

Approved 08/15/11

COUNTY OF MAUI, STATE OF HAWAII

CHARTER COMMISSION
PUBLIC HEARING

Held at the Lanai Community Center, Eighth Street
and Lanai Avenue, Lanai City, Lanai, Hawaii, commencing
at 7:00 p.m., on Wednesday, July 20, 2011.

Reported by: Tonya McDade, CSR, CRR
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1 (Wednesday, July 20, 2011, 7:00 p.m.)

2 * * *

3 CHAIR STONE: Aloha, everyone. Thanks for
4 coming tonight. My name is Josh Stone and I'm the
5 Chairman of the Maui County Charter Commission.

6 Before we begin oral testimony, we have a few
7 items of business that we need to take care of.

8 Firstly, I would like to call this meeting to
9 order as of 7:00 p.m. And I would like to have the
10 Commissioners introduce themselves, starting on the
11 right side of the table. Please, your name and, also,
12 where you come from.

13 MEMBER OKAMOTO: I'm Kay Okamoto, from here.

14 MEMBERS OF PUBLIC: Yay.

15 (Applause.)

16 CHAIR STONE: You can clap. It's okay.

17 MEMBER MOIKEHA: Susan Moikeha, from Kula.

18 MEMBER BAXA: Artemio Baxa, from Makawao.

19 VICE-CHAIR HEDANI: Wayne Hedani, from
20 Wailuku.

21 CHAIR STONE: Josh Stone, from Paia.

22 MEMBER HASHIMOTO: Clifford Hashimoto, from
23 that island they call Hana.

24 MEMBER SUGIMURA: Yuki Lei Sugimura, from
25 Kula.

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1 ATTENDANCE
2 BOARD MEMBERS PRESENT:

3 Joshua A. Stone, Chair
4 Wayne N. Hedani, Vice-Chair
5 Artemio C. Baxa, Member
6 Frank R. De Rego, Jr., Member
7 Clifford P. Hashimoto, Member
8 Wayne N. Hedani, Member
9 Susan A. Moikeha, Member
10 Linda Kay Okamoto, Member
11 Yuki Lei Sugimura, Member

12 BOARD MEMBERS EXCUSED:

13 Stephanie S. Crivello, Member
14 David P. DeLeon, Member
15 Flo V. Wiger

16 STAFF PRESENT:

17 Edward S. Kushi, Jr., First Deputy Corporation Counsel
18 Lisa Kahuhu, Supervising Law Technician

19 ADMINISTRATION PRESENT:

20 John Buck, Executive Assistant to the Mayor

21 OTHERS PRESENT:

22 Fairfax Reilly
23 Ron McOmber
24 Sally Kaye
25 Jerry Rabano
John Ornellas
Butch Gima
Caron Green
Winifred Basques
Joseph Felipe
Steve Bumbar
Sue Murray
Leticia Castillo
David Green
Steven West

1 MEMBER DE REGO: Frank -- woops. Sorry.
2 Frank De Rego from Kahului. Oh, I'm going to be it.
3 Okay. You want to go down the line?

4 CHAIR STONE: No, no. I'm sorry. Okay. So
5 that's our Commissioners joining us tonight. Lisa,
6 hopefully, we have excuses for the Commissioners that
7 aren't joining us.

8 MS. KAHUHU: Yes.

9 CHAIR STONE: Okay. Also, I would like to
10 introduce our staff for the evening. Here we have Ed
11 Kushi, Jr., who is Deputy Corporation Counsel. Ed.
12 Tonya McDade is sitting next to Ed, and she's our court
13 reporter. Very talented lady. Anything you say, she
14 will record, so be very careful. Also, Executive
15 Assistant to the Mayor, John Buck. Thank you for being
16 here. And Lisa Kahuhu, who is probably the most
17 important here tonight. Thank you for being here, Lisa.
18 She takes care of everything.

19 If you guys need copies of tonight's agenda or
20 if you need copies of the Maui County Charter, Lisa has
21 those copies available to the public. So anybody is --
22 please feel free to come up and grab copies of those.

23 Very good. Take your time. Come on up.

24 Also, anybody who would like to sign up for
25 testimony, oral testimony, please see Lisa Kahuhu to

1 (Pages 1 to 4)

1 sign up for oral testimony.
 2 Copies are \$12.50, payable to the Chair Josh
 3 Stone. Cash is acceptable.
 4 (Laughter.)
 5 CHAIR STONE: Copies of the Charter, Maui
 6 County Charter were available with Lisa Kahuhu, but they
 7 are no longer available with Lisa Kahuhu. We do this on
 8 a first-come, first-serve basis. Yes. We can have
 9 copies of the Charter mailed to people. And there is
 10 one more copy available. Thank you, Lisa, very much.
 11 The Maui County Charter has been referred to
 12 as the Maui County Constitution, and it is the document
 13 that determines the structure and organization of powers
 14 in the Maui County government. It is therefore very
 15 important for citizens of Maui County to have an
 16 opportunity to amend or modify sections of the Charter
 17 that they feel are inefficient or unfair. This Charter
 18 Commission is a unique opportunity for citizens of Maui
 19 County to put proposals to vote by the Maui County
 20 public.
 21 With that, I would like to begin oral
 22 testimony. Lisa, our first testifier, please.
 23 MS. KAHUHU: Is Fairfax Reilly.
 24 CHAIR STONE: Thank you. Mr. Reilly, thank
 25 you for coming. And, Mr. Reilly, I need to point out --

1 sorry, excuse me -- the rules for oral testimony. The
 2 Chair will allow three minutes for oral testimony by
 3 every testifier. If you need extra time, I will give
 4 you one minute. And if you need more time following
 5 that one minute, you can come back after the other
 6 testifiers. And the reason is so that everybody has a
 7 chance to give oral testimony tonight. All right? All
 8 right. Thank you very much. And thank you for coming.
 9 ...BEGIN PUBLIC TESTIMONY...
 10 MR. REILLY: Aloha. Thank you all for coming
 11 to Lanai and giving this opportunity for us to testify.
 12 I'm Fairfax Reilly, I go by Pat, 468 Ahakea Street. I'm
 13 a retired school counselor over here.
 14 I want to testify on Article 3, the
 15 composition of the Council. And I have -- I wrote a
 16 letter or a memo. And I'll just use some of my time to
 17 make a general discussion. I'm recommending -- and I've
 18 seen the discussion -- to retain the composition as in
 19 the present Charter.
 20 And as I thought through this, I'm not sure
 21 exactly when this composition was designed, but whoever
 22 came up with the idea to meet the Constitutional
 23 requirements of one person, one vote, and, yet, to allow
 24 the Council to have representation from the smaller
 25 communities -- and probably at those times were mostly

1 plantation communities -- I think was a very unique
 2 solution because it provides the Council with the
 3 ability to hear from the rural communities that
 4 otherwise would not have a strong voice.
 5 Now, the person that represents Lanai -- or
 6 the individual that represents Lanai, or runs for that
 7 office, we know their votes -- they're not going to win
 8 by the votes on Lanai. This requires them, then, to go
 9 to Maui, go to Molokai, to understand the issues of that
 10 -- those districts because that's how they're gonna win
 11 their election.
 12 Now, in contrast, somebody from Maui who knows
 13 they're going to win an election on Maui may not need
 14 Lanai votes. And, therefore, may be less familiar with
 15 the issues that face Lanai, Molokai, Hana.
 16 So that's the basis of my argument. I think
 17 it is a unique solution. I see testimony that says,
 18 well, on the mainland, of course, people can drive 200
 19 miles in a district, but when you have three islands, I
 20 think the situation is very different, and the unique
 21 needs of -- of Lanai and the unique needs of Molokai. I
 22 don't know how you get represented any other way.
 23 And I understand that the battle in the
 24 Council is for influence. I mean, that's what it's
 25 about. When you have nine members, you have to be

1 influential and convince people to vote for the issues
 2 that you think are important.
 3 But by the way that -- that the Lanai and
 4 Molokai seats have to run for election, I think that's a
 5 unique solution, because they have to take into account
 6 the issues on Maui, also.
 7 Thank you very much.
 8 CHAIR STONE: Thank you, Mr. Reilly, very much
 9 for your testimony. Commissioners, clarification on the
 10 testimony? Any questions? Commissioner De Rego.
 11 MEMBER DE REGO: Thank you very much for your
 12 testimony. I just have one question. Does it bother
 13 you in any way, shape or form, if there are two
 14 candidates from this particular district who meet the
 15 residency requirements, but the person who wins actually
 16 wins because of Maui votes and actually loses within
 17 their own district? Does that -- does that bother you
 18 in any way, shape or form?
 19 MR. REILLY: Thank you. I reflected on that
 20 today. Again, I see, to some extent -- part of it is
 21 who runs for office and how many candidates can you get
 22 no matter how you design your electoral districts to run
 23 for office. Running for office in and of itself is
 24 expensive, time-consuming and very demanding. If we --
 25 the second part of it, to me, it balances off because

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|---|--|
| <p style="text-align: right;">Page 9</p> <p>1 that candidate -- now you're posing a question where you 2 could -- you know, we know the votes from the Lanai 3 precinct, but I think it balances out because, in order 4 to win, you have to get votes from Maui and Molokai. 5 You have to -- and even in a closely contested election, 6 that person has to go to all the islands because they 7 cannot guarantee, unless it's very close, that Lanai 8 will swing their vote. So I still think there's an 9 advantage to the operation of the Council to have people 10 from the rural communities present their views to the 11 whole Council that may actually influence some of the 12 decisions of the Council. I don't know if that makes 13 sense.</p> <p>14 MEMBER DE REGO: Can I just -- 15 CHAIR STONE: Commissioner De Rego. 16 MEMBER DE REGO: I don't want to put words in 17 your mouth. So, basically, what you're saying is, under 18 the present system, at least you're assured of somebody 19 from Lanai, even though Lanai did not particularly vote 20 for the individual within their residency area? 21 MR. REILLY: Okay. I will -- I'll repeat my 22 words. 23 MEMBER DE REGO: Okay. 24 MR. REILLY: The fact that there is a seat, 25 someone from Lanai that is familiar with the issues of</p> | <p style="text-align: right;">Page 11</p> <p>1 that that's going to be the case. It's -- the other way 2 around is that the individual that represents Lanai must 3 be more familiar with the issues in the other districts 4 in order to get elected. 5 MEMBER BAXA: Okay. Okay. But your key 6 point, then, is that so long as the person comes from 7 Lanai? 8 MR. REILLY: My -- my presentation is to 9 retain the present and have a seat from Lanai. Yes. 10 MEMBER BAXA: And you do not have any question 11 as to whether that person is being voted county-wide? 12 MR. REILLY: Now, I may be confused by your 13 question because they -- in order to meet the one 14 person, one vote, they must be voted county-wide. 15 There's no way we would have enough people on Lanai to 16 form our own district. 17 MEMBER BAXA: No. I just wanted to clarify 18 that. You have no objection to that? 19 MR. REILLY: I'm not sure anymore what the 20 "that" is. But what I want -- and maybe it's better 21 that I argue for what I want. I want to retain the 22 present situation. I don't have any problem with that, 23 that there's a Lanai seat. Maybe that's the best way to 24 me to put it. I don't have any problem -- 25 MEMBER BAXA: Okay.</p> |
| <p style="text-align: right;">Page 10</p> <p>1 Lanai, but not exclusively, they have to also be 2 familiar with issues on Molokai and Maui in order to win 3 the election. But if you look at it the other way 4 around, would somebody on Maui be as familiar with the 5 Lanai issues? To me, the balance is on the favor of 6 keeping the seat here. 7 Thank you very much. 8 MEMBER DE REGO: Thank you. 9 CHAIR STONE: Commissioners, further 10 clarification from the testifier? 11 MEMBER BAXA: Mr. Chair? 12 CHAIR STONE: Commissioner Baxa. 13 MEMBER BAXA: It's not really a clarification, 14 but I just wanted to hear again from Mr. Reilly. If I 15 understand from what you submitted, one of the main 16 reasons why you also favor this is that if the 17 councilmember are being voted county-wide, at least 18 people from the other areas, like Maui, Kihei, Lahaina, 19 will have still interest on Lanai because they will be 20 forced to understand this place as well. Is that 21 correct? 22 MR. REILLY: Not exactly. It's actually -- 23 it's the other way around. It's that I would hope that 24 people from other districts would be as familiar with 25 Lanai as the person from Lanai is, but I usually doubt</p> | <p style="text-align: right;">Page 12</p> <p>1 MR. REILLY: -- with the existing -- 2 MEMBER BAXA: Thank you very much. 3 CHAIR STONE: Thank you. Commissioners, any 4 further clarification? 5 (Silence.) 6 CHAIR STONE: No. Thank you so much, 7 Mr. Reilly, for your time. Thank you for being here 8 tonight. It's much appreciated. Thank you. 9 (Applause.) 10 CHAIR STONE: I love the applause, yes. 11 Lisa, next testifier, please. 12 MS. KAHUHU: Ron McOmber. 13 MR. MCOMBER: This is what happen when you 14 live in Lanai too long. 15 CHAIR STONE: Too long, too much good times. 16 Mr. McOmber, thank you so much for coming tonight. We 17 appreciate it. 18 MR. MCOMBER: Good evening. My name's Ron 19 McOmber. And I've lived on Lanai for 42 years, so I'm 20 not a -- I'm not a newcomer. 21 I'm going to support everything Pat said. We 22 definitely need our representation from somebody on 23 Lanai to be on the Council. It's very important. So I 24 won't hash that -- won't do that because there's other 25 more important -- or not more important, but as</p> |

