

COUNTY OF MAUI, STATE OF HAWAII

APPROVED 09/12/2011

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, August 15, 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

1 ATTENDANCE

2 BOARD MEMBERS PRESENT:

3 Joshua A. Stone, Chair

4 Wayne N. Hedani, Vice-Chair

5 Artemio C. Baxa, Member

6 Stephanie S. Crivello, Member

7 David P. DeLeon, Member

8 Frank R. DeRego, Jr., Member

9 Clifford P. Hashimoto, Member

10 Wayne N. Hedani, Member

11 Susan A. Moikeha, Member

12 Yuki Lei Sugimura, Member

13 Flo V. Wiger, Member

14 BOARD MEMBERS EXCUSED:

15 Linda Kay Okamoto, Member

16 STAFF PRESENT:

17 Edward S. Kushi, Jr., First Deputy Corporation Counsel

18 Lisa Kahuhu, Supervising Law Technician

19 Sherry Broder, Commission Analyst

20 ADMINISTRATION PRESENT:

21 Michael Molina, Executive Assistant to the Mayor

22 OTHERS PRESENT:

23 Fred Ruge

24 Lloyd Fischel

25 Thomas Croly

Jim Smith

Steve Goldsmith

Jocelyn Perreira

Nikhilnanda

Lucienne deNaie

Sally Raisbeck

Jeffrey Murray, Chief, Department of Fire & Public Safety

Mark Vaught, Chair, Fire & Public Safety Commission

Gary Yabuta, Chief, Department of Police

Leil Koch, Chair, Police Commission

David Jorgensen, Commissioner, Police Commission

Francis Cerizo, Planner VI, Department of Planning

Kevin Tanaka, Chair, Board of Variances & Appeals

David Goode, Director of Public Works

1 (Monday, August 15, 2011, 12:02 p.m.)

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3 CHAIR STONE: Aloha, everybody. Thank you

4 very much for attending this public meeting of the

5 Charter Commission. My name is Josh Stone and I am the

6 Chairman of the Commission. If you need, there are

7 copies of today's agenda available with Lisa Kahuhu.

8 Lisa, please raise your hand so everybody knows. So if

9 you need that, please see her. As per our rules, all

10 discussions today shall be pertaining to these agenda

11 items only.

12 Before beginning public testimony, we have a

13 few items of business to address.

14 Firstly, I would like to call this meeting to

15 order as of 12:05 p.m. and recognize our Commissioners

16 that are present. Lisa, do you have a roll call for me?

17 Lisa?

18 MS. KAHUHU: Kay Okamoto.

19 CHAIR STONE: Is not available today?

20 MS. KAHUHU: Is not available today.

21 CHAIR STONE: Okay. Great. Thank you very

22 much. Also, I would like to present our staff. We have

23 Ed Kushi, Jr. over there, who is from Corporation

24 Counsel. Again, Lisa Kahuhu, who is our Supervising Law

25 Technician. Mike Molina, who is EA to the Mayor. Mike,

1 thanks for coming. As well as Tonya McDade, our court

2 reporter. Also, very special welcome to Sherry Broder,

3 who is our newly hired Commission Analyst. Yay.

4 (Applause.)

5 CHAIR STONE: Process over. So I would like

6 to take this time to approve the minutes from our last

7 meetings. There were a lot of minutes that we received

8 in our packets. So do I have a motion?

9 MEMBER SUGIMURA: I move to accept the

10 minutes.

11 MEMBER DE REGO: Second.

12 CHAIR STONE: Do we have discussion on the

13 minutes?

14 MEMBER SUGIMURA: Good job.

15 MEMBER DE REGO: Good job, yes.

16 MEMBER SUGIMURA: Lot of work.

17 CHAIR STONE: Compliments to Tonya McDade.

18 Very good job. So no discussion. All in favor of

19 approving the minutes, please say "aye."

20 (A chorus of ayes.)

21 CHAIR STONE: Thank you very much. Minutes

22 are approved.

23 We'll now move on to oral testimony, but,

24 before we begin, I would like to go over our oral

25 testimony rules.

1 Yes, please.

2 MEMBER WIGER: Mr. Chair, point of personal --

3 CHAIR STONE: One second, please. Microphone.

4 MEMBER WIGER: Point of personal privilege,

5 please.

6 CHAIR STONE: Sure.

7 MEMBER WIGER: I received a phone call from a

8 person who was watching this on Akaku, watching our

9 meetings, and they wanted to know how come I was always

10 texting on my iPhone while we were having a meeting. So

11 I want to be very clear with the public. The reason

12 that I'm using my iPhone when we are having the meeting

13 is not that I am texting. I have an app for taking

14 notes. And it's easier for me to take notes on my

15 iPhone than it is for me to sit and write out my notes.

16 So I'm not texting anyone, I'm not looking at my email;

17 I am taking notes on my iPhone.

18 Thank you.

19 CHAIR STONE: Duly noted, Commissioner Wiger.

20 By the way, thanks for that text you just sent me two

21 minutes ago.

22 (Laughter.)

23 CHAIR STONE: Thank you. We'll now move on to

24 oral testimony. Before we begin, I would like to go

25 over our testimony rules. We'll call up each public

1 testifier in the order that they registered to testify.
 2 Each person will have five minutes to testify on all
 3 items on our agenda today. Following a testifier's
 4 testimony, I'll ask the Commissioners if they need
 5 clarification of the presented testimony.
 6 I just want to check, before we begin, with
 7 Mr. Molina. Mr. Molina, did you say that the Mayor was
 8 testifying today?
 9 MR. MOLINA: Yes. Mr. Chairman, we've just
 10 been informed, because the Charter amendment proposals
 11 from the Mayor will not be heard until the 29th's
 12 meeting, the Mayor's requested if you could be, I guess,
 13 patient and wait for his testimony until the 29th. And
 14 we do notice you have a big agenda here today. So --
 15 CHAIR STONE: Good. Thank you very much.
 16 Okay. Very good.
 17 With that said, Lisa, could you please
 18 introduce our first testifier?
 19 MS. KAHUHU: Fred Ruge.
 20 CHAIR STONE: Was that Mr. Ruge?
 21 MR. RUGE: Yes, Fred Ruge.
 22 CHAIR STONE: Fred Ruge. Thanks very much,
 23 Fred, for coming today.
 24 ...BEGIN PUBLIC TESTIMONY...
 25 MR. RUGE: Okay. I'd like to make a

1 recommendation that the Charter be amended so that the
 2 Council who now serve two-year terms, change it to
 3 four-year term. I think that the reason for this is
 4 they're always running for office. So the first year
 5 they get in, they do a pretty good job; the second year,
 6 push everything down the road because you might offend
 7 somebody, and they won't vote for me. So I think they'd
 8 do a much better job and it would be better for the
 9 citizens of the county. And I would like to also
 10 recommend that the four-year term, that they serve two
 11 four-year terms and then they have to interrupt for
 12 another four years before they can run again.
 13 So that's my recommendation. Thank you.
 14 CHAIR STONE: Thank you very much.
 15 Commissioners, any questions for the testifier?
 16 (Silence.)
 17 CHAIR STONE: No. Very clear. Thank you so
 18 much for coming today. Much appreciated.
 19 Lisa, next testifier, please.
 20 MS. KAHUHU: Lloyd Fischel.
 21 CHAIR STONE: Thank you, Mr. Fischel, for
 22 coming today.
 23 MR. FISCHEL: Good afternoon.
 24 In economic times like ours, troubled times,
 25 it's a lore to think that police policies can thwart the

1 potential social unrest that we can see developing. A
 2 sage in the 13th Century wrote, "If you seek peace, do
 3 not prepare for war." The last century is rife with
 4 failures of governments that attempt to strengthen
 5 social harmony by using police strength.
 6 I had the opportunity to discuss this
 7 particular matter with Mikhail Gorbachev, when he wrote
 8 the introduction to a book I authored. He strongly
 9 asserted that countries had yet to learn the lessons
 10 that Russia learned during the Stalinist periods. His
 11 profound conclusion abbreviated in the book reads, "We
 12 shall build a truly democratic and humane society in
 13 which the universal criterion is the interest in the
 14 human being."
 15 Why does the politician not write the word
 16 "people", instead he discusses the human being, the
 17 individual? Because this guy knows how easy it is for
 18 government to go adrift when legislation is watered down
 19 by political whims. When government is responsible to
 20 all of us individually, going adrift in government is
 21 not possible.
 22 Gorbachev's comment is instructive to all who
 23 attempt to grapple with the very real social ills that
 24 face us today. His point is that government must exist
 25 for the people, not the other way around, that people

1 exist to make government look great. This idea is
 2 increasingly being discussed because, although most
 3 people instinctively agree that government exists for
 4 the people, all over our country, jurisdictions find
 5 themselves continually facing threats that lead in the
 6 opposite direction.
 7 Because unintended consequences of political
 8 decisions can be disastrous for all concerned, Daisaku
 9 Ikeda, founder of the SGI Movement of Peace, Education
 10 and Culture, a person who founded the Clean Government
 11 Party in Japan, and an individual has received over 300
 12 academic honorary achievements, taught in a lecture at
 13 Harvard University, the moving force of history was, in
 14 the past, hard power, in the form of military might,
 15 political authority and wealth. What we have seen in
 16 recent years, however, is a decrease in the relative
 17 importance of this factor, and, in its stead, a
 18 remarkable increase in the importance of soft power.
 19 Factors such as knowledge and information, culture,
 20 ideas and systems. I believe that -- he said, I believe
 21 that this is the historical duty of us who are alive at
 22 this time to strengthen and make irreversible this trend
 23 away from hard power and towards soft power.
 24 The focus of Mayor Arakawa and the Police
 25 Chief's proposed amendment to the Charter would allow

1 for a voluntary police force. And that follows the same
 2 thinking that has caused doom for many governments.
 3 Gorbachev's statement reveals an understanding of human
 4 nature. And as Ikeda points out, belief in the human
 5 beings' capacity to learn to work in harmony and, what
 6 he calls, solidarity of good meaning people, has all the
 7 power required to overcome the worst we have to fear.

8 I can't help but feel that Ikeda's solidarity
 9 of good meaning people is akin to what we in Hawaii are
 10 blessed to know as the culture of ohana. In furthering
 11 peace and safety in our society, we must respect what we
 12 already have and build upon it. If we don't use it, we
 13 will lose it.

14 Using outdated and redundantly failed tactics,
 15 is, unfortunately, ignorant and shows just how little
 16 has been learned from some -- some -- learned from those
 17 that some of you refer to as the host culture. We can
 18 look at today's Maui Police Department and see many
 19 indicted on corruption. Many astute fellow citizens
 20 point out that if the police administrators can't
 21 control corruption amongst those who are paid to protect
 22 society, how can we expect a volunteer police corps to
 23 behave better? In fact, given history, they will behave
 24 worse. This is why putting effort into ohana, not
 25 police, rings with truth and certainty.

1 Now is the perfect time to encourage
 2 volunteers to help families in need, to help mentor
 3 young people, to grow gardens of food, to do any number
 4 of things that will inspire self-respect and engender
 5 respect for society. Clearly, more hard working -- more
 6 hard power thinking and trained -- or untrained police
 7 will betray the golden opportunity for Maui to become an
 8 inspiration to the rest of our world.

9 If the Mayor and the Police Chief want to be
 10 proactive, let's require them to do something other than
 11 put together policies that will inflict conflict and
 12 pain as these failed notions have done to many of
 13 society. Stalin's regime was proactive, so was
 14 Hitler's. One on the left, the other on the so-called
 15 right.

16 Our Charter defines the activities of the
 17 Executive Branch. If we allow an executive to be
 18 proactive, then the Charter will cease to confirm our
 19 democratic ideals as executives will make proactive
 20 decisions based on their individual interests, not on
 21 the interests of the individuals they are sworn to
 22 serve.

23 CHAIR STONE: Mr. Fischel, sorry, that's time.

24 MR. FISCHEL: Thank you. That's the end of
 25 it.

1 CHAIR STONE: Perfect timing. One second,
 2 please. Commissioners, any questions for Mr. Fischel?

3 MR. FISCHEL: Thank you.

4 CHAIR STONE: No. Thank you very much for
 5 your -- oh, we do have a question from Commissioner
 6 Baxa.

7 MEMBER BAXA: Sir, I heard you mention about a
 8 proposal by the Mayor. I think you're referring to
 9 Proposal Number 4 you mention about. And there is
 10 mentioned here about the maintain and --

11 CHAIR STONE: Commissioner Baxa, I'm sorry to
 12 interrupt. Could you please speak into the microphone?

13 MEMBER BAXA: Oh, I'm sorry.

14 CHAIR STONE: Thank you.

15 MEMBER BAXA: You mentioned something about a
 16 proposal of the Mayor. Are you referring to his
 17 Proposal Number 4?

18 MR. FISCHEL: I believe that's the number of
 19 it.

20 MEMBER BAXA: Where the Mayor proposes to --
 21 to Number 4 of Section 8-12.4, the force of the police
 22 officers.

23 MR. FISCHEL: That's right.

24 MEMBER BAXA: Is it your position that you're
 25 opposed to that?

1 MR. FISCHEL: I'm opposed to a voluntary
 2 police force that has authority of the police. I'm in
 3 favor of a fire or any other kind of safety
 4 organization, where there's clear distinction about what
 5 is wrong and what is right. But in our society today,
 6 we need talented professional people that are not --
 7 that are under supervision directly to those in charge.

8 MEMBER BAXA: But you are not really opposed
 9 to it, are you?

10 MR. FISCHEL: I couldn't explain it any
 11 differently, sir. When you say "it," I'm not so sure I
 12 understand what you mean.

13 MEMBER BAXA: Because you mention about
 14 talented people and so on. This person could be
 15 appointed as reserve officers could belong in the
 16 integrity that you mention as well. That's what I'm
 17 trying to say.

18 MR. FISCHEL: Thank you.

19 CHAIR STONE: Thank you very much.
 20 Commissioners, any further questions?

21 (Silence.)

22 CHAIR STONE: No. Thanks for your testimony.
 23 Lisa, next testifier, please.

24 MS. KAHUHU: Thomas Croly.

25 CHAIR STONE: Mr. Croly, thank you for coming.

1 MR. CROLY: Aloha. I'm Thomas Croly. And I'm
2 speaking on my own behalf.

3 I would like to begin by making a suggestion
4 that this Commission make a concentrated effort to
5 educate the public about exactly what this Commission is
6 here to do and to educate them about what the Charter is
7 and how it relates to the functions of our government.

8 If this Commission simply holds meetings for
9 the public to raise concerns on Charter amendments that
10 they propose, they'll only be dealing with a very small
11 fraction of our community. And, more importantly, if
12 those -- if the recommendations of this Charter make
13 their way to the ballot, very few people will understand
14 where those ideas came from. And they might feel
15 disconnected from them and not able to vote properly.

16 So I don't know what kind of budget you've
17 been given. I'm appreciative to see Akaku here, but I
18 think that we really need to make a concerted effort to
19 get the public engaged in what this document is, what it
20 means and that this is a once-in-a-ten-year opportunity
21 to have some input on what that document can do.

22 As for the issues for this Charter to
23 consider, I expect there's already a growing list. And
24 I don't expect that this entire Charter Commission will
25 find agreement on all the issues and what issues to move

1 forward. But I do expect the Commission will -- I'm
2 sorry. I do expect one issue that has been very
3 controversial, hopefully, has made it to the top of this
4 Charter for consideration. And that would be the way we
5 elect our -- our representatives for Council.

6 It will be an oversight of this Commission to
7 ignore what has transpired over the last several years
8 considering the residency requirements of our
9 councilmembers. I think there's probably many ideas
10 that could be brought forward for a better way to elect
11 our representatives. And I'd like to see a full
12 discussion at this Council, and something come out of it
13 that -- that the voters would be able to consider.

14 As for new ideas, I do have one for you.
15 Anyone whoseever served on a jury knows the role of the
16 alternate juror. Anyone who served on a board or
17 commission knows the frustration when you can't get
18 quorum, or when you barely have quorum and you can't
19 make a decision because you can't get the number of
20 votes you need. To address this problem, I would like
21 to suggest that our Charter be amended to include the
22 appointment of alternate members who, initially, upon
23 sitting on the commissions, would serve this role, kind
24 of the role like an alternate juror would. If someone
25 doesn't show up, they would step into that seat. If

1 someone were to step down from the Charter -- from the
2 -- from the commission before the end of their term, you
3 would have someone ready to go immediately instead of
4 waiting the 90 to 180 days that it takes to get through
5 the process.

6 I don't know if the right answer is one or
7 two. I don't know if it is necessary for every single
8 board or commission, but certainly for things like the
9 Police Commission, things like the Planning Committee --
10 Planning Commission. It would be good that we are
11 always facing a full slate of commissioners or board
12 members at those meetings. Adding an alternate position
13 to each of the critical boards would help them be more
14 productive.

15 Thank you.

16 CHAIR STONE: Thank you very much.
17 Commissioners, just as a reminder, please speak into the
18 microphone when talking. Any discussion -- or questions
19 for the testifier? Commissioner De Rego.

20 MEMBER DE REGO: Mr. Croly, thank you for your
21 testimony today. I would like to ask you, have you
22 served on any boards and commissions where quorum has
23 been a problem?

24 MR. CROLY: I have not, but I've -- I've stood
25 here waiting to give testimony when there's been

1 shortage of quorum or bare quorum.

2 MEMBER DE REGO: So you've been the victim of
3 a lack of quorum?

4 MR. CROLY: Yeah.

5 MEMBER DE REGO: Okay. Good. Thank you very
6 much.

7 CHAIR STONE: Very good. Other questions?
8 Commissioner DeLeon.

9 MEMBER DELEON: Thank you for coming today,
10 Tom. You asked us to get more engaged with the public.
11 Give us some ideas what that would be. How would you
12 see us doing that?

13 MR. CROLY: Yeah. Well, one thing I'm
14 disappointed to see here is I don't see a representative
15 from the newspaper. Maybe there is. And I hope that
16 every one of these meetings gets some publicity in the
17 newspaper. But, beyond that, just informal
18 informational sessions where -- whether it's the board
19 members or whether it's members of the Administration,
20 go out and try to just engage the public with what is
21 the Charter and what -- you know, why do we care, what
22 is this thing, and why do we only have a limited amount
23 of time to make these changes and the process for making
24 those changes.

25 CHAIR STONE: Very good. Commissioners, any

1 further questions, clarifications?
 2 (Silence.)
 3 CHAIR STONE: No. Thanks so much for your
 4 testimony today, Tom.
 5 Lisa, next testifier, please.
 6 MS. KAHUHU: Jim Smith.
 7 CHAIR STONE: Mr. Smith, welcome. Thank you
 8 for coming.
 9 MR. SMITH: Good morning. Thank you for
 10 serving. I'm very grateful for that.
 11 I have a handout I want to give you. And I'd
 12 ask you to read it. It's just one page and there's an
 13 attachment to it. And it's just kind of -- while I
 14 organize, it's context I want you to consider today in
 15 moving forward. Thank you very much. This is very
 16 important to do as this is a real world.
 17 And would you please tell me when two minutes
 18 is up, after, so that I can get back with my three
 19 minutes, please, whoever keeps the clock?
 20 CHAIR STONE: Commissioners, have you read the
 21 letter? Mr. Smith, would you like to continue with your
 22 testimony?
 23 MR. SMITH: Thank you. Here in this place, an
 24 indignity inflamed by deception can extend to a
 25 generation of individuals. A citizen must be able to

1 understand why and for what purpose power is applied.
 2 And our Sunshine Law makes that knowledge possible,
 3 available to all individuals by right, enforced by the
 4 court.
 5 Now, there are two items I want you to
 6 consider.
 7 In your agenda, you've had, in the past, an
 8 item entitled Proposals by Commissioners, and it's Item
 9 IV. And I'm specifically looking at June 27th. Your
 10 agenda does not have that item anymore, but there is a
 11 reference in your minutes, on Page 115 of your minutes
 12 for June 13th -- and this is quoting a section that
 13 relates to a discussion by Mr. De Rego, remarks by
 14 Mr. DeLeon and then the Chair. And it concerns
 15 ordinances and the idea of an audit and how we're going
 16 to do this. And Chair Stone says, "Very good." Thank
 17 you. And it seems like another proposal is
 18 formalizing." And then there's a comment by Mr. De
 19 Rego, another by Mr. Stone, and then -- then Chairman
 20 Stone says, "We'll discuss it further, too, via email to
 21 Lisa. All right." Okay. So if you're gonna be
 22 discussing proposals via email through the Corporation
 23 Counsel's office, it would seem to me there's a danger
 24 that deliberation will be facilitated in a way it
 25 shouldn't be. When you have an agenda and, six days

1 before, you put the materials available, that's what
 2 you're supposed to consider; not emails sent to each
 3 other via Corporation Counsel. So I would ask you to
 4 establish some sort of a guideline for that and to
 5 understand that we have to see and hear the substance of
 6 your deliberations to understand whether it's truthful
 7 or not.
 8 The second idea I would like to talk about is
 9 the matrix. The problem we're having is we've got a
 10 Department of Water director who doesn't even know who's
 11 on the Board of Water Supply. The Charter specifically
 12 says the ex officio member is the Planning Director, and
 13 the chair -- the director comes to you and says, oh, I
 14 don't even know. So what does that mean about our
 15 Charter? Is it relevant to the people in office? And
 16 that may be a problem more important than district
 17 voting, a deeper problem, a matrix problem.
 18 I would ask you, when you do this matrix, to
 19 set up, first, a standard. You have Article 1, Section
 20 1, which says you are in business to confirm equal
 21 dignity. So that, to me, means there needs to be a
 22 necessity. You have to have a necessary purpose in
 23 changing. Not flattering remarks by a director or
 24 somebody who's trying desperately to do something that
 25 may or may not be proactive. And if it's proactive, it

1 may be unconstitutional. I don't see the connection. I
 2 don't see in our Charter anywhere where proactivity is
 3 limited. Your imagination tells you where you can go,
 4 but, in our Charter, we have to limit that power because
 5 things happen in a real way to real individuals.
 6 Thank you.
 7 CHAIR STONE: Thank you, Mr. Smith.
 8 Commissioners, any clarification or questions for the
 9 testifier?
 10 (Silence.)
 11 CHAIR STONE: No. Mr. Smith, thank you for
 12 coming today.
 13 MR. SMITH: You're welcome.
 14 MS. KAHUHU: Steve Goldsmith.
 15 CHAIR STONE: Mr. Goldsmith, thank you.
 16 MR. GOLDSMITH: Aloha. My name is Steve
 17 Goldsmith. And I submitted an email written testimony,
 18 Number 2F. I don't know if you'd had the chance to read
 19 that yet. And if so, I'll just go on; otherwise, I can
 20 summarize it. And that's concerning the structure, the
 21 macrostructure of the County. Right now, we have a
 22 separate Mayor and separate county council that there's
 23 some communication problems. I used to be on the Cost
 24 of Government Commission and we'd just constantly be
 25 frustrated trying to make changes in that system.

1 So what I'm proposing is having -- excuse
 2 me -- having the Mayor sit on the Council, like it is in
 3 many places across the country. Communications would
 4 increase. I noticed in some of the other emails online,
 5 when I was checking some of the other testimony, people
 6 were complaining about 18 assistants and everything
 7 else. What I'm proposing is starting to run Maui County
 8 professionally, taking out some of the politics. Having
 9 a very strong County Manager and empowering him or her
 10 as much as possible. Of course, at that point, if it
 11 doesn't exist, they would request an assistant director,
 12 which I think is part of the Mayor's or someone's
 13 request. All the logical things, all these minor things
 14 would get fixed if the macrostructure was working, which
 15 it's not now.

16 The County Council, to go a step further, it
 17 could easily be part-time. They would just be making
 18 macrodecisions. There wouldn't be the County of the
 19 whole -- you know, all these different committees. It's
 20 -- it's really insanity the way things are run right
 21 now. People are doing their best within the structure,
 22 but it's very ineffective.

23 I also mention that every time there's a
 24 mayoral change, then you have a new director which has
 25 to get up to speed, which usually takes, well, a year to

1 really know what they're doing. And if we have a
 2 professional managing director, we could, actually,
 3 probably get somebody with possibly even more substance
 4 that knows that they wouldn't get fired every time
 5 there's a new mayoral election.

6 And same thing with department heads. The
 7 concept of having a department head chosen every time
 8 there's an election, well, you're probably not going to
 9 get the best department heads, knowing their term might
 10 only be four years.

11 So for many reasons, I know it's big, it's
 12 huge, it's scary, but if we can do something like this,
 13 or close to this, it's going to have profound effects
 14 throughout the entire county. Addressing things like --
 15 just almost everything else I was reading could be
 16 affected by that when there was -- once there's
 17 effective management.

18 Just putting on another hat for a minute. I
 19 used to be a volunteer deputy sheriff in Aspen,
 20 Colorado. The department was small, but we were very
 21 progressive. Most of us had our masters, doctorates. I
 22 was a volunteer at first and then, actually, became
 23 full-time. So I think an implication in an earlier
 24 testimony would be the people would be lesser than
 25 full-time people. You might actually get entrepreneurs,

1 very educated people, very heartfelt people being
 2 volunteers in the Police Department, actually bringing
 3 the whole standard up rather than down. So, obviously,
 4 my bias would be yes for that.

5 Things like Maui Visitors Bureau. I also used
 6 to run businesses in Colorado, before I moved here about
 7 10 years ago. And we had the unfortunate wisdom of the
 8 legislature to almost shut off the Colorado Visitors
 9 Bureau which shut down tourism by about a billion
 10 dollars. They saved their 12 million, or whatever, for
 11 the -- it's amazing, in most states you go through and
 12 there's such a big multiplier for that. But when I was
 13 on the Cost of Government Commission, we couldn't get
 14 through to see what they were spending it on, there were
 15 challenges. Again, a strong county manager, Maui
 16 Visitors Bureau that would report to them, or whoever,
 17 that we can start running things professionally and get
 18 things done, and not constantly reinvent the wheel. We
 19 can do research from other counties, how are you doing
 20 it there, okay, let's try that here.

21 And I have lots more, but let me leave it at
 22 that. Thank you.

23 CHAIR STONE: Thanks very much for your
 24 testimony. Commissioners? Commissioner Sugimura.

25 MEMBER SUGIMURA: Thank you for your

1 testimony. So just keeping in line with what you've
 2 just said, then are you also saying that the Police
 3 Commission, all -- the Police, the Fire, Board of Water
 4 Supply, the Liquor, which are now all appointed by a
 5 commission versus the Mayor, that you would also support
 6 that same concept?

