

COUNTY OF MAUI, STATE OF HAWAII

APPROVED 9/26/2011

CHARTER COMMISSION

REGULAR MEETING

**Held at the Planning Department Conference Room,
250 South High Street, Wailuku, Maui, Hawaii, commencing
at 12:03 p.m., on Monday, September 12, 2011.**

Reported by:
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1 ATTENDANCE

2 BOARD MEMBERS PRESENT:

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

14 STAFF PRESENT:

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

17 ADMINISTRATION PRESENT:

18 Michael Molina, Executive Assistant to the Mayor

19 OTHERS PRESENT:

20 Jim Smith
 21 Michael Trotto
 22 Victoria Cheromcka
 23 Johanna Kamaunu

1 (Monday, September 12, 2011, 12:03 p.m.)

2 ***

3 CHAIR STONE: Hello, everybody. Thank you

4 very much for attending this public meeting of the

5 Charter Commission today. My name is Josh Stone, and I

6 am the Chairman of the Commission.

7 If you need, today, there are copies of our

8 agenda of today's meeting as well as copies of the Maui

9 County Charter and amendments. And, also, today, for

10 the first time, we have limited copies of the Proposal

11 Matrix, which shows all of the proposals that are now in

12 front of the Commission. That's all over there with

13 Lisa. Lisa, if you can raise your hand. Thank you.

14 MS. KAHUHU: It's right here.

15 CHAIR STONE: Thank you very much. Before we

16 begin public testimony, we have a few items of business

17 I would like to address.

18 First, I would like to call this meeting to

19 order as of 12:05.

20 I would like to say thank you for Akaku for

21 being here. Thanks very much for televising this

22 meeting.

23 And I'd like to recognize our Commissioners

24 that are present. So, Lisa, do we have anybody excused?

25 MS. KAHUHU: Chair, Clifford is running late;

1 otherwise, everyone is here.

2 CHAIR STONE: Thank you very much. Also, I'd

3 like to present our staff. We have Ed Kushi, Jr.,

4 Deputy Corporation Counsel. Ed.

5 MR. KUSHI: Good afternoon.

6 CHAIR STONE: There you go. We have Lisa

7 Kahuhu, Supervising Law Technician.

8 MS. KAHUHU: Good afternoon.

9 CHAIR STONE: We also have Tonya McDade, our

10 court reporter. Thank you, Tonya, for being here.

11 And we have Mike Molina, EA from the Mayor's

12 Office.

13 MR. MOLINA: Good afternoon.

14 CHAIR STONE: So thanks, everybody, for being

15 here.

16 And just a special note, Sherry Broder has

17 left us to go to Istanbul for a meeting, poor lady.

18 It's humanitarian, I understand. She's eating.

19 So at this time, I'd like to approve the

20 minutes from August 15th, 2011, regular meeting, as well

21 as August 29th, 2011, regular meeting.

22 MEMBER WIGER: So moved.

23 MEMBER SUGIMURA: Second.

24 CHAIR STONE: It's been moved and seconded.

25 Discussion on the minutes? Commissioner Hedani.

1 VICE-CHAIR HEDANI: I would like to make one

2 correction to the minutes of -- I would like to make one

3 correction to the minutes of August 15th. On Page 114,

4 Line 12, the word should be lawful and "proper," not

5 lawful and "improper."

6 CHAIR STONE: Tonya, what were you thinking?

7 VICE-CHAIR HEDANI: I'd also like to

8 congratulate our reporter on such excellent minutes. It

9 took me 114 pages before I finally found an error.

10 CHAIR STONE: Great job. So noted. Do I have

11 a motion to accept with the changes?

12 MEMBER WIGER: Yes.

13 CHAIR STONE: Second that motion, please?

14 Again, Yuki.

15 MEMBER SUGIMURA: Second.

16 CHAIR STONE: All in favor of the approving

17 the minutes, say "aye."

18 (A chorus of ayes.)

19 CHAIR STONE: Motion passes.

20 Let's now move on to oral testimony. And

21 before I begin, I'd like to go over our oral testimony

22 rules. We'll call up each public testifier in the order

23 that they registered to testify. Each person will have

24 five minutes to testify on all items in our agenda

25 today. Following a testifier's testimony, I will ask

1 the Commissioners if they need clarification of the
 2 presented testimony. Lisa, first testifier, please.
 3 MS. KAHUHU: Chair, our first testifier is Jim
 4 Smith.
 5 CHAIR STONE: Hello, Mr. Smith. Thank you for
 6 coming.
 7 ...BEGIN PUBLIC TESTIMONY...
 8 MR. SMITH: Chair, Members of the Charter
 9 Commission, thank you very much for your dedication.
 10 I've got a couple of things I wanted to present to you.
 11 The first has to do with minutes on the last
 12 one. And there was a person who testified at your last
 13 meeting who was wrong. In other words, he drew -- he
 14 drew a conclusion based upon a Charter that he read
 15 that's clear, says 2003. But his conclusion was mislead
 16 by the Charter. Okay. I'd like you to see a copy of a
 17 Charter that was published in 1989. And it's the 1983
 18 Charter, and it says, (1989). Now, this is a Charter
 19 that was published in 2003, and it has been amended, and
 20 more recently, in 2010. And that person did not know
 21 that, and he drew conclusions based upon that. And that
 22 needs to be recognized.
 23 See, the problem is, he may have felt shame.
 24 And the problem then is, in our government today, there
 25 is no shame. And we got to bring shame back into the

1 game. Now that's on this.
 2 The second -- that almost sounded like a
 3 slogan. I'm sorry. The second is a letter which is
 4 from the Department of Water Supply. And what it is,
 5 is, basically, saying we're a business, get out of our
 6 hair. The problem with that is, is they're not a
 7 business. Okay. The Council is not a business. The
 8 Mayor's not a CEO of a business. If you look at the
 9 second conclusion -- inclusion, and that is a copy of
 10 the rules and regulations of the Department of Water
 11 Supply, and on the back side is a copy of the purpose.
 12 And in that purpose, it states, these rules and
 13 regulations seek to ensure just and fair distribution of
 14 water to the people of the County of Maui.
 15 Now, that has nothing to do with marketing.
 16 That has nothing to do with consumer protection or
 17 subsidies or any type of thing. That's government in
 18 our system. And that's what's been lost, from my
 19 perspective.
 20 Third: Item II-D is a letter from
 21 Mr. Parsons. Now, the Administration and public
 22 officials of this time and day cannot distinguish
 23 between what is personal and what is public. Okay. So
 24 they come to you and they take two members of this
 25 Charter Commission and they discuss and promote their

1 idea that is before you, which is this sustainability
 2 thing. And then they write a letter and say, I was
 3 meeting with two members of the Council, and names the
 4 members of the Council, and then says that these members
 5 suggested I give this great information to everyone.
 6 Okay. So, basically, what he's doing is meeting with
 7 two members of Council as a public official, committing
 8 information to them that I don't have an opportunity to
 9 refute. Now, he's at a meeting. He's a public
 10 official. He should know better.
 11 But what difference does that make? It makes
 12 no difference to these people because -- I don't know
 13 why, but I hope you'll discuss and decide why and answer
 14 that in the Charter.
 15 The final presentation to you is a written
 16 document which I will read: Our Charter, Article 3 and
 17 Section 3-1, Composition -- and it's found in our 1976
 18 edition -- states, "The ballots for the primary and
 19 general election shall, nevertheless, be prepared to
 20 give every voter the right to vote for each and every
 21 council seat." Please study this, whether voters must
 22 consider specifically the removal of this right, as a
 23 condition of establishment of single-member districts.
 24 Because there is this practice where, by implication, I
 25 lose rights. Now, to me, it's got to be specific, or, I

1 don't know, I've lost it until I tried to exercise it,
 2 and then I'm told. So, please, consider this question.
 3 In the South, federal courts ordered single
 4 family member -- single-member districts to facilitate
 5 racial equality, perceived as a greater good than the
 6 right to vote at-large, when that right was used to
 7 oppress fellow citizens. No allegation has been argued
 8 or brought before you that our at-large election of
 9 councilmembers similarly wrongs any racial or ethnic
 10 group in Maui County, nor that the citizen's dignity is
 11 harmed by the electing of councilmembers at-large.
 12 No one has argued that a voter should lose his
 13 right to vote for each and every Council seat.
 14 MS. KAHUHU: Time.
 15 MR. SMITH: You are urged to let the matter be
 16 decided by voters.
 17 CHAIR STONE: Mr. Smith, sorry. That's time.
 18 MR. SMITH: Thank you very much.
 19 CHAIR STONE: One second. Questions for
 20 Mr. Smith, please, from the Commissioners? Commissioner
 21 DeLeon.
 22 MEMBER DELEON: Jim, your first comment
 23 relating to the Charter, the way it's written, the way
 24 it's published, your point is, every time it's amended,
 25 it should be -- it should be republished?

1 MR. SMITH: It should be quite obvious.
 2 MEMBER DELEON: Okay.
 3 MR. SMITH: Unless the amendment is not
 4 significant.
 5 MEMBER DELEON: Is that your point? Okay. I
 6 think it's well-taken, that point.
 7 MR. SMITH: Thank you very much.
 8 MEMBER BAXA: Mr. Chair?
 9 CHAIR STONE: Yeah. Commissioner Baxa.
 10 MEMBER BAXA: Mr. Smith, concerning this
 11 provision in the Charter that you just read, are you
 12 saying that this is still in the Charter?
 13 MR. SMITH: I am. 2003 is the most recent
 14 printed copy.
 15 MEMBER BAXA: Yeah.
 16 MR. SMITH: In full.
 17 MEMBER BAXA: Let me read that. The ballots
 18 for the primary and general elections shall nevertheless
 19 be prepared to give every voter the right to vote for
 20 each and every Council seat. And I read the succeeding
 21 paragraphs of your submission today. Are you, in
 22 effect, saying that to deviate from the current system
 23 of voting councilmembers would be contrary to this
 24 provision?
 25 MR. SMITH: Of course not. What I'm saying is

1 there's a right way and a wrong way to do it. The right
 2 way is to come to me and say, look, we're going to take
 3 away your right to vote for eight other cities, do you
 4 want to do that or not, and then I vote on that. The
 5 way it's being proposed is, let's take away your right,
 6 you may or may not know that, but if you vote for this
 7 proposal or not, that's what exactly is going to happen.
 8 So I'm saying that that's a fundamental -- a fundamental
 9 question. And whether we have districts rests upon the
 10 fact of whether or not I want to relinquish my right to
 11 vote in each and every race.
 12 MEMBER BAXA: No. Yeah. I guess let me
 13 clarify myself. Let us say that the -- it will -- let
 14 us say that the final proposal will be -- that is --
 15 that is not the final -- I am just assuming that we go
 16 into the nine district -- where we will have -- the
 17 voters just in the district will just vote for the
 18 particular councilman in their district. So that the
 19 voter will not be -- it will not be a county-wide
 20 selection for candidates. So if that would be the case,
 21 then would not that be a violation of this Charter,
 22 provision that you just read? Because they will just be
 23 voting for a particular candidate within the district,
 24 while this one says the right to vote for each and every
 25 Council seat.

1 MR. SMITH: Okay. So that's what our existing
 2 Constitution says. Okay. And, basically, you're asking
 3 me, if you come forward with a proposition on a -- on a
 4 -- in a newspaper, that ignores that specific right, and
 5 says, here's your choice, you can have this or that.
 6 Okay. Basically, what I'm saying is, the choice, okay,
 7 is whether or not the right that I've been given
 8 subsequently, since the Charter's been enacted -- the
 9 choice is whether or not, okay, to relinquish my right
 10 to vote in nine or 20 elections for the seat of Council.
 11 I want to give that up for my ability to have one person
 12 run from the area that is designated a district, and not
 13 another or any other persons who run from that district.
 14 And I'm saying to you, the economics is, I want nine, I
 15 want 20, I want eight, because I have the right. And
 16 you're saying, well, if we present a proposal that
 17 doesn't give you that choice, that only gives you the
 18 choice of nine or -- or not nine. I'm saying, well,
 19 that's a -- that's a bit off target. That's a bit in a
 20 different direction. You know --
 21 MEMBER BAXA: Can I interrupt you?
 22 MR. SMITH: Do you understand that?
 23 MEMBER BAXA: Oh, yeah. Can I interrupt you?
 24 Because it seems that we are not understanding each
 25 other. I think, the way I sense from your submission

1 today, you're in favor of the current system, are you,
 2 of electing councilmen?
 3 MR. SMITH: I'm saying I have a right to vote
 4 for nine seats, and it says so in the Charter. And
 5 that's a right. And I'm saying that's maybe the system,
 6 that is the system. Okay. So what are you going to do?
 7 Change that system. If you're going to change that
 8 system, then you got to bring to my attention the
 9 fact --
 10 MEMBER BAXA: Okay.
 11 MR. SMITH: -- that I'm losing my right.
 12 CHAIR STONE: I don't mean to interrupt, but
 13 --
 14 MR. SMITH: I'm sorry for --
 15 CHAIR STONE: -- Mr. Smith, Chair has -- Chair
 16 has a question which, I think, can clarify. What you
 17 are suggesting is that when a proposal comes forward --
 18 MR. SMITH: If a proposal.
 19 CHAIR STONE: If a proposal comes forward to
 20 the public, that they must understand, the proposal must
 21 clearly state to the public what exactly is being
 22 changed so that they have a clear understanding and can
 23 make an informed decision without -- for example, in
 24 this case, they would realize that if they did vote for
 25 district voting, let's say, that they would be giving up

1 the ability to vote for -- at-large for councilmembers.
 2 Is that what you're saying? So what you're suggesting
 3 to us is make sure the proposals clarify what is really
 4 being changed?
 5 MR. SMITH: Okay. Basically, I'm saying no
 6 proposals except one proposal, the proposal to give up
 7 your right to nine seats, okay, on the benefit of having
 8 your home friends circle around.
 9 Now, I'm not saying, okay, we're going to have
 10 a 100-word proposal and, in that 100-word proposal,
 11 sentence number three is going to say, oh, by the way,
 12 you know, you used to have eight and now you don't, but
 13 that's okay. But you got to know that. What I'm
 14 saying, no. I'm saying come up front and say,
 15 reapportionment committee maybe after the fact that
 16 you've come and said to me, look, it's more important,
 17 it's a better -- it's a higher -- higher moral value to
 18 take single-member voting and adopt that. It's higher.
 19 And, therefore, you know, the right that you
 20 now have is really not -- not as -- as good. It's not
 21 as valuable with -- when considering how close you'll be
 22 to your delegate. Not your representative or your
 23 member of Council; your delegate. And that's a
 24 significant difference you need to consider. Council is
 25 the protector of the gate. Delegate is quite different.

1 And that's what you'll change if you change this, or
 2 suggest to change it. You'll no longer have a
 3 councilor; you'll have a delegate.
 4 MEMBER BAXA: Mr. Chair?
 5 CHAIR STONE: Yes, Commissioner Baxa.
 6 MR. SMITH: Yeah.
 7 MEMBER BAXA: Can I just follow, one more
 8 question? I know that you must be tired with me
 9 already.
 10 MR. SMITH: I am certainly not. And I respect
 11 you tremendously. And I am grateful that you are on
 12 this Charter Commission.
 13 MEMBER BAXA: Thank you. The way I understand
 14 from you, Mr. Smith, you, as a voter within the County
 15 of Maui, you prefer that you would be able to vote for
 16 nine councilmembers? That is the way I understand it.
 17 MR. SMITH: Did you say prefer?
 18 MEMBER BAXA: Well, prefer --
 19 MR. SMITH: I can vote for nine members, and I
 20 want it to stay that way.
 21 MEMBER BAXA: That is what you want?
 22 MR. SMITH: And that's all.
 23 MEMBER BAXA: Okay. I think we understand
 24 each other now.
 25 MR. SMITH: Very good.

1 MEMBER BAXA: I just wanted to be clear. So,
 2 in effect, you are saying that the present system
 3 corresponds with what you want?
 4 MR. SMITH: It's not what I want. What I'm
 5 saying is the -- I've got the right. Okay. Do I want
 6 to lose the right or not. I've got the right. It's not
 7 a question of I would prefer this or prefer that.
 8 Suppose I didn't want to vote --
 9 MEMBER BAXA: Yeah. But, see, because the
 10 provision can still be -- the provision that you read
 11 here, although, to me, it seems to mean that each voter
 12 within the County of Maui has the right to vote for nine
 13 councilmembers.
 14 MR. SMITH: Each -- each race. Now, that
 15 doesn't have to be nine, it could be five, but each --
 16 MEMBER BAXA: Yeah.
 17 MR. SMITH: -- race.
 18 MEMBER BAXA: But, right now, the Council is
 19 composed of nine members.
 20 MR. SMITH: Correct.
 21 MEMBER BAXA: That is a given.
 22 MR. SMITH: A given.
 23 MEMBER BAXA: Okay. But this provision here,
 24 because we are sitting here at Charter Commission to
 25 review the Charter, we can still propose some changes

1 here which will be submitted to the County. They can
 2 change this provision in such a way that -- we could
 3 change this in such a way that if we -- if the voters
 4 will finally elect not to do with this present system,
 5 that could be changed.
 6 MR. SMITH: Are you saying -- or asking me if
 7 I know or -- or recognize the fact that, by vote of a
 8 majority of individuals, the Charter can be changed?
 9 And I'm saying I recognize that. I honor that. What
 10 I'm saying is that the vote has to be on a question,
 11 number one, that I understand the consequences of in
 12 terms of what I win and lose. And what has been
 13 surfacing has nothing to do with the consequence of me
 14 losing my right. That's all.
 15 CHAIR STONE: Chair is going to chime in here.
 16 I believe what you're trying to say, Mr. Smith -- or the
 17 clarification of what you're saying is that the
 18 proposals need to be presented in an appropriate manner?
 19 MR. SMITH: Wrong. I'm proposing not to
 20 propose any proposals, okay, except one, which all of
 21 you seem to be in favor of, and that is whether or not I
 22 should lose my right. Okay?
 23 CHAIR STONE: Okay.
 24 MR. SMITH: To vote on nine seats. That's the
 25 question that could go. After that's answered and it's

1 answered in the affirmative, yes, we shall lose our
 2 rights, then I'm saying set up your reapportionment
 3 committee. But let's put, okay, the horse before the
 4 cart.

5 CHAIR STONE: Okay. I understand.

6 MEMBER BAXA: Mr. Chair, one more question.

7 CHAIR STONE: Okay. Last time, Commissioner
 8 Baxa, please.

9 MEMBER BAXA: Yeah. This will be my last
 10 time. That is your present right, right now. That is
 11 everybody's right, right now. We may propose to change
 12 it or not. That is the issue. Thank you.

13 MR. SMITH: I think I've addressed that.

14 CHAIR STONE: Yeah. Any further
 15 clarifications for Mr. Smith?

16 (Silence.)

17 CHAIR STONE: No. Thank you, Mr. Smith, for
 18 being here today.

19 MR. SMITH: Thank you, sir.

20 CHAIR STONE: Lisa, next testifier, please.

21 MS. KAHUHU: Michael Trotto.

22 CHAIR STONE: One second. Commissioner
 23 Hashimoto, welcome, first of all.

24 MEMBER HASHIMOTO: Mr. Chair?

25 CHAIR STONE: Yes, please.

1 MEMBER HASHIMOTO: It seems to me that we're
 2 getting a lot of questions off the testifiers, trying to
 3 get them to change what they're saying or what they're
 4 trying to say to us. I think it's really our duty to
 5 listen to what they have to say and try to let each one
 6 of us decide what we heard rather than somebody trying
 7 to clarify what he's trying to say.

8 CHAIR STONE: Yes, except that as a -- for
 9 example, as a commissioner myself, I need --

10 MEMBER HASHIMOTO: If I understood Mr. Smith
 11 to say whatever he said, or the testifier said, if I
 12 choose to decide whether he's right or he's not is for
 13 me to decide that. But it's not anybody's duty in this
 14 committee, it shouldn't be their duty, to clarify it for
 15 me.

16 CHAIR STONE: Thank you. Noted.

17 Sorry, sir. Please come forward. Thank you
 18 for being here today.

19 MR. TROTTO: Thank you, Chair Stone and
 20 Members of the Charter Commission. My name is Michael
 21 Trotto. I've been a resident of Kihei, Maui since 1977.
 22 I thank you for the opportunity to provide testimony on
 23 the subject of single-member districts.

24 Although this discussion has been presented --
 25 or has been present for a long time, I think there is

1 sufficient consensus now to let the voters of Maui
 2 County weigh in on this important issue. I would
 3 respectfully ask this body to consider having this issue
 4 included on the ballot in 2012.

5 The current system of electing our
 6 councilmembers is not conducive to attracting quality
 7 candidates, nor is that -- nor is this somewhat at-large
 8 system fully understood by the voters. The many blank
 9 votes in our current elections are a testament to this.

10 The way we do it now places a very heavy
 11 financial burden on those candidates willing to serve
 12 the community in this capacity. Today, a person must
 13 campaign in all districts on three islands. This
 14 factor, in my opinion, is what seriously limits the
 15 field of qualified candidates.

16 One of the most least desirable outcomes on
 17 election night for me is hearing the reporter say that,
 18 in a particular race, the candidate has won outright
 19 because he or she ran unopposed. In a democracy, this
 20 should never be the case.

21 In concluding my testimony, I understand that
 22 some of our friends and neighbors on the islands of
 23 Lanai and Molokai have expressed their desire to keep
 24 the current system. That is okay. And they should be
 25 afforded the opportunity to take their argument to the

1 voters as well as those of us seeking a system with the
 2 more fair representation. Let's let the voters decide.

3 Again, I thank you very much for the
 4 opportunity to address you.

5 CHAIR STONE: Thank you very much.
 6 Commissioners, any clarification questions for the
 7 testifier?

8 (Silence.)