3 (Pages 9 to 12)

1 important things.
 2 Because I have sat on commissions and boards
 3 in the County -- and one of -- my favorite one is the
 4 Liquor Commission and the Adjudication Board -- I surely
 5 think that we need to have those commissions continue.
 6 Let me tell you why. And if you watch
 7 Honolulu and their liquor problems and their liquor
 8 inspectors, they all have it under one roof. That makes
 9 them overpowering.
 10 The Liquor Adjudication Board and the
 11 Commission are separate entities. They're both
 12 nine-member people -- nine-member commissions which have
 13 nothing to do with each other. One issues the licenses,
 14 the others adjudicates the license when they sell to
 15 minors, or whatever the problem may be. So it really
 16 does make it kind of safeguarded. Nobody has that
 17 overpowering position to run amok like they did in
 18 Honolulu on several occasions.
 19 I am concerned -- and I heard at the beginning
 20 of the evening that you will be back -- because if
 21 you're only going to get three minutes from all of us,
 22 it's not fair to us. Because we don't know what the hot
 23 button issues are that have been talked about. I've
 24 seen some of the paper. I've seen where we should form
 25 a special council for Lanai that would be in place of.

1 Let me tell you something. This is a company
 2 town, run by Castle & Cooke. If you do that, we'll do
 3 the same thing we did with the Planning Commission, can
 4 be nobody in -- in that position, in a managerial
 5 position to sit on the Lanai Planning Commission,
 6 because that would be a political overlay.
 7 And in this town, it's really hard to find
 8 people to sit on boards and commissions here because
 9 there is so many people working for the company.
 10 They're afraid to speak up. Either they're afraid to
 11 speak up or they just don't want get involved. And it
 12 is a political thing.
 13 Again, I'll support Pat solely on this. We've
 14 got to have our own commissioner -- councilmembers.
 15 To follow up on -- on Frank's question a
 16 little bit. If you see -- do you ever see somebody run
 17 against somebody on Molokai? No, you don't. That means
 18 the people on Molokai are satisfied with the person
 19 they've got.
 20 What the folks that live on the outside
 21 islands need to watch, on -- on Maui, if you have two
 22 people from Lanai running for that same seat, why is
 23 somebody running against that person? You folks need to
 24 put that up here and say, well, wait a minute, this is
 25 -- he's not doing his job or her job. Then you might

1 think of it that way and find out why. Because if
 2 you're in office, and you've run for a long time,
 3 automatically you know people and know places and -- and
 4 you're very politically entombed on Maui Island.
 5 So if you see that on Lanai, and you see two
 6 Lanai people and one of them is already running in that
 7 position, he already holds that position, you might
 8 think to yourself, then why is this person running
 9 against him. And that might just be the key that you
 10 might look at it that way and why is that happening.
 11 Goro Hokama never had anybody run against him.
 12 Never did. How many years? 34 years, 36 years,
 13 something like that. Unbelievable.
 14 Again, thank you very much for coming and --
 15 and your precious time.
 16 I could go through this Charter and give you
 17 all my own personal opinions, but I would like to see
 18 what you folks are going to put together and have us
 19 look at that and critique that as a final product, to be
 20 fair to you. But one thing that stands out, we need
 21 equality on this island in everything we do. And please
 22 do that.
 23 Thank you very much.
 24 CHAIR STONE: Thank you. Thank you so much
 25 for your testimony. It's much appreciated. Question

1 here from Commissioner Sugimura.
 2 MEMBER SUGIMURA: Thank you very much for
 3 testifying. I just want to ask you a question about
 4 your involvement with Liquor Commission and
 5 Adjudication. So right now, the director for the Liquor
 6 Commission is hired through the commission. So what are
 7 your feelings about that versus -- because we've heard
 8 people say that, well, we should get rid of both, but
 9 the mayor should hire the director. So what is your
 10 feeling and why?
 11 MR. MCOMBER: I've been -- I sat on it for
 12 about 15 years --
 13 MEMBER SUGIMURA: Wow.
 14 MR. MCOMBER: -- between the two. I bounced
 15 from one, went to the other, and went back again. And
 16 that's probably one of the best run commissions in the
 17 County, if you want to know the truth. Frank is hired
 18 by the Commission. Not by the Adjudication Board; by
 19 the Commission. I think if Frank was -- was not doing
 20 his job and not supporting his people and his
 21 inspectors, that he would be bounced.
 22 I think it would be a political football if
 23 you give it to the mayor to do. The reason I'm not on
 24 the Liquor Commission right now is because we have a new
 25 mayor, and new people.

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1 Oh, by the way -- thank you for saying that.

2 By the way, one thing that sticks -- we need more people

3 on boards and commissions from Lanai. I don't know how

4 you can structure that in there, but we need -- right

5 now, we have nobody on the Police Commission on Lanai or

6 the Liquor Commission or the Liquor Adjudication Board.

7 And there's several other boards that are very important

8 that we get the word out about Lanai in Maui County.

9 And right now, we have very few people on

10 board. What, three or four people, counting Kay?

11 So it really needs to spread it so Lanai can

12 spread their name out in the County and what's going on

13 in Lanai with the development and everything else. We

14 need more people on commissions and boards.

15 Thank you very much.

16 You can put that in there.

17 CHAIR STONE: Thank you. Commissioners,

18 further clarification or questions?

19 (Silence.)

20 MR. MCOMBER: They're afraid to ask.

21 CHAIR STONE: No. Very good. Thank you so

22 much for your testimony.

23 MR. MCOMBER: Thank you so much.

24 CHAIR STONE: Thank you for being here this

25 evening. It's much appreciated. Thank you. Lisa, next

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1 testifier, please.

2 MS. KAHUHU: Sally Kaye.

3 CHAIR STONE: Sally, thank you very much for

4 being here this evening.

5 MS. KAYE: Thank you for coming to see us.

6 Aloha.

7 CHAIR STONE: Aloha.

8 MS. KAYE: I have a number of suggestions and

9 recommendations for you folks to consider. And I've

10 submitted some detailed comments on each of the ones

11 that I'm going to make. So for time constraints, I'll

12 just mention them for the record.

13 First: I would ask that you please consider

14 strengthening the selection process for boards and

15 commissions to ensure that Lanai and Molokai are

16 represented as nearly as possible.

17 Second: I would ask you to please consider

18 amending Section 3-2, the election section, to

19 reinstitute the closed partisan primary system.

20 Hawaii's among a handful of states with open primaries.

21 And voter turnout has fallen from 75 percent in 1978,

22 the last year of closed primaries, to a little over 40

23 percent in the last two elections.

24 Next: I would ask that you consider amending

25 Section 3-2(5) to extend Council terms to four years,

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1 or, in the alternative, eliminate term limits. I think

2 the learning curve for new councilmembers is so steep,

3 and to have to run every two years is insane. I checked

4 -- I did some research around the country and other

5 areas. And I can't find very many that -- that have

6 two-year terms.

7 Again, I will -- I will agree with the two

8 previous speakers, please reject district voting. This

9 is a unique place. It needs its own voice. And I think

10 the notion of having an elected board is, quite frankly,

11 moronic. It would be a disaster. So please do not go

12 there.

13 I would -- I would also ask that you consider

14 eliminating the Department of Transportation as a

15 standalone and incorporate it as a deputy position in

16 Public Works. It seems to make sense to me that that's

17 where it would belong. And I believe your

18 administrative costs savings would be significant.

19 I would also ask that you amend the Charter to

20 require that the department heads be approved by County

21 Council, not just appointed by the mayor.

22 The next one is -- it's a little longer. I

23 would hope that you folks would take a look at Section

24 8-8.3, Powers, Duties and Functions of the Planning

25 Department. There's -- I would like to see them add a

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1 five-year audit of projects that receive conditional

2 zoning. The Maui County Code permits County Council to

3 impose conditions when a change in zoning is requested.

4 There's a section that requires these conditions to be

5 performed by a time certain or within five years. We've

6 learned over the years that compliance with these

7 conditions doesn't occur and that there's rarely any

8 checking on whether these conditions have been met. And

9 a failure to meet them, actually, could revert -- could

10 cause reversion to the previous zoning. And no one's

11 watching. And in some cases, zoning is granted and

12 classification goes up, the taxation level goes up, and

13 no one's collecting the taxes.

14 So I think it would be a really good move for

15 the Planning Department or another body to be conducting

16 some sort of audit to see which projects are hanging out

17 there that have never complied with the conditions

18 imposed by County Council.

19 So the last one is, actually, a spin-off of

20 this one. I would hope that you folks would consider

21 establishing a county auditor rather than hiring an

22 independent body. And I've submitted the language that

23 Kauai County used when they changed their Charter.

24 Thank you.

25 CHAIR STONE: Thank you, Sally. Very

5 (Pages 17 to 20)

1 eloquent, a lot of good points. Thank you so much for
2 coming tonight. Commissioners, clarification or
3 questions? Kay.

4 MEMBER OKAMOTO: On your first point that's
5 printed, when you're talking about closed versus open
6 primaries, so you are saying go back to partisan
7 elections?

8 MS. KAYE: Did I -- did I forget to say
9 partisan? I meant to.

10 MEMBER OKAMOTO: I think you did, but --

11 MS. KAYE: Yes. That is --

12 MEMBER OKAMOTO: So we would go back to
13 democratic/republican elections. And that there was a
14 giant drop when we changed -- in voting when we changed
15 that.

16 One thing that I see written that I don't know
17 that you covered, on your reject district voting, you're
18 also asking to strengthen the residency requirement.

19 MS. KAYE: Yes. I'm sorry. Because I did
20 have it in writing, I didn't -- yes. I think -- and
21 I'll read this. This might -- this might clarify it.

