

Approved 08/15/11

Page 1

COUNTY OF MAUI, STATE OF HAWAII

CHARTER COMMISSION
REGULAR MEETING

Held at the Planning Department Conference Room,
250 South High Street, Wailuku, Maui, Hawaii, commencing
at 12:02 p.m., on Monday, July 25, 2011.

Reported by: Tonya McDade, CSR, CRR
Certified Shorthand Reporters Maui
Wells Street Professional Center
2145 Wells Street, Suite 302
Wailuku, Hawaii 96793
(808)244-3376
reporters@csrmaui.com

Page 3

(Monday, July 25, 2011, 12:02 p.m.)

* * *

CHAIR STONE: First, I would like to say aloha to everyone for attending this public meeting of the Charter Commission. My name is Josh Stone, and I'm the Chairman of the Commission. If you need, there are copies of our agenda of today's meeting available for everyone with Lisa Kahuhu over here. And as per our rules, all discussions today shall be pertaining to these agenda items only.

Before beginning public testimony, we have a few items of business to address. First, I would like to call this meeting to order as of 12:05 p.m. and recognize our Commissioners that are present or excused.

Lisa, do you have roll call for me, please?

MS. KAHUHU: Chair, I'm not aware of anyone who is asking to be excused. So I assume they will be here shortly.

CHAIR STONE: Let's give them the benefit of the doubt.

Also, I would like to present our staff here today. We have, sitting next to me, Ed Kushi, Jr. from Corporation Counsel. Also, Lisa Kahuhu, over there, Supervising Law Technician. Tonya McDade, our court reporter. And, of course, we have Mike Molina,

Page 2

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

Page 4

1 Executive Assistant from the Mayor's Office. Thank you
2 for being here.

3 I would like to take this time to approve the
4 minutes from our last meeting -- or the minutes that
5 were available, actually, to us.

6 MEMBER OKAMOTO: Is that the June 21 and June
7 27?

8 CHAIR STONE: That's correct. Yes.
9 Commissioner Hedani.

10 VICE-CHAIR HEDANI: Move to approve the
11 minutes of June 21st and June 27th, with one correction.
12 I wasn't present on the 27th.

13 CHAIR STONE: So noted. We have a motion to
14 accept minutes from June 21st and June 27th with that
15 correction.

16 MEMBER DE REGO: I second the motion.

17 CHAIR STONE: Thank you very much.
18 Commissioners, discussion on that?

19 (Silence.)

20 MEMBER DE REGO: No. All in favor, say "aye."

21 (A chorus of ayes.)

22 CHAIR STONE: All opposed?

23 (Silence.)

24 CHAIR STONE: Motion passes. Minutes
25 accepted.

1 (Pages 1 to 4)

<p style="text-align: right;">Page 5</p> <p>1 We'll now move on to oral testimony. But</p> <p>2 before --</p> <p>3 MEMBER OKAMOTO: Mr. Chair, we are going to</p> <p>4 table the others until next meeting, is that correct?</p> <p>5 CHAIR STONE: Yes. We're going to have to</p> <p>6 defer those others because they weren't available to us.</p> <p>7 We'll now move on to oral testimony, but,</p> <p>8 before we begin, I would like to go over our oral</p> <p>9 testimony rules. We will call up each public testifier</p> <p>10 in the order that they registered to testify. Each</p> <p>11 person will have five minutes to testify on all items in</p> <p>12 our agenda today. That's a slight change from our</p> <p>13 previous testifying rules. Following a testifier's</p> <p>14 testimony, I will ask the Commissioners if they need</p> <p>15 clarification of the presented testimony.</p> <p>16 With that, Lisa, please bring up our first</p> <p>17 testifier.</p> <p>18 MS. KAHUHU: Jim Smith.</p> <p>19 CHAIR STONE: Mr. Smith, thank you for coming</p> <p>20 today.</p> <p>21 ...BEGIN PUBLIC TESTIMONY...</p> <p>22 MR. SMITH: Chairperson Stone, Members of the</p> <p>23 Maui Charter Commission, thank you very much for</p> <p>24 committing your time to this. I'm so grateful.</p> <p>25 There is a couple of things I wanted to</p>	<p style="text-align: right;">Page 7</p> <p>1 legalese.</p> <p>2 And, also, what does this "as amended" mean?</p> <p>3 Well, from my limited understanding, it means that as</p> <p>4 the State Legislature amends this provision of the</p> <p>5 statute, so is our Charter amended. So, to me, you want</p> <p>6 to avoid confusing the two, statute and provision of our</p> <p>7 Charter.</p> <p>8 The article that appeared in the Maui Weekly,</p> <p>9 which mistakenly was attributed to your Chair, described</p> <p>10 the Charter Commission as coming up with rules, rules,</p> <p>11 and that you should participate in these rules. And it</p> <p>12 compared these proceedings to what was going on in Iraq</p> <p>13 and Iran as being this is the way we should do it,</p> <p>14 non-violently, versus that. The problem is that our</p> <p>15 provisions, Constitutional provisions, are not the same</p> <p>16 as rules and they're not the same as statutes.</p> <p>17 And I've brought a handout for you, which is</p> <p>18 taken from Black's Law Dictionary, 6th Edition, which is</p> <p>19 a definition of Charter, a definition of Constitution, a</p> <p>20 definition of statute and a definition of rule. And</p> <p>21 you'll find that, one, the Charter is the form of power,</p> <p>22 how it's applied; the statute is the execution of power</p> <p>23 by a legislative branch; and the rule is the</p> <p>24 administration of that provision. And it's all geared</p> <p>25 to protect us. It's all geared to check power and its</p>
<p style="text-align: right;">Page 6</p> <p>1 discuss with you.</p> <p>2 First, I was really taken back by the</p> <p>3 commentary by the Chair in the Maui Weekly, sir, in that</p> <p>4 you compared a voter to audit -- doing an audit of</p> <p>5 candidates. And when I was serving as a precinct</p> <p>6 official in Haiku, a father came up -- I think it was</p> <p>7 you. Was it not?</p> <p>8 CHAIR STONE: I don't believe that was me, no.</p> <p>9 MR. SMITH: It wasn't?</p> <p>10 CHAIR STONE: No.</p> <p>11 MR. SMITH: I stand corrected. I'm sorry. In</p> <p>12 any event, I'll move on.</p> <p>13 The problem with -- I wanted -- wanted to</p> <p>14 speak to the letter from the -- and that would be</p> <p>15 regarding the proposed amendments by the Fire and Public</p> <p>16 Safety Commission, and it has to do with the language.</p> <p>17 And this has been discussed in your minutes previously.</p> <p>18 And on Page 2 of that is a description of a proposed</p> <p>19 amendment. And this is -- I believe it is Item K. And</p> <p>20 it -- it starts off, notwithstanding any law to the</p> <p>21 contrary, and then it goes on, and then it ends,</p> <p>22 pursuant to Hawaii Revised Statutes, Section 46-24, as</p> <p>23 amended. Now, that's legalese. And our Charter should</p> <p>24 be ordinary language. So I would ask you to set a</p> <p>25 standard for any proposals that you consider to remove</p>	<p style="text-align: right;">Page 8</p> <p>1 arbitrary application. And that's where you sit right</p> <p>2 now. So I would ask -- I passed this out. I would ask</p> <p>3 that you set a standard for your review and eliminate</p> <p>4 provisions that really should be a law or really -- I</p> <p>5 mean, a statute, or really should be a rule. And keep</p> <p>6 the language simple and plain.</p> <p>7 That has to do with my first testimony.</p> <p>8 The second has to do with language. It also</p> <p>9 has to apply to a letter by Mr. Dick Mayer in which he</p> <p>10 describes, in Item 1, a county policy plan. Well,</p> <p>11 nowhere in our Charter is there mentioned a county</p> <p>12 policy plan. There is mentioned a general plan. So</p> <p>13 where is this and what is this county policy plan?</p> <p>14 Well, this is a makey-uppy of our statutory branch</p> <p>15 creating a Charter provision, which shouldn't be done.</p> <p>16 And this becomes more apparent when you look</p> <p>17 at the next item which is an island plan. Okay. The</p> <p>18 island plan sets land use boundaries in different</p> <p>19 community plan areas. And this is the Maui Island Plan.</p> <p>20 But our Charter specifically says that the citizen</p> <p>21 advisory committee shall create the land use detail in</p> <p>22 the community plan area. So what is an island plan</p> <p>23 doing creating a land use boundary in Paia-Haiku when</p> <p>24 the Charter is specific?</p> <p>25 So we're under siege in a most polite way, but</p>

2 (Pages 5 to 8)

<p style="text-align: right;">Page 9</p> <p>1 we're losing it nonetheless as effectively as if it were 2 done at arms. So we have to be -- that's what makes it 3 so critical for you to be here. 4 One of the astounding things is the notion 5 that -- 6 MS. KAHUHU: Time. 7 MR. SMITH: I'm sorry. Thank you. 8 CHAIR STONE: Mr. Smith, one second. Thank 9 you for your testimony. 10 Commissioners, any questions or clarifications 11 for Mr. Smith? 12 (Silence.) 13 CHAIR STONE: The Chair has a question for 14 clarification. Maui Weekly news article, was -- was the 15 Chair's name -- 16 MR. SMITH: There was commentary. 17 CHAIR STONE: -- used? 18 MR. SMITH: What's that? 19 CHAIR STONE: Was my name used in the article? 20 MR. SMITH: My thought was that it is, but I 21 didn't bring it with me. And you said it wasn't, so, 22 therefore, I'm going to hold off until I see it. 23 CHAIR STONE: Hang on. Commissioner DeLeon 24 might have some reflection on this. Yes. 25 MEMBER DELEON: This is in reference to the PR</p>	<p style="text-align: right;">Page 11</p> <p>1 definition of what you're doing in terms of creating 2 rules and why people should be there. It's similar to 3 this letter that I referred to in the sense there's -- 4 in the minutes, a member of this Commission references 5 statutes that are going to be considered by this 6 Commission. And -- and this is connected to the rule 7 issue there. And if you're considering statutes, you're 8 not even on the same page as our fundamental powers. So 9 it should be clarified, that distinction and -- and keep 10 a strong standard, deflecting any attempt to compromise 11 you, because that's what it will do. Ambiguity 12 compromises our security. And that's what has happened, 13 is there's been a -- 14 MEMBER OKAMOTO: Thank you. 15 MR. SMITH: -- profusion of ambiguity in our 16 rules and laws and -- 17 CHAIR STONE: Thank you. Commissioner DeLeon. 18 MEMBER DELEON: To answer your question, Kay, 19 it was the same 400-word piece that you reviewed. 20 MEMBER OKAMOTO: Yeah. Thank you, Chair. 21 CHAIR STONE: Thank you so much for your 22 testimony. Commissioners, any further clarification? 23 (Silence.) 24 CHAIR STONE: No. Thank you very much. 25 MR. SMITH: Aloha.</p>
<p style="text-align: right;">Page 10</p> <p>1 effort that I circulated, the article that was reviewed 2 at the Lahaina Public Hearing formally. 3 CHAIR STONE: Okay. 4 MEMBER DELEON: It was agreed it would go 5 under your name as opposed to mine, because you're the 6 Chair of the Commission. 7 CHAIR STONE: Okay. Thank you very much, 8 Mr. DeLeon. 9 MR. SMITH: I'm so glad, Mr. Stone, that 10 clarification was made because I made some assumptions 11 about you on the basis of that, on the fact that -- and 12 I'm so grateful that they're mistaken. 13 I would ask you not to let anyone write 14 anything for you because it's your genuine quality that 15 holds you above water. 16 Thank you. 17 MR. SMITH: Thank you, Mr. Smith. Thanks so 18 much for your testimony today. 19 MEMBER OKAMOTO: I have a question. 20 CHAIR STONE: Yes, Commissioner Okamoto. 21 MEMBER OKAMOTO: On this article -- because I 22 did read the PR piece that went out, it was very 23 generic. Was there more to the article that you -- in 24 the Maui Weekly? 25 MR. SMITH: There certainly was. There was a</p>	<p style="text-align: right;">Page 12</p> <p>1 CHAIR STONE: Good to see you. 2 Lisa, next testifier, please? 3 MS. KAHUHU: Sally Raisbeck. 4 CHAIR STONE: Ms. Raisbeck, good to see you 5 again. 6 MS. RAISBECK: Good morning, everybody. 7 I passed out the green sheet that is the 8 Viewpoint that Danny Mateo wrote basically attacking 9 Dave DeLeon. And I want it in your records is why I 10 passed it out. I assume all of you probably read The 11 Maui News, but not -- and this was this morning. And it 12 really surprised me. 13 I also had -- would testify about what I sent 14 you previously, which -- which is just the listing of 15 residency area populations. And that's important 16 because that listing shows what's wrong with the present 17 system. The fact that Lanai, at 3,000, East Maui, at 18 3,000, and Molokai, at 7,000, each have one Council seat 19 when my area, 29,000, has one Council seat. Kahului at 20 about the same number. Well, you can see from the list 21 what the situation is. And it's -- the argument is that 22 every councilmember represents the whole county. That 23 isn't true in practice. 24 Molokai and Lanai want to keep the present 25 system because they feel they get an influence out of</p>

3 (Pages 9 to 12)

Certified Shorthand Reporters Maui

808-244-3376

<p style="text-align: right;">Page 13</p> <p>1 proportion to their numbers on the Council. And they 2 do. And it mainly comes from the fact that there is 3 such a small population pool to draw candidates from. 4 Lanai has 3,000 people, like -- I think it's around 5 1,800 voters. And of those voters, most of them work 6 for the landowner, the major landowner, who owns 98 7 percent of the land. And, therefore, they are 8 ineligible to run for Council, basically. So the pool 9 -- well, they are, because conflict of interest on 10 everything involving Lanai. So -- and it was proven 11 when Goro Hokama was chair. They have such small 12 population pools to draw from for a candidate that it 13 really skews it. 14 And the net practical result is that Riki 15 Hokama from Lanai and Danny Mateo from Molokai will -- 16 mean, if they want to be council and even council chair 17 when they're 86 years old, all they'll have to do is 18 take two years off, vacation, and come back again and 19 win. Because nobody in those areas has the county-wide 20 recognition that they, obviously, already have. 21 So that's -- that's what's unfair about it, 22 that nobody can run against Danny. And it's not 23 necessarily because he's so chosen, it's because nobody 24 else -- no other candidate from that area would have 25 county-wide recognition.</p>	<p style="text-align: right;">Page 15</p> <p>1 the Senate of our national government -- 2 CHAIR STONE: Ms. Raisbeck, sorry, five 3 minutes are up. 4 MS. RAISBECK: Okay. 5 CHAIR STONE: Thank you very much for your 6 testimony. Commissioners, clarifications or questions 7 for Ms. Raisbeck? 8 (Silence.) 9 MS. RAISBECK: Thank you. 10 CHAIR STONE: Thank you very much for your 11 testimony today. 12 Lisa, next testifier, please. 13 MS. KAHUHU: Chair, it's Jocelyn Perreira. 14 And I'm passing out -- 15 CHAIR STONE: Ms. Perreira, thank you very 16 much for coming today. 17 MS. PERREIRA: Aloha. On behalf of the nine 18 towns that comprise the Tri-Isle Main Street Resource 19 Center's Board of Directors, I am here today to express 20 our sentiments relating to a proposed Charter amendment 21 on the County Council election districts. Our 22 organization, a 25-year advocate for Maui's County small 23 towns are concerned that a balanced viewpoint be 24 considered in this important issue and that the decision 25 the result of extensive public awareness discussion with</p>
<p style="text-align: right;">Page 14</p> <p>1 Same goes for Riki Hokama in Lanai. 2 And I think the attack on -- if I have time to 3 talk about the attack on Dave DeLeon by Danny Mateo, the 4 Chair of the Council, I feel -- I've known Dave for 5 almost 30 years, probably, in his professional 6 capacities. And I know that he would have the 7 objectivity -- if he were presented with truly excellent 8 arguments why we ought to stay with the present system, 9 he would listen to those arguments and he would stay 10 with the present system. 11 I think there are other people on this 12 commission who are equally biased in the opposite 13 direction. And they're just simply less candid about 14 their bias than Dave was in that article or in -- in his 15 bringing forward a solution to the constant problem of 16 how do you -- how do you deal with small areas, how do 17 they get representation when they're such small 18 populations, you know. Like Wailuku, 29,000; Lanai, 19 3,000. 20 The founding fathers knew that power corrupts. 21 They built it into their system. That's why we have a 22 president and a congress, because power corrupts and you 23 got to balance them. And that's why we have, in 24 Congress, a Senate and a House of Representatives, 25 because power corrupts and you've got to balance it. In</p>	<p style="text-align: right;">Page 16</p> <p>1 all segments of each community, especially districts 2 that will be heavily impacted. Our voice is in 3 solidarity with those of our less populated small towns, 4 of isolated Hana and the islands of Molokai and Lanai. 5 We stand with and for their right to participate with an 6 independent voice that will not be drowned out by the 7 masses. We appreciate the Commissioners speaking with 8 one voice so no confusion or exerting undue influence is 9 misinterpreted in a fair and equitable process. 10 The proposal, while popular with some 11 residents whom we deeply respect are coming from those 12 having experience -- direct experience with district 13 voting elsewhere and may not fully understand or 14 appreciate the roots of this system of island 15 representation that is both traditional and historical. 16 It is a home rule issue that has been extensively 17 discussed and debated periodically over the last century 18 with the result being a respectful recognition that 19 everyone has a right to a voice and a seat at the table 20 that makes decisions that impact their respective 21 island. 22 We are concerned that surveys are highly 23 suspect and can be skewed to reflect the particular 24 outcome. Furthermore, the burden of educating the 25 populous, including and especially those who do not</p>