9 CHAIR STONE: No. Thank you. Thanks for
 10 being here today.

11 Lisa, next testifier, please.

12 MS. KAHUHU: Victoria Cheromcka.

13 CHAIR STONE: Hello, Victoria. Thank you for
 14 being here.

15 MS. CHEROMCKA: Hi. Aloha, Commission
 16 Members. Thank you for hearing my testimony today. I'm
 17 not very experienced at this, so forgive me for being a
 18 little nervous. My name is Victoria Cheromcka, and I've
 19 lived on Maui since 1988, the last nine years in
 20 Wailuku.

21 I am here to respectfully ask you to include
 22 the following two items on the 2012 ballot:

23 First, district voting. I strongly believe in
 24 the principle of one person, one vote. Our current
 25 election method is extremely skewed with less than 10

1 percent of the population's representatives controlling
 2 one-third of the Council votes. Think about that.
 3 It further troubles me that, in recent
 4 elections, many councilmembers are not winning in their
 5 own district, but still get elected due to name
 6 familiarity throughout the County. Think about that.
 7 Our current at-large system is not providing either true
 8 and equal representation or accountability to the
 9 constituents.

10 The second item on my wish list is -- to
 11 include on the ballot is a change to four-year terms for
 12 councilmembers. This will result in greater efficiency
 13 in government. And I think we all agree that is a good
 14 thing.

15 My dear friend works for a U.S. Senator from
 16 Vermont. And he is amazed and delighted at how much
 17 more the senator and his staff can accomplish when not
 18 in the cycle of, one year, getting in the swing of
 19 things, next year, campaigning, that happens with a
 20 two-year term for Congress.

21 Our councilmembers face the same challenge.
 22 Just think, for the first half of the term, they are
 23 adjusting to new councilmembers, committee assignments
 24 and staff. For the second half of their term, a lot of
 25 time and energy goes into getting reelected. How

1 efficient is that?

2 I've heard many times the argument that a
 3 four-year term results in getting stuck with a bad
 4 councilmember for twice as long, but I don't buy that
 5 because the reality is incumbents lose so seldom that,
 6 unless they choose to leave early, we usually get stuck
 7 with them for 10 years in the current system, good or
 8 bad. As an incumbent councilmember, your own district
 9 will not think you deserve to be reelected, but you are
 10 by the rest of the County. That name recognition factor
 11 again. This is wrong.

12 District voting means campaigning and winning
 13 in your district only. You have to do a good job for
 14 your district or you won't be reelected. Name
 15 recognition is no longer a major factor. I believe
 16 that, combined with a term of four years, will result in
 17 more and better candidates willing to run, more
 18 efficient government, increased responsiveness and
 19 accountability to ones district and ones constituents.
 20 A councilmember will need to do a good job for their
 21 district or they won't be reelected. Forget name
 22 recognition.

23 Commission Members, I am asking, please allow
 24 the voters to decide, include these two very important
 25 items on the ballot. Thank you for this opportunity.

1 CHAIR STONE: Thank you, Victoria. Very good
 2 job for not doing this very often.

3 Commissioners, any questions or clarifications
 4 for Victoria?

5 (Silence.)

6 CHAIR STONE: No. Thank you for your
 7 testimony.

8 MS. CHEROMCKA: Thank you.

9 CHAIR STONE: It's appreciated. Lisa, next
 10 testifier, please.

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

12 CHAIR STONE: I would like to give members of
 13 the public an opportunity to come forward, if they
 14 haven't spoken already. And just -- when you're pau,
 15 please just sign in with Lisa afterwards. Thank you.
 16 And please state your name.

17 MS. KAMAUNU: My name is Johanna Kamaunu. And
 18 I'm from Waihee Valley.

19 CHAIR STONE: Welcome. Thank you.

20 MS. KAMAUNU: Thank you. I appreciate this
 21 Commission being on Akaku because I've been able to
 22 follow some of the things you've been doing. And
 23 because of that, I felt a need to make comment.

24 One of the comments has to do with what we
 25 just heard about the terms of the councilmembers. I

1 prefer staying the way it is for the very same reasons.

2 I feel that councilmembers will be more responsive to
 3 the community if they are on a shorter term rather than
 4 a four term -- four-year term.

5 As it is, go up to Council Chambers and those
 6 doors are barred. Quite unfortunate from what it used
 7 to be when we could just go into hallways and at least
 8 attempt to make an appointment with them that way. So I
 9 kind of miss that opportunity.

10 And I think, if anything, it offers an inbred
 11 mandate to respond to your constituents. So I -- that's
 12 one thing I would be really supportive of, if the
 13 Council could see their way to making sure that we have
 14 that opportunity to vote for that.

15 The other thing that I wanted to make comment
 16 on -- and I'm not sure if it's in your jurisdiction or
 17 in the parameters of what you're going to do, as it
 18 affects the Charter, but I thought that if, at least, I
 19 gave these comments, it would be in your mind as you go
 20 through this amendment process. And there's two of
 21 them. One is regarding the Office of Mayor, and the
 22 second is regarding the issue of Native Hawaiian rights
 23 and how the County is to deal with that. Because,
 24 evidently, it's a big problem.

25 And we were -- we have come face-to-face with

1 that problem in Waihee a couple weeks ago, a couple
2 Saturdays ago. And I'm unhappy to say that what could
3 have been a simple dispute between one landowner and
4 another kind of escalated and got out of hand to the
5 point where Homeland Security was put on alert. And,
6 you know, I was trying to figure out, how does that work
7 out.

8 But, not to get into too much detail, the
9 opportunity for the Mayor to be an arbitrator in this
10 situation arose, not because we created it, but because
11 he created the situation. And the families were brought
12 together -- or the two parties were brought together;
13 however, one party was ejected from the meeting before
14 the meeting got underway. And from that point on,
15 things began to escalate. Until this date, the two
16 parties have not been able to come together.

17 So I'm not sure if that's in the Office of the
18 Mayor, in his duties and responsibilities. It certainly
19 could have been beneficial to the County for the Mayor
20 to have arbitrated, if that's his role, but it was not.

21 And I find it very heavy-handed of that office
22 to utilize County personnel and staff to forward what
23 seems a very biased opinion or action in this case, not
24 allowing the two parties to be together at a meeting
25 with his staff.

1 Okay. So I'm gonna leave that in your hands.
2 And then the third thing, which, evidently,
3 seems to be a problem that the Mayor has, is how to deal
4 with procedures -- policies and procedures as it
5 pertains to criminal trespass as it pertains to Native
6 Hawaiians' rights of access. There has not been a way
7 to deal with it comfortably within governance and within
8 the community. There always seems to be a need to come
9 to court. And if we have to go to court every time
10 there's an issue, what a waste of time, what a waste of
11 energy.

12 I think this body may have an opportunity to
13 influence how the County might look at the situation and
14 what avenues could be taken in -- in a way to resolve
15 the problems. Because it's not so much that the laws
16 have changed, it's just that people are changing. And
17 as the people change, then there's a need to change the
18 laws.

19 And what I finally come to realize -- because
20 this was a question I put to my Sunday School class
21 once. Everybody knows that there's a law here for
22 speeding, there's a speed limit, right, set out there,
23 everybody knows that. And you know what the
24 ramifications of that are. But how many people actually
25 follow it? Well, we're not gonna count heads here,

1 but --

2 MS. KAHUHU: Time.

3 MS. KAMAUNU: The next thing was -- I'm sorry.
4 Just 30 seconds more.

5 The next thing was that I realized that it was
6 more a moral decision that we made, that if it didn't
7 apply to something that we internalize and we felt
8 strongly about, we're not going to abide by any law, no
9 matter what you put out there. And, therefore, we have
10 two standards, so to speak, moral code and the laws.

11 And --

12 CHAIR STONE: Sorry, Johanna. I have to stop
13 you there.

14 MS. KAMAUNU: Okay.

15 CHAIR STONE: I really do appreciate your
16 testimony, very eloquent and much appreciated. Thank
17 you so much.

18 MS. KAMAUNU: All right.

19 CHAIR STONE: Commissioners, clarifications,
20 questions? Commissioner De Rego.

21 MEMBER DE REGO: Thank you very much for your
22 testimony. I'm trying to form this question in my mind
23 as I'm -- I'm listening to what you're saying and trying
24 to relate it to the Charter itself, not only in regards
25 to the Mayor, but, also, as a community recognizing

1 Native Hawaiian rights.

2 First of all, I'd like to say that it would be
3 helpful for us if you put your thoughts in writing and
4 submit it to the Commission. Because I think you're
5 saying something very important.

6 The second thing is, how would you, based on
7 your thinking on that and maybe putting it in writing --
8 maybe a thought to go away with, but maybe answering it
9 now -- how would you incorporate a recognition of Native
10 Hawaiian rights within the Charter?

11 MS. KAMAUNU: It's not like I can put any one
12 person to be responsible for something like that. And
13 that's why you have councils. I would imagine it would
14 be something of that sort that would bring people to the
15 table, at least. At this point, there's nobody coming
16 to the table on the subject. I think this body or
17 somewhere in the structure of governance that that could
18 be accomplished, that would go a long way to starting to
19 resolve this -- the problem.

20 MEMBER DE REGO: Would you help us, then, in
21 terms of giving us some idea of how you see that
22 happening? I guess that's sort of my question at this
23 point. Maybe looking over the Charter, seeing where
24 that might fit, you know.

25 MS. KAMAUNU: As long as you don't think I'm

1 biased.

2 MEMBER DE REGO: Everybody over here has a

3 perspective, so I would not think that at all. No. No.

4 MS. KAMAUNU: I would be more than happy to.

5 MEMBER DE REGO: Good. Thank you.

6 MEMBER BAXA: Mr. Chair?

7 CHAIR STONE: Yes, Commissioner Baxa.

8 MEMBER BAXA: Ma'am, I have just two questions

9 for you. The first one is concerning the two-year term

10 for the councilmen instead of four, or three. It

11 appears to me that you feel more comfortable in having

12 access to councilmen by them returning more often for

13 election, is that correct?

14 MS. KAMAUNU: I'm not sure I understand what

15 you're asking me.

16 MEMBER BAXA: Because, every two years, they

17 come for election, so you get a chance to meet them.

18 What if it is every four years, you may not have as much

19 chance to meet or converse with them and tell them about

20 your problems?

21 MS. KAMAUNU: In a four-year term, I was more

22 concerned that they would not be open to me.

23 MEMBER BAXA: Okay.

24 MS. KAMAUNU: Responsive to me. In a two-year

25 term, it compels them to be responsive to me because

1 they want to get voted in again. And I can appreciate

2 that, you know.

3 MEMBER BAXA: Thank you, ma'am.

4 MS. KAMAUNU: This way, I don't have to twist

5 their arm.

6 MEMBER BAXA: Thank you. The next question

7 that I have for you is concerning the incident that

8 happened that you said where there seemed to have been a

9 problem within your own respective community, and then

10 the officialdom -- officialdom means the police, the

11 Mayor, or any other person in government -- came in to

12 interfere with what was happening in there. And if I

13 understand you correctly, it would have been better had

14 there been more caution before trying to come in. Let

15 me just -- maybe -- I was thinking of something and this

16 -- I don't know how this could be done here, but I know,

17 in the Philippines -- of course, this is of record, but

18 I know for a fact that, in the Philippines, there are

19 indigenous groups, and, within those indigenous groups,

20 there is a certain law that allow them to first settle

21 their own problems. And if they cannot really settle

22 their problems, then they will call the national

23 government or the local government to come and do what

24 they can. But that is only after they have done

25 everything and they could not settle it. Is that what

1 you're trying to --

2 MS. KAMAUNU: You know, I never thought that

3 we would have to be concerned about that. At this

4 point, a situation came up, there was an intervention on

5 the Mayor's side of this. And that's a problem, I

6 think, if you're going to have somebody intervene in the

7 local affairs with --

8 MEMBER BAXA: I don't know how practical that

9 would be here, but, in the Philippines, there is certain

10 recognition that a particular group within a local area,

11 have certain beliefs, have certain customs and

12 traditions to maintain, and they want their problems to

13 be resolved within their own customs and traditions.

14 And the government has allowed that.

15 CHAIR STONE: Commissioner Wiger.

16 MEMBER WIGER: Move all my stuff so I can

17 speak into the microphone.

18 CHAIR STONE: Microphone, please. Thank you.

19 MEMBER WIGER: Thank you very much for your

20 testimony. I'm very interested in your commentary,

21 particularly in light of Commissioner De Rego's request.

22 My background is American Indian from the mainland. I'm

23 a member of the Standing Rock Sioux Nation. So I'm

24 Lakota. And I think that Commissioner De Rego is

25 getting in a very, very important point in terms of how

1 one codifies the relationship of native peoples, in this

2 case, in Hawaii, Native Hawaiians, vis-a-vis the larger

3 "community". Because when you're talking about the

4 Charter Commission, you're talking about something that

5 really is -- is much more structured around Western

6 European models of political and legal issues vis-a-vis

7 sovereignty. And so I think that we're getting at,

8 really, a very, very interesting issue and probably one

9 that has not been fully explored, it's certainly in the

10 background with the federal bill, and then how that gets

11 acted out upon.

12 MS. KAMAUNU: Maui County is very progressive.

13 I mean, Maui County is able to do some things the State

14 isn't even to believe do.

15 MEMBER WIGER: Absolutely.

16 MS. KAMAUNU: So, you know, I look forward to

17 seeing what this Commission can bring forth.

18 MEMBER WIGER: Well, but I -- that's why I'm

19 really interested in Commissioner De Rego's comments

20 about your engagement and assistance to us, about being

21 able to give us additional information and how you would

22 see the relationship being grounded within the Charter

23 Commission.

24 MS. KAMAUNU: Yeah. I think there are many,

25 many out there who would like to see this. So if it

1 becomes open, I'm sure you won't have to look for,
 2 they'll come knocking at your door.
 3 MEMBER WIGER: I'm sure they will.
 4 CHAIR STONE: Thank you. Commissioners, any
 5 further questions or clarifications?
 6 (Silence.)
 7 CHAIR STONE: No. Thank you so much for being
 8 here today. Very much appreciated.
 9 Again, if there's anybody else in the public
 10 who would like to give testimony, you're welcome to come
 11 forward now if you have not already testified.
 12 (Silence.)
 13 CHAIR STONE: No. Thank you. I'd like to
 14 quickly recognize Councilwoman Cochran. Thank you very
 15 much for being here today.
 16 MS. COCHRAN: Aloha.
 17 CHAIR STONE: Good to see you.
 18 Okay. So nobody else would like to come
 19 forward. At this time -- (audio feedback) -- that
 20 wasn't me. Without -- if there are no objections, I
 21 will close oral testimony at this time, and, also,
 22 without objections, the Chair will accept and file all
 23 public communications for the record.
 24 ...PUBLIC TESTIMONY CLOSED...
 25 CHAIR STONE: Moving on, under Old Business,

1 we have nothing. Nice.
 2 And under New Business, Discussion on
 3 Communication Items. Commissioners, is there any
 4 discussion on any of the communication items we
 5 received?
 6 MEMBER DE REGO: Just a clarification, Chair.
 7 I know I'm in the process of putting this together and,
 8 also, putting together just a couple of additions I
 9 would like to see added to the Matrix. I didn't make
 10 the previous deadline, but I'm hoping to make the next
 11 deadline. And they will, actually, be very short
 12 additions. But is there an absolute deadline set before
 13 we have to get those in, in terms of time? As in terms
 14 of yesterday?
 15 CHAIR STONE: Well, Commissioner De Rego, are
 16 we talking 2011 or 2012?
 17 MEMBER DE REGO: We're talking within the next
 18 week or so.
 19 CHAIR STONE: What will happen is, obviously,
 20 we're going to still be accepting proposals, even as we
 21 move through the process. Those proposals will come
 22 onto the Matrix and they will be highlighted as new
 23 proposals, so that, if we've already gone through that
 24 section, a Commissioner can bring us back to review the
 25 new proposal.

1 Also, to the public, the public is welcome to
 2 continue submitting proposals. It's just it will go in
 3 the Matrix, marked as a new proposal in the section it's
 4 meant to be in. And we'll be informed when that does
 5 happen.
 6 MEMBER DE REGO: And just another
 7 clarification, Chair. Will the Analyst be continuing to
 8 troll, if you want to use a word like that, for
 9 proposals that come out from testimony during our
 10 Commission meetings as well?
 11 CHAIR STONE: I prefer to use the word
 12 excavate.
 13 (Laughter.)
 14 MEMBER DE REGO: I'm more of a fisherman
 15 myself, so --
 16 CHAIR STONE: So, yes. Yes. That will be an
 17 ongoing process --
 18 MEMBER DE REGO: Okay. Thank you.
 19 CHAIR STONE: -- until we have all of our
 20 final proposals down and ready to re-submit to the
 21 public. So, yes.
 22 MEMBER DE REGO: Thank you.
 23 CHAIR STONE: So any discussion on the
 24 Communication Items? Please.
 25 MEMBER OKAMOTO: I would like to speak to the

1 one that I turned in. Simply, it seems like we're
 2 just -- you know, we're so under a time constraint,
 3 there's been many things that have come up that I think
 4 require a lot more discussion. And it's going to happen
 5 every 10 years unless we change the way the Commission
 6 is appointed, the way it works. You know, maybe a
 7 possible statement saying that if you don't finish in
 8 time for it to go on that ballot, it's going to go two
 9 years from now. But I think we really need to look at
 10 that section because it just seems like, every 10 years,
 11 people are going to have the same problem.
 12 CHAIR STONE: Good. Good point. Thank you.
 13 Commissioner DeLeon.
 14 MEMBER DELEON: I share Kay's concern about
 15 the way that thing's written. And I was really
 16 concerned about the way it was coming out of Council
 17 originally because it seemed like we were a month behind
 18 where we should have been, at least. And I don't know
 19 why that was. But when you look at the coup that -- I
 20 mean, the Charter the way it's currently written, the
 21 Council wasn't bound to move this out in any timeframe
 22 at all. I think under State law, also, we're not really
 23 bound to have a conclusion at this election, either, so
 24 we can go over to the next time. But I don't think any
 25 of us want to do that.

1 What I proposed, in my set, was to make the
 2 Charter Commission be appointed as per the regular
 3 commissions and use the same timetables and the
 4 limitations so that it can't be stalled out. So that
 5 you'll be effectively on board on April 1st.
 6 CHAIR STONE: Very good. Do you understand
 7 that?
 8 MEMBER OKAMOTO: No. So they would be on
 9 board by April 1st, but that doesn't require anybody to
 10 call a meeting. We didn't have our first meeting until
 11 May, I don't think. Wasn't it? Or end of April. And I
 12 think that we need to go farther than just saying being
 13 on board by then.
 14 MEMBER DELEON: Well, I mean it's up to the
 15 Administration at that point, though.
 16 MEMBER OKAMOTO: Right.
 17 MEMBER DELEON: I mean -- so, I mean, if you
 18 want to build that in there, you can.
 19 MEMBER OKAMOTO: Yeah. I think that if you're
 20 going to function as a somewhat independent organization
 21 that we need to build some more things in. So that's
 22 all I'm saying. We really need to look at that and
 23 build in a better system for a timetable.
 24 And I don't know, did I miss something, is
 25 there anything that requires that our things go to the

1 Council before they go -- according to the Commission,
 2 it just goes to the County Clerk.
 3 MEMBER DELEON: What are you talking about?
 4 MEMBER OKAMOTO: Our proposals.
 5 MEMBER DELEON: Yeah, I think it is required
 6 to go to the Council.
 7 MEMBER OKAMOTO: I didn't find it in there.
 8 MEMBER HASHIMOTO: Where does it say that?
 9 MEMBER OKAMOTO: Maybe it is, but I missed it.
 10 MEMBER DELEON: It's state law, I believe.
 11 CHAIR STONE: Is it a -- well, let's ask,
 12 maybe Ed has some light on that. Ed, could you clarify
 13 that for us, please?
 14 MR. KUSHI: The question is, is it required
 15 that your proposals go to the Council. The answer is
 16 yes. Chapter 50, HRS, as well as in the Charter
 17 Commission's Code, it requires submitting to the
 18 Council. They receive, they review it, they send the
 19 comments back to you. Then it's your decision what to
 20 do with the comments. At end of the day, you submit the
 21 proposals directly to the public.
 22 MEMBER OKAMOTO: So that kind of points out a
 23 real problem. The Charter is one thing, but there's
 24 three other things. And somebody reading one may not
 25 have everything. And somehow, you know, we've got to

1 get it so it all fits together. There's -- you know,
 2 we've got three different documents, not just the
 3 Charter. And that's just -- I think we need to look at
 4 that.
 5 CHAIR STONE: Very good. Further discussion
 6 on Communication Items? Commissioner Baxa.
 7 MEMBER BAXA: Mr. Chair, the way I understand
 8 it is that it will be submitted to the Council, you
 9 know, all that the Council will have to do is to make
 10 their comments. And whatever comments they make, we
 11 will be the one who makes something out of it.
 12 MEMBER HASHIMOTO: Chair?
 13 CHAIR STONE: Yes, Commissioner Hashimoto.
 14 MEMBER HASHIMOTO: I don't think it's
 15 necessarily what -- what Commissioner here is speaking
 16 on. I think it has to do with time and the amount of
 17 time that we can put into reviewing the entire Charter.
 18 I don't think we're going to have time to do that, at
 19 the rate we're going. I mentioned this real early on,
 20 that we're not giving this thing quality time, because
 21 all we're doing is listening. And we're taking in a lot
 22 of input, but the input all deals with almost the same
 23 thing over and over again. But we're giving it an awful
 24 lot of time, these few items.
 25 To me, personally, after reading through the

1 Charter a number of times, I find that our biggest
 2 problem is the operating departments have a problem. In
 3 other words, how their responsibilities are -- are
 4 described. I mean, it's very weak. They can do just
 5 about anything they want to, as far as I'm concerned,
 6 and they have no responsibility to the people at all.
 7 That's, I think, the biggest problem that we have with
 8 County government, with government; not this Charter.
 9 This Charter is just a way of hiding things.
 10 And because we only meet once every 10 years,
 11 and we're only given a few months in which to -- to
 12 examine, you know, what's wrong with it, we never get to
 13 change it. You know, I've read some of the old
 14 documents on -- on the Charter, especially the last
 15 Commission. And many of the things they left untouched,
 16 they could have taken care of it, but they didn't. And
 17 they only took care of a few items.
 18 One of the things that sticks out for me is
 19 the Preamble. That Preamble is so sick, I can't imagine
 20 anybody would approve that thing.
 21 CHAIR STONE: Well, don't you think --
 22 MEMBER HASHIMOTO: But I do have a question.
 23 CHAIR STONE: Commissioner Hashimoto, we're
 24 working on the Preamble first.
 25 MEMBER HASHIMOTO: I have a good question

1 about that Preamble. I think this is for -- for
 2 Corporate Counsel here to answer. How much -- my
 3 question is, is the Preamble -- how much effect does the
 4 Preamble have on the Charter itself? I mean, does it --
 5 is it worth anything? I mean, is it worthy or it's just
 6 something to stick there at the front of this -- this
 7 Charter?
 8 CHAIR STONE: Those are things we're going to
 9 discuss today.
 10 MEMBER HASHIMOTO: I would like to have it
 11 answered now, if I can, if we can get it.
 12 CHAIR STONE: Why don't we -- since it's out
 13 there, Ed, take a shot at that one. And speak directly
 14 into the microphone, Ed. We all want to hear.
 15 MR. KUSHI: Your existing Preamble, to me, is
 16 like the first paragraph of the Charter, and it's just
 17 general in form. And I think anything within the body
 18 of the Charter that kind of fits into the Preamble is
 19 okay, but you have to look at the meat. So I would say
 20 don't get hung up on a Preamble.
 21 MEMBER HASHIMOTO: I'm not.
 22 CHAIR STONE: All right. And good news,
 23 Commissioner Hashimoto, today, we are going to start
 24 working on the proposals. So it's a big day for us.
 25 Any further discussion on Communication Items?