7 MR. GOLDSMITH: I'm open to -- I'm not a
 8 government structural expert; I can just share what I've
 9 experienced here and what hasn't worked. And, again, I
 10 don't think we need to reinvent the wheel; we can
 11 probably look around at other structures and see what
 12 works. I think a lot of -- I've -- I've been on
 13 commissions where we haven't gotten quorums and lots of
 14 turnover. And it takes time to get up to speed and know
 15 the rules. So it might not be the most efficient way to
 16 run things. I mean, I'm understating here. Yes, I
 17 think that we could really improve decreasing the number
 18 of commissions, running it professionally, still having
 19 public input. And changing the County Council to a
 20 part-time commission, where they work in the evening
 21 where, possibly, you have business people running for
 22 Council and still owning their businesses, an attorney,
 23 a judge, anything, rather than this full-time concept
 24 of, well, I've got this fiefdom, I got to get a lot of
 25 assistants, I got to fill up my day.

1 When I was going for approval as Cost of
 2 Government Commission, there was nothing on the agenda.
 3 They had me there for 20 minutes, questioning me,
 4 because they had nothing to do. And it's like -- and
 5 I'm not saying -- they work hard. I'm saying it's the
 6 system; not the people. The people are great.
 7 CHAIR STONE: Great. Thank you. Any further
 8 clarification, Commissioners? Commissioner DeLeon.
 9 MEMBER DELEON: Hi. Can you give us a sense
 10 of what you did as a reserve officer in Colorado?
 11 MR. GOLDSMITH: That was a unique department.
 12 I would say we were very liberal. I did everything. In
 13 other words, I needed to qualify. Gun, car, police
 14 academy, I went through everything. So there was no
 15 difference in training than a normal person other than
 16 it didn't cost 'em a penny for my time.
 17 And, again, this can be researched. Almost
 18 every department has a reserve department other than us,
 19 I guess. So it's pretty common.
 20 So it's not just a bunch of yahoos that want
 21 to kick butt and take names. Those are mostly like
 22 yourself, people that want to serve, they care, they
 23 might have families, concerned about their children.
 24 And, you know, often, they start out with just traffic
 25 control, things like that. But I was doing everything,

1 had my own car, own gun, out 20 miles away from another
 2 deputy, doing my thing.
 3 CHAIR STONE: Very good. Commissioners, any
 4 further clarification? Commissioner De Rego.
 5 MEMBER DE REGO: I'm interested in your
 6 experience on the Cost of Government Commission in terms
 7 of having difficulty getting the information that you
 8 needed from certain grantees from the County. Was that
 9 a common experience for the COGC during your tenure?
 10 MR. GOLDSMITH: This was a while ago. It was
 11 when Mayor Tavares just started. I would have to say I
 12 only -- I'm more of an entrepreneur, results-oriented,
 13 and after hitting my head about a thousand times, I had
 14 to resign. I was only there a year. I just couldn't
 15 stand it anymore.
 16 First of all, we were a volunteer -- an
 17 advisory committee. So the first thing we did was ask
 18 the Mayor, what do you want to us work on, we don't want
 19 to waste our time, what's important. And she -- she and
 20 the Managing Director were just elected, said we don't
 21 have time to talk to you. It's like, okay. In the
 22 newspaper, you said energy and housing was the most
 23 important. Okay, we're gonna focus on energy. So we
 24 get the energy coordinator in to see what the plan is.
 25 And he says -- this is January -- well, in August, we're

1 going to have a meeting and see what the communities
 2 want. Okay, what are you going to do the next seven
 3 months, you know. Then it's -- and, again, it's -- it's
 4 just when there's no manager above them and everybody's
 5 running around, trying to get up to speed, nothing was
 6 happening.
 7 And, finally, we got to find out, yes, I'm the
 8 energy coordinator but I'm really not the coordinator.
 9 Well, who is? The Mayor. No, no, not the Mayor, who
 10 actually is running this? The Mayor. She was
 11 micromanaging energy, and she has enough on her plate.
 12 So it was just -- it's the structure. It's crazy the
 13 way it is right now.
 14 MEMBER DE REGO: So what you're saying is
 15 your -- I don't want to put words in your mouth, so
 16 correct me, please, if I'm wrong -- your experience with
 17 the Cost of Government Commission has sort of led you to
 18 believe or to really make the conclusion that the county
 19 manager/council form of government would be more
 20 effective for a city our size?
 21 MR. GOLDSMITH: Yes. That's an
 22 understatement. Yes, yes, yes.
 23 MEMBER DE REGO: Okay.
 24 MR. GOLDSMITH: And, also, other people on the
 25 commission, because every time we dealt with something,

1 it's either personnel, we can't deal with the personnel,
 2 or what we really need is professional auditors. We are
 3 not professional auditors, we get to get a professional
 4 audit, which is addressed as another issue. I'm like
 5 that's a no-brainer, I can't believe we don't have an
 6 auditing department that does both financial audits
 7 and -- I forget the other term -- service audits, you
 8 know, efficiency audits. They always -- every
 9 department that I've ever learned of always pays for
 10 themselves. They cost a hundred grand, they save
 11 millions. And we're not doing it.
 12 MEMBER DE REGO: Thank you.
 13 CHAIR STONE: Commissioner DeLeon.
 14 MEMBER DELEON: Steve, do you see a connection
 15 between the Cost of Government Commission and an
 16 auditor? Would you see them working together? I,
 17 actually, have a vision of an auditor overseeing the
 18 operations of the Cost of Government Commission.
 19 MR. GOLDSMITH: A well-run auditing
 20 department, I'm not sure that we would need a Cost of
 21 Government Commission, or they could be doing other
 22 things.
 23 MEMBER DELEON: Okay.
 24 MR. GOLDSMITH: That's one example of a
 25 commission that could probably disappear with an

1 auditing department, because they would have access
 2 to -- directly to the County Manager or Managing
 3 Director, whatever he or she is called, and so the
 4 personnel are not going to blow them off because a
 5 department head knows, hey, this person is going to be
 6 talking budget every, hopefully, two years, not year.
 7 And that was -- and we were talking about all these
 8 things back then, you know, biannual budget, everything.
 9 But it's just -- it kind of goes by the wayside every
 10 four years.
 11 I really appreciate your service. Thank you
 12 so much for volunteering.
 13 CHAIR STONE: Thank you. Commissioners, any
 14 further clarification?
 15 (Silence.)
 16 CHAIR STONE: No. Thank you, sir, for coming
 17 today. Thank you very much.
 18 Lisa, next testifier, please.
 19 MS. KAHUHU: Jocelyn Perreira.
 20 CHAIR STONE: Jocelyn, thank you for coming
 21 today.
 22 MS. PERREIRA: Aloha, Commissioners. Thank
 23 you very much for your time and service, which our
 24 organization recognizes as being your own valuable
 25 personal time. And we appreciate your service and

1 commitment to your task at hand.
 2 Last meeting, we gave you our position on the
 3 district voting. And we promised -- as promised, we are
 4 back with other recommendations.
 5 We've had some very lively discussions with
 6 our different towns, our community leadership. And the
 7 Tri-Isle Resource Center is reporting back to you the
 8 following:
 9 Relative to the Liquor Commission, in
 10 consolidating the Adjudication division, our answer is,
 11 no, leave it alone, it is operating fine as it is.
 12 The County Council terms, two years to four
 13 years, yes. This was a lively, lively discussion, pros
 14 and cons. The only benefit by keeping it the same is
 15 that you have an opportunity to replace a councilmember
 16 within two years.
 17 While this has been viewed as the best way to
 18 replace a non-responsive legislator, and although
 19 retaining the present terms are acceptable to some in
 20 our organization, the consensus of our small town
 21 communities is to support the change. The prevailing
 22 reasons are based on fact and observation.
 23 There appears to be a learning curve. And it
 24 takes most new councilmembers about two years to learn
 25 the job, understand the critical issues, deal with the

1 County budget, acquaint themselves with their
 2 constituency in the broader Maui County community.
 3 After the first year of their term, they start
 4 positioning themselves to run for office again. They
 5 are, in fact, human and do not want to become embroiled
 6 in controversial issues and pressures that come with
 7 that reality.
 8 Due to time constraints, no fault of their
 9 own, they may not have the full opportunity to
 10 familiarize themselves with some of the complexities of
 11 the issues nor the opportunity to go out into the
 12 community to get broad-based grass roots viewpoints and
 13 input to help them make informed decisions. They need
 14 the time to fully assess -- assess their positions,
 15 discuss alternatives and/or consider appropriate
 16 compromise. This affords them the confidence to make
 17 the right calls to take action on issues that may not be
 18 popular, but is in the best interest of the total
 19 population or rooted in fact, based and rooted by
 20 long-term support from diverse groups that make
 21 decision-making justifiable and defensible. This
 22 eliminates the need to test the wind, sit on the fence,
 23 or, due to their time constraints, may not offer
 24 opportunities to fairly weigh the pros and cons or hear
 25 directly back from those directly impacted in order to

1 make the right decision. They need to balance their
 2 workload. And given the tremendous growth in our
 3 county, the desire to gain the support of the masses,
 4 the pressures of fundraising, you can see why this is
 5 becoming increasingly more difficult. Our board members
 6 did, however, know that they should be accompanied by
 7 support for staggered term -- staggered terms and term
 8 limitations, two four-year terms, then a sit out.
 9 The Water Board change from an appointed board
 10 by the Mayor, approved by the Council to an autonomous
 11 body was given serious consideration. We discussed the
 12 pros and cons of both. Given the concerns of our small
 13 towns in the Upcountry area and the limited public
 14 dollars available, the consensus of the -- our Tri-Isle
 15 Main Street organization is to spend the money in the
 16 water system rather than in elections.
 17 This is, however, contingent upon the Mayor
 18 and Council giving the appointed board the authority and
 19 budget needed so that they are all on the same page.
 20 This was in keeping with prior positions of our small
 21 towns and deemed preferable to the proposed alternative
 22 of an autonomous elected board.
 23 The problem with this is when a board member
 24 resigns or leaves, the board -- the cost of providing
 25 for an election to fill that position will prove to be

1 cost-prohibitive. Given our organization's support for
2 water to remain a priority and that policies not being
3 in conflict with our community plans, and both the
4 administrative and legislative bodies be held
5 accountable for holding transparent discussions by
6 approving qualified, dedicated members to serve on the
7 Water Board.

8 As noted, we prefer the money spent on an
9 improved water system.

10 Relative to the Office of the County Auditor,
11 our answer is, yes, please establish one. It is part of
12 the needed checks and balances. It should not be
13 associated with political favors or to exercise
14 political retribution. They feel it necessary to put in
15 place safeguards to ensure the highest ethical
16 standards.

17 Then approval for -- Council approval for the
18 Planning Director and the Finance Director, both answers
19 to that was no. The consensus opinion on the above two
20 items is that the County has to be run like a business.
21 The Mayor is elected and expected to select his own
22 management team. However, a recommendation is to
23 consider a committee to advise on qualified
24 appointments --

25 MS. KAHUHU: Time.

1 MS. PERREIRA: Can I finish that sentence?
2 I'm just going to finish the sentence, sir.

3 CHAIR STONE: Quickly finish the sentence,
4 Jocelyn.

5 MS. PERREIRA: Okay. Or to direct changes.
6 This community should represent a good cross-section of
7 the community. Its better than a buddy-buddy system.
8 The job should come with specific performance measures
9 and reporting accountability.

10 Mahalo for your time.

11 CHAIR STONE: Thank you, Ms. Perreira.
12 Commissioners, any questions or clarifications on
13 Ms. Perreira's comments? Commissioner De Rego.

14 MEMBER DE REGO: Hi, Jocelyn.

15 MS. PERREIRA: Hi.

16 MEMBER DE REGO: Thank you for your testimony.
17 I think it's great that your group has gotten together
18 and actually submitted something that comes from the
19 group. So if I am out of bounds in terms of asking any
20 questions that you'll have to take back, just --

21 MS. PERREIRA: Yes.

22 MEMBER DE REGO: -- let me know. Okay?

23 First of all, getting back, I want to connect
24 Mr. Goldsmith's testimony to yours. Looking at the fact
25 that you think that the County has to be run like a

1 business, would you entertain or do you think your group
2 would entertain the notion of a change from a council --
3 a city manager council form of government or not?

4 MS. PERREIRA: We have not taken up that
5 question directly as you asked. I can take it back to
6 the board of directors.

7 MEMBER DE REGO: It would be interesting since
8 it's quoted in here.

9 MS. PERREIRA: I will make note that that was
10 a question specifically addressed to the board of
11 directors for consideration.

12 MEMBER DE REGO: Can I do a follow-up as well,
13 Mr. Chair?

14 CHAIR STONE: Yes, Commissioner De Rego.

15 MEMBER DE REGO: Thank you. Would your group,
16 also -- and you might take back this -- as you know, the
17 Finance Director is third in line to replace the Mayor
18 after the Managing Director. And there's been some
19 proposals to have the Managing Director as well as the
20 Finance Director, because of that, because they're not
21 elected, to have some sort of approval for their
22 positions if they're in line of succession to the Mayor.
23 On that basis, you don't -- your group would not
24 consider necessity for the -- for the approval of at
25 least the Finance Director for approval by the Council?

1 MS. PERREIRA: I believe our position is very
2 clear here on both the Planning Director and the Finance
3 Director, and I believe that would also be for the
4 Managing Director. The answer is, no, that the Mayor
5 that is elected should have the ability to make the
6 appointments.

7 MEMBER DE REGO: Okay.

8 CHAIR STONE: Commissioner DeLeon.

9 MEMBER DELEON: Jocelyn, I got two Water
10 questions for you. Now we're talking about the Council
11 approval of directors. The Water Director is currently
12 approved by the -- by the Council as well. Following
13 your logic, could you ask your board whether that should
14 continue, whether the Council should be -- also be
15 approved? If it's not approving the Finance Director,
16 the Managing Director, or the Planning Director, should
17 it also be approving the Water Director?

18 MS. PERREIRA: I can go back and ask them.
19 However, I do want to note that, in our testimony, it
20 does say that they need to be all on the same page,
21 meaning the administrative and the legislative bodies.
22 So that would mean that the Council would still have
23 interaction relative to --

24 MEMBER DELEON: Oh, sure.

25 MS. PERREIRA: -- that appointment.

1 MEMBER DELEON: The second question is, I'm
 2 not really -- I just wanted to get some clarity on your
 3 Water testimony.
 4 MS. PERREIRA: Uh-huh.
 5 MEMBER DELEON: Is the bottom line, what
 6 you're saying here, is you support the status quo as it
 7 is now, or are you proposing a change? I don't really
 8 understand the --
 9 MS. PERREIRA: Our position is that we are in
 10 -- rather than spend money on an elected autonomous
 11 Board of Water Supply, that we would like to see any
 12 monies put forth to an improved water system. And that
 13 means that -- it doesn't preclude the fact that there
 14 should be better communication and better accountability
 15 and agreement and concurrence with the Mayor and the
 16 Council because it is -- we recognize it is a
 17 frustration. We had a detailed discussion. We
 18 recognize that it is a frustration that they would like
 19 to have more authority and have a budget that they feel
 20 that they can work with and implement. But we do still,
 21 nevertheless, feel that that should be done with
 22 everybody on the same page.
 23 MEMBER DELEON: So let me follow up to make
 24 sure I'm clear, then. In terms of changes to the
 25 Charter, you're not proposing any?

1 MS. PERREIRA: Yeah, we did. We actually did.
 2 We proposed a change to the County Council terms.
 3 MEMBER DELEON: No, no, no. I mean with
 4 reference to Water.
 5 MEMBER DE REGO: Water.
 6 MS. PERREIRA: Reference to Water, we made
 7 recommendations. I believe you're going to determine
 8 what change is appropriate. We're not saying, yeah, you
 9 need to change from the current system to an autonomous
 10 system, but we are recommending qualifying that with
 11 some -- some items that we would like to see you tighten
 12 the language or add maybe, perhaps, to whatever is in
 13 the Charter right now.
 14 MEMBER DELEON: Mahalo.
 15 MEMBER BAXA: Mr. Chair?
 16 CHAIR STONE: Commissioner Wiger. I'm sorry,
 17 Commissioner Baxa.
 18 MEMBER WIGER: A follow-up on the question
 19 that Commissioner De Rego raised, in terms of the County
 20 approval of the Finance Director. And I understand that
 21 you're saying that the group had said no. I want to
 22 probe a little deeper. Given the explanation that
 23 Commissioner De Rego gave in terms of the Finance
 24 Director being third in line, was that part of the
 25 discussion, the fact that that person would be third in

1 line or was that not part of the discussion?
 2 MS. PERREIRA: Thank you, Commissioner Wiger.
 3 That's an excellent question. And the answer to that
 4 is, no, that was not part of the discussion. And
 5 because it wasn't part of the discussion, you know, we
 6 can -- I can feel very comfortable taking it back for
 7 them to address and see if they have -- if that makes a
 8 difference in their original position --
 9 MEMBER WIGER: Okay. Thank you.
 10 MS. PERREIRA: -- relative to the Finance
 11 Director.
 12 MEMBER WIGER: Right. Thank you very much.
 13 CHAIR STONE: Thank you. Commissioner
 14 Crivello.
 15 MEMBER CRIVELLO: Thank you for your
 16 testimony, Jocelyn. In regards to the establishment of
 17 the Office of the County Auditor, any ideas that have
 18 come from your group, should that be appointed by the
 19 elected Mayor or should that be civil service? Any
 20 ideas where -- you know, because you say it should not
 21 be associated with political favors or to exercise
 22 political contributions.
 23 MS. PERREIRA: So I think their thinking on
 24 that is more like not -- not necessarily connected to
 25 civil service and maybe not necessarily appointed.

1 Maybe that might be the position that you have to
 2 determine, should that be now an elected position or
 3 what-have-you. We want to hear some more discussion and
 4 dialogue. What we do know with a certainty is that it
 5 should not in any way, shape or form be connected with
 6 political favors or political retribution, and that you
 7 should put in some safeguards to ensure that -- that the
 8 highest ethical standards will be applied to the person
 9 that will be holding this newly-established office.
 10 MEMBER CRIVELLO: Thank you.
 11 CHAIR STONE: Thank you. Commissioner Baxa.
 12 MEMBER BAXA: Ms. Perreira, I just want to go
 13 back to that Water Board system. You said that the
 14 Council and the Mayor should be in line with the Water
 15 Board. But if I read your written submission here, it
 16 appears to me that you want a more direct authority,
 17 written authority for the Water Board, to have budget
 18 authority. Is that --
 19 MS. PERREIRA: Yeah. Perhaps you have to look
 20 at some kind of changes in the language as to what they
 21 -- they may undertake or not undertake. Our -- our
 22 concern, though, is just that everybody is on the same
 23 page, because, otherwise -- I mean, we're -- right now,
 24 we're working on a Maui Island Plan, as is others.
 25 Okay. And we're talking about policies, goals,

1 objectives, but where is the running total of what all
 2 this is going to cost us? Okay. So it's the same
 3 principle. The Water Board can have thoughts and ideas
 4 of how they want to improve the system, but we want to
 5 be sure that we have the proper checks and balance and
 6 that full discussion with transparency so that everybody
 7 is on the same page, everybody knows what's going -- so
 8 the burden is not on the -- on the citizen to say, I
 9 heard this in the Water Board Committee meeting, and
 10 then you go to the Council and they don't know anything
 11 about it, or vice versa. So they should all be on the
 12 same page.

13 MEMBER BAXA: Oh, yeah. Well, it is very hard
 14 to say they're on the same page. I think what you want
 15 is -- if I understand correctly, you would put the power
 16 exactly where it should be and that would be with the
 17 Water Board, to determine their own budget. Is that it?

18 MS. PERREIRA: I think they can determine
 19 their own budget, but I do believe that they would have
 20 to present it to the Council much in the same way that
 21 other departments have to present a budget to the
 22 Council for approval, after having, you know,
 23 discussions with the Mayor as well.

24 MEMBER BAXA: So it is not really a change,
 25 then, because it seems to me that that is ongoing right

1 now, is it not?

2 MS. PERREIRA: Yeah. But we wanted to make it
 3 clear that -- because we had a lot of discussion in
 4 this. There wasn't complete total agreement. Okay.
 5 But in deference to our small towns that are very
 6 concerned with the water issue and so on and so forth,
 7 you know, there was a discussion on what was in the best
 8 interest, what would be the best way to go about this.
 9 And that's how we ended up with the position.

10 I think the determining point was the word
 11 "elected" board because there was a discussion about
 12 electing the Board of Water Supply. And then there was
 13 a concern about if you elect the water -- Board of Water
 14 Supply, if somebody resigned or somebody left the board
 15 for whatever, that it would be incumbent upon the County
 16 to hold another election and that would be
 17 cost-prohibitive. And then it also brings into other
 18 factors of, you know, are you gonna have maybe certain
 19 development pressures that was going to put forth, you
 20 know, certain individuals to sit on the Water Board, so
 21 on and so forth. And you just -- it was kind of like in
 22 trying to keep a good check and balance system, knowing
 23 and understanding full well that when they elect the
 24 councilmembers, the councilmembers and the Mayor are
 25 accountable to the people.

1 CHAIR STONE: Jocelyn, Chair has a question.

2 MS. PERREIRA: Yes.

3 CHAIR STONE: Would it be possible to bring
 4 back this question to your group? It seems that one of
 5 the issues with -- obviously, the primary issue that the
 6 group had was by the cost of electing the Water Board
 7 under the circumstance that somebody were to resign. We
 8 just had a proposal from Mr. Croly about including
 9 alternative members to boards, for example.

10 MS. PERREIRA: Uh-huh. Uh-huh.

11 CHAIR STONE: What if there were an
 12 alternative member on, say, autonomous Board of Water
 13 Supply to take a position of a resigned member? And
 14 that would eliminate the issue of cost, possibly. If
 15 you could just take that back to your group to see what
 16 they have to say.

17 MS. PERREIRA: I'm happy to do that. It may
 18 not change their position.

19 CHAIR STONE: Of course.

20 MS. PERREIRA: Because I know they have a very
 21 -- I mean, I think they made it real clear -- and I want
 22 to -- I don't want to leave you without making this
 23 crystal clear. Any monies that are put forth in this --
 24 relative to the Water Board, they want it to go toward
 25 an improved water system and that the water issue stay

1 and remain a priority for the County.

2 CHAIR STONE: Thank you. Commissioner De
 3 Rego.

4 MEMBER DE REGO: What you heard was the
 5 music -- background music of the Honolulu Board of Water
 6 Supply. Actually, I was doing a little check.
 7 (Laughter.)

8 MEMBER DE REGO: Which brings up this
 9 question. The -- I guess we should get background music
 10 for our site. Put that in the Charter. I'm going to
 11 ask you a question. Would you be in favor, outside of
 12 whether it's elected or appointed, of an autonomous
 13 Board of Water Supply, or -- which would also -- which
 14 would determine rates and, also, appoint and -- the
 15 Director of the Board of Water Supply. That would be
 16 something I would ask to take back to your group.
 17 Because if you're against election, it does not
 18 necessarily exclude the fact that you might be in favor
 19 of an autonomous Board of Water Supply, but that it
 20 would be appointed, and then once that -- that group is
 21 appointed, they're independent and completely
 22 autonomous.