<p style="text-align: right;">Page 17</p> <p>1 vote, to understand what this means and how it will 2 affect them is a primary responsibility of the Charter 3 Commission to examine the question, come up with a 4 viable answer, or do -- or do not change anything. The 5 leaders of our county have debated this issue 6 periodically and have always had a prevailing -- 7 supporting the need for geographical representation as a 8 fair democracy.</p> <p>9 A different philosophy is now emerging and it 10 has a direct relationship with population growth. What 11 does this proposal mean to our small towns and their 12 preferred future? What are the implications of an 13 updated county general policy plan and island plans that 14 emphasizes directed growth. Unless our small towns 15 grow, they will not be represented.</p> <p>16 I'm cutting it because of the time.</p> <p>17 The residents and businesses in these towns 18 pay the same taxes, fees and contribute to our county's 19 planning process, yet they often feel like second-class 20 citizens for they must take extraordinary measures to 21 travel to be assured of attaining full service and 22 access. Requiring them to bear a greater burden not 23 only seems unfair, it is unfair.</p> <p>24 When these small towns try to get a project to 25 benefit their community, it's important that all nine</p>	<p style="text-align: right;">Page 19</p> <p>1 Maui, because you are asking us to take away our votes 2 for nine representative offices and replacing it with 3 one. Why should we support losing the opportunity to 4 express our independent voices that carry the power and 5 equality of nine representatives? That allows a broader 6 discussion and understanding of the issues that may not 7 be in sync with the person who was elected from your 8 district.</p> <p>9 In some cases, entire districts have grown and 10 changed with the census and changed with new sets of 11 values and visions. This leaves those who have lived in 12 these areas for generations with a much smaller and, at 13 times, intimidated voice and insufficient options to 14 seek out someone they are comfortable sharing their 15 concerns.</p> <p>16 We have other areas in the County Charter that 17 we wish to share our opinions, concerns and 18 recommendations; however, the time that has been 19 allotted here will mean we have to come back in another 20 meeting. We will attempt to continue and are discussing 21 this issue separately as in our own process of public 22 outreach and representation in our small town boards. 23 We felt it important to begin with this 900-pound 24 gorilla in the room. It is a very serious and important 25 proposed initiative. We should heed the wisdom of our</p>
<p style="text-align: right;">Page 18</p> <p>1 members are aware and responsible to each and every 2 citizen for a fair division of resources and 3 opportunities for a broader field of judgment on home 4 room -- home rule issues.</p> <p>5 Maui County is the only county in the state 6 with islands separated by water. Each of them is 7 distinctly different from the other and from Maui. 8 We've repeatedly been made aware of their isolation and 9 the few and far between County services that everyday 10 Mauians take for granted. To combine Lanai with Lahaina 11 is more than a cultural shock; they will be a tiny fish 12 in a bowl of big fish. How would we like to have Hawaii 13 linked to California for representation?</p> <p>14 Incumbents have had an advantage, yes, but 15 only if the general public believes they should only 16 vote in their district. Blank votes can mean a variety 17 of things, including sending a message that none of the 18 above was considered qualified or provided true 19 representation.</p> <p>20 While Lanai and Molokai candidates may not be 21 readily defeated; factually, it has happened. Nor 22 should we ignore the benefits of the 10 years of Goro 23 Hokama and Pat Kawano that has worked for their islands 24 and for us.</p> <p>25 So it is with the rest of us on the island of</p>	<p style="text-align: right;">Page 20</p> <p>1 forefathers for, surely, the present system was grounded 2 in careful deliberation and supported in adopted 3 legislation.</p> <p>4 In conclusion, I just want to add a voice. 5 After hearing Mr. Jim Smith, I'm sure our board would be 6 concerned, too, for the statutes, and that measures that 7 should not be taken up by this Charter Commission should 8 not be and there --</p> <p>9 MS. KAHUHU: Time.</p> <p>10 MS. PERREIRA: -- clarify the -- the 11 distinction so that the public is not further confused.</p> <p>12 CHAIR STONE: Thank you. Thank you very much, 13 Ms. Perreira, for your testimony.</p> <p>14 Commissioners, clarifications or questions for 15 Ms. Perreira? Commissioner Okamoto, please.</p> <p>16 MEMBER OKAMOTO: Question. You deal often 17 with the entire Council, is that correct?</p> <p>18 MS. PERREIRA: Very often.</p> <p>19 MEMBER OKAMOTO: Have you ever gotten the 20 feeling that the Lanai and Molokai representatives only 21 represent Lanai and Molokai?</p> <p>22 MS. PERREIRA: Quite the contrary. Sometimes 23 they make the darn difference in what you need to have 24 as responsible legislation. Their vote is vital.</p> <p>25 MEMBER OKAMOTO: And what about other -- other</p>

5 (Pages 17 to 20)

1 current Council people, do you feel that they look at
2 everything equally, all areas of the county?

3 MS. PERREIRA: I've heard them say that they
4 are going to be responsible to all areas of the county;
5 however, the concern would be, if you're in a district,
6 okay, and let's say -- you know how politics plays a
7 role, whether you like it or not. And let's say certain
8 people supported a certain particular candidate that did
9 not prevail. If they have an issue that has to come up
10 before the Council and that -- the person that they did
11 not support is the only person they can go and talk to,
12 that makes it rather difficult, I mean, even from a
13 realistic or even a perception-wise, whether or not
14 they're going to get a fair hearing on something. Even
15 though I do believe that the people who are elected to
16 office have -- honorably want to represent everybody
17 fairly.

18 MEMBER OKAMOTO: Thank you.

19 CHAIR STONE: Thank you. Commissioners,
20 further questions or clarifications? Commissioner Baxa.

21 MEMBER BAXA: Yeah, Mr. Chair. Ms. Perreira.
22 I know that you signed your name here as Executive
23 Director/Small Town Specialist for the Tri-Isle Main --
24 for the Tri-Isle Main Street Association. I just want
25 to know from you, you are speaking not only as an

1 Lanai councilmember -- a County councilmember's lost a
2 seat?

3 MS. PERREIRA: Off the top of my head, I
4 cannot say for sure, but I do believe, as a young child,
5 I have heard of a change that happened and it had
6 something to do with the unions. And I don't know if
7 it's when we had the change in '54, when there was a
8 change in power structure. And I think maybe, perhaps,
9 it was at that particular time that that may have
10 happened. But -- but I wouldn't attest to it for
11 certainty today. I would have to look it up and
12 research it to be sure.

13 MEMBER DELEON: Okay. So another question I
14 had for you is, you know, when researching this topic,
15 particularly for Lanai and Molokai, and -- and the more
16 I looked at it, the more I came to the conclusion that
17 ideally what would happen in other American situations
18 would be townships for Lanai and Molokai, because
19 they're so isolated and so separate, and then,
20 typically, would have their own -- their own
21 governments. That's what happens all over the United
22 States in small communities. Communities as small as
23 2,000 people would have their own town. In our tax
24 situation and everything, I understand that that
25 wouldn't work, but what -- what's your thoughts on -- on

1 individual, but as Executive Director of this
2 organization?

3 MS. PERREIRA: Yes. Absolutely. As a matter
4 of fact, this issue was taken up before the Council one
5 year ago, I think was July 20th. And it was presented
6 in the Board of Directors packets as the testimony, in
7 large part, from the organization. There was complete
8 agreement.

9 In every board, you have some people who feel
10 differently, have a different point of view, but we
11 operate -- we have a process. And we do operate on
12 consensus. So, of course, I represent the organization,
13 but my voice represents the larger group of nine
14 communities that are linked to ours.

15 MEMBER BAXA: Thank you.

16 CHAIR STONE: Thank you. Further
17 clarification? Commissioner DeLeon.

18 MEMBER DELEON: Jocelyn, you say in your
19 testimony that Lanai and Molokai candidates rarely get
20 defeated, but factually has happened. Outside the one
21 case where Lingle Lingle beat an incumbent who wasn't
22 actually elected --

23 MS. PERREIRA: Uh-huh.

24 MEMBER DELEON: -- appointed person from
25 Molokai, can you name any other cases where a Molokai or

1 creating different kinds of governments for Lanai,
2 Molokai that would bring -- bring home -- homegrown
3 governance?

4 MS. PERREIRA: Okay.

5 MEMBER DELEON: So instead of depending on a
6 county-wide process, going a little deeper, still tied
7 to the County Charter, it would be still part of the
8 county.

9 MS. PERREIRA: Sure.

10 MEMBER DELEON: I'm calling them island
11 boards. It could be something else. It could be
12 structured different than I proposed. But what's your
13 thoughts on that general concept?

14 MS. PERREIRA: You know, in an ideal world,
15 that would be really great. The reality, though, of the
16 world that we have today is even if you were to give
17 them their individual power structure on Molokai and
18 Lanai, they -- they do not have the level of resources
19 that we have here on Maui. It would be giving them a
20 distinctly horrible disadvantage. Perhaps maybe to the
21 -- to the level of how Hawaii can be disadvantaged
22 because we are separated by water and we have to wait
23 for boats to bring things in. I think that Molokai and
24 Lanai are in a unique situation.

25 And, frankly, this is not a board position.

<p style="text-align: right;">Page 25</p> <p>1 It's my position, because you asked me for my opinion. 2 I just have a difficult time saying to a member of the 3 family that you're not included, that you're not part of 4 the total family. Molokai and Lanai, good, bad or 5 indifferent, they're part of our family. And I just 6 have a very difficult time not respecting that. 7 MEMBER DELEON: Well, what if -- excuse me. 8 Can I continue, Mr. Chair? 9 CHAIR STONE: Please, go ahead. 10 MEMBER DELEON: What if -- I mean, let's take 11 the Council representation and put it on the side. What 12 would you think of creating this kind of township kind 13 of government or close to a township type of government 14 in these two communities? 15 MS. PERREIRA: You know, I think it's worth 16 your researching and reviewing and discussing. I don't 17 have all of the answers. I think it's one possibility. 18 As I stated in the testimony, that it is the burden of 19 the Commission to try to research and think of 20 alternatives, viable alternatives, or do nothing. If 21 that is concluded to be a viable alternative based on 22 what you hear from the communities, based on the fact 23 that you are going to be able to ensure a level of 24 fairness and equitability, I think that's something you 25 would have to consider.</p>	<p style="text-align: right;">Page 27</p> <p>1 to unseat them in such a way that, when election come, 2 not even the -- the people that -- the people that -- 3 the candidates that the people from Molokai and Lanai 4 actually vote for do not come out. 5 MS. PERREIRA: That's true. 6 MEMBER BAXA: That incumbents always come out 7 Do you have any thoughts on that? 8 MS. PERREIRA: Yes. I know what you're saying 9 to be the truth. That is generally the -- the outcome 10 is that the people from the given area don't have the 11 person that is their number one person prevail. 12 However, even if you had -- any one of the other 13 districts, okay, you would have somebody that you want 14 to prevail is not necessarily going to prevail. 15 Because, if you're an old-timer, let's say, and you've 16 lived at a certain -- in a certain town all of your 17 life, okay, and -- and you become acquainted with 18 certain people and there's certain -- certain manners in 19 which you conduct business and you do different things, 20 and then things change, you know, there is an influx of 21 people, there is new thoughts, new ideas, new visions. 22 Well, the one that you're comfortable with, you're most 23 comfortable with, and you feel has a commitment and a 24 tie to the land -- because some of these people that 25 didn't prevail have a tie to the land, but they are</p>
<p style="text-align: right;">Page 26</p> <p>1 MEMBER DELEON: Thank you. 2 CHAIR STONE: Thank you. Commissioners, any 3 further clarification? 4 (Silence.) 5 CHAIR STONE: No. Ms. Perreira, just from the 6 Chair, I want to let you know, too, written testimony at 7 any given time comes to the Commission and is also 8 reviewed. So, please, any kind of written testimony as 9 well is good for us. Thank you. 10 MS. PERREIRA: We will be presenting you more 11 testimony. Especially you have the Liquor Adjudication 12 stuff coming up and we did want to weigh in on that, and 13 a lot of other things. But we've decided to respect 14 your rules of the five minutes, because we know it can 15 get unruly, and we'll wait and we'll come back with 16 additional information for you. 17 CHAIR STONE: Thank you. Before I let you go, 18 Commissioners, any further clarification? Commissioner 19 Baxa. 20 MEMBER BAXA: Ms. Perreira, going back to the 21 election of councilmember, and especially for Molokai 22 and Lanai, there are some people who think that -- let 23 us say some people who have been elected to be 24 councilmen of Molokai and Lanai, once they had been 25 there for two terms, two or four years, it is very hard</p>	<p style="text-align: right;">Page 28</p> <p>1 still -- have a right to have their voice. In other 2 words, Molokai or Lanai, if they feel that the person 3 out there is not representing the wishes of their 4 individual islands, that doesn't mean that the people of 5 Molokai and Lanai cannot group together and seek out the 6 residents of Maui and say, please help us because this 7 person does not espouse our values, does not represent 8 us properly and we need your help to -- to bring the 9 person that we feel will be a better voice for us. And 10 I do think that that's an appropriate way. 11 MEMBER BAXA: Thank you. 12 CHAIR STONE: Thank you very much. 13 Commissioners, any further questions? 14 (Silence.) 15 CHAIR STONE: No. Ms. Perreira, thank you so 16 much for coming today. We appreciate it. 17 MS. PERREIRA: Thank you. 18 CHAIR STONE: Lisa, any more testifiers? 19 MS. KAHUHU: Chair, there's no further 20 testifiers. 21 CHAIR STONE: At this time, if there's anybody 22 from the public who would like to testify before I close 23 public testimony, you're welcome to come forward. 24 (Silence.) 25 CHAIR STONE: Okay. No. Thank you. If there</p>

7 (Pages 25 to 28)

Certified Shorthand Reporters Maui

808-244-3376

1 are no objections, I will close the oral testimony at
 2 this time.
 3 ...END OF PUBLIC TESTIMONY...
 4 CHAIR STONE: And without objection, the Chair
 5 will accept and file all public communications for the
 6 record.
 7 We had something from Commissioner Okamoto,
 8 please.
 9 MEMBER OKAMOTO: Well, I have a comment on one
 10 of the communications, about having an email address. I
 11 don't remember which one it was.
 12 CHAIR STONE: We're moving on to
 13 communications.
 14 MEMBER OKAMOTO: Oh, okay.
 15 CHAIR STONE: So we'll discuss that. I'm just
 16 going to accept them --
 17 MEMBER OKAMOTO: Thank you.
 18 CHAIR STONE: -- in the record. All right?
 19 Okie dokie. All right. At this time let's move on to
 20 communications. And, Commission Okamoto, please go
 21 ahead.
 22 MEMBER OKAMOTO: Well, I don't remember which
 23 one it was now, but the idea of having a email address I
 24 thought was a good idea. I don't know if it's something
 25 that can be done.

1 CHAIR STONE: Let me ask for clarification.
 2 Lisa, do we have a -- we have a email address for people
 3 to send us written communication or --
 4 MS. KAHUHU: Yes, Chair, we do. And I believe
 5 Member Okamoto is referencing Al Rabold's letter.
 6 MEMBER OKAMOTO: Yes.
 7 MS. KAHUHU: And I did email him back and gave
 8 him all the information about the website and the email
 9 address. So he's since sent more stuff that will be on
 10 future meeting agendas.
 11 MEMBER OKAMOTO: Okay. So they can go through
 12 the website, is that correct?
 13 CHAIR STONE: Is it easily definable on the --
 14 on our website page?
 15 MS. KAHUHU: Yes.
 16 CHAIR STONE: Okay. Good.
 17 MEMBER OKAMOTO: Thank you.
 18 CHAIR STONE: Any further discussion on the
 19 communications we've received today?
 20 (Silence.)
 21 CHAIR STONE: Okay. Let's move forward.
 22 Moving on to Old Business. If you guys all take out the
 23 proposed change commission rules, Section 11.2.A, order
 24 and duration of testimony, you will see highlighted the
 25 changes that we've already taken action on.

1 Commissioners, any discussion on that, or are we all
 2 good with that?
 3 MEMBER OKAMOTO: I hate to beat a dead horse.
 4 CHAIR STONE: Commissioner Okamoto.
 5 MEMBER OKAMOTO: But it really hit me when we
 6 went to Lanai, Molokai and Hana, that those people have
 7 maybe two opportunities to testify throughout the whole
 8 where people here on Maui may come to every meeting. So
 9 -- and I'm not saying we want to hear from them for 10
 10 minutes, but I think it's just something maybe we could
 11 be a little more aware of that those people who came to
 12 the Molokai meeting -- and a few of them got a little
 13 upset that, you know, they didn't have time -- as much
 14 time, when you think about it, versus people who can
 15 come to these meetings every single time, you know, do
 16 we have an equality there. And I don't know -- I give
 17 no solution.
 18 CHAIR STONE: Just -- Commissioner Okamoto, as
 19 you recall, in our public outreach meetings, we've been
 20 using the old rule, three minutes plus one plus another
 21 three. So we've been giving the testifiers a pretty
 22 good amount of time. In fact, we've been going to the
 23 very end of our potential meeting as everybody had to
 24 get away to fly. So it's understood.
 25 And also remember we can always suspend the

1 rules, if need be, and continue testimony. I think as
 2 we go out to the next round of testifiers, public
 3 testimony, I have a feeling we're going to have turnouts
 4 where we're going to have to limit the amount of time or
 5 we're going to have issues. So we'll take that on a
 6 case-by-case basis. And if need be, we can always, as a
 7 group, amend -- or suspend the rules at that time.
 8 MEMBER OKAMOTO: Thank you.
 9 MEMBER BAXA: Mr. Chair?
 10 CHAIR STONE: Yes, please, Commissioner Baxa.
 11 MEMBER BAXA: Oh, yes. In connection with
 12 this, I realize that we have that rule, adopted that
 13 rule, but I was just wondering where the -- whether the
 14 Chair can exercise more discretion in allowing that
 15 person present who testifies to spend a little bit more.
 16 I believe that the Chairman would be able to see whether
 17 the testifier has something substantial to say. And
 18 just to cut the testifier in the middle of a substantial
 19 testimony, to me, it takes away some of the meanings
 20 that we're trying to achieve. We want to hear as much
 21 as possible. And I know we have time constraints, and I
 22 do not mean that you can extend the time for so long,
 23 but you should be able to see when enough is enough, not
 24 strictly sticking to the three-minute rule.
 25 CHAIR STONE: Thank you, Commissioner Baxa.