22 To be eligible for election or appointment to
23 the Council, a person must be a citizen of the United
24 States, a voter of the County, a resident of the County
25 and the area from which the person seeks to be elected

1 one. And I think Ms. Johnson is probably doing a
2 fabulous job, but it -- it might be a more economical
3 way to proceed to have it as part of Public Works where
4 engineering and highways and all of those tasks are
5 already seated.

6 MEMBER BAXA: You realize, though, that the --
7 the Public -- Department of Public Works, since applied
8 to Public Works, and Transportation does not seem to
9 fall in that, so the focus will be taken out if you put
10 the Department of Transportation under the Department of
11 Public Works.

12 MS. KAYE: I understood the Department of
13 Transportation to be pretty much focused on public
14 transportation. Is that not the case?

15 MEMBER BAXA: Yes. No. The other one is
16 Public Works and the other one is transportation, it's
17 transportation.

18 MS. KAYE: But you use -- you use the
19 infrastructure to transport people, so -- just a
20 suggestion.

21 MEMBER BAXA: Yeah. No, I mean -- yeah. But
22 I just want to -- it's simply for economic reasons?

23 MS. KAYE: Well, I think if -- if -- an
24 auditor position -- if the county auditor was hired, you
25 would want to save money. And it looked like a place

1 for a period of one year preceding the filing of
2 nomination papers and at the time of filing.

3 MEMBER OKAMOTO: So that would be the change
4 that you're asking for?

5 MS. KAYE: Yes. Yes. Thank you, Kay.

6 CHAIR STONE: Thank you. Commissioners,
7 further clarification or questions? Commissioner Baxa.

8 MEMBER BAXA: Please, Mr. Chair. Ms. Kaye,
9 what do you think really -- you say that the person is a
10 voter from the closed primary election to -- primary
11 election to this open -- open primary thing, it suddenly
12 dropped considerably.

13 MS. KAYE: Uh-huh.

14 MEMBER BAXA: Aside from that fact, why do you
15 think it really dropped? Would there be more interest,
16 you think, when people have democratic/republican party
17 running against each other?

18 MS. KAYE: Yes.

19 MEMBER BAXA: I see. Second question that I
20 have for you is on the Department of Transportation. Is
21 it primary for economic reasons that you want the -- you
22 want the director's position to be eliminated and become
23 a deputy under Public Works?

24 MS. KAYE: It seems to me that the scope of
25 the Department of Transportation is a fairly limited

1 that you might be able to get some of that.

2 MEMBER BAXA: Don't you think that some focus
3 will be taken out if you are going to put it under the
4 Department of Public Works?

5 MS. KAYE: Well, I thought about that because
6 then you -- you don't have a standalone fighting for its
7 own budget, it's within the department. But I'm -- I'm
8 not -- I'm not privy to the internal working of the
9 budget to answer your question in detail.

10 MEMBER BAXA: I see. Thank you, ma'am.

11 CHAIR STONE: Thank you. Commissioners,
12 further questions or clarification?
13 (Silence.)

14 CHAIR STONE: No. Thank you so much for
15 coming this evening. It's much appreciated. Thank you.
16 Lisa, next testifier, please.

17 MS. KAHUHU: John Ornellas.

18 CHAIR STONE: Mr. Ornellas. Good evening,
19 Mr. Ornellas. Thank you for coming.

20 MR. ORNELLAS: Thank you guys for coming to
21 Lanai. We been waiting for you guys for a while, a long
22 while, at least 10 years.

23 Linda Kay Okamoto, she is one of our shining
24 stars here on Lanai. She's very involved in our
25 community. And we're very happy that she is sitting on

1 -- and -- and I think you guys already have -- have
2 heard her brilliance and will continue to look for Lanai
3 in the future.

4 I'm -- I'm really going to just talk about the
5 district voting. This area -- I don't know -- I've --
6 I've heard over the years a certain group of people
7 wanting to get more influence, as Pat said, more
8 influence on the Council. So, basically, their thoughts
9 are different than what our thoughts are as far as the
10 rural areas. I think it's okay with them to throw us
11 out and not let us participate in our government. Right
12 now, we only have one person that represents Lanai both
13 in the County and the State Legislature. Only one.

14 So if we're gonna be shoved off with Kihei or
15 Lahaina -- we have 1,500 registered voters, usually the
16 average is about 800 that actually vote. So guess
17 what's going to happen the next election if -- if this
18 district voting goes into effect? We will not have a
19 representative in our government that represents the
20 island of Lanai. Just we won't have it. We just don't
21 have the votes.

22 It's important -- I mean, couple years back,
23 it was five people that ran for the Lanai seat on the
24 Maui County Council. Five. It was actually four, but
25 then -- but, you know, that's -- that's a pretty good --

1 that's a pretty good turnout for an island that has
2 3,000 people and 1,500 registered voters, and five
3 people thought that they could do the job to represent
4 this island on the Maui County Council. So if you take
5 that -- if -- if the County -- if you guys put this on
6 -- on the ballot -- and I'm pretty sure that you guys
7 have the authority not to put this on the ballot. So I
8 don't even want to see it as a recommendation coming
9 from you guys. Let's just not get it on the ballot and
10 let it go as it is.

11 I mean, look at -- look at our history
12 throughout the years, from 1955 on. You know, we've had
13 probably some of the greatest statemens -- statemens --
14 statesmen in Hawaii that came from this island or from
15 Molokai. Pat Kawano, Goro Hokama, these guys -- these
16 guys are etched in stone over on -- in Wailuku. So we
17 may have some more of these statesmen that are here that
18 may not have that opportunity.

19 So that's all I got to say.

20 CHAIR STONE: Thank you, Mr. Ornellas. Thanks
21 very much for your testimony. Commissioners,
22 clarification? Commissioner De Rego.

23 MEMBER DE REGO: Thank you for your comments
24 John. Let me ask you a question that is related to what
25 you've just spoken about in your testimony, but not

1 directly related to district voting. Something to think
2 about, at least, when you're looking at the Charter. Is
3 there a way, considering what has gone on in the past in
4 terms of residency issues, for representatives in this
5 island, that the Charter could actually strengthen the
6 evidence or proof necessary to ensure that persons are
7 actually residents of the districts in which they're in?

8 I mean, I'm just kind of asking the question.
9 I don't want to put you on the spot. But, you know,
10 that might be something that residents of the community
11 might look at the Charter with an eye to, in terms of
12 being able to come up with suggested language in a way
13 to sort of ensure or, at least, as much as possible,
14 obviate the necessity of having the kind of litigation
15 that has occurred in the past. But it's just something
16 that occurred to me during your testimony. I would
17 appreciate your sort of reaction to that.

18 MR. ORNELLAS: Uh-huh. Okay. I don't think
19 -- I don't think changing the law -- I don't -- changing
20 the Charter is not the problem. The County cannot --
21 cannot create a law that supersedes a state law and vice
22 versa as the State cannot supersede a federal law. Our
23 election laws are State-mandated. And in that law is
24 the -- the term -- the vague term of shall return or --
25 or intend to return. That's -- that was the hangup in

1 -- in the -- in that.

2 MEMBER DE REGO: Uh-huh.

3 MR. ORNELLAS: So as far as you guys spending
4 time on that, you could, but you would be basically
5 barking up the wrong tree because it's, actually, a
6 state. And -- and that law was made by politicians for
7 politicians. And that's the fight we had for -- and
8 we're still waiting for a decision, but that's a fight
9 we've had for the last two and-a-half years.

10 So it's gonna be hard, but I don't think it --
11 I don't think it should be involved, and you guys
12 shouldn't spend any time on it. And let the -- the
13 State Legislature fix their own problems.

14 CHAIR STONE: Thank you. Commissioners, any
15 further clarification or questions?

16 (Silence.)

17 CHAIR STONE: Mr. Ornellas, thank you again --

18 MR. ORNELLAS: Thank you very much.

19 CHAIR STONE: -- so much for coming. Thank
20 you. Aloha.

21 MR. ORNELLAS: Nice to see you again, Wayne.

22 CHAIR STONE: Lisa, next testifier, please.

23 MS. KAHUHU: Jerry Rabano.

24 CHAIR STONE: Mr. Rabano, thank you for
25 coming.

1 MR. RABANO: Aloha ahiahi. Welcome to Lanai.
 2 Thanks for coming to Lanai.
 3 CHAIR STONE: Aloha. Thank you.
 4 MR. RABANO: My concern about the district
 5 voting will be very brief. I don't have time to beat
 6 around the bushes, you're giving me three minutes.
 7 District voting for the island of Lanai is a
 8 big concern. We want, need and shall have a
 9 representative that does not only live on Lanai, that
 10 knows the history of Lanai, because of a one-employer
 11 entity, lack of government funding, lack of government
 12 employment here. Okay. So we need that district
 13 voting. We need our representative.
 14 I've seen, in the past, some of the candidates
 15 that used to run. And I'm familiar with the history of
 16 Lanai. So the makeup of it, for someone to be a
 17 resident of Lanai is only valid that they are aware of
 18 the area and the history and why it was established in
 19 culture, environmental and the needs and wants of the
 20 working families, from the plantation to now tourism.
 21 The population has changed dramatically for the island
 22 of Lanai.
 23 As far as term limits is concerned, I would
 24 have four-year terms than two. When they're done with
 25 their four-year term, I would like to propose that they

1 not run again. They can run for other offices. But
 2 sometimes you have individual where there's a hidden
 3 agenda. They feel it's a power trip. So four years
 4 would be more than welcome to get things accomplished
 5 for the island of Lanai, Molokai, as their own
 6 representative.
 7 Leave the status quo as is. We don't want be
 8 joined with Kula and Kula's -- and no offense to you, my
 9 dear -- with Lanai's issue. Our geography on the north
 10 shore and on Lanai is totally different from Kula, even
 11 though you're mauka and we're mauka city. The history
 12 of Lanai from Molokai -- facing Molokai is Keeaumoku
 13 side. There's a lot of stuff down there that needs to
 14 be preserved culturally. So district voting should
 15 remain the status quo with the intent of four-year
 16 service.
 17 Among that, in the requirement of residency,
 18 how many of Lanai people are truly citizen of the U.S.
 19 Government? We have a lot of immigration coming in.
 20 Have you guys looked at that carefully? Therefore,
 21 whether it's union, non-union, people living here, that
 22 one-year residency is not really becoming a gift of
 23 aloha.
 24 I live there in residence. Big deal. Do you
 25 know Keeaumoku side? Do you know what it consists of?

1 Do you know the plant that grows there? Aole
 2 (phonetic). You folks should know that. If you're born
 3 and raised in Lanai, or any of the Hawaiian Islands,
 4 you're familiar with that. The manao and what is pono
 5 should be perceived to represent the people of Lanai as
 6 well as their district.
 7 Thank you. Mahalo.
 8 CHAIR STONE: Thank you, Mr. Rabano. Just a
 9 point in fact, you do have four minutes to speak, if you
 10 like, plus three minutes after the other testifiers. So
 11 you have a total of seven minutes, if you need to keep
 12 going.
 13 (Laughter.)
 14 CHAIR STONE: Very eloquent testifying. Thank
 15 you so much. Commissioners, any questions or
 16 clarification? Please, Commissioner.
 17 MEMBER SUGIMURA: Excuse me. That was very
 18 good. I enjoyed your presentation.
 19 So you're basically -- we'll go back to the
 20 first speaker. So you, basically, agree with Pat Reilly
 21 that things should stay where have a representative,
 22 like a councilmember, that represents Lanai and they're
 23 voted at-large which means that everybody in the county
 24 can vote for your councilmember as well as -- you can
 25 vote nine times, basically.