23 MS. PERREIRA: Thank you very much. I will do
 24 that, sir.

25 CHAIR STONE: Thank you. Commissioners, any

1 further clarification?
 2 (Silence.)
 3 CHAIR STONE: No. Jocelyn, thanks so much for
 4 your time.
 5 MS. PERREIRA: Mahalo and aloha. Thank you
 6 again for your work.
 7 CHAIR STONE: Lisa, do we have any other
 8 testifiers?
 9 MS. KAHUHU: Nikhilananda.
 10 CHAIR STONE: Nikhilananda, thank you for
 11 coming today.
 12 NIKHILANANDA: Aloha, Members of the Maui
 13 Charter Commission. My name is Nikhilananda. And I
 14 want to thank you for being able to appear today.
 15 I was -- a suggestion was made a couple
 16 meetings ago to have some of the suggestions that I made
 17 written out. I'll leave the document with Lisa.
 18 I'm going to go through -- and if you want to
 19 follow in the Charter. Since we only have five minutes,
 20 (inaudible) my time, I'm going to go through this pretty
 21 quickly.
 22 But in Article 3, County Council, Section 3-1,
 23 Composition, obviously, the big discussion is
 24 single-member districts or at-large districts. My
 25 suggestion is it's too important for this board, and

1 there's so many other issues to discuss, that what I
 2 would like to see on the ballot in November would be
 3 just the sole question, should the County establish a
 4 single-member district system. And, if so, that a board
 5 is then established that has a six-month deadline to
 6 come up with the best proposal. Because there's been so
 7 many proposals given. And -- and this board, I think,
 8 is overwhelmed with the number of issues (inaudible)
 9 just on my list here. So a suggestion what comes out of
 10 here is not an actual proposal, if there should be
 11 eleven or nine or four at-large, but the committee is
 12 established, and, in six months, they come back with an
 13 answer.
 14 I've also mentioned that East Maui that -- to
 15 change the boundary if we do not have a -- if we have an
 16 at-large system, that the Huelo precinct, which doesn't
 17 even have an election place anymore, votes in Haiku, be
 18 moved to Haiku-Paia-Makawao. That would be the minimum
 19 that has to be on the ballot.
 20 And I did see the Mayor's show back on July
 21 6th. And the Chair of this committee made a comment
 22 that, when he was out in Hana, they said that they
 23 almost -- I'm going to use the word -- demand that
 24 something from their district has to live in Hana.
 25 Well, I resent that because that's my district, East

1 Maui. And that means that, when I run for office, I'm
 2 in Huelo, or people from Kanae or people from Kipahulu
 3 cannot be elected by the people in Hana. That's why
 4 people are really adamant and resent the system we have,
 5 this at-large, because these committees.
 6 And I don't want to go into discussion of
 7 Molokai and Lanai because the reality is they do not
 8 elect their own. The people that elect them are the
 9 people that live on Maui. And we have State
 10 representatives who don't live on those islands, yet
 11 they represent them.
 12 I also suggest, in Section 3-2, Election
 13 Terms, that instant runoff voting and/or preferential
 14 voting be established so then you would only need to
 15 have one election, a general election, in November. And
 16 I'll give some documentation. This is done in a number
 17 of cities, including San Francisco.
 18 I strongly request that a two-year term is
 19 kept and a five-year term limit. The reason for the
 20 two-year terms -- and I just heard someone testify the
 21 same old broken record -- that with the district, it
 22 takes two years to have a learning curve. That's an
 23 extreme time. Candidates should already be experienced
 24 and qualified. And you wouldn't have to raise
 25 exorbitant amount of campaign funds if we had district

1 elections instead of at-large elections. So keep the
 2 two years, you get someone who is incompetent, you want
 3 to get 'em there, if they're good, they can run for
 4 reelection. Don't forget your United States Congressmen
 5 and your House of Representatives serve two years. If
 6 they can learn in two years, our little County Council
 7 members can learn in two years.
 8 Qualifications, Sections S -- 3-3, they should
 9 be a resident for 90 days prior to filing their
 10 nomination papers, not from when they're running for
 11 office.
 12 Article 8 -- or when they serve, if they win.
 13 County Departments, chapter 8, Department of Planning,
 14 delete Section S 8-8.4, Number 4, which says, act as the
 15 authority for the coastal zone management law. Get it
 16 out of the Department of Planning. They keep on making
 17 these decisions. And you have things like the Kanaha
 18 Pond. And, also, look at the destruction by approving
 19 the timeshares over in West Maui. Make that a "has to
 20 go to the County Council." They're elected and they're
 21 responsible.
 22 Department of Water Supply, add this section:
 23 And acquire through purchase, eminent domain,
 24 condemnation and/or legal mechanism -- and/or other
 25 legal mechanism, all ground and surface sources of water

1 use for residential and commercial consumption in the
 2 County of Maui. We should own our water. We shouldn't
 3 be buying it from private companies.
 4 Under the Code of Ethics, no former individual
 5 from -- who was appointed or elected, two-year terms,
 6 extend that. Right now it says "one-year term."
 7 Under initiative, change it from 20 percent
 8 threshold. That's just absurd. We've never had an
 9 initiative get on the ballot. Change that to five
 10 percent.
 11 Under Charter amendments, that's Article 14,
 12 change by petition, again, five percent.
 13 In Section 14-1.3, change that, also, to five
 14 percent. Give people a chance to get things on the
 15 ballot. The Council blocks things continually.
 16 Add the County Clerk under Section 14-2.2,
 17 that it has to be printed in a daily paper at least
 18 three times, and it says within 45 days, and at least
 19 two other times. Someone spoke about raising people's
 20 awareness, mandatory review. The commission shall
 21 publish again at least three times in the paper, 45 days
 22 and then again -- do it again.
 23 And then I wanted to add something.
 24 CHAIR STONE: Nikhilananda, I'm sorry. Time.
 25 Sorry. You have you presented this to us in written

1 testimony, correct?
 2 NIKHILANANDA: No. I have the notes down, but
 3 there's one thing that's not on it that's an addendum
 4 I'm going it to ask for 30 seconds to read this one --
 5 two sentences on Section 14-3.
 6 CHAIR STONE: Go ahead. I'll give you a few
 7 seconds.
 8 NIKHILANANDA: Okay, time. Okay. So add a
 9 final paragraph under Section 14-3 that says, during the
 10 time of the establishment of the Charter Commission, all
 11 amendments must come through the Commission and not come
 12 through the County Council, nor by any petition arising
 13 from the general public -- and I think that's
 14 self-explanatory -- during this Commission's existence.
 15 CHAIR STONE: Okay. Thank you very much for
 16 your testimony. Commissioners, any clarification,
 17 discussion?
 18 MEMBER DELEON: Overwhelming, Niki.
 19 CHAIR STONE: Very well put and very eloquent.
 20 Thank you very much.
 21 NIKHILANANDA: Thank you.
 22 CHAIR STONE: A lot to put into five minutes.
 23 Appreciate it. Thank you.
 24 Lisa, any other testifiers?
 25 MS. KAHUHU: Lucienne deNaie.

1 CHAIR STONE: Lucienne, thank you for coming
 2 today.
 3 MS. deNAIE: Thank you, Commissioner Stone.
 4 Nice to see you all. This is my first commission
 5 meeting and -- I've been to a few when the Charter
 6 Commission was around 10 years ago. My name is Lucienne
 7 deNaie. I'm just testifying as an individual today.
 8 I would like to address some of the efforts to
 9 improve the process of boards and commissions. I have
 10 served on a commission, I served on the General Plan
 11 Advisory Commission for three years. And I -- my
 12 husband served on Board of Code Appeals. And it's true
 13 that quorum is sometimes a problem.
 14 It's my understanding that the Urban Design
 15 Review Board does have alternative commissioners
 16 already. So they're already using this structure. I'm
 17 not sure quite how it got arranged, but they do have
 18 that. And I think that that would be a good thing to
 19 look at, certainly for boards and commissions that have
 20 quorum difficulties. And not all boards and commissions
 21 do, but it would be good to have that as a backup
 22 position, not a requirement, but as a backup position,
 23 if a board or commission felt it was useful to use it.
 24 I also feel that it would be really useful for
 25 us to reconsider the process of recruiting for boards

1 and commissions and, also, review of boards and
 2 commissions. The Charter is kind of vague. It just
 3 says that the -- the Mayor shall attempt to represent
 4 different districts and the Council shall approve.
 5 Now, it doesn't really provide any specifics
 6 on what kind of information the Council would get to
 7 make that approval. And I've sat through a number of
 8 Council meetings -- and I'm sure some of you have here,
 9 too -- where the Council was just at a loss because they
 10 weren't provided much information to make a decision.
 11 And so at the very -- I can understand that we
 12 want to protect people's privacy and that we do not want
 13 to, you know, parade everybody's name out and say, oh,
 14 well, these are the people who tried out and they
 15 weren't chosen. I mean, that could be a little
 16 embarrassing. But -- and I apologize, I will submit
 17 some official language to you folks. But just for the
 18 concept today, if we could improve the process by saying
 19 that the Council could get a list of the number of
 20 applicants for each position and geographical breakdown,
 21 you know, so many from West Maui, so many from South
 22 Maui, so forth, especially these commissions that do
 23 require, I think, some regional perspective, like a
 24 Planning Commission or Board of Variances and Appeals,
 25 where you want people to understand something about the

1 projects that they're gonna review because you'll have
 2 somebody there that lives in that area.
 3 The third thing would be perhaps just a
 4 summary of some of the qualifications of some of the
 5 people who applied. You know, not their names, not that
 6 this person has a Ph.D or whatever, but this could be as
 7 simple as 12 people applied for this -- for this
 8 commission, one was chosen, you know, three lived here,
 9 four lived there, include in the professional
 10 qualifications were X, Y and Z. And just so the Council
 11 could then have a basis to say, you know, the person
 12 you've sent us doesn't seem to be, you know, so well
 13 suited for this, could you go back and look at one of
 14 these other 12 people. Right now, the Council doesn't
 15 know if there were two people that applied, 40 people
 16 who applied or whatever.
 17 I see Mr. Molina nodding.
 18 And just a little bit of clarification. It
 19 would go under Section -- Article 13-2, and probably it
 20 would be right after Number 3. So that's one
 21 recommendation.
 22 Another thing that I would like to address is
 23 some commissions that were -- some statements that were
 24 made earlier. I, too, am a Huelo resident, but I think
 25 that we should talk to people in the Huelo district,

1 which has a lot of people, almost 1,000 people live in
 2 the general district that's known as Huelo, and find out
 3 what district they would like to be in. And I think
 4 that there would be a simple way and inexpensive way to
 5 do that. So rather than, you know, Mr. Nikhilananda or
 6 myself being the all, you know, saying force on that, I
 7 think it would be good to get a sense from the people
 8 who -- who live there, where they think they belong.
 9 And as to the biannual budget, I think this is
 10 something that you folks should really look into. It's
 11 a very time-consuming process. It's done in many
 12 legislatures. And I don't see why it couldn't be
 13 adapted. But there would need to be a transition
 14 period. We really need to design a transition period
 15 into that.
 16 As to the SMA authority that was mentioned, I
 17 think this is a dual-edged sword because the Planning
 18 Commission, although people may take exception about the
 19 rulings they make on -- on coastal zone management.
 20 I've served as a Planning Commissioner, too, when I
 21 lived in California. And it's an awesome responsibility
 22 to make those kinds of decisions. But by having it as
 23 an independent commission, there is the right of appeal.
 24 If the Council makes these decisions, there's no right
 25 of appeal. And there are a few worthy appeals that are

1 made. And -- and Ms. Moikeha can speak to this. There
 2 are some that are, you know, pretty crazy. But there
 3 are a few worthy appeals that are made. And it would be
 4 a shame to just close that door simply because some bad
 5 decisions are made, too. So I think that needs to be
 6 given --
 7 MS. KAHUHU: Time.
 8 MS. deNAIE: -- careful thought.
 9 Thank you for your time. And I'll bring you
 10 some -- some written language.
 11 CHAIR STONE: Thank you very much for your
 12 testimony. Commissioners, clarification on Lucienne's
 13 testimony? Commissioner DeLeon.
 14 MEMBER DELEON: In reference to the Urban
 15 Design Review Board, the alternates are for architects
 16 only.
 17 MS. deNAIE: Oh, okay.
 18 MEMBER DELEON: They're the professionals that
 19 are hard to get, and they can't promise they're going to
 20 be there when they're on a job. So they do have two
 21 backup alternates to that -- to that role.
 22 MS. deNAIE: Good point. But they worked it
 23 out somehow. So it might be nice to look at other ways
 24 that other boards and commission can do that.
 25 Thank you.

1 CHAIR STONE: Very good. Thank you for your
 2 time. Commissioners -- sorry -- any other --
 3 MEMBER DE REGO: No. No.
 4 CHAIR STONE: Thank you very much.
 5 Lisa, any other testifiers?
 6 MS. KAHUHU: No, Chair. No one else has
 7 signed up.
 8 CHAIR STONE: Is there anybody in the public
 9 who was not testified who would like to come forward?
 10 Ms. Raisbeck, good to see you again.
 11 MS. RAISBECK: Good to see you.
 12 Yeah. I wanted to emphasize the fact that the
 13 public, the voting public, are the ones who are supposed
 14 to make the decisions, but you're the gatekeepers, and
 15 they can only make decisions on the things that you put
 16 on the ballot. So I would urge you -- I know there are
 17 people coming from very different positions on this
 18 Commission, and rather than you making the decision on
 19 something like -- well, the big one is district voting,
 20 or two-year or four-year terms, or a county auditor,
 21 putting it on the ballot for the public to make that
 22 decision is, I think, the right thing to do. And that
 23 would entail a lot of education to them.
 24 I wanted to make a comment about your process.
 25 When you finally get a list of proposals on your

1 website, which I hope you will -- now that you have an
 2 analyst, I hope you will do that as quickly as possible.
 3 I would personally like to see all the proposals that
 4 have been made so far be chronologically listed with the
 5 person who made it and the date and a brief -- not
 6 summary, but a brief name for that proposal, so that
 7 everyone who has gone to the trouble of making a
 8 proposal to you will feel they have been noticed.
 9 And then, obviously, if you come up with some
 10 kind of matrix, you're going to be combining them and so
 11 on. But just as a matter of respect, I think on the
 12 website, at least initially, there should be a
 13 chronological list of every suggestion that has been
 14 made.
 15 I think -- SMA, by the way, I think that's a
 16 State -- that they have applied it to the Planning
 17 Commission, that's a State law, not a County law. No?
 18 Okay.
 19 NIKHILANANDA: It's in the Charter.
 20 MS. RAISBECK: Well, I think it's also the
 21 State as well.
 22 Anyway, that's it. Thank you.
 23 CHAIR STONE: Thank you, Ms. Raisbeck.
 24 Clarification on the testifier's testimony?
 25 Commissioner DeLeon.

1 MEMBER DELEON: I believe Honolulu, the City
 2 Council actually decides SMA.
 3 MS. RAISBECK: Okay. Thank you.
 4 CHAIR STONE: Any further clarification?
 5 (Silence.)
 6 CHAIR STONE: No. Thank you very much --
 7 MS. RAISBECK: Thank you.
 8 CHAIR STONE: -- Ms. Raisbeck, for your
 9 testimony.
 10 At this time, I would like to ask again if
 11 there's anybody who has not testified who would like to
 12 come forward?
 13 (Silence.)
 14 CHAIR STONE: No.
 15 ...END PUBLIC TESTIMONY...
 16 CHAIR STONE: Thank you very much.
 17 MEMBER DE REGO: Mr. Chair?
 18 CHAIR STONE: Yes, Commissioner De Rego.
 19 MEMBER DE REGO: Since we've been at this
 20 about an hour, can we take about a five-minute break?
 21 CHAIR STONE: Yes. Hang on one second.
 22 First of all, without objection, the Chair
 23 will accept and file all public communications for the
 24 record.
 25 Before we take this break, we have requested

1 appearances from a number of department heads and
 2 commission heads. So we are past their time. So let's
 3 make this break a very quick five minutes.
 4 And without objection, I'd like to propose to
 5 move New Business, Item A, to the end of our New
 6 Business list, if that's okay with all the
 7 Commissioners, so that we can go directly into the
 8 appearance by Jeffrey Murray. Is that all right? Okay.
 9 Okay. Thank you. So five-minute break and we'll be
 10 right back. Okay. Thank you. Take a recess.
 11 (Recess, 1:12 p.m. to 1:19 p.m.)
 12 CHAIR STONE: We're going to come back from
 13 the recess and call this meeting back to order. Okay.
 14 So we're going to move on to New Business, starting with
 15 Jeffrey Murray, Department of Fire. Chief, Mr. Murray,
 16 if you can come forward for us. And I would like to say
 17 thank you very much for being here today. It's much
 18 appreciated.
 19 CHIEF MURRAY: Good afternoon. Thank you for
 20 having me.
 21 CHAIR STONE: Okay. Also, Mark Voight, right?
 22 MR. VAUGHT: Vaught.
 23 CHAIR STONE: Vaught. Excuse me. Mark Vaught
 24 from Public Safety is here as well. Thank you so much,
 25 gentlemen, for being here.

1 Commissioners, we invited these -- these
 2 directors and chairs here for a 101 session.
 3 So do you guys have a prepared statement or
 4 would you prefer questions coming from the
 5 Commissioners?
 6 CHIEF MURRAY: Questions, please.
 7 CHAIR STONE: Okay. Very good. So I'm going
 8 to open up to the Commissioners. You asked for 'em, you
 9 got 'em. Commissioner Moikeha.
 10 MEMBER MOIKEHA: Thank you for coming today.
 11 We received some testimony in Lahaina in support of
 12 moving Ocean Safety and Rescue to underneath the
 13 Department of Fire and Public Safety. Do you folks
 14 support that?
 15 CHIEF MURRAY: Well, not without a
 16 well-thought-out plan. I'm glad you asked that
 17 question. That's a very good question.
 18 I know a lot of you know what the information
 19 is going on with Honolulu Fire Department in doing their
 20 merger. It came out in August 2nd's Star Advertiser,
 21 also on firehouse.com, which is a national publication
 22 for all fire departments and members. They spent
 23 \$175,000 over the course of two and-a-half years
 24 devising a plan to do that type of merger. Although
 25 they're a lot larger, even though we're only talking

1 about Ocean Safety, they also talked about EMS as well.
 2 But regardless of the fact is that if we're going to
 3 move 63 people to another department, I would think
 4 there should be a really good plan in place, not just a
 5 deadline. Because if you look at Honolulu's situation,
 6 they -- they spent two and-a-half years doing --
 7 \$175,000 just for the consultant group. And then they
 8 -- their suggestion is anywhere from three to five-year
 9 implementation. So --

10 There's been very little discussion between
 11 the two divisions, the two departments, as well as the
 12 Mayor's Office. It's -- they talk about -- they said
 13 people have been talking about it for 10 years now.
 14 Nobody's actually talked to me about it but just
 15 recently.

16 So anything we're going to move forward on, I
 17 would really like to have the time to have a plan and
 18 really see if it's going to benefit the community,
 19 cost-wise as well as coverage and extended service to
 20 the community. That's my main concern.

21 MEMBER MOIKEHA: Okay. Just to follow up on
 22 that question, too. So using the example of Honolulu
 23 and what they did to have a plan, was that done under
 24 the administration, was it authorized under the Fire
 25 Department and they have to pay for that? Who -- who

1 organized that body?

2 CHIEF MURRAY: I'm not really sure who did
 3 Honolulu's one, but it was something that they had to do
 4 jointly.

5 MEMBER MOIKEHA: Okay. So it was working
 6 together?

7 CHIEF MURRAY: Yes. I'm not sure who paid for
 8 that. I think it came out of the City and County.

9 MEMBER MOIKEHA: Because in one of the
 10 proposals received by our current Mayor, he does propose
 11 that. And --

12 CHIEF MURRAY: Right. But he hasn't --

13 MEMBER MOIKEHA: -- there's probably a lot of
 14 discussion.

15 CHIEF MURRAY: There's a shorter period of
 16 time, you know. That's why one of my questions would
 17 be, if this does go on the ballot, how much time does
 18 the Department have to move forward or devise a plan or
 19 what-have-you, you know. That would be something that
 20 we could work backwards from if that's what the people
 21 want.

22 MEMBER MOIKEHA: I think this is really
 23 important because not only is it applicable to your
 24 situation here by what I've just asked you and what
 25 others have proposed, and I've heard testimony, and you

1 heard it today, too, is like let the people decide. But
 2 if there's not any pros and cons either way or costs
 3 either way, what are we really letting people decide?
 4 Everybody has an opinion, everybody may think, on the
 5 surface, that something's good, but when you delve deep
 6 into the details, cost, implementation, a plan, how do
 7 you implement that, who has the authority, you know, all
 8 of these issues, it's not that simplistic.

9 CHIEF MURRAY: It's not. I'm glad you brought
 10 that up.

11 MEMBER MOIKEHA: Thank you. Because I'm
 12 having a hard time. I hear what people are saying out
 13 there, and I'm hearing what their concerns are, but for
 14 me to make an informed decision, those are the things I
 15 would want to know, or else why put it out there. But I
 16 appreciate your comment on that.

17 The other one had to do with including any
 18 reserve firefighting and emergency rescue personnel.
 19 And that was another proposal by the Mayor's Office.

20 CHIEF MURRAY: Yeah. I just heard about that
 21 this morning.

22 MEMBER MOIKEHA: Okay.

23 CHIEF MURRAY: You know, there's been talk
 24 about volunteerism throughout the state, the United
 25 States, and there's still a big portion of that going on

1 throughout the mainland United States. And it does work
 2 in some areas, but you have to realize the liability,
 3 the training issue.

4 We are in the process of upgrading all of our
 5 training for our paid people, which has been impossible
 6 thus far. We've spent the last three years trying to
 7 front-load all of these things so that we could actually
 8 go through the accreditation process, which now, you
 9 know, solves a lot of liabilities. We follow the data
 10 that's out there and -- and we're able to bring the
 11 service to the people that we want. And that's one of
 12 the goals that we set forth. And we want to move
 13 forward next month. But if we have these other things,
 14 we're not going to be able to do it with the manpower
 15 that we have now, to establish anything in either
 16 direction that's going to be a well-thought-out process.

17 And that's all I'm asking for is time.

18 MEMBER MOIKEHA: And then, just lastly, and I
 19 think it was the Fire Department that this referenced,
 20 do you have an accreditation, nationally, that you have
 21 to meet?

22 CHIEF MURRAY: Well, our certification and
 23 training programs, we're working towards that now.
 24 There's two entities that we're working with ongoing.
 25 But what we want to do for the whole department is

1 accreditation.

2 And we already went through a workshop in

3 June. We've spent close to three years just working on

4 getting to that point. So we had favorable remarks from

5 them, so we want to -- we've actually applied to them

6 and we want to see if we can actually move forward

7 because, from September, if we can get into September,

8 October, it will take us no longer than two years to

9 solve that problem.

10 And one thing you have to realize is Honolulu

11 is already accredited. They went through

12 reaccreditation for five years earlier this year. So

13 they're not going to dabble with two major issues at the

14 same time.

15 You have to allow us to succeed. And that's

16 kind of my point that I wanted to get across to

17 everyone.

18 MEMBER MOIKEHA: So any kind of changes such

19 as moving Ocean and Safety or Rescue into your

20 Department could affect, negatively or positively, your

21 accreditation?

22 CHIEF MURRAY: Absolutely.

23 MEMBER MOIKEHA: Uh-huh.

24 CHIEF MURRAY: And most likely on the negative

25 side. Not to say that anything is real negative about

1 that, but they don't have all of their operational

2 guidelines in place, all of those different things

3 haven't been done through the union. We need to iron

4 all of those things out before we start having problems.

5 One example is Kauai Fire Department did this

6 11 years ago. They had two months to implement.

7 They're still having issues. So we've consulted with

8 all the departments throughout the state of Hawaii, City

9 and County, and they told us to don't do it without a

10 plan.

11 MEMBER MOIKEHA: Okay. Great. Thank you for

12 your answers. I appreciate it.

13 CHAIR STONE: Thank you. Commissioner

14 Crivello.

15 MEMBER CRIVELLO: You can go ahead.

16 CHAIR STONE: Please, you first.

17 MEMBER CRIVELLO: Oh, thanks. Aloha, Chief

18 and Mark.

19 MR. VAUGHT: Aloha.

20 CHIEF MURRAY: Aloha.

21 MEMBER CRIVELLO: Going back to the Ocean

22 Safety, you know, the proposal that -- I guess it's

23 coming from Administration and Parks and Recreation. If

24 I recall, you were having some dialogue with Parks and

25 Recreation. Do they have a transitional plan in place

1 that --

2 CHIEF MURRAY: No, they don't.

3 MEMBER CRIVELLO: -- you're aware of?

4 CHIEF MURRAY: No, they don't.

5 MEMBER CRIVELLO: Would you know about what

6 their budget is now as far as just for the Ocean Safety?

7 CHIEF MURRAY: We have some rough numbers.

8 They don't have it all consolidated for whatever reason.

9 They work through Department of Public Works for certain

10 items. So we don't have a dollar amount on all of it.

11 And nobody's been able to answer those questions for us.

12 And that's what bothers me.

13 MEMBER CRIVELLO: Okay. I would think that

14 would be a concern not only for us as a commission, but

15 from the public as well. But with that in mind -- so

16 you're going to have to have your planning involving the

17 bargaining units on both sides --

18 CHIEF MURRAY: Yes.

19 MEMBER CRIVELLO: -- too, yeah?

20 CHIEF MURRAY: Yes.

21 MEMBER CRIVELLO: And for Oahu or Honolulu,

22 their present Ocean Safety is under --

23 CHIEF MURRAY: EMS. Honolulu -- Honolulu's

24 Ocean Safety is under EMS. They combined together

25 several years ago. And now they're just trying to

1 combine those two with Honolulu Fire Department.

2 MEMBER CRIVELLO: I see. Okay. Okay. So I

3 guess the concern would be if there is -- in the

4 transitional plan with Parks and Recreation -- and I

5 only speak from my prior experience on -- on the

6 commission -- as in your -- in your dialogue with the

7 Parks and Recreation, has there been consideration, not

8 only this -- when I hear 63 people, does that include

9 your administrative support that would come over from

10 Parks and Recreation, also?

11 CHIEF MURRAY: Only whatever they have in

12 administrative support would come over. But what we've

13 looked at thus far, the span of control is a little too

14 large. So what we're asking for is a battalion chief or

15 above, or even two of 'em, to run that -- that group of

16 people. Because we have some suggestions on how the

17 schedules should work and what-have-you. Because you

18 want to be able to provide the service. Because right

19 now, Ocean Safety's on from 7:45 a.m. to 4:30 p.m. And

20 we all know, I mean, I go to the water early in the

21 morning, there's nobody there to help if -- if something

22 was wrong. So do we extend it? But those things have

23 to be bargained with the union itself, you know.

24 And, also, the issue of if we have a shortage,

25 where do we get that person from. Because, right now,

1 they work it through Parks and Recreation where they
 2 pull the pool people out and they go to the ocean. We
 3 won't have that luxury anymore.
 4 So I know that the union is not too excited
 5 about having contract workers for lifeguards
 6 specifically. And that would be the only other way we
 7 could actually work it out. If not, the beaches would
 8 get shut down.
 9 MEMBER CRIVELLO: Can you repeat that again,
 10 what you just said about the lifeguards for coverage?
 11 CHIEF MURRAY: Okay. The coverage for
 12 lifeguards now, if Ocean Safety is short, for instance,
 13 at Hookipa, they now -- they make a call to Aquatics,
 14 which is pool, and the pool will send a guard, either --
 15 close a pool, send that guard to the beach, Hookipa, and
 16 that person will work there for their eight hours. But
 17 we won't have that -- that luxury once the department
 18 releases that group to us. We won't be able to call the
 19 pool anymore.
 20 MEMBER CRIVELLO: Okay. Okay. I understand.
 21 But they're of the same bargaining unit, aren't they?
 22 CHIEF MURRAY: Yes, they are. But they will
 23 be in different departments, guided by different rules.
 24 MEMBER CRIVELLO: Okay. Thank you.
 25 CHAIR STONE: Interesting. Commissioners, any

1 further questions? Commissioner Sugimura.
 2 MEMBER SUGIMURA: So in a previous meeting, a
 3 testifier came before us and said that they have family
 4 members who are part of the Fire Department.
 5 CHIEF MURRAY: Uh-huh.
 6 MEMBER SUGIMURA: And that their sons do not
 7 know how to, you know, get elevated in terms of your
 8 personnel hiring or how they can get better in the
 9 department in terms of their rank. That's what I'm
 10 looking for.
 11 CHIEF MURRAY: Okay.
 12 MEMBER SUGIMURA: So what kind of
 13 communications do you have, or what kind of personnel
 14 rules and regs do you have that -- and how do you
 15 communicate to rank and file?
 16 CHIEF MURRAY: We don't have anything at this
 17 point that is structured. And that's where the
 18 accreditation process comes in. Our training and
 19 certification will let you know what you need to attain,
 20 what level, within the department.
 21 We've been working on that for three years.
 22 And it's still not done. And we have to -- we specially
 23 assign personnel to deal with our policies, which hasn't
 24 been done completely, since 1986. We're working on
 25 every aspect of that.