<p style="text-align: right;">Page 33</p> <p>1 The Chair has a confession to make.</p> <p>2 Oftentimes, I actually do let people go a little bit</p> <p>3 longer if the testimony does appear to be significant</p> <p>4 and to complete what they're saying, so -- you guys</p> <p>5 don't often see, but Lisa's raising her hand, waving at</p> <p>6 me frantically. And sometimes I allow the testifier to</p> <p>7 go a little bit longer if it's making sense.</p> <p>8 So, Commissioner Moikeha.</p> <p>9 MEMBER MOIKEHA: And my opinion of that is</p> <p>10 that's why we have a rule. And we should be consistent</p> <p>11 with it, with everybody in every place we go. I</p> <p>12 understand that to go to the outer islands, our rural</p> <p>13 communities, where they don't have the opportunity to</p> <p>14 come and testify every week, we still have the</p> <p>15 availability to suspend our rules.</p> <p>16 I'm not in agreement with what has been</p> <p>17 happening when certain people will ask that, please</p> <p>18 finish your testimony, as if that's a clarification. I</p> <p>19 don't agree with that at all, either. I think you</p> <p>20 should politely find a point where you can interject and</p> <p>21 conclude that testifier.</p> <p>22 And no one has used the suspend the rules.</p> <p>23 And we all have that availability to do that. And I</p> <p>24 don't think it's the sole responsibility of the Chair,</p> <p>25 either. I think that's something that should be put</p>	<p style="text-align: right;">Page 35</p> <p>1 Again, I would say stick to the rules, and we have the</p> <p>2 option to suspend them.</p> <p>3 CHAIR STONE: Thank you, Commissioner Moikeha</p> <p>4 Point noted.</p> <p>5 Commissioners, any further clarifications?</p> <p>6 (Silence.)</p> <p>7 CHAIR STONE: No. Thank you.</p> <p>8 Moving on. New Business, we've already</p> <p>9 discussed the communication items. So that brings us on</p> <p>10 to New Business, Point B, appearance by Franklyn Silva,</p> <p>11 Director, Department of Liquor Control. And I believe</p> <p>12 -- thank you very much, Mr. Silva, for coming today. We</p> <p>13 know you guys are very busy and it's much appreciated</p> <p>14 for you guys sharing your time with us.</p> <p>15 Just for clarification, because I was reading</p> <p>16 your guys' notification - sorry -- letter, communication</p> <p>17 to the Commission, none of the proposals received by the</p> <p>18 Commission to date have been discussed or acted on. So</p> <p>19 these are just proposals that have been put forward to</p> <p>20 us, just so everybody's clear.</p> <p>21 What we really invited you guys here for today</p> <p>22 is a 101 for the Commission to understand the process.</p> <p>23 And we have the same thing going on with -- with Fire</p> <p>24 Commission, Police Commission, and everybody, to</p> <p>25 understand what the process is.</p>
<p style="text-align: right;">Page 34</p> <p>1 forth as a motion. If there's a second, then we vote on</p> <p>2 it. But you're going to get into trouble.</p> <p>3 Now, there's a lot of people that were here</p> <p>4 today hearing that, oh, well, we -- if we think your</p> <p>5 testimony is a little bit more, we want to hear more.</p> <p>6 That's not fair, you know. This is why we have a rule.</p> <p>7 And I would say try and follow the rule as</p> <p>8 much as you can. And -- and if you feel that there</p> <p>9 needs to be more clarification, then ask the question</p> <p>10 that clarifies.</p> <p>11 You know, I've listened to many of the</p> <p>12 testifiers. And a lot of times, there's a lot of long</p> <p>13 introduction. Just get to the meat of what you want to</p> <p>14 say to us. And I don't mean to be rude in that way,</p> <p>15 but, again, I really believe you have a time limit,</p> <p>16 choose carefully what you want to address to us, what</p> <p>17 you think is the most important thing.</p> <p>18 And I will tell you, having written testimony</p> <p>19 always gives opportunity to go back and review it. And</p> <p>20 sometimes in the middle of testimony, if we haven't even</p> <p>21 seen it, we're trying to follow along with you. But</p> <p>22 believe me, I read everything. You know, how much I</p> <p>23 retain is another issue, but I do read everything that's</p> <p>24 submitted, especially when I'm looking for information</p> <p>25 in decision-making. So we have that availability.</p>	<p style="text-align: right;">Page 36</p> <p>1 So best possible scenario for us is if you</p> <p>2 could describe your role and how that -- how that works</p> <p>3 in -- in the world of the Liquor Department.</p> <p>4 DIRECTOR SILVA: Okay.</p> <p>5 CHAIR STONE: Thank you.</p> <p>6 DIRECTOR SILVA: Good afternoon, Chair Stone</p> <p>7 and Members of the Commission. I'm Frank Silva, I'm the</p> <p>8 Director of the Department of Liquor Control. With me</p> <p>9 is Robert Tanaka, who is the Chair of the Liquor</p> <p>10 Commission; Jason Medeiros, who is the Chair of the</p> <p>11 Adjudication Board; and Traci Fujita Villarosa, who is</p> <p>12 our Deputy.</p> <p>13 I'll give you a brief rundown on what the</p> <p>14 department entails, how do we get funded, those kind of</p> <p>15 things. Is that what you're --</p> <p>16 CHAIR STONE: That's exactly what we're</p> <p>17 looking for right now.</p> <p>18 DIRECTOR SILVA: Okay. The Department of</p> <p>19 Liquor Control is charged with protecting the health,</p> <p>20 safety and welfare of the general public by regulating</p> <p>21 the liquor industry and the manufacturer, importation,</p> <p>22 retail and sales and service of the alcoholic beverages.</p> <p>23 To do this, we have 26 people authorized in the</p> <p>24 department.</p> <p>25 Right now, we have 20; 10 administrative, 10</p>

9 (Pages 33 to 36)

Certified Shorthand Reporters Maui

808-244-3376

1 enforcement. The Administrative Section is the ones
2 that do the background checks, check on -- on
3 applicants, permits, anything to do with the liquor
4 licensed premises itself. On the other hand, we have
5 the Enforcement Section. These are the guys that are
6 out every night looking for the young faces, looking for
7 intoxicated people.

8 Then we have the Commission. The Commission
9 is a nine-member volunteer board that's appointed by the
10 Mayor, approved by the County Council. Their job is
11 total jurisdiction over the licensed premises. They --
12 they're the ones that approve, disapprove licenses,
13 place conditions on, anything to do with the licensed
14 premises.

15 On the other hand, we have the nine-member
16 Adjudication Board, same process, appointed by the
17 Mayor, approved by the County Council. Their job is
18 strictly judge and jury. They hear all the complaints
19 that are set forth by the Director against licensed
20 premises. They hear the cases, decide guilty, not
21 guilty, place penalties on them.

22 We have -- we are a semiautonomous department.
23 In other words, none of the monies to run the department
24 comes from the General Fund. We -- we initiate license
25 fees, additional assessment fees, which makes up the

1 entire budget of the Department of Liquor Control.

2 Yeah. People also think that we collect the
3 taxes. We don't collect any taxes at all.

4 As I say, we get our own monies from -- each
5 license is renewable every June 30th. We collect
6 license fees. Then whatever else we need for our
7 budget, we assess the licensees based on their total
8 gross sales.

9 Yeah. The liquor taxes are collected by the
10 State, but nothing to do with the department.

11 Liquor sales, Maui County, last year, \$236
12 million. Down a little bit from past -- past year. But
13 the Department's budget was \$2,885,144. Out of that, 70
14 percent of our annual A Account, which is our personnel
15 salaries, goes into the General Fund. This year,
16 \$988,600.16 went into the General Fund from the
17 department for overhead charges. These are charges for
18 Corporation Counsel, Prosecutor.

19 Prosecutor handles all of our adjudication.
20 Corporation Counsel represents the Commission.

21 As I say, we have 20 people currently
22 assigned. We're six short -- I'm sorry. Yeah, we're
23 six short. We're already recruiting for the ones that
24 we're short.

25 What did I -- I think that's about it in a

1 nutshell. I'll open up for questions, whatever else you
2 have.

3 CHAIR STONE: Excellent. Thank you very much,
4 Mr. Silva.

5 Commissioner.

6 MEMBER SUGIMURA: This is very interesting.
7 And it's good to hear that you're self-sufficient in
8 these kind of economic times.

9 I was just curious, what happens if you have
10 excess money, then?

11 DIRECTOR SILVA: We don't.

12 MEMBER SUGIMURA: Oh, you don't?

13 DIRECTOR SILVA: No. The way we collect our
14 fees, it comes out to the penny. If -- if our budget is
15 \$2,885,144, we collect exactly that. Whatever we don't
16 use from that goes into carryover savings. We carry it
17 over for the next year, so we charge the licensees less.

18 MEMBER SUGIMURA: So what you're saying --
19 could I ask another question? Sorry.

20 CHAIR STONE: Continue, Commissioner Sugimura

21 MEMBER SUGIMURA: Just for clarification. So
22 you're saying that if you had excess funds -- I'm
23 calling it the wrong name -- but it would carry over to
24 the next fiscal year?

25 DIRECTOR SILVA: Yeah. What would happen is

1 it would be credited to --

2 MEMBER SUGIMURA: Credited.

3 DIRECTOR SILVA: -- the licensees for the
4 following year.

5 MEMBER SUGIMURA: So then, every year -- or
6 the next fiscal year, then these liquor outlets, or
7 whatever they're technically called, then they would
8 have less fees to pay in the following year?

9 DIRECTOR SILVA: Yes.

10 CHAIR STONE: Commissioner DeLeon.

11 MEMBER DELEON: Frank, I think you're -- I
12 think you overlooked one little thought in your -- in
13 your scenario of the department, is that you're
14 semiautonomous, also, in that the Commission appoints
15 you.

16 DIRECTOR SILVA: Oh, yeah.

17 MEMBER DELEON: You serve at the pleasure of
18 the Commission.

19 DIRECTOR SILVA: Yes.

20 MEMBER DELEON: Okay. And how long have you
21 been in your position?

22 DIRECTOR SILVA: I've been in my position now
23 for -- I've been the Director for 19 years.

24 MEMBER DELEON: 19 years.

25 DIRECTOR SILVA: Been with the department 29

Page 41

1 years.

2 MEMBER DELEON: 29, wow. In my former life as

3 a County guy in charge of boards and commissions, I

4 noticed a scenario where Commission members who go to

5 the Adjudication Board will go back to the Commission,

6 will go back to the Adjudication Board. In your

7 estimation, is that a healthy thing?

8 DIRECTOR SILVA: That's a good thing.

9 MEMBER DELEON: It's a good thing?

10 DIRECTOR SILVA: Yes, because they come in

11 with -- with some knowledge of what the other side is

12 doing. They do completely different things. But they

13 have -- liquor laws are very strange. They're not like

14 any other laws that there is. 21st Amendment gives

15 broad powers to the Commission and the Adjudication

16 Board members. So it takes a while to get used to

17 liquor laws. So when we get somebody coming in that

18 used to be on the Commission, for instance, to the

19 Adjudication Board, they come in with some knowledge of

20 -- of the process. So it takes -- takes a little less

21 training time than normal.

22 MEMBER DELEON: Okay. And last question. Is

23 there -- I never was clear on this. Is there some kind

24 of State or Federal requirement that the Commission be

25 separate and independent from the County government, in

Page 42

1 this semiautonomous arrangement, or is it -- well, in

2 reference to your appointment, for instance, whether --

3 is there any limitation in State or Federal law that

4 keeps that --

5 DIRECTOR SILVA: No.

6 MEMBER DELEON: -- in place?

7 DIRECTOR SILVA: There used to be up until

8 about a year ago where it was the -- the Director or

9 Commission members could not be involved in any

10 political -- in other words, I think the law stated that

11 other than exercising our right to vote, any action by

12 us to see that someone is either elected or not would be

13 -- "shall be" dismissed, not "may be."

14 MEMBER DELEON: So for you to be appointed by

15 a political entity would be a breach of that?

16 DIRECTOR SILVA: Oh, yeah.

17 MEMBER DELEON: But that law has been taken

18 away?

19 DIRECTOR SILVA: Well, it's been modified.

20 It's been watered down a little bit where now we can if

21 we put it in writing to the Commission and get approval.

22 MEMBER DELEON: I see. Thank you.

23 CHAIR STONE: Commissioners, further

24 clarification? Commissioner Wiger.

25 DIRECTOR SILVA: I'm sorry. The Commission --

Page 43

1 the appointment of the Director by the Commission is

2 State law.

3 MEMBER DELEON: State law.

4 DIRECTOR SILVA: Statutory, yeah.

5 MEMBER DELEON: Okay.

6 CHAIR STONE: Interesting. Commissioner

7 Wiger.

8 MEMBER WIGER: Yes, question. I'm very naive

9 when it comes to the running of your area and the Liquor

10 Adjudication. And so the questions that I have are

11 questions that have -- you know, have been posed to me

12 by people or questions that have come up in conversation

13 with people. And because they know I'm doing what I'm

14 doing, they say, do you know about this. And I say, no,

15 but he's going to come and ask -- or tell us things, so

16 I'll be sure and ask. Certain -- certain processes that

17 you have, I'm just curious how they come about.

18 For example, one of the ones that's been

19 brought to our attention from various folks is why is it

20 that, in Maui, in a bar or a restaurant, and you -- you

21 have a band that's playing music, people can't get up

22 and dance. That comes up frequently from people. So

23 that's one. Another one is people wanting to do --

24 people who own a place like a gourmet deli, for example,

25 where they sell wine, along with food, and they would

Page 44

1 like to do a wine tasting that they could charge for,

2 for example. And so what people have found out is that

3 they're never going to be allowed to do that in their

4 establishment, so they have to take it into private

5 homes.

6 And so how -- how do -- how do things like

7 that come about? How do decisions get made? Where's

8 the input from the public? All those kinds of things.

9 DIRECTOR SILVA: The first one, the dance

10 thing, that's all State law. For instance, State

11 statutes require that any licensee who wants to have

12 dancing in their premises must provide facilities for

13 dancing, meaning a dance floor.

14 MEMBER WIGER: Okay.

15 DIRECTOR SILVA: And all -- all dancing will

16 take place on the dance floor. Any licensee who wants

17 dancing in their premises gets licensed -- gets dancing

18 in their premises. A lot of licensees will not allow

19 dancing in their premises because they don't have the

20 room for it or they don't have the personnel for it. So

21 all they have to do is ask, and we'll allow dancing as

22 long as the dancing is within the designated area. So

23 anyone can have dancing in their premises.

24 It's been said before that we restrict them.

25 We don't restrict dancing. We restrict dancing that's

11 (Pages 41 to 44)

Certified Shorthand Reporters Maui

808-244-3376

1 outside of the dance area. And the reason for that is
 2 because it blocks aisles and walkways, people are
 3 bumping into the people who are sitting down and having
 4 dinner and fights start, those kind of things. And
 5 that's -- that's under State statute, by the way. So --
 6 What was the other one?
 7 CHAIR STONE: I believe that answered both
 8 questions, actually. Mr. Silva, just a quick question.
 9 So --
 10 MEMBER WIGER: Could I follow up, though?
 11 CHAIR STONE: Yes, please, Commissioner Wiger
 12 MEMBER WIGER: So I guess what I'm asking is,
 13 on the larger framework -- those were specific examples.
 14 But in the larger framework, how is it that you develop
 15 whatever guidelines it is that you have in your role on
 16 Maui County? There are clearly some guidelines which
 17 are State guidelines.
 18 DIRECTOR SILVA: Yes.
 19 MEMBER WIGER: Some guidelines, I'm sure,
 20 which are Federal guidelines.
 21 DIRECTOR SILVA: Yes.
 22 MEMBER WIGER: But there are probably some
 23 that are Maui County --
 24 DIRECTOR SILVA: Yes.
 25 MEMBER WIGER: -- guidelines. So --

1 DIRECTOR SILVA: County rules.
 2 MEMBER WIGER: There's a process for how that
 3 comes about. Could you just sort of quickly give us a
 4 this is how we do it and so forth?
 5 DIRECTOR SILVA: Yes. The rules are
 6 Commission rules. When they're passed, they have the
 7 force and effect of law. A lot of the rules are in
 8 place by the public. They'll petition the Commission
 9 stating that this is so-and-so and this is what we would
 10 like to have. The Commission will go on to the public,
 11 have public hearings, like you all do. And -- and
 12 whatever the public wants, the Commission then takes
 13 action on. And then it goes to the Mayor. The Mayor
 14 signs it, it becomes law, or, after so long, he doesn't
 15 sign it, it becomes law.
 16 MEMBER WIGER: So it could become law without
 17 the Mayor signing?
 18 DIRECTOR SILVA: Yeah.
 19 MEMBER WIGER: Okay. Okay.
 20 CHAIR STONE: Commissioner Moikeha.
 21 MEMBER MOIKEHA: I kind of briefly just went
 22 through the description in the current Charter, the
 23 section that covers this. How do you handle complaints
 24 against enforcement officers from the public? Is it
 25 held -- is it handled only administrative with you or

1 your deputy, or does it go through a commission?
 2 Because when I compare what a Fire and Public Safety
 3 Commission can do, in their description, they're allowed
 4 to investigate charges brought forth by the public that
 5 deal with anybody in the Department of Fire and Public
 6 Safety. But I don't see that in your description under
 7 this section. So how is that handled?
 8 DIRECTOR SILVA: It handles internally,
 9 depending on the violation. The violation could either
 10 be handled through an investigation by the Department
 11 and/or through County Administration, through the
 12 Managing Director's Office.
 13 MEMBER MOIKEHA: Okay. So a public -- member
 14 of the public, whether they have a license -- whether
 15 they're a licensee or not, has a complaint against an
 16 enforcement officer, they would come directly to your
 17 office?
 18 DIRECTOR SILVA: Yes, to the Commission.
 19 Yeah.
 20 MEMBER MOIKEHA: And then who -- to the
 21 Commission?
 22 DIRECTOR SILVA: Well, actually, it comes to
 23 the department.
 24 MEMBER MOIKEHA: Okay.
 25 DIRECTOR SILVA: Comes to us. We have -- we

1 will immediately assign someone to investigate.
 2 MEMBER MOIKEHA: Personnel in your department?
 3 DIRECTOR SILVA: Yeah, which would be the
 4 supervisor.
 5 MEMBER MOIKEHA: Okay. And then, from there,
 6 where does it go?
 7 DIRECTOR SILVA: Depending on -- on what we
 8 find, depending on the -- on the violation, if it's a
 9 minor violation, handled in the Department with -- first
 10 of all, we would contact the complainant, let the
 11 complainant know that we received the complaint and that
 12 we are investigating. And then if it's -- if it's a
 13 within-the-department thing, we will contact the
 14 complainant and tell them what the -- what the outcome
 15 was.
 16 MEMBER MOIKEHA: Uh-huh. So it's handled
 17 internally. Would you be -- would you have any
 18 objections to having the Commission do review of anyone
 19 within this department, Enforcement?
 20 DIRECTOR SILVA: No, not at all.
 21 MEMBER MOIKEHA: So if we were to add that to
 22 the duties of the Commission, that they would have
 23 investigative abilities to conduct complaints against
 24 enforcement officers, that wouldn't --
 25 DIRECTOR SILVA: No.