1 Yeah, Commissioner DeLeon.
 2 MEMBER DELEON: I would like to speak to a
 3 couple of the items that I presented. One is Number 2,
 4 the island board concept. I was going through my 1991
 5 notes that I had taken when I was working for the Lingle
 6 Administration. And the same proposal jumped out at me.
 7 And I guess I was sitting on it -- sitting on it
 8 unconsciously or whatever. I was shocked how much it
 9 followed. And it came from Sarah Sykes, on Molokai, in
 10 her presentation to the 1991-92 Charter Commission. So
 11 I included her testimony and her proposal. She was not
 12 as -- I kind of boiled mine down to island boards. She
 13 was still fooling around with townships and stuff, but
 14 the concept was there.
 15 I was also looking at the -- at the minutes
 16 from the Molokai meeting. I came to the conclusion that
 17 -- I'm drawing a blank on the name. What's the -- I do
 18 this periodically. Who is the gentleman who is like a
 19 big community leader there.
 20 MEMBER WIGER: DeGray Vanderbilt.
 21 MEMBER DELEON: No, not DeGray.
 22 MEMBER WIGER: Walter?
 23 MEMBER DELEON: Walter, yeah. So Walter -- I
 24 mean, Walter also spoke to it being a -- a traditional
 25 form of the way they governed at one point. So it's not

1 like a foreign process.
 2 Number 3: The idea of having the Fire Chief
 3 selected by the -- by the board, but -- but -- but
 4 appointed by the Mayor. We might actually consider this
 5 for the Police and -- and the Civil Service Director as
 6 well.
 7 I was really taken by Greg Jenkins' testimony
 8 that there's a disconnect between the Commission and the
 9 -- well, at least the Fire Chief and the Mayor. I think
 10 that was very clear in his testimony. And it's
 11 something that I have been stalling for a long time, but
 12 it was good to hear from the inside.
 13 I'll hold on --
 14 MEMBER MOIKEHA: Point of order, Chair.
 15 Aren't these things going to be discussed specifically
 16 when we get to those in our Proposal Matrix?
 17 CHAIR STONE: Yes, they will.
 18 MEMBER MOIKEHA: So I'm not quite certain as
 19 why Mr. DeLeon feels the need to go over all of this
 20 now. I mean, I've read this stuff.
 21 CHAIR STONE: Except it's a new communication
 22 item, and that's what is under discussion.
 23 MEMBER MOIKEHA: Okay.
 24 CHAIR STONE: So he has the right.
 25 MEMBER DELEON: I'm trying to keep it brief.

1 I feel strongly about Number 4, which is
 2 removing the power of the Council to appoint and --
 3 nominate and appoint commissioners to boards and
 4 commissions. I think the power should stick with the
 5 Administration. And I've seen it abused. And I heard
 6 the Mayor say it was being abused as he came in here.
 7 Talking about the Preamble -- talking about
 8 the Preamble, Number 6 might be a spot for discussion of
 9 whether this is a nonpartisan government or not. I've
 10 seen -- I've seen efforts to try to drag it back to
 11 being a political process. And I can tell you through
 12 my business on boards and commissions, where you were
 13 required as somebody -- and you all had to do this, you
 14 had to say what party you belonged to. And -- and I can
 15 tell you, 75 percent of the respondents say either
 16 nonpartisan or independent. We don't have that kind of
 17 constituency anymore, not party dependent. And I'll let
 18 it go at that.
 19 CHAIR STONE: Thank you very much,
 20 Commissioner DeLeon. Any further discussion on
 21 Communication Items?
 22 MEMBER BAXA: Mr. Chair?
 23 CHAIR STONE: Yes, Mr. Baxa.
 24 MEMBER BAXA: Is this the proper time to ask
 25 Mr. DeLeon about this, or there will be a time when we

1 will take care of this?

2 CHAIR STONE: I think that we should leave

3 that until the time when we get to these proposals.

4 MEMBER BAXA: Okay. I am going to defer until

5 then.

6 CHAIR STONE: Thank you.

7 MEMBER MOIKEHA: Chair?

8 CHAIR STONE: Commissioner Moikeha.

9 MEMBER MOIKEHA: I would like to ask the Chair

10 to move communications on our future agendas to after

11 proposed Charter amendments are discussed. I think I'm

12 finding that they seem to take a very long time to have

13 discussion about when we really need to get to

14 discussing the Charter amendments. If they can be put

15 towards the end of the agenda, I think that would be

16 much more efficient time to discuss those.

17 CHAIR STONE: I'll entertain that request and

18 discuss with Corp Counsel and our secretary to make sure

19 we don't have an issue with that. That could be

20 possible. Is that possible, Ed?

21 MR. KUSHI: Yes.

22 CHAIR STONE: Okay. We'll look into that,

23 Susan. Thank you.

24 Any further discussion on Communication Items?

25 (Silence.)

1 CHAIR STONE: No. So before we move on to

2 Frank's big presentation, I would like to take a quick

3 break. And we will be back here in 10 minutes. So

4 recess for 10 minutes. See everybody back here at 12 --

5 I'm sorry. Yes, 1:10. Thank you very much.

6 (Recess, 1:00 p.m. to 1:10 p.m.)

7 CHAIR STONE: I would like to call this

8 meeting back from recess, 12:10 -- I'm sorry -- 1:10.

9 I'll learn how to use that clock one day. And we'll be

10 moving on to the -- thank you very much. The next order

11 of business, a presentation, the big presentation by

12 Frank De Rego, Jr., Chair of the Cost of Government

13 Commission, on boards and commissions, based on

14 information gathered from the 2010-2011 Cost of

15 Government Commission Annual Report. Without further

16 ado, now present Frank De Rego, Jr.

17 MR. DE REGO: Thank you, Chair and

18 Commissioners. As -- this is, as was billed, the big

19 report. I'm not quite sure how helpful this is going to

20 be, but let's try and see what happens here.

21 So in the introduction, I'm Frank R. De Rego,

22 Jr. I am Chair of the Cost of Government Commission.

23 What I'll be going over is our -- part of our 2010-2011

24 Report on Boards and Commissions.

25 I would like to make a disclaimer. First is,

1 I am not an expert. If you know what the definition of

2 an expert is, is -- an ex is a has-been and spurt is a

3 drip under pressure.

4 (Laughter.)

5 MR. DE REGO: I may be one of these

6 individually at any particular time, but, hopefully, not

7 both at the same time.

8 (Laughter.)

9 MR. DE REGO: So there's a disclaimer. I am

10 not an expert.

11 We can have fun at the Charter Commission,

12 can't we?

13 Some caveats: The report itself on boards and

14 commissions have a narrow focus. And I think I've

15 warned you about this before. The recommendations focus

16 only on boards and commissions established by ordinance

17 and/or Hawaii Revised Statutes.

18 And we were looking at the more immediate

19 impact of our recommendations on boards and commissions,

20 but there is -- you know, I sent you a whole bunch of

21 information on boards and commissions from our report,

22 but, also, you know, just very interesting things like

23 lists of how many boards and commissions there are, the

24 ones that are covered by the Charter. You know, if you

25 look at that information, it actually has some

1 interesting information when you're looking at the broad

2 scope or the breadth of boards and commissions.

3 Basically, we were looking at soft cost

4 savings. And, basically, those soft cost savings are an

5 estimate. And those are still subject to review. For

6 those of you who are interested on this subject,

7 actually, I'll be with two other former members of the

8 commission, former chair and vice chair, will, on

9 October 4th, be doing a presentation to the Budget

10 Committee on this particular report, which will handle

11 both sections of the report.

12 I just want to go over some general advantages

13 of boards and commissions. I don't think we've talked

14 about this before, but I think it's important to keep in

15 mind, when you're looking at citizen volunteers who have

16 taken the time to be a part of these boards and

17 commissions, what the advantages of those particular

18 entities are.

19 First of all, an increased citizen

20 participation in civic life and governmental

21 decision-making. This is sort of a no-brainer. We're

22 trying to invite people into the process.

23 Second of all, it allows for, as we see here

24 at the Charter Commission, the exchange of a broad range

25 of ideas and perspectives. This also happens on the

1 Charter Commission. It happens on a lot of other
 2 commissions as well.
 3 It also opens channels of communication
 4 between the community and public officials. You would
 5 be surprised how many people come to commissioners,
 6 citizens will come to commissioners, talk about their
 7 concerns, and then the commissioners will bring that to
 8 the meeting and then, from there, either bring it to the
 9 Council or to the Mayor. So I think boards and
 10 commissions actually have a very important role in
 11 opening channels of communication between the community
 12 and public officials.

13 Also, they allow for in-depth examination of
 14 particular issues. I know, in the Cost of Government
 15 Commission, we, over the last few years, have looked
 16 particularly at particular kinds of issues that have to
 17 do with the economy, efficiency and improved quality of
 18 service in terms of government, especially in the
 19 departments.

20 And we -- you know, right now, we're looking
 21 at leasehold properties, the whole issue of County space
 22 management. We're also looking at the whole idea of
 23 universal trash pickup.

24 You know, over the years, we've been actually
 25 looking at particular issues and trying to go in-depth,

1 trying to do, for want of a better word, a financial and
 2 a performance audit on some of these issues. Of course,
 3 we only meet once a month. We have to meet in between
 4 as well. There's a time constraint because we're
 5 supposed to come out with a report within a year. So,
 6 you know, there's -- on our side, we only have two-year
 7 terms, so you can see how, you know, the limitations of
 8 being on a commission can actually take over.

9 And last, but not least, training new leaders.
 10 You'll find that a lot of people who have run for
 11 office, or will run for office, oftentimes, you know,
 12 sort of cut their teeth, for want of better phrase, on
 13 boards and commissions. It gives them an insight into
 14 County government, it gives them an insight into how it
 15 operates, finances, operations, et cetera. And, also,
 16 becomes a place where people get inside and maybe even
 17 be inspired to -- to enter County government in terms of
 18 elected positions or other positions in government.

19 Challenges: Lack of public awareness
 20 concerning boards and commissions is a big issue. I
 21 think what happens is, you know, you get a big pool of
 22 applications, there's particular commissions that are
 23 very popular, Police Commission, the Fire Commission,
 24 and then other commissions, like the Cost of Government,
 25 you kind of look at that and you go, huh. Right? You

1 know, what does that mean. And when, actually, in some
 2 sense, even though we don't have a lot of adjudicatory
 3 powers or decision-making powers, we do, you know, if
 4 it's done right, have a big impact on County government
 5 because of what we do and the kind of things that we
 6 investigate.

7 Another challenge is the inability to find
 8 interested and qualified volunteers, especially on those
 9 commissions and boards where there's specialized
 10 knowledge or qualifications that are necessary. One of
 11 these that came up in our report was, you know, a
 12 veterinarian is required on the Animal Control Board.
 13 For years, they weren't able to find a qualified
 14 veterinarian for the Animal Control Board.

15 Meeting times only attract a narrow slice of
 16 community members and involvement by the public. Not
 17 everybody has the flexibility to, in their job -- and
 18 thank God, you know, I have a good set of bosses over at
 19 Maui Economic Development Board that allow me the time
 20 to be able to do what I do, but a lot of people don't
 21 have that kind of flexibility to be able to meet at 9:00
 22 in the morning on Thursdays once a month or on Mondays
 23 at noon, you know. And a lot of people aren't able to
 24 get off of work in order to come to our meetings. So
 25 that is a really big challenge in terms of pulling in

1 public involvement.

2 Basically, boards and commissions are
 3 time-consuming. They take up a lot of time; not only
 4 the two hours a month that a lot of boards and
 5 commissions meet, but there's also homework in between.
 6 We're finding that as well. You know, as we're
 7 getting -- on the Charter Commission side, you know, we
 8 get all these reams of paper that -- that we end up
 9 having to read, minutes. I really, really am impressed
 10 by Wayne. I did not pick up that Page 114, so -- but it
 11 takes a lot of concentration, a lot of reading.

12 And then, also, the adequacy of staff support
 13 is very uneven. We're spoiled here in terms of the kind
 14 of support we get from the Corporation Counsel and --
 15 and staff from there. So we're very lucky. But the
 16 kind of staff support on all boards and commissions can
 17 be uneven at times.

18 Also, the training and orientation of
 19 volunteers. It's important, I think, that -- when
 20 people walk into a board and commission job that they
 21 understand what is expected of them and what they're
 22 supposed to do.

23 I know I originally had signed up for the
 24 Ethics Commission on my application. In fact, it was
 25 probably the only thing -- one of two things that I had

1 put on there. And then I ended up on the Cost of
2 Government Commission. And I was told, after putting
3 down that I had taught ethics for at least 10 years, and
4 dah, dah, dah, that my application showed that I was
5 qualified for the Cost of Government Commission. I'm
6 still trying to figure that one out.

7 The time and expense of recruitment and
8 appointment. This is a big one. As we go through the
9 report, there is -- the County spends a lot of time and
10 expense recruiting and appointing commission members
11 from -- board and commission members.

12 Okay. So let's get into the report itself.
13 I'm going to try to whip through this, so we're not
14 spending a whole lot of time on this, if it's not
15 helpful.

16 There are 46 boards and commissions,
17 committees, and the Council. In the report, it says
18 it's 37. There's, actually, 46. I found a little
19 chapter in the Department of Planning that talks about
20 citizen advisory committees. And we sort of missed that
21 when we were making our list. Because there's supposed
22 to be nine citizen advisory committees from the
23 community planning areas. And it's under the -- under
24 the section in the Planning Department, so -- so each
25 one, you know, has its own nine-member -- even though it

1 goes with the General Plan, so, you know, it's
2 irregular, at best, but, considering how long it's
3 taking, these commissions or citizen advisory committees
4 don't go out of existence until all the community plans,
5 the General Plan, the island plans are done, pau. Okay.
6 So there's, actually, 46 boards, commissions, committees
7 and councils in the County.

8 The COG report dealt with 13 established by
9 ordinance and/or the Hawaii Revised Statutes. The
10 evaluation criteria for the report was, we're looking at
11 these particular 13, whether or not they performed a
12 function vital to running the County government and/or
13 represented an opportunity to increase County revenues,
14 efficiency, or both, by their elimination or change of
15 focus, and/or duplicated services offered by nonprofits
16 or private sector entities, or no longer serves a
17 relevant function. So we took these three, you know, on
18 face value, saying, okay, let's investigate these
19 because it looks like they might fit one of these
20 criteria, that they need a change of focus, they can be
21 combined, they duplicate services, or they no longer
22 serve the relevant function.

23 So here you have the list of 13. I'm not
24 going to go through each one and what our
25 recommendations were. That's in the report. You can

1 read that at your leisure. But, basically, these are
2 the 13 that we looked at and gave various reasons in
3 there of how they could change their focus.

4 I'll give you one example. On the federal
5 level, looking at disabilities and aging, on the state
6 -- the federal level is being combined now. You know,
7 now it's a commission on disabilities and aging. They
8 are not any more separated in terms of how they're
9 looking at that particular issue. So we felt that since
10 that's -- you know, grants and those kinds of things are
11 being offered based on that kind of combination, that
12 the County should reflect that. It also saves time in
13 recruiting. Instead of now having to recruit 18
14 members, right, you're recruiting nine members for a
15 commission at this point.

16 And, you know, when you talk about, you know,
17 turnover, you know, over five years, you're talking
18 about 40 members, actually. Okay.

19 So primary costs are for recruitment and
20 appointment. Soft cost estimates for recruitment and
21 appointment. Well, \$77,000 for a new member. Each new
22 member costs \$77,000 when you add in -- now, this was an
23 estimation. This is subject to review. When you look
24 at salaries, the amount of hours that are put in staff
25 reports, sending it over to Council, start adding their

1 salaries and benefits and those kinds of things involved
2 in the equation, in terms of the number of hours
3 involved in that -- soft costs are always a difficult
4 thing to get a handle of -- but the estimate was \$77,000
5 for new members, \$15,000 for returning members. That's
6 why I said, in the caveat, that those cost estimates are
7 subject to review by the Finance Department. But our
8 best guess is that's what occurs in terms of the amount
9 of time that is spent on this issue.

10 There was an estimation of \$2.9 million cost
11 savings over five years, or about \$580,000 a year, by
12 elimination or change of focus in those 13 boards and
13 commissions.

14 Now, boards and commissions in the Charter.
15 This is gleaned from information that was not a part of
16 our recommendation, but, you know, just there sort of to
17 pick -- cherry-pick and to -- to look at the boards and
18 commissions in the Charter. There are 23 boards and
19 commissions mentioned in the Charter. There they all
20 are.

21 The citizens advisory committees make up nine
22 according to the Planning area. Four have the power to
23 hire and fire the director. A lot of this is going to
24 be repeats of things you already know. That's the Civil
25 Service Commission -- which, by the way, is only five

1 members -- it's one of those commissions that's the
 2 exception to the rule in terms of the number of
 3 members -- Fire and Public Safety Commission, Liquor
 4 Commission, Police Commission. 13 are associated with
 5 the Planning Department alone, which are, the Board of
 6 Variance Appeals, the Citizens Advisory Committees, the
 7 Lanai Planning Commission, Maui Planning Commission,
 8 Molokai Planning Commission. Four have certain
 9 adjudicatory or decision-making functions related to
 10 their duties. And those are the Charter Commission, the
 11 Ethics Commission, the Liquor Control Adjudication Board
 12 and the Salary Commission. Two are essentially advisory
 13 in capacity. That's the Board of Water Supply and the
 14 Cost of Government Commission. And this commission is
 15 the only one to have two two-year terms instead of a
 16 full five-year term.

17 13-2 of the Charter outlines -- and we've been
 18 having some discussions about this because there are
 19 recommendations to change some of the provisions in this
 20 particular section. But Section Dash 2 of the Charter
 21 outlines some general parameters concerning boards and
 22 commissions, including terms, method of selection,
 23 general powers of boards and commissions. Like, for
 24 instance, if you look at 13-2.10, present commissions
 25 actually have the power to actually subpoena. They

1 don't have the power to enforce the subpoena, but they
 2 have the power to subpoena. They're not like a court
 3 which, you know, can send the sheriff after you or the
 4 police after you if you don't respond, but they do have
 5 the power to subpoena.

6 And then filling vacancies due to expired
 7 terms, resignation or other event. I didn't want to put
 8 death in there for obvious reasons.

9 So let's do the math. 22 times nine plus five
 10 equals 203. I just wanted to show you the number.
 11 Right? Okay. That means 203 citizens, you know, are
 12 able to be on these boards and commissions in the
 13 Charter. That's a lot of people to find, and to keep,
 14 because there is a lot of turnover in boards and
 15 commissions. I think -- I think an estimate was that
 16 between 50 and 60 positions have to be filled, at least,
 17 a year in terms of turnover or trying to get members to
 18 return, for returning members who get reappointed.

19 If you leave out the nine advisory committee
 20 members, it's 122 citizens. Because the -- that only
 21 meets or is constituted when the General Plan is being
 22 looked at. It's still a large group.

23 We amended -- I just wanted to slip this in.
 24 We, actually, did amend some of our recommendations to
 25 the Charter Commission, which you'll be getting a letter

1 on, but I figured I would take the chance, since I got
 2 you here as a captive audience, to put it in here in the
 3 slide.

4 Terms for COG, Cost of Government, Commission,
 5 the original was in our recommendation -- which I forgot
 6 to put in -- which I did mention the last time I was
 7 here -- to increase terms to two to four years. We're
 8 going to amend that to increase the term to be in line
 9 with the five-year terms in line with -- oh, boy, I got
 10 two in lines there. So we really want to be in line.
 11 That sentence make no sense. Okay. In line with other
 12 boards and commissions in Section 13-2.1 of the Charter.

13 Also, with the County -- Office of County
 14 Auditor, I actually did take this idea back to the
 15 Commission, just to see. I didn't think they were going
 16 to react to it. They jumped on it, actually. The
 17 original was the Council would hire, fire and evaluate
 18 county auditors according to resolution given by Mike
 19 White. They actually voted to amend that provision that
 20 the Cost of Government Commission would be moved from
 21 the Mayor's Office to the Office of County Auditor
 22 once -- or if it's created. And that the Cost of
 23 Government Commission would actually hire, fire and
 24 evaluate the county auditor. So it would be completely
 25 independent from both the legislative and executive

1 branches at that particular point. So I did take that
 2 -- those two things back. I took at heart what
 3 suggestions were made.