1 And this is something that the commission,
 2 when we work together -- when they hired me, on what --
 3 some of the goals and objectives they wanted to see,
 4 it's taken us that long to get to this point. But we
 5 front-loaded most of that and tried to get everything in
 6 place so the foundation work could be easier for us to
 7 move forward for the accreditation process. And the
 8 accreditation will identify everything, good or bad.
 9 And that's something we need to know. And it's all
 10 based on the data and the history that we have.
 11 MEMBER SUGIMURA: Thank you. That's -- that's
 12 really good to know that, since 1986, none of this was
 13 done, and here you are stepping -- I think you're new,
 14 sort of, to this position, and you're -- sounds like
 15 you're going head-on full blast. Thank you.
 16 CHIEF MURRAY: Well, it's over three years,
 17 and it's taken this much time and a lot of effort from a
 18 lot of people within our department. A lot of -- you
 19 know, people are spending a lot of time making this
 20 happen. And we know this is the time we need to do it.
 21 It is for the people that we serve. And I believe that
 22 this -- even if we don't pass the accreditation process,
 23 what we'll learn from this process will be more than
 24 we've done in 20 years.
 25 CHAIR STONE: Very good. I feel kind of bad

1 for Chairman Vaught over there, so Chair has a question.
 2 There's been a proposal put forward to eliminate the
 3 Fire and Public Safety Commission altogether and place
 4 the appointment of the chief under the Mayor with
 5 approval of the Council. I believe that's how the
 6 proposal reads. I was just wondering, I was curious --
 7 first of all, I think we need a little bit of
 8 understanding about how the commission ends up choosing
 9 the chief and, also, what other items the commission
 10 deals with. We need to know what your guys' commission
 11 actually does.
 12 MR. VAUGHT: Okay.
 13 CHAIR STONE: So first start with the process
 14 of approval for the chief, what you guys look for and
 15 how that goes, and then -- and then maybe you could give
 16 us some insight on other items that you guys take care
 17 of.
 18 MR. VAUGHT: Okay. We start -- unfortunately,
 19 when I came on board, he was already hired. I wasn't
 20 part of the process, but I do understand that the
 21 process does involve an application process and then a
 22 review process by, I guess, DPS. Eligible candidates
 23 are forwarded to the commission, the commission reviews
 24 all of the candidates, does some interviews, takes
 25 recommendations, and then makes a selection based upon

1 that. And if I've left anything out, I could always
 2 defer to Stacy who was the chair prior to my -- my
 3 position. But that is what I -- that's my understanding
 4 of that's the process. And it's a pretty
 5 straightforward process.

6 As far as our function with the chief, you
 7 know, our primary function as the Fire and Public Safety
 8 Commission is, as you say, to hire and evaluate,
 9 annually, and, if necessary, dismiss the chief. We also
 10 review the annual budget that he prepares and make
 11 recommendations or seek other ways to help him with the
 12 budget.

13 One of the other things we do is to field
 14 complaints regarding misconduct for any of the Fire
 15 Department personnel. We do investigate those
 16 complaints and make recommendations to the chief or any
 17 other body that we need to.

18 The thing I like the most about the Fire
 19 Commission is very similar to your commission. It's a
 20 very broad cross-section of the community. Therefore,
 21 we get a lot of different input from different areas.
 22 And it's not just one person or two people making
 23 decisions based on that. We get a bunch of different
 24 people involved. As your Commission, I can well imagine
 25 it's a very diverse group of professionals that bring

1 fresh approaches and, you know, different ideas, you
 2 know, applying things to procedures and whatever else
 3 you do within your Commission's business.

4 I think one of the important things for me and
 5 one of the points that I wanted to bring up regarding
 6 the appointment of the chief is it kind of ties into his
 7 accreditation process. It's an ongoing process. It's a
 8 long process. And if the chief gets appointed by the
 9 Mayor, who knows, two years from now, three years from
 10 now, four years from now, if that chief is replaced and
 11 his priorities aren't the next chief's priorities, all
 12 that work, all of that effort and all of the financial
 13 resources that went into his priorities gets shelved.
 14 And I don't necessarily want to see that happen. And I
 15 don't think the community at-large wants to see that
 16 happen.

17 And so I guess that continuity within the
 18 Department is something that we feel very important.

19 CHAIR STONE: Very good. And just for
 20 clarification, how often do you guys meet? What's a
 21 normal meeting?

22 MR. VAUGHT: Monthly.

23 CHAIR STONE: Monthly. Very good. Sorry.

24 Commissioner De Rego had his hand up first. Go ahead.

25 MEMBER DE REGO: Mark, it's good to see you.

1 MR. VAUGHT: Nice to see you, Frank.

2 MEMBER DE REGO: Could you go a little bit
 3 into the evaluation process for the chief and what that
 4 entails?

5 MR. VAUGHT: We have an evaluation process
 6 that we've kind of adopted. It's come from several
 7 different -- it's kind of a conglomeration of several
 8 different evaluation processes where we have a list of
 9 areas that we've adapted to the Strategic Plan and the
 10 goals that the chief has set. And we review not only
 11 progress, but conduct, communication, all of the
 12 different functions of his job. And we use that as a
 13 mechanism to also go out and interview people in the
 14 community who have dealings with the chief,
 15 firefighters, you know, who work under him, and using
 16 that process to gather all this information. And we get
 17 nine different, you know, proposals in there. And we
 18 kind of hash that out and make decisions based on that,
 19 and then include all the pertinent comments so that the
 20 chief is able to see what areas he may need to improve
 21 upon, what areas he's doing well in. That's kind of the
 22 general idea.

23 MEMBER DE REGO: Thank you.

24 CHAIR STONE: Chair has a question. Do you
 25 guys approve the -- who approves the budget in the end?

1 MR. VAUGHT: The Council approves.

2 CHAIR STONE: The council approves the budget?

3 MR. VAUGHT: Yes.

4 CHAIR STONE: Okay. Commissioner Wiger.

5 MEMBER WIGER: Going back to the conversation
 6 about the accreditation standards and going through that
 7 process -- because I would see those standards as being
 8 quite critical in terms of the criteria for hiring.

9 MR. VAUGHT: Absolutely.

10 MEMBER WIGER: So you've just hired. Are the
 11 -- are the criteria that are used for the hire criteria
 12 that if one were to look at them relative to the
 13 national standards, if you were accredited, would they
 14 be in that -- in that formulation? Would they be --

15 MR. VAUGHT: They would be incorporated.

16 MEMBER WIGER: -- very similar to that?

17 MR. VAUGHT: Yes.

18 MEMBER WIGER: So one could look at -- one
 19 could look at the criteria you use in your process, go
 20 to the national standards, look at criteria for the
 21 hiring of a police chief, and there would be a lot of
 22 overlap?

23 MR. VAUGHT: Yes. That's our goal.

24 MEMBER WIGER: No. That's not my question. I
 25 realize that's the goal. I want to know what it is --

1 what the criteria is now relative to what would be in
 2 the national standards, knowing that -- knowing that
 3 you're only going through the accreditation. I just
 4 want to know how closely they are aligned at this point.
 5 MR. VAUGHT: Okay. Being that I wasn't around
 6 when we did the hiring process -- I apologize for
 7 that --
 8 MEMBER WIGER: Yeah.
 9 MR. VAUGHT: -- I am going to defer this to
 10 the chief.
 11 MEMBER WIGER: Okay.
 12 MR. VAUGHT: I apologize.
 13 MEMBER WIGER: Nicely done.
 14 (Laughter.)
 15 CHAIR STONE: Are you running for politics?
 16 MR. VAUGHT: No.
 17 MEMBER DE REGO: Not yet.
 18 CHIEF MURRAY: If I may, the accreditation
 19 process identifies everything of service that you do,
 20 whether it's maintenance, whether it's hiring, the
 21 questions, all of the certifications of individuals,
 22 what they can come with that will actually help them.
 23 All of those things will be ironed out through that
 24 process.
 25 MEMBER WIGER: Right.

1 CHIEF MURRAY: So we don't know in that area,
 2 because we run everything through Department of
 3 Personnel Services, how -- that process. So we take
 4 their lead on how that works. And they do that
 5 county-wide.
 6 But I know through this process of
 7 accreditation that we're going to find something that we
 8 never even thought about that we can make that process
 9 better. And that's the whole focus of actually going
 10 through this and being ready to go through this. In the
 11 past, we were never ready to go through it. And now
 12 we're ready.
 13 MEMBER WIGER: Okay. So a follow up on that?
 14 CHAIR STONE: Please go ahead.
 15 MEMBER WIGER: So the criteria that was used
 16 to hire you --
 17 CHIEF MURRAY: Uh-huh.
 18 MEMBER WIGER: -- came from the Department of
 19 Personnel Services?
 20 CHIEF MURRAY: I believe it was the Department
 21 of Personnel Services in conjunction with the commission
 22 themselves, yeah. They set the parameter.
 23 MEMBER WIGER: Okay.
 24 CHIEF MURRAY: And people applied based on
 25 that parameter.

1 MEMBER WIGER: Right.
 2 CHIEF MURRAY: And they narrowed down their
 3 decisions and that's how it came out.
 4 MEMBER WIGER: Okay. Do you know -- and
 5 perhaps you don't. I'm just wondering if you know if
 6 that criteria, if they look at national accreditation
 7 standards to say, oh, this is something that we should
 8 try and include in our criteria?
 9 CHIEF MURRAY: I'm going to defer that.
 10 MEMBER CRIVELLO: Chair, can I?
 11 CHAIR STONE: Yes, please, Commissioner
 12 Crivello.
 13 MEMBER CRIVELLO: Put on my hat. I can say
 14 that we -- we did review the national criterias because
 15 as -- as a commission, one of our main focus -- well,
 16 two main focuses that we had was accreditation, and that
 17 was part of the interview process as to what steps or
 18 what goals they could -- as -- as part of the
 19 interviewer application regarding accreditation, what
 20 sort of value the applicant had towards that. The other
 21 goal was to fulfill the implementation of the Strategic
 22 Plan and to have it upgraded. So those were part of the
 23 sort of interview questions that we had. And the
 24 interview or -- or -- was really numbered. We had a
 25 scoring process for all the different questions. But

1 because accreditation was not really in the forefront
 2 from prior -- I mean, if you look at it, the Fire
 3 Commission at that time, we were the new kids on the
 4 block. And so we had to look at some sort of mechanism
 5 to be able to formulate our application process in
 6 hiring.
 7 MEMBER DE REGO: Can I ask one clarifying
 8 question, then?
 9 CHAIR STONE: Commissioner De Rego.
 10 MEMBER DE REGO: Just to understand the
 11 process. Therefore, it's the Fire Commission that, in a
 12 sense, instructs the Department of Personnel Services on
 13 what criteria they should be looking for outside of
 14 what's in the Charter in terms of making recommendations
 15 for who comes down to the Fire Commission for
 16 consideration? Because it seems the Department of
 17 Personnel Services is making the first decision in terms
 18 of making the cutoff or who are qualified candidates.
 19 MEMBER CRIVELLO: That -- that's correct.
 20 MEMBER DE REGO: Okay.
 21 MEMBER CRIVELLO: It comes from DPS.
 22 MEMBER DE REGO: And I guess the question that
 23 Commissioner Wiger is asking, what guidance are they
 24 having outside of what's in the Charter of who
 25 constitutes a qualified candidate?

1 MEMBER WIGER: Thank you.
 2 MEMBER CRIVELLO: That would initially come
 3 from DPS.
 4 MEMBER DE REGO: Okay.
 5 MEMBER CRIVELLO: And, actually, the
 6 formulation of the process is put together by the
 7 commission with -- with reference from Corp Counsel as
 8 well as DPS.
 9 MEMBER DE REGO: Okay.
 10 MEMBER CRIVELLO: I would say more
 11 collaborating with Corp Counsel.
 12 CHIEF MURRAY: Yeah. They have residency
 13 issues that they have to follow and all of these
 14 different things that all of these different divisions
 15 have to kind of work with. Exactly.
 16 MEMBER DE REGO: But there is input from the
 17 Fire and Public Safety Commission into the process of
 18 selection that's done by the DPS? That's what you're
 19 calling collaboration at this point?
 20 MEMBER CRIVELLO: Well, I don't quite
 21 understand your question. I'm sorry.
 22 MEMBER DE REGO: Well, obviously, there's got
 23 to be some objective standard by which the Department of
 24 Personnel Services is making a decision of the
 25 candidates to send down to the Fire and Public Safety

1 Commission. I'm asking if there's some sort of
 2 collaboration going on there or is the Department of
 3 Personnel Services using some sort of criteria that we
 4 don't know at this point in terms of making the initial
 5 decision in terms of what candidates --
 6 MEMBER CRIVELLO: The candidates actually come
 7 from DPS without our -- any kind of collaboration. They
 8 send a list of all of the names that are qualified. And
 9 it is our responsibility to have them go through the
 10 application process and the interview.
 11 MEMBER DE REGO: Okay. Okay.
 12 CHAIR STONE: I'm about to make Commissioner
 13 Crivello stand up there.
 14 MEMBER WIGER: No.
 15 MR. VAUGHT: Thank you.
 16 CHAIR STONE: Yes, Commissioner Wiger.
 17 MEMBER WIGER: Okay. The reason that I was --
 18 the reason I was asking the question was that, luckily,
 19 or unluckily, in my professional career, I've had lots
 20 of experience dealing with national standards for
 21 various organizations. And one of the things that I
 22 have always found helpful is that if an entity,
 23 irrespective of what it is, is nationally accredited,
 24 the standards for how you do the hiring, the review, the
 25 questions that came up prior around what's the

1 professional development track, how do you get from this
 2 point to this point to this point, national
 3 accreditation really answers all of that stuff. And
 4 it's clean and it's clear and it's not mushy. And so
 5 what I was trying to get my head around was, okay, how
 6 clean and clear or how mushy are we at in this process.
 7 And it sounds like we're moving toward a clean and
 8 clear.
 9 CHIEF MURRAY: Absolutely.
 10 MEMBER WIGER: Okay. Okay.
 11 MEMBER CRIVELLO: I have a question.
 12 CHAIR STONE: Yes, Commissioner Crivello.
 13 Sorry. Please.
 14 MEMBER HASHIMOTO: In all the discussions
 15 we've had so far, Chief --
 16 CHIEF MURRAY: Yes.
 17 MEMBER HASHIMOTO: -- I didn't hear insurance
 18 mentioned. How much interaction does the Fire
 19 Department have with the department of insurance, or is
 20 there such a thing here in Hawaii?
 21 CHIEF MURRAY: Are you talking about the
 22 Insurance Rating Bureau, ISO, what-have-you?
 23 MEMBER HASHIMOTO: Yeah.
 24 CHIEF MURRAY: Okay. Good question. The
 25 department has a percentage of requirements that they

1 have to fulfill. Okay. So the department can work on
 2 managing all of that and getting their vehicles, their
 3 personnel, all of them at that level. But if they
 4 respond to a fire in a district that doesn't have the
 5 water, that doesn't help the insurance rating. So all
 6 of us, all the departments, all the people with
 7 responsibility, need to -- need to put all their efforts
 8 in the same area. So in some areas, like Kahului,
 9 you're going to have great insurance price premiums, but
 10 if you go to Hana, different, because of time, distance
 11 of response, capability of water and what-have-you and
 12 accessibility. So it does have an impact on everyone.
 13 But what we're trying to do is get to the point where
 14 we're not the link that's having an issue.
 15 So very good question.
 16 MEMBER CRIVELLO: Okay.
 17 CHAIR STONE: Commissioner Crivello.
 18 MEMBER CRIVELLO: Chief, some of the
 19 proposal -- or testimony that has been presented to have
 20 the Fire Department come directly under the Mayor, in
 21 your opinion, do you see a solid line between you and
 22 the Mayor today as well as with the commission --
 23 CHIEF MURRAY: The line --
 24 MEMBER CRIVELLO: -- as far as directive?
 25 CHIEF MURRAY: -- of communication?

1 MEMBER CRIVELLO: Yes. Who is your ultimate
 2 boss?
 3 CHIEF MURRAY: I would say the commission. We
 4 try to align with whatever the Mayor -- whichever Mayor
 5 it is, we're going to do what is best. Our decisions
 6 are based on what is best for the community. And if
 7 sometimes we disagree, it's a good place to be to say,
 8 hey, I've been doing this for 27 years, this is what we
 9 feel is best for the community. And none of our
 10 decisions are off the top of our head, unless we're at a
 11 scene, but we've trained for those things, you know.
 12 The planning process is where it takes a lot of effort
 13 and -- and, you know, sacrifice. So --
 14 MEMBER CRIVELLO: So if -- if I may, Chair?
 15 CHAIR STONE: Sure.
 16 MEMBER CRIVELLO: So when you're dealing with
 17 the budget, do you not actually work with the Mayor's
 18 Office --
 19 CHIEF MURRAY: Yes, we do.
 20 MEMBER CRIVELLO: -- to start off with?
 21 CHIEF MURRAY: We, actually, start the budget
 22 process within our department. We look at the history
 23 that we have, we look at the goals we achieved, we look
 24 at the objectives that we didn't achieve through
 25 funding, and we try to work that all into our proposal.

1 Then we send it to the commission for review. Then it
 2 goes to the Mayor for review. And, hopefully, our
 3 presentation goes there and we do a good sell. Then it
 4 gets to the Council. And that's where a lot of issues
 5 come out. It's based on what their broad view of -- of
 6 all the departments for the County fall in.
 7 So it's really tough for us to manage our
 8 Strategic Plan based on some of the funding issues. I
 9 mean, we've caught -- as far as we can, we're doing as
 10 diligent work as -- at all possible with our -- with our
 11 funding.
 12 MR. VAUGHT: Sometimes we have to revisit
 13 goals and objectives --
 14 CHIEF MURRAY: Yeah, based on that.
 15 MR. VAUGHT: -- with respect to the Strategic
 16 Plan based on the funding that we received or don't
 17 receive.
 18 CHAIR STONE: Very good. Commissioners, any
 19 further questions? Commissioner Hedani.
 20 VICE-CHAIR HEDANI: Chief, the Mayor can't
 21 fire you right now, it's only that guy on the commission
 22 that can fire you right now?
 23 CHIEF MURRAY: Yes.
 24 VICE-CHAIR HEDANI: So you can answer this
 25 Commission any way you want.

1 CHIEF MURRAY: Well, I don't know which
 2 direction you folks going to.
 3 (Laughter.)
 4 MR. VAUGHT: Want me to leave the room?
 5 (Laughter.)
 6 VICE-CHAIR HEDANI: The question that I have
 7 is, if you had your druthers, you know, given the
 8 proposal for reserve department or reserve section for
 9 the Fire Department, given the fact that you're going
 10 after accreditation, which is like a three to five-year
 11 process, does it make it more difficult to attain
 12 accreditation if you throw a reserve department into it,
 13 if you throw lifeguards and -- and that kind of stuff
 14 into the mix?
 15 CHIEF MURRAY: Absolutely, on both cases. It
 16 might hinder the whole process of even moving forward.
 17 I mean, yes, you're going to have the lessons learned,
 18 which is great, but if it cannot be into a document
 19 that's going to move forward, then you're going to have
 20 an issue. Because if I leave, or whatever happens, you
 21 want to be able to have that thing -- have the
 22 continuity of those efforts move forward.
 23 VICE-CHAIR HEDANI: And the other question
 24 that I had was in regards to the pay scales for the
 25 lifeguards versus the firefighters. Is there a

1 significant disparity right now, or are they going to be
 2 pushing for a significant step up in terms of pay raise
 3 if you were to be consolidated?
 4 CHIEF MURRAY: Well, as it stands now, two
 5 different unions represent the groups. And, yes, they
 6 are different because their jobs are different. They
 7 are similar, but they are completely different on other
 8 hands as well. So those are the things that we need to
 9 really look at, if they would have any pay raises.
 10 But how that normally works, as it does for
 11 the firefighters, it's a statewide bargaining unit that
 12 we have. And they're part of HGEA. And the
 13 firefighters are part of Hawaii Fire Fighters
 14 Association. So they, statewide, make decisions or
 15 arbitrate or what-have-you on the decisions that affect
 16 each member. And the same thing would go for the
 17 lifeguards. So I don't see that having to, you know,
 18 align per se. I'm not really sure how that would work,
 19 but I would assume they would want something.
 20 MR. VAUGHT: I think the position descriptions
 21 are pretty different --
 22 CHIEF MURRAY: Yeah.
 23 MR. VAUGHT: -- as far as, you know, baseline
 24 goes.
 25 CHAIR STONE: Chief, quick question. Would it

1 be -- in your opinion, following accreditation for the
 2 Fire Department, after that's achieved, could you see it
 3 being beneficial to bring Ocean Safety under your
 4 department?
 5 CHIEF MURRAY: Well, I'm open to -- to the
 6 thought of it.
 7 CHAIR STONE: Following accreditation.
 8 CHIEF MURRAY: Yeah, following accreditation.
 9 Because that's the goal that's on the -- on the stove
 10 right now. That's what's cooking. And we want to be
 11 able to continue that meal and move on to the next one.
 12 But it all depends on the timing of when the
 13 accreditation ends and what's left for us to do.
 14 Because if we're put on probation during that period,
 15 we'll have six months to figure that out. You know, I
 16 would hate to put a timeline. My issue is -- is
 17 timelines need to be flexible, but if all the work goes
 18 into it in the forefront, then I -- I see everything
 19 working.
 20 CHAIR STONE: But the question is, do you
 21 personally see it as a beneficial thing to bring Ocean
 22 Safety --
 23 CHIEF MURRAY: Not at this point.
 24 CHAIR STONE: -- under Fire? So you do not?
 25 CHIEF MURRAY: No.

1 CHAIR STONE: Thank you. Commissioner De
 2 Rego.
 3 MEMBER DE REGO: I just have a comment and a
 4 question, then I would like you to expand on this. As
 5 you know, accreditation is not a one-shot deal.
 6 CHIEF MURRAY: Yes.
 7 MEMBER DE REGO: Exactly. And, you know,
 8 working in education, we know that there's renewal of
 9 certification and accreditation every few years. So
 10 accreditation is, actually, an ongoing process.
 11 CHIEF MURRAY: Right.
 12 MEMBER DE REGO: Could you explain a little
 13 bit to us, once you achieve accreditation, what will it
 14 take and how many times will you be expected to be
 15 reviewed to keep that accreditation?
 16 CHIEF MURRAY: Okay. Thank you for that
 17 question. The accreditation process takes anywhere from
 18 18 months to two years. Okay. On fulfilling the
 19 accreditation, once the department becomes accredited,
 20 they get recertified every five years from that point
 21 on. But every year, it has to go through an internal
 22 self-assessment. So that's where you're able to -- to
 23 put your pieces where you need it as -- as a department
 24 head, you know, as you're running this
 25 multi-million-dollar corporation, you're able to set the

1 function and the program to fit the needs of the -- of
 2 our community.
 3 So the process itself, even if you fail,
 4 again, I say it's going to be lessons learned, but it's
 5 something that you have to passionately go after. And
 6 what that -- it also helps us within our department. It
 7 helps each and every firefighter to understand what are
 8 the goals and objectives and what are the policies of
 9 our department. And right now, you know, we do a fairly
 10 good job at it, but we want to get really good at it.
 11 That's -- that's -- you know, if you don't -- if you're
 12 not the best, I mean, I don't know, for me.
 13 MEMBER DE REGO: Thank you.
 14 CHAIR STONE: Very good. Commissioners, I
 15 just want to point out that we actually put our guest
 16 appearances on a time schedule because we have a number
 17 of people to get through. So --
 18 MEMBER DE REGO: Okay.
 19 CHAIR STONE: -- any last very important
 20 questions for these two gentlemen from the
 21 Commissioners? Commissioner DeLeon.
 22 MEMBER DELEON: Just a quick question. Of the
 23 accredited organizations in the organization that's
 24 doing the accrediting, how many of them are under a
 25 political leadership and how many are under independent

1 boards or commissions?
 2 CHIEF MURRAY: I don't know specifically how
 3 that is. Honolulu is under a board and commission, and
 4 they're accredited. The only other entity in the state
 5 of Hawaii is Federal Fire. And Federal Fire's DOD run,
 6 and they're accredited as well.
 7 MEMBER DELEON: Okay. Thank you.
 8 CHAIR STONE: Good. Commissioners, anything
 9 else?
 10 (Silence.)
 11 CHAIR STONE: Good. Very good. Gentlemen,
 12 thank you so much for coming today.
 13 CHIEF MURRAY: Thank you very much for having
 14 us.
 15 CHAIR STONE: We very much appreciate your
 16 time. We know you're very busy. So thank you. Have a
 17 great day.
 18 At this time the Commission would like to call
 19 forward Chief Gary Yabuta from the Police Department as
 20 well as Chairman Leil Koch.
 21 MR. KOCH: Leil Koch.
 22 CHAIR STONE: Sorry. I really hacked that
 23 one.
 24 (Laughter.)
 25 CHAIR STONE: Leil Koch. Koch?

1 MR. KOCH: Koch, yes,
 2 CHAIR STONE: There you go. Leil Koch.
 3 Gentlemen, thank you so much for being here
 4 today. It's very much appreciated. Again, this is a
 5 101 session for the Commission as we're looking at
 6 potential proposals that affect these departments. So
 7 we just want to have a clear understanding of how these
 8 departments function and so we don't make any silly
 9 proposals.
 10 So with that said, I will offer to you --
 11 Chief Yabuta, would you prefer us to question or do you
 12 have a prepared statement?
 13 CHIEF YABUTA: Well, I don't have anything
 14 prepared, but I would like to also introduce Vice Police
 15 Commission Chair Kirk Tanaka.
 16 MR. TANAKA: This afternoon.
 17 CHAIR STONE: Hello, Mr. Tanaka. Thank you
 18 for coming.
 19 CHIEF YABUTA: And Police Commissioner David
 20 Jorgensen.
 21 MR. JORGENSEN: Thank you.
 22 CHAIR STONE: Hi. Nice to see you.
 23 CHIEF YABUTA: It's indicative of our Police
 24 Commission for these people to take the time to be here,
 25 like they are every month for commission meetings, and

1 just total support of both the Police Department and the
 2 community and being an oversight to our department.
 3 And, you know, there's people here on your commission
 4 that were formerly from the Police Commission. So,
 5 again, their duty to this community is admirable.
 6 It's wonderful to be back here at this
 7 particular building. This used to be the police station
 8 when I began my career on March 1st, 1983. So it's
 9 always a warm welcome when I come back. Thank you.
 10 CHAIR STONE: Great. Thank you so much. With
 11 that said, Commissioners, I would like to go ahead and
 12 open up to questions for these gentlemen.
 13 Commissioners, we've invited these gentlemen down here.
 14 (Laughter.)
 15 CHAIR STONE: Commissioner Hedani.
 16 MEMBER SUGIMURA: No change.
 17 VICE-CHAIR HEDANI: Gary, I noted that the
 18 department, as well as the commission, submitted
 19 comments to the Charter Commission that, basically, the
 20 existing situation or the existing structure is what was
 21 preferred and no changes were proposed.
 22 One of the things that we just received from
 23 the Mayor's Office was a proposal for suggesting reserve
 24 departments, both the Fire Department as well as the
 25 Police Department. Do you have any comments on that?