Page 49

1 MEMBER MOIKEHA: -- interfere with -- okay.
 2 Thank you.
 3 MEMBER BAXA: Mr. Chair?
 4 CHAIR STONE: Commissioners? Commissioner
 5 Baxa.
 6 MEMBER BAXA: Mr. Silva, I think this may be
 7 very elementary, but -- so you report directly to the
 8 Commission?
 9 DIRECTOR SILVA: Yes.
 10 MEMBER BAXA: In the preparation of your
 11 budget, do you prepare your budget directly in
 12 consultation with the Commission?
 13 DIRECTOR SILVA: Yes.
 14 MEMBER BAXA: Does the Mayor have anything to
 15 do with your department in these terms?
 16 DIRECTOR SILVA: Yeah. We -- we also -- we go
 17 through the Mayor for budget. Anything -- the Mayor
 18 does have some control over the Department of Liquor
 19 Control.
 20 MEMBER BAXA: In what way?
 21 DIRECTOR SILVA: In, for instance, approving
 22 our -- any -- any expenditures, yeah, the budget, they
 23 approve or disapprove our budget, to include personnel
 24 changes.
 25 CHAIR STONE: Commissioner, do you need

Page 50

1 further clarification?
 2 MEMBER BAXA: All the decisions are being made
 3 in terms of the final budget by the Commission?
 4 DIRECTOR SILVA: By the -- no. By the Mayor,
 5 by the budget office.
 6 MEMBER BAXA: By the budget office of the
 7 Mayor?
 8 DIRECTOR SILVA: Yes.
 9 MEMBER BAXA: I see. Okay. Thank you.
 10 CHAIR STONE: Commissioner De Rego.
 11 MEMBER DE REGO: Let me ask you a theoretical
 12 question. There is a fleet involved in the Liquor
 13 Commission, correct? There are cars and --
 14 DIRECTOR SILVA: Yes.
 15 MEMBER DE REGO: -- things assigned to the
 16 Liquor Commission. Let's say the county manager -- or
 17 the Managing Director, creates a policy department wide
 18 that manages the fleet in terms of operating the fleet,
 19 who takes home cars, et cetera, who's allowed to do
 20 those kinds of things. Would the Department of Liquor
 21 Control be subject to those kinds of administrative
 22 rules set out by the Managing Director?
 23 DIRECTOR SILVA: Yes.
 24 CHAIR STONE: Commissioner Okamoto.
 25 MEMBER OKAMOTO: Just one question on your

Page 51

1 fees. Because I really have very little knowledge, but
 2 let's say I'm a big restaurant, I come in and I apply
 3 for a liquor license. Is there a set fee that -- you
 4 know, like a chart of fees?
 5 DIRECTOR SILVA: Yes. Initially, when you get
 6 your liquor license, depending what kind of license you
 7 get, the fee is already set. For instance, if you have
 8 a restaurant, the fee is \$600. If you're a hotel, it's
 9 \$1,200. If you're a manufacturer, it's a -- so every
 10 year, that will be your fee.
 11 MEMBER OKAMOTO: But then there is another --
 12 DIRECTOR SILVA: An additional assessment fee.
 13 MEMBER OKAMOTO: Okay.
 14 DIRECTOR SILVA: Yeah.
 15 MEMBER OKAMOTO: Explain that one a little
 16 better so I understand that.
 17 DIRECTOR SILVA: When we collect our budget,
 18 we collect -- every June 30th, all the licenses become
 19 renewable. We collect all that money. Now we have --
 20 first of all, we -- we determine what our budget is,
 21 what we going to need next year to run the department.
 22 Then we take whatever we collected from the fees and we
 23 deduct that from the budget. Then, July 30th, everyone
 24 has to submit to us what their gross -- total gross
 25 sales are. Okay. Whatever the percentage is that we

Page 52

1 need to make up our budget is what we assess the
 2 licensees under total gross sales. This year, it's your
 3 basic fee plus .009 percent of -- one percent -- I'm
 4 sorry -- is what the additional fee is charged to make
 5 up the rest of our budget.
 6 MEMBER OKAMOTO: And that could vary from year
 7 to year?
 8 DIRECTOR SILVA: Oh, yeah, it does, from year
 9 to year.
 10 MEMBER OKAMOTO: Okay. That's -- thank you.
 11 DIRECTOR SILVA: Depending on the sales.
 12 MEMBER OKAMOTO: Okay. Thank you.
 13 CHAIR STONE: Commissioner De Rego.
 14 MEMBER DE REGO: A follow-up to something that
 15 Commissioner Moikeha asked. In terms of County
 16 ordinances that are directly related to the enforcement
 17 of County rules on liquor, would you know how many of
 18 those actually exist at this point as comparison to
 19 Federal and State law that you have to enforce? Would
 20 you have just any idea?
 21 DIRECTOR SILVA: No.
 22 MEMBER DE REGO: Are they small number, large
 23 number?
 24 DIRECTOR SILVA: No, it's a large number.
 25 MEMBER DE REGO: Large number?

13 (Pages 49 to 52)

Certified Shorthand Reporters Maui

808-244-3376

1 DIRECTOR SILVA: Yeah.
 2 MEMBER DE REGO: Okay. Okay. I would ask --
 3 I would be interested to know what those ordinances are,
 4 actually, and what State laws actually govern the
 5 creation of the Commission and et cetera. My point
 6 behind this is simply because if -- if we got a County
 7 organization that might be just organizing and
 8 adjudicating State law here, then why is it in the
 9 County in the first place? But if there are a
 10 sufficient number of County ordinances that they're
 11 actually functioning around and actually enforcing --
 12 you know, it's just a -- it's just a question of
 13 jurisdiction. So --
 14 CHAIR STONE: I'm sure we can get that
 15 information provided.
 16 Commissioner Sugimura.
 17 MEMBER SUGIMURA: So just kind of a -- this is
 18 interesting for me because, in most cases, we have
 19 government entities, departments in the County, which
 20 are, basically, a drain cash -- you know, it costs the
 21 taxpayer a lot of money. But in this case, you're
 22 self-sustaining. And -- and every dollar that you
 23 collect seems to be well-managed. And I -- and I'm
 24 thinking -- maybe Traci, Corp Counsel, can explain this
 25 to me, just how this law goes. But because you're in

1 the County of Maui and you're executing County
 2 organizations, then the County of Maui's organization
 3 then helps you determine what budget items would go
 4 towards paying for the employees and the -- and the
 5 administrative -- any type of benefits, all of that
 6 would fall under the County. But, surely, you're --
 7 sounds like you're paying your own bill to be there and
 8 then you have excess. So sounds pretty good to me.
 9 DIRECTOR SILVA: Well, the excess, actually,
 10 is 70 percent of our -- yeah, it's -- it's our overhead.
 11 The County charges us 70 percent of our total salary --
 12 MEMBER DE REGO: For salaries and benefits.
 13 DIRECTOR SILVA: -- to run the department.
 14 MEMBER SUGIMURA: Terrific. It's amazing.
 15 CHAIR STONE: Commissioners, further questions
 16 or clarification? Please, Commissioner Hedani.
 17 VICE-CHAIR HEDANI: Frank, I consider your
 18 department a very important department, you know, from
 19 the standpoint of public safety, keeping -- keeping our
 20 roadways safe, making sure that nobody gets hurt in the
 21 course of, you know, driving on the roadways as a result
 22 of inebriation, whatever. Is there anything -- you
 23 know, you've been in the department for 19 years as
 24 Director, is there anything in the Charter that would
 25 help the department -- is there anything in the Charter

1 that needs to be changed that would help the department
 2 do its job better?
 3 DIRECTOR SILVA: Actually, I think the
 4 department's perfect just as it is, you know. We got --
 5 we pretty much -- well, by Federal law, State laws,
 6 County rules and regulations. And we got good people
 7 doing it.
 8 So I can't think of anything other, can you?
 9 MS. VILLAROSA: No.
 10 DIRECTOR SILVA: Other than another 26
 11 personnel that --
 12 (Laughter.)
 13 DIRECTOR SILVA: But that's not --
 14 VICE-CHAIR HEDANI: Thank you. I just wanted
 15 you to know that I appreciate the work that you do.
 16 DIRECTOR SILVA: No. And -- and I'm glad --
 17 I'm glad you brought that up because very, very few
 18 people actually really -- unless they're in the
 19 business, they're a licensee, they don't understand
 20 about what the Liquor Department actually does. And we
 21 very seldom tell people about what we do. Normally,
 22 people tell on us. Like Maui Times, for instance. And
 23 -- but I'm real proud of the department, proud of our
 24 people.
 25 CHAIR STONE: Mr. Silva, it's funny you say

1 that. I'm a licensee and I didn't know until you came
 2 today. So --
 3 (Laughter.)
 4 CHAIR STONE: Commissioner De Rego.
 5 MEMBER DE REGO: And please understand that
 6 this is -- the questions I am asking are -- are of one
 7 who is standing outside the system and not inside the
 8 system. So I hope you're not taking this questioning
 9 personally, or the Commission, either. But something
 10 that I keep asking that goes around in my head, whenever
 11 I think about the Police Commission, when I think about
 12 the Liquor Adjudication Board, the Liquor Commission, is
 13 who is the Commission accountable to. I mean, you know,
 14 if there is a problem with the Commission itself, you
 15 know, who takes care of that problem? And that's
 16 something that I don't think has been -- well, I've
 17 asked it, but I don't think it's been answered clearly
 18 to me in terms of if there's a problem with the
 19 Commission -- you know, it's understandable if there's a
 20 problem with the liquor inspector, where you would go
 21 to, even though I think we should tighten that up a
 22 little bit in -- in the rules here in the Charter. But,
 23 you know, if there's a problem with the Commission,
 24 where would somebody go to?
 25 DIRECTOR SILVA: Well, you got -- you know,

<p style="text-align: right;">Page 57</p> <p>1 you have a nine-member Commission. It's going to be a 2 very unusual case if you have the whole -- something 3 wrong with the whole Commission. So if you have 4 something wrong with one Commission member, for 5 instance, then the Commission gets together and they 6 will go to the Mayor to have the problem taken care of, 7 to have the Commission member removed and make the 8 Commission whole again.</p> <p>9 CHAIR STONE: Just for clarification, so the 10 Mayor has the ability to remove Commission members?</p> <p>11 DIRECTOR SILVA: Oh, yes. The Mayor has the 12 -- the authority to place and remove --</p> <p>13 CHAIR STONE: Thank you.</p> <p>14 DIRECTOR SILVA: -- commissioners.</p> <p>15 CHAIR STONE: Thank you. Commissioner -- I'm 16 sorry. Executive Assistant Molina, please.</p> <p>17 MR. MOLINA: Thank you, Mr. Chairman. And to 18 further expound on the question asked by Commissioner De 19 Rego of Director Silva, the Commissioner, of course, 20 would go to the Mayor. The Mayor, because the members 21 of the Liquor Adjudication Board as well as the 22 Commission are confirmed by the Council, the Mayor would 23 have to then approach the Council for permission for 24 consideration to remove a Liquor Control Commissioner or 25 Liquor Control Adjudication Board Member. Just for FYI.</p>	<p style="text-align: right;">Page 59</p> <p>1 MEMBER BAXA: Mr. Chair?</p> <p>2 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>3 MEMBER BAXA: If I hear correctly, Mr. Silva, 4 your department is governed primarily by Federal and 5 State law and some ordinances, and, yet, your department 6 is a County department, is that correct?</p> <p>7 DIRECTOR SILVA: Yes.</p> <p>8 MEMBER BAXA: Again, my question is, being a 9 County department, what line of authority does the Mayor 10 have over your department?</p> <p>11 DIRECTOR SILVA: Except for the appointment or 12 the removal, we -- we have -- they have jurisdiction 13 over the department. Not -- yeah, they have 14 jurisdiction over the department. In other words, we 15 have to have approval from management, from the 16 department of management, or the Mayor's Office, before 17 we take any type of action, before we can buy a vehicle, 18 because they approve our expenditures.</p> <p>19 MEMBER BAXA: You mean the Mayor approve?</p> <p>20 DIRECTOR SILVA: Yes.</p> <p>21 MEMBER BAXA: Not the Commission?</p> <p>22 DIRECTOR SILVA: The Commission sends the 23 budget up to the Mayor. Yeah. They send the proposal 24 up to the Mayor, Mayor's Office. The Mayor then 25 approves the budget.</p>
<p style="text-align: right;">Page 58</p> <p>1 CHAIR STONE: Thanks for the clarification. 2 Commissioner DeLeon.</p> <p>3 MEMBER DELEON: Just a follow-up on that 4 thought, Frank. Has that ever happened?</p> <p>5 DIRECTOR SILVA: No.</p> <p>6 MEMBER DELEON: Okay. Just wondering 7 whether --</p> <p>8 DIRECTOR SILVA: We've had commissioners 9 resign, but never removed, that I can recall --</p> <p>10 MEMBER DELEON: Okay.</p> <p>11 DIRECTOR SILVA: -- by the Mayor.</p> <p>12 MEMBER DELEON: As a point of information, 13 because I know there's going to be some kind of request 14 coming from someplace that's going to suggest that your 15 department be put under the Mayor, if that's not 16 possible under State law, I think I would like to see 17 the State law statute that would do that so that we can 18 deal with that straight up.</p> <p>19 DIRECTOR SILVA: What happens is Section 20 281-17 gives the Commission the authority to appoint and 21 remove the -- the Director. So with that State law in 22 place, the Charter -- if the Charter gave the Mayor the 23 authority to remove or -- or replace the Director would 24 be in conflict with State law.</p> <p>25 MEMBER DELEON: Okay.</p>	<p style="text-align: right;">Page 60</p> <p>1 MEMBER BAXA: I see. Okay. Thank you.</p> <p>2 MEMBER DE REGO: Just one clarification.</p> <p>3 CHAIR STONE: Commissioner De Rego.</p> <p>4 MEMBER DE REGO: He has no jurisdiction over 5 enforcement action, that's between the --</p> <p>6 DIRECTOR SILVA: The Commission.</p> <p>7 MEMBER DE REGO: -- the Adjudication Board and 8 the Commission?</p> <p>9 DIRECTOR SILVA: Yes.</p> <p>10 MEMBER DE REGO: Correct? Okay.</p> <p>11 CHAIR STONE: Commissioner Sugimura.</p> <p>12 MEMBER SUGIMURA: One general question is, the 13 members of your nine-member Commission and 14 Adjudication -- I just noticed, like from Jason Medeiros 15 who is well known from the ILWU, well-respected, and 16 then you have Bobby Tanaka, who is also well known in 17 his profession. And I just wondered what other kinds of 18 volunteers you have. I know this is a lot of time that 19 they give to -- back to the community.</p> <p>20 DIRECTOR SILVA: We have an unusual makeup of 21 the -- of both. We have a lot of professional people. 22 We have -- for instance, we have attorneys on the -- on 23 the Adjudication Board -- I'm sorry -- Adjudication and 24 Commission. We have union people on there. We have 25 people who's been in the business, hotel people. And</p>

15 (Pages 57 to 60)

Certified Shorthand Reporters Maui

808-244-3376

1 it's made up of dedicated volunteers.
 2 MEMBER SUGIMURA: Thank you.
 3 CHAIR STONE: Commissioner Okamoto.
 4 MEMBER OKAMOTO: The rules that are Maui
 5 County ones, these have been formulated by the Council
 6 at different times, your statutes, or does it come from
 7 the Commission who recommends we change some law and
 8 then it goes to the Council? How does that happen?
 9 DIRECTOR SILVA: It comes from all over. The
 10 Commission may -- may see something that they need --
 11 they want improved and -- and they'll -- we'll start
 12 from there, or members of the public, members of the
 13 industry.
 14 MEMBER OKAMOTO: But it does have to go
 15 through the Council to make the --
 16 DIRECTOR SILVA: Oh, yeah.
 17 MEMBER OKAMOTO: Okay. Thank you.
 18 CHAIR STONE: Commissioners, further
 19 questions, clarification?
 20 (Silence.)
 21 CHAIR STONE: Very good. Also, since we asked
 22 these guys to come down here today, if there's any
 23 questions for Liquor Control Chair -- Liquor Control
 24 Commission Chair, Mr. Tanaka, or the Adjudication Board
 25 Chair, Mr. Medeiros? If there are any specific

1 questions for them, I think that would be a good time to
 2 have them because we've got them here.
 3 MEMBER DE REGO: Could we just have them each
 4 give just a short rundown of what they do? I mean,
 5 we've brought them here.
 6 CHAIR STONE: Sure.
 7 MEMBER DE REGO: It would be nice if we give
 8 them a chance to speak.
 9 CHAIR STONE: Let's give them their chance.
 10 Mr. Silva, thank you so much for coming today and
 11 shedding some light on this process.
 12 So let's call up Mr. Tanaka, Chair of the
 13 Liquor Control Commission. Thank you, Mr. Tanaka, for
 14 coming today.
 15 MR. TANAKA: Thank you, Commissioner De Rego.
 16 I didn't want say anything, but --
 17 (Laughter.)
 18 MR. TANAKA: Just to give you a highlight, I'm
 19 a professional engineer, been an engineer for 35 years.
 20 I have my own business. And I've been on the Liquor
 21 Commission for -- since 1983, for 15 years, appointed by
 22 various mayors. And just to give you a highlight, you
 23 know, when I first started in '83, the Liquor Department
 24 was very small, and it's grown, oh, maybe fivefold. The
 25 drinking -- the drinking of alcohol beverages hasn't

1 slowed down; actually, it's increased, you know. So the
 2 department has a big task to try and control these
 3 things.
 4 And just to give you an idea. I was on the
 5 Commission 10 years ago. And I was appointed by Mayor
 6 Tavares five years ago. And I can see that the
 7 department -- what the department has been doing, you
 8 could see that minors drinking has been reduced,
 9 over-intoxicated people, you could see the thing being
 10 also reduced. So I know the department is doing a good
 11 job, you know.
 12 We haven't got any complaints, to my
 13 knowledge. We have, like Mr. De Rego said, that --
 14 instances where we get one -- one or two bad
 15 commissioners, but I think the Commission --
 16 commissioners themselves has taken care of that problem.
 17 And we had those commissioners resign. And the public
 18 was not aware of those things, you know.
 19 So, basically, like Commissioner Hedani said,
 20 the Charter Commission thinking of improve -- I don't
 21 think you have anything to improve. They're doing a
 22 good job.
 23 Any questions?
 24 CHAIR STONE: Thank you. Clarification,
 25 questions, commissioners?