1 MR. RABANO: Correct.
 2 You use the word at-large. I have an article
 3 here. We have two at-large senate legislature. I'm
 4 going to throw this at you folks because the reality is
 5 they're here only voting time. They're not here to hear
 6 Lanai or Molokai's issues, whether it's cultural,
 7 environment and foregoing. Kalani English, that I used
 8 to campaign for, hasn't come to Lanai for one year.
 9 I've seen Mele Carroll come, God bless her for coming.
 10 But I would like to see the State Legislature come to
 11 the island of Lanai and have a town meeting, listen to
 12 the general community concerns.
 13 So the at-large is not really, really focusing
 14 on the neighbor islands that they should. And that's
 15 where the problem comes in on the state level.
 16 MEMBER SUGIMURA: Thank you.
 17 CHAIR STONE: Thank you. Commissioners?
 18 Commissioner Okamoto, please.
 19 MEMBER OKAMOTO: I think what she's referring
 20 to on the difference in the at-large, at the County
 21 level, we vote for all nine and everybody in the County
 22 votes for those nine. Correct? But our senate really
 23 is considered district, but we're sharing them with lots
 24 of other districts.
 25 MR. RABANO: That's true.

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1 MEMBER OKAMOTO: That's the difference.
 2 MR. RABANO: I agree with you. Yeah. So, you
 3 know, leaving it as status quo makes more sense for us
 4 to benefit in the long run.
 5 CHAIR STONE: Thank you. Commissioners,
 6 further questions or clarifications?
 7 (Silence.)
 8 MR. RABANO: Once again, mahalo for your time.
 9 CHAIR STONE: Thank you, Mr. Rabano, for
 10 coming. Thank you so much.
 11 Lisa, next testifier, please.
 12 MS. KAHUHU: Butch Gima.
 13 CHAIR STONE: Sorry, Lisa. Was that Lima?
 14 MS. KAHUHU: Gima. G-I-M-A, Gima.
 15 CHAIR STONE: Gima. I'll just call him Butch.
 16 Butch, thank you very much for coming tonight.
 17 MR. GIMA: Thank you. Good evening. My name
 18 is Butch Gima. I'm a resident of Lanai, born and raised
 19 here. I'll be testifying on two issues; one is
 20 redistricting and the second is on the residency
 21 requirement. I'll start with the residency
 22 requirements.
 23 As you know, there are a number of us that
 24 litigated the residency issue with Sol Kaho'ohalahala
 25 and, most recently, with Riki Hokama. And I wish I

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1 could provide you specific language to include in the
 2 Charter that would tighten it up so we could avoid
 3 litigation like we did for the last couple years.
 4 As it is right now, we have a county
 5 government and a judiciary pretty much condoning
 6 carpetbagging. Sol and Riki live on Maui. Everybody
 7 knows that. And so they're, basically, condoning that.
 8 A lot of County funds were expended for both
 9 -- both trials or hearings. A lot of funds were
 10 expended by Riki, Sol. And in putting together our
 11 case, I think that was unnecessary.
 12 I think the County Clerk did not do a good
 13 job. And, unfortunately, we did not have the funds to
 14 litigate the Riki Hokama Board of Voter Registration
 15 hearing.
 16 You can strengthen the language, but it will
 17 then require follow-through and enforcement by the --
 18 the County and the State. And the ability to litigate
 19 will weigh heavily on whether the strengthening of the
 20 language will help or not.
 21 It's a tough job. And I agree with John that
 22 -- that I think you have to work in concert with -- with
 23 state statutes.
 24 We need representatives from Lanai who live on
 25 Lanai. They may -- you know, Riki and Sol have a lot of

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1 aloha for -- for Lanai, but they don't live here, plain
 2 and simple. It's a slap in the face to the residents of
 3 Lanai what happened in Judge Cardoza's court and in the
 4 Board of Voter Registration hearings. Hopefully, can
 5 you assist us on that.
 6 On redistricting, plain -- plain and simple,
 7 don't change things. We do not want to risk Lanai not
 8 being represented.
 9 About a year and-a-half ago, I received a
 10 flyer from a Kihei group proposing three or four
 11 alternatives. And only one, I believe, would leave
 12 Lanai as is. Most of the others were canoe districts.
 13 Canoe districts don't work. They don't work now. Mele
 14 and Kalani, with best intentions, cannot represent their
 15 canoe districts.
 16 It didn't work when the canoe district was
 17 tied with Kauai, in the -- in the nineties. On top of
 18 that, when the funds are low in county and state
 19 governments, travel gets cut. And who loses out?
 20 Molokai and Lanai, every freaking time.
 21 You have a responsibility to assure that we
 22 have, I'd say, equitable representation. I think we
 23 would like to achieve equal representation, but I think,
 24 in reality, equitable representation is something that
 25 we can live with.

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1 If people are pressuring you to change the
 2 districting, district -- redistricting, I think it's
 3 your responsibility to determine what is the intent. Is
 4 the intent for better representation by all districts or
 5 better representation just for the Maui Island? And if
 6 it is only for the Maui Island, then you are shirking
 7 your duties by allowing canoe districts.
 8 Now --
 9 CHAIR STONE: Butch, I hate to interrupt you.
 10 Four minutes are up. You are welcome to come back for
 11 another three minutes following the other testifiers, if
 12 that's okay with you.
 13 MR. GIMA: Sure.
 14 CHAIR STONE: Your testimony is much
 15 appreciated.
 16 Commissioners, up to this point in Butch's
 17 testimony, is there any questions or clarifications?
 18 Please, Commissioner Hedani.
 19 VICE-CHAIR HEDANI: Butch, I appreciate your
 20 testimony.
 21 One of the questions that I have, that I'm
 22 wrestling with in my mind, is on the residency issue.
 23 You know, a person comes from Lanai, how you determine,
 24 you know, he's a resident of the island.
 25 And the difficulty that I'm wrestling with --

1 I'm not in favor of redistricting or changing, you know,
2 districts, combining Lanai with another portion of Maui,
3 or whatever, but my perspective, I think, you know,
4 having a person come from Lanai is important for the
5 County Council. And I think that that's what the people
6 that crafted the existing language thought, and built it
7 into the system that way, because they wanted equity for
8 Lanai and Molokai and the smaller communities.

9 The problem that I have is, you almost have to
10 have a person that can be independently wealthy and own
11 a house on Lanai and a house on Maui at the same time
12 because the job is not a part-time job anymore. It's
13 five days a week, you got to be there, and there's 13
14 committees that they're sitting on and the committees
15 meet all the time.

16 How do you wrestle with that? And how do you
17 determine, you know, if the person is -- does it make it
18 for only people that are wealthy enough to own their own
19 home here and another house on Maui eligible to become
20 councilmembers at that point?

21 MR. GIMA: Well, I don't think -- I don't
22 think you can legislate that you have to be
23 independently wealthy. And nor can you assume that you
24 have to own a home here to be able to represent Lanai.
25 You're right, it is costly having to have a place over

1 sure, you know. And at least to make sure that
2 residency requirements and the laws sort of are
3 tightened up, defined better, and there's better
4 follow-up on the County level for that. I mean, if --
5 and I might be out of order here, but, you know, we
6 might at least make mention of that in our report, that
7 says something to that effect, you know.

8 Because I hear what you're saying. It's an
9 issue that needs to be resolved. It is a state law. I
10 don't think there's anything wrong with the Charter
11 Commission looking at the issue, saying there's really
12 nothing we can do, but we recommend that these steps be
13 taken in order to clarify the issue. You know, at least
14 we could at least make a statement in that regards. But
15 --

16 MR. GIMA: Yeah. I -- I rarely disagree with
17 my good friend John, but I disagree with him on this
18 one. And I think you should --

19 MEMBER DE REGO: That's what I was trying to
20 get at. No.

21 (Laughter.)

22 MR. GIMA: Make a strong statement in -- in
23 writing because then, even though the state statute may
24 or will supersede the County Charter, at least on a
25 County level, it makes it real clear, it sets a --

1 on Maui, but it's still workable. I mean, there are a
2 lot of us here who have family over on Maui. We
3 wouldn't necessarily have to rent an apartment or buy a
4 car and leave it over there. Obviously, there may be
5 people who have to do that, but that wouldn't be always
6 the case.

7 CHAIR STONE: Thank you very much.
8 Commissioners? Commissioner De Rego.

9 MEMBER DE REGO: So in contrast to what I
10 asked John earlier, do you think it would be a mistake
11 or a waste of our time to be looking at this issue?
12 Because I'm thinking that even though there's maybe not
13 language -- and I'm thinking out loud right now -- that
14 we could do to strengthen the residency requirements,
15 there might be at least something mentioned in the
16 report that this is something that -- since we're going
17 to be sending this to the Council as well, you know, as
18 a part of recommendations of things that need to be
19 looked at in concert with the State. I don't know if
20 that's within our mandate as a Charter Commission, but
21 we -- I'm sure, at some point in our report, we can make
22 observations about things that we've noticed that maybe
23 don't -- you know, make suggestions for language, but,
24 you know, get in the point that you're saying that the
25 County has to work in concert with the State to make

1 the -- the spirit of law of residency is in the Charter.
2 And I think that's what we have to convey in the
3 Charter, in -- in the media and in discussions with --
4 with our residents who, you know, want to run for
5 Council.

6 MEMBER DE REGO: Thank you very much.

7 CHAIR STONE: Thank you.

8 MEMBER BAXA: Mr. Chair?

9 CHAIR STONE: This is what happens when
10 Commissioners think out loud.

11 (Laughter.)

12 CHAIR STONE: Thank you very much,
13 Commissioner De Rego, for thinking out loud.

14 Commissioner Baxa.

15 MEMBER BAXA: Mr. Delima -- yeah, Mr. Lima.

16 MEMBER OKAMOTO: Gima.

17 CHAIR STONE: Gima.

18 MEMBER BAXA: Gima.

19 CHAIR STONE: Gima. It's a G.

20 MEMBER BAXA: Gima. Okay. Thank you for
21 coming in.

22 The first thing that I would like to suggest
23 is this: I know that your reasoning are very clear,
24 very sound. And if you did not have enough time for you
25 to express yourself -- everything that you said will be