1 CHIEF YABUTA: Sure. We used to have a
 2 reserve program, reserve officer program. And we had
 3 approximately about half a dozen reserve officers. We
 4 had a very wise chief in the mid-nineties and -- began
 5 1988, Chief Howard Tagomori. And he decided that the
 6 Maui Police Department should be the first department in
 7 the state of Hawaii to be accredited. And during the
 8 process of being accredited, it was learned that the
 9 standard -- one of the standards was -- which there are
 10 a thousand standards -- is that whatever training a
 11 regular sworn officer undergoes, whatever qualifications
 12 that is necessary to become an officer, a reserve
 13 officer must go through the same process. And at that
 14 point in time, we could not afford to train our
 15 presently assigned reserve officers to undergo an
 16 eight-month full-time 40-hour-week training program with
 17 four months of field training, officer training after
 18 that. And so we had to dissolve that reserve program.
 19 Because of our economic situation, I'm not
 20 inclined to starting that up again because it costs
 21 approximately \$300, and that's monetary fees, outsourced
 22 for psychologists, drug testing, and so on and so on, to
 23 go through the applicant process. On top of which, it
 24 takes and encompasses a lot of personnel. To train
 25 reserve officers to equal of that our sworn officers, we

1 would have to have night courses and I would have to
 2 have more people to do that. And that will encumber
 3 overtime and hiring of more people.
 4 Now, the Honolulu Police Department was the
 5 second department in the state of Hawaii to become
 6 accredited. And they do have a reserve officer program.
 7 They have the resources and the capabilities to do so.
 8 Also, the reserve officers themselves are
 9 motivated because even though they don't get paid for
 10 being a reserve officer, they qualify for doing off
 11 duties. And in Oahu, there's plenty of off duty
 12 opportunities. So they do benefit in that way.
 13 We don't have a lot of off duties available
 14 for our officers here. So I don't want to take anything
 15 away from our regular officers. They need that
 16 supplemental opportunity to support their families, you
 17 know, and children.
 18 CHAIR STONE: Commissioner De Rego.
 19 MEMBER DE REGO: Thank you very much, Chief.
 20 for being here, and Chair Koch.
 21 MR. KOCH: Koch, yeah.
 22 MEMBER DE REGO: Koch. Sorry about that.
 23 Everybody is murdering your name today.
 24 CHIEF YABUTA: He yells at me when I do it.
 25 (Laughter.)

1 MEMBER DE REGO: I am looking at the -- maybe
 2 this is something that's addressed to both of you,
 3 actually, at this point.
 4 I've been doing sort of a comparison between
 5 the independent, what I would call, commissions that
 6 have people that are hired by -- by commissions,
 7 Department of Personnel Services, the Police Department,
 8 the Fire Department. In looking at the Department of
 9 Fire and Public Safety, and it's under 8 -- Section
 10 8-7.2, and the -- the Fire and Public Safety Commission
 11 actually has seven duties. And I'm looking at the
 12 Police Commission, and they have four. And a couple of
 13 the things that I noticed that are missing are an annual
 14 review of the operations of the department and a review
 15 of the fire -- the chief or the head of the department
 16 themselves. Would you be adverse that those kinds of
 17 conditions -- and, first of all, let me ask the
 18 question, does the commission do an annual review of you
 19 as Police Chief?
 20 CHIEF YABUTA: Absolutely.
 21 MEMBER DE REGO: Okay.
 22 CHIEF YABUTA: And that's -- that's one of
 23 their mandates. And they do a very thorough process,
 24 believe me.
 25 MEMBER DE REGO: Okay.

1 CHIEF YABUTA: On top of which, you know, I
 2 don't know the amount of numbers in comparison from
 3 other commissions to what the Police Commission's
 4 responsible, but they're in charge of the -- the
 5 oversight of my department. They're in charge of
 6 handling external complaints against my officers and
 7 myself and our department. So they act as an
 8 independent agency for my department.
 9 And if people out in the community, if they
 10 don't trust my people to police ourselves, then they
 11 have an opportunity to go to the Police Commission and
 12 conduct an independent investigation. And that in
 13 itself is a monumental amount of responsibility. And
 14 they do it extremely well.
 15 MEMBER DE REGO: So you would not be adverse
 16 to make, at least from my mind, some consistency in the
 17 Charter to add those kinds of provisions to the --
 18 CHIEF YABUTA: I'm not going to answer that
 19 question, because I want to sit down and study each and
 20 every provision of every commission. And then I can
 21 give you an answer. But right here, standing here, I
 22 want to -- I don't have an opportunity to examine what
 23 you're talking about, sir --
 24 MEMBER DE REGO: Okay.
 25 CHIEF YABUTA: -- with all due respect. And,

1 you know --
 2 MEMBER DE REGO: Let's -- let me be more
 3 specific. In the department and public -- Fire and
 4 Public Safety Commission, 8.7.2-5 says, evaluate, at
 5 least annually, the performance of the Fire Chief and
 6 submit a report to the Mayor and the Council.
 7 CHIEF YABUTA: Again, that's already been
 8 done.
 9 MEMBER DE REGO: Would you --
 10 CHIEF YABUTA: I believe it's written down
 11 somewhere. I don't know why you don't have it, but
 12 we -- we have it in our rules and our procedures.
 13 MEMBER DE REGO: Yes, I understand that. But
 14 would you be adverse to adding it to --
 15 CHIEF YABUTA: I'm not going to answer that
 16 question right now because I don't have an opportunity
 17 to research that and to give you an objective answer.
 18 MEMBER DE REGO: Okay. Okay.
 19 MR. KOCH: From the -- let me just throw in
 20 two cents. From the commission's standpoint --
 21 CHAIR STONE: Chair, could you use the
 22 microphone, please?
 23 MEMBER DE REGO: Yeah. Thank you.
 24 MR. KOCH: From the commission standpoint, we
 25 do annually. And it's a very daunting task. We do the

1 evaluation process of the chief. And so that is already
 2 integrated into the duties and the responsibilities of
 3 the entire Police Commission. So whether there is
 4 additional words in the Charter -- which, you know, in
 5 some cases, you don't need to necessarily muck up a lot
 6 of things by throwing in words in that process, is it
 7 integrated into the functions that we do from the --
 8 from the commission standpoint. So --
 9 MEMBER DE REGO: Well, my question was only
 10 about consistency within the Charter for independent
 11 commissions. And I think that's important as our roles
 12 as Charter Commissioners.
 13 MR. KOCH: Or take it out of the Fire one.
 14 MEMBER DE REGO: Well, I think evaluation is
 15 an important part and should be mandated under the
 16 Charter. So --
 17 CHIEF YABUTA: Anything else?
 18 CHAIR STONE: Yes, Commissioner Hedani.
 19 VICE-CHAIR HEDANI: This is not so much a
 20 question for the Chief as it is a response to the -- you
 21 know, the concern that Commissioner De Rego has. Having
 22 been on the Police Commission, having served as chair of
 23 the commission, I know that the commission not only
 24 reviews complaints against the department, against
 25 individuals, and evaluates the chief on an annual basis,

1 but, from the standpoint of operations of the
 2 department, they're provided with a report on a monthly
 3 basis of statistics as well as performance within the
 4 department. So from an operational standpoint, the
 5 review is monthly; not annually. Okay.

6 MEMBER DE REGO: But as the Charter sets at
 7 least a floor, right, you're talking about a ceiling
 8 now. As the commission would at least set a floor for
 9 annual review, I think that would be in terms of
 10 consistency in regards to other commissions. That's my
 11 only point.

12 MEMBER CRIVELLO: I have a question.

13 CHAIR STONE: Please, Commissioner Wiger.

14 MEMBER WIGER: Well, I think -- I think that
 15 it's probably going to end up being -- I think this, I
 16 don't know this, I think this -- that it will probably
 17 be -- end up being something that we have to --

18 CHIEF YABUTA: I'll make it simple for you. I
 19 don't have a problem with that. Fine.

20 MEMBER WIGER: Because, under the Chief of
 21 Police section, if one reads that, appointed, may be
 22 removed, removed only after being informed. I mean,
 23 there's an implication that in order to get to this, you
 24 have to go through a review. But I think, for
 25 consistency, there ought to be more -- it ought to look

1 a little closer in that. But I think that -- I think
 2 that this gets you there. It just gets you there from a
 3 different direction, if you will.

4 CHIEF YABUTA: Understood.

5 CHAIR STONE: Very good. Commissioner
 6 Crivello.

7 MEMBER CRIVELLO: One of our testifiers -- I
 8 can't recall when that meeting was -- and I guess this
 9 question is more for the commissioner -- a comment was
 10 made that for the public to have access, all meetings
 11 are held in the chief's office. Is that a fair comment
 12 that -- what the implication was, that they don't feel
 13 very comfortable to go into the chief's office to file
 14 or to testify any kind of complaints about the Police
 15 Department. Have you heard anything of that sort?

16 CHIEF YABUTA: I'll let -- I'll let the
 17 Commissioner comment --

18 MEMBER CRIVELLO: Yeah.

19 CHIEF YABUTA: -- but I would like to also say
 20 that this commission and the previous commissions back
 21 traditionally, they go to the community. And we've been
 22 in Kihei, we've been in Hana, Lanai. And Lanai doesn't
 23 have a police commissioner representative now. So this
 24 commission and -- and the commission's predecessors, we
 25 went to Lanai to represent Lanai. So we'll go to the

1 communities. We have been at the communities. We'll
 2 continue to go to the communities. And it's all based
 3 not on the chief, this commission has decided to do
 4 that.

5 Now, yes, we do have our regular monthly
 6 meetings at -- not my office, but at a conference room.
 7 And it's open to the public. And it's visited by the
 8 public. We have a lot of adversarial comments about the
 9 Police Department, but everybody's welcome. There was
 10 time that Akaku TV came and they filmed it as well. And
 11 so I'll turn it over to the commission chair, but I want
 12 to commend our commission for going to the community,
 13 reaching out to the community.

14 MEMBER CRIVELLO: Chief, I appreciate the
 15 clarification.

16 MR. KOCH: Thanks, Chief. Boy, get kudos
 17 here. Yeah, couple -- a couple points. There are two
 18 different levels from your question. And the first one
 19 that the chief just alluded to, we do take our show on
 20 the road. It's very important from the commission's
 21 standpoint that we go out and we be involved in the
 22 community of all the different districts that are
 23 represented by the department. So we will take the show
 24 on the road, go to Lanai, we'll go to Molokai. We try
 25 to go to the different districts. Usually in a rotating

1 basis of trying to go through there, we'll go to
 2 Lahaina, we go to Hana. We've gone to -- I think the
 3 next one on our list is probably coming up either
 4 Lahaina or Kihei side that we haven't been out. So we
 5 try to make a rotation.

6 And that is publicized. It's encouraged that
 7 people come in and have comments, that they can ask the
 8 department heads questions, they can ask the commission
 9 questions. We have our -- we conduct our public part of
 10 our commission monthly meeting at those outside
 11 locations, so we take the show on the road. It's very
 12 important from the structure, from the commission, that
 13 we are visible in the community on that regard.

14 The -- the second part of that is that if
 15 there are complaints, and that they -- that people may
 16 not necessarily want to come into the station to do
 17 that. Typically, they will make a phone call. There's
 18 a number associated where you have to call to get the
 19 forms to do a complaint. If they want to come in to our
 20 monthly meetings, the only -- the only caveat is it's a
 21 locked building. And so they just need to get someone
 22 to let them in to come up to the conference room where
 23 our meetings are. It's not daunting. It's not down in
 24 the main department. It's up in -- on the second floor
 25 of the chief's area. So we -- we try to accommodate

1 that as best as we can, knowing that it can be a little
 2 bit daunting for some people. But we do go the extra
 3 mile in interacting with the public, both on handling
 4 the complaints -- and since I've got the mic here, I'll
 5 just keep going for a few more seconds here. But from
 6 the commission standpoint, it's our belief that it's
 7 extremely important that -- that we be, A, independent,
 8 B, that we understand the -- what happens within the
 9 department and with the fine officers on the streets.

10 We will go out and do ride-alongs so we can
 11 see what happens when someone gets pulled over at night,
 12 you know, what is the interaction. Because we get
 13 complaints from the public saying that this officer did
 14 this, that and that at this kind of a stop. Well,
 15 normally, you would not have anything to -- to bear that
 16 against. So we try to get out and do ride-alongs. We
 17 try to get out with the community, talk to the
 18 community, with our meetings, to invite them in to say
 19 what are your concerns, where can we help you, where can
 20 we better integrate the services of the department, to
 21 be able to -- to help our community better.

22 And so this is my fifth year on the
 23 commission. And ever since I've been on, for -- for the
 24 past four and-a-half years, and even before that, we've
 25 had a very consistent policy of trying to make the

1 department better, make the commission better and how it
 2 relates to the community, and moving everything forward,
 3 trying to get the best training, the best budget,
 4 fighting for budgets.

5 And doing the annual evaluations of the chief
 6 is extremely important. And some of the questions that
 7 you were asking the Fire Department on accreditation,
 8 you know, we've gone through three times, I think we
 9 just got a recertification, a reaccreditation that
 10 should be coming out in the news here fairly quickly,
 11 which is a daunting task from the department. And so
 12 from the commission's standpoint, we take that very
 13 seriously and hold the chief and everyone else
 14 responsible for that.

15 Anyway, sorry for the long dissertation, but
 16 that question kind of alluded to a couple things that is
 17 very important from -- from our position on how we view
 18 our jobs within the Police Commission.

19 MEMBER CRIVELLO: Thank you.

20 CHAIR STONE: Chairman -- Chairman Koch, Chair
 21 has a question. So some of these issues that we've been
 22 hearing from the community is a transparency issue, and,
 23 also, on the -- let's call on the complaint side of
 24 things. And so just for understanding, when a complaint
 25 comes to the commission --

1 MR. KOCH: Yes.

2 CHAIR STONE: -- is that complaint visible to
 3 the public in any form or is that kept sealed?

4 MR. KOCH: Well, sealed is not a good word.

5 So that the process, actually, what would happen is
 6 someone would call up the Police Commission secretary,
 7 or go online and download the complaint form itself,
 8 fill out the form and send it to the Police Commission
 9 secretary. Once that is done, and, I believe,
 10 notarized, it is sent to the Police Commission Chair,
 11 myself in this particular case. The chair would review
 12 that complaint to see -- there's two or three caveats
 13 and hurdles that must be obtained for it to go forward.

14 It has to be timely. So if -- if the
 15 complaint comes in saying, well, back in 1970,
 16 something-something happened, we can't handle stuff like
 17 that. So you're given within a period of time.

18 Does it involve a member of the department.

19 We get complaints about neighbors and about everything
 20 else that has nothing to do with -- with -- with
 21 officers. So from the chair's standpoint, the chair
 22 will make the initial sort of review of how valid is
 23 this complaint. It's then brought to the full
 24 commission, usually during executive session.

25 These are not -- since it involves officers'

1 names, typically, and involves other things, it's not
 2 public. It will be public on the agenda, I think, just
 3 from a -- from a reference number, I believe. But it is
 4 all handled in executive session, that we -- that we do
 5 handle that.

6 And the complaint can be sent for further
 7 investigation. We have our own investigator that we
 8 send out. That investigator will go out and provide
 9 additional information to the commission, going out and
 10 interviewing the officer, the public, the witness,
 11 whatever that is, they bring that package back to us.

12 Typically, the -- that -- a complaint will not
 13 be moved forward if it's -- if it's a party to a
 14 lawsuit. So if a member of the public says I'm going to
 15 send a complaint to the Police Commission at the same
 16 time I'm filing a lawsuit, we will step back from that
 17 and say we -- you're going to pursue that, you go do
 18 that.

19 If they are already filing a complaint with
 20 Internal Affairs within the department itself, which is
 21 a different track for complaints -- so the public has
 22 basically two tracks to go from -- from a complaint
 23 standpoint, the Police Commission as well as directly
 24 within internal affairs -- we typically will duplicate
 25 those. We have, but very rare. And that's usually --

1 we will set that aside and not -- and not handle that.
 2 So it -- that's another -- I'm going to
 3 apologize -- very long answer to your question, but the
 4 process is very specific. It is very -- all documented.
 5 Has to be -- I mean, the chair signs off on what they're
 6 going to do, then, like I said, it's done in executive
 7 session and -- and moved on.
 8 If -- if it ends up that there -- the
 9 investigator and the Police Commission feels that there
 10 needs to be additional things, we will turn it over to
 11 the chief. Chief will take that and it goes into the
 12 internal process.
 13 But it is very -- it is very open from the
 14 public. And -- and wherever we are, we explain to
 15 people the process, this is what we do and -- and -- and
 16 we do get complaints in.
 17 CHAIR STONE: So just -- just a point of
 18 clarification. So the commission investigator, for
 19 example, will come back to the -- to the commission and
 20 say, this complaint appears to be valid?
 21 MR. KOCH: No. They don't make any judgments.
 22 They just go on and they provide additional information.
 23 So they will go to and interview the officer, they will
 24 go out and interview the person who made the complaint,
 25 they will go out and interview witnesses that may be

1 there, and then provide all the information from
 2 investigation. And then that -- all that information
 3 comes back to the commission to decide validity or
 4 what-have-you. And it's the commission's responsibility
 5 to determine what happens after that.
 6 The investigator's totally neutral in that
 7 regard. They're out there digging up information.
 8 CHAIR STONE: And then a recommendation will
 9 be given to the chief, who would take action, decide
 10 whether or not to take action?
 11 MR. KOCH: If there's a need for further
 12 action, yes, we would give it to the chief. We could
 13 dismiss it as saying it had no bearing, we could dismiss
 14 -- there's -- there's four or five different items that
 15 -- that we have to qualify under. It was in the -- it
 16 was in the course of duty, and there wasn't anything
 17 wrong, it didn't happen, it did happen, we need to send
 18 it to the chief. And then there's another -- I don't
 19 have exact verbiage in our policies, but it's very
 20 specific in how we handle it.
 21 CHAIR STONE: And then disciplinary action
 22 falls under the chief?
 23 MR. KOCH: That would be under the chief,
 24 that's correct.
 25 CHAIR STONE: And the commission has nothing

1 to do with discipline? Okay. Thank you for the
 2 clarification.
 3 Commissioner De Rego.
 4 MEMBER DE REGO: This question is for the
 5 chief. We asked the Fire Chief this question. I want
 6 you to answer the same question, give you a chance.
 7 Could you talk a little bit about your relationship with
 8 the Mayor's Office in terms of budgeting and
 9 establishing priorities for the Police Department? And
 10 how does that work for you? And just give you a chance
 11 to talk a little bit about that.
 12 CHIEF YABUTA: It's very professional. The
 13 Mayor sets the tone for not only the Maui Police
 14 Department, for all the departments. With that tone, we
 15 negotiate our budget. And we have quite a few
 16 discussions before we finally submit our budget through
 17 the Police Commission.
 18 But I want to thank the Mayor's Office. The
 19 Mayor has been very supportive of the Maui Police
 20 Department and public safety. And they -- they always
 21 have been listening, Mayor Arakawa has really supported
 22 public safety in Maui County.
 23 MEMBER DE REGO: Thank you.
 24 CHAIR STONE: Commissioner DeLeon.
 25 MEMBER DELEON: Yeah. This is for Leil.

1 MR. KOCH: You know better than that.
 2 MEMBER DELEON: You know, just on the topic, I
 3 just want to follow up. Do you have any idea of how
 4 many complaints you get annually? And if so, how many
 5 of them are recommended for action?
 6 MR. KOCH: It will really vary. We have our
 7 meeting this Wednesday, and we have four complaints that
 8 are going to be handled within executive session. We
 9 can go months without having any at all. It just
 10 depends sort of what it is. I would guess -- I'd guess
 11 maybe 12 to -- not even that. Maybe eight to 12,
 12 depending on the -- on the year. And then, some years,
 13 we've had maybe like four. So it just depends on what's
 14 happening out in the economy, what happens -- or in the
 15 community. And it -- it will just go in spurts.
 16 MEMBER DELEON: And how many -- out of that,
 17 what kind of percentage would be called for action?
 18 MR. KOCH: Small.
 19 MEMBER DELEON: Like one percent?
 20 MR. KOCH: Yeah, one to five percent maybe
 21 require additional things through the chief's -- most of
 22 them -- and here again, let me -- since I alluded to it,
 23 and that question kind of does, there are four different
 24 things we can do from the commission for disposition of
 25 -- of complaints.

1 One: The complaint was not based on facts or
 2 the alleged incident did not occur and the complaint was
 3 unfounded. We will get people that are trying to get
 4 out of something, get out of a DUI, get out of whatever,
 5 they'll complain about something, and it just didn't
 6 happen the way they said it did;
 7 Two: There is insufficient evidence to prove
 8 the material allegations of the complaint and the
 9 complaint is, therefore, not sustained;
 10 Three: The incident complained of occurred,
 11 but the act or conduct of the department or employee was
 12 lawful and improper. And the accused is exonerated;
 13 And, fourth: There is sufficient evidence to
 14 support the allegations of the complaint and grounds to
 15 justify a recommendation that remedial action be taken.
 16 Remedial action being that we hand it to the chief for
 17 internal things.
 18 So those are the four -- four directions that
 19 we can --
 20 CHAIR STONE: Commissioner DeLeon.
 21 MEMBER DELEON: One last question. Going back
 22 to the earlier topic, when you say you go on the road,
 23 how frequently -- in a year, how many of the road trips
 24 do you do?
 25 MR. KOCH: I would say at least a couple, two

1 to three.
 2 MEMBER DELEON: Two or three. Okay. Thank
 3 you.
 4 MR. KOCH: That we try to do. Again, it's
 5 logistics. We used to have a commissioner from Lanai, a
 6 commissioner from Molokai. And so we would try to -- we
 7 made sure that we -- we hit both of those before they
 8 rolled off the commission. We had done that years prior
 9 with them on there. So we try to get especially those
 10 particular parts. It's the logistics of moving
 11 everybody around that we try to -- try to deal with
 12 because the chief and -- and all of the leadership and
 13 everybody goes when we're out there. Hana is quite
 14 interesting, but we try to do that, too.
 15 MEMBER DELEON: May I follow up?
 16 CHAIR STONE: Sure. Commissioner DeLeon.
 17 MEMBER DELEON: How important do you think it
 18 is to have Molokai and Lanai members on your commission?
 19 MR. KOCH: Personally, I think it's -- I think
 20 it's very important from an input standpoint. Is it
 21 crucial? I would say no. Is it -- is it -- would it be
 22 preferred? Yes, I would say very much preferred. Great
 23 input from the commissioners that were on there, both
 24 from Lanai and from Molokai. We have one from Molokai
 25 right now that -- that got re -- or not reappointed, but

1 appointed during the process. We did lose the Lanai
 2 commissioner from the term, term expired, and there was
 3 nobody from there that was appointed by the Mayor to
 4 fill that slot. Do we miss having a Lanai voice? Yes,
 5 because there are issues that come up from -- from Lanai
 6 or -- from all different places, Hana, Lanai, Molokai.
 7 It's logistically more difficult, let me just put it
 8 that way. And it takes a -- it takes a bigger
 9 commitment from those folks.
 10 So the Molokai person is on a plane. Our
 11 meetings typically start at 10:00. Typically, the
 12 Molokai person is here at 7:30 in the morning, 8:00,
 13 because of the flight. That's the only flight they can
 14 get. Sometimes they have to boomerang over to Honolulu.
 15 And to try to get in to do different things, it -- in my
 16 own mind, it's above and beyond the call of duty. From
 17 a cost standpoint, it's more, too.
 18 I don't think cost should be a factor of
 19 having or not having representation on -- on things, but
 20 -- and, again, sorry that's a long answer to your
 21 question. I think it's -- I think it's -- it's good
 22 because we are representing all these different
 23 districts.
 24 Is it crucial? I would have to say no. Is it
 25 good that we have those representations when we do?

1 Yes.
 2 My -- my only caveat -- and I'll throw my own
 3 two cents just in -- in -- in that -- since we're on to
 4 appointments and stuff -- I'm not sure if this falls
 5 within the Charter Commission or not, but my only two
 6 cents would be to not necessarily have that you have to
 7 sit off two years before you can get reappointed back
 8 onto a commission. You get a group of people, like the
 9 Police Commission, who are very good at what they do and
 10 they've kind of put in the time and the energy and the
 11 focus of -- of moving processes forward that if it --
 12 that if the Mayor so chose to put that person right back
 13 on, as they do in other -- other counties, it may not be
 14 a bad thing. Right now, you have to sit off two years
 15 and then -- and then come back. But that's just, like I
 16 said, a personal thing because I -- I know some people,
 17 including myself, who wouldn't mind getting reupped
 18 again. But --
 19 Anyway, does that answer your question on the
 20 going --
 21 MEMBER DELEON: Thank you.
 22 MR. KOCH: -- taking it on the road?
 23 CHAIR STONE: Commissioners, any further
 24 questions or -- Commissioner Wiger.
 25 MEMBER WIGER: Just something that you might

1 want to consider. The technology is getting much, much
 2 better.
 3 CHAIR STONE: Commissioner Wiger, I have to
 4 scold you again.
 5 MEMBER WIGER: I'm sorry.
 6 CHAIR STONE: Thank you.
 7 MEMBER WIGER: My voice normally carries
 8 pretty well. The technology is getting much, much
 9 better. And I know that, for example, at the University
 10 of Hawaii, because they've been using it for a long
 11 time, of -- of getting people in the other areas, Hana,
 12 Lanai, Molokai, to be able to engage in terms of
 13 technology, you know, using that kind of situation. It
 14 might be something that you all want to consider at some
 15 point.
 16 MR. KOCH: It -- it -- yes. And I don't
 17 disagree, the technology has gotten to a point where you
 18 can do mega meetings and you can do other things.
 19 And I've heard alluded to a few of the other
 20 stuff about quorums and stuff. In five years, we have
 21 never ever, ever, ever missed a quorum. Typically, even
 22 from the Lanai and Molokai commissioners that were
 23 coming in, you know, they're there 95 percent of the
 24 time, 98 percent of the time. So we have a great group
 25 of people.