1 MEMBER DE REGO: I just want to highlight the
 2 amount of time -- how often does the Liquor Commission
 3 meet and how much time do you actually spend on
 4 Commission business?
 5 MR. TANAKA: Well, we meet once a month. We
 6 have a meeting once. But it depends on the agenda, how
 7 many -- how many people are applying for licenses, if
 8 they're any problems with licensees. But, basically,
 9 it's a voluntary thing.
 10 MEMBER DE REGO: Yeah. It's a full day,
 11 though, right? I mean --
 12 MR. TANAKA: No, not necessary. It all
 13 depends on the agenda.
 14 MEMBER DE REGO: Uh-huh.
 15 CHAIR STONE: Commissioner Moikeha.
 16 MEMBER MOIKEHA: Thank you for your testimony
 17 and for coming. I asked this question of Mr. Silva
 18 earlier, and I would like to ask you. In my review, in
 19 doing a comparison with Fire and Public Safety
 20 Commission, one of the duties there was to receive,
 21 review and investigate any charges brought forth by the
 22 public against the conduct of the department and any of
 23 its members. And then they submit a written report of
 24 findings and recommendations to, in this case, the Fire
 25 Chief. I don't see that as one of your responsibilities

<p style="text-align: right;">Page 65</p> <p>1 under the Commission as it's currently listed in the 2 Charter today. What would be your feelings in adding 3 that duty to your responsibilities?</p> <p>4 MR. TANAKA: No, I have no problems with that. 5 I think if we had a situation, which I don't recall, you 6 know, being on a commission for that 15 years, over a 7 period of almost 30 years, I -- I haven't come across a 8 situation where we had to reprimand any employee, the 9 Commission had to reprimand an employee. They might 10 have like a situation in that instance, and the 11 Director, I think, has taken care of that.</p> <p>12 MEMBER MOIKEHA: Right. And I see -- as I 13 read this, and as its outlined for the Fire and Public 14 Department and Commission, their responsibilities, I see 15 it more as making it more transparent, the 16 investigation, and leaving the authority for 17 decision-making on what's to occur based on the findings 18 with the head of that department. And I'm just -- you 19 know, I'm just thinking, you know, would that help it, 20 you know, be more of a public process. I guess because, 21 you know, not everything necessarily is always out there 22 in the public. And maybe it doesn't need to be. But I 23 just compared the two and wondered why, you know, you 24 folks didn't already have that responsibility.</p> <p>25 MR. TANAKA: I don't -- I don't see -- I don't</p>	<p style="text-align: right;">Page 67</p> <p>1 much for coming today.</p> <p>2 MR. MEDEIROS: Aloha. My name is Jason 3 Medeiros.</p> <p>4 When I was told that I was going to be here, I 5 was somewhat amused, you know. Especially when I read 6 that there was a recommendation to abolish the Liquor 7 Adjudication Board. I was amused because here I am, 8 standing before you, a Portuguese, trying to get you to 9 allow me to work for free.</p> <p>10 (Laughter.)</p> <p>11 MR. MEDEIROS: I haven't figured that one out 12 yet.</p> <p>13 Okay. Seriously, though, I like what I do. I 14 -- when I first got on board -- I had met Frank Silva 15 once before. I worked in the industry for a very, very 16 long time, you know. And I've been a server, bartender. 17 And I've worked on Big Island, Oahu. And I've worked as 18 a server all three islands.</p> <p>19 It's different here on Maui. There are more 20 laws here on Maui that need to be enforced. Okay. And 21 I have nothing to do with the enforcement part, but, you 22 know, there is a lot of things that, you know, I can do 23 on Oahu that I can't do over here, okay, I can do on Big 24 Island that I can do over here, as a server.</p> <p>25 Now, on Oahu, on the Big Island, you know, you</p>
<p style="text-align: right;">Page 66</p> <p>1 see any problem with the Commission having the 2 responsibility.</p> <p>3 MEMBER MOIKEHA: Okay.</p> <p>4 MR. TANAKA: You know, I was on the Fire -- I 5 mean, I was on the Police Commission. And the problem 6 there is that you have a lot of complaints against 7 police officers. People just going to complain because 8 they got a ticket, you know. And I think that's why the 9 Police Commission has to take that responsibility. I 10 don't see this with the Liquor, no.</p> <p>11 MEMBER MOIKEHA: Okay. Thank you.</p> <p>12 CHAIR STONE: Commissioner DeLeon.</p> <p>13 MEMBER DELEON: Thank you for coming, 14 Chairman. Sir, did you also serve on the Adjudication 15 Board?</p> <p>16 MR. TANAKA: No, I did not.</p> <p>17 MEMBER DELEON: Okay. Thank you.</p> <p>18 CHAIR STONE: Commissioners, further questions 19 or clarification?</p> <p>20 (Silence.)</p> <p>21 CHAIR STONE: No. Chair Tanaka, thank you 22 very much for being here today. It's much appreciated.</p> <p>23 MR. TANAKA: Thank you.</p> <p>24 CHAIR STONE: Thank you. Charter Commission 25 -- hey, there you are. Chair Medeiros, thank you very</p>	<p style="text-align: right;">Page 68</p> <p>1 have the Liquor Commissioner, he's way up here, you 2 know. You're a lowly server way down here, you know. 3 So the liquor Commissioner is like, for lack of a better 4 description, an assistant God.</p> <p>5 (Laughter.)</p> <p>6 MR. MEDEIROS: Okay. I -- if I go to Oahu and 7 I have a question, all right, and about serving, what's 8 lawful and what's not, they will stand there and make me 9 wait until somebody is available to answer my question.</p> <p>10 A few years ago, when I first met Frank Silva, 11 I had gone over to the Liquor Commission because I had a 12 question, you know. And I'm standing around, and the 13 girl said, "Oh, wait." She runs into an office, and out 14 comes Frank Silva to answer my question. And I just 15 kind of, woah, you know. I had just come back from 16 Oahu. That does not happen on Oahu. The Liquor 17 Commissioner isn't going to come out to answer a 18 question from somebody that works as a server. You have 19 that here, you know. He's willing to come out and help. 20 I know of a lot of people who started businesses, you 21 know, and has gone to the Liquor Commissioner and has -- 22 had all of their questions answered.</p> <p>23 What you have here is a department, you know, 24 that isn't there just to enforce the rules; they're 25 there to help educate you on the rules, help you succeed</p>

17 (Pages 65 to 68)

1 as a business, you know, and help you succeed as a
2 server, you know.
3 I'm on the Adjudication Board. And if
4 somebody messes up and breaks the law, the liquor law,
5 then they come before me and the Commission. We have
6 guidelines on, you know, what the penalties are. And I
7 like to think that we're fair. Some of us are in the
8 industry, so we can understand what the server -- the
9 one that is actually committing the violation, and we
10 can look at it objectively.

11 Our biggest concern is overservice and service
12 to minors, which I am totally against, you know. Except
13 when I was 19.

14 (Laughter.)

15 MR. MEDEIROS: I was, you know -- okay. But,
16 you know, since I've turned 21 --

17 (Laughter.)

18 MR. MEDEIROS: -- okay, yeah, we got to follow
19 that law.

20 MEMBER DELEON: Last week.

21 MR. MEDEIROS: Okay. But all in all, you
22 know, I think it's a good thing. The commission here
23 has a good thing going for them and they are respected.
24 They're not going to satisfy everybody, okay, you know,
25 but I think they're doing a really good job.

1 CHAIR STONE: Thank you, Chair Medeiros.
2 Thank you very much. Just for clarification, again, the
3 proposal concerning action on the Adjudication Board,
4 that is just one of hundreds, hundreds of proposals that
5 have been put forward to the Commission. We have not
6 reviewed any of them.

7 MR. MEDEIROS: Okay.

8 CHAIR STONE: Which is why you guys are here
9 today. You're not fighting for the Adjudication Board's
10 life at the moment. We're just -- it was a proposal put
11 forward, but we want to know how it works. So that's
12 why we have guys here, simply that, 101.

13 MR. MEDEIROS: I thought you saw my last name
14 was Medeiros, so you figured, okay, let's bring the
15 Portuguese in.

16 CHAIR STONE: Yes. No. I'm the jokester of
17 the group. All right.

18 (Laughter.)

19 CHAIR STONE: Anyways, Commissioners,
20 clarification, questions?

21 MEMBER OKAMOTO: One question. You mentioned
22 that Maui has more rules than, say, Oahu. Are there --
23 does your Commission look at rules and say, you know, we
24 think this ought to be changed, let's -- let's go to the
25 Council and get rid of this rule? Are there any that

1 you see that -- and is that the realm of your -- your --

2 MR. MEDEIROS: If it's broken for me and I
3 have concerns about it, I do go to Frank who goes to the
4 Commission. And there is discussion on -- on any
5 concerns. I'm treated like any other member of the
6 public. Anyone with concerns has the right to come
7 forward and talk to the Commission.

8 MEMBER OKAMOTO: But you're -- the
9 Adjudication Board wouldn't be as much looking at
10 changing rules, maybe the other -- the actual Liquor
11 Commission would be --

12 MR. MEDEIROS: Changing of the rules is with
13 the Commission. With the Adjudication, it's the
14 enforcement. And Ed Kushi always keeps me in line, so
15 --

16 MEMBER OKAMOTO: Thank you.

17 CHAIR STONE: Thank you. Commissioners,
18 further questions, clarification? Commissioner Hedani.

19 VICE-CHAIR HEDANI: Jason, in the course -- in
20 the course of a meeting for the Adjudication Board, how
21 many cases come before you, say, in a -- in a month?

22 MR. MEDEIROS: It could be two, it could be --
23 what is the most that I've had? I think seven was the
24 most that I've had. But I guess it could go up to 10, I
25 guess. There have been times when the meetings have

1 been for an hour and there have been other times when it
2 goes past lunch.

3 VICE-CHAIR HEDANI: So, normally, the
4 Commission meets for how long?

5 MR. MEDEIROS: Normally, a couple of hours,
6 you know.

7 CHAIR STONE: Thank you.

8 MR. MEDEIROS: But like I said, there are
9 times when there are a lot of cases, you know, it goes
10 beyond lunch.

11 CHAIR STONE: Thank you. Commissioner DeLeon.

12 MEMBER DELEON: Jason, can you tell us -- give
13 us an example of a typical case.

14 MR. MEDEIROS: A typical case would be a minor
15 sting operation where somebody is serving a minor on a
16 sting. I believe that is an important tool that the
17 Commission has because it keeps guys like me on my toes,
18 you know.

19 I've been working in this industry for so long
20 that I look at people, okay, yeah, that age. Then, you
21 know, I just forget. Sometimes, you know, I just have a
22 brain freeze, right, and I don't do what's right, you
23 know. And if it's borderline, you know, you card them,
24 you know. And I just have a brain freeze. Because of
25 these sting operations, you know, it keeps me on my

<p style="text-align: right;">Page 73</p> <p>1 toes.</p> <p>2 Overservice. The Commission comes into the</p> <p>3 hotels and they talk about overservice, you know.</p> <p>4 I don't like reading in the papers about some</p> <p>5 dummy who drank too much, got into a car wreck and</p> <p>6 killed somebody. I don't like reading that, you know.</p> <p>7 And -- and I believe that, with the Commission's help,</p> <p>8 you know, things like that could lessen, you know.</p> <p>9 MEMBER DELEON: For the record, I really like</p> <p>10 it when they card me and make me feel younger.</p> <p>11 (Laughter.)</p> <p>12 MR. MEDEIROS: Come to my restaurant, I card</p> <p>13 you, brah.</p> <p>14 (Laughter.)</p> <p>15 CHAIR STONE: Further questions,</p> <p>16 clarification?</p> <p>17 (Silence.)</p> <p>18 MR. MEDEIROS: That's it.</p> <p>19 CHAIR STONE: Commissioner Medeiros, one</p> <p>20 question from the Chair. How is it determined -- who</p> <p>21 determines where enforcement -- for example, the sting</p> <p>22 operations, will -- will focus their energies? Is that</p> <p>23 determined with the Director?</p> <p>24 MR. MEDEIROS: Yes, the Director. And that's</p> <p>25 an administrative call.</p>	<p style="text-align: right;">Page 75</p> <p>1 so I submitted Lisa a copy of it that was -- that's also</p> <p>2 available on -- on their website.</p> <p>3 CHAIR STONE: Very good. Thank you very much.</p> <p>4 Commissioners, we invited Mr. Collins here to</p> <p>5 ask questions and clarification on the Final Report of</p> <p>6 the West Maui Charter Working Group and QMark Research</p> <p>7 Survey. So let's open up that question period now.</p> <p>8 Which Commissioner would like to begin? Commissioner</p> <p>9 Moikeha.</p> <p>10 MEMBER MOIKEHA: Thank you for coming, Lance</p> <p>11 I did read through the report. I don't have my report</p> <p>12 here where I made my notes and stuff. I left it at my</p> <p>13 office. But just in looking through it, a lot of your</p> <p>14 rationale was pulled from previous commissions and what</p> <p>15 they did, and whether they were successful or opinions</p> <p>16 were put out during that time. So there was no like</p> <p>17 research done on -- maybe like on the district voting.</p> <p>18 Was there other research done to support the rationale</p> <p>19 for wanting this as a proposal or recommending it to be</p> <p>20 a proposal? Do you recall?</p> <p>21 MR. COLLINS: Well, I think the research that</p> <p>22 was done -- and this was all a volunteer group. They</p> <p>23 didn't have Department of Corp Counsel or staff from the</p> <p>24 Mayor or anything like that. So the type of research</p> <p>25 that was done was not quantitative research.</p>
<p style="text-align: right;">Page 74</p> <p>1 CHAIR STONE: Okay. Thank you. Great. Thank</p> <p>2 you very much for lightening our day, Chair Medeiros.</p> <p>3 Thanks for coming. All right. We're going to call a</p> <p>4 brief recess here, 10-minute recess. We will be back</p> <p>5 here at 1:50, please. Thank you very much.</p> <p>6 (Recess, 1:36 p.m. to 1:52 p.m.)</p> <p>7 CHAIR STONE: Commissioners, I would like to</p> <p>8 call an end to this recess and get back on with our</p> <p>9 meeting.</p> <p>10 Next up on our agenda, we have an appearance</p> <p>11 by Lance Collins with regard to the Final Report of the</p> <p>12 West Maui Charter Working Group and Related QMark</p> <p>13 Research Survey. As a disclaimer, Mr. Collins said that</p> <p>14 he must leave by 2:50 today.</p> <p>15 So thank you very much, Mr. Collins, for being</p> <p>16 here. And give us a very -- just a brief understanding</p> <p>17 of what we're discussing here today. Not to rehash the</p> <p>18 whole thing, but, basically, for the people watching on</p> <p>19 Akaku.</p> <p>20 MR. COLLINS: Oh, sure. The Final Report of</p> <p>21 the West Maui Working Group was provided at a public</p> <p>22 meeting, I think maybe it was a month -- a month</p> <p>23 and-a-half ago -- oh, I'm sorry -- a month -- a month</p> <p>24 and-a-half ago. And -- and then when that was</p> <p>25 submitted, there was mention about the QMark poll. And</p>	<p style="text-align: right;">Page 76</p> <p>1 Do I need to get -- oh, I'm sorry.</p> <p>2 CHAIR STONE: Mr. Collins, can you get closer</p> <p>3 to the microphone?</p> <p>4 MR. COLLINS: Sorry. How about I just hold it</p> <p>5 because --</p> <p>6 MEMBER MOIKEHA: Close to your mouth, too, so</p> <p>7 we can hear.</p> <p>8 MR. COLLINS: Okay. Got it.</p> <p>9 So, no, it was not quantitative like the Cost</p> <p>10 of Government Commission's. The last two reports were</p> <p>11 -- were highly quantitative and dealt with dollars and</p> <p>12 numbers and so forth. Most of -- most of the group's</p> <p>13 work related to political ideas and, from a political</p> <p>14 perspective, how the structure of government, relying</p> <p>15 on, in part, rationales that have been historically</p> <p>16 present in debate over the -- the years.</p> <p>17 So I'm not sure if that answers your question,</p> <p>18 but it was a -- the research that was done was</p> <p>19 qualitative based on the history of the Charter</p> <p>20 itself --</p> <p>21 MEMBER MOIKEHA: Right.</p> <p>22 MR. COLLINS: -- versus quantitative in terms</p> <p>23 of dollars and numbers and that sort of thing.</p> <p>24 MEMBER MOIKEHA: Okay. And this is the final</p> <p>25 report? I mean, there's no additional appendix or</p>

19 (Pages 73 to 76)

Certified Shorthand Reporters Maui

808-244-3376

1 anything like that to go on to explain anything further?
 2 MR. COLLINS: No.
 3 MEMBER MOIKEHA: And, once again, this report
 4 was just -- or this group was just a member -- looks
 5 like four individuals from the west side, and this is
 6 just their opinions on what they thought were issues
 7 that could be proposed. And your role was strictly as a
 8 secretary/scientist, political scientist?
 9 MR. COLLINS: Yeah, I was the recording
 10 secretary. And because I had -- I was the principal
 11 investigator for the Charter Archive, I sort of had the
 12 most extensive index in my mind. And so I -- I had been
 13 asked to be involved with this by Jo Anne Johnson,
 14 former councilwoman from West Maui. And I had no
 15 problems.
 16 MEMBER MOIKEHA: So was it at Councilman
 17 Johnson's -- based on her initiative that this group
 18 came together, and she brought everyone together?
 19 MR. COLLINS: I think that she asked most of
 20 the people. I know that once she got Nell Woods
 21 involved, Nell asked a few people. And I think -- I
 22 think it was down to eight. And then four people showed
 23 up to the first meeting. And so it -- kind of the group
 24 -- not including me in the group -- the first thing, I
 25 think that -- agreed that that was going to be -- the

1 people who showed up the first time would be it. And
 2 then people could talk to other people and that sort of
 3 thing.
 4 MEMBER MOIKEHA: Right. So even though
 5 Ms. Johnson was involved in maybe bringing this group
 6 together, this really had no public meetings, it was
 7 more of a closed group working together, and these are
 8 just things that they came up as individuals? So it
 9 wasn't put out there to test the waters of the west
 10 side. Because at one point, I thought someone said
 11 within the course of this -- one of these meetings that
 12 this is what they felt was the primary issues on the
 13 west side. But it's from their perspective, not
 14 necessarily from residents of the west side?
 15 MR. COLLINS: Well, I don't want to -- I mean,
 16 I -- Dr. Wiger could probably enlighten you a bit about
 17 her process of how she brought information to the
 18 meeting. But my understanding was that each of the four
 19 members sort of had a disparate and non-overlapping
 20 group of friends. And that they would spend the time
 21 between each month talking about whatever the issue was
 22 And the Charter was gone through systematically, so
 23 there were certain portions of the Charter that were
 24 going to be up for the next month's discussion. And
 25 they would take that month to read up about it and to

1 discuss and see what -- if there were any strong
 2 feelings or anything along those lines.
 3 And as I mentioned, all of the proposals had
 4 to be done by consensus. So there's, actually, quite a
 5 bit of other proposals that came up that didn't make it
 6 into the Final Report because it required all four of
 7 them agreeing. And there were quite a few contentious
 8 issues that ended up not being put in the report because
 9 only two or three agreed to them. So --
 10 MEMBER MOIKEHA: Okay. Thank you.
 11 CHAIR STONE: Thank you. Commissioner
 12 Crivello.
 13 MEMBER CRIVELLO: Aloha. Because we just got
 14 through listening to the Liquor Commission people, I
 15 wanted to pose this clarification for Proposal Number 4
 16 that is part of this West Maui Working Group, to abolish
 17 the Liquor Adjudication Board. It mentions here that
 18 the original -- you know, with your archive researching,
 19 the original concern was that licensees would get a fair
 20 process by having the quasi-judicial function separated
 21 from the more routine licensing. So am I to understand
 22 that there's some sort of conclusion from this report
 23 that the process is not handled fairly?
 24 MR. COLLINS: That was the original reason for
 25 having a separate Liquor Adjudication Board. And I

1 think that -- I hear what you're saying. And I think
 2 that the -- I think the question that was answered by
 3 this proposal is not whether or not the current Liquor
 4 Adjudication Board can be fair, but the question is, is
 5 it necessary to have a separate board in some way that
 6 the Liquor Commission itself would not be able to handle
 7 that as they do in Honolulu. I think that that's --
 8 it's the opposite of -- there's not an implication of
 9 the current Liquor Adjudication Board that can't be
 10 fair; it's just that it's a redundancy because the
 11 Liquor Commission itself is capable of doing that. And
 12 because of the -- the caseload that it would -- it's not
 13 necessary to have a whole separate nine-member board.
 14 MEMBER CRIVELLO: So with this, the Charter is
 15 -- what the Charter is saying now is that we should
 16 transfer all of the complaints or what-have-you from the
 17 Adjudication Board to the Commission and oversight to
 18 any complaints with the Director and everything should
 19 be just with one commission? We don't need the board,
 20 is that what this proposal is saying?
 21 MR. COLLINS: Yeah. And just so you know, my
 22 understanding -- and I was on the Liquor Adjudication
 23 Board for a while -- is that the Liquor Adjudication
 24 Board does not adopt its own administrative rules. All
 25 Liquor Control Department rules are done by the Liquor

Page 81

1 Commission. So the only thing that the Liquor
 2 Adjudication Board does is adjudications. They don't --
 3 they don't have any other major functions. So the other
 4 major function, the adoption of their own rules, is
 5 actually done by the Liquor Commission, anyway. So --
 6 MEMBER CRIVELLO: Okay. I just wanted to get
 7 that clarified because if you folks have had anything
 8 substantial in regards to what's been fair or -- or if
 9 anything is processed fairly.
 10 MR. COLLINS: Yeah. No. I think it's -- you
 11 know, whatever the level of fairness currently is with
 12 the Adjudication Board could also be handled by the
 13 Liquor Commission without having to have a separate
 14 second board.
 15 MEMBER CRIVELLO: Thank you.
 16 CHAIR STONE: Thank you.
 17 MEMBER BAXA: Mr. Chair?
 18 CHAIR STONE: Commissioner Baxa.
 19 MEMBER BAXA: Dr. Collins, I want to be clear.
 20 There was this group in West Maui. A consensus was
 21 arrived at, is that correct?
 22 MR. COLLINS: Yes.
 23 MEMBER BAXA: Were you, basically, the
 24 reporter for the group?
 25 MR. COLLINS: Yes.