| | |
|--|--|
| <p style="text-align: right;">Page 41</p> <p>1 there, but if, for chance, you did not have enough time</p> <p>2 to speak out your thoughts, please submit something in</p> <p>3 writing in addition to what you have said today.</p> <p>4 Because we will study everything that are being said.</p> <p>5 And the most sound reasoning it is, the better it will</p> <p>6 be for us to make the final suggestion.</p> <p>7 Going to that strengthening of the law, I am</p> <p>8 fully with you, we should avoid litigation at any cost.</p> <p>9 And you know what happened. I know what happened. The</p> <p>10 defect now is in the language, really, of our statutes</p> <p>11 state-wide and county-wide. We have to make it clear.</p> <p>12 And this should be a thing that we have to really look</p> <p>13 at.</p> <p>14 Thank you very much.</p> <p>15 MR. GIMA: Yeah, thank you. I will submit</p> <p>16 something in -- in writing so that it will reflect this</p> <p>17 last comment having to do with redistricting. Is that</p> <p>18 if you are put in a position where you are going to</p> <p>19 consider redistricting, then I would strongly ask that</p> <p>20 you guys consider how our Congress provides checks and</p> <p>21 balances with the House of Representatives. We can't</p> <p>22 compete with California, but we have the Senate. So if</p> <p>23 you're gonna consider redistricting, maybe have six</p> <p>24 councilmembers within -- that would include canoe</p> <p>25 districts and then three, I guess, like senators, one</p> | <p style="text-align: right;">Page 43</p> <p>1 CHAIR STONE: Thank you. Commissioner De</p> <p>2 Rego.</p> <p>3 MEMBER DE REGO: Thank you, Mr. Gima. I would</p> <p>4 also, just as a general comment, say that we would not</p> <p>5 only welcome your written remarks, but I think Ron</p> <p>6 McOmber, and anybody else who has been here, please,</p> <p>7 please, put your comments and your ideas in writing.</p> <p>8 Because we understand that three minutes or four</p> <p>9 minutes, even coming back for another three minutes, is</p> <p>10 not a long time. And, you know, as you recognize,</p> <p>11 there's a lot of nuanced, you know, issues here. And</p> <p>12 oftentimes it's -- it's clearer for us to be able to</p> <p>13 reflect by having things in writing. And it gives us</p> <p>14 time to think things over, jot notes, like I'm doing</p> <p>15 right now.</p> <p>16 MR. GIMA: Okay.</p> <p>17 MEMBER DE REGO: So thank you very much for</p> <p>18 your testimony.</p> <p>19 CHAIR STONE: Thank you. We have a question</p> <p>20 from Commissioner Hashimoto.</p> <p>21 MEMBER HASHIMOTO: Actually, it's more a</p> <p>22 statement, Mr. Gima. As you know, I mentioned I come</p> <p>23 from the island of Hana. Your problems are the same.</p> <p>24 We share the same thing in Hana. We probably share the</p> <p>25 same thoughts that you have about district</p> |
| <p style="text-align: right;">Page 42</p> <p>1 from Molokai, one from Maui, one from Lanai, so you have</p> <p>2 some checks and balances. Obviously, you're going to</p> <p>3 work out the details on how you're going to make Council</p> <p>4 decisions, but that would provide some balance and</p> <p>5 equity if you guys are forced to have to do</p> <p>6 redistricting.</p> <p>7 Obviously, my preference is you stick with no</p> <p>8 districting. It is -- it's not the greatest for Lanai.</p> <p>9 Because John ran for Council, he spent a lot of money</p> <p>10 having to go to Maui to campaign, whereas all the Maui</p> <p>11 guys didn't have to spend all that money. But you win</p> <p>12 some, you lose some.</p> <p>13 MEMBER BAXA: Mr. Chair, can I add something?</p> <p>14 CHAIR STONE: Thank you. Go ahead,</p> <p>15 Commissioner Baxa.</p> <p>16 MEMBER BAXA: I know that the last comment</p> <p>17 that you made, you're suggesting that we may want to</p> <p>18 consider this and this. What I want from my own point</p> <p>19 of view is exactly what you want, because I am here to</p> <p>20 hear what the people want. And I will consider that</p> <p>21 very well, very much so, what the people want instead of</p> <p>22 what I want. I will also consider what I want, but I</p> <p>23 will consider greatly what the people really want. So</p> <p>24 do not give us too many options. Tell us what you want.</p> <p>25 (Laughter.)</p> | <p style="text-align: right;">Page 44</p> <p>1 representation as well. So I'm sitting here, listening</p> <p>2 to you, which is the same story I heard in Hana as well.</p> <p>3 So for those of you on Lanai, you are going to have to</p> <p>4 include Hana in your comments as well because -- because</p> <p>5 I'm going to make them, since I'm sitting on this</p> <p>6 commission. And -- and that's why I find myself,</p> <p>7 whenever we go to Molokai, Hana, we all share the same</p> <p>8 -- same -- same problems on representation. Even though</p> <p>9 our senator is from Hana, and, of course, Mele is from</p> <p>10 Hana as well.</p> <p>11 MR. GIMA: We forgive you.</p> <p>12 (Laughter.)</p> <p>13 CHAIR STONE: Thank you very much. So, Butch,</p> <p>14 I have you down to come back for another three minutes</p> <p>15 of testimony following the other testifiers. Is that</p> <p>16 good with you?</p> <p>17 MR. GIMA: I'm pretty much pau.</p> <p>18 CHAIR STONE: Okay. Well, thank you so much</p> <p>19 for your testimony. I'm sorry. We have another</p> <p>20 question from Commissioner Okamoto.</p> <p>21 MEMBER OKAMOTO: Since you're finished, then I</p> <p>22 need one more. When you talk about the residency issue,</p> <p>23 I think people seem to think it's only a Lanai problem.</p> <p>24 There are other districts that have had residency issues</p> <p>25 in the past election, is that correct, as far as you</p> |

1 know?

2 MR. GIMA: I know -- in this past election, I
3 think there were three, maybe four challenges.

4 MEMBER OKAMOTO: So it's not just a Lanai
5 issue?

6 MR. GIMA: No. And in talking to people on
7 Maui, I mean, they've talked about other issues like
8 this going back 10, 20 years, you know. So, you know,
9 they've pretty much thanked the Lanai plaintiffs for
10 bringing this to the forefront.

11 MEMBER OKAMOTO: Thank you.

12 CHAIR STONE: Thank you very much. Any
13 further clarification?
14 (Silence.)

15 CHAIR STONE: No. Thank you so much, Butch,
16 for being here tonight. Thank you for your testimony.
17 It's very much appreciated. Thank you.

18 MS. KAHUHU: Caron Green.

19 CHAIR STONE: Erin Green?

20 MS. KAHUHU: Caron.

21 CHAIR STONE: Ms. Green, thank you so much for
22 being here.

23 MS. GREEN: Thank you. And thank you for
24 being here. I didn't come planning to testify, but just
25 hearing Butch -- Butch, you stole my line. I was going

1 they're constantly coming in contact with their
2 constituents. I think it would be, you know, a much
3 closer relationship.

4 I also agree with what Sally said and what
5 several other people have said about a four-year term.
6 It seems to make sense, if there is this a learning
7 curve, that somebody gets in there, it gives them time.

8 I'm also a person who's in favor of term
9 limits because sometimes this becomes too much of a
10 full-time job.

11 So I guess it -- to summarize it all, I'm in
12 favor of keeping it as it is from the standpoint Lanai
13 has their own representative. As Butch said, like when
14 they created the Constitution, each state has two
15 senators. So if your population is less than everywhere
16 else, you still get representation. So --

17 And then term limits. And I really do think
18 it's important that person be a resident of Lanai. Not
19 just have voter registration here, but live somewhere
20 else.

21 So any questions?

22 CHAIR STONE: Thank you very much, Mrs. Green.
23 Commissioners? Commissioner De Rego.

24 MEMBER DE REGO: In terms of term limits,
25 we've heard a couple of suggestions tonight, that --

1 to talk about the Senate. But I -- I have to agree with
2 everything that Butch said.

3 My husband and I moved here in 2006, in the
4 fall. So we've been here almost five years. And we
5 retired here. This is our only residence. And so we've
6 been through two elections for the County Council
7 representative. And both contests seemed very strange
8 to me that the person who was going to be representing
9 this island didn't live on this island, having been on
10 this island for quite a long time. And it just seemed
11 wrong to me.

12 And so I would very much support Butch and
13 what he says, that I think that the councilmember coming
14 from the island of Lanai. Not having to be raised here,
15 because you can be raised here, and you leave. And this
16 is a dynamic place, it's changing. And they -- you
17 know, so the people who represent us need to really know
18 what's going on here.

19 I understand the logistic problem. You would
20 have to have housing over there. I don't know if
21 there's any way to have these people coming from Hana,
22 which is not an easy commute, or from Molokai, Lanai,
23 any kind of housing at a discount for them, apartments
24 or something, where they can stay during the week when
25 they work and then come home on the weekends. That way,

1 maybe one four-year term. What would you suggest would
2 be a reasonable term limit?

3 MS. GREEN: One four-year term.

4 MEMBER DE REGO: One four-year term?

5 MS. GREEN: Yeah.

6 MEMBER DE REGO: Okay. Thank you.

7 CHAIR STONE: Very clear. Commissioners, any
8 further questions or clarification?
9 (Silence.)

10 CHAIR STONE: No. Thank you so much for
11 coming tonight. We appreciate your testimony. Thank
12 you.

13 Lisa, any other testifiers?

14 MS. KAHUHU: Chair, no one else has signed up.

15 CHAIR STONE: All right. At this time, we
16 would like to invite anybody in the public who would
17 like to come forward, that hadn't had an opportunity --
18 yes, please, please come forward. Thank you. And just
19 for the record, if -- if you can state your name. And
20 we're going to need you just to sign in afterwards with
21 Ms. Kahuhu over there.

22 MS. BASQUES: Good evening. My name is
23 Winifred Basques, B-A-S-Q-U-E-S.

24 You want to talk about residency, I'll tell
25 you about residency. I been on this island 49 years. I

| | |
|--|--|
| <p style="text-align: right;">Page 49</p> <p>1 relocate from Honolulu. I came here in 1963. And I was</p> <p>2 one of the five nonpartisan members for the vote for</p> <p>3 Maui County Council for the island of Lanai. I was one</p> <p>4 of them. Needless to say -- hi, Ed. Ed and I go way</p> <p>5 back. Needless to say, I didn't get in. So what? If</p> <p>6 you -- you tried your best, you can't get in, you can't</p> <p>7 get in. It is always the next time, right?</p> <p>8 But when this person, he stated, hello, that</p> <p>9 he from Lanai, he was born and raised on Lanai, he</p> <p>10 relocated to Maui, Lahaina. Why did he lie? Quote and</p> <p>11 unquote. I think because why, he stated that he lives</p> <p>12 here. No, he do not live here. The only time he comes</p> <p>13 here is when there's a party and a funeral. That's the</p> <p>14 only time he come show face.</p> <p>15 I hate to say, I tell you a straight fact, he</p> <p>16 did a lot of BS. Excuse mc for saying that word, but</p> <p>17 it's true. It comes in The Maui News all the time, a</p> <p>18 big headline about him, what he did, he say he did this,</p> <p>19 did that. The only thing he did here when he was</p> <p>20 running for Council several years ago, he did the Hale</p> <p>21 Kupuna Center. And that was it. Nothing else. You</p> <p>22 know, I hate to say, he makes shame of the people of</p> <p>23 Lanai. When they went chose him if he had the vote.</p> <p>24 But can you say, on Lanai, there's only 3,000</p> <p>25 people? He ain't getting the vote from here, he gonna</p> | <p style="text-align: right;">Page 51</p> <p>1 doing it.</p> <p>2 And you talk about culture. I can tell you</p> <p>3 about culture. On the island of Lanai, there's only</p> <p>4 about maybe one-fourth Hawaiian people who are born and</p> <p>5 raised on this island. But the other people come from</p> <p>6 here, they do not know really the culture, how the</p> <p>7 people lived way back from the 1700-1800s.</p> <p>8 I'll go way back to the genealogy now. When</p> <p>9 you talk about genealogy, people live here years and</p> <p>10 years and years. I tell you, I get so much -- ah, let's</p> <p>11 see.</p> <p>12 Community -- I mean communities. But the</p> <p>13 thing is that I'm already -- my time is up already, I</p> <p>14 got to go already.</p> <p>15 CHAIR STONE: Just wanted to be polite.</p> <p>16 MS. BASQUES: No, no. That's okay. Eh,</p> <p>17 brother, tell it like it is.</p> <p>18 CHAIR STONE: Okay, Ms. Basques, your time is</p> <p>19 up.</p> <p>20 (Laughter.)</p> <p>21 MS. BASQUES: You're not gonna offend me.</p> <p>22 Just say, okay. I'm fine with that.</p> <p>23 CHAIR STONE: But the Chair has a question for</p> <p>24 you --</p> <p>25 MS. BASQUES: Go ahead.</p> |
| <p style="text-align: right;">Page 50</p> <p>1 get it from Maui, where there's over -- I don't know how</p> <p>2 many thousand people over there who voted for him.</p> <p>3 But thing is that, see, the other two person</p> <p>4 that I was running with, we did our best. And that's</p> <p>5 all you can do.</p> <p>6 But why do you lie? Because the man up there</p> <p>7 is watching what you're doing. And when you get into</p> <p>8 the office and you start spending the money, when it's</p> <p>9 crook, (inaudible), whatever you can take in your mind,</p> <p>10 it's right here, you know. That's right, you know.</p> <p>11 When you think about it, I wonder how he sleep</p> <p>12 nighttime. If I did that, I get bad conscious and I</p> <p>13 cannot sleep. He just like he's numb already. Right?</p> <p>14 When you play politics, you got to play</p> <p>15 politics in a good way, not only for you, for the</p> <p>16 island, for the people on this island. They are waiting</p> <p>17 for you for do the job for them the best way you know</p> <p>18 how. And when you do that, it reflects back on the</p> <p>19 people of the island of Lanai. They could talk in the</p> <p>20 back of you if you did something wrong.</p> <p>21 When we come to you again, it will be a long</p> <p>22 story. Right, Kay? Because I know, over here, oh, boy,</p> <p>23 you talk about, hmm, gossip. It's, eh, see, right here,</p> <p>24 right on this island, it's gossip. But, you know, take</p> <p>25 it in stride. If you're going do something worthwhile</p> | <p style="text-align: right;">Page 52</p> <p>1 CHAIR STONE: -- about your testimony. I hear</p> <p>2 what you're saying. And it's interesting because what</p> <p>3 I'm deriving out of your testimony, what I'm thinking</p> <p>4 I'm hearing, the unfairness of -- unfairness of at-large</p> <p>5 voting, what you're saying is that it would be fairer if</p> <p>6 the Lanai citizens were able to vote -- district vote</p> <p>7 for their own representative.</p> <p>8 MS. BASQUES: Yes.</p> <p>9 CHAIR STONE: So in contrast to the other</p> <p>10 testimony we heard tonight, you believe that if Lanai</p> <p>11 citizen -- if Lanai had their own representative that it</p> <p>12 would be district voting that they would prefer.</p> <p>13 MS. BASQUES: Correct.</p> <p>14 CHAIR STONE: Or you would prefer. Is that</p> <p>15 correct?</p> <p>16 MS. BASQUES: Right.</p> <p>17 CHAIR STONE: Okay.</p> <p>18 SPEAKER: Oh, yeah.</p> <p>19 CHAIR STONE: Good. Commissioners, further</p> <p>20 clarification? Commissioner Okamoto.</p> <p>21 MEMBER OKAMOTO: Okay. Question. You're</p> <p>22 saying you would prefer that we elect our own, but if</p> <p>23 that person -- if we go district voting, if that person</p> <p>24 came, we had to vote Lanai, Molokai, Hana, or as one, is</p> <p>25 that what you're saying? Because there's a --</p> |