1 And the chief's department has been doing
 2 absolutely wonderful with -- with accreditation. And so
 3 this whole process involving all the technology of
 4 trying to be the -- the conduit to the community is
 5 working out very well.
 6 CHIEF YABUTA: Yeah. Can I comment, too?
 7 CHAIR STONE: Please.
 8 CHIEF YABUTA: And that's a real good point.
 9 We actually have teleconferencing capabilities. But,
 10 you know, it's the goal of this commission -- I speak on
 11 behalf of the commission and our department -- to be
 12 there physically, to reach out and touch our community.
 13 And, you know, there's times when somebody just wants to
 14 talk to me outside alone. And that's invaluable. And,
 15 you know, we just don't sit there at the meetings, too.
 16 We visit the community as well. We walk and it's --
 17 it's quite an experience. But you're right, and we'll
 18 -- we'll keep that in mind. But we do have that
 19 capability. We have used that, not enough. But nothing
 20 like that genuine face-to-face touch.
 21 MEMBER WIGER: Well, when you come to Lahaina,
 22 I'll come to the meeting.
 23 CHAIR STONE: Commissioner Hedani.
 24 CHIEF YABUTA: We've been there before.
 25 VICE-CHAIR HEDANI: I just wanted to

1 congratulate both the commission as well as the chief
 2 on, you know, the efforts that you folks have gone
 3 through on reaccreditation. For the Charter
 4 Commission's benefit, I know that only five percent of
 5 the police departments in the country attain
 6 accreditation. And you're one of a very elite group of
 7 people because of the standards that have been set. So
 8 congratulations.
 9 MR. KOCH: Well, thank you very much. It all
 10 goes to the chief and his department and -- and the --
 11 the chief's predecessors of going through and making
 12 sure that that is done. It -- it's an extremely hard
 13 thing to do. It's ongoing. It's not a, well, we're
 14 waiting, you know, five years and have to go again.
 15 This is an annual event. It gets into sort of the full
 16 integration of how you evaluate something. So the chief
 17 has to do that from a daily basis, integrating that
 18 within the department.
 19 The commission's responsibilities is to try to
 20 integrate that, getting reports on a monthly basis to
 21 try to provide guidance to the chief in -- in budget
 22 items and other things that we see that we bring in from
 23 the public. So it's very important for the
 24 Commissioners to -- and we do have a great group of
 25 Commissioners -- bring in their own business experience

1 into the commission, to be able to analyze, to be able
 2 to throw out recommendations and -- and what-have-you.
 3 And I was -- just stand corrected. For the
 4 record, the -- the complaints that may actually go into
 5 the chief is probably closer to about 10 percent, sir,
 6 just so --
 7 MEMBER DELEON: All right.
 8 CHIEF YABUTA: Can I comment, too, on
 9 Commissioner Hedani's -- can I comment, first of all?
 10 And I want to thank Commissioner Hedani for his comments
 11 about accreditation. I just came back from Cincinnati,
 12 Ohio, last week. The Maui Police Department, not the
 13 chief, Maui Police Department, your community police
 14 department, received its sixth accreditation. And not
 15 only is an accreditation achievement, but it's an
 16 advanced meritorious accreditation for being accredited
 17 since 1996, when a very wise chief, Chief Howard
 18 Tagomori, moved forward and decided that this department
 19 should be accredited. And Chief Phillips carried on
 20 four accreditation assessments after that. So this was
 21 my first as your Chief.
 22 And, you know, the opening statement of the
 23 conference was this: "Accreditation standards and
 24 policies builds trust." And just like you folks, we --
 25 we base our civil service on policies and standards.

1 And -- and that's what we're trying to achieve, trust
 2 from the community.
 3 So thank you for your -- for bringing that up.
 4 CHAIR STONE: Very good. Thank you.
 5 Commissioner Baxa.
 6 MEMBER DE REGO: I'm sorry. Go ahead.
 7 MEMBER BAXA: I was going to forego asking the
 8 question, but, anyway, it has not -- it has not been
 9 said here, but -- Mr. Chair, it has not been said here,
 10 but there has been some suggestion that the setup of the
 11 Police Department, the way it is now, should be
 12 maintained because it is a law enforcement agency and
 13 should be -- and it should be looked upon as a neutral
 14 agency. And, yet, there are some also who say that
 15 perhaps the Police Commission should be eliminated and
 16 that the chief come directly under the Mayor's Office.
 17 I don't want to put the chief on the spot on this one,
 18 because I know he's a very good relationship with the
 19 Mayor and he is very good man, very able public servant.
 20 I just would like to ask one of the
 21 Commissioners, what is his point of view, Mr. Jorgensen?
 22 MEMBER DE REGO: Drag somebody else in here.
 23 CHAIR STONE: Mr. Jorgensen, if you wanna
 24 show, you gotta to play.
 25 MR. JORGENSEN: He's long-winded. Again, my

1 name's --
 2 MEMBER BAXA: Let me -- my ultimate question
 3 should be answered in terms of the benefit to the
 4 public. Which way do you favor? I know you are a
 5 commissioner, but could you speak objectively as far as
 6 you can?
 7 MR. JORGENSEN: Yes, I'll certainly try to.
 8 And my perspective, I used to be a County attorney, when
 9 I was Deputy Corp Counsel, I staffed the Police
 10 Commission, I also represented the department. And in
 11 private practice, I've done different things dealing
 12 with the Police Department from all -- you know, all
 13 angles. So I have a little bit of maybe a unique
 14 perspective. And I've had the opportunity, along with
 15 other commissioners, to go to national conferences where
 16 it becomes quite obvious that almost every police
 17 department handles civilian oversight differently. Very
 18 few hire and fire the chief. Many actually go out and
 19 investigate the complaints themselves. One department
 20 -- one jurisdiction in Gary, Indiana, the commissioner
 21 that was there told us they actually were involved in
 22 the hiring of every single police officer, they go to
 23 the training, they go to the recruit classes. I mean,
 24 that's -- it's a paid position. Obviously, they spend a
 25 lot of time.

1 From my perspective, having the Police
 2 Commission and having the independence to actually do
 3 the best we can to do civilian oversight is invaluable.
 4 There's always people who are going to say that our
 5 oversight or our supervision or our review is not
 6 extensive enough. There's some that will say it's too
 7 extensive. But in my mind, you have to have that --
 8 that buffer, that layer, that civilian group that is
 9 responding to civilian complaints when they're received.
 10 And as much as we wholeheartedly support the department
 11 and help review the budget and try and make sure they
 12 have enough resources to do what they need to do, we do
 13 view it that, you know, we are there to respond to
 14 civilian complaints and -- and to ask the questions that
 15 need to be asked of the department.
 16 So I do feel that it's very important that
 17 there be a Police Commission and that -- well, at the
 18 risk of offending maybe the Mayor, I -- I don't feel it
 19 would be appropriate to have the chief become more of a
 20 political position. I -- I don't believe that there
 21 should be the chance that the chief's position could
 22 change every four years, or, frankly, more frequently.
 23 Presumably, if the Mayor was in charge of hiring and
 24 firing the chief, they could do it after one year, after
 25 two years, after three years, anytime they wanted.

1 The commission could also do that, but I
 2 believe we pride ourselves on trying to take politics
 3 and personal feelings out of our process, what we do.
 4 And so, again, with all due respect to the
 5 Mayor, it's not this Mayor, it's any Mayor, you know,
 6 it's the process, I believe it's important to have the
 7 commission in that -- in that role that we -- that we
 8 fill.
 9 CHAIR STONE: Thank you.
 10 MEMBER BAXA: I have a follow-up question. I
 11 do not remember exactly the wording of the Charter, but
 12 there is a wording to the effect that the chief of --
 13 the -- the Mayor is the head of the -- all the
 14 departments within the County. And Police Department is
 15 one of the departments. Would you suggest that that
 16 language in the Charter should remain?
 17 MR. JORGENSEN: As the Chief said earlier, I'm
 18 not sure of the exact language of the Charter. But if
 19 the Charter says the Mayor is the head of all the
 20 departments, then my initial answer would be, as far as
 21 Fire and Police, that that should not say that. But I
 22 don't know. I mean, it's one of those things that's
 23 kind of taken out of context. In some ways, you know,
 24 the Mayor is the head of the County. And so in that
 25 respect, the Mayor is the head of all departments, of

1 all County operations.
 2 But language like that can lead to confusion
 3 about, okay, but, yes, the Mayor doesn't hire and fire
 4 the chief or -- you know, so if that's actually what it
 5 says, that could maybe be cleaned up. But I think it's
 6 a little bit more -- I don't view it as the Mayor is the
 7 head of the Police Department.
 8 MEMBER BAXA: Thank you.
 9 CHAIR STONE: Commissioner De Rego.
 10 MEMBER DE REGO: Hi. I just wanted to give
 11 the chief an opportunity, like I did the Fire Chief, to
 12 explain a little bit of what's involved in the
 13 accreditation process, as I know it's probably very,
 14 very exacting and, you know, it's ongoing. So --
 15 CHIEF YABUTA: We can stay here until 9:00.
 16 (Laughter.)
 17 MEMBER DE REGO: That's okay. Short one.
 18 CHIEF YABUTA: It's a very extensive process
 19 that I have a full-time accreditation manager working on
 20 the maintenance of all the standards. And there's
 21 literally thousands of standards.
 22 And the important ones are the use of force
 23 policy, vehicle pursuit policy, racial profiling policy,
 24 confidential fund handling. All of these are -- are
 25 standards that we share throughout the nation. And the

1 benefit of maintaining and exceeding to the standards is
 2 that what we're doing is being done nationally with
 3 other accredited agencies. So it's -- it's a -- it's
 4 not just housekeeping, it's not just making your
 5 districts clean, it's policy driven. Believe me, it's
 6 policy driven. Having policies that are sound and
 7 purposeful, making sure that -- every detail of how we
 8 handle community complaints, civil rights violations and
 9 so forth, we do it in a fair and equitable manner that
 10 is sanctioned by the accreditation process. And what we
 11 have to do is maintain those policies. And it's a
 12 dynamic process.
 13 So technology online, we get information from
 14 the accreditation body, CALEA, telling us that they have
 15 amended this particular policy or they have come up with
 16 a new policy. And it's the job of my accreditation
 17 manager to look at it, to draft a policy in conformance
 18 to our own unique operation, and then we have to meet
 19 with the union and have a meet and confer meeting to --
 20 to work with them so we can sanction the policy and put
 21 it forth. But it's policy driven, and it's just like
 22 government work.
 23 It's a lot of paperwork, yet, at the same
 24 time, they inspect our -- our facilities, especially
 25 evidence, evidence is really important. Judge Baxa

1 knows the importance of having a controlled evidence
 2 facility. But it's making sure that, you know, we're --
 3 we're holding the standards on a federal level, on a
 4 national level, on a state and county level.
 5 MEMBER DE REGO: How often is accreditation?
 6 CHIEF YABUTA: Every three years.
 7 MEMBER DE REGO: Every three years. Sorry.
 8 Good. Thank you.
 9 CHAIR STONE: Very good. Commissioner
 10 Sugimura.
 11 MEMBER DE REGO: Thank you.
 12 MEMBER SUGIMURA: I want to give a perspective
 13 in the community side. I want to thank you. In my
 14 profession, I get to put community events together. And
 15 one of the things that I have been so fortunate to be
 16 part of is the Wailuku First Friday. And I want you to
 17 know, and I really believe this, is that my -- my role
 18 as a coordinator is to have a safe event. And I cannot
 19 tell you how many meetings I've had with Sergeant
 20 Vickers and now Sergeant Johnson, and your many
 21 officers. I think I've -- when I see these promotions
 22 that you have in the paper, I've worked side by side
 23 with a lot of them. And what you're telling me today
 24 and what you've done in terms of accreditation, now I
 25 can see why they're so professional.

1 And the other side that I want to share with
 2 the Commissioners is not only are they doing their job,
 3 but they really care. I mean, they really care. I
 4 mean, down to the point of your police officers telling
 5 me, "Yuki, you got to get toilet paper in the public
 6 restrooms." I mean, you know, they get all of those
 7 kinds of little things. But it's all part of building
 8 the event and communicating. And I've never really
 9 thought that the police officer would be such a strong
 10 partner with me or with the organization or with
 11 Wailuku. And they really are. So I want to thank you.
 12 CHIEF YABUTA: Well, thank you. And, you
 13 know, one of my goals when I became chief two years was
 14 to go out to the communities. And that was one of the
 15 main concerns of every community that I visited, is that
 16 they want to be heard and we needed to implement
 17 community policing again. Not only for a geographic
 18 community, but there's other transparent communities out
 19 there, ethnic communities, religious communities, school
 20 communities. And so we had to hear these people. And I
 21 couldn't be there all the time, so we had to bring back
 22 community policing. And I just want to thank you for
 23 that comment because it's not just a program, it's the
 24 people that you put in those positions. They have to be
 25 caring people and qualified people. And that's very

1 good to hear. Thank you very much. It made my day.
 2 Thank you.
 3 MEMBER SUGIMURA: Thank you.
 4 CHAIR STONE: Commissioners, we're running
 5 very short on time. We have other appearances. So if
 6 there's any critical questions? Anything further?
 7 (Silence.)
 8 CHAIR STONE: Gentlemen, thank you so much for
 9 your time. It's invaluable to have you here. And we
 10 very much appreciate it. Thanks for being here. Have a
 11 great day. Thank you.
 12 Our court reporter is going to need a little
 13 bit of a break, I'm sure. We'll take a five-minute
 14 recess. And let's make it really five minutes because
 15 we've got a lot to continue.
 16 (Recess, 2:48 p.m. to 3:00 p.m.)
 17 CHAIR STONE: Okay. We're going to call in
 18 meeting back into order as of 3:00.
 19 Next on the agenda, we have an appearance by
 20 Planner from the Planning Department, Francis Cerizo.
 21 Francis, thank you very much for being here. As well
 22 as -- obviously, everybody knows Francis. Okay. As
 23 well as from -- the Chair of the Board of Variance and
 24 Appeals, Kevin Tanaka. Thank you very much for being
 25 here. We really do appreciate it.

1 We'll ask both of you to come up to the podium
 2 at this time. And as I told the other specialists here
 3 appearing, this is a 101 for the Charter Commission.
 4 So, basically, we are just clarifying how the
 5 departments and the commissions function with each
 6 other. So you're not on trial.
 7 With that, Commissioners, I would like to open
 8 up to questions for these two gentlemen. And I'm sure
 9 we have a number of them. Commissioner DeLeon.
 10 MEMBER DELEON: Francis, could you give the
 11 Commission a quick overview of what the board does?
 12 MR. CERIZO: Basically, we handle -- our
 13 office and department handles variance and appeals from
 14 different Code sections. And the three -- the three
 15 codes that we primarily work with is subdivisions,
 16 buildings, and zoning, or planning -- planning type of
 17 variances like setbacks. The majority of the -- the
 18 variances and appeals are from use variances or
 19 setbacks. And those are the typical ones. Sometimes we
 20 have some variances from subdivisions where roads are
 21 too narrow or they would like to -- they would like to
 22 have lot sizes that are smaller than required.
 23 On the list is building type of variances and
 24 appeals. And we rarely have those. Where you would
 25 have a -- a firewall that, instead of being required at

1 a certain -- firewalls are solid walls built usually --
 2 as you get closer to the building, you have to --
 3 sometimes you have to put firewall. So they would like
 4 the firewalls, you know, maybe not required. So those
 5 are the different types of variances and -- and appeals
 6 that we have.
 7 Appeals are just from decisions of departments
 8 that -- that they -- that the applicant feels that --
 9 that the decision is in error, so they like to go to the
 10 board and say we feel the decision is in error and this
 11 is why. And they're the board that actually hears those
 12 cases.
 13 CHAIR STONE: Good. Commissioner DeLeon.
 14 MEMBER DELEON: How full is your agenda now?
 15 MR. CERIZO: Not too full. It's been getting
 16 slower this year. But the last few years, we've been
 17 having consistently, I would say, two items per hearing.
 18 So that's four a month. So that's, you know, close to
 19 50 a year.
 20 CHAIR STONE: So you have four hearings a
 21 month?
 22 MR. CERIZO: No. We have two -- two items per
 23 hearing. Two hearings per month.
 24 CHAIR STONE: Okay.
 25 MR. CERIZO: So four items per month.

1 CHAIR STONE: Commissioner De Rego.
 2 MEMBER DE REGO: We're going to hear from the
 3 Director of Public Works here in a second, but could you
 4 just outline what you feel your differences are from the
 5 Board of Code Appeals?
 6 MR. CERIZO: My understanding, the Board of
 7 Code Appeals is taking the Code review of the material
 8 or procedure or type of construction. Our office is --
 9 and -- and the makeup of that Appeals Board is very
 10 technical, you need an engineer, architect, you need a
 11 licensed electrician, a licensed plumber. And I think
 12 there's a few laypersons in there, but it's --
 13 basically, it's a technical review of can we use bamboo
 14 in building new buildings. Okay.
 15 Our -- our makeup, the board, is a little --
 16 not as technical. We may have an engineer here or
 17 there, or an architect, but it's -- we have a -- like
 18 now, we have, you know, some people in real estate,
 19 people in the hotel business, we have in construction.
 20 So it's a little broad-based versus being a very
 21 technical board.
 22 CHAIR STONE: Commissioner DeLeon.
 23 MEMBER DELEON: Francis, there's been
 24 suggestions that -- that the Board of Variance and
 25 Appeals takes over the responsibility of the Code

1 Appeals Board. There's also a suggestion that came out
2 of the Board of Water Supply that the -- that the -- the
3 Board of Variance and Appeals takes over the appeals
4 process for the Department of Water Supply, or other
5 board, actually, the way the board functions now, and if
6 there were not to be a board at the Department of Water
7 Supply. So the question is, could you imagine the BVA
8 taking on those functions?

9 MR. CERIZO: Well, as far as the Code appeals,
10 as previously stated, you know, I think that's one that
11 we probably could not take over because of the technical
12 review. What we've done in the past, on building codes
13 and plumbing codes, variances that we do review, we rely
14 on that department to staff -- do the analysis and staff
15 the hearing. We provide the -- the clerical function
16 where we kind of tie it all together. We get the
17 hearing notices, we get the minutes made and we draft up
18 the decision and order. But if Water wants to use our
19 board, you know, they still have to be there. They're
20 going to be doing the analysis and doing the
21 recommendations. We will be just the board that would
22 hear it. And I'm not sure. You know, that's something
23 that probably my director would like to --

24 MEMBER DELEON: How about the chairman, if he
25 has any opinion on that?

1 MR. TANAKA: Good afternoon.
2 Well, as far as -- as far as the Code and
3 Appeals, it's everything structural, interior to a
4 building, the way I understand it. Plumbing codes, you
5 know, building codes. The makeup of our board, like
6 Francis was saying, that it's -- we would not --
7 probably would not be suited for -- for that task. The
8 Planning Department -- well, just to continue on what
9 Francis was saying, that the Planning Department does
10 their analysis, does their research and presents it to
11 us for our decision-making from variances and listening
12 to any -- addressing any appeals that may come back to
13 the department.

14 As far as the Department of Water, like
15 Francis was saying, you know, to be honest, I -- I do
16 not know their function, what they oversee and govern.

17 MEMBER DELEON: It's an appeal process of the
18 director's decisions. It's not a variance per se; it's
19 only appeals.

20 MR. TANAKA: Yeah. So quite possibly that is
21 something, because it goes along the lines of the
22 appeals that we hear.

23 MEMBER DELEON: Typically, how long are one of
24 your meetings?

25 MR. TANAKA: Oh, we've run as long as four

1 hours. Just -- it all -- of course, it all depends on
2 how many items and how controversial, at times, an
3 appeal or a variance is.

4 MEMBER DELEON: That's twice a month?

5 MR. TANAKA: Yes. Yes.

6 MEMBER DELEON: Thank you.

7 CHAIR STONE: Very good. Commissioners,
8 further questions? Commissioner De Rego.

9 MEMBER DE REGO: Yeah, just a follow-up to
10 Commissioner DeLeon's question. What is concerning us
11 is sort of the proliferations of boards and commissions.
12 And we're looking at the fact that there needs to be
13 some sort of consolidation involved in -- in the kinds
14 of things that we're looking at. We also have a
15 Subdivision Engineering Standards Committee over and
16 above the Board of Code Appeals, over and above the
17 Variance and Appeals, but your commission is the only
18 one who ends up in the Charter. The other ones are
19 actually established by Maui County Code. And, you
20 know, I guess, in following up, could you see, you know,
21 if the -- how can we put it? The requirements for being
22 on the Variance and Appeals Board were sort of tightened
23 up in terms of qualifications, et cetera, if they
24 couldn't expand their jurisdiction to include some of
25 these other areas? Or is what you do so specific and so

1 time-consuming that it would be impossible for -- for
2 the Variance and Board Appeals to sort of expand their
3 mandate? It was a difficult question, I admit, and I'm
4 asking you it on the spot, but, you know, that's what
5 we're looking at.

6 CHAIR STONE: Don't rush to the podium.
7 (Laughter.)

8 MR. TANAKA: Well, actually -- well, actually,
9 I was just discussing that with Trisha and Francis, that
10 that's one, personal opinion, that -- you know, that
11 these boards should -- should incorporate more -- more
12 professionals. Being that -- I mean, the simplest point
13 being that someone who can read a set -- open up a set
14 of plans, when you're given a plan, that it's something
15 familiar to -- to that person, and as well as, you know,
16 someone, whether they be a developer, contractor, who
17 has that knowledge. It makes -- it makes things, I
18 guess, more efficient in the process. I understand, you
19 know, having lay people on the board, that, you know,
20 it's just, you know, diversity of opinion, which is a
21 good idea, you know, possibly expanding the board or
22 increasing the number of board members to include more
23 -- more in the professional side.

24 I don't know if that answers --

25 MEMBER DE REGO: It's a qualified yes, maybe.

1 (Laughter.)
 2 CHAIR STONE: So, Chair Tanaka, just a quick
 3 clarification. You could envision a board that was
 4 broader, that would take care of the -- of the other
 5 elements of, say, that Water Commission and --
 6 MR. TANAKA: Yes. For the -- for the Water
 7 Board, possibly.
 8 CHAIR STONE: And if professionals were -- if
 9 qualifications or certain members, qualified members
 10 were a part of the Board of Variances, you could see the
 11 --
 12 MR. TANAKA: Code and Appeals as well?
 13 CHAIR STONE: Be coming under --
 14 MR. TANAKA: That -- I would still say that
 15 that's something that's -- it is, you know, like Francis
 16 said, technical in that it would -- it would require
 17 more, you know, specific personnel, I guess.
 18 CHAIR STONE: Okay. Thank you. Perfect.
 19 Commissioner Hedani.
 20 VICE-CHAIR HEDANI: Just one comment that I
 21 had, actually, on Commissioner De Rego's questions to
 22 you. When he says "we," he doesn't speak for the
 23 entire --
 24 MEMBER DE REGO: Oh, yeah. No.
 25 VICE-CHAIR HEDANI: When he said concerns

1 "us," he means it concerns Commissioner De Rego.
 2 (Laughter.)
 3 MEMBER DE REGO: Exactly.
 4 VICE-CHAIR HEDANI: We've come across
 5 situations where certain statements coming from the
 6 Commission is taken as --
 7 MR. TANAKA: Taken as --
 8 VICE-CHAIR HEDANI: -- anointed holy word of
 9 the Commission. And that's not necessarily the case.
 10 MEMBER DE REGO: Yeah, I agree.
 11 VICE-CHAIR HEDANI: I have difficulty getting
 12 my mind around the function of the Board of Variances
 13 and Appeals. Can you give me an example of a typical
 14 case that comes before you for a hearing?
 15 MR. TANAKA: Well, for example, recently,
 16 anyway, a variance was given to, say, the Church of
 17 Jesus Christ, Latter Day Saints, that their steeple
 18 exceed the maximum building height. So, you know, those
 19 -- those are -- that's just an example.
 20 Another would be the Launiupoko, the ag
 21 subdivision, where the developer initially put in
 22 pedestal walls for -- to mount the electrical meters and
 23 equipment. What happened was, through literal
 24 interpretation by the County, rules -- the rules state
 25 that a wall may not exceed four feet in height. These

1 pedestals were built and electrical equipment was
 2 installed, but they were typically six feet in height.
 3 So that literally was a violation. So that's what --
 4 the owners had to come in for a variance to alleviate
 5 that problem.
 6 VICE-CHAIR HEDANI: All right.
 7 CHAIR STONE: Thank you. Commissioners, any
 8 further questions, clarifications?
 9 MEMBER DE REGO: I guess I was talking "we" as
 10 Cost of Government Commission. I forgot my hat at that
 11 particular point.
 12 MEMBER DELEON: Just speak royal, royal we.
 13 MEMBER WIGER: He was doing the royal.
 14 MEMBER DE REGO: I was doing the royal we.
 15 CHAIR STONE: Mr. De Rego, I'm going to make
 16 you do a disclaimer before you ask any questions.
 17 (Laughter.)
 18 MR. CERIZO: Can I -- can I comment to Mr. De
 19 Rego's question?
 20 CHAIR STONE: Yes, to his direct question from
 21 him.
 22 MR. CERIZO: Yes. So he had -- one of the
 23 questions he had was on the -- the -- was it the Water,
 24 Water Department, and the other was on the Subdivisions
 25 Committee.

1 MEMBER DE REGO: Yeah. Sort of consolidation
 2 of functions, yeah.
 3 MR. CERIZO: Well, the Subdivisions
 4 Committee -- and I used to -- I used to work at Public
 5 Works, so -- that is, basically, standards and --
 6 revision of the subdivisions and the standards that go
 7 into it. So I think that was very -- that's very -- a
 8 very focused group. How wide should we make the roads,
 9 you know, or shall we take out curb and gutters or --
 10 and just the changing of those standards. So it seems
 11 like Public Works and the other departments that get
 12 involved in the infrastructural improvements that comes
 13 with subdivisions, they're probably more suited, you
 14 know -- from the planning perspective, you know, we
 15 might say, well, we want -- see, I think it's two
 16 different -- we look at two different perspectives. If
 17 you put planners in -- in charge, we might just change
 18 the whole standards.
 19 (Laughter.)
 20 MR. CERIZO: So, you know, that's something
 21 that (inaudible). As far as Water appeals, I just
 22 wanted to point out that since Dave indicated that it's
 23 going to be more appeals and variances, we have -- we
 24 have had many -- we've been getting more appeals lately
 25 than we had before. And we find out these appeals are a

1 very time-consuming process. We have appeals that's
2 been in the hopper for, you know, a couple of years. So
3 these appeals are contested cases. And -- and
4 sometimes, you know, we had hearings officers involved.
5 Lately, we've been trying to get back to the Board and
6 Variances to hear some of these appeals so it doesn't
7 get too extended.

8 So I'm not sure as far as how Water -- you
9 know, what kind of technical appeals they have. And
10 it's something that -- we have -- you got to look at our
11 board makeup, yeah. I'm not sure what the board
12 makeup -- who reviews it now, but, you know, if it's
13 going to be a technical review, you know, that -- then
14 the makeup of the board might have to change. That's
15 what you're talking about.