Page 82

1 MEMBER BAXA: I do not mean to -- let me put
 2 it this way: Did you try to put -- to influence the
 3 group as to what recommendations they would make?
 4 MR. COLLINS: No. And, actually, I don't
 5 think if -- if you know any of the four, I don't think
 6 that that's even possible. But, no, I -- I did not
 7 influence them.
 8 MEMBER BAXA: The reason I ask that is because
 9 you have so much training, you have so much -- you have
 10 had so much research about the Charter, County Charter,
 11 from the very beginning, and you know the full history.
 12 So I was just wondering if the weight of the your
 13 authority played in the recommendation of the group.
 14 MR. COLLINS: Well, I don't agree with --
 15 personally, I don't agree with every proposal that's
 16 actually in the report, but I am very sensitive to that
 17 because, like you folks, I have been on County boards
 18 and commissions and I -- I am aware of the influence
 19 that the authority of Deputy Corp Counsel can have on a
 20 board or commission. And so I tried to be very
 21 sensitive to that when I was serving as the reporter for
 22 this group.
 23 MEMBER BAXA: Thank you.
 24 CHAIR STONE: Commissioner De Rego.
 25 MEMBER DE REGO: There have been questions

Page 83

1 from the beginning about how this group was organized,
 2 actually. And I've got a set of minutes here from the
 3 public hearing, and, also, from our -- our next meeting,
 4 on the 27th, at our regular meeting. And it's still not
 5 clear to me who created this group or who was the
 6 contact person. And we're just trying to get a sense of
 7 where this is coming from. And, obviously, origins is
 8 very important.
 9 In your testimony at the public hearing in
 10 Kahului, you basically said -- and I can show you the --
 11 the copy here, if you need to review it -- that,
 12 basically, they met and they got together and that they
 13 met and they asked you if you would help them, because
 14 you were a scientist and a lawyer, be this recorder and
 15 consultant person. Later on, when we -- when the same
 16 question was asked at the meeting, it was Flo who,
 17 basically, said that you were the one -- "We were asked
 18 to serve on this, and Lance Collins was the person who
 19 contacted us." So I don't know if it's a discrepancy or
 20 -- but, basically, here, you're saying you came into the
 21 process after they were organized, and, here, Flo is
 22 saying, well, you were, basically, the one who
 23 constituted the group because you were the person who
 24 contacted them and asked them to serve. So I just need
 25 to know, which one is it?

Page 84

1 MR. COLLINS: Yeah. Well, I think -- I think
 2 that the first question that you cited is -- it's a
 3 little bit misleading because when the group was first
 4 constituted, it was not supposed to be my role to be the
 5 reporter or the -- you know, the helper or anything
 6 along those lines. I was assisting Nell and Jo Anne
 7 Johnson to get the whole thing up and running. And once
 8 they met, then they decided that I would be the reporter
 9 or whatever. So I don't think there's any contradiction
 10 there. I think they're asking two separate questions.
 11 And I'm not sure if I'm mistaken, but I think
 12 that Flo was first contacted by Jo Anne Johnson. But
 13 I'm not sure. Because I -- I didn't cold call anybody.
 14 MEMBER WIGER: No. In fact, to clarify that,
 15 I mean, Jo Anne talked to me. And I think I said that
 16 at the meeting, that I had been contacted by someone who
 17 was no longer on the Council to serve as a member of
 18 this committee. Jo Anne asked me.
 19 I'll even tell you where she asked me. I was
 20 standing outside, getting my mail at the place where I
 21 live. And Jo Anne happens to live in the same complex.
 22 And she and I often talk about political issues. And
 23 very interestingly, because, oftentimes, Jo Anne and I
 24 are on totally opposite sides of the spectrum, and have
 25 been for years. And I happened to be out picking up my

1 mail one day, and she came up and she said, you know,
2 there's something that's going on and I'm wondering if
3 you would be interested in being part of it, even though
4 we don't agree on a lot of things and dah, dah, dah,
5 dah, dah. And so I indicated, yes, that that would be
6 perfectly fine, she could put my name forward. I then
7 heard from Lance, who I believe was working with Jo
8 Anne, and it proceeded from there.

9 When we all met, we definitely felt that Lance
10 would be a good person because he had been in the
11 process from the beginning, working with Jo Anne. And I
12 believe the -- the -- the name of the group -- the North
13 Beach?

14 MR. COLLINS: Oh. The North Beach-West Maui
15 Benefit Fund.

16 MEMBER WIGER: Yeah, yeah, yeah, yeah. Had
17 been part of that. And just as an add-in, I want to
18 assure Judge Baxa that the people who were on that group
19 were of sufficient -- what's the word I want?

20 MEMBER DELEON: Independence.

21 MEMBER WIGER: It's -- it's pretty -- for
22 people who know me, it's pretty hard to move me into a
23 particular direction if that's not where I want to go.
24 And I think it's safe to say that the other three
25 members of the group were equally as firm in their

1 have said a ton of words, but you have the right to
2 decide the way you did.

3 MEMBER WIGER: Yes. Yeah.

4 MEMBER BAXA: I just wanted to get it from
5 him.

6 MEMBER WIGER: Yeah. One last comment.
7 Probably the most difficult thing that Dr. Collins
8 suffered from was that he was the youngest member of the
9 group, in terms of being recording person, but the
10 youngest member of the group. And we looked at
11 everything he wrote when he would bring it back to us.

12 And in addition to that, Mr. Collins at one
13 time was my student.

14 (Laughter.)

15 MEMBER WIGER: And so I was very quick to
16 remind him of that on occasion.

17 MEMBER BAXA: Okay. Thank you.

18 CHAIR STONE: Very good.

19 Commissioner Moikeha.

20 MEMBER MOIKEHA: I just need some
21 clarification on the QMark survey that was done. And I
22 don't have that in front of me, either. And I
23 apologize. From what I recall in looking at it, it was
24 only a survey of Proposal Number 1, is that correct?

25 MR. COLLINS: Yes, that's correct.

1 particular positions about certain things.

2 And, in fact, there were times where Lance
3 would raise issues. And I remember, on more than one
4 occasion, one or more of us looking at him and saying,
5 well, why would you think that way, I mean, what's the
6 premise for that focus of it, and -- and really push on
7 him to get information in terms of what it was.

8 So that's just sort of some more information.

9 MEMBER BAXA: Mr. Chair?

10 CHAIR STONE: Yes, Commissioner Baxa.

11 MEMBER BAXA: Hearing Commissioner Wiger, Flo
12 I would like to take back --

13 (Laughter.)

14 MEMBER BAXA: -- what I said.

15 MEMBER WIGER: No.

16 MEMBER BAXA: But, you know, I want to -- I
17 want to let you know that I did not for a second
18 question the integrity of the members. And I have the
19 greatest respect for people who gather to have their
20 independent judgment. I simply wanted to ask
21 Dr. Collins if he tried to put his weight of authority
22 on the group, regardless whether you listened to him or
23 not.

24 MEMBER WIGER: Right.

25 MEMBER BAXA: Because you're right, he may

1 MEMBER MOIKEHA: Okay. So -- but you folks
2 had funds, and it states here in the introduction that
3 it came from North Beach-West Maui Benefit Fund, which
4 was from an intervention by WMPA?

5 MR. COLLINS: That's right.

6 MEMBER MOIKEHA: Okay. That fund, did that
7 pay for this survey?

8 MR. COLLINS: Yes.

9 MEMBER MOIKEHA: How much money was received
10 and why was only one proposal surveyed and not the whole
11 document?

12 MR. COLLINS: Well, part of it was a timing
13 issue. The first proposal went to the Maui County
14 Council in March or April. And there was a request made
15 by the Charter Working Group to ask North Beach-West
16 Maui Benefit Fund for a grant to pay for the QMark
17 Research for this. And it was paid for.

18 MEMBER MOIKEHA: Okay. So the request came
19 from the group?

20 MR. COLLINS: From the group, that's correct.

21 MEMBER MOIKEHA: So the group asked that these
22 funds pay for the survey?

23 MR. COLLINS: That's right.

24 MEMBER MOIKEHA: For only Proposal Number 1?

25 MR. COLLINS: That was the only proposal that

<p style="text-align: right;">Page 89</p> <p>1 existed at the time of the survey.</p> <p>2 MEMBER MOIKEHA: Okay. So we had other --</p> <p>3 other proposals, so none of those used any kind of the</p> <p>4 funds that you -- this group received --</p> <p>5 MR. COLLINS: Well --</p> <p>6 MEMBER MOIKEHA: -- for additional surveys?</p> <p>7 MR. COLLINS: The group only got funds for</p> <p>8 this first survey. The rest of these proposals -- the</p> <p>9 Final Report came out December of last year. And</p> <p>10 Proposal Number 1 came out in March or April. And then</p> <p>11 this was conducted -- I think the poll was conducted in</p> <p>12 March or April.</p> <p>13 MEMBER MOIKEHA: Okay. But, I mean, how much</p> <p>14 funds were received? Was it only specifically</p> <p>15 identified, these funds, for proposal, one survey, is</p> <p>16 that what you're saying?</p> <p>17 MR. COLLINS: The grant request by the Working</p> <p>18 Group was to have the Benefit Fund pay for a poll for</p> <p>19 proposal -- to ask about Proposal Number 1.</p> <p>20 MEMBER MOIKEHA: Only Number 1?</p> <p>21 MR. COLLINS: Only Number 1.</p> <p>22 MEMBER MOIKEHA: So they didn't go back later</p> <p>23 and ask for other surveys -- funding for other surveys</p> <p>24 for the rest of the proposals?</p> <p>25 MR. COLLINS: No. And I think -- you know, we</p>	<p style="text-align: right;">Page 91</p> <p>1 did sit on the Planning Commission at the time that</p> <p>2 there was an intervention by WMPA on an applicant in</p> <p>3 North Beach. And the reason I'm disclosing that is</p> <p>4 because I have some prior information and knowledge</p> <p>5 related to that.</p> <p>6 Today is not the day and the time to be</p> <p>7 talking about that. And I'm not going to get into it.</p> <p>8 My whole issue with this whole thing -- and</p> <p>9 I've come to a conclusion after asking appropriate</p> <p>10 questions today -- is that, at first, it was represented</p> <p>11 as these were the primary issues of the west side</p> <p>12 community. And when you hear something like that, you</p> <p>13 begin to think, okay, they did public meetings, they</p> <p>14 took polls, they put it out there as best they could.</p> <p>15 And, again, it's my understanding that these</p> <p>16 were volunteers getting together to work on this. And I</p> <p>17 totally appreciate their work and their efforts and</p> <p>18 their time to be so involved in this process, that they</p> <p>19 felt the time -- they felt the need to put some time</p> <p>20 into it as individual volunteers and then -- which</p> <p>21 became a group of four.</p> <p>22 As this has proceeded forward, it's become</p> <p>23 clearer and clearer that this does not represent -- or</p> <p>24 cannot be said accurately that this represents the</p> <p>25 primary issues by all people that live on the west side,</p>
<p style="text-align: right;">Page 90</p> <p>1 didn't really talk very much about it, but I think,</p> <p>2 after this first proposal went out, there were a lot of</p> <p>3 people in the community that -- that found it to be very</p> <p>4 interesting. But it seemed to be -- the whole idea of</p> <p>5 getting a scientific poll of this nature seemed to be</p> <p>6 completely foreign. And so it didn't seem like there</p> <p>7 would be -- I mean, it wasn't really talked about after,</p> <p>8 but it took about six months to actually compile the</p> <p>9 final report because everybody had lots of edits and</p> <p>10 more edits and more edits. And then, well, this edit is</p> <p>11 a substantive edit, so we need to have a meeting because</p> <p>12 I don't agree with it. That kind of went back and forth</p> <p>13 for about six months. And there was never really a</p> <p>14 discussion to have any further polling done. And I can</p> <p>15 just tell you from my own observations, I think it was</p> <p>16 probably from the fatigue of this first poll. So I --</p> <p>17 you know, I can't speak for all four of them because we</p> <p>18 didn't really have a discussion about it, but just my</p> <p>19 sense of it is that if it had been discussed, I don't</p> <p>20 think anybody would have been interested in asking for a</p> <p>21 grant for more money to have polls taken for the rest of</p> <p>22 these proposals.</p> <p>23 MEMBER MOIKEHA: Okay. I just want to be</p> <p>24 clear. I will disclaim -- I will put a disclaimer out</p> <p>25 there right now, or a notification to everyone, that I</p>	<p style="text-align: right;">Page 92</p> <p>1 or even the rest of the County, for that matter.</p> <p>2 So in my opinion, today, I would take this as</p> <p>3 individual testimony of a group, working group of four</p> <p>4 people, that put some things forward.</p> <p>5 For me, too, in deciding what weight to give</p> <p>6 all this information is -- I think has to do with, you</p> <p>7 know, again, the report itself. And I already made my</p> <p>8 comments about that. It seemed to be more historical of</p> <p>9 what transpired in some of these issues coming forth. I</p> <p>10 think I would have thought it be prudent to have the</p> <p>11 whole thing polled rather than just one issue.</p> <p>12 And I find it interesting that the one</p> <p>13 proposal that was submitted was submitted by Jo Anne</p> <p>14 Johnson, who kind of got this whole group together. So</p> <p>15 I don't know what the issues were related to that, or</p> <p>16 that's the only reason why a poll was done, was to</p> <p>17 support her position on this, so it could go to the</p> <p>18 County Council. I don't know.</p> <p>19 I did read through the rest of it. I found</p> <p>20 some information very interesting. And it will be a</p> <p>21 consideration for me as general information. And where</p> <p>22 I weight that is going to be my personal opinion.</p> <p>23 I just want to thank the group for doing what</p> <p>24 they did, but I just wanted to make it clear that this</p> <p>25 was not representation of the entire west side of Maui,</p>

23 (Pages 89 to 92)

Certified Shorthand Reporters Maui

808-244-3376

1 of Maui, and that this does represent a working group of
2 four people. Thank you for your time.

3 MR. COLLINS: Sure.

4 CHAIR STONE: Thank you.

5 Commissioners, further clarification or
6 questions? Commissioner Hedani.

7 VICE-CHAIR HEDANI: Lance, can you describe
8 the connection between the North Beach project and the
9 West Maui Working Group?

10 MR. COLLINS: Well, the direct connection is
11 they asked for a grant to pay for the poll. And I think
12 they also paid for the lunches for the Working Group,
13 for the year or so that they met, year and-a-half that
14 they met.

15 VICE-CHAIR HEDANI: Okay. I have a little bit
16 of background on the Planning Commission. And the
17 Planning Commission, over the course of several years,
18 received reports from West Maui Preservation
19 Association, that was supposed to provide the Commission
20 with a record of what community benefit they had enacted
21 as a result of the SMA settlement or this lawsuit
22 settlement relative to North Beach. And I'm trying to,
23 in my mind, clarify how this particular project becomes
24 a benefit.

25 When I think of benefit to the West Maui

1 community, I think of scholarships for Lahainaluna High
2 School or some of the benefits to the different schools
3 in the area. How did this come about as part of a
4 benefit to the community for the West Maui Working
5 Group?

6 MR. COLLINS: You'll have to address that to
7 the North Beach-West Maui Board, because I'm not on the
8 West --

9 VICE-CHAIR HEDANI: Who would that be?

10 MR. COLLINS: Let's see. Who is currently on
11 the North Beach? Nell Woods is, she was a member of
12 this group, Jackie Spector, Sharyn Matin and Jeff Jones.
13 And I think they have a vacancy right now. It used to
14 be Phil Goossens.

15 VICE-CHAIR HEDANI: Thank you.

16 CHAIR STONE: Thank you. Commissioners,
17 further clarification or questions? Commissioner
18 Crivello.

19 MEMBER CRIVELLO: Lance, clarify for me. Your
20 question to your -- on your Proposal 1, QMark
21 Research -- and I don't know if you're the right person
22 to ask -- it says each individual is asked if a Charter
23 amendment were proposed to change the current system to
24 single-member district voting, would they support it.
25 Was it clarified or was it -- was there a comparison as

1 to what is existing today and -- and what single-member
2 district voting would look like?

3 MR. COLLINS: Yeah. I'm not 100 percent
4 certain, but my recollection was that they asked quite a
5 number of questions, including whether people understood
6 what single-member district voting was like, like it is
7 on the Big Island, and how that's different from how
8 it's done in this county. They actually asked, I think,
9 a bunch of other questions related to understanding of
10 County Government and stuff, but I don't -- I -- I don't
11 -- I can't speak to the specifics of that because I
12 don't know. But it somehow ends up -- however they
13 figured it out, I think it somehow ends up being
14 relevant to the margin of error, but I don't exactly
15 know.

16 MEMBER CRIVELLO: So, actually, you wouldn't
17 -- we should ask QMark, yeah?

18 MEMBER DE REGO: This -- excuse me.

19 CHAIR STONE: Commissioner De Rego.

20 MEMBER DE REGO: Sorry for speaking out,
21 Mr. Chair. It's just like me.

22 This is not exactly a question for Lance, but
23 I think that, from my vantage point, getting a one-page
24 summary of methodology that's about two sentences and
25 getting a one-page question which is not nuanced,

1 right -- I mean, who knows what people think of when
2 they think of the word "district." Go to Lanai, oh,
3 wow, okay, yeah, Lanai is going to be its own district,
4 yeah, I'm for that. Right? Until we see a full outline
5 of what has just been described as the methodology of
6 nuance questions of explanations of county government, I
7 think we don't have the full information of how much
8 weight to give this survey. A one-page methodology just
9 doesn't work for me, being a social scientist. And I
10 think that it's -- there's got to be more information
11 for the Commission on how this was conducted.

12 Then again, it gets to Commissioner Moikeha's
13 question of, you know, we look at this and we have to
14 decide how much weight to give it. Until we get that
15 kind of information, I would be very skeptical to assign
16 it any sort of weight whatsoever.