4 We also talked a little bit about -- it was an
 5 interesting discussion on qualifications, or, you know,
 6 like having a property manager or an accountant or
 7 having some sort of qualifications. It was a very
 8 interesting discussion. And it came down, basically,
 9 one of the accountants said there's accountants and
 10 there are accountants. And he said, it's not
 11 necessarily the qualifications involved in terms of what
 12 your background is, but, he says, it's, basically,
 13 having some understanding of finance. And that has to
 14 be done in the vetting process, right, in terms of, you
 15 know -- but a lot of this has to do with the vetting
 16 process.

17 Now, I talked about establishing a floor, at
 18 least, right, of some expertise, but they didn't seem to
 19 -- to buy that. And, basically, they sort of said they
 20 preferred it being the way it is in terms of allowing
 21 the Mayor to appoint Cost of Government Commissions
 22 based on the people that are available that -- that they
 23 vet off whatever applications or list comes in. So --
 24 which I thought was an interesting discussion.

25 Now, it doesn't have anything to do with what

1 we decide here, what's decided here, we -- or what
 2 happens here in terms of the Charter Commission, but I'm
 3 just giving you their reaction to those things that I
 4 took back to them.
 5 So are there any questions, with my dancing
 6 question man?
 7 CHAIR STONE: Commissioner De Rego, great job.
 8 Thank you so much for the presentation. First,
 9 Commission Hashimoto.
 10 MEMBER HASHIMOTO: One of the paragraphs here
 11 on the Commission on Children and Youth, I just happened
 12 to find out, but I just want to comment to -- to Frank,
 13 it raised a major work product or value. And this had
 14 to do with the Youth Fair and participation in it. Out
 15 of that, I guess they came up with the Keiki Fest or
 16 something like that. Okay. But I like the wording
 17 about the major work product or value out of this
 18 particular commission, I guess it was. And I like that
 19 because that was great wording. And I was thinking of
 20 wording that could be added to any one of the
 21 departments where -- whereby it --
 22 CHAIR STONE: Commissioner Hashimoto, sorry to
 23 interrupt, can you please talk into the microphone?
 24 Thank you so much.
 25 MEMBER HASHIMOTO: It kind of indicates that

1 -- that the people have a way of knowing what these
 2 departments actually accomplish rather than just being a
 3 department that does certain things that we -- we see
 4 them doing it, we just kind of take it for granted that
 5 they're doing what they're supposed to be doing and that
 6 they're doing as much as they possibly can do to -- to
 7 give us a product at the end of this -- their whole work
 8 process, and that -- that the citizens are getting value
 9 from that. So I like that wording. It's very short,
 10 meaningful.
 11 CHAIR STONE: Thank you. Commissioners,
 12 further questions for Mr. De Rego? Commissioner DeLeon.
 13 MEMBER DELEON: Mayor Lingle used to call, the
 14 collective, the amorphous collection of boards and
 15 commissions, the third branch of government. You have,
 16 you know, the executive, the legislative, and,
 17 typically, the third branch is a court, but we don't
 18 have a court in our -- in our form of government. So
 19 she's -- and we were so -- I mean, as your report
 20 pointed out, we got many more commissions and boards
 21 than any other counties.
 22 And that also speaks to -- well, that speaks
 23 to the cost because it speaks to the cost of -- you
 24 know, we're talking about, really, an operating form of
 25 our government, really. So, I mean, the cost shouldn't

1 be the -- the primary factor, I don't think, in the
 2 selection process. I was surprised by your numbers.
 3 Why didn't you guys talk about -- or did you
 4 talk about -- I'm sorry. Did you talk about how to
 5 incorporate the neighbor islands, the sister islands
 6 into boards and commissions?
 7 MR. DE REGO: No. That wasn't a part of this.
 8 We were looking at particular -- what raised this,
 9 actually, is when we were -- I think it was Mayor
 10 Charmaine Tavares that asked us to look at boards and
 11 commissions. I came in halfway through the process.
 12 When we did that, we began finding that there were
 13 commissions and boards that hadn't met for two or three
 14 years, if you go on the site, some of these commissions
 15 of the 13, but they were still going through the vetting
 16 process, getting people to apply. So this was taking
 17 staff time as well as Council time to get these people
 18 appointed, reappointed when their terms would run out,
 19 but if you look at certain -- like the Board of Code
 20 Appeals, which, you know, I -- we witnessed here by
 21 David Goode, I think the last time they met was 2008.
 22 But they still had -- and, you know, they often have a
 23 difficult time getting quorum. So the question becomes,
 24 you know, at what point do you fish or cut bait, you
 25 know, in terms of having these commissions exist.

1 I thought the suggestion of actually putting
 2 together functions that were done by several boards into
 3 a "Public Works Commission" was, actually, a very
 4 creative idea. We wish we had thought of it. But at
 5 least the Cost of Government Commission, by what it did,
 6 generated some thinking. And so we don't hold to our
 7 recommendations, you know, tightly. What we do is we
 8 kind of send them out there and say, okay, if you can
 9 come up with a better idea, it would be great, but the
 10 goal is, economy, efficiency and, especially, improved
 11 quality of service. And sometimes you have to spend
 12 money in order to do that, ergo creating an Office of
 13 County Auditor. Right? At other times, then, you have
 14 to cut or eliminate or combine. So --
 15 MEMBER DELEON: I think you guys missed a
 16 point, though, with the neighbor islands, because that's
 17 a real big expense for all the people to have to fly
 18 back and forth.
 19 MR. DE REGO: Yeah.
 20 MEMBER DELEON: Sometimes I find that -- that
 21 -- well, when I had that position, my focus was on
 22 making sure that the neighbor islands had the
 23 appropriate representation on the important boards;
 24 Board of Variance and Appeals, the Police Commission,
 25 the Fire Commission, at the time the Board of Water

1 Supply when it was -- had that kind of power. I made
 2 sure that those boards had those neighbor island
 3 representation. To me, I like -- well, right now, the
 4 Charter requires that -- I believe it's in the
 5 Charter -- the Urban Design Review Board is required to
 6 have a Lanai and Molokai member. No offense, Kay, I
 7 know you served in that position. But, I mean, what's
 8 the point? I mean, it's an architects board. You know,
 9 do you really need to have somebody flying back and
 10 forth from Lanai and Molokai, who may or may not have a
 11 clue about architecture, while you might not -- again,
 12 no offense.

13 MEMBER OKAMOTO: No. I know.

14 MEMBER DELEON: But at the same time, you
 15 know, have someone on the Board of Variance and Appeals,
 16 which is, you know, very important, as we heard on
 17 Molokai. It's a very important position that needed to
 18 have coverage from -- from the neighbor islands. So I
 19 think we need to try to find those boards that are
 20 essential to good governance and -- and providing the
 21 services necessary for those communities and making sure
 22 that, you know, Fire, Police, Board of Variance and
 23 Appeals and such -- I'm not going to try to do it off
 24 the top of my head.

25 MR. DE REGO: Yeah.

1 MEMBER DELEON: But -- and I would not include
 2 the Cost of Government Commission in that. I mean, to
 3 me, sending somebody from Lanai and Molokai to the Cost
 4 of Government Commission is kind of an oxymoron. I
 5 mean, you know, you're trying to save money. So put the
 6 money where you need to have it, get the representation
 7 where it needs to be, and not -- and not necessarily on
 8 all these -- Children and Youth, and stuff like that,
 9 gets tricky because, yeah, the Molokai kids deserve to
 10 have representation, too. I mean -- but, you know, at
 11 what point do you make that cut? And I think some of
 12 the boards like Salary, Cost of Government, stuff like
 13 that, Code Appeals, if it still exists -- but I notice
 14 that like 13 of the main ones you were focused on were
 15 -- were not Charter based.

16 MR. DE REGO: Right. Exactly.

17 MEMBER DELEON: They were Code based. And
 18 it's not like we're going to be handling that out of
 19 here.

20 MR. DE REGO: No, but -- your points are
 21 well-taken, actually, in terms of involvement and doing
 22 the strategic involvement of Lanai and Molokai. But the
 23 general rule is, as much as possible, we try to be
 24 inclusive, or at least that would be one that I would
 25 follow.

1 At the same time, you know, as technology
 2 improves, there might be other venues or ways of
 3 including Molokai and Lanai representatives in meetings,
 4 you know, either through Go To Meeting or other kinds of
 5 venues, you know. I think the County needs to look at
 6 their infrastructure and -- and how that might be
 7 possible at any particular point. But I totally agree
 8 with you, that the point is well-taken, I think, in
 9 terms of cost efficiency and improved service, there
 10 needs to be a more judicious way of looking at boards
 11 and commissions and -- and their involvement. But thank
 12 you.

13 CHAIR STONE: Commissioner Moikeha.

14 MEMBER MOIKEHA: You mentioned something
 15 earlier in regards to the importance of the vetting
 16 process, too. Solicit citizens within the County to
 17 participate. Did you go any further than that? Maybe
 18 establish some kind of criteria that --

19 MR. DE REGO: No. Some of those were
 20 advantages and challenges that I put up, were just sort
 21 of my observations of looking at this issue. They
 22 weren't something that we particularly looked at. We
 23 did, in our report, actually look at making sure
 24 people -- made the suggestion that each board and
 25 commission actually publish what's expected of board and

1 commission members before they even arrive on the first
 2 day.

3 The Cost of Government Commission actually has
 4 a e komo mai package. We, actually, once a person is
 5 appointed, send out to them the last two or three
 6 reports, we send them the rules of how we operate --
 7 just like the Charter Commission has its rules -- and
 8 then sort of outline certain expectations, and kind of,
 9 basically, ask them if they feel they can fulfill that.

10 One of the recommendations in the Commission's
 11 report, and this would be to do with all boards and
 12 commissions, is, actually, we would suggest that, along
 13 with those boards -- some boards and commissions have to
 14 file a financial statement, others don't, but all boards
 15 and commissions should have a document that is signed
 16 outlining the expectations for that particular
 17 commissioner in terms of meeting, in terms of time
 18 expectations, those kinds of things. And the respective
 19 commissioner would sign that before they take the oath.

20 MEMBER MOIKEHA: I totally agree with you on
 21 that. Having sat on Planning Commission, Advisory Board
 22 for the General Plan, it is a time commitment. And
 23 especially some of these boards and commissions that
 24 meet more than once a month. And I think what you've
 25 proposed in preparation -- preparation for someone to

1 even think about putting their name out there, they
2 better know what it's all about and what kind of
3 commitment that requires.

4 I think the challenges of inclusiveness of the
5 outer-lying islands, Molokai and Lanai, and having them
6 participate on some of these other more general boards
7 that deal with the entire County, I think is absolutely
8 necessary. And you -- and when you talk about costs,
9 what is wrong with technology? Why have we not
10 implemented that yet? And that can be easily done.
11 There's the University of Hawaii on Molokai. So why
12 aren't we utilizing what is already established by
13 another agency or department or whatever, so that you
14 could have a member not have to fly back and forth?
15 Even for something like this, you know. So --

16 MR. DE REGO: One of the -- if I can interrupt
17 here. One of the restrictions in the Sunshine Law is,
18 if there is a video conference involved, it has to be
19 done in a public place where other people can attend.
20 But I don't think that's a obstacle.

21 MEMBER MOIKEHA: No.

22 MR. DE REGO: I think that's, actually, a plus
23 because that would get other people there. It's
24 actually having the will to decide that this is a
25 priority on an administrative basis, if we kind of -- if

1 it's written into the Charter in some way, shape or
2 form, and actually mandates that that be an option that
3 people can take, especially on Lanai and Molokai. So it
4 was something when -- as the Charter Commission goes
5 through and starts looking at the whole issue, in its
6 broad scope of boards and commissions, that we might
7 consider.

8 CHAIR STONE: Commissioner DeLeon.

9 MEMBER DELEON: That's my tenth proposal which
10 I woke up like 1:00 on Sunday morning and realized I had
11 forgotten. And so it's -- it's to Lisa already, and
12 you'll get an actual proposal to that effect.

13 Back to boards and commissions on Lanai and
14 Molokai. When you have that narrow of communities,
15 small communities, I don't think nine-member boards are
16 necessary. I think the Lanai Planning Commission, if it
17 continues on in its current form or if it becomes an
18 island board, should be five members. It gets really
19 difficult always finding somebody who is willing to
20 serve in those capacities. Molokai is even more of a
21 challenge. I would reduce Molokai to seven.

22 MR. DE REGO: There is precedent on the
23 ordinance side of this, the Committee on the Status of
24 Women in Maui County used to be nine members. It was
25 hard to get a quorum, it was hard to get nine members on

1 that commission. So, by ordinance, they actually
2 reduced -- amended the ordinance for that particular
3 committee and reduced the number of members to seven.
4 And that, actually, has worked out quite well. So
5 you're right, there is a way of maybe providing more
6 flexibility in the system in terms of reducing the
7 number of members, which also reduce costs in terms of
8 vetting and application, interviews, et cetera, Policy
9 Committee, going down the line. So --

10 CHAIR STONE: Question from Commissioner Baxa.

11 MEMBER BAXA: Sir, I do not think I have a
12 disagreement with existence of commissions. But the
13 question that I have is, it seems to me that, as you
14 already said, there are too many commissions, and some
15 of them have been inactive for some time. So has there
16 been a study as to finding which commissions are
17 actually being needed to --

18 MR. DE REGO: Well, I'm trying to get away
19 from the ordinance side because there's only a few that
20 are actually covered by Charter. But in terms of
21 general, we haven't looked at, let's say, whether or
22 not, let's say, commissions in the Charter are needed.
23 We didn't do that. We didn't touch certain commissions
24 simply because they were so embedded in the structure
25 that we, as the Cost of Government Commission, weren't

1 ready to take on those particular entities at this
2 particular point.

3 Commissioner DeLeon makes a good point. We
4 also didn't look at sort of more flexibility with the
5 membership, even with some of these commissions, in the
6 Charter. That's something that the Charter Commission
7 might look at.

8 So the short answer is no. The longer answer
9 is that I think there is a lot here for the Commission
10 to look at in terms of boards and commissions in the
11 Charter in terms of maximizing citizen participation,
12 but, also, reducing the burden of going out and finding
13 the number of people necessary, oftentimes, to fill
14 these boards and commissions. So -- and that's
15 something that the --

16 You know, another suggestion that popped into
17 my head -- one of these 1:00 mornings -- was that, you
18 know, the Commission, if it wanted to, could put a cap
19 on the number of boards and commissions that the County
20 could create. And then the Council would have to deal
21 with it in some way, shape or form, you know. You know,
22 you got 25, okay, that's it.

23 You know, how Honolulu deals with this,
24 actually, is very interesting. If you read some of the
25 exhibits in the back of the full report, is that

1 Honolulu actually has gone away from appointing boards
 2 and commissions because of the -- the staffing, the
 3 appointment, the recruitment process, and have actually
 4 gone more toward what happened with the community
 5 working group on wastewater or the -- the community
 6 working group that did the plan for the trash, or the
 7 Solid Waste Division. You know, appointing yearlong
 8 commissions that look at a particular problem in depth
 9 as advisory committee, with a consultant, and then,
 10 boom, they put out something. So there's a lot of
 11 advisory committees which, you know, reduces staff
 12 support time and those kinds of things. So that's
 13 another -- that's an administrative thing. But, you
 14 know, just off the top of my head, the Charter -- as a
 15 Charter Commission, you know, you could maybe put a
 16 absolute cap on the number of commissions as well.
 17 If there are no more questions, I think we got
 18 a lot to do coming up with talking about --
 19 CHAIR STONE: Oh, but, Frank, we have you up
 20 at the podium.
 21 (Laughter.)
 22 CHAIR STONE: Commissioner Okamoto, you
 23 haven't spoken yet.
 24 MEMBER OKAMOTO: Just one. As you look at the
 25 different ones, some have a different number of members,

1 different terms. Was there any thought into making it
 2 standard, all commissions would have five-year terms,
 3 either staggered or not staggered? For an organization
 4 like this, you don't want staggered. I would think the
 5 Cost of Government staggered is kind of hard, but, for
 6 others, that may work. Did you look at anything that's
 7 standardizing?
 8 MR. DE REGO: No. We didn't look at the
 9 breadth of boards and commissions. We looked at
 10 particular ones that had not -- this is the caveat,
 11 right -- we're looking at particular ones that, you
 12 know, hadn't met for years, either had not met those
 13 criteria in terms of providing efficiency and, you know,
 14 cost efficiencies, improved service, you know, those
 15 four criteria that we went through. And those are the
 16 bases of what we looked at in terms of those particular
 17 13 boards and commissions that were mostly established
 18 by ordinance or Hawaii Revised Statutes.
 19 MEMBER OKAMOTO: Just one comment.
 20 MR. DE REGO: I'm getting tongue-tied here.
 21 MEMBER OKAMOTO: On ones that cannot reach,
 22 you can't find, say, nine people, that would tell me
 23 that the commission maybe doesn't need to be existing at
 24 all, you know. If you can't find the people to serve on
 25 it, then maybe -- and there maybe needs to be a process

1 that you relook at some of those commissions.
 2 CHAIR STONE: Very good. Commissioner DeLeon.
 3 MEMBER DELEON: I would just like to respond
 4 to Kay. It's just in those narrow communities where --
 5 Hana -- the Hana Advisory Committee perennially has a
 6 hard time finding a replacement. There's only so many
 7 people that want to do that service down there. Lanai,
 8 there's a problem of conflict with the employer.
 9 Molokai -- I know it's kind of fixed, but, I mean, it
 10 still has a problem. Molokai has just always -- people
 11 just don't want to get to that level because they don't
 12 want to have to be involved with a conflict. There's
 13 only a certain amount of individuals. I think we met
 14 most of them the other night when we were over there.
 15 You know, in talking about replacing or
 16 removing boards, I spent about a year and-a-half of my
 17 life picking out a board that never met, but I still had
 18 to recruit and appoint people to. It drove me crazy.
 19 It was called the Napili Bay Civic Improvement District
 20 Board. And that board was pre-SMA. And it existed to
 21 do, basically, what the SMA does, but only for Napili
 22 Bay. And it took -- it took a year and-a-half to get
 23 that thing to go away.
 24 So you could find constituencies built into
 25 the thing, so that they're going to hold on. Children

1 and Youth guys, they're going to hold on to Children and
 2 Youth, and, you know, and the -- the (inaudible) might
 3 not want to be with the (inaudible.) So we might run
 4 into those kinds of situations as we go.
 5 CHAIR STONE: Commissioners, believe it or
 6 not, I think that Commissioner De Rego is almost pau
 7 talking. I know it's hard to believe.
 8 MR. DE REGO: I thought it was pretty short.
 9 CHAIR STONE: We'll take one more question
 10 from Commissioner Sugimura.
 11 MEMBER SUGIMURA: So looking at your annual
 12 report overview, on Page 4, you talk about
 13 recommendations for elimination of certain boards and
 14 commissions. And they are: Affirmative Action Advisory
 15 Board, Animal Control Board, Commission on Naming
 16 Streets, Parks and Facilities, Commission on Children
 17 and Youth, Commission on Culture and the Arts, Outdoor
 18 Lighting Standards Committee, Subdivision Engineering
 19 Standards Committee. And I just wonder, for those --
 20 maybe this is more of a question for Junior, but for
 21 those kinds of boards and commissions that are set up by
 22 ordinance versus Charter, I mean, how do you go about
 23 eliminating that? And do we have to address that here
 24 or does it just get eliminated just pure by time and
 25 wisdom?