16 MEMBER DE REGO: Uh-huh.

17 CHAIR STONE: Good advice. Commissioner
18 DeLeon.

19 MEMBER DELEON: Just to continue the dialogue.
20 The Board of Water Supply is not a technical body.

21 MR. CERIZO: Okay.

22 MEMBER DELEON: So it doesn't -- it's not full
23 of engineers and architects and lawyers. It's lay
24 people, mainly. So much like the Board of Variance and
25 Appeals.

1 MR. CERIZO: Yeah. So it might work out,
2 then.

3 CHAIR STONE: Commissioners, any further
4 questions, clarifications?

5 (Silence.)

6 CHAIR STONE: Gentlemen, thank you so much for
7 coming today. Thank you. Very much appreciate it.
8 Good information. It definitely helps us with our 101
9 process.

10 And at this time I would like to invite
11 Director of Public Works, David Goode, to the podium.
12 And this is in regards to the Board of Code Appeals.
13 David, thank you very much for being here today.

14 MR. GOODE: Thank you, Chairman. Aloha,
15 Members of the Commission. It's my pleasure to be here
16 today. I'm David Goode. I'm the Public Works Director
17 for the County of Maui. I'm here to talk about the
18 Board of Code Appeals.

19 I'm glad I got to hear a little bit of that
20 because I think I'd like to address some of the things
21 that were brought up.

22 Can I do a little bit of background? There
23 was some discussion about some of the other boards and
24 commissions. We have five boards and commissions within
25 Department of Public Works. And none are through the

1 Charter. They're all through the Maui County Code, as
2 Member De Rego mentioned. They are the Traffic Safety
3 Council, the outdoor standards -- Outdoor Lighting
4 Standards Committee, the Subdivision Engineering
5 Standards Committee, which you talked about, the Board
6 of Code Appeals, and the Street Naming Committee, naming
7 of the streets, parks and facilities. So all five
8 different types of boards.

9 The Cost of Government Commission issued a
10 paper, I guess at the end of last term, that looked
11 specifically at those five boards and commissions, and
12 came out with a number of recommendations.

13 And coming back into this job, it was,
14 actually, something I wanted to do, was to streamline
15 those boards because they don't really get a whole lot
16 of work. Some get more work than others. Some hardly
17 get any. The Board of Code Appeals gets the least
18 amount of work.

19 And so I was glad to have that report. If you
20 were part of it, thank you.

21 And we looked at it and we met internally to
22 look at their suggestions. And one of the suggestions
23 they had was, actually, leave the Board of Code Appeals
24 as is, where is. They recommended the Street Naming
25 Committee go into the Culture Resources Commission.

1 And, basically, the other -- was it Planning Department
2 Commission? And the other three boards would,
3 basically, be eliminated, those tasks taken in-house.

4 We looked at that extensively. And, actually,
5 Ralph Nagamine, in our Development Service
6 Administration, came up with a pretty good idea that
7 we've since run with. And we're making a lot of
8 progress on it. I'll explain that to you.

9 And that is to take four of those boards and
10 commissions and put them into one called like a Public
11 Works Commission, a Public Works Board. So our
12 department would have one sounding board to deal with
13 the same issues we deal with. So they're going to deal
14 with lighting, they can deal with traffic safety, they
15 can deal with namings of streets and subdivision
16 engineering standards. Those are all the types of
17 things we feel is important to the public to be a
18 sounding board. Otherwise, we could just adopt -- we
19 could change the sidewalk standards tomorrow. No one
20 would know. No one would have input.

21 So we think having one commission, and having
22 a good chunk of work, maybe the two, three hours once a
23 month, rather than -- you know, some of our boards meet
24 maybe six to eight times a year. Board of Code Appeals
25 meets about once every other year.

1 MEMBER DE REGO: Yeah.
 2 MR. GOODE: If they're lucky. Okay. So I've
 3 gone to every one of those boards and commissions. And
 4 most recently, the Street Naming Commission voted to
 5 approve this concept. Traffic Safety Council's, I
 6 think, generally in favor. I'm not sure they voted on
 7 it. Outdoor Lighting Committee, generally in favor.
 8 Engineering Standards Committee voted unanimously to go
 9 this direction. And we went to Board of Code Appeals.
 10 They did have a meeting a couple months ago, they had an
 11 organizational meeting. They didn't have any business
 12 other than to organize. And they met, and Herman
 13 Nascimento, who was elected chair, basically asked me to
 14 come to this meeting on behalf of them. They voted,
 15 they would like to be brought into the Board of Variance
 16 and Appeals.
 17 And so we had sat down with the Planning
 18 Director a month or two ago. And they said, you know,
 19 don't take Street Naming to Culture Resources
 20 Commission, that's not a good fit for us. But we all
 21 thought Board of Code Appeals and Board of Variance and
 22 Appeals consolidation made a lot of sense. And, of
 23 course, Board of Variance and Appeals is listed in the
 24 Charter. So if you look at the membership of the Board
 25 of Code Appeals, in the Maui County Code, I think the

1 previous testifiers, Mr. Tanaka, Mr. Cerizo, brought up
 2 some good points as far as their expertise is concerned.
 3 They're a really great board. They have a lot of
 4 interesting work. They meet twice a month. They're one
 5 of our, I'll call, heavier duty boards. They got a fair
 6 amount of work to do.
 7 And our Board of Code Appeals would be Maui
 8 County Code, has seven members. So it's required that
 9 one member be an architect, one be experienced in
 10 training with past matters pertaining to plumbing works,
 11 so we would expect it would be at least a journeyman
 12 plumber or a plumbing contractor, same type of
 13 qualifications in building and electrical and fire
 14 safety. So that's what they deal with, plumbing code
 15 electrical code, plumbing -- plumbing, electrical
 16 building and fire.
 17 So if someone wants to build with some
 18 material that's not specifically listed or using a
 19 method -- methodology that's not generally accepted, we
 20 would be probably rejecting their plans, they can come
 21 to Board of Code Appeals. So they could, for instance,
 22 be interested in using bamboo, at one point was not a
 23 permitted material structurally. They could be
 24 interested in a type of thatch for a hale. They could
 25 be interested in some new plumbing pipe that's out there

1 that we haven't yet adopted. So that would come before
 2 this board. So they do have the expertise.
 3 But, remember, only got one plumber. So if
 4 you're coming on some new plumbing pipe, that member
 5 isn't there, all the other members are trying to figure
 6 it out. Right? So we only got one member in each of
 7 these specialties. But the idea of perhaps of maybe
 8 getting somebody in the building industry, for instance,
 9 or an engineer as part of the Board of Variance and
 10 Appeals might be the bridge to bring in the Board of
 11 Code Appeals.
 12 Otherwise, the current language in the Charter
 13 for the Board of Variance and Appeals, I believe,
 14 mentions that they look at building issues. May
 15 determine appeals and decisions of building official
 16 related to the building code, plumbing code. Maybe --
 17 some of it's already in here. I should defer to counsel
 18 on that, but --
 19 Anyway, that's where we're headed. Brought
 20 the idea of the Mayor's Office, they said go for it.
 21 Mike Molina, I guess, helped find all these members, big
 22 thumbs up. It's hard to find members, as you know, you
 23 folks have all served on probably a lot of other boards.
 24 And now we have -- we've asked Corp Counsel to draft an
 25 ordinance so we can take it. So just on the County Code

1 side, that's the direction we're headed. And,
 2 hopefully, the councilmembers will support that and we
 3 can do that. So --
 4 CHAIR STONE: Very interesting.
 5 MR. GOODE: -- there you go.
 6 CHAIR STONE: Thank you. Wow. Very prepared.
 7 Commissioners, any clarification or questions?
 8 Commissioner De Rego.
 9 MEMBER DE REGO: First of all, I'd like to
 10 congratulate the Department of Public Works for taking
 11 the Cost of Government recommendations seriously and
 12 coming up, which I think is a very ingenious solution in
 13 term of combining those functions and having sort of a
 14 super board that kind of takes -- now, do you think --
 15 and maybe this is more better placed for sometime for
 16 Mike Molina to -- to talk about. One of the problems
 17 with developing even the -- the expertise of -- involved
 18 in these commissions and boards is finding somebody who
 19 will actually sit on them, you know, an architect, an
 20 engineer. Do you think this would allow, you know, the
 21 Board of Code Appeals and the -- the Variances of
 22 Appeals and -- Variances and Appeals would -- do you
 23 think they would be able to find the expertise involved
 24 in those particular areas?
 25 MR. GOODE: Sure. Sure. I think there are a

1 lot of professionals willing to serve and kind of get
 2 closer to understanding how government works.
 3 Especially people kind of like earlier their careers,
 4 it's a really great springboard for them. So I don't
 5 think that's been necessarily a problem in the past, and
 6 won't be moving forward.
 7 In fact, what we would like to do, some of
 8 the -- the boards and commissions that I went and talked
 9 to, they'd say, well, geez, how about a couple from each
 10 our boards start a new board. Well, depending on how
 11 that works legally, I think that's a great idea. So to
 12 have some continuity.
 13 MEMBER DE REGO: Would you also be in favor of
 14 this idea of alternates? That in case somebody is not
 15 able to come, if they have enough notice or time, you
 16 know, that they could maybe have two plumbers on tap
 17 instead of just one, you know, or three plumbers, you
 18 know?
 19 MR. GOODE: That would be concerning the Board
 20 of Variance and Appeals or --
 21 MEMBER DE REGO: Yeah.
 22 MR. GOODE: Since the Planning Department is
 23 going to be staffing that, I guess I would defer to
 24 them. But I do know that the Urban Design Review Board,
 25 I think, has alternates.

1 MEMBER DE REGO: Uh-huh. That, as he said,
 2 was only architects.
 3 MR. GOODE: That was only architects? Okay.
 4 CHAIR STONE: Commissioner De Rego, just to
 5 point out, David wasn't here during that conversation.
 6 MEMBER DE REGO: Oh, okay.
 7 CHAIR STONE: There was a -- there was a
 8 proposal put forward that boards and -- certain boards
 9 and commissions should have alternates so they can
 10 always meet quorum. So that's where that stemmed from.
 11 MR. GOODE: Yeah. My experience has been that
 12 the more -- the more work the board has, and especially
 13 if they have final decision-making power, you can almost
 14 always get quorum. You know, it's very rare for Maui
 15 Planning Commission -- Mr. Hedani was on it and Ms.
 16 Moikeha was on it -- to rarely not a quorum, or BVA.
 17 But, you know, if you're determining -- or you're going
 18 to make a recommendation as to whether or not to put a
 19 street light on a particular spot, which is what our
 20 Outdoor Lighting Committee does, sometimes it's hard to
 21 get quorum.
 22 MEMBER DE REGO: Right.
 23 MR. GOODE: That's why we -- another reason we
 24 thought, you know, having one Public Works Board or
 25 Commission handling a lot of variety of matters would be

1 more enticing for quorums.
 2 MEMBER DE REGO: Would you see that in the
 3 Charter or just part of Maui County Code?
 4 MR. GOODE: I'm not well-versed enough to make
 5 a recommendation.
 6 MEMBER DE REGO: Thank you.
 7 CHAIR STONE: Very good. Commissioners, any
 8 further clarification or questions?
 9 (Silence.)
 10 CHAIR STONE: No. Very good. Thank you very
 11 much, Director Goode, for being here. Your time is very
 12 much appreciated. Thank you.
 13 MR. GOODE: So is yours. Thanks for your hard
 14 work, everybody.
 15 CHAIR STONE: Thanks. Have a great day.
 16 Okay. We have one more special appearance.
 17 And that is from our newly hired Commission Analyst,
 18 Sherry Broder. So, Sherry -- at first, let's give a
 19 round of applause for taking this on. Thank you,
 20 Sherry.
 21 (Applause.)
 22 MEMBER DE REGO: Her first meeting.
 23 CHAIR STONE: So, Sherry -- oh, you have a
 24 microphone. Okay, very good.
 25 MS. BRODER: Okay. I got started on a draft

1 for the proposals for substantive changes to the Maui
 2 County Charter. And I wanted us -- I wanted you folks
 3 just to look at the format. It wasn't intended for any
 4 kind of substantive discussion.
 5 CHAIR STONE: Just to point out, this is just
 6 an example put forward. This is not on the table for
 7 discussion as far as what's in the content. Okay.
 8 MS. BRODER: So, anyways, I passed out, you
 9 know, this one page sheet of paper just to show you what
 10 I was doing. And I just want to explain to you what my
 11 methodology was. I'm organizing it by the articles and
 12 chapters in the Charter.
 13 CHAIR STONE: Sherry, one second. Let me make
 14 sure all the Commissioners have that page. Do you guys
 15 all have that? Because I, actually, do not. Do we have
 16 an extra one? Oh, I do.
 17 MEMBER DELEON: Chair just needs a secretary.
 18 CHAIR STONE: Now I need a secretary.
 19 Continue, please.
 20 MS. BRODER: Okay. Okay. So I organized it
 21 by -- along with a table of contents, basically, of the
 22 Charter. And so, that way, I put all the same -- all
 23 proposals on the same subject matter in the same area,
 24 so you could look at everything all at once. So, you
 25 know, for instance, you can see the single-member

1 district proposals. Well, I'm sure you know that you
 2 got a lot of those.
 3 And so they're all renumbered. I heard
 4 somebody talk about some Mayor Proposal Number 4. I
 5 didn't use any proposal numbers that anybody submitted
 6 to you folks. I just used new numbers.
 7 And as we go along, these numbers will change,
 8 too, for the final draft to submit to you as you
 9 continue to get more proposals on the same subject
 10 matter area.
 11 I did not include some details that people
 12 came forward with. Some things didn't make any sense to
 13 me, and so I didn't include that. Some things were so
 14 detailed that it didn't seem appropriate at all to be
 15 included in the Charter. I erred on the side of
 16 including it for you so that -- that I believe that the
 17 things that I didn't include were, really, you know,
 18 outside the realm of what would be in the Charter.
 19 I did -- there were some suggestions as to how
 20 you folks should act. I didn't include any of that
 21 because, you know, whether you follow Sunshine Law,
 22 that's covered by the ordinances. And I didn't think
 23 that was appropriate, either.
 24 Okay. I didn't include anything that wasn't
 25 in the official record. So, for instance, Commissioner

1 Wiger asked me if I included something that appeared in
 2 the Maui County newspaper. I didn't include that unless
 3 it was in the official record. So I didn't think that
 4 would be fair for me to do anything that's not in the
 5 official record. And it kind of doesn't make any sense,
 6 anyways.
 7 And then -- so some things like proposals for
 8 residency requirements, you know, some people said 60
 9 days, some people said 90 days, some people said 120
 10 days, some said five years. I still -- I think that
 11 what I did was for those, like there's an asterisk, you
 12 know. So it says minimum number of days, then I would
 13 asterisk the number. And then, underneath, I would put
 14 the number -- the various different number of days that
 15 you got.
 16 This one, at the bottom here, says that you
 17 have lived in and voted in the district in a previous
 18 election. So that was another specific thing. And I
 19 didn't asterisk that one because there was a reason for
 20 that time period, rather than 90 days, 60 days, 120
 21 days.
 22 So, anyways, I've gotten already to Number 50
 23 proposal and I haven't finished going through the entire
 24 official record yet. So just to know that -- just to
 25 let you know, you're going to continue to be very busy.

1 CHAIR STONE: Thank you very much, Sherry.
 2 Commissioners, any discussion on this format?
 3 (Silence.)
 4 CHAIR STONE: I just want you guys to know
 5 that I had a discussion with Jon and Sherry prior to
 6 them getting working on this. And Ed was also savvy to
 7 that discussion. And that was the format we came up
 8 with. And the primary focus should be efficiency for us
 9 because we are going to have a lot of proposals. So if
 10 there are suggestions to create or make this more
 11 efficient, then I would like to hear them.
 12 Commissioner Hedani.
 13 VICE-CHAIR HEDANI: I kind of like -- I kind
 14 of like the organization that it's structured under.
 15 The only question that I would have is like in the case
 16 of Proposal Number 5, where you have propose to retain
 17 at-large districts with geographic residency, it seems
 18 like you would need a negative proposal for every
 19 positive proposal that comes out. So like in this case,
 20 if it's -- if it's something that's already in the
 21 Charter, to retain what's existing in the Charter, to
 22 me, it doesn't need a proposal at all.
 23 MS. BRODER: Well, the only reason I did that
 24 was because you got so many proposals to retain it. So
 25 like --

1 VICE-CHAIR HEDANI: I see.
 2 MS. BRODER: -- you know, proposal to retain
 3 the Director of Personnel Services, I didn't make that a
 4 proposal. But I just, I guess, felt that, you know,
 5 this particular thing is so controversial, and you got a
 6 lot of testimony, just to leave it the way it is. So I
 7 guess I felt that, for that particular thing -- and if
 8 --
 9 VICE-CHAIR HEDANI: My only concern was that
 10 every single proposal, there's an opposite proposal,
 11 which would double the amount of proposals.
 12 (Laughter.)
 13 CHAIR STONE: I think in general, it was -- it
 14 was --
 15 MEMBER DE REGO: (Inaudible.)
 16 MEMBER DELEON: I was thinking the same thing.
 17 CHAIR STONE: Commissioner Moikeha.
 18 MEMBER MOIKEHA: I'm okay with this format. I
 19 like the idea that you're following the actual
 20 chronological order of the current Charter. I do think
 21 it's important to put like -- something like 5 in there,
 22 even though it is what it is today. And it just depends
 23 on how people weight that. I mean, as she's already
 24 indicated, and we heard, there were a large amount of
 25 people that testified that -- asked to us retain it as

1 it is. And then there were several, as is reflected
 2 here, different ways of looking at this single-member
 3 districting. So I think it's important to include that,
 4 both for, against, the same, whatever.
 5 I like matrices, that kind of stuff, if you're
 6 looking for more detailed information. How many people
 7 felt this way, how many people did they represent in
 8 their testimony, I don't know if that's absolutely
 9 necessary, other than just getting what the gist of the
 10 proposal is out there. So this would work. I don't
 11 know what the rest of the group would feel in regards to
 12 that.
 13 If you're looking at numbers and how many
 14 people supported a particular position, you might want
 15 to know, were there 100 people that supported Number 4
 16 or two. I don't know if that makes a difference to us
 17 or not. Or if this is just a way of identifying and --
 18 and just looking at the substance of where we're going
 19 to go with it.
 20 MS. BRODER: Well, I considered that. And I
 21 think that's an important point that you're making.
 22 And, you know, I guess that's why I did Proposal Number
 23 5, because you did get so much testimony. But I felt it
 24 was almost impossible to do it because like the person
 25 came from the downtown association, from the Main Street

1 Association. So that's an association. I didn't know
 2 how many people belonged to her association, how to
 3 counter. And I didn't want make a mistake, you know,
 4 and have an error in, you know, what you're looking at.
 5 MEMBER DELEON: How to weight it.
 6 MS. BRODER: How to weight it. And then you
 7 had -- you had a proposal from the West Maui -- some
 8 West Maui association. So because of -- because I had
 9 no way to quantify those kind of proposals compared to
 10 an individual that came, I just decided that I -- I -- I
 11 should keep it more pared down.
 12 MEMBER MOIKEHA: And I would totally agree
 13 with that. I mean, if you don't have a consist -- and
 14 we weren't always consistent asking, who do you
 15 represent, what was your population of your association,
 16 I know on -- in Molokai, they did make a point of saying
 17 who they represented.
 18 MS. BRODER: Uh-huh.
 19 MEMBER MOIKEHA: Different groups. And even
 20 one testifier specified the number in that group. So if
 21 we haven't been consistent all the way trying to assess
 22 that kind of information, I think you're right to kind
 23 of leave it out. And if we want it, we'll have to look
 24 for it. But I'm okay with this. Yeah.
 25 CHAIR STONE: Good. Commissioner Wiger.

1 MEMBER WIGER: Well, I -- I like this because
 2 it -- it's clear, it's concise, it's going to -- it's
 3 going to get us the information that -- that we need.
 4 In terms of the numbers, I agree that if we want to get
 5 the specific numbers, I think we have to go dig them
 6 out. And the reason I say that is that it's not that I
 7 don't think they're important; it's that there could be
 8 someone who is going to come forth with a proposal, and
 9 it might -- you know, nobody's thought of, and you say,
 10 geez, that makes sense, I mean, that actually makes a
 11 good deal of sense. And maybe it's one person who has
 12 done it. I think -- I think part of that, then, becomes
 13 our responsibility of looking at what's there, sorting
 14 it through, asking the kinds of questions we need to ask
 15 as a group and then figuring out what to do.
 16 But I -- I like this because it's the kind of
 17 thing that I would do in my classroom.
 18 (Laughter.)
 19 MEMBER WIGER: So I like that.
 20 CHAIR STONE: Okay. Commissioners, any
 21 further discussion?
 22 (Silence.)
 23 CHAIR STONE: It appears that we're all very
 24 happy with the format. And I think it's efficient and
 25 is going to get us to our end goal, which is most

1 important. So, Sherry, thanks very much. And continue
 2 the good work. And we look forward to seeing the entire
 3 document one day. Thank you.
 4 Moving on. We're going to be moving into
 5 Executive Session. So with reference to the agenda
 6 items listed below, one or more executive meetings are
 7 anticipated. In particular, the Charter Commission
 8 anticipates it will consider personnel-related matters
 9 where privacy may be involved. The Charter Commission
 10 may also consult with the Commission's attorney on
 11 questions and issues pertaining to the Commission's
 12 powers, duties, privileges, immunities and liabilities.
 13 Therefore, pursuant to Hawaii Revised Statutes ("HRS")
 14 Sections 92-5(a)(2) and (4), the following items may be
 15 considered in Executive Session.
 16 Do we have a motion to move to Executive
 17 Session?
 18 MEMBER WIGER: So moved.
 19 VICE-CHAIR HEDANI: Second.
 20 CHAIR STONE: All in favor, say "aye."
 21 (A chorus of ayes.)
 22 CHAIR STONE: So we'll clear the room, Akaku.
 23 Thanks, everybody.
 24 (Recess to Executive Session, 3:40 p.m. to
 25 3:43 p.m.)

1 CHAIR STONE: Let's reconvene our Regular
 2 Session. In Executive Session, the Chair updated and
 3 recommended a Commission Secretary to the Commission.
 4 So now let's move on to -- back to --
 5 actually -- I apologize -- I skipped a New Business item
 6 which we need to go back to. Discussion on
 7 communication items, if there is any discussion at this
 8 time on communication items.
 9 (Silence.)
 10 CHAIR STONE: No. Okay. So now we are moving
 11 on to Announcements, next meeting date and discussion on
 12 next meeting agenda items. Our next regular meeting
 13 will be Monday, August 29th, 2011, 12:00 p.m., here in
 14 the Planning Conference Room at Kalana Pakui Building.
 15 Excuse me.
 16 And there's been a -- the Chair has been
 17 informed that we can potentially have Wednesday
 18 meetings. Now, it's been brought forward that some of
 19 the Commissioners cannot do Wednesday meetings, but it
 20 has been offered to us in case we're running into some
 21 serious deadline issues. Just so you're all aware of
 22 it.
 23 Commissioner De Rego.
 24 MEMBER DE REGO: Can I make a comment on this?
 25 I would prefer to go longer on this day since Kay and

1 Stacy are already here, and Clifford, if he's amenable
 2 to that as well.
 3 CHAIR STONE: And staff. We need staff.
 4 MEMBER DE REGO: We have to check with staff
 5 as well. But, you know, my preference would be to go
 6 longer, get the work done while everybody is here, we
 7 have them gathered, instead of trying to find another
 8 day in order where everybody could be there. So I would
 9 present that to the Commission as a possibility.
 10 CHAIR STONE: That's been proposed as well
 11 from Commissioner Moikeha, who would prefer to go
 12 longer, which makes a lot of sense efficiency-wise. Let
 13 me ask the staff, Ed, Lisa?
 14 MR. KUSHI: How much longer are you talking
 15 about?
 16 (Laughter.)
 17 MEMBER DE REGO: He's glassy-eyed.
 18 CHAIR STONE: Indefinitely.
 19 MEMBER WIGER: What will it cost us is the
 20 question.
 21 CHAIR STONE: I mean, realistically, I think
 22 maximum would probably be 6:00. I can't see us going an
 23 extra two hours longer.
 24 MR. KUSHI: Or start earlier.
 25 CHAIR STONE: Start earlier, that's a

1 possibility.
 2 MEMBER DELEON: That's a possibility.
 3 CHAIR STONE: That would probably be even a
 4 better idea.
 5 MEMBER CRIVELLO: Start earlier.
 6 CHAIR STONE: And that's okay for our
 7 traveling Commissioners?
 8 MEMBER CRIVELLO: I can't speak for -- I can't
 9 speak for Kay, but I would prefer to start earlier.
 10 CHAIR STONE: Okay. Very good. We'll take
 11 that into account.
 12 MEMBER BAXA: I would prefer we stay from
 13 12:00 to as late as you can.
 14 CHAIR STONE: Okay.
 15 MEMBER CRIVELLO: My problem is if we go --
 16 CHAIR STONE: Noted.
 17 MEMBER CRIVELLO: -- 6:00, I have a 7:00 p.m.
 18 flight, if it's during the day, unless I have to stay
 19 overnight.
 20 CHAIR STONE: Okay.
 21 MEMBER CRIVELLO: That may not be a problem if
 22 I have it -- well --
 23 MEMBER DE REGO: Early flight or something.
 24 MEMBER CRIVELLO: I could get home. I would
 25 rather fly in the morning than in the dark.

