 the agenda item so we can discuss that?
 24 CHAIR STONE: We need to discuss that on the
 25 agenda item, right.

1 MEMBER MOIKEHA: That was my point.
 2 CHAIR STONE: So a change to the rule
 3 section -- Ed?
 4 MEMBER DEREKO: Section 11.
 5 CHAIR STONE: Discussion on a change to rule,
 6 section whatever that is, which we'll figure out. Okay.
 7 Yeah, that's a very good point because it could draw on
 8 forever and ever. However, again, we do want as much
 9 public input as we can get.
 10 Okay. Thank you very much. Any other items?
 11 MEMBER DELEON: It's 4:00.
 12 MEMBER OKAMOTO: I move we adjourn.
 13 MEMBER WIGER: I second.
 14 CHAIR STONE: Before we adjourn --
 15 MEMBER SUGIMURA: Is the website part of the
 16 PR committee?
 17 CHAIR STONE: Let me make sure I don't have
 18 anything else. I'm sorry. What was that, Commissioner?
 19 MEMBER SUGIMURA: I just wanted to make sure
 20 that the website, the discussion about the -- a website
 21 is part of the PR committee, subcommittee.
 22 CHAIR STONE: No. We're going to have them
 23 separate.
 24 MEMBER SUGIMURA: Okay. So that's another
 25 item.

1 CHAIR STONE: Yeah. No, no, no. The website,
 2 we decided, would be part of --
 3 MR. KUSHI: Yeah.
 4 CHAIR STONE: We would like it to be part of
 5 the subcommittee.
 6 MEMBER DELEON: Could I suggest we have one
 7 item?
 8 CHAIR STONE: Sure.
 9 MEMBER DELEON: We talked about connecting
 10 with the -- or communicating with the public and
 11 encouraging more participation.
 12 CHAIR STONE: Uh-huh.
 13 MEMBER DELEON: And then all these items will
 14 fall under that, rather than having miscellaneous items.
 15 CHAIR STONE: Yeah. That's -- that's the
 16 point.
 17 MEMBER CRIVELLO: Good suggestion.
 18 CHAIR STONE: All right. Sorry. Corporation
 19 Counsel has something to say.
 20 MR. KUSHI: Yeah, just housekeeping. So it's
 21 next week, Tuesday, we all leave to fly to Hana. What
 22 time do we need to report and where? So everybody knows
 23 what time and where.
 24 MEMBER DELEON: Airport, 4:30, commuter
 25 terminal.

1 MS. KAHUHU: Yes. And I will send by email
 2 and call Artemio, you know -- this is -- it will be as I
 3 confirmed today, but just so everybody has it in writing
 4 and it's clear. And, Artemio, I'll call you.
 5 CHAIR STONE: If there are no objections, this
 6 meeting is now adjourned at exactly 4:00 p.m. Mahalo,
 7 everyone, for coming. And thank you very much for your
 8 input and time.
 9 (Meeting adjourned at 4:00 p.m.)
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CERTIFICATE

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 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
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 10 accurate transcript of the proceedings had in the
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12 I further certify that I am not an attorney
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