1 MR. KUSHI: Well, Chairman and Members, since
 2 these boards and commissions were created by ordinance,
 3 they should be repealed or eliminated by a like
 4 ordinance. However, as the Charter is the controlling
 5 document, I would imagine -- I would say if you put a
 6 statement in there that these following commissions are
 7 hereby eliminated or terminated, I would think the
 8 Council will have no choice but to follow. Again, I
 9 would have to check with your Analyst about that. But,
 10 again, you're getting into something that the Council
 11 created, not the Charter.
 12 MEMBER SUGIMURA: Right.
 13 MR. KUSHI: But, again, the Charter is the
 14 overall --
 15 MR. DE REGO: Just to follow up, we've
 16 actually had our Corporation Counsel create 10
 17 ordinances to submit. And they should be going down,
 18 actually, in the next week or so, I think, down to the
 19 Council, that actually does some of what we recommend in
 20 our -- so we just didn't just make recommendations; we
 21 actually gave them the vehicles by which they could
 22 actually get some of this changed. But I trust Ed that
 23 it's possible, I guess, for the Charter Commission to
 24 actually possibly make a statement, you know,
 25 eliminating boards, putting a cap, whatever. So --

1 CHAIR STONE: All right. I would like to put
 2 this to rest pretty soon --
 3 MR. DE REGO: I'm sorry.
 4 CHAIR STONE: -- so we can move forward. I'm
 5 sorry. Ed, did you have something?
 6 MR. DE REGO: Yeah, Ed.
 7 MR. KUSHI: Well, I mean, if the Council is
 8 going to take it up and use their own legislative
 9 authority to repeal or not to repeal, I say leave it
 10 alone. However, the idea about setting a cap on
 11 Council-created boards and commissions, that may be
 12 going too far and too vague, you just say you're only
 13 allowed 10, about 10.
 14 MEMBER BAXA: Mr. Chair?
 15 CHAIR STONE: Commissioner Baxa.
 16 MEMBER BAXA: Mr. Chair, I don't think the
 17 question should be putting a cap. I think it should be
 18 examined whether in fact they are necessary and needed.
 19 That should be the issue. It should not be a question
 20 of putting a cap.
 21 MR. DE REGO: Well, that's not the Cost of
 22 Government. As I said, I made a caveat, I said, a
 23 personal observation, it's a possibility that the -- the
 24 Commission might consider. So I want to separate my
 25 personal comment from the Cost of Government Commission

1 at that point.
 2 CHAIR STONE: Very good. Commissioner DeLeon,
 3 you had something?
 4 MEMBER DELEON: Two quick points. And I
 5 forgot the second one already. Honolulu -- Honolulu has
 6 a very extensive boards and commissions -- I mean,
 7 neighborhood board process. It's very expensive and
 8 it's very -- and it runs on election process. It's a
 9 very complicated process. So I think they take care of
 10 a lot of that citizen involvement at that level. So
 11 that kind of feed comes into -- comes into the
 12 government. Instead of through individual specialized
 13 boards, they have community-based boards for doing that.
 14 MR. DE REGO: Yeah. I think if you read some
 15 of the exhibits, actually, the person they interviewed,
 16 that was interviewed for that report, talked a little
 17 bit about neighborhood boards and some of the challenges
 18 involved in -- in that in terms of the running of those
 19 and the maintenance of those as well. So if you get a
 20 chance, the report's one thing, the -- a lot of the meat
 21 of the matter is in the exhibits and the interviews we
 22 -- we conducted. And that makes very interesting
 23 reading, actually. So I would encourage the
 24 Commissioners, as you look at the broad breadth of
 25 boards and commissions and ways of enhancing public

1 involvement, that you take a look at the boards and
 2 commissions exhibits and some of the interviews that
 3 occurred. Because we called the Big Island, we called
 4 Honolulu, we called Kauai, we asked them about their
 5 boards and commissions, their experiences, and did a
 6 comparison across the board, as you can tell just by
 7 that Matrix that we created in terms of comparing how
 8 many boards and commissions. But this was based off the
 9 conversations as well.
 10 CHAIR STONE: Commissioner Moikeha.
 11 MEMBER MOIKEHA: I'm just sitting here,
 12 thinking about everything that we've said and discussed.
 13 But, also, along the line, a lot of times in our
 14 discussion, especially when the Commission -- the Fire
 15 Chief or the Police Chief came down, and we got an
 16 understanding of the whole entire department, and a lot
 17 of us had questions about costs. Do you see any way
 18 where, say, the Charter Commission, if it had an
 19 extended term, maybe, of two years, prior to election,
 20 could work in conjunction with the Cost of Government
 21 Commission saying these are some of the things we've
 22 identified early on, can you please give us some kind of
 23 cost estimates? Do you see how that could possibly work
 24 together?
 25 MR. DE REGO: Yeah. I could definitely see

1 how that would work together. I mean, even better if
 2 it's moved into an auditor's office.
 3 MEMBER MOIKEHA: Right.
 4 MR. DE REGO: It would give it much more
 5 ability to -- to find out information, hopefully, much
 6 more quickly and efficiently at that point. So --
 7 MEMBER MOIKEHA: Well, and just going on what
 8 Kay had proposed, is just the length of time that we're
 9 here to really look in depth. Some of these things do
 10 involve costs analysis, or at least a brief estimate,
 11 and we just don't have that available time to do that
 12 nor the expertise. And I could just see the Cost of
 13 Government Commission or the auditor's thing working
 14 with a Charter Commission at least two years out from
 15 the Commission -- election.
 16 MR. DE REGO: Yeah. We're beginning to see, I
 17 think -- I think -- not using we, but I think I'm
 18 beginning to see that there are -- the intricacies of
 19 how all these recommendations are sort of very
 20 interrelated to one another. And that in order to get
 21 not a hodgepodge, but some sort of consistency and sort
 22 of flow to our recommendations, that it's going to take
 23 a lot of conversation about how these fit, these kind of
 24 things fit together. You know, the --
 25 MEMBER MOIKEHA: Because you folks are -- I

1 mean, you get your orders from the Mayor as to what to
 2 look into.
 3 MR. DE REGO: Right. Well, not necessarily.
 4 The Mayor makes suggestions. Let me tell you a little
 5 about the process. And I'll make this short. Before,
 6 the Cost of Government Commission used to send out maybe
 7 25 or 35 questions to the departments, and then they
 8 would answer these questions. And some of the Cost of
 9 Government reports were like about five pages. And
 10 what's happened now, over the last three or four years,
 11 is that we've gone around and gotten suggestions from
 12 the Mayor and suggestions from the Council about what to
 13 look at. We have a menu. And we actually vote on --
 14 considering the time we have and, you know, the
 15 largeness of the issue, those kinds of things, we
 16 actually vote ourselves on what we're going to look at.
 17 And so that gives us some independence. They give us
 18 some suggestions, but we are actually the ones who
 19 decide what we're going to look at, at a particular
 20 point. So --
 21 CHAIR STONE: Very good. Commissioner
 22 Okamoto.
 23 MEMBER OKAMOTO: No.
 24 CHAIR STONE: You raised your hand. You don't
 25 have to talk if you don't want to.

1 MEMBER OKAMOTO: No. Just one quick comment
 2 about using the television and various AV types of
 3 things. Right now, I don't know about Molokai, but
 4 Lanai, pretty much, you would have to use the community
 5 college. If you can imagine the problem we had in
 6 scheduling this room, now you've got to try to schedule
 7 with the community colleges. You know, you might -- I
 8 mean, I think it's something that the County needs to
 9 look at having their own type of facility. But at this
 10 time, I don't see it functioning in that. Because the
 11 community college has tied up the room and their
 12 facilities with college things. So I don't know how it
 13 would work on Molokai, but, at this time, it would be
 14 very difficult because not having enough facilities.
 15 That's not to say we shouldn't be pushing for
 16 it, but --
 17 CHAIR STONE: Good point. Any further
 18 questions for Commissioner De Rego?
 19 (Silence.)
 20 CHAIR STONE: Frank, thank you so much for
 21 your wonderful report.
 22 (Applause.)
 23 CHAIR STONE: Only two people have had
 24 applause, Frank.
 25 MEMBER OKAMOTO: He's special.

1 CHAIR STONE: Very good.
 2 And before we jump into our next item of
 3 business, hip hip hooray, our Matrix, I would like to
 4 take a quick five-minute break and let Tonya's fingers
 5 rest.
 6 MEMBER OKAMOTO: When we come back, can we
 7 discuss times before we even get --
 8 CHAIR STONE: I have a -- we'll come back and
 9 discuss how we're going to dive into this before we dive
 10 into this.
 11 MEMBER OKAMOTO: No. I mean time limits. You
 12 know, like I had to leave early, and I don't like to do
 13 that.
 14 CHAIR STONE: Yes.
 15 MEMBER OKAMOTO: That kind of thing.
 16 CHAIR STONE: We'll discuss that at the end.
 17 MEMBER OKAMOTO: Okay.
 18 CHAIR STONE: Okay. Thank you, everybody,
 19 we'll be back in five.
 20 (Recess, 2:00 p.m. to 2:10 p.m.)
 21 CHAIR STONE: I would like to call this
 22 meeting back to order at 2:10. Sorry. I don't know how
 23 to read the clock. Thank you. And we are going to move
 24 on to our next order of business, which is finally
 25 beginning to review the received Matrix Proposals for

1 Substantive Changes to the Maui County Charter, dated
 2 September 2nd, 2011, Matrix 9-2-2011, titled, submitted
 3 by Commission Analyst Sherry P. Broder and Jon M. Van
 4 Dyke.

5 MEMBER SUGIMURA: Yay.

6 CHAIR STONE: So before we -- before we start
 7 with this, Ed asked us to -- if he could give us a few
 8 words of advice, except that we're missing Ed.
 9 (Laughter.)

10 MEMBER OKAMOTO: Can I ask my question, then,
 11 before? Can we ask that she also give us a list of
 12 those she said she didn't include because they were
 13 clearly not -- so that we know those were not included
 14 in --

15 CHAIR STONE: I will ask her to put together a
 16 list of items that did not come forward.

17 MEMBER OKAMOTO: Yeah. She said they
 18 didn't --

19 CHAIR STONE: Because they were not -- they
 20 didn't qualify as Charter amendment items.

21 MEMBER OKAMOTO: Right. So if we just had a
 22 list, so we know.

23 CHAIR STONE: Sure. No problem. I had
 24 touched base with her on that. She said that wouldn't
 25 be an issue.

1 I guess, okay, we'll wait on Ed. So my idea
 2 here -- and Ed might come in and just shoot it down,
 3 but -- you know what, we're going to need to wait for
 4 Ed, actually.

5 MEMBER DELEON: While we're waiting, how about
 6 to go back to Kay's point, though? I heard from the
 7 other folks, too, that are concerned that, where's my
 8 idea, you know. And I think this ought to be honored,
 9 if somebody said something, you know, that they thought
 10 they were on record and they were going the right
 11 direction. Just to say -- put it someplace, you know,
 12 other ideas considered.

13 CHAIR STONE: I think, out of respect, that's
 14 a great idea. So we will go back and put items down
 15 that we can put under non-Charter-qualified proposals.

16 MEMBER OKAMOTO: Yeah, something like that.

17 CHAIR STONE: Just out of respect. I think
 18 that's a great idea because public input was great.
 19 So here we are on the cusp of starting our job
 20 and we're waiting for Ed. Do we have an ETA on Ed?

21 MS. KAHUHU: I'm trying to figure that out
 22 right now.

23 CHAIR STONE: Has anybody got a good joke?

24 MEMBER WIGER: We told him we were going to do
 25 this, that's why he left.

1 MEMBER DELEON: Give your analysis.

2 CHAIR STONE: So what I would like to do is --
 3 as of right now, we have 70-plus proposals on the table
 4 with more proposals coming in. As we discussed
 5 previously, we are going to go through the Matrix, and
 6 what we are going to create is an Active Proposal List.
 7 Out of all of the proposals presented to us, we're going
 8 to create the list of proposals that we, as a
 9 Commission, agree that's what we would like to take and
 10 that's what we're going to work on and go in depth.
 11 Okay. So this initial round is, basically, finding --
 12 finding and wording the proposals that we want to work
 13 on. At that time it will be critical to have our
 14 Analyst here to really dig deep into the meat of it,
 15 and, also, go back and determine how many people
 16 suggested this proposal. For example, what groups were
 17 behind these proposals.

18 MEMBER WIGER: There he is.

19 CHAIR STONE: So that is our goal initially
 20 with this Matrix. We're going to create an Active
 21 Proposal List. That does not mean that any of these
 22 proposals are tossed to the side. They simply will
 23 remain on the Matrix.

24 Now, because of Sunshine Law, we had to come
 25 up with a creative way to make sure that everything sat

1 on the table. The Matrix will always sit on the agenda
 2 and the Active Proposal List will always sit on the
 3 agenda. So all proposals will be available to us if we
 4 have to go back, as well as new proposals coming on in
 5 sections that we've already discussed.

6 Commissioner Moikeha.

7 MEMBER MOIKEHA: So this first go-around, kind
 8 of weaning out what we think are going to be the next
 9 list, it doesn't necessarily mean that that will be what
 10 we end up with?

11 CHAIR STONE: Exactly. Because there could be
 12 other great proposals still coming forward. This is
 13 going to be a living body. And that's one of the -- the
 14 problems we're going to be facing, is that this could
 15 organically be changing right -- right as we thought we
 16 had a proposal done. But we do need to nail down what
 17 we're really going to be working on. We can't possibly
 18 be working on 70 proposals.

19 MEMBER MOIKEHA: And when we're forming this
 20 second list, this is going to be --

21 CHAIR STONE: We'll call it the Active
 22 Proposal List.

23 MEMBER MOIKEHA: Active Proposal List. Is it
 24 going to be by vote or is it just --

25 CHAIR STONE: That is what Ed is going to

1 chime in on. And that was the question to Ed. Now,
 2 also, I want to -- this is very important. I love the
 3 idea that we have been an open group and that -- I like
 4 ideas flying around the table and the spontaneity;
 5 however, now that we're getting into this, and with the
 6 time constraints, what I would like to do is I'm going
 7 to give each member, if they want to speak on something,
 8 two minutes to speak on whatever topic we're on. And
 9 after two minutes, they will not be allowed to speak
 10 until every other commissioner has an opportunity to say
 11 something for two minutes. All right. I want to keep
 12 it -- I mean, obviously, if there's a back and forth and
 13 a question from another commissioner to the other
 14 commissioner, we've got to let that flow, but we do have
 15 to find some order. And if it's -- if it's getting
 16 really out of control, I'm going to go down the table.
 17 All right. We're going to start -- switch sides, to be
 18 fair.

19 MEMBER SUGIMURA: So, Chair, you're saying two
 20 minutes per item?
 21 CHAIR STONE: Well, two minutes per speaking
 22 moment on an item.
 23 MEMBER SUGIMURA: Oh, I see.
 24 CHAIR STONE: It doesn't mean that we -- we
 25 could have hours on an item. We don't know. But just

1 out of respect for the other commissioners, because some
 2 commissioners, they don't speak very often --
 3 MEMBER SUGIMURA: Like Frank.
 4 CHAIR STONE: Exactly. We never hear from
 5 Frank. I want to give Frank a chance to speak.
 6 (Laughter.)
 7 CHAIR STONE: So that's -- that's the idea.
 8 That's how I'd like to deal with it. Frank, do you have
 9 anything to say about this?
 10 MEMBER DE REGO: No thinking out loud.
 11 CHAIR STONE: We're trying to get Frank out of
 12 his shell.
 13 (Laughter.)
 14 CHAIR STONE: We'll pull him out of his shell.
 15 MEMBER SUGIMURA: And Dave.
 16 CHAIR STONE: And Dave. Poor Dave.
 17 MEMBER DELEON: Yeah, poor Dave.
 18 CHAIR STONE: There shall be no hurling of
 19 rocks. No gunfire.
 20 Ed, welcome back. And go ahead.
 21 MR. KUSHI: Yeah. Mr. Chair, Members, Lisa
 22 passed out to you a copy of some minutes dated November
 23 19, 2001. This is from the prior -- previous Charter
 24 Commission. November 19, 2001. And we tabbed -- I
 25 tabbed a section in the back that says Maui Charter

1 Commission amendments, possible amendments considered as
 2 of November 19th, 2001, by our analyst at that time,
 3 also, Jon Van Dyke.
 4 Now, to set a timeframe, this was done -- this
 5 draft was done after the first round of public hearings,
 6 community meetings, and before the second meeting. So I
 7 think you're at a point in time where you could possibly
 8 draft some sort of -- not Matrix, but some kind of, at
 9 least, tentative decision-making proposals before you go
 10 out to the second round. So just by way of example, I
 11 wanted you to look at this.
 12 Again, as long as you abide by -- from my
 13 standpoint, as long as you abide by your own Commission
 14 rules, and specifically parliamentary procedures,
 15 Robert's Rules of Order, motions, amendments, et cetera,
 16 there's nothing cast in stone as far as a set procedure
 17 as to how you operate. I think with this Commission,
 18 the more discussion the better, but there's going to
 19 come a point in time where you have to do something.
 20 And I think, as you notice, the Commission
 21 Analyst at that time, with approval of the Commission at
 22 that time, decided to have three categories. The first
 23 category, definitely -- for one proposal definitely on
 24 the table. The second was still under consideration,
 25 which is the majority. And then the last one, no longer

1 under consideration for presentation to the community.
 2 Now, again, the last one kind of bothers me in
 3 that to vote something down at this point in time,
 4 whether that issue can come back again -- let's say you
 5 go out to the community and they know that you looked at
 6 it and you voted it down, and strong opposition. Say I
 7 want to come back and do it, have you guys reconsider.
 8 I would suggest that any vote that you take in that
 9 fashion, a proviso be left in to say, upon
 10 reconsideration by a majority of the members, that
 11 proposal can come back.
 12 CHAIR STONE: Ed, I have a question.
 13 MR. KUSHI: I'm, basically, saying never say
 14 never.
 15 CHAIR STONE: I have a question. So this is
 16 our idea, because this is similar to what we're
 17 discussing right now.
 18 MR. KUSHI: Right.
 19 CHAIR STONE: What I would consider under
 20 consideration is the Active Proposal List, which is what
 21 we're working on right now. After this first round, we
 22 won't have -- we will be at the
 23 definitely-to-be-presented-to-the-community, which is
 24 our final proposal -- or let's call it our second round
 25 proposal list. Or we'll come up with a cool name.

1 MEMBER DELEON: Final submission.
 2 CHAIR STONE: Anyways, Ed, we're going to
 3 leave all proposals on the table, we're not going to
 4 vote anything out, it's going to stay on the Matrix.
 5 We're going to have a second list. And this -- I
 6 need to know that this will work for you. There's going
 7 to be a second list which is going to be called our
 8 Active Proposal List. Okay. As we go through these
 9 items, all of these proposals, the Commission agrees on
 10 a -- on a proposal we are going to aggressively and
 11 actively pursue, that goes on the Active Proposal List,
 12 which would be the same as under consideration. The
 13 other -- the other Matrix -- the Matrix itself will
 14 always be on the agenda. So although those proposals
 15 didn't go onto the active list, they will always be
 16 available for us.
 17 MR. KUSHI: Yes, Mr. Chair. Also, for the
 18 Commission's information -- and I'll get copies for you
 19 at the next meeting, but before the previous commission
 20 went out for the second round of community meetings,
 21 they had actual proposal amendments, numbered 1 through
 22 13 or whatever.
 23 CHAIR STONE: That is the plan.
 24 MR. KUSHI: Right. So, you know, with the
 25 help of your Analyst, you possibly could do that.

1 Again, the Matrix is something just internal for this
 2 Commission?
 3 CHAIR STONE: Right.
 4 MR. KUSHI: The actual proposals, tentative
 5 proposals were available to the public the second round.
 6 CHAIR STONE: That will be available. That's
 7 our goal.
 8 MR. KUSHI: Okay.
 9 CHAIR STONE: But we first need to get through
 10 the 70-plus, get our active list and then formalize
 11 those before we go back out So that's -- our goal right
 12 now is to, for lack of a better word, weed out the
 13 proposals that we want to actively work on. Is that
 14 okay?
 15 MR. KUSHI: Yes.
 16 CHAIR STONE: Okay. Kay.
 17 MEMBER OKAMOTO: And how exactly are you going
 18 to do that? By vote, are you --
 19 CHAIR STONE: This is the question. That's
 20 the big one. Ed, do we need -- if we are going to move
 21 past the proposal, do we need to take action to move
 22 past the proposal?
 23 MR. KUSHI: I'd say yes. You know, a motion,
 24 second, discussion.
 25 CHAIR STONE: Okay.

1 MR. KUSHI: Vote on it.
 2 CHAIR STONE: Okay. So this is what will
 3 happen. We'll discuss each proposal as we go forward.
 4 One of the Commissioners will put -- after discussion,
 5 put a motion forward whether -- either to put that onto
 6 our Active Proposal List or a -- or a proposal that we
 7 formulate from the proposal. Because we're not -- it's
 8 not going to be word for word onto our active list.
 9 That will be seconded and voted upon. If it doesn't
 10 pass, then we're moving forward. Or it can also be -- a
 11 motion could be voted upon that we are not going to deal
 12 with this proposal right now because it's simply not
 13 something that we are going to work on. So then that
 14 motion will go forward, seconded. And if that passes,
 15 then that proposal remains on the Matrix and could come
 16 back at a later date. Okay?
 17 I'm a little nervous. Okay.
 18 MR. KUSHI: Mr. Chair, you know, members like
 19 Member Hedani and Susan would know more parliamentary
 20 procedure than I would. I mean, if it doesn't pass or
 21 fail, table it, you know. But, again, I would urge the
 22 Commission, if you're going to down something right now,
 23 no longer consider it, you leave the opportunity for it
 24 to be revived.
 25 CHAIR STONE: There is -- we are not going to

1 put anything on a -- we're not downing anything right
 2 now. It will stay on the Matrix. So it's not down.
 3 Wayne -- Wayne and Susan, do you guys have comments on
 4 that? You guys have --
 5 MEMBER MOIKEHA: On parliamentary procedure?
 6 CHAIR STONE: No. I mean, does this -- you
 7 guys have been -- it seems comfortable, right? Yeah,
 8 okay. Thanks for your input, Ed. And if we're being
 9 bad, bad, just scold us and --
 10 MEMBER DE REGO: Wayne's going to say
 11 something. You cut him off. What about me, what the
 12 heck, huh?
 13 CHAIR STONE: Wayne doesn't need to be brought
 14 out of his shell. Wayne go ahead, please.
 15 VICE-CHAIR HEDANI: Generally, I thought that
 16 any proposal that moved forward or that's being
 17 recommended for consideration by the voters should be
 18 something that's moved by a member of the Commission,
 19 seconded by another member of the Commission, vigorously
 20 debated, and voted on with a majority of six out of 11
 21 required for it to move forward.
 22 CHAIR STONE: Thank you. Very good. I think
 23 you're right.
 24 MEMBER OKAMOTO: Then I do have a question.
 25 See, that, I would see as a final moving it forward.