1 MEMBER WIGER: And you're here, anyway.
 2 MEMBER DE REGO: And you're here, yeah.
 3 MEMBER WIGER: In the morning.
 4 MEMBER CRIVELLO: Yeah, I'm here at about
 5 9:00.
 6 CHAIR STONE: Lisa.
 7 MS. KAHUHU: Just to comment for Kay, the
 8 earliest, I believe, she mentioned she could get here
 9 would be by 10:30, and the last boat to Lanai is 5:45.
 10 So I just wanted to give you that information.
 11 CHAIR STONE: So it would probably be -- I
 12 would probably do a mix, maybe 11:00 to 5:00. Kay
 13 couldn't get here before that, so -- and, I mean, this
 14 is -- this is, of course, if we need the extra time,
 15 which I really think we have to consider.
 16 MEMBER DE REGO: Yeah.
 17 CHAIR STONE: So it looks like all of us agree
 18 that it would be better to extend the days in some way
 19 or form instead of add extra days. Okay. Very good.
 20 Noted.
 21 Any other discussions or any items on the
 22 upcoming agenda that anybody needs to discuss now?
 23 Commission DeLeon.
 24 MEMBER DELEON: Does anybody have any issues
 25 with public relations, the way it's working? We're just

1 getting out press releases and trying to shake the tree.
 2 VICE-CHAIR HEDANI: Can you create a little
 3 bit more controversy?
 4 (Laughter.)
 5 MEMBER DELEON: Later.
 6 CHAIR STONE: Commissioner DeLeon, the Chair
 7 has a serious issue. I really prefer the public to be
 8 after you and not me.
 9 (Laughter.)
 10 CHAIR STONE: So if we can weigh the public --
 11 Commissioner --
 12 MEMBER DELEON: I want it this way.
 13 CHAIR STONE: Commissioner Sugimura.
 14 MEMBER DE REGO: Oh, I'm sorry.
 15 CHAIR STONE: I'm sorry. Commissioner
 16 Hashimoto.
 17 MEMBER HASHIMOTO: Yes. Chair, I spoke to you
 18 about this once before. Something that I wanted to try
 19 in Hana, what was brought up again today, about my
 20 holding informational meetings about the Charter and
 21 about the Charter Commission in -- in my community in
 22 Hana. And -- but I also thought about whether that
 23 would be a conflict with -- with our --
 24 MEMBER DELEON: Sunshine Law.
 25 MEMBER HASHIMOTO: Yeah, ethics or anything

1 like that. So because I -- I know that we cannot have
 2 discussion between two -- two members.
 3 CHAIR STONE: More than two. More than two.
 4 MEMBER HASHIMOTO: More than two members. So
 5 I thought perhaps there might be some conflict like
 6 that.
 7 CHAIR STONE: In my opinion -- we'll get Corp
 8 Counsel's take on it. In my opinion, at this stage,
 9 people are going to start to see our overall views of
 10 these proposals. I don't think that we need to,
 11 especially when we're talking about informational,
 12 getting these proposals out to your -- your community, I
 13 don't think that's a bad -- in fact, I think it's a
 14 fantastic idea. I just want to check with Corp Counsel.
 15 If it's a single -- we're talking about a single
 16 commissioner taking proposals, the proposals that are
 17 coming out, to his community for informational purposes
 18 and input. Is there issue with that?
 19 MR. KUSHI: Well, obviously, it's not a
 20 commission meeting because we don't have a quorum.
 21 CHAIR STONE: Uh-huh.
 22 MR. KUSHI: What any commissioner would want
 23 to do informally, I don't see a problem with that. It's
 24 not going to be a commission meeting per se. You don't
 25 have enough to make a quorum. If you did, there's a

1 problem with notice and agenda.
 2 CHAIR STONE: So in this particular case, the
 3 exact example is Cliff is holding a public meeting -- a
 4 community meeting, a community meeting --
 5 MR. KUSHI: It's not a public meeting; it's
 6 Clifford Hashimoto's meeting at his house.
 7 CHAIR STONE: Meeting at his house.
 8 MEMBER WIGER: He can have a coffee --
 9 CHAIR STONE: Very good.
 10 MEMBER DE REGO: Mr. Chair?
 11 CHAIR STONE: Commissioner De Rego.
 12 MEMBER DE REGO: On this issue, I was
 13 requested by the Board of Directors of the Maui Economic
 14 Development Board to just give a rundown of the Charter
 15 Commission and what it's doing, hot button issues, those
 16 kinds of things. And it was just an informational. I
 17 put up eight slides. There were some questions at the
 18 end, but, basically, what I did was give some
 19 information to the Board of Directors and put them in
 20 the direction of where they could get a copy of the
 21 Charter and where they could send information if they
 22 could -- if they wanted to participate. So, you know,
 23 prior to this, I've already done something like that
 24 because I was requested to do it.
 25 CHAIR STONE: Commissioner De Rego, thank you

1 for checking with Corp Counsel.
 2 MR. KUSHI: Mr. Chair, I don't recall --
 3 MEMBER DE REGO: I can read the Charter.
 4 MR. KUSHI: I don't recall Commissioner De
 5 Rego checking with anybody from my office, but whatever.
 6 You know, if you members are going to be doing these
 7 things separately and personal, as a personal issue with
 8 your clubs or friends, just qualify, make a qualifying
 9 statement, that you are not speaking on behalf of the
 10 Commission.
 11 CHAIR STONE: Very good.
 12 MEMBER CRIVELLO: Not a we.
 13 MEMBER WIGER: No we's.
 14 CHAIR STONE: Very good. So, Cliff, the
 15 answer is yes. Very good. Thanks for asking. And I
 16 truly think that's a -- the more we can educate the
 17 public on these proposals, the better. So --
 18 MEMBER DE REGO: Okay. So one more question.
 19 I mean, this is for public relations in that regard.
 20 Are we going to want to, I mean, for those who are
 21 interested, set up kinds of meetings with rotary
 22 breakfasts or, you know, those kinds of things where
 23 individual Commissioners, if we can come up with a dog
 24 and pony show, maybe about four or five slides or --
 25 MEMBER SUGIMURA: Sounds like you did already.

1 MEMBER DE REGO: -- something like that, you
 2 know, where we could go to these various venues and
 3 actually just make a short presentation.
 4 MEMBER CRIVELLO: Carry the same message
 5 instead of carrying our own.
 6 MEMBER DE REGO: Own. You know, if we all
 7 came and agreed on five slides --
 8 MEMBER CRIVELLO: Right.
 9 MEMBER DE REGO: -- that would be, you know --
 10 MEMBER CRIVELLO: I would prefer something
 11 like that, so we're not making our own conclusions --
 12 MEMBER DE REGO: Yeah.
 13 MEMBER CRIVELLO: -- or own opinions as to
 14 what proposal I support or do not support.
 15 MEMBER DE REGO: Right. I mean, I wasn't even
 16 asked those kinds of questions, you know. I just made
 17 an informational. But if the -- if that would be
 18 acceptable, I don't know if who would have the time,
 19 but --
 20 CHAIR STONE: I think that's Commissioner
 21 DeLeon's --
 22 MEMBER WIGER: That's public relations.
 23 MEMBER DE REGO: That's a public relations
 24 suggestion, but, you know, I know I would be willing, if
 25 I did have the time, to, you know, to -- to help out.

1 MEMBER DELEON: I didn't volunteer for a
 2 speaker bureau.
 3 MEMBER WIGER: No, just making up slides.
 4 MEMBER DELEON: Everybody is going to be
 5 involved with it if we're going to do that. Sorry.
 6 CHAIR STONE: We have a word from Corp
 7 Counsel.
 8 MR. KUSHI: You know, I'm concerned about what
 9 he just said.
 10 MEMBER DELEON: We all agree on the message.
 11 MR. KUSHI: If it's going to be a statement
 12 from this body, perhaps the Chair should be the one to
 13 do it.
 14 MEMBER DE REGO: Okay.
 15 MR. KUSHI: That being said, the Chair and
 16 each of you are voting members. Okay. And I'm
 17 concerned about the impression that any one of you would
 18 say to the group and reveal how you feel on any certain
 19 position. If anything, staff should do it.
 20 MEMBER DE REGO: Oh, there we go.
 21 MR. KUSHI: I'm not sure we have the time, you
 22 know, to -- to make this kind of presentation. Maybe we
 23 should ask Sherry Broder or Jon to do it, but, you
 24 know -- but, again, then it comes from neutral party,
 25 non-voting individual.

1 CHAIR STONE: There you go.
 2 MEMBER DE REGO: There you go.
 3 CHAIR STONE: That's a good point. Great.
 4 Thank you for the input, Ed.
 5 MR. KUSHI: I'm just concerned about what you
 6 guys will do without any kind of supervision.
 7 CHAIR STONE: Sure.
 8 (Laughter.)
 9 CHAIR STONE: We got a lot of naughty kids
 10 running around with nobody watching. Okay. Very good.
 11 So we'll --
 12 MEMBER DE REGO: Yeah.
 13 MEMBER SUGIMURA: Don't do it anymore.
 14 MEMBER DE REGO: Talk about it with staff, but
 15 I -- you know, the -- the bugaboo here is the fact that
 16 it keeps coming up as a question about people don't know
 17 what's going on in the community. And we've got to come
 18 up with some mechanism at this point which gives us a
 19 bigger reach than we're having right now. So, you know,
 20 I -- I think we're still presented with the problem, we
 21 need to come up with some sort of solution to it. So --
 22 MEMBER WIGER: I guess I don't -- I see it as
 23 two different things. I see someone going out -- and,
 24 you know, Cliff wants to get a group of people in Hana
 25 together and say this is the Charter and, you know --

1 CHAIR STONE: These are the proposals.
 2 MEMBER WIGER: -- here's the stuff that's in
 3 it and here's stuff that's coming out. Cliff doesn't
 4 have to say, I like this, don't like that, agree with
 5 this, don't agree with that. Here's information. And
 6 -- and if people say, "Well, what do you think?" I
 7 think we can say, "It's not about me. This is about
 8 you. This is about you, and here's information for
 9 you." I see that as different than trying to frame
 10 something that -- that this is the Commission's view. I
 11 mean, I think --
 12 MEMBER DE REGO: Exactly.
 13 MEMBER WIGER: -- even what you did, though,
 14 Frank, I don't see that as the Commission view.
 15 MEMBER DE REGO: No. And I didn't present it
 16 that way.
 17 MEMBER WIGER: You went out there and said
 18 dah, dah, dah, dah, dah, dah, dah, and it was
 19 information giving. I think that's different.
 20 CHAIR STONE: Uh-huh.
 21 MEMBER WIGER: And I think the more
 22 information giving, the better we are, as long as we
 23 don't own the stuff in terms of opinions.
 24 CHAIR STONE: I know for the -- the other
 25 boards that I sit on, I've been asked informationally,

1 to date, what -- what is the Charter and how can we get
 2 involved. For example, Tri-Isle. I sit with Tri-Isle.
 3 Stay out of -- I've abstained from, you know, discussion
 4 on their proposals completely. But I told them, well,
 5 this is the Charter, this is how it affects you guys and
 6 small towns and this is -- so I -- to me, I think it's
 7 -- I think it's a duty of the Commissioners to pass on
 8 information. But, obviously, let's do it in the right
 9 way. That's all.

10 MEMBER WIGER: Right.
 11 CHAIR STONE: Commissioner Sugimura.
 12 MEMBER SUGIMURA: I just want to say that I
 13 think you can see how easily people interpret "we," as
 14 we just saw today in our, you know, public interaction.
 15 And it's natural for us to say "we" or "I" or whatever
 16 it is. So I think what Junior is telling us -- and I
 17 really respect his -- his legal opinion because we
 18 don't want to get into trouble by people in the
 19 community misinterpreting. Yeah, it is our
 20 responsibility to go out and talk about this and to
 21 educate people, but I think what Dave is doing and doing
 22 in print, it's a much, you know, it's -- it's a way of
 23 us doing the same thing, but not getting stuck in the
 24 we's and the misinterpretation of human nature.
 25 So, yeah, we all -- we all talk about this. I

1 talk about this at dinner and things like that, but it
 2 -- it -- I don't want to get into trouble. I do not
 3 want any trouble just because we're trying to do a good
 4 thing and then we get misinterpreted. So I really think
 5 that we'll take heed to whatever Junior --

6 CHAIR STONE: Very good.
 7 MEMBER SUGIMURA: -- has to say.
 8 CHAIR STONE: Ed.
 9 MR. KUSHI: Mr. Chair, this is just a comment,
 10 not so much a legal opinion exactly -- and, Sherry,
 11 chime in if you want -- I'm not sure what else you can
 12 do to educate the public that does not want to read and
 13 go on their own and -- you know, the resources are
 14 available. How many meetings to date, filming these
 15 meetings, you have a website, anybody can download
 16 documents. If you need to do a workshop or a seminar,
 17 we could possibly put that on at your next meeting and
 18 it will be published. I mean, it can be taped. If
 19 people want to come and ask questions, fine and well,
 20 but I'm not sure what else you can do.

21 CHAIR STONE: Ed, just a point in fact to that
 22 comment. I don't know if you guys have had this happen
 23 to you, but recently, in the last month, I've had a ton
 24 of people come up and say that they've watched the Akaku
 25 show. I mean, random, in the water, surfing, walking

1 down the street, you know, where people are getting the
 2 information. I think we are doing a pretty good job.
 3 And thanks very much to Akaku for accommodating because
 4 I think this is probably our direct best method of
 5 getting the word out. Because, believe it or not,
 6 people watch it.

7 MEMBER WIGER: Oh, they do.
 8 CHAIR STONE: So I think -- I think we're
 9 doing all right.
 10 So, Commissioner Hashimoto.
 11 MEMBER HASHIMOTO: I think as long as -- I
 12 mean, I had no intention of mentioning anything about
 13 proposals. I was going to just not even talk about
 14 that. But -- but the reason for my wanting to do this,
 15 because -- I don't know how many of you ever voted for
 16 or against any of these -- these things that showed up
 17 on -- on the elections -- I mean, on the --

18 MEMBER DELEON: Ballot.
 19 MEMBER HASHIMOTO: -- ballot, but I read those
 20 when I went in to vote. And some of them didn't make
 21 any sense whatsoever the way it was written. It was
 22 completely, you know --

23 MEMBER WIGER: Thank you.
 24 MEMBER HASHIMOTO: You left me in the dark.
 25 So I didn't vote because I -- I didn't understand it.

1 And I thought, you know, I bet you that the majority of
 2 the people in the county are not putting their X's down,
 3 either, because they don't understand it, or just to
 4 fill it in. And what we end up with is something that
 5 -- that is probably adopted that we don't like or don't
 6 want. So, you know, we have to be very careful about
 7 what we present to our voters.

8 So I thought if they understood the -- the
 9 Charter and how this -- these proposals appear on -- or
 10 become amendments to be voted upon by the residents, if
 11 they understood at least a part of that, then they would
 12 take the time to read it and try to understand it before
 13 they disregard it.

14 CHAIR STONE: In reference to that, we're
 15 going to do our best to keep the title as simple as
 16 possible for the proposal changes. And, remember,
 17 there's going to be a point where we're all agreed on
 18 the actual proposals, no matter how many there are.
 19 They will be agreed upon, at which point it will
 20 probably become an education process on the proposals
 21 that actually are on the table. So -- Commissioner
 22 Hedani.

23 VICE-CHAIR HEDANI: I think -- I think,
 24 personally, that the publicity or getting the word out
 25 to people will happen once our proposals get finalized

1 from the standpoint of a list, if it's 50 or 100. And
2 when that goes out public on the web, or on our website,
3 we're going to have to revisit the five-minute testimony
4 guidelines that we adopted.

5 CHAIR STONE: That's a possibility.

6 VICE-CHAIR HEDANI: I think, you know, it's
7 kind of spinning our wheels to go out and say, you know,
8 this is what the whole thing is about and why don't you
9 come up with a good idea instead of suggesting to them
10 that these are the things that are on the table.

11 And I was like Clifford, when I got my ballot
12 with all of the proposals on there, I was frustrated.
13 And the first thing I thought was, you know, why in
14 world would you throw this many things out to the public
15 to decide when we have no clue what it's about. So it
16 was frustrating.

17 CHAIR STONE: Very good. Commissioner DeLeon.

18 MEMBER DELEON: I think Wayne's right. I
19 think it's going to be when we have something on the
20 table to talk about. Until we have something solid to
21 offer, it's all really nebulous and very strange
22 government talk to most people.

23 And, you know, the thing about -- what he is
24 also saying about what's on the ballot, as Cliff saying
25 something about the ballot, it's something we don't

1 really have to worry about because we're looking at a
2 couple hundred proposals already. Are we talking about
3 a new Charter or are we talking about whittling this
4 down to a point where people can digest it? Because
5 you're not going to give people pages of proposals
6 because they're not going to get through it, they're not
7 going to have a clue about how to get through it. So we
8 have to really keep in our mind how we're going to
9 package the thing at the end.

10 CHAIR STONE: I believe, also, one of the
11 things that I didn't notice from the other Charter
12 Commissions was there was not really -- once there was
13 quorum and decision on what proposals that were going
14 forward, we, as a group, will have made that decision.
15 At which point, I believe education on -- that's when
16 you start to try to educate the public on the proposals
17 that are going forward. So that they don't walk into
18 the booth -- and you try to get as many people to
19 understand what they're going to be voting for before
20 they actually end up there. The other commissions, from
21 what I've read through the last minutes, they did not do
22 that. And that was probably an issue why a lot of
23 people just said, "What?" So maybe that's something we
24 can consider towards the end of our --

25 MEMBER DE REGO: It's one of those task lists

1 I keep coming back. I mean, I like the color-coded
2 thing we did, but there's no detailed task list attached
3 to any of those things that we're -- when we're backward
4 mapping, we have to have proposals done by a certain
5 point so we can do some advertising about it. You see?
6 I mean, this is where you're almost doing a Microsoft
7 Project thing of where you're actually listing each
8 task, the date that it has to be done by, and then, you
9 know, this is when we have to have, you know,
10 advertising out and those kind of things. It's almost
11 like a Microsoft Project issue. And we need to be able
12 to do that kind of backward mapping from the time our
13 report needs to be out, April 2nd, to -- we've done some
14 of that, but the fact of the matter is the task -- the
15 task list isn't detailed, I don't think.

16 CHAIR STONE: Except for on this end part,
17 Commissioner De Rego, we have a lot of time between that
18 moment until the election.

19 MEMBER DE REGO: So we're going to be --

20 CHAIR STONE: So where we're pinched for time
21 is getting our proposals done.

22 MEMBER DE REGO: Okay.

23 CHAIR STONE: That's where we're pinched.
24 We're going to have a -- you know, we're appointed for a
25 while, so following -- following just getting the

1 proposals done, we still have a lot of time running up
2 until election. So that period, we have the time to do
3 it.

4 MEMBER DE REGO: Yeah. This -- well, this
5 becomes a question of the schedule in terms of we
6 scheduled ourselves between December and January to redo
7 the hearings, which, supposedly, gives us a month -- two
8 months to be able to get the word out. I mean, I'm just
9 saying that, you know, if we had a detailed task list,
10 then we could actually calendar some of these things
11 out. You know, that's my only point.

12 CHAIR STONE: Very good. I think let's -- now
13 that I have the appropriate staff, we can do that. So
14 let's go. And, Sherry, we'll work on, after we see how
15 many proposals we have total, how many we have to get
16 through per meeting, et cetera.

17 VICE-CHAIR HEDANI: Six.

18 CHAIR STONE: Six? Yay.

19 (Laughter.)

20 CHAIR STONE: Any further discussion?

21 MEMBER SUGIMURA: This is on another matter.

22 CHAIR STONE: Yes, please.

23 MEMBER SUGIMURA: I would like to bring up the
24 letter to the editor that I saw in the paper. And it's
25 about a fellow commissioner. And I just would like to

1 make a statement about -- this came out and it was --
 2 wait, wrong paper. This came out on Wednesday, August
 3 the 10th. And the reason why I'm bringing it up, it
 4 specifically mentions a fellow commissioner that I think
 5 was inappropriately -- inappropriately characterized
 6 her, which is Commissioner Crivello. And she's too
 7 classy to say anything, but I want to say this because I
 8 think people in the community who read The Maui News
 9 will think that we are tyrants when people come up and
 10 ask -- or provide testimony that is in opposition to
 11 maybe how we're thinking.

12 And I do not ever, ever think that Molokai
 13 Commissioner stacked the decks. And it's interesting to
 14 me because Molokai meeting was one of the meetings that
 15 was not filmed on Akaku. And this person who wrote this
 16 letter to the editor is from Kahana, is from Maui,
 17 right, that's not in Molokai. So I'm not too sure how
 18 she would know that she stacked the decks.

19 But I would like to say that the -- in -- I've
 20 been to every single meeting and public meeting except
 21 for one, but I don't think that, you know, she ever was
 22 rude to anybody who had a -- you know, who had a
 23 question. In fact, I think she handles herself probably
 24 better than myself. Her questions are always very, very
 25 professional. And I think it's not fair that this kind

1 of characterization goes -- is said without -- without
 2 me, I'm speaking for myself, saying something, because I
 3 think she has high integrity. And I don't think she
 4 ever tried to demean anybody that came forward.

5 And Molokai, it was -- I wanted to hear what
 6 Molokai had to say. And the reason why so many people
 7 appeared in Molokai wasn't because Commissioner stacked
 8 the deck, it was because we have a very enthusiastic
 9 Commissioner who had a letter to the editor, we all know
 10 that, before this meeting, which then brought out all
 11 these people to come forward. And it was, you know,
 12 Dave DeLeon's prerogative to -- to express himself,
 13 that's number one, and he did it on his own, and he got
 14 approval from us. And then Molokai appeared in force.
 15 And there was like over 50 people there, I think. And
 16 they were very clear about what they wanted for their
 17 community. But I don't think it was because Stacy
 18 Crivello got on the phone and tried to like rile up the
 19 community to come. I think it's a very
 20 misrepresentation.

21 And I wanted this to be said on Akaku. And I
 22 don't know if anybody is going to listen to this, but I
 23 don't think it's a fair representation to say that about
 24 Stacy Crivello.

25 CHAIR STONE: I think, as a group, we can all

1 agree that Commissioner Crivello has the highest
 2 integrity. And, unfortunately, we cannot protect any
 3 commissioner from personal attacks in the editorials,
 4 but, Stacy, you have all our support.
 5 MEMBER CRIVELLO: Thank you. Thank you. I --
 6 well, I have friends on Maui who, you know, call,
 7 because we don't get The Maui News unless you go online.
 8 And I think she's entitled to her opinion, or his
 9 opinion. I'm not sure who that person is. But, you
 10 know, I can look myself in the mirror and feel that, you
 11 know, I try to uphold.

12 I would like to, more or less, make a comment
 13 about Molokai. Molokai people will turn out. It does
 14 not take Dave DeLeon's editorial to drive them out
 15 there. It's the love for their island and what they
 16 believe in. So they will turn out in full force,
 17 whether you may agree with them or not. They're very
 18 passionate. We are very passionate about our island,
 19 and the representation, that we will not allow to be
 20 just cast on the side, whether we agree with their
 21 opinions or not. So I think -- more especially with
 22 that article, I think the people of Molokai deserves
 23 more credit, that they take a serious interest in what
 24 affects them. And -- and their voice needs -- and they
 25 want to be heard.

1 So thank you.

2 CHAIR STONE: Thank you, Commissioner.
 3 Commissioner --

4 MEMBER HASHIMOTO: Just one comment --

5 CHAIR STONE: -- Hashimoto.

6 MEMBER HASHIMOTO: -- in regards to what
 7 Commissioner just said. You know, I wish that I could
 8 bring that kind of reaction out of Hana, you know, that
 9 kind of reaction that I saw in Molokai. I tell a lot of
 10 people in Hana what I witnessed there. And I said, you
 11 know, I wish that we would do the same thing in Hana.

12 CHAIR STONE: Very good. Thank you.

13 Commissioner Wiger.

14 MEMBER WIGER: Yeah. I had -- I had someone
 15 contact me and ask if I was the one who had encouraged
 16 Nell Woods to write that letter, because she was on the
 17 -- the West Maui Working Group with me. And I want to
 18 go on record and say I have not had any conversation
 19 with Nell Wood regarding anything that's happened at any
 20 of the commission meetings or public hearings. I have
 21 not had a dialogue with Nell since the last meeting that
 22 we had as the West Maui Working Group.

23 And I -- I have to say that I was -- I was a
 24 bit -- I was a bit sort of put out of joint by it
 25 because I feel that I know Stacy well enough to know

1 that if I -- if I had had that feeling, I would have
 2 gone to Stacy myself. So I just want to make it real
 3 clear that that was not anything that came from myself
 4 or in any way was connected with that.
 5 CHAIR STONE: Very good. Commissioner Hedani.
 6 VICE-CHAIR HEDANI: My only comment at this
 7 point is that I think, to some degree, by accepting the
 8 position as a member of the Charter Commission, we all
 9 have to be a little thick skinned by stuff that appears
 10 in the paper. It kind of comes with the territory. And
 11 if -- if Stacy was really energetic about, you know,
 12 getting the troops out, I'm sure there would have been a
 13 couple hundred people there.
 14 (Laughter.)
 15 MEMBER WIGER: Didn't make enough calls.
 16 MEMBER DE REGO: I want to echo what
 17 Commissioner Hedani has said. I have to give the Chair
 18 a lot of credit for having thick skin.
 19 MEMBER WIGER: Yes.
 20 MEMBER DE REGO: And I think, at some point,
 21 all of us will be, you know -- and it just comes with
 22 the job. So --
 23 CHAIR STONE: So we have the patented DeLeon
 24 bulletproof vest going around Commission Members for
 25 future meetings.

1 (Laughter.)
 2 MEMBER WIGER: We all get them.
 3 CHAIR STONE: Commissioner Hedani.
 4 VICE-CHAIR HEDANI: The one last comment I
 5 wanted to make -- and I promise this is the last
 6 comment -- when we do have public meetings and then we
 7 go out, you know, to outreach with the community and we
 8 ask for public testimony and the public comes forward,
 9 that we not debate with them on -- not debate with them
 10 on the floor. You know, clarifying questions, I think,
 11 are very appropriate if we don't understand what they're
 12 saying. But if they don't agree with our personal
 13 opinions on a particular point, I don't think it's our
 14 position to necessarily try to change their mind on the
 15 floor.
 16 CHAIR STONE: Thank you very much,
 17 Commissioner. Any further discussion? Commissioner De
 18 Rego.
 19 MEMBER DE REGO: Yeah, I would like to respond
 20 to that. I think that when somebody asks somebody a
 21 straight question, and I think it sometimes bears
 22 repeating, you know. Sometimes simple questions just
 23 deserve simple answers. And sometimes, you know, if the
 24 -- so I -- I just say that at this point, you know.
 25 CHAIR STONE: Very good. Any further

1 discussion?
 2 (Silence.)
 3 CHAIR STONE: No. If there are no objections,
 4 the Chair will adjourn this meeting now. Thank you very
 5 much for staying on later, to our Commissioners and our
 6 staff, as well as Tonya over there, our court reporter,
 7 whose fingers must be killing her, and to Akaku. Thank
 8 you very much for being here today, everybody. Meeting
 9 is now adjourned.
 10 (Meeting adjourned, 4:15 p.m.)
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CERTIFICATE

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 3
 4 I, TONYA MCDADE, Certified Court Reporter of
 5 the State of Hawaii, do hereby certify that the
 6 proceedings contained herein were taken by me in machine
 7 shorthand and thereafter was reduced to print by means
 8 of computer-aided transcription; and that the foregoing
 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 7th day of September, 2011.
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