13 (Pages 49 to 52)

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1 MS. BASQUES: No.
 2 MEMBER OKAMOTO: Some people think district
 3 voting means only Lanai gets to elect their person.
 4 But, in reality, that's --
 5 MS. BASQUES: No. See, the reason why that
 6 you can do that, the other island people, they don't
 7 know nothing about Lanai. It's only in hearsay. It's
 8 only in the newspaper or the news. But they don't live
 9 here, like me.
 10 I came from Honolulu. You know, come from a
 11 big place, you come to a small place, eh, changes you a
 12 lot. But if I go to Molokai, since my daughter lives
 13 there, I don't know the history about that. Same like
 14 Maui. I have -- my husband from Maui, I do not know the
 15 history about that. So if I gonna go there and say
 16 something wrong, hello, you know, they will come attack
 17 me. And I don't like that kind of stuff because I don't
 18 want the (inaudible) coming to my house. And it's a --
 19 CHAIR STONE: Thank you. Commissioner Baxa,
 20 please.
 21 MEMBER BAXA: Yes, ma'am. Again, all that I
 22 want is I want to be clear as to what you want. You
 23 want the present setup?
 24 MS. BASQUES: Yes.
 25 MEMBER BAXA: Okay. Because it was not clear

1 to me.
 2 MS. BASQUES: Yes.
 3 MEMBER BAXA: That's what I want.
 4 MS. BASQUES: Thank you.
 5 MEMBER BAXA: Thank you.
 6 CHAIR STONE: Very good.
 7 MEMBER BAXA: Not necessarily what I want, but
 8 I want what you want.
 9 CHAIR STONE: Commissioner Baxa, thank you for
 10 clarifying it.
 11 Commissioners, any further clarification?
 12 Commissioner Sugimura?
 13 (Silence.)
 14 CHAIR STONE: No. Thank you so much for your
 15 testimony and thank you for being here tonight.
 16 MS. BASQUES: Mahalo.
 17 CHAIR STONE: Mahalo to you.
 18 MS. BASQUES: Ed, mahalo ke Akua. He's
 19 watching now. Bye.
 20 CHAIR STONE: Thank you. Again, I'd like to
 21 put out -- before we convene [sic] oral testimony, I
 22 would like to put out there if anybody from the public
 23 would like to come forward, you're welcome to come
 24 forward now. Thank you, please. Just for the record,
 25 we need you to state your name.

1 MS. KAHUHU: Joseph Felipe.
 2 CHAIR STONE: Joseph Felipe. Thank you,
 3 Mr. Felipe for being here.
 4 MR. FELIPE: My name is Joe Felipe. I've been
 5 a resident over 50 years, 33 years with pineapple and 21
 6 years from the hotel. Okay.
 7 I agree very much with most of those who have
 8 testified prior to me.
 9 I am against district voting definitely. We
 10 need representation from the island. We have produced
 11 some very, very distinguished leaders. And I know that
 12 we have well-qualified people that can represent Lanai
 13 and promote the needs that we -- we want.
 14 I disagree with one of the testimonies,
 15 however. And that is a single term of four years.
 16 Those who are qualified and who are doing a great job
 17 should be given more time and opportunity to serve. I'm
 18 not sure what the maximum is on our current County
 19 Charter, but I think that's a good basis to work with.
 20 Let's not get rid of good people just because of a
 21 limitation.
 22 The other thing is I'm confused here. Why can
 23 we not, at the time of filing, determine whether a
 24 candidate is qualified to run for office from Lanai or
 25 not? Why do we have to wait until after the election or

1 during the election to challenge these things? There
 2 must be a way that we can scrutinize the application or
 3 make it more clear, and solve the problem there. In
 4 dealing with that, we would continue to have good
 5 candidates who can file and run for office. And let's
 6 eliminate all these future problems of -- of the
 7 challenges.
 8 Thank you.
 9 CHAIR STONE: Thank you very much for your
 10 testimony, Mr. Felipe. Chair has a question quickly.
 11 So presently, councilmembers have two-year terms. Do
 12 you believe that four years would be --
 13 MR. FELIPE: I believe four years --
 14 CHAIR STONE: -- more efficient?
 15 MR. FELIPE: -- is a more reasonable time for
 16 a councilman to push the program or push their agenda.
 17 CHAIR STONE: Very good. Thank you so much.
 18 Commissioner De Rego.
 19 MEMBER DE REGO: Thank you. Let me extend the
 20 question of the Chair by asking you, so -- but you're
 21 not, in turn, in favor of single terms of four years?
 22 MR. FELIPE: No.
 23 MEMBER DE REGO: The present system has five
 24 terms, two years each. Okay. Five terms is the limit.
 25 But let's say you take a hiatus of two and run again,

1 and that leaves open the possibility of a person coming
2 back. In terms of limits, how would you view the limits
3 side of this? Would you see no limits on the number of
4 terms a person could run?-- right now, it's about 10
5 years a person could serve. What would you consider a
6 reasonable amount of time for a person to serve?

7 MR. FELIPE: Well, I definitely feel there
8 should be a limit, you know. Like a great new car, you
9 know, it runs good, you get the maximum from it.

10 MEMBER DE REGO: I'm getting there, by the
11 way.

12 (Laughter.)

13 MR. FELIPE: And then you trade it in. So
14 let's do the same with our representatives, yeah.

15 MEMBER DE REGO: So would you say --

16 MR. FELIPE: Let's get the maximum, then trade
17 'em in for the next best guy.

18 MEMBER DE REGO: So I guess I'm asking you to
19 be specific. Are you talking about three four-year
20 terms?

21 MR. FELIPE: Yeah. Well, definitely --

22 MEMBER DE REGO: Two four-year --

23 MR. FELIPE: -- at least two terms, but I
24 think, more reasonably, three terms. That would up the
25 five term of two years, but, you know, I think it would

1 MEMBER BAXA: This is not -- this is not
2 really a question, but I just would like to attempt to
3 answer -- to answer one of your questions. Why should
4 not the -- I think it pertains to clarity of the --

5 CHAIR STONE: Residency.

6 MEMBER BAXA: The term, who are qualified,
7 what if we do it before the election and so on, yeah.
8 Please don't consider this as a legal opinion, but my --
9 from what I know is that the courts cannot act unless
10 there is a specific problem. They cannot act from a
11 vacuum, so there must be an actual thing before the
12 court can enter the decision-making.

13 MR. FELIPE: I understand what you're saying.
14 You're talking lawyer language --

15 (Laughter.)

16 MR. FELIPE: -- but I understand what you're
17 saying. So you have to commit a crime before you are
18 proven guilty. But, you know, there still should be
19 some way --

20 MEMBER BAXA: That is why we have to
21 (inaudible) the language, make it simple, that it can be
22 understood by everybody, and no ambiguity, if you can.

23 MR. FELIPE: Yes.

24 MEMBER BAXA: But sometimes people like to put
25 ambiguity because that's what they like.

1 be more acceptable throughout the whole county if we
2 accepted a three four-year term.

3 MEMBER DE REGO: Let me ask you another
4 question. Would you be in favor, because it sounds like
5 you're in favor of term limits, that once -- no matter
6 how it's written, once you've done 12 years, whether
7 it's consecutively or broken up, that that's your bite
8 at the apple?

9 MR. FELIPE: I -- I know that if --

10 MEMBER DE REGO: In other words, 12 years
11 total, no matter how that's broken up.

12 MR. FELIPE: Yeah, I'm in favor of 12 years
13 total. Yeah. You want to go run for office, you run
14 for another office, that would be fine, you know. But
15 as a councilman, yes, 12-year term, three four-year
16 term, I think, is --

17 MEMBER DE REGO: No matter how that's divided?

18 MR. FELIPE: Yes.

19 MEMBER DE REGO: Okay.

20 CHAIR STONE: Thank you very much.

21 Commissioners, any further clarification or questions?
22 (Silence.)

23 CHAIR STONE: No. Thank you.

24 MEMBER BAXA: Chair?

25 CHAIR STONE: Commissioner Baxa, please.

1 MR. FELIPE: One of the things I would like to
2 see, you know, as a requirement for residency is that
3 the candidate resides at least six months prior to the
4 election on the island, at least six months, or more. I
5 think this will establish residency more clearly.

6 CHAIR STONE: Thank you. Commissioners,
7 clarification questions?
8 (Silence.)

9 CHAIR STONE: No. Mr. Felipe, thank you so
10 much for your time. Thank you for coming this evening
11 and coming to speak. It's much appreciated.

12 We have one more testifier, Lisa, to testify?

13 MS. KAHUHU: Steve Bumbar.

14 CHAIR STONE: Is that Mr. Bumbar?

15 MS. KAHUHU: Bumbar.

16 CHAIR STONE: Mr. Bumbar, thank you very much
17 for coming.

18 MR. BUMBAR: Chair, Members, thank you for
19 coming. And, Kay, especially for all the great work
20 that you do here.

21 MEMBER DE REGO: Turn on your mic.

22 MR. BUMBAR: Oh, I'm sorry.

23 MEMBER DE REGO: Thank you.

24 MR. BUMBAR: Kay, thank you for all the work
25 you do here.

1 I think you've heard a pretty consistent
2 message here tonight, that it's important for us to have
3 the opportunity to select somebody here from Lanai to
4 represent Lanai. I know there's issues with you have to
5 work in Maui all the time and, you know, how does that
6 all work. Those are things that I think can be worked
7 out in the future.