1 You're talking a little more just a general sort of
 2 weeding out? Is that --
 3 CHAIR STONE: In this initial process, we need
 4 to focus on active and inactive. Because what we're
 5 going to see -- and I -- this is what I initially
 6 thought would work, but, as you read through where you
 7 get like 10 proposals in one section, you can't do it
 8 that way. You have to blend everything together and to
 9 come up with, are we working on this. Because, I mean,
 10 under Article 3, there's 20 proposals.
 11 MEMBER OKAMOTO: Yeah. Okay.
 12 CHAIR STONE: So that's why we want to get to
 13 the active list. All right? And it's -- yes.
 14 MEMBER MOIKEHA: I think, to answer your
 15 question, it doesn't mean it's the end of the day and
 16 it's definitely going to be on it. And so if you refer
 17 the motion to the active list, then you are identifying
 18 it as it's open for discussion on the active list.
 19 CHAIR STONE: Exactly.
 20 MEMBER MOIKEHA: Not -- as opposed to it's a
 21 proposed amendment for the Charter -- for the voters
 22 to --
 23 CHAIR STONE: Exactly. We're not going to
 24 that stage yet.
 25 MEMBER MOIKEHA: I think your parliamentary

1 procedure on voting, too -- and I agree with Wayne on
 2 making sure it's formal -- is there's three ways it can
 3 go; it can be disapproved, approved or deferred. And
 4 maybe we might have some of these things we might --
 5 aren't ready to even address at this time. So I think
 6 that would also be a good option, is to have a deferral
 7 on maybe one of these, if that comes up in the
 8 discussion.
 9 CHAIR STONE: Okay. And you guys can always
 10 help me out on that, too. Wayne, just kick me.
 11 Commissioner --
 12 MEMBER DE REGO: Well, I'll defer to Clifford.
 13 CHAIR STONE: Cliff, go ahead.
 14 MEMBER HASHIMOTO: Yeah. What my suggestion
 15 would be that we -- we take a vote on each one of these
 16 proposals that we have listed here. We can do that now,
 17 because it's not formal, right? The vote is not formal?
 18 CHAIR STONE: Well, I also asked Ed that.
 19 MEMBER HASHIMOTO: But he's telling us that --
 20 that some of these we will understand quite readily
 21 what -- what it really says.
 22 CHAIR STONE: Exactly.
 23 MEMBER HASHIMOTO: And let's say that we vote
 24 on it and we say, okay, we place this in -- under
 25 consideration. All right. And then -- and then it

1 might be not at all. And -- and then we can move
 2 through this entire list today and -- and then we would
 3 have all of these things that can be reshuffled and
 4 placed in these three categories.
 5 CHAIR STONE: Just a note today --
 6 MEMBER HASHIMOTO: We can do that today.
 7 CHAIR STONE: -- actually --
 8 MEMBER HASHIMOTO: Because some of these will
 9 be easy enough, some of them won't.
 10 CHAIR STONE: Cliff, sorry, it's an agenda
 11 issue with the Sunshine Law. So what did was I
 12 determined, today, we will go from -- we have the
 13 ability, if we can make it that far, from Preamble to
 14 Number 3.36. Because we have to inform the public.
 15 MEMBER OKAMOTO: Right.
 16 CHAIR STONE: So -- but I do believe that's a
 17 big chunk. And if we get through that, I am going to be
 18 very impressed. So with that said, I suggest everybody
 19 pull out their copy of the Charter --
 20 MEMBER DE REGO: Wait.
 21 CHAIR STONE: -- with amendments.
 22 Yes. Commissioner De Rego.
 23 MEMBER DE REGO: Just a point of clarification
 24 and a question about the process. There might be issues
 25 that -- you know, like you say, there's mention several

1 times, but sort of have a general direction or thread.
 2 For instance -- let me use a simple example. Am I being
 3 loud enough in this thing? There might be three
 4 proposals for increasing terms for the Cost of
 5 Government Commission, for instance. That's an easy
 6 example. But they all go in sort of the same direction,
 7 in other words, increasing the length of the terms,
 8 whether it's four years or five years, you know. Are we
 9 voting on the general idea or category, you know, we're
 10 going to deal with increasing the Cost of Government
 11 Commission's terms, or are we voting on the specific
 12 proposals themselves and this one's going to make it,
 13 the other ones aren't? Just a clarification.
 14 CHAIR STONE: Yes. Good. Good. These
 15 proposals, most likely, will not get out there worded as
 16 they are. They will be our own words. Remember, these
 17 are -- these are ideas that have been given to us, and
 18 it's up to the Commission to make the proposal. So it
 19 will, most likely, be a blend of an idea that came to us
 20 that we all agree is the right direction. We'll -- for
 21 example, when we get into some hotbed areas, we're going
 22 to find out where the Commission lies, on what direction
 23 they want to go, for example. So at that stage, we're
 24 going to get muddled down trying to figure out how we
 25 would word it and what -- what the structure of the

1 proposal would really be. So is it going to be the
 2 final proposal? No. At this stage, no. It's going to
 3 be our active proposal that we, as a majority, moved
 4 forward from that section.
 5 Commissioner Wiger.
 6 MEMBER WIGER: So, to me, to be very precise
 7 regarding Commissioner De Rego's question, if that were
 8 to come to the agenda, expanding the terms, and there
 9 were four recommendations about expanding the terms, a
 10 Commissioner could say, I move the general question in
 11 the affirmative of expanding the terms of the Cost of
 12 Government Commission, which would be not a -- not any
 13 of the ones there, but simply moving it forward to be
 14 discussed.
 15 MEMBER DE REGO: And put on the active list.
 16 MEMBER WIGER: Put on the active list. And
 17 that would move us in the direction you're speaking
 18 about?
 19 CHAIR STONE: Yes. Exactly.
 20 MEMBER WIGER: Thank you. Thank you.
 21 CHAIR STONE: Also, for example, when we get
 22 to, say, district voting, there will be a discussion of
 23 whether or not a proposal on district voting will end up
 24 going out to voters. But, as a majority, we're going to
 25 whittle ourselves down to the fact that the majority

1 says, yes, we are, and then we will work on it from that
 2 stage, or, no, we aren't. So we need to get there first
 3 before we can start really digging in. And we need our
 4 Analyst here once we get to that stage, when we start
 5 digging.
 6 Ed.
 7 MR. KUSHI: Yeah, Mr. Chair, just one
 8 clarification on your procedure, just to leave no stone
 9 unturned.
 10 (Laughter.)
 11 MEMBER DE REGO: Exactly. Thank you.
 12 CHAIR STONE: Thank you, Ed. Very good. Make
 13 sure you put, "Ha, ha," Tonya.
 14 (Laughter.)
 15 MR. KUSHI: I meant -- I'm thinking you are
 16 looking at an active list and an inactive list, as you
 17 go through each proposal. Let's say you have a proposal
 18 that you want to do on an inactive list, put it on the
 19 inactive list, a motion will be made, you vote on it.
 20 And let's say it succeeds seven to four, the vote is
 21 seven for four to place this item on inactive. To
 22 resurrect this, Robert's Rules provides that the winning
 23 side can then make a motion to reconsider. So one of
 24 the seven members would have to make a motion to do it.
 25 If none is made, then it's dead.

1 CHAIR STONE: One of the seven members that
 2 made the motion?
 3 MR. KUSHI: On the winning side.
 4 CHAIR STONE: On the winning side, okay.
 5 MEMBER DE REGO: Has to bring it back.
 6 MEMBER DELEON: Mr. Chair?
 7 MR. KUSHI: I think that's the proper way to
 8 resurrect this.
 9 CHAIR STONE: Yes, Commissioner DeLeon.
 10 MEMBER DELEON: That assumes the motion died.
 11 MR. KUSHI: It's on inactive list.
 12 MEMBER DELEON: Being on the inactive list
 13 doesn't mean you defeat it.
 14 CHAIR STONE: No, does not.
 15 MEMBER DELEON: It's a different thing than a
 16 motion that was defeated on the floor of the Council,
 17 for instance, and then somebody tries to resurrect it.
 18 Making a supermajority for something that's on the
 19 inactive list might be a problem and might trap us.
 20 CHAIR STONE: You know, we don't have an
 21 inactive list at the moment. So I'm not --
 22 MEMBER DELEON: Well, whatever you want to
 23 call that secondary list.
 24 CHAIR STONE: The Matrix.
 25 MEMBER DELEON: The Matrix.

1 CHAIR STONE: This Matrix is going to be our
 2 -- our --
 3 MEMBER DELEON: The one that isn't the active
 4 list.
 5 CHAIR STONE: Okay. Yes.
 6 MEMBER WIGER: Instead of -- instead of saying
 7 that it's going -- that it would be -- that it would
 8 follow that particular process of Robert's Rules of
 9 Order, which we all understand, couldn't we have a
 10 deferred list, saying we want to defer this item for
 11 consideration at a later date?
 12 MEMBER OKAMOTO: Then you've got to
 13 consider --
 14 MEMBER DELEON: I think it ought to be a
 15 simple majority that pulls it off that list rather
 16 than --
 17 MEMBER WIGER: Yeah.
 18 MEMBER DELEON: -- a requirement for a
 19 supermajority.
 20 MEMBER WIGER: Exactly. Exactly.
 21 MEMBER MOIKEHA: You can't do that, though.
 22 Because when you take a formal motion vote, and you're
 23 under Robert's Rules, that is the procedure, as Ed
 24 explained it.
 25 MEMBER DELEON: We're not defeating an item.

1 We're just --

2 MEMBER MOIKEHA: Well, figure out another way,

3 but you're in conflict with your own rules --

4 MEMBER WIGER: What about --

5 MEMBER MOIKEHA: -- which we have adopted.

6 CHAIR STONE: Yes.

7 MEMBER WIGER: Tabling won't work?

8 MEMBER OKAMOTO: How about we just take the

9 first two or three and try them and see what we get?

10 CHAIR STONE: Why don't we stumble through in

11 front of the public?

12 MEMBER OKAMOTO: Yeah. Why not?

13 CHAIR STONE: Well --

14 MR. KUSHI: If you table it, it's not active.

15 MEMBER WIGER: Okay.

16 MEMBER SUGIMURA: Table it.

17 MEMBER WIGER: Okay. Tabling, you don't act

18 on it.

19 MR. KUSHI: Deferred.

20 MEMBER DELEON: Then you got --

21 MEMBER HASHIMOTO: I think our reporter is

22 having a little trouble trying to figure out who's

23 talking.

24 CHAIR STONE: Oh, sorry. Sorry.

25 MEMBER HASHIMOTO: Talking at the same time.

1 CHAIR STONE: Commissioners, please. Okay.

2 All right. Any further discussion on this before we

3 move forward?

4 MEMBER SUGIMURA: So before we start, I

5 need -- can you tell me what the final decision is,

6 Junior? That's what I want to know.

7 CHAIR STONE: Susan, one second. Commissioner

8 Wiger had a question.

9 MEMBER WIGER: Okay. That's the question that

10 I want to follow up on, is that if we -- if we table it,

11 what becomes the process for moving it back into active

12 discussion and consideration?

13 MR. KUSHI: It will be under Old Business in

14 the next agenda.

15 CHAIR STONE: And, Ed, as we're going through

16 this, obviously, you will chime in?

17 MR. KUSHI: I will try.

18 CHAIR STONE: Okay. So, you know, if you need

19 a coffee or something, grab it now.

20 MR. KUSHI: I've got it.

21 CHAIR STONE: Okay. So we're moving forward.

22 The first proposal on our Matrix, Number 0.1, under

23 Preamble, "Proposal to Amend the Purpose Clause. Amend

24 Preamble to add a general statement about the purpose of

25 establishing a County government and to include the

1 following: Preserve and protect the rights of persons

2 and property, to protect the beauty of Maui, to provide

3 recreational facilities, to provide adequate and safe

4 water, among other things."

5 Now, discussion.

6 MEMBER BAXA: Mr. Chair?

7 CHAIR STONE: Commissioner Baxa.

8 MEMBER BAXA: I have no basic objection to

9 this proposal, but I just would like to make an

10 amendment to the language. It says, "Preserve and

11 protect the rights of persons and property, to protect

12 the beauty of Maui, to provide recreational facilities,

13 to provide adequate and safe water, among other things."

14 My suggestion would be, at the beginning of the

15 sentence, instead of "preserve and protect the rights of

16 persons and property," I would substitute in that place

17 "to preserve and protect every person's personal and

18 property rights." The reason for that is that I do not

19 know if property actually have rights. So I would say

20 "protect every person's personal and property rights."

21 So the rights that would be protected would pertain to

22 the person, which would pertain to his personal rights

23 as well as property rights.

24 MEMBER HASHIMOTO: No. I'm sorry.

25 CHAIR STONE: Oh.

1 MEMBER BAXA: That's about it.

2 CHAIR STONE: Good. Commissioner Okamoto.

3 MEMBER OKAMOTO: At this time, do we want to

4 get into specific language or not?

5 CHAIR STONE: I don't -- at this stage, what I

6 think we need to do is decide if this Preamble change is

7 going to move to active.

8 MEMBER OKAMOTO: Not necessarily the wording?

9 So we might --

10 CHAIR STONE: I don't think we need to get

11 into the wording at this stage, but, out of respect for

12 Commissioner Baxa, I think that this is -- this concept

13 of amending the Preamble is the thought. So --

14 MEMBER DE REGO: Because there might be other

15 proposals, as we heard with the Native Hawaiian --

16 MEMBER WIGER: Rights.

17 MEMBER DE REGO: -- rights and testimony, this

18 might be an area where the Charter would be amended to

19 include something like that. So we might be getting

20 proposals down the line that would amend the Preamble at

21 that particular point. So I like the idea of -- yeah,

22 the idea of the Preamble is open to amendment and that

23 we would discuss that. If that's what we're voting on

24 at the particular point, trying to clarify this, then I

25 would -- I would actually make a motion at this point

1 that we put on the active list a proposal to amend the
 2 Purpose clause of the Maui County Charter.
 3 MEMBER OKAMOTO: Second.
 4 CHAIR STONE: Okay. A motion has been put
 5 forward to move a Preamble amendment onto the active
 6 list, and seconded. Discussion on that motion?
 7 Commissioner Moikeha.
 8 MEMBER MOIKEHA: I will not be supporting that
 9 motion. When we refer back to what is actually
 10 written -- and I am referring to the current Charter,
 11 2003 edition -- I think Ed is right. I don't want to
 12 get hung up on this. I think it's broad enough to
 13 include anything else we might add, including any
 14 Hawaiian -- Native Hawaiian issues that might be able to
 15 fit into the Charter.
 16 As it reads now, "We, the people of the County
 17 of Maui, to secure the benefits of the best possible
 18 form of county government and to exercise the powers and
 19 assume the responsibilities of county government to the
 20 fullest extent possible, do hereby adopt this Charter of
 21 the County of Maui, State of Hawaii." I think that's
 22 broad enough to fit anything. And I do support the fact
 23 that whatever the meat of this is, that's where you're
 24 going to put what you want to put. And so I am not
 25 supporting that motion to move it forward to the active

1 list.
 2 CHAIR STONE: Thank you. Commissioner DeLeon.
 3 MEMBER DELEON: Ditto.
 4 CHAIR STONE: That's it, Commissioner DeLeon?
 5 Okay. Commissioner Hedani.
 6 VICE-CHAIR HEDANI: I agree -- I agree with
 7 the comments made by Commissioner Moikeha. I think the
 8 Preamble of the Charter should state the purpose of the
 9 Charter. I don't think the purpose of the Charter is to
 10 ensure safe water. I don't think the purpose of the
 11 Charter is to ensure recreational facilities. And I
 12 think that those kinds of specific things do not
 13 actually belong in the Preamble.
 14 CHAIR STONE: Thank you very much, Mr. Hedani.
 15 Further discussion?
 16 (Silence.)
 17 CHAIR STONE: No further discussion. All
 18 right. We're going to take a vote. All in favor of the
 19 proposal to move the Preamble to the active list, an
 20 amendment of the Preamble to the active list -- we're
 21 going to have to do this by count, so please raise your
 22 hand and say "aye."
 23 (A chorus of ayes.)
 24 CHAIR STONE: All opposed, please raise your
 25 hand. Judge Baxa, did you vote?

1 MEMBER BAXA: I am waiting.
 2 CHAIR STONE: Could we -- sorry. Could we
 3 just do that again? First vote, okay. Should we roll
 4 call it?
 5 MEMBER DE REGO: Yeah, roll call.
 6 CHAIR STONE: Yeah. Why don't we roll call
 7 it? Okay.
 8 MS. KAHUHU: I'll call the votes. Kay
 9 Okamoto.
 10 MEMBER OKAMOTO: Aye.
 11 MS. KAHUHU: Clifford Hashimoto.
 12 MEMBER HASHIMOTO: Aye.
 13 MS. KAHUHU: Flo Wiger.
 14 MEMBER WIGER: Nay.
 15 MS. KAHUHU: Stephanie Crivello.
 16 MEMBER CRIVELLO: Aye.
 17 MS. KAHUHU: Wayne Hedani.
 18 VICE-CHAIR HEDANI: Nay.
 19 MS. KAHUHU: Artemio Baxa.
 20 MEMBER BAXA: Aye.
 21 MS. KAHUHU: David DeLeon.
 22 MEMBER DELEON: No.
 23 MS. KAHUHU: Susan Moikeha.
 24 MEMBER MOIKEHA: No.
 25 MS. KAHUHU: Yuki Lei Sugimura.

1 MEMBER SUGIMURA: Nay.
 2 MS. KAHUHU: And Frank De Rego.
 3 MEMBER DE REGO: Aye.
 4 MEMBER WIGER: Mr. Chair, I'm sorry, I
 5 misunderstood the -- I misunderstood the way the
 6 question was --
 7 CHAIR STONE: So you're changing your vote?
 8 MEMBER WIGER: I'm changing my vote, yes.
 9 It's my error. I wasn't paying attention.
 10 CHAIR STONE: Okay. Chair would like to vote
 11 as well.
 12 MS. KAHUHU: Okay.
 13 CHAIR STONE: No.
 14 MS. KAHUHU: Chair, we have four ayes and --
 15 CHAIR STONE: No, no, no. No, no. Six ayes,
 16 I think.
 17 MEMBER CRIVELLO: One, two, three, four --
 18 MEMBER DE REGO: Five, six.
 19 MEMBER CRIVELLO: -- five, six.
 20 CHAIR STONE: This is a good start, guys.
 21 First, we're going to learn how to count.
 22 MEMBER OKAMOTO: Yeah.
 23 CHAIR STONE: That's the first thing. Okay.
 24 We need to clarify that again. Let's do it once again,
 25 please.

1 MEMBER SUGIMURA: So the motion is -- say the
 2 motion again.
 3 CHAIR STONE: Okay. The motion is to -- the
 4 motion is to put to -- we will put a Preamble amendment
 5 onto the active list. That is the motion. If you vote
 6 "aye," you're voting in favor of --
 7 MEMBER DE REGO: Putting it --
 8 CHAIR STONE: -- putting the Preamble
 9 amendment onto the active list. Let's do it one more
 10 time just to be clear, Lisa, please.
 11 MS. KAHUHU: Okay. Kay Okamoto.
 12 MEMBER OKAMOTO: Aye.
 13 MS. KAHUHU: Clifford Hashimoto.
 14 MEMBER HASHIMOTO: Aye.
 15 MS. KAHUHU: Flo Wiger.
 16 MEMBER WIGER: Aye.
 17 MEMBER CRIVELLO: Aye. Stacy Crivello.
 18 MS. KAHUHU: Stacy Crivello. Wayne Hedani.
 19 VICE-CHAIR HEDANI: Nay.
 20 MS. KAHUHU: Artemio Baxa.
 21 (Laughter.)
 22 MEMBER BAXA: The reason I laugh is because I
 23 misunderstood the first motion.
 24 CHAIR STONE: This is going to take longer
 25 than I thought.

1 MEMBER OKAMOTO: Yeah.
 2 CHAIR STONE: Commissioner Baxa, would you
 3 like the motion reread to you?
 4 MEMBER BAXA: Okay. Please restate the motion
 5 again.
 6 CHAIR STONE: The motion is we will move an
 7 amendment of the Preamble, meaning that we shall amend
 8 the Preamble, and move that to the active list, so it's
 9 something we'll work on actively.
 10 MEMBER BAXA: Did everybody understand that?
 11 CHAIR STONE: Yeah.
 12 MEMBER WIGER: Yeah.
 13 MEMBER CRIVELLO: Yeah. We voted yes.
 14 MEMBER BAXA: I'm satisfied with the old one.
 15 MEMBER WIGER: That's no.
 16 CHAIR STONE: Okay.
 17 MS. KAHUHU: David DeLeon.
 18 MEMBER DELEON: No.
 19 MS. KAHUHU: Susan Moikeha.
 20 MEMBER MOIKEHA: No. Sorry.
 21 MS. KAHUHU: Yuki Lei.
 22 MEMBER SUGIMURA: No.
 23 MS. KAHUHU: Frank De Rego.
 24 MEMBER DE REGO: Aye.
 25 MS. KAHUHU: Josh Stone.

1 CHAIR STONE: Nay. Six-five.
 2 MEMBER OKAMOTO: Always count your ayes first.
 3 MS. KAHUHU: Five ayes and six nays.
 4 CHAIR STONE: Motion does not pass. So the
 5 Preamble stays on the Matrix, does not move onto -- the
 6 amendment does not move onto the active list. Okay.
 7 Moving on to the -- yeah, one down, 76 to go.
 8 (Laughter.)
 9 MEMBER DE REGO: It should go faster.
 10 CHAIR STONE: Ed wants to chime in on our
 11 structure.
 12 MR. KUSHI: No. Since you voted, you know --
 13 anyway, just to address Commissioner De Rego's concerns
 14 about Native Hawaiian rights and the testimony that you
 15 had, if asked, our office would say that the issue of
 16 Native Hawaiian rights and whatever they're entitled to
 17 is a matter of statewide concern, it's a statewide
 18 issue, it involves State constitutional issues, it
 19 involves a statewide concern. Anything that the State
 20 or courts would do concerning such rights would
 21 supersede the Maui County Charter. So, again, it's
 22 something bigger than the Charter.
 23 MEMBER DE REGO: But it doesn't mean we
 24 couldn't make a statement in the Charter about it,
 25 correct?