17 So this is not a question for Mr. Collins
18 specifically, but this would be a question for QMark
19 Research.

20 CHAIR STONE: Mr. Collins, would there be a
21 method for us to clarify this situation with QMark? Do
22 you guys have a --

23 MR. COLLINS: I think you guys could just call
24 them. I don't think there should be a problem. My --
25 my understanding last year was that was part of the

1 whole process, that they could answer government
 2 questions directly. But if, for some reason, too much
 3 time has passed or whatever their thing is, I would
 4 encourage you folks, if it's possible, to, you know,
 5 conduct your own scientific polls of whatever potential
 6 proposals you guys are seriously considering. Because
 7 what better way to get a confident sense of what the
 8 community feels than conducting your own scientific
 9 polls? I mean, I think that would be excellent.
 10 I'm not sure -- I think the '76 Charter
 11 Commission may have considered that, but I don't think
 12 it ever happened. You know, when they changed the Board
 13 of Water -- the special one, I think it was '82. But I
 14 don't think it was ever -- the Charter Commission ever
 15 went through with it. But I think that that's a
 16 possibility. Then you don't have to worry about anybody
 17 else's methodology and being in control of it
 18 completely.
 19 MEMBER DE REGO: Well, I --
 20 CHAIR STONE: Commissioner De Rego.
 21 MEMBER DE REGO: I would agree with that, but
 22 then we get -- we bump up against budget and other kinds
 23 of issues that we hadn't planned for in regards to this.
 24 So -- you know, these things don't come cheap.
 25 CHAIR STONE: We'll do our best to --

1 MR. COLLINS: (Inaudible) a grant to the North
 2 Beach-West Maui. They might be in the spirit of
 3 scientific --
 4 CHAIR STONE: Commissioner Hedani.
 5 VICE-CHAIR HEDANI: As a question, Lance, what
 6 was the cost of the survey?
 7 MR. COLLINS: I think it was 10,000 or 11,000.
 8 And I think that's what the market rate for surveys --
 9 500-person surveys are at this time in the state.
 10 VICE-CHAIR HEDANI: Okay. And a follow-up
 11 question is, did you volunteer on the West Maui Working
 12 Group?
 13 MR. COLLINS: Did I volunteer? Well, no,
 14 because I wasn't on it. But, yes, I -- on my own
 15 accord --
 16 VICE-CHAIR HEDANI: The work that you did was
 17 volunteer?
 18 MR. COLLINS: Oh, yes. Oh, yes.
 19 CHAIR STONE: Commissioner Sugimura.
 20 MEMBER SUGIMURA: So I have a question. And I
 21 don't really maybe understand all how it -- well, we
 22 heard how it got put together, but there's a word that
 23 comes to my mind that is saying like funny kine. And
 24 the word -- the thing that I don't really quite
 25 understand, because I'm not in planning, as you both

1 were, on the Planning Commission, but why would the
 2 North Beach-West Maui Benefit Fund do this? I mean,
 3 what -- what prompted -- why? And then for a report
 4 this thick to come out and propose that it's a final
 5 report of the West Maui Charter Working Group, why?
 6 Yeah. Why did they do that? And how much did they --
 7 did they have to do this? And why did they choose to do
 8 this? And I -- I don't know. Is that --
 9 MR. COLLINS: Well, we made a grant request to
 10 them. So, I mean, I think that's the thing is that they
 11 decided -- we asked for it. And there's, I think, five
 12 or six different things on their website that you can
 13 ask a grant for. One of them is education.
 14 MEMBER SUGIMURA: Who are they? Who are they?
 15 MR. COLLINS: Well, I just -- I just named the
 16 people that I --
 17 MEMBER SUGIMURA: Oh, I heard that, but how
 18 did they get all this money? I don't understand.
 19 MR. COLLINS: How did North Beach --
 20 MEMBER SUGIMURA: Yeah.
 21 MR. COLLINS: -- West Maui Benefit Fund?
 22 Well, I think both Susan and Wayne sort of explained it
 23 a little bit. When the hotels on the North Beach
 24 subdivision were going through their SMA approvals,
 25 various groups intervened in each of the lots. And for

1 Lot 2, which is a Starwood Vacation something -- O,
 2 Starwood Vacation O -- whatever O stands for -- when
 3 they went for their SMA, WMPA and, I think, Charlie Fox
 4 intervened in Lot 2. And WMPA's intervention produced
 5 the North Beach-West Maui Benefit Fund. And Charlie
 6 Fox's intervention produced, I think it was, \$1 million
 7 payment to Lahainaluna Foundation, I think. Or maybe
 8 Lot 2 was \$750,000 and Lot 4 was \$1 million. Anyway,
 9 the same thing was repeated in Lot 4 with Intrawest and
 10 then again in Lot 3. And North Beach-West Maui Benefit
 11 Fund came out of the intervention for Lot 2.
 12 CHAIR STONE: Commissioner Crivello.
 13 MR. COLLINS: The developer and WMPA picked
 14 the people who were on the board.
 15 CHAIR STONE: Commissioner Crivello.
 16 MEMBER CRIVELLO: Were you in any way involved
 17 in legal representation for any of the intervention?
 18 MR. COLLINS: I did not represent WMPA in Lot
 19 2. I did represent -- or Lot 4. I did represent them
 20 in Lot 3. And I do represent them before the Department
 21 of Health.
 22 MEMBER CRIVELLO: And that is also part of
 23 this settlement for --
 24 MR. COLLINS: No.
 25 MEMBER CRIVELLO: -- North Beach-West Maui

1 Fund?

2 MR. COLLINS: No, no.

3 MEMBER CRIVELLO: That intervention?

4 MR. COLLINS: No. Lot -- Lot -- Lot 3 is

5 separate. And the Department of Health, right now, is

6 totally separate. Well, it's not separate because it

7 does relate to the nearshore waters that are in front of

8 North Beach and, also, Honokowai, but they're not

9 related other than the fact that injection wells are

10 interfering with the near coastal waters. Yeah. I

11 mean, it's the West Maui Preservation Association. So,

12 yeah, I mean, they're connected because it's West Maui.

13 CHAIR STONE: Thank you. Commissioner

14 Okamoto.

15 MEMBER OKAMOTO: Well, just in listening to

16 all -- because I'm not real privy to all this, either,

17 but it seems like the connection that one member of the

18 four is also on the West Maui -- is also on that North

19 Beach --

20 MR. COLLINS: She, actually, wasn't when the

21 group started. She got appointed subsequently.

22 MEMBER OKAMOTO: Okay.

23 MR. COLLINS: Yeah.

24 MEMBER OKAMOTO: Okay.

25 CHAIR STONE: Commissioner Hashimoto, did you

1 have a question?

2 MEMBER HASHIMOTO: No.

3 CHAIR STONE: Okay. Commissioners, further

4 questions or clarifications for Mr. Collins?

5 (Silence.)

6 CHAIR STONE: No. Mr. Collins, thank you very

7 much.

8 MR. COLLINS: Sure. Can I just say, I -- I

9 really hope that nobody feels like they were misled or

10 anything. This -- that's -- the names of four people

11 were on the front cover, and, in the introduction,

12 explains exactly how it operated. I don't think there

13 is any intention to mislead anybody. And I know some

14 people have very strong feelings about WMPA. And

15 although WMPA's not directly involved in this, they were

16 involved in setting up the North Beach-West Maui Benefit

17 Fund. And so --

18 MEMBER OKAMOTO: What is WMPA?

19 MR. COLLINS: Oh, sorry. West Maui

20 Preservation Association. So --

21 MEMBER OKAMOTO: Thank you.

22 CHAIR STONE: One more comment from

23 Commissioner Wiger.

24 MEMBER WIGER: Lance, would it be possible for

25 you to provide Joshua with the contact information for

1 QMark?

2 MR. COLLINS: Yeah, I can email to Lisa.

3 CHAIR STONE: That would be fantastic. Thank

4 you.

5 MR. COLLINS: You know, if you guys do decide

6 that you want to -- I know you can't discuss it at this

7 meeting, but if you want to discuss to ask, you know,

8 the North Beach Fund for a grant to do a scientific

9 poll, please don't hesitate. And I'll be happy to

10 volunteer my time to help you guys prepare it because I

11 -- more inquiry is better than less.

12 CHAIR STONE: Thank you very much,

13 Mr. Collins. Any -- any further discussion,

14 Commissioners?

15 (Silence.)

16 CHAIR STONE: No. Thank you so much for --

17 excuse me. Commissioner Moikeha.

18 MEMBER MOIKEHA: I have no more questions for

19 Mr. Collins. And thank you for coming today.

20 CHAIR STONE: Okay. Thank you. You may be

21 excused. Thank you very much again.

22 MEMBER MOIKEHA: My only comment is, if we do

23 decide to do any kind of polling of anything that we

24 produce, it would probably -- should come within our

25 budget, whether it's our budget or the Mayor's budget.

1 I don't believe in utilizing funds that are part of

2 interventions that have nothing to do with what we're

3 doing today.

4 CHAIR STONE: Okay. Thank you very much,

5 Commissioner Moikeha, for your input there.

6 MEMBER DELEON: From my experience, Mr. Chair,

7 \$15,000 is a typical amount for that -- that kind of

8 survey. I've conducted those kind of surveys myself.

9 CHAIR STONE: Okay. Very good.

10 Commissioners, I believe now we're going to be

11 moving on to Executive Session. So I have to ask the

12 members of the public --

13 MEMBER DELEON: Short break?

14 CHAIR STONE: We can have a quick recess.

15 Let's do five minutes, very quick recess.

16 MEMBER DELEON: Executive Session after?

17 CHAIR STONE: I'll announce the Executive

18 Session afterwards. So back here at 2:35, please.

19 (Recess, 2:30 p.m. to 2:38 p.m.)

20 CHAIR STONE: With reference to the agenda

21 items listed below, one or more executive meetings are

22 anticipated. In particular, the Charter Commission

23 anticipates it will consider personal-related matters --

24 personnel related matters where privacy may be involved.

25 The Charter Commission may also consult with the

<p style="text-align: right;">Page 105</p> <p>1 Commission's attorney on questions and issues pertaining</p> <p>2 to the Commission's powers, duties, privileges,</p> <p>3 immunities and liabilities. Therefore, pursuant to</p> <p>4 Hawaii Revised Statutes ("HRS") Sections 92-5(a)(2) and</p> <p>5 (4), the following items may be considered in Executive</p> <p>6 Session.</p> <p>7 This Executive Session is now called to order.</p> <p>8 MR. KUSHI: You need a motion, Chair.</p> <p>9 CHAIR STONE: Can I have a motion to call the</p> <p>10 Executive --</p> <p>11 MEMBER DE REGO: I so move.</p> <p>12 MEMBER DELEON: Second.</p> <p>13 CHAIR STONE: Frank, Commissioner De Rego, put</p> <p>14 a motion forward, it was seconded by Commissioner</p> <p>15 DeLeon. All in favor of going into Executive Session,</p> <p>16 say "aye."</p> <p>17 (A chorus of ayes.)</p> <p>18 CHAIR STONE: All opposed?</p> <p>19 (Silence.)</p> <p>20 (Recess to Executive Session, 2:39 p.m. to</p> <p>21 3:00 p.m.)</p> <p>22 CHAIR STONE: So we're reconvening our Regular</p> <p>23 Session of the Charter Commission.</p> <p>24 And a quick announcement coming out of</p> <p>25 Executive Session, we are happy to report that we have</p>	<p style="text-align: right;">Page 107</p> <p>1 listening to what everybody said, but I know what I</p> <p>2 said. And when I was interviewed by the Council, I did</p> <p>3 make it a point to say that I would be open-minded. In</p> <p>4 fact, when I was asked specifically about a Charter</p> <p>5 amendment referencing redistricting, I said I have no</p> <p>6 opinion. And I don't. And so this paragraph says that</p> <p>7 -- has called us out, basically, and asked us, are we</p> <p>8 going to be open-minded.</p> <p>9 "I trust that Charter Commission Chairman</p> <p>10 Joshua Stone" -- this is a quote -- "other Charter</p> <p>11 Commission members and the public will join me in</p> <p>12 voicing this concern." And it deals directly with being</p> <p>13 open-minded.</p> <p>14 And, you know, that's -- that's my process. I</p> <p>15 don't like that it came out because of an issue with</p> <p>16 Mr. DeLeon's comments and opinions about redistricting</p> <p>17 and his viewpoint. I don't like to be lumped into</p> <p>18 somebody else's stuff.</p> <p>19 And I just feel like there should -- if we're</p> <p>20 going to put this -- if this group feels a response is</p> <p>21 necessary, then maybe we should talk about it on the</p> <p>22 next agenda. Even if you don't do a Viewpoint -- I</p> <p>23 don't know if that's necessary -- but at least address</p> <p>24 the Chair of the Council, who wrote this, and let him</p> <p>25 know that at least I feel that I can be open-minded to</p>
<p style="text-align: right;">Page 106</p> <p>1 hired, as our analyst, Mr. Jon Van Dyke and Ms. Sherry</p> <p>2 Broder. So that is good news.</p> <p>3 Moving now on to next meeting date and</p> <p>4 discussion on next meeting agenda items. Our next</p> <p>5 meeting -- our next regular meeting will be here,</p> <p>6 Monday, August 15th, 2011, at 12:00 p.m., in the</p> <p>7 Planning Conference Room. As you know, our next public</p> <p>8 hearing is tonight, in Kihei, at 6:30 p.m., at the Kihei</p> <p>9 Community Center.</p> <p>10 With that said, we do have to -- we have a few</p> <p>11 more minutes to have discussion on next meeting agenda</p> <p>12 items. Is there any discussion? I would like to keep</p> <p>13 it brief, though. Commissioner Moikeha.</p> <p>14 MEMBER MOIKEHA: Do I talk too much? Come on,</p> <p>15 Dave talks more than me.</p> <p>16 (Laughter.)</p> <p>17 CHAIR STONE: Let's not fight.</p> <p>18 MEMBER MOIKEHA: Speaking of Dave --</p> <p>19 (Laughter.)</p> <p>20 MEMBER MOIKEHA: Okay. This is in reference</p> <p>21 to what was testified by Sally, the article that</p> <p>22 appeared by Danny Mateo. And the only issue that I feel</p> <p>23 that is addressed to me is the second to the last</p> <p>24 paragraph, which asks that we as members, as we had</p> <p>25 indicated in our testimonies -- and I wasn't there</p>	<p style="text-align: right;">Page 108</p> <p>1 everything that has come forward.</p> <p>2 I think the public needs to be continually</p> <p>3 reminded as we go through our last Commission outreach</p> <p>4 meeting tonight that we are here to hear what their</p> <p>5 issues are and what their suggestions are. And -- and</p> <p>6 that's all I want to say on that subject.</p> <p>7 I also would ask Dave, because I've been at</p> <p>8 all of the outreach meetings, that when he does</p> <p>9 reference this issue of redistricting, that he says "I"</p> <p>10 and not "we." I think there is some misunderstanding of</p> <p>11 who "we" is. And I don't want the public to think that</p> <p>12 we, this Commission, have made an opinion out there</p> <p>13 already on something that we're still getting</p> <p>14 information on.</p> <p>15 So I would -- I would really appreciate if he</p> <p>16 could just say -- and that's true for any one of us that</p> <p>17 puts out something as a proposal -- that you're</p> <p>18 referencing from your perspective, you. And use the</p> <p>19 word this is how "I" feel or this is "my" proposal, so</p> <p>20 it's real clear that it's coming from one individual and</p> <p>21 not a group.</p> <p>22 And at the day and time that we do step</p> <p>23 forward as a group and put out proposals, then it will</p> <p>24 be we.</p> <p>25 And, you know, that's just my opinion.</p>

27 (Pages 105 to 108)

Certified Shorthand Reporters Maui

808-244-3376

1 CHAIR STONE: Opinion noted. Thank you very
2 much, Commissioner Moikeha.

3 As I recall -- and this isn't in defense of
4 Commissioner DeLeon, but as I recall, that Viewpoint did
5 state very specifically that this is my opinion, not the
6 opinion of the Charter Commission.

7 I think -- Chairman Mateo, I respect and
8 understand his concern, but if -- if the entire text
9 were read appropriately, it did not reflect that it was
10 the Commissioners' opinion.

11 With that said, not everybody reads through
12 the whole thing and they -- they take away what they
13 want. And we saw, as in Molokai what -- you know, the
14 response.

15 (Laughter.)

16 CHAIR STONE: So point taken, very well taken.
17 Also, we'll check Commissioner DeLeon this evening to
18 see how he -- how he words his questions.

19 MEMBER MOIKEHA: Okay. Just a point of
20 clarity. I wasn't talking about the Viewpoint that he
21 specified "we." I'm talking about the public hearings
22 that I sat in.

23 CHAIR STONE: I understand.

24 MEMBER MOIKEHA: And heard him say "we"
25 believe or this is. You know, he encompassed "we." I

1 of us are entitled to our opinion. In fact, I believe
2 that, in some way, we have our opinions as to certain
3 things.

4 I would just like to add that, as members of
5 the Commission, we are in a little way a little bit
6 different from acting publicly. So I would try to say
7 that, until we hold the last meeting as a Commission, we
8 should try to hold back on our positions.

9 If I recall correctly, at the beginning of our
10 session, I did indicate that we should not try to take
11 positions until we heard from the last group. Only then
12 will we try to put our opinions, separate opinions, if I
13 may, and try to debate it among ourselves.

14 Thank you.

15 CHAIR STONE: Very good.

16 MEMBER WIGER: Chairman Stone?

17 CHAIR STONE: Please, Commissioner Wiger.

18 MEMBER WIGER: Part of the issue with that,
19 Judge -- and I don't disagree with you in theory -- in
20 practice -- in practice, I think it won't work very
21 well. Because when we appeared before the Council,
22 people, at least some people, were asked very
23 specifically if they had views on certain positions.
24 And people gave those views, which they -- the Council
25 had a right to ask, people had a right to respond. I

1 almost stopped him at Molokai, but I didn't want to be
2 disruptive to the meeting. But that's -- I'm just
3 making that point, from what I've heard in public
4 meetings in the way that Dave may ask questions or pose
5 opinions before he asks a question or a statement.

6 Just say you, that's your opinion. Preface it
7 with that. I have no issues with that other than I have
8 my own opinion and I'm going to say, "This is my
9 opinion." And I think that's true for everyone here.

10 CHAIR STONE: Commissioner DeLeon.

11 MEMBER DELEON: If I inadvertently used the
12 plural when I meant singular, I'm sorry. I never meant
13 to imply that my proposal or my views on this matter are
14 the Commission's.

15 I will continue to have views.

16 And as to objectivity, if somebody convinced
17 me that the system isn't broken, then I'll agree with
18 them. Right now, I have to believe that it's broken.
19 But it depends on your perspective and your direction.

20 CHAIR STONE: Very good. I think, also --
21 yeah, Commissioner Baxa, please.

22 MEMBER BAXA: Mr. Chair, I just wanted to say
23 that I think Mr. DeLeon meant well with all his heart,
24 and without making any offense, and without trying to
25 impugn the integrity of the Commission itself. And all

1 suppose people could have said, "Well, I don't want to
2 answer you," but I don't think people did that, they
3 answered them.

4 In line with that -- and I don't know how --
5 how we want to deal with this in terms -- if we're going
6 to deal with it at all, maybe talk about it at the next
7 meeting. But the implication -- or at least one part of
8 implication of Chairman Mateo's statement is that --
9 that everyone has come to this with a totally open mind
10 and no one has an opinion other than Dave.

11 I think that there are people on the Charter
12 Commission who have not made up their minds about what
13 they believe. I think there are people -- in fact I
14 know, outside of myself and Dave, I know there are
15 people on the Charter Commission who have made up their
16 minds on district voting because they've told me so.
17 That's perfectly fine. That's perfectly fine. But the
18 implication that the only one who has made up their mind
19 is Dave, I think, is incorrect.