8 A couple of the comments that were made --
9 since I've been taking notes -- is I agree with Ron
10 McOmber to a certain extent when he says Castle & Cooke
11 is a one-company town. Obviously, we have Four Seasons
12 which employs probably 600 to 700 people. Castle &
13 Cooke has reduced their staff because of economic times
14 to just over 200 employees. And in the last 18 months,
15 we have signed 24 new leases for entrepreneurs on this
16 island to start their own businesses. So I think we're
17 trying to get some diversity.

18 We, as a company, even though Castle & Cooke
19 manages it, we still own it, we're trying to get
20 equality. And I think we can gain equality if we have a
21 representative from Lanai that understands Lanai instead
22 of trying to do this district voting. I think it's
23 important.

24 Strength and position of eligibility. You
25 know, that's decided by the voters and applicants who

1 apply. And there could be -- like John said, there was
2 five applicants that applied. And that's wonderful.
3 And maybe there's more. But at least the people on this
4 island, they spend time, they go and spend money on
5 Molokai and they spend money over on Maui to do their
6 sign waving, trying to gain support. So I think it's
7 important that we keep that intact.

8 A couple other things.

9 Four-year term limit, I think, is fine,
10 because now we can get some consistency or some
11 momentum. And if we're changing -- or there's a
12 possibility to change every two years, it's almost like
13 we start over again.

14 Now, if you want to do it consecutive four
15 terms, like the president, he gets a eight-year cycle,
16 you know, that's up to you guys. And I'll leave that up
17 to the community to voice their opinion. But I think
18 from our -- our perspective, the people of Lanai, I
19 think it's important to have a little bit of consistency
20 there so we can move forward and move things done.

21 And that's one of the biggest problems that I
22 think our company has had, is that we change every two
23 years. And then it seems like we start the process over
24 again. We just went through, you know, trying to get a
25 boundary amendment done. Now we change councilmembers

1 and now we got to start all over again. That's what it
2 seems like.

3 So I think you got a loud and clear message
4 today. And, hopefully, you take that into consideration
5 and make your representation based on what you heard
6 today from the people of Lanai. Thank you.

7 CHAIR STONE: Thank you very much, Mr. Bumbar
8 for very clear testimony. Much appreciated.
9 Clarification?

10 (Silence.)

11 CHAIR STONE: That's when you know you did a
12 very good job. So thank you very much for coming this
13 evening.

14 MR. BUMBAR: Better than the Planning
15 Commission.

16 MEMBER DE REGO: I actually do have a
17 question. Sit down.

18 (Laughter.)

19 MR. BUMBAR: It happened earlier.

20 MEMBER DE REGO: I was going to let you get
21 away with that, but perfection is for another life.

22 (Laughter.)

23 CHAIR STONE: Commissioner De Rego.

24 MEMBER DE REGO: Now, I wanted to ask you a
25 different question about the boards and commissions.

1 I've also heard another consistent line here, is that --
2 that Lanai and the other islands oftentimes feel they're
3 not represented on -- I know I'm Chair of the Cost of
4 Government Commission, and we have no representative
5 from Lanai or Molokai. And heaven knows Cost of
6 Government is something that's dear to everyone's heart
7 in some way, shape or form. But what are your feelings
8 about that? Even though it wasn't a part of your
9 testimony specifically, but --

10 MR. BUMBAR: I think it's important to have
11 more people from Lanai on boards and commissions.
12 However, I think it's a double-edged sword, especially
13 with today's economy and how much money you got to spend
14 to travel. But I think it's important for -- if they
15 could have more representation here, the voice could get
16 out, the voice you heard in this community is almost
17 like we're the forgotten ones over here because we only
18 have 3,000 people. Jerry Rabano made a comment that the
19 population has changed. The population is still the
20 same as it was in 1920, 3,000. I think what he was
21 meaning was the demographics have changed. We have the
22 high rotation of people that are coming here. I've been
23 with Castle & Cooke since 1997. This is my second time
24 back here. I was here for two years, 2002 to 2004. And
25 I've been back here for three years, going on my fourth

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| <p style="text-align: right;">Page 65</p> <p>1 year. So there's a lot of change. And I know I'm not 2 born and raised here, but as we look around and we see 3 different people coming to the island, more houses that 4 we sell -- I mean, we're not getting locals to buy some 5 of these big expensive houses that we're building. So I 6 think it's important to understand that demographics has 7 changed. But it still allows the people to select who 8 they want to represent the people of Lanai. 9 MEMBER DE REGO: Can I follow up on that, 10 Mr. Chair? 11 CHAIR STONE: Please. 12 MEMBER DE REGO: As the islands have grown -- 13 and I notice we have a camera here today -- the 14 technology allows for more long distance kind of 15 participation by people. And I know -- I notice in the 16 Charter there is mention about video conferencing and 17 the ability to have people meeting in a place, and, you 18 know, Skyping, or however you want to put it, people in. 19 I'm talking out loud again. Maybe this is for 20 the discussion time afterwards, but it seems to me in 21 some way, shape or form, if language in the Charter was 22 made stronger that allowed for those kinds of options, 23 especially with today's technology, and maybe the 24 investment was made by the County and those kinds of 25 things, it might enlarge and have the ability to be</p> | <p style="text-align: right;">Page 67</p> <p>1 cooperative. If we -- we can learn to disagree, but do 2 it respectfully and do it constructively, not 3 destructive, we all have a chance to make a big change 4 or at least preserve what we have here on this island. 5 Even the cultural resources and the stuff that 6 we're doing with that, as far as the watershed and what 7 we're doing with that. We're going to unveil our 8 community ideas for our community plan next Monday night 9 from the majority of the landowner to share it with the 10 people and allow them the opportunity to come up with 11 their own ideas or their own comments. 12 So I think communication is very key, it's 13 very important. And going back to what you were saying, 14 if there is a way that we could stipulate that that's an 15 opportunity for interaction, I think we can at least try 16 to avoid some of that extra cost that comes in when 17 you're traveling back and forth to these islands. 18 CHAIR STONE: Thank you very much. 19 Commissioners, any further questions or clarifications 20 for the testifier? 21 (Silence.) 22 CHAIR STONE: Mr. Bumbar, thank you so much. 23 MR. BUMBAR: You're welcome. 24 CHAIR STONE: Much appreciate your testimony. 25 Thank you.</p> |
| <p style="text-align: right;">Page 66</p> <p>1 economical as well as cost-effective in terms of having 2 more representation from Lanai and Molokai on boards and 3 commissions. But that's just me thinking out loud. 4 MR. BUMBAR: I sit on the -- 5 MEMBER DE REGO: Sorry, Chair. 6 MR. BUMBAR: I sit on the School Community 7 Council. And when we have our orientation, it is done 8 by video conference from Oahu. And we think that's a 9 great idea because that's maybe one way you can 10 circumvent that. 11 Akaku, we just joined partners with them, 12 basically, to bring them over. We gave them a very 13 lucrative lease deal here, to allow them to bring their 14 equipment here. And what we've been doing is we tape 15 all of our meetings and we put it on the local channels, 16 52, 53 and 54. Because that's how we can get our 17 message of what happens here on Lanai throughout Maui 18 County, which has been a great benefit to us. Because 19 at least people have the opportunity. And people here 20 on the island who can't make the meetings, they get to 21 sit here and listen and watch the meetings. 22 We've just had a couple meetings last week and 23 we had more people show up at our Planning Commission 24 meeting today than, I think, in years. And we're trying 25 to get more people involved. Collaborative,</p> | <p style="text-align: right;">Page 68</p> <p>1 We're going to take a quick recess for five 2 minutes, and make it a very short recess because I 3 believe we're done with oral testimony, but if any oral 4 -- 5 MS. KAHUHU: We have one more. 6 CHAIR STONE: Take a quick recess, five 7 minutes, and we'll come back, please. Thank you very 8 much. 9 (Recess, 8:28 p.m. to 8:35 p.m.) 10 CHAIR STONE: I would like to call the meeting 11 back to order. Lisa, we have another testifier? 12 MS. KAHUHU: Yes. Sue Murray. 13 CHAIR STONE: What was that? 14 MS. KAHUHU: Sue Murray. 15 CHAIR STONE: Thank you very much for coming 16 this evening. 17 MS. MURRAY: Thank you. I'm enjoying a very 18 well read meeting. My name is Sue Murray. I lived on 19 Maui for about 30 years and have been on Lanai going on 20 six years now. I love it here. I just wanted to speak 21 to several of the points that have been made this 22 evening already. 23 I support the status quo, along with everyone 24 else who thinks we should retain a Lanai specific 25 representative.</p> |

17 (Pages 65 to 68)

1 I do agree with the four-year term. I think
2 the two years is just counterproductive and wastes an
3 awful lot of money. I would recommend a two-term limit
4 So total of eight years, I think, is sort of a
5 reasonable compromise.

6 As far as the residency issue, I -- and,
7 again, I don't know -- I'm not real clear on the scope
8 of this particular commission, but I do believe that the
9 person should be vetted completely. And maybe you need
10 to clarify the definition of residency so that those
11 issues are all addressed at the outset, before they're
12 even publicized as a candidate. So maybe that process
13 has to start sooner, you know.

14 The other issue -- and I think people have
15 spoken on that, so I won't repeat. The other issue,
16 though, that had come up in the past, you know, was I
17 was on the Board of Ethics for eight years at the County
18 of Maui, but the, you know, review of their financial
19 statement to determine whether or not there's any
20 conflicts of interest. And I think we had a major
21 debacle because the South Maui representative caused a
22 lot of financial strain on the County budget as well as
23 just time lost and bad feelings all the way around. So
24 it just seems to me, whatever you have to do to clarify
25 that language that that financial statement is clearly

1 (Laughter.)

2 MEMBER DE REGO: Not this time.

3 CHAIR STONE: Lisa, you have another
4 testifier?

5 MS. KAHUHU: Yes. Leticia Castillo.

6 CHAIR STONE: Hello, Leticia. Thank you very
7 much for coming this evening.

8 MS. CASTILLO: Good evening, Commissioners,
9 and welcome to the island of Lanai. At least Lanai's
10 not forgotten that you folks come here and visit with
11 us. I have been a resident from 1963, and have seen the
12 changes of this island.

13 As far as the -- as far as the districting, I
14 would like to recommend that we keep the district -- the
15 districting like as it is. And as far as the term of
16 office, the two years is not enough for the -- you know,
17 it's just like their desk is tidy, they just cleaning up
18 their desks before they go in. They haven't clean up
19 and then they already going out again if they don't have
20 the luck of having being elected again. So maybe we can
21 extend that to, you know, at least four years and be
22 reelected or something like that, three terms.

23 Under residency, I think it would be -- it
24 would be good if we have somebody that knows the island
25 and the community. Like Kay and I have been sitting

1 reviewed again before the candidate is even publicized
2 as an eligible candidate.

3 I do disagree with the requirement to go back
4 to the party registration. I don't belong to either
5 party. I really prefer in the small community like
6 ours, and even, on Maui, I felt that way, I want to pick
7 the person. I spend an awful lot of time researching,
8 getting to know the candidates. And I really resented
9 for so many years that I had to pick whether I was going
10 to be all -- participate in the democratic primary or
11 the republican primary because sometimes there was
12 people on both sides that I really felt were talented
13 and qualified individuals. So I would prefer that we
14 retain how we currently do it and we're focusing more on
15 the individual.