1 CHAIR STONE: Okay. Well, discussion is over.
 2 MR. KUSHI: And to that extent, anything that
 3 the County does which is inconsistent with the state law
 4 is void.
 5 CHAIR STONE: Interesting.
 6 Moving on. Article 1, Incorporation and
 7 Geographical Limits. Proposal Number 1.1: "Amend
 8 Section 1-2, Geographical Limits, to include the area
 9 known as the Kalaupapa Settlement as part of the County
 10 of Maui."
 11 MEMBER DELEON: Move to approve.
 12 CHAIR STONE: We have a motion on the table to
 13 move this proposal forward to the active list. Is there
 14 a second on that?
 15 MEMBER WIGER: Second.
 16 CHAIR STONE: Seconded by Commissioner Wiger.
 17 Discussion? Commissioner Crivello.
 18 MEMBER DELEON: Isn't it the person who made
 19 the motion who speaks first, please?
 20 MEMBER CRIVELLO: Dave, I've been quiet all
 21 day.
 22 CHAIR STONE: Commissioner Crivello.
 23 (Laughter.)
 24 MEMBER CRIVELLO: Okay. So it says here, from
 25 what I'm understanding, is to include the area known as

1 the Kalaupapa Settlement as part of the County of Maui.
 2 But it's Kalawao that's, actually, a separate county and
 3 not the Kalaupapa settlement.
 4 Secondly, I don't know if this recommendation
 5 came from Commissioner DeLeon or Kalaupapa residents.
 6 And I think it's unfair for us to speak on behalf of
 7 Kalaupapa people. Too many decisions are made by people
 8 who are not part of the heartbeat of the Kalaupapa
 9 Settlement or -- or what-have-you.
 10 So that being said, I'm voting no.
 11 CHAIR STONE: Very good.
 12 MEMBER SUGIMURA: Dave first.
 13 CHAIR STONE: Commissioner DeLeon.
 14 MEMBER DELEON: Kalawao County is a county in
 15 name only. It's a pseudonym for something that existed
 16 in the past. The population of Kalawao County is --
 17 it's under 100, I mean, the resident population. It's a
 18 physical part of Molokai. Molokai is a physical part of
 19 the County. To keep it separate and distinct is --
 20 well, I mean, if Kahoolawe is going to be part of the
 21 county, why isn't part of Molokai part of the county?
 22 This is an anachronism. I think it's our -- our
 23 responsibility, while we're on this watch, is to clean
 24 up those kinds of anachronisms. I don't think it's an
 25 insult to anybody. I don't think they -- they vote and

1 are -- I guess they vote in our county. They don't get
 2 a councilmember.
 3 MEMBER CRIVELLO: No, they don't vote in our
 4 county.
 5 MEMBER DELEON: Well, how do they vote? I
 6 mean --
 7 MEMBER CRIVELLO: They only vote state.
 8 MEMBER DE REGO: State, they don't --
 9 MEMBER CRIVELLO: Not in the county.
 10 MEMBER DELEON: Oh, okay. Well, in any case,
 11 in the next 10 years, there won't be any residents of
 12 that community. And we'll have a hunk of Molokai
 13 without any population, outside of Park Service and
 14 maybe Department of Health officials and church
 15 officials who are living back there on a part-time
 16 basis, without having any connection to the County. I
 17 mean, it's just -- it's a -- it's an oddity of history.
 18 And I think it's time for it to be examined and
 19 reconsidered.
 20 MEMBER DE REGO: Can I --
 21 CHAIR STONE: Thank you.
 22 MEMBER DE REGO: -- make --
 23 CHAIR STONE: Hang on.
 24 MEMBER DE REGO: -- a comment on this?
 25 CHAIR STONE: One second.

1 MEMBER DE REGO: It seems that this gets back
 2 to Ed's point about state issues.
 3 MEMBER WIGER: Yeah. Okay.
 4 MEMBER DE REGO: Just like Native Hawaiian
 5 rights, he made the point it might be state issues, and
 6 it's superseded by state law. Kalawao County is
 7 established by state law. And this is -- again, it's
 8 the jurisdiction of the Department of Health and the
 9 Parks Service. So -- go ahead, Ed.
 10 MR. KUSHI: Mr. Chair?
 11 CHAIR STONE: Ed, please.
 12 MR. KUSHI: I think -- I think you're right.
 13 I think he's right. I even looked at the statute. It
 14 was established by a State HRS law. And I think, along
 15 with that, I think Department of Health has some
 16 jurisdictional issues, funding, et cetera. So I think
 17 it's okay, you know, you might want to move it on, keep
 18 it on the active list, but have your Analyst look at it
 19 and see if, whatever the Charter does, it would conflict
 20 with your state law.
 21 CHAIR STONE: Thank you, Ed. Commissioners,
 22 further discussion? Commissioner DeLeon.
 23 MEMBER DELEON: I would like to point out that
 24 the Kahoolawe Commission's a State agency that runs the
 25 whole island of Kahoolawe, yet we consider Kahoolawe

1 part of our county.
 2 MR. KUSHI: But, again, it's not part of the
 3 state law.
 4 MEMBER DELEON: The Commission?
 5 MR. KUSHI: No. When the State divides its
 6 political subdivision.
 7 MEMBER DELEON: I know.
 8 MR. KUSHI: Specifically exempts Kalaupapa.
 9 MEMBER DELEON: I think if we put a positive
 10 step on this, we can maybe correct an anachronism. But
 11 I -- I just don't see the value of it. And I think it's
 12 kind of like something that's out of order and needs to
 13 be corrected because it's the point in time.
 14 CHAIR STONE: Thank you. Commissioner
 15 Crivello.
 16 MEMBER CRIVELLO: I think I can appreciate
 17 Commissioner's, DeLeon, consideration for Molokai, and
 18 especially for Kalaupapa at this time, but, yes, it's --
 19 the State is the overall -- you know, it's lands that
 20 are run by the Department of Health. But that's --
 21 that's not what's important to consider. What's
 22 important to consider is, if this is something that we
 23 want to consider, is take it to the Kalaupapa people,
 24 take it to what residents are there today, and get their
 25 feel and -- and hear from them. That's all I'm saying.

1 CHAIR STONE: Thank you, Commissioner.
 2 MEMBER BAXA: Mr. Chair?
 3 CHAIR STONE: Commissioner Baxa.
 4 MEMBER BAXA: Can I just ask a question?
 5 CHAIR STONE: Sure.
 6 MEMBER BAXA: Do the people of Kalaupapa vote?
 7 MEMBER DELEON: State.
 8 MEMBER CRIVELLO: State.
 9 MEMBER DELEON: Not in the County.
 10 MEMBER CRIVELLO: Not Maui County.
 11 MEMBER BAXA: So who do they vote for, for
 12 councilman?
 13 MEMBER CRIVELLO: They don't.
 14 MEMBER HASHIMOTO: They are not represented.
 15 MEMBER BAXA: I see. Then that may be the
 16 problem that I can see with the suggestion of
 17 Commissioner DeLeon. Because if we say that they are
 18 within the geographical limits of Maui, then they may be
 19 entitled to vote for official of the County of Maui.
 20 MEMBER DELEON: Yeah.
 21 MEMBER OKAMOTO: Do we provide any County
 22 services there, police, fire?
 23 CHAIR STONE: I don't know. Do we?
 24 MEMBER CRIVELLO: No, we don't.
 25 MEMBER OKAMOTO: You're talking a very large

1 cost issue.
 2 CHAIR STONE: Good. Commissioners, any
 3 further discussion?
 4 MEMBER HASHIMOTO: Yes.
 5 CHAIR STONE: Commissioner Hedani.
 6 VICE-CHAIR HEDANI: Well, I'll be voting
 7 against the motion for the active list on this
 8 particular issue because I haven't personally heard from
 9 anybody from Kalaupapa, Kalawao saying they wanted to be
 10 part of Maui County. And I think if they really did
 11 want to be a part of the county, they would have said
 12 something.
 13 CHAIR STONE: Thank you. Commissioner
 14 Hashimoto.
 15 MEMBER HASHIMOTO: I was going to make the
 16 same comment. So I'll be voting against it.
 17 MEMBER MOIKEHA: Do we have a motion on the
 18 floor, Chair?
 19 CHAIR STONE: We do have a motion, and it's
 20 been seconded.
 21 Commissioner Wiger.
 22 MEMBER WIGER: I was just wondering when it
 23 would become -- in light of your comments of going and
 24 talking to the people, if you think that's something
 25 that --

1 MEMBER CRIVELLO: No, I'm not saying that.
 2 What I'm saying is exactly what, really, Wayne is
 3 saying, is we haven't heard from the people in
 4 Kalaupapa. And if we're going to make this decision on
 5 their behalf, then we've never -- we haven't brought
 6 this to them and they haven't brought this to us.
 7 MEMBER WIGER: So I guess my question was, the
 8 process of tabling to receive that kind of information,
 9 if that would be a reasonable thing to do. I don't
 10 know.
 11 CHAIR STONE: Right now, we have a motion on
 12 the floor to move this proposal. Is there any further
 13 discussion?
 14 (Silence.)
 15 CHAIR STONE: Let's do roll call on this
 16 motion.
 17 MEMBER SUGIMURA: State the motion.
 18 CHAIR STONE: Yes, I will, of course. I've
 19 stated the motion five times. Okay?
 20 MEMBER MOIKEHA: Six, please.
 21 (Laughter.)
 22 CHAIR STONE: So there's a motion, and it's
 23 been seconded, to add to the active list the proposal to
 24 amend Section 1-2, Geographical Limits, to include the
 25 area known as the Kalaupapa settlement as part of the

1 County of Maui. So let's do roll call vote, please.
 2 MS. KAHUHU: Kay.
 3 MEMBER OKAMOTO: No.
 4 MS. KAHUHU: Cliff.
 5 MEMBER HASHIMOTO: No. No.
 6 MS. KAHUHU: Flo.
 7 MEMBER WIGER: No.
 8 MS. KAHUHU: Stephanie.
 9 MEMBER CRIVELLO: No.
 10 MS. KAHUHU: Wayne.
 11 VICE-CHAIR HEDANI: Nay.
 12 MEMBER BAXA: Nay.
 13 MS. KAHUHU: Artemio.
 14 MEMBER BAXA: I said "nay" already.
 15 MS. KAHUHU: I'm sorry. David.
 16 MEMBER DELEON: I got to vote for my own
 17 motion.
 18 (Laughter.)
 19 MS. KAHUHU: Susan.
 20 MEMBER MOIKEHA: No.
 21 MS. KAHUHU: Yuki.
 22 MEMBER SUGIMURA: No.
 23 MS. KAHUHU: Frank.
 24 MEMBER DE REGO: No.
 25 MS. KAHUHU: Josh.

1 CHAIR STONE: No.
 2 MS. KAHUHU: Okay. Ten nays, one aye.
 3 CHAIR STONE: Okay. So the proposal shall not
 4 go on to the active matrix list at this time.
 5 We're on a roll. Okay. Moving on to the next
 6 item, Article 2, Powers of the County. Proposal Number
 7 2.1, "Create a new section to declare that the Maui
 8 County government is nonpartisan." Discussion?
 9 MEMBER DE REGO: For the sake of discussion,
 10 I'll make a motion to add this to the active list.
 11 MEMBER DELEON: Second.
 12 CHAIR STONE: It's been -- a motion has been
 13 put forward and seconded. Discussion?
 14 MEMBER OKAMOTO: Well, I will be --
 15 CHAIR STONE: Commissioner Okamoto.
 16 MEMBER OKAMOTO: -- voting against it simply
 17 because I think that it's sort of a small point, that I
 18 want to be look at larger things that, you know, will
 19 require more time. And so I will be voting against it.
 20 CHAIR STONE: Any other discussion?
 21 MEMBER DELEON: I made the proposal, so I'll
 22 speak to it.
 23 CHAIR STONE: Go ahead, Commissioner DeLeon.
 24 MEMBER DELEON: Excuse me. The reason this
 25 came up is, when you look at 13-2, I believe 2, that

1 requires that boards and commission members declare
 2 themselves as democrat, republican or whatever, that I
 3 was trying to get the County Council to remove that
 4 section. And it really dawned on me that we elect our
 5 -- our leadership on a nonpartisan basis. That's the
 6 way we do it, the nonpartisan government. But, the
 7 remnants of party kind of controls remain. And the
 8 Council has taken very strong offense to the idea that
 9 people -- people who are going to volunteer for boards
 10 and commissions aren't willing to put down their party.
 11 And a lot of people don't. And it was a constant
 12 problem for me in my position because I'd always have to
 13 chase these folks down. The application wasn't complete
 14 unless you stated what party you belonged to. Why in
 15 the heck do you have to declare what party you belong to
 16 when the Mayor and the members of the County Council
 17 don't have to declare their party? So I thought it very
 18 appropriate to have an affirmative statement whether
 19 we're a partisan government or we're not. And I think
 20 we're a nonpartisan government, we should have an
 21 affirmative statement to that point. I don't think it's
 22 a small point at all.
 23 CHAIR STONE: Discussion? Commissioner
 24 Moikeha.
 25 MEMBER MOIKEHA: So that's your reason, is

1 because it's on an application that is requiring someone
 2 to fill it out?
 3 MEMBER DELEON: No. I think it needs to be
 4 clear that we're a nonpartisan government. So that
 5 when --
 6 MEMBER MOIKEHA: Okay. So, then, that really
 7 is the intent of your motion. It's not just because
 8 it's on an application and people had to be tracked down
 9 to find it. That's not really the key reason?
 10 MEMBER DELEON: No, no, no. Well, I'll argue
 11 to that point later, because that's another proposal.
 12 MEMBER MOIKEHA: Okay. If that's the point,
 13 then I would say that could be handled administratively
 14 by a change of an application.
 15 MEMBER DELEON: No, it can't, because it's in
 16 the Charter. The Charter requires it. It's a Charter
 17 requirement.
 18 MEMBER MOIKEHA: The Charter requires --
 19 MEMBER DELEON: Requires you identify your
 20 party.
 21 MEMBER MOIKEHA: Okay. Is it in this section?
 22 CHAIR STONE: Hang on, Commissioners.
 23 MEMBER MOIKEHA: Okay. Well, then, when we
 24 get to 13 --
 25 CHAIR STONE: Tonya is losing control.

1 MEMBER MOIKEHA: -- we can talk about that.
 2 MEMBER DELEON: No, it's not.
 3 MEMBER MOIKEHA: Well, that's my opinion.
 4 Thank you.
 5 CHAIR STONE: Guys.
 6 MEMBER DELEON: My turn. Sorry.
 7 CHAIR STONE: Let's keep it down to one person
 8 speaking at a time, please.
 9 MEMBER DELEON: Sorry.
 10 CHAIR STONE: Is there a direct question to
 11 Commissioner DeLeon?
 12 MEMBER MOIKEHA: My question was asked. And
 13 that was, is it because of an application. Which he has
 14 now answered that has basis in another part of the
 15 Charter, which I will address it there.
 16 I do understand Commissioner DeLeon's position
 17 about being nonpartisan. And that seems to be the
 18 primary concern for him in this proposal. And that's
 19 fine, that's his opinion. I, however, am not going to
 20 vote in favor of this right now.
 21 CHAIR STONE: Commissioner DeLeon, would you
 22 like to respond to that?
 23 MEMBER DELEON: It's an overarching issue.
 24 What kind of government do we have? If we're gonna be a
 25 party-based government, then we need to be a party-based

1 government. If we're going to be a nonpartisan
 2 government, then we need to be that. Right now, we're
 3 kind of a blend where parties kind of sweep into all the
 4 time. And I think we need to address it. And this one
 5 issue is one that led me to this consideration, but I've
 6 long felt since then that we needed to be dealing with
 7 this and have a clear statement of our intent. We do
 8 elect our Mayor and our County Council on a nonpartisan
 9 basis. If we're going to continue to do that, I think
 10 it's appropriate that we declare ourselves to be a
 11 nonpartisan government.

12 CHAIR STONE: Commissioner DeLeon, would that
 13 better be suited for another part of the Charter?

14 MEMBER DELEON: No. I think, at least,
 15 because it's overarching, it needs to be in the front.

16 CHAIR STONE: Okay. Commissioner Hedani, you
 17 had something to say?

18 VICE-CHAIR HEDANI: Yes. I think it's an
 19 important consideration. Personally, my feeling is that
 20 nonpartisan elections is part of the reason why voter
 21 turnout is so low in the county. I think it would be
 22 improved if we actually moved back towards partisan
 23 elections. So I won't be voting in favor of this
 24 motion.

25 CHAIR STONE: Commissioner DeLeon.

1 MEMBER DELEON: The reason why we have low
 2 voter turnout is because federal law requires we do not
 3 take names off the voter registration list even though
 4 they're long gone. People move out of here, and we're
 5 not, by law, allowed to remove those names. It creates
 6 a very low percentage on voter turnout. It's a -- it's
 7 a factor of the mathematics than anything else.

8 But I can tell you as a fact that the far
 9 majority of the people that do have to fill out that
 10 sign-in on boards and commissions -- these are very
 11 active people, not your average voter -- put in
 12 independent or nonpartisan, the far majority. So we're
 13 not moving back -- if we move back to a partisan
 14 election system, we're -- we're ignoring the reality of
 15 the voter.

16 MEMBER MOIKEHA: Question.

17 CHAIR STONE: Go ahead, Commissioner Moikeha.

18 MEMBER MOIKEHA: If we do nothing with it and
 19 leave it as it is, and we want to adjust it in the
 20 application of the boards and commissions, where you're
 21 saying it's referenced, would it contradict -- and maybe
 22 this is a question for Corp Counsel -- would it
 23 contradict it or would it invalidate it, if we did not
 24 put this in and make this change right now here?

25 MR. KUSHI: If I understand the situation, and

1 whoever introduced this, is the sticking point to
 2 appointment of boards and commissions. It does say in
 3 the Charter, 13-2.2, not more than a bare majority of
 4 members of any board or commission shall belong to the
 5 same political party. So that's in the Charter. The
 6 board or commission member that comes down to Council
 7 for confirmation, to be checked out, generally it's
 8 independent of nonpartisan or whatever. Again, it is in
 9 -- it is in the Charter. If you take that out, I think
 10 it solves the issue of nonpartisan; however, if you take
 11 it out, that means you can have more than a bare
 12 majority to the same political party. There will be no
 13 prohibition. It could all be democrats, all be
 14 republicans. Again, you know, you got to look at the
 15 consequences of taking it out.

16 MEMBER MOIKEHA: Is there a -- did you make a
 17 motion?

18 CHAIR STONE: There is a motion.

19 MEMBER MOIKEHA: Okay.

20 MEMBER DELEON: Frank made the motion.

21 MEMBER DE REGO: I made the motion.

22 MEMBER MOIKEHA: I'm not going to be voting
 23 either way. I think this one requires more information.
 24 And so if the motion fails, I will make a motion to
 25 defer.

1 MEMBER BAXA: Mr. Chair?

2 CHAIR STONE: Yes.

3 MEMBER BAXA: Are we ready, or I can still say
 4 something?

5 CHAIR STONE: Yes, Commissioner Baxa, please.

6 MEMBER DELEON: Go for it.

7 MEMBER BAXA: I can understand very well the
 8 point of Mr. DeLeon. I think his point is that he is
 9 just trying to bring back to reality about the form of
 10 County government that we have. The problem, though,
 11 that we have is that, like the one that was mentioned by
 12 Commissioner Moikeha, about whose obligation is to put
 13 whether republicans or democrats. If we are going to do
 14 away with that, then certainly those people have the
 15 right to be republicans or democrats. And that's where
 16 I would vote against this. There's nothing that would
 17 prevent them that could -- we should not take away that
 18 right that they have.

19 CHAIR STONE: Commissioners, any further
 20 discussion?

21 (Silence.)

22 CHAIR STONE: All right. We're going to take
 23 a vote on moving the Proposal Number 2.1, create a new
 24 section to declare that the Maui County government is
 25 nonpartisan, to the Active Proposal List. Roll call,

1 please.

2 MS. KAHUHU: Kay.

3 MEMBER OKAMOTO: No.

4 MS. KAHUHU: Cliff.

5 MEMBER HASHIMOTO: No.

6 MS. KAHUHU: Flo.

7 MEMBER WIGER: No.

8 MS. KAHUHU: Stacy.

9 MEMBER CRIVELLO: No.

10 MS. KAHUHU: Wayne.

11 VICE-CHAIR HEDANI: Nay.

12 MS. KAHUHU: Artemio.

13 MEMBER BAXA: Nay or no. That's twice.

14 MS. KAHUHU: David.

15 MEMBER DELEON: Yes.

16 MS. KAHUHU: Susan.

17 MEMBER MOIKEHA: No.

18 MS. KAHUHU: Yuki.

19 MEMBER SUGIMURA: Nay.

20 MS. KAHUHU: Frank.

21 MEMBER DE REGO: Nay.

22 MS. KAHUHU: Josh?

23 CHAIR STONE: Yes.

24 MEMBER DELEON: Thank you.

25 MS. KAHUHU: Two yes, nine nay.

1 CHAIR STONE: Thank you. The motion to move

2 this to the active list has failed.

3 Moving on, Article 3, County Council. Oh,

4 boy.

5 (Laughter.)

6 MEMBER OKAMOTO: Do we have to take them

7 separately? Can we just --

8 CHAIR STONE: No.

9 MEMBER OKAMOTO: -- take the issue?

10 CHAIR STONE: I think -- no, no. This is why

11 we're doing the active list. What we need to do now, at

12 this stage, is we need to go through each of these. And

13 we are going to find out quickly, as a group, which

14 direction we lean as a majority. And then we will -- it

15 is how it is, Wayne. Okay.

16 So I'm going to read the proposals, all right,

17 each proposal for County Council voting structure, and

18 we'll discuss. Wow. All right. And this is for the

19 record.

20 Proposal Number 3.1: "Proposal to establish

21 an Apportionment Commission to create a new

22 nine-district Council election system based on equally

23 proportioned districts. This would replace language in

24 Section 3.1, Composition, that establishes the current

25 at-large election system composed of nine equally

1 proportioned single-member districts."

2 Number 3.2: "Proposal to implement

3 single-member districts. Amend Section 3-1,

4 Composition, to change the composition of the Maui

5 County Council to nine single-member districts."

6 Proposal Number 3.3: "Single-member districts

7 proposal with Lanai and Molokai in separate districts.

8 Amend Section 3-1, Composition, to change the

9 composition of the Maui County Council to nine

10 single-member districts, but do not place Lanai and

11 Molokai in the same Council district. "

12 Proposal Number 3.4: "Single-member districts

13 proposal with self-rule for Lanai and Molokai."

14 MEMBER OKAMOTO: We are getting into different

15 there, I think. You see? I think the first three are

16 the same, but now, when you go to the next-series, I see

17 a difference.

18 CHAIR STONE: That's a -- we're starting to --

19 that is a good point.