20 And you can have an objective view even though
21 you may have a preconceived notion. That does not mean
22 that hearing other people's perspectives and listening
23 to public testimony may not change what you believe. It
24 may, in fact, change it, hearing what other people have
25 to say.

<p style="text-align: right;">Page 113</p> <p>1 So I guess, from a practical standpoint, I</p> <p>2 think -- I think Chairman Mateo may have confused the</p> <p>3 idea of being -- or maybe he didn't mean that; maybe</p> <p>4 it's just the way I took it -- of being open-minded</p> <p>5 with, in some ways, having come in with a preconceived</p> <p>6 notion. Because I don't think those are two necessarily</p> <p>7 opposing viewpoints. I think one can always change ones</p> <p>8 point of view, depending on arguments that are presented</p> <p>9 and discussion that takes place.</p> <p>10 MEMBER CRIVELLO: Mr. Chair?</p> <p>11 CHAIR STONE: Yes, please, Commissioner</p> <p>12 Crivello.</p> <p>13 MEMBER CRIVELLO: I think it's a matter of</p> <p>14 perception. And when -- when we sit on a commission of</p> <p>15 this sort, you know, I may have my personal opinions,</p> <p>16 but it's the public's perception. I think you saw that</p> <p>17 response on Molokai to Dave. Yes, Dave has his own</p> <p>18 point of view, but I think it's just, you know, where we</p> <p>19 come from, the perception that the public has.</p> <p>20 So that goes back to what Commissioner Moikeha</p> <p>21 is saying, you know. Say, "It's my opinion," or</p> <p>22 what-have-you, and not try and coach your opinion into</p> <p>23 the clarification with the testifiers. I think if we</p> <p>24 can just, you know, hold it that way, we'll be okay. I</p> <p>25 think that's where Chair Mateo is, basically, coming</p>	<p style="text-align: right;">Page 115</p> <p>1 CHAIR STONE: Point noted.</p> <p>2 I do recall Commissioner DeLeon coming to the</p> <p>3 Commission and informing us that he was going to put</p> <p>4 this Viewpoint out. So it wasn't that we were</p> <p>5 completely caught unaware that this situation was going</p> <p>6 down. I just want to remind the Commissioners of that</p> <p>7 point. He did, in fact, come to us before he did it.</p> <p>8 Also, if you note, for example, today, we --</p> <p>9 we heard from the Chair of the Adjudication Board --</p> <p>10 thank you -- thank you very much --</p> <p>11 (Laughter.)</p> <p>12 CHAIR STONE: And he had an understanding, I</p> <p>13 discussed it with him, that we were, as a Commission,</p> <p>14 considering to eliminate that board at this moment,</p> <p>15 which is absolutely untrue. So this is what we knew was</p> <p>16 about to happen. These rumors are going to start flying</p> <p>17 and it's -- it's going to get out of control.</p> <p>18 Points taken on the public outreach meetings.</p> <p>19 I will scold Commissioner DeLeon if he starts a</p> <p>20 conversation referring to the group as "we," in a</p> <p>21 diplomatic manner. So that point is well-taken.</p> <p>22 I do think that it's going to get -- it's</p> <p>23 going to get hotter and more testy here. So I think</p> <p>24 we're right on the verge of a real outbreak.</p> <p>25 So, yes, agreed that we need to look as -- as</p>
<p style="text-align: right;">Page 114</p> <p>1 from. I don't know, but I think that's the concern.</p> <p>2 Because the -- whether or not Dave stirred it up and</p> <p>3 made the issue much more colorful or what-have-you, or</p> <p>4 expanded the discussion, I think we have to hold</p> <p>5 ourselves to the perception how the public looks at us</p> <p>6 as a whole, as a Commission.</p> <p>7 CHAIR STONE: So --</p> <p>8 MEMBER BAXA: Mr. Chair?</p> <p>9 CHAIR STONE: Yes, Commissioner Baxa.</p> <p>10 MEMBER BAXA: I would just like -- I fully</p> <p>11 agree with everything that Commissioner Wiger said. And</p> <p>12 it is true, whatever she said is true.</p> <p>13 The point that I'm only trying to make is</p> <p>14 this: That there comes a -- as I said, you know, he</p> <p>15 means very well. And I don't know how -- I do not at</p> <p>16 any moment try to impugn his integrity. But it looks</p> <p>17 like, by publicizing your opinion now as to certain</p> <p>18 matters, you are, in a way, trying to campaign already</p> <p>19 to the public.</p> <p>20 What I'm trying to say is here: There comes a</p> <p>21 time and place for everything. So what I mean is, after</p> <p>22 we have considered everything, then maybe, perhaps,</p> <p>23 individually we can go out and campaign to the public</p> <p>24 that I support this position, you know, something like</p> <p>25 that. But not at this point.</p>	<p style="text-align: right;">Page 116</p> <p>1 open-minded as we can. This evening is our last public</p> <p>2 outreach meeting prior to digging into these proposals.</p> <p>3 So did anybody here send out an editorial that</p> <p>4 we don't know about?</p> <p>5 (Laughter.)</p> <p>6 CHAIR STONE: No? Commissioner Hedani.</p> <p>7 MEMBER DE REGO: Not yet.</p> <p>8 (Laughter.)</p> <p>9 CHAIR STONE: Okay. So I think that it's good</p> <p>10 to get this -- this attention. I think that Chairman</p> <p>11 Mateo maybe misunderstood slightly. I understand -- I</p> <p>12 respect very much what he is saying. And I think that</p> <p>13 it would be good for the Chair to write a very nice</p> <p>14 eloquent response that says, actually, the Commission as</p> <p>15 a whole is very open-minded and we are not making any</p> <p>16 decisions prior to having all public input, if the</p> <p>17 Commission thinks that would be a smart idea.</p> <p>18 Commissioner Hedani.</p> <p>19 VICE-CHAIR HEDANI: I agree. I think it would</p> <p>20 be good to respond to the -- respond to it on behalf of</p> <p>21 the Commission from that perspective.</p> <p>22 I also think that Dave's done an outstanding</p> <p>23 job of rousing the community out of its comatose</p> <p>24 position to coming out.</p> <p>25 MEMBER DELEON: Thank you.</p>

CHAIR STONE: Let's not bring -- half of the people coming to public meetings have come to take out Commissioner DeLeon.

(Laughter.)

MEMBER OKAMOTO: He wasn't even at one.

MEMBER DE REGO: It's become a spectator sport.

CHAIR STONE: Commissioner Okamoto.

MEMBER OKAMOTO: Well, obviously, I think people know that, in the Council meeting, I was one that was also questioned. At the Council meeting, I was also one that was questioned about an opinion. And, yes, I -- you know, I'm trying to have an open mind, but I do, you know, have an opinion. I just feel like that we need to keep our own kind of to ourselves as much as possible at this point.

And I know that Dave has a blog on the Realtor Association. And I've already let them know I don't appreciate that, either. But, you know, it's his own -- he does -- he doesn't say it as being the Commission, but we know that people do take them as, you know, you're a member of this commission that must be what, you know, people are thinking.

CHAIR STONE: Commissioner DeLeon. One second.

definitely I thought Dave DeLeon, in his PR genius, handled that at the right moment because it got the reaction that we wanted. I mean, seriously. Because I take notes of everybody who testifies. So I think on Molokai there were like 14 people that testified, all 14, except for the one guy, was in favor of things staying the way they were. And Lanai, the same thing happened. Every single person, including the president of Castle & Cooke -- right -- even he wanted things to stay status quo. So maybe you should have written that before we went to Hana so that we could --

(Laughter.)

MEMBER SUGIMURA: I'm just kidding. Because Hana was in favor of things staying the way they were, too. So we really got a good response from the people we needed to hear from.

As I always say, people on people on Maui act like Oahu where they think they know what's best for Maui. Well, I think people on Maui think they know what's best for Maui, Molokai and Hana. But you heard it from the horse's mouth, so to speak. Sorry. I don't mean -- you know what I mean. Sorry.

MEMBER DELEON: You know, Mr. Chair, seems like we're having this conversation now instead of the next meeting. But while we're having it, you know,

MEMBER DELEON: The blog on the Realtors Association is only two members. And the Association has a position in favor of districts and wanted to hear about -- what the proposal that I -- the proposal. The reason I actually submitted that commentary before the Molokai meeting, it was deliberately before the Molokai and Lanai meetings, was to get the concept of island boards out to the community. You have to talk about the whole thing. You can't just drop it out -- I mean, start with island boards and not explain where you're coming from. So you have to start -- in my case, I'm explaining what I think is wrong with the current system and then how you're going to fix that. And that's the purpose.

Without the conversation ahead of time, we would have a public hearing with people speaking to something they don't even know a proposal is on the floor. So it needed to get out so people will know what it is. It's relatively radical. It's different than what we do in Maui County now. So it needed to have an explanation. Without an explanation, nobody would even know it's there.

CHAIR STONE: Thank you, Commissioner. Commissioner Sugimura.

MEMBER SUGIMURA: I just want to add that

there's -- there is a -- there's a little difference between this board and the average County board. The usual County board is a group that sits and -- and receives information on the floor. That's what they're supposed to make their determination on, what they received in the room, what they hear in the room. They're not supposed to go out and investigate on their own, not supposed to be -- this is a little bit different in that we're actually, some of us, anyway, are creatures of the system we're reviewing. And we've been living in it for a long time and come with a lot of preconceived notions.

Because, you know, I mean, I've known Frank, for -- you know, Frank Silva, when he came in today, I've known him for 30 years. So it's like -- it's not like, you know, this is all new to me. And it's not like I'm coming in without any kind of knowledge of the process. And it's also not like we're dealing with the usual product of a commission, where a commission usually will make a decision based on its quasi-judicial functions in sitting around a room and just doing that. This one's a lot different. We're coming back and actually speaking to the voters. And we're not making the final decision at all; the voters are. So it's -- it's a different process.

<p style="text-align: right;">Page 121</p> <p>1 MEMBER BAXA: Mr. Chair?</p> <p>2 CHAIR STONE: Commissioner --</p> <p>3 MEMBER BAXA: Mr. Chair.</p> <p>4 CHAIR STONE: Commissioner Crivello.</p> <p>5 MEMBER CRIVELLO: Oh. I just want to add, in</p> <p>6 all due respect to Council Chair Mateo's commentary,</p> <p>7 that I like to think he's referring back to his initial</p> <p>8 interview with all of us. And he was quite adamant</p> <p>9 about trying not to come with our choice of opinions or</p> <p>10 -- because we all got questioned that. And some of us</p> <p>11 answered that we're not sure, we're going to wait until</p> <p>12 we hear from the public and what-have-you. So I think</p> <p>13 the Council had their concerns when they were talking</p> <p>14 about the appointees. So in all fairness to Chair</p> <p>15 Mateo, I really believe that he's trying to remind us of</p> <p>16 that process, too.</p> <p>17 CHAIR STONE: Thank you.</p> <p>18 MEMBER BAXA: Mr. Chair?</p> <p>19 CHAIR STONE: Commissioner De Rego.</p> <p>20 MEMBER DE REGO: I want to change the subject.</p> <p>21 (Laughter.)</p> <p>22 CHAIR STONE: Are you sure you don't want to</p> <p>23 keep going around for another hour or so?</p> <p>24 MEMBER DE REGO: No. That's --</p> <p>25 CHAIR STONE: Okay. Thank you. One last</p>	<p style="text-align: right;">Page 123</p> <p>1 on boards and commissions.</p> <p>2 CHAIR STONE: Are we sure about this?</p> <p>3 MEMBER DE REGO: August 15th, yes. I looked</p> <p>4 at the date, that fits in good, unless we don't have</p> <p>5 time for that meeting. Lisa is like --</p> <p>6 MS. KAHUHU: I don't think we have time.</p> <p>7 CHAIR STONE: You know, I honestly don't think</p> <p>8 we have time.</p> <p>9 MEMBER DE REGO: Okay. Well, then the next</p> <p>10 scheduled meeting.</p> <p>11 CHAIR STONE: Which is a bummer. But, yeah,</p> <p>12 we're going to have to put you August 29th. Actually --</p> <p>13 MEMBER DE REGO: August 29th.</p> <p>14 MEMBER OKAMOTO: What are the other items on</p> <p>15 the agenda?</p> <p>16 CHAIR STONE: We have a ton of speakers</p> <p>17 coming, as requested. We have chair -- we have Chief of</p> <p>18 Police, Chair of the Police Commission, Chief of Fire,</p> <p>19 Chair of the Fire Commission.</p> <p>20 MEMBER SUGIMURA: The gentleman that was</p> <p>21 testifying on Molokai, we asked him to come back.</p> <p>22 MEMBER MOIKEHA: Jenkins.</p> <p>23 MEMBER CRIVELLO: Oh, the fire --</p> <p>24 CHAIR STONE: Jenkins is not on the agenda,</p> <p>25 but we have a huge agenda for the 15th. And, again,</p>
<p style="text-align: right;">Page 122</p> <p>1 thing from Commissioner Baxa --</p> <p>2 MEMBER DE REGO: Baxa, yeah. Then change the</p> <p>3 subject.</p> <p>4 CHAIR STONE: -- jumping back to Commissioner</p> <p>5 De Rego.</p> <p>6 MEMBER BAXA: Mr. Chair, this will be my last</p> <p>7 comment for the afternoon.</p> <p>8 After all is said and done, I think we should</p> <p>9 thank Mr. DeLeon. You know, he's put something on the</p> <p>10 table. And I am pretty sure that, after today, the only</p> <p>11 thing can come out of this will be the good thing.</p> <p>12 Thank you.</p> <p>13 CHAIR STONE: Very good. I think that -- I</p> <p>14 think that it's brave to come up with new ideas. And I</p> <p>15 recommend for all of our Commission Members, as we -- as</p> <p>16 we start to really think about what -- what we've been</p> <p>17 hearing, to come up with good ideas, if need be, and</p> <p>18 brave new ideas. There's nothing wrong with ideas.</p> <p>19 Proposals are just that, proposals.</p> <p>20 So anyways, moving on. Commissioner De Rego.</p> <p>21 MEMBER DE REGO: Moving on. First of all, for</p> <p>22 the next meeting agenda items, the Cost of Government</p> <p>23 Commission.</p> <p>24 MEMBER SUGIMURA: Yes.</p> <p>25 MEMBER DE REGO: Chair will do a presentation</p>	<p style="text-align: right;">Page 124</p> <p>1 this is the crunch time. We are able to add -- we can</p> <p>2 add dates, can't I?</p> <p>3 MR. KUSHI: Another meeting, right.</p> <p>4 CHAIR STONE: We'll see. Let's -- let's</p> <p>5 get -- let's verify Frank on the 29th of August.</p> <p>6 MEMBER DE REGO: Okay. Good.</p> <p>7 CHAIR STONE: Is that all right?</p> <p>8 MEMBER DE REGO: That's fine.</p> <p>9 MEMBER OKAMOTO: Have we ever gotten anything</p> <p>10 from the Mayor's Office?</p> <p>11 CHAIR STONE: That should be forthcoming.</p> <p>12 I've been assured it would be with us before the</p> <p>13 beginning of August. So I know they are -- they're</p> <p>14 diligently working on it. And Executive Assistant</p> <p>15 Molina keeps telling me that it is coming. It's meant</p> <p>16 to be quite a packet. So --</p> <p>17 MEMBER OKAMOTO: Okay.</p> <p>18 MEMBER WIGER: That's why it's taking so long.</p> <p>19 CHAIR STONE: Any other -- any further</p> <p>20 discussion? Commissioner De Rego.</p> <p>21 MEMBER DE REGO: Also, I know that Ed worked</p> <p>22 diligently on his schedule, mapping our deadlines</p> <p>23 backwards. Is it possible to get -- maybe I missed</p> <p>24 something, because I know I missed the July 11th</p> <p>25 meeting. Is it possible to get a paper copy of that</p>

1 schedule printed out? Because I know you had said what
 2 your suggested dates for public hearings, et cetera, et
 3 cetera.
 4 CHAIR STONE: Did you miss -- did you miss --
 5 MEMBER DE REGO: I think I missed the 11th
 6 meeting.
 7 CHAIR STONE: This is what we received.
 8 MEMBER DE REGO: Ah, okay. And that I --
 9 MS. KAHUHU: Can I email you?
 10 MEMBER DE REGO: Yeah. Could you email that?
 11 I did not receive that.
 12 CHAIR STONE: Sorry. We're presently checking
 13 availability.
 14 MEMBER DE REGO: Okay.
 15 CHAIR STONE: And we've -- we've -- Yuki, can
 16 you bring Commissioner De Rego up to speed on that? We
 17 eliminated that whole week -- or end of December,
 18 basically, as a --
 19 MEMBER OKAMOTO: So we will get an updated
 20 one, is what you're saying?
 21 CHAIR STONE: Yes. Because, you know, as you
 22 know, it's all about availability of the spaces. So
 23 we'll be working diligently to get that together.
 24 Any further questions?
 25 MEMBER DELEON: If you hold it all around

1 down.
 2 MEMBER OKAMOTO: I'm going to be around a long
 3 time.
 4 (Laughter.)
 5 CHAIR STONE: All right. If there are no
 6 objections, this meeting is now adjourned as of 3:30
 7 p.m. And I will see everybody this evening. Thanks so
 8 much for your time.
 9 (Meeting adjourned at 3:30 p.m.)

1 Christmas, you'll have a lot of availability.
 2 CHAIR STONE: That was my recommendation.
 3 MEMBER OKAMOTO: That's all right.
 4 CHAIR STONE: Apparently, it was shot down.
 5 Okay.
 6 So if there's no more discussion, no more --
 7 okay. Commissioner Hedani.
 8 VICE-CHAIR HEDANI: Can I be excused from
 9 tonight's meeting?
 10 CHAIR STONE: Commissioner Hedani, you are
 11 excused.
 12 VICE-CHAIR HEDANI: Thank you.
 13 CHAIR STONE: We would like to hear an excuse.
 14 VICE-CHAIR HEDANI: Mrs. Hedani.
 15 CHAIR STONE: Woo.
 16 MEMBER DE REGO: Mrs. Hedani, there you go.
 17 MEMBER DELEON: That's works.
 18 CHAIR STONE: That works for us.
 19 MEMBER OKAMOTO: And I need to be excused from
 20 the August 15th, because it's my father's 95th birthday.
 21 (Applause.)
 22 CHAIR STONE: Congratulations. And you are
 23 excused.
 24 MEMBER DELEON: Good genes.
 25 CHAIR STONE: Lisa, if we can just put that

CERTIFICATE

1
 2
 3
 4 I, TONYA MCDADE, Certified Court Reporter of
 5 the State of Hawaii, do hereby certify that the
 6 proceedings contained herein were taken by me in machine
 7 shorthand and thereafter was reduced to print by means
 8 of computer-aided transcription; and that the foregoing
 9 represents, to the best of my ability, a true and
 10 accurate transcript of the proceedings had in the
 11 foregoing matter.

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

15 DATED this 5th day of August, 2011

16
 17
 18

19 Tonya McDade
 20 Certified Shorthand Reporter #447
 21 Registered Professional Reporter
 22 Certified Realtime Reporter
 23 Certified Broadcast Reporter
 24
 25