16 CHAIR STONE: Thank you very much for your
17 testimony. Very clear and much appreciated.
18 Commissioners, clarification or questions?

19 (Silence.)

20 CHAIR STONE: No. Clear. Again, that's an
21 A-plus testimony.

22 MEMBER DE REGO: I won't stop you this time.

23 (Laughter.)

24 CHAIR STONE: Any Commissioners that are
25 thinking out loud?

1 with the community for how many years, Kay?

2 MEMBER OKAMOTO: Long time.

3 MS. CASTILLO: Long time. And I've known Ed
4 Kushi as a HGEA lawyer and working with him, too, also
5 before. So I think we have to know the place that we
6 come from. And so that we can -- we can listen in to
7 what people are saying.

8 I know that there's this comment about not
9 residing here. I can see that because when you are an
10 elected official, the office is not in Lanai, it has to
11 be on Maui. So most of the time, they have to stay on
12 Maui to be in their office and then come back home and
13 listen in to what the people are saying.

14 I know there's a lot of things that, you know,
15 say that they're not residing here, but there -- they
16 should be more reachable for the people of the island so
17 that they can hear what's going on, they can see what's
18 going on and -- and can recommend to the -- to their
19 constituents what's going on that particular place.

20 And thank you for coming here.

21 CHAIR STONE: Thank you very much,
22 Ms. Castillo. Very much appreciated. Commissioners,
23 questions, clarification?

24 (Silence.)

25 CHAIR STONE: No. Precise testimony. Thank

| | |
|--|---|
| <p style="text-align: right;">Page 73</p> <p>1 you very much for your time.</p> <p>2 Lisa, do we have any further testifiers?</p> <p>3 MS. KAHUHU: David Green.</p> <p>4 CHAIR STONE: Mr. Green. Any relation to</p> <p>5 Mrs. Green?</p> <p>6 MR. GREEN: Yes. And I'd like to make it</p> <p>7 clear that I agree with everything she said.</p> <p>8 (Laughter.)</p> <p>9 MEMBER DE REGO: Smart man. Yeah, there you</p> <p>10 go.</p> <p>11 CHAIR STONE: Mr. Green, you are, obviously,</p> <p>12 very intelligent.</p> <p>13 (Laughter.)</p> <p>14 MR. GREEN: Actually, my name is David Green.</p> <p>15 I've lived here -- moved here purposefully because we</p> <p>16 fell in love with the island of Lanai, made a conscious</p> <p>17 decision to come here. And this is our only home.</p> <p>18 I'm going to be guilty of thinking out loud a</p> <p>19 little bit in talking --</p> <p>20 MEMBER DE REGO: Go ahead.</p> <p>21 MR. GREEN: -- aloud. It seemed to be -- it</p> <p>22 seemed to work good for several people here.</p> <p>23 CHAIR STONE: You have four minutes.</p> <p>24 (Laughter.)</p> <p>25 MR. GREEN: Okay. I was just sitting here.</p> | <p style="text-align: right;">Page 75</p> <p>1 lose their ties, or maybe their families stay here,</p> <p>2 their kids are educated here, et cetera, rather than</p> <p>3 making the leap to Maui.</p> <p>4 And the second thought is term limits. And I</p> <p>5 would come up with -- I think a four-year limit is a --</p> <p>6 is a good time. And I would not want to allow a repeat</p> <p>7 term. Just because by the time you spend 10 years in</p> <p>8 Maui, it's like being in Washington D.C. It's not</p> <p>9 Lanai.</p> <p>10 And -- and I -- moving here from the mainland,</p> <p>11 this is really a unique place. And Hana and -- we spent</p> <p>12 a wonderful vacation on Molokai a few weeks ago.</p> <p>13 They're just different than Maui. It's really, really</p> <p>14 different.</p> <p>15 And I -- I just -- just a thought on -- term</p> <p>16 limits are going to limit the time that you come under</p> <p>17 the spell of the whole game and the whole process, et</p> <p>18 cetera, that draws you away.</p> <p>19 So something to handle housing so people can</p> <p>20 maintain their ties, keep their family here, et cetera,</p> <p>21 would help, I think, ensure that our representatives</p> <p>22 represent us. The issue with -- with what's been</p> <p>23 happening is that, over time, our representatives stop</p> <p>24 pretty much representing us, even though they're still</p> <p>25 the Lanai representative.</p> |
| <p style="text-align: right;">Page 74</p> <p>1 And it seems to me that if we look at what happens at</p> <p>2 national politics, people get elected to either the</p> <p>3 House or the Senate, nationally. They go to Washington</p> <p>4 D.C. And if they get elected for two or three terms,</p> <p>5 they get sucked up in the Beltway and the mentality</p> <p>6 there. And you have to really work to stay connected.</p> <p>7 So it seems to me, sitting here, listening to</p> <p>8 what's been going on tonight, that the whole system</p> <p>9 draws our representative to Maui. It's a full-time job,</p> <p>10 makes it difficult to come back here. And because of</p> <p>11 that, they -- they have to have housing there. If they</p> <p>12 buy a house, I can understand why, over time, the ties</p> <p>13 to a community like Lanai become lesser or weaker and</p> <p>14 weaker.</p> <p>15 My only -- it seemed to me you're looking for</p> <p>16 solutions, so I was just going to suggest a thought. I</p> <p>17 think perhaps -- my wife mentioned housing, so -- so</p> <p>18 that you do not require -- it's not required for an</p> <p>19 individual who lives remotely.</p> <p>20 Hana would still be the same kind of</p> <p>21 situation. It might actually be easier to get from</p> <p>22 Lanai to -- to Wailuku than from Hana, I'm not sure, but</p> <p>23 got to be a push, at least.</p> <p>24 So some -- some kind of housing that would</p> <p>25 allow people to maintain housing on Lanai so they don't</p> | <p style="text-align: right;">Page 76</p> <p>1 Thank you.</p> <p>2 CHAIR STONE: Mr. Green, thank you very much</p> <p>3 for your testimony. Commissioners, questions,</p> <p>4 clarification? Please.</p> <p>5 MEMBER HASHIMOTO: I'd like to recommend a</p> <p>6 solution for Lanai, for access to Maui, so that you</p> <p>7 drive back and forth. We have a lot of bridges between</p> <p>8 Wailuku and Hana.</p> <p>9 (Laughter.)</p> <p>10 MEMBER HASHIMOTO: We could give you those,</p> <p>11 then you have access to Wailuku. I don't think anybody</p> <p>12 came up with that one before, did they?</p> <p>13 (Laughter.)</p> <p>14 MEMBER HASHIMOTO: But I want you to know that</p> <p>15 it takes me longer to go from Hana to Wailuku, and I</p> <p>16 have to do that every week, than it takes you to go from</p> <p>17 here to Maui. So I -- I don't know. Maybe we should</p> <p>18 change the bridges, and then I'll be in the same boat</p> <p>19 that you have.</p> <p>20 (Laughter.)</p> <p>21 CHAIR STONE: Thank you very much,</p> <p>22 Commissioner. Commissioners, any further questions or</p> <p>23 clarification?</p> <p>24 (Silence.)</p> <p>25 CHAIR STONE: No? Commissioner De Rego, give</p> |

19 (Pages 73 to 76)

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1 you your last chance here.
 2 (Laughter.)
 3 CHAIR STONE: Okay. Thank you very much,
 4 Mr. Green.
 5 MR. GREEN: Thank you for allowing me to
 6 testify.
 7 CHAIR STONE: Next testifier, Lisa..
 8 MS. KAHUHU: Steven West.
 9 CHAIR STONE: Mr. West, thank you very much
 10 for being here. That was Wes?
 11 MR. WEST: West, W-E-S-T.
 12 CHAIR STONE: West.
 13 MR. WEST: Yeah, I'll be short and sweet.
 14 CHAIR STONE: Thank you.
 15 MR. WEST: Basically, there was some reference
 16 to term limits. I'm going to disagree with the
 17 majority. I believe that it should be three four-year
 18 terms and with a break and then an option for them to
 19 come back. I believe if they're truly doing a good job
 20 in government, you have some excellent councilmembers
 21 that are doing great jobs, and budget committees in
 22 these trying times, it's important we have good people
 23 in government that are able to -- to navigate the waters
 24 for us all. And it's really important that we don't
 25 lose that.

1 And then as far as the district voting, I
 2 believe it's not broken. Don't fix it. Please keep it
 3 the way it is. I think it would be a tremendous mistake
 4 for us to change it.
 5 And that will be it. Thank you for all coming
 6 out tonight.
 7 CHAIR STONE: Thank you very much, Mr. West.
 8 Clarification, Commissioners? Commissioner
 9 Hedani.
 10 VICE-CHAIR HEDANI: Mr. West, you suggested
 11 three four-year terms, that would be a total of 12
 12 years, then a break, and then they would be able to come
 13 back for another 12 years?
 14 MR. WEST: If they so choose.
 15 VICE-CHAIR HEDANI: I see. Thank you.
 16 CHAIR STONE: Thank you. Commissioners,
 17 further clarification?
 18 (Silence.)
 19 CHAIR STONE: Mr. West, thank you for your
 20 clear and brief testimony.
 21 Lisa, any further testifiers?
 22 MS. KAHUHU: No further testifiers.
 23 CHAIR STONE: All right. At this time the
 24 Chair -- obviously, we have some --
 25 MEMBER OKAMOTO: Can I make one comment?

1 CHAIR STONE: Oh, yes, of course. Of course.
 2 I was going to say, Commissioners, if you have any
 3 comment, please take this time. So Commissioner Okamoto
 4 has a comment.
 5 MEMBER OKAMOTO: I just want to thank
 6 everybody for showing up. Lanai has had the most
 7 turnout of any of the meetings that we've had. And I
 8 think it's a testimony to the feelings that Lanai people
 9 need to be represented. So thank everybody, and those
 10 who left. We even had more than Molokai had.
 11 (Applause.)
 12 CHAIR STONE: Yes. Thank you, Citizens of
 13 Lanai, for your turnout. That was very nice. Thank you
 14 guys so much for coming.
 15 Without objection, the Chair will accept
 16 public testimony into record at this time and close oral
 17 testimony.
 18 ...END OF PUBLIC TESTIMONY...
 19 CHAIR STONE: And we are going to skip our
 20 discussion on public testimony received this evening
 21 because we have logistical issues. We have to catch a
 22 plane.
 23 And I would just like to point out that our
 24 next meeting -- our normal next business meeting will be
 25 on the 25th of July, that's Monday, at the Planning

1 Commission meeting --
 2 MEMBER SUGIMURA: Conference room.
 3 CHAIR STONE: -- Conference Room in Wailuku.
 4 And also, don't forget, Commissioners, we have
 5 a public outreach meeting in Kihei, 6:30 p.m., on
 6 Wednesday, which is the 27th. Thank you so much.
 7 MS. KAHUHU: No. Monday, the 25th.
 8 CHAIR STONE: Yeah. Monday, the 25th. Right?
 9 Yeah, Commissioners.
 10 MEMBER SUGIMURA: Sorry.
 11 CHAIR STONE: When the Chair is talking,
 12 please.
 13 (Laughter.)
 14 CHAIR STONE: I would like to thank Akaku very
 15 much for being here, it's very much appreciated for you
 16 guys being here tonight.
 17 And with that, the Chair shall adjourn this
 18 meeting. Thank you, Citizens of Lanai, for being here.
 19 (Applause.)
 20 CHAIR STONE: It is very much appreciated.
 21 And your testimony is going to make a big impact. Thank
 22 you.
 23 (Meeting adjourned at 8:50 p.m.)
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CERTIFICATE

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

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

DATED this 4th day of August, 2011.

Tonya McDade
Certified Shorthand Reporter #447
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