20 MEMBER DELEON: Island boards is not the same.

21 CHAIR STONE: That is a good point.

22 MEMBER DELEON: 13 members.

23 CHAIR STONE: You know, I think maybe what we

24 should do is go item by item --

25 MEMBER BAXA: I think so.

1 CHAIR STONE: -- and determine if multiple

2 items might get onto the active list. So that's okay.

3 We'll go item by item. Okay.

4 So going back. We're going to work just on

5 Number 3.1, "Proposal to establish an Apportionment

6 Commission to create a new nine-district Council

7 election system based on equally proportioned districts.

8 This would replace the language in Section 3.1,

9 Composition, that establishes the current at-large

10 election system composed of nine equally-proportioned

11 single-member districts."

12 MEMBER DELEON: Move to approve.

13 CHAIR STONE: Do we have a second?

14 MEMBER WIGER: Second.

15 CHAIR STONE: Seconded. Discussion?

16 Commissioner DeLeon.

17 MEMBER DELEON: This would just put this on

18 the active list. I think if you were to look at the

19 number of people who spoke on this issue in this

20 community and not put it on the active list, it would be

21 a disservice. And I think we would have a roomful of

22 people in here wanting to know why.

23 I personally believe that this plus the

24 current system ought to be going head to head, as the

25 testimony proposed today, where the voters get a choice

1 between the current system and this proposal. And --
 2 and it should be a matter to be decided by the voters
 3 and not by this Commission.
 4 CHAIR STONE: Commissioner Moikeha.
 5 MEMBER MOIKEHA: I wish it was that simple,
 6 because I don't think it's a simplistic issue. By
 7 looking at each one of these, there's no information as
 8 to what's going to happen with the testimony that has
 9 come in that is so clearly against this. And I'm
 10 talking to the hundreds. And when you listen to people
 11 that talked on Lanai and Molokai, they not only spoke as
 12 individuals, but they spoke as representing groups of
 13 hundreds. If you want to quantify it, I would say it
 14 clearly states that they don't want change, by the
 15 numbers.
 16 As I look at each one of these, they're very
 17 -- there's a lot of differences. And for me to support
 18 something right now, it's got to have some ramification
 19 as to what's going to happen as a result of this. It's
 20 so broad, it's so -- it's a theory out there, it's an
 21 idea, but where's the specifics of it? How does that
 22 affect people in getting what they deem as their
 23 representation when they may not have a representative
 24 that lives on their island, in their specific area? I
 25 think -- I'm not totally against looking at something

1 that might be a better change, but I haven't seen it
 2 yet. I have not seen it. I have not seen where we
 3 specifically can say this is going to be good for
 4 everyone. And I'm, at this point, still out on how I
 5 think about, you know, whether or not this is something
 6 that really needs to go to the Commission. If we're
 7 voting point by point, I'll make my vote known at that
 8 time.
 9 CHAIR STONE: Thank you. Commissioners,
 10 further discussion?
 11 MEMBER SUGIMURA: I agree with --
 12 CHAIR STONE: Commissioner Sugimura.
 13 MEMBER SUGIMURA: -- Commissioner Moikeha in
 14 that I think there are so many different suggestions or
 15 recommendation proposals that came from the community,
 16 and we heard a diversity from the communities that we
 17 went to. So I think, at this time, to say we're going
 18 to do one thing is -- it needs to be better defined or
 19 we need to talk about it. So I agree with Commissioner
 20 Moikeha.
 21 CHAIR STONE: Commissioner Wiger.
 22 MEMBER WIGER: I think the challenge that many
 23 of us have -- at least I know I do -- and in
 24 conversations with other people -- I think the challenge
 25 that I'm facing is that I did hear the voices of a

1 number of people, and I've also heard the voices of
 2 people on the other side of the issue saying at least
 3 bring it to the people, let the voters decide if they
 4 want to have the right to change this. And so the thing
 5 I'm grappling with is if we go down the line of each one
 6 of these and nothing -- nothing makes it to an approved
 7 list, then we can just walk away again and say, well,
 8 it's not going to go to the voters. And, yet, when you
 9 look at the former Commission meetings, the one that was
 10 just handed out today, there it is again, in that one,
 11 the whole issue about -- and it wasn't only that one.
 12 It's been on the table before. And somehow I get the
 13 feeling -- I get the feeling that as long as we can
 14 contain it within us, we don't have to put it out there
 15 and let folks take a whack at it.
 16 I mean, one of the things that I heard today
 17 from Mr. Smith -- and I thought that his presentation
 18 was quite interesting, because I hadn't thought about it
 19 that way before. I've always thought about, okay, we
 20 have to come up with some kind of a model. And what he,
 21 basically, said was you don't have to come up with a
 22 model, all you have to do is ask us, the voters, if we
 23 want to change what we've got now. And if enough people
 24 say we want it changed, then you create a process that
 25 allows that change to at least have discourse and

1 information with the public. But it puts it out there
 2 for people to take a whack at. And people haven't had
 3 the ability to be able to do that.
 4 So what I'm struggling with is, how do we get
 5 to the point of allowing people to have a say in it on
 6 the ballot as opposed to just, well, we'll just vote
 7 everything down because, that way, it won't ever have to
 8 get there. Because none of these -- none of these
 9 recommendations, I think, are going to really pass
 10 muster to get through the group. So that's what I'm
 11 struggling with.
 12 CHAIR STONE: Commissioner Crivello.
 13 MEMBER CRIVELLO: The voices were heard,
 14 definitely, on Molokai and Lanai. And the voices were
 15 loud and clear. And in all respect to what you're
 16 saying as putting it out there, is we have to have an
 17 explanation, we have to have some sort of model if we're
 18 going to decide to do that. So if something's going to
 19 go that way, what -- it's not only Molokai and Lanai.
 20 It's Kahului, it's Wailuku, it's Kihei, it's Lahaina,
 21 it's East Maui, it's Hana, it's -- it's all of the
 22 districts of Maui County. And most of all, you know,
 23 it's not just because Molokai and Lanai and Hana will be
 24 deprived if we remove the at-large district. And
 25 unless, yes, we're going to say we may take away -- this

1 is a vote to take away your rights of what you have now,
2 but what are we putting in place, what are we offering
3 the voters of Maui County?

4 I heard Commissioner DeLeon talk about the
5 need to include Kalaupapa. I mean -- so from one
6 saying -- we're saying consider Kalaupapa, but the
7 removal of the at-large district removes the rural areas
8 of Hana, of Molokai and Lanai. And you're going to
9 start splitting up places of Wailuku and Kahului and
10 other districts of Maui. So we need to tell the voters
11 these things if we want to consider some sort of change
12 or put it on the ballot. I think it's unjust of us to
13 just throw that out and not educate the voters what are
14 the ramifications of these changes.

15 And -- and I just cannot see us going into
16 single-member district. I've heard the argument about
17 incumbents. Hawaii, the incumbents will get reelected.
18 Very rarely are you going to see it otherwise. So I
19 don't buy that argument. And if we're looking at how
20 many voters you -- you have go out there, will this
21 change it?

22 CHAIR STONE: Thank you, Commissioner.
23 Commissioner Okamoto.

24 MEMBER OKAMOTO: Well, I honestly wasn't going
25 to say anything. Can you believe that? I was,

1 actually, very happy when Flo said, at the beginning,
2 you know, she would like to be able to find something
3 that works. I haven't seen anything that's going to
4 work for everyone. And I'm not one to think that you
5 put things out to a vote every time -- I mean, then do
6 we put all 40 or 70 of them out to a vote to let people
7 have a say in it? I think that's why we're here. And I
8 think it's why you see that it hasn't come up at the
9 previous commissions, the same kinds of issues.

10 Sure, if you put it out to a vote, I think
11 that the majority may say that, you know, they want the
12 district voting. I was very happy to -- or very sort of
13 enlightened to read in the County Council one of the
14 testimonies that said, you know, we are a county, we are
15 not separate districts. I don't want somebody elected
16 from Kihei who could care less about Upcountry water. I
17 want to elect nine people that care about the entire
18 county.

19 And I would not vote from somebody -- for
20 somebody from Lanai that I thought only cared about
21 Lanai. They need to understand budget. They need to
22 understand that whole thing.

23 And so I feel like we have to make those
24 decisions.

25 CHAIR STONE: Commissioners, I want to point

1 out, quickly, that these proposals are going -- if
2 moving forward, go to the active list to be discussed
3 further, basically. It's not -- for example, detail, of
4 course, if that was -- if that moved.

5 MEMBER CRIVELLO: It's my opportunity.

6 CHAIR STONE: Of course. Of course. And so
7 just -- just remember that, because it could be a number
8 of these move forward, or none.

9 MEMBER CRIVELLO: Say that to everyone else,
10 too.

11 CHAIR STONE: Of course. Of course. I was
12 actually talking to Kay. Okay.

13 So any further discussion? Commissioner
14 DeLeon.

15 MEMBER DELEON: I thought Kay's point is
16 interesting. It might go to the public and, well, the
17 majority might actually approve it. We wouldn't want
18 the public or the voters to have a say in how they elect
19 their Council, should we?

20 I think we need to put this on the active list
21 and just keep it on the active list. If you're not
22 paying attention, hundreds of people have spoke for a
23 change. And you will see plenty of people voting who
24 will want to have this conversation. You take it off
25 the active list, and you're going to have a lot of

1 people in this room demanding to know what the heck is
2 going on in here.

3 MEMBER OKAMOTO: Answer to that?

4 CHAIR STONE: Commissioner Okamoto.

5 MEMBER OKAMOTO: I'm not saying that just the
6 people -- you know, that that's what the majority -- it
7 can be so easily manipulated. I mean, you look at all
8 propositions, and people only push a certain part of it,
9 and people vote without understanding ramifications.

10 I look at all of the Charter amendments every
11 year. I bet you 99 percent of the people vote -- well,
12 maybe not that much -- 90 percent of the people voting
13 really don't understand all the ramifications, what does
14 it do to help somebody, what does it do to hurt
15 somebody. I'm not saying that we should go just because
16 the majority might go for it or against it.

17 CHAIR STONE: Commissioner Hedani.

18 VICE-CHAIR HEDANI: While I personally don't
19 agree with the idea of single-member districts, I don't
20 support the idea of single-member districts, I like,
21 personally, the ability to vote for all nine
22 councilmembers. I've heard Lanai, I've heard Molokai,
23 I've heard the people in Hana that say they want the
24 luxury or the privilege of voting for all nine
25 councilmembers, and that they have nine members that

1 they can go to, if they wanted to turn to. However, in
2 the course of discussions that we've heard today, I
3 think this is one of possibly three or four items that
4 are significant enough of an issue that it's worthy of
5 taking another look at. So I'll be supportive of this,
6 not that I'm supportive of single-member districts.

7 CHAIR STONE: Commissioners, further
8 discussion? Chair -- Chair emulates with Commissioner
9 Hedani. Actually, through the process, my personal
10 opinion has been swayed by the input, the passionate
11 input that we've heard; however, the issue's bigger than
12 my personal opinion, in my opinion. So as a discussion
13 topic, I would vote in favor of this.

14 Any further discussion?

15 MEMBER DE REGO: Yeah. This gets back to the
16 whole issue of how we vote on each one of these. You
17 know, it's -- you're voting for a model in a certain
18 sense. And that's very specific. Whereas moving this
19 as a discussion of district voting puts a whole
20 different spin on it. Okay. So we can hash that issue
21 and we can finally either vote it up or down to pass it
22 on, okay, or not to pass it on. But at this point, I
23 would be hesitant, until we have a further in-depth --
24 that kind of further in-depth discussion. But I think
25 for -- my personal view of this is that there's got to

1 be a model attached to this. It can't just be some
2 general district voting that goes on the ballot. That's
3 too general. We already have seen with that QMark
4 methodology -- which we haven't ever gotten explained,
5 actually -- that -- you know, I doubt that majority of
6 60 people in Lanai -- I'm still trying to figure out who
7 those people are, actually, that showed 60 percent of
8 the people on Lanai, you know. I mean, we still haven't
9 seen the in-depth methodology on that. I think that's
10 been pushed as a proof, you know, that people, even on
11 the neighbor islands -- I think that was a serious
12 strategic mistake because I -- I doubt that's actually
13 the case. And we still haven't seen, like I said
14 before.

15 So I would hesitate not to pass it on in terms
16 of discussion, but that's no guarantee it's going to
17 pass on in terms of a final vote, putting it on the
18 ballot. So I would hesitate stopping it at this point.

19 CHAIR STONE: Further discussion?
20 Commissioner Crivello.

21 MEMBER CRIVELLO: I have a question, then.
22 Because this is -- we're -- we're on Number 1, right,
23 3.1?

24 CHAIR STONE: Uh-huh.

25 MEMBER CRIVELLO: Then we have 3.2, 3.3 and on

1 and on. So if we want to continue the discussion, will
2 we consider 1, 2, 3, all proposals, to be on the active
3 list for further discussion? Or do we want to --

4 CHAIR STONE: I think we'll go through and
5 which ones get voted to the active list will be on the
6 active list. And we will deal with them as they go.

7 MEMBER DE REGO: Can I --

8 MEMBER OKAMOTO: Can the maker of the motion
9 amend their motion to include all three of them?

10 MEMBER MOIKEHA: Who was the maker of the
11 motion?

12 MEMBER DELEON: Me.

13 CHAIR STONE: Commissioner DeLeon.

14 MEMBER MOIKEHA: 3.1 is your motion? I'm
15 getting confused because there's not a clear statement
16 that "I'm making a motion." Just because maybe this is
17 something that Dave put out there before --

18 CHAIR STONE: No, no. Dave made a formal
19 motion.

20 MEMBER MOIKEHA: Okay. Can we --

21 CHAIR STONE: And Commissioner Wiger seconded
22 the motion.

23 MEMBER MOIKEHA: Okay. So then that goes to
24 what she said, there's so many that are so similar here.
25 How -- how are you going to --

1 CHAIR STONE: Well, they are similar, but
2 they're not identical.

3 MEMBER WIGER: Mr. Chair, point of
4 clarification.

5 CHAIR STONE: Yes.

6 MEMBER WIGER: I asked a question before we
7 started going through -- I mean, before we ever started
8 going through the proposals.

9 CHAIR STONE: Uh-huh.

10 MEMBER WIGER: And the question that I was
11 asking -- and I thought I heard a different response.

12 The question I was asking was if we have a number of
13 things that are generally in the same direction and we
14 want to move a discussion forward, which is what
15 Commissioner De Rego was just talking about, having a
16 general discussion on district voting, can we do that by
17 just moving that item forward in terms of consideration?
18 I thought I heard that could be done. Now I'm hearing
19 it has to be done each one. And what I was hoping for
20 was we could have a general discussion about district
21 voting in -- in the larger construct of either up or
22 down at some point.

23 CHAIR STONE: Yes, Commissioner Crivello.

24 Thank you, Commissioner Wiger.

25 MEMBER CRIVELLO: With that for clarification,

1 I think we come back to Commissioner Moikeha's -- what's
2 the statement, what's -- what's really defined. And
3 we're just generalizing or putting everything in the
4 same pot.

5 CHAIR STONE: Remember, these are moving onto
6 an active discussion list. So digging deep into it --
7 for example, I don't know if I should talk forward, but
8 this 3.1, I would vote for; 3.2, I would not, even
9 though we haven't gone there, in my personal opinion,
10 unless I'm swayed by your guys' discussion. For
11 example, I like the idea of 3.1 and don't like the idea
12 of 3.2. So, to me, they're two totally different
13 proposals. And we will end up with a mix on the active
14 list.

15 MEMBER DE REGO: Can I make an intervention
16 here, Chair?

17 CHAIR STONE: Yes.

18 MEMBER DELEON: Intervention?

19 MEMBER WIGER: Thank you. That's good.

20 MEMBER DE REGO: This might or might not solve
21 the issue. Obviously, if we vote for one of these
22 "models" and push one of them on, then the issue will
23 become how -- whether or not we -- you know, like that
24 particular model or should we change the model or
25 whatever. So if we just voted one of these through and

1 moved it on for discussion, and even said "no" to all
2 the rest, it moves the discussion forward. And, you
3 know, it doesn't mean we're tied to that particular
4 model; it says we're just going to use that as a basis.

5 CHAIR STONE: Oh.

6 MEMBER DE REGO: Oh. Am I talking too fast?

7 CHAIR STONE: No, no. Sorry. Commissioner De

8 Rego, it's a very valid point. The language that we're
9 looking at here are proposals that were presented to us
10 by the public, not our proposals.

11 MEMBER DE REGO: Right.

12 CHAIR STONE: Okay. So this will not -- most
13 likely will not be the language of anything that shows
14 up in our proposals.

15 MEMBER MOIKEHA: Chair?

16 CHAIR STONE: Yes, Commissioner Moikeha.

17 MEMBER MOIKEHA: But what he's saying is --

18 like, for instance, I would vote for 3.2, just to move
19 the discussion.

20 CHAIR STONE: Sure.

21 MEMBER MOIKEHA: 3.1 is too specific about
22 appointing a commission. I'm not even there yet to even
23 think about that. But if you want to open this up for
24 further discussion, which I believe we should, then I
25 would go with something as general as proposal to

1 implement single-member districts. Because it's very
2 broad and a lot can be discussed and said, and it
3 doesn't commit us to anything. I does, to me. And
4 that's going to be the same experience with the rest of
5 the models.

6 MEMBER DE REGO: Exactly.

7 MEMBER MOIKEHA: The more specific they are --
8 and, right now, I don't see any I can honestly support.
9 I mean, I'm with a lot of people here, it's not that a
10 simplistic concept. You can't just throw it out there
11 to the voters, do you want member districting, you
12 cannot. To me, that -- as a Commissioner, that's
13 irresponsible. You're asking for a specific model that
14 will change something to make it better for everyone,
15 not just for a few. And that's why I cannot support
16 these individual models.

17 You want more discussion, let's throw it out
18 there for more discussion, take Number 3.2.

19 CHAIR STONE: Well, Commissioner Moikeha, I
20 personally like the discussion of Number 3.1.

21 MEMBER MOIKEHA: Okay.

22 CHAIR STONE: So, I mean, we all have our own
23 personal opinions. We're going to do this in --

24 MEMBER MOIKEHA: Keep going through the list
25 as was proposed and start voting.

1 CHAIR STONE: We're going to do it.

2 Commissioner Hedani.

3 VICE-CHAIR HEDANI: I change my mind.

4 (Laughter.)

5 VICE-CHAIR HEDANI: Based on what Susan said.

6 I kind of agree, you know, to move the -- I think the
7 issue of single-member districts needs to move forward.
8 I think 3.2 is the clearest in terms of simplicity.

9 This has a lot of moving parts to it. I would vote
10 against 3.1 in consideration of her comments.

11 CHAIR STONE: I'd just like to point out that,
12 when we initially started this, I read all of these so
13 that we could do that, and you all said, no, let's go
14 and do them individually. Okay. So --

15 MEMBER WIGER: No, we didn't all say that.

16 CHAIR STONE: Well --

17 MEMBER WIGER: Let's be clear.

18 MEMBER HASHIMOTO: Chair?

19 CHAIR STONE: Commissioner Hashimoto.

20 MEMBER HASHIMOTO: Even if we had 1,000 people
21 agree to 3.1 right now, 1,000 people, citizens, that
22 still doesn't mean that we heard from the majority of
23 our citizens.

24 MEMBER WIGER: That's right.

25 MEMBER HASHIMOTO: Right? So we just can't

1 take one of these and -- and toss it out, you know.
 2 Eventually, one of these is going to make it on the
 3 ballot. Right? And I wouldn't vote for it. And the
 4 reason behind that is we need to know whether the
 5 majority of our people, like -- that she's made -- that
 6 she tried to make that clear. I think the first
 7 question to ask the people, if we're going to put
 8 anything out there for -- for a change from what we now
 9 have, is to ask them if they want to change it. I think
 10 that's a -- that's the basic question we need ask them.
 11 And we need to get that, do they want to change from the
 12 current system.
 13 If they -- if the majority says, no, we don't
 14 want to change it, now, then, we need to come up with a
 15 new system on the next round of -- or have the Council
 16 amend the Charter --
 17 CHAIR STONE: Okay.
 18 MEMBER HASHIMOTO: -- based on that knowledge.
 19 CHAIR STONE: So we --
 20 MEMBER HASHIMOTO: So that's the only way it
 21 can be done.
 22 CHAIR STONE: Thank you, Commissioner. We
 23 have a motion on the table.
 24 MEMBER BAXA: Mr. Chair, can I just --
 25 CHAIR STONE: Yes, Commissioner Baxa.

1 MEMBER BAXA: I am really at a loss here. I
 2 know that Ms. -- Commissioner Moikeha retreated from her
 3 original position and now she's willing to go to
 4 Proposal 3.2. But if you are going to go to Proposal
 5 3.2, in effect, this will decide 3.1. So I am at a
 6 dilemma right now whether I can even vote for either.
 7 MEMBER MOIKEHA: Well -- Chair?
 8 CHAIR STONE: We have a motion on the table on
 9 Proposal Number 3.1. If we want to remove that motion,
 10 the motion maker could remove it. We could -- somebody
 11 could make a motion to determine Number 3.1, 3.2 and 3.3
 12 and bulk it as proposal to implement single-member
 13 districts, and move that forward.
 14 MEMBER MOIKEHA: Okay. So maker of the
 15 motion?
 16 CHAIR STONE: That was Commissioner DeLeon.
 17 Or we can vote.
 18 MEMBER MOIKEHA: Either way works for me.
 19 CHAIR STONE: I think we're going to vote.
 20 MEMBER OKAMOTO: Yeah, let's vote.
 21 CHAIR STONE: Roll call.
 22 MS. KAHUHU: Kay.
 23 MEMBER OKAMOTO: No.
 24 MS. KAHUHU: Cliff.
 25 MEMBER HASHIMOTO: No.

1 MS. KAHUHU: Flo.
 2 MEMBER WIGER: Yea. Yes.
 3 MS. KAHUHU: Stacy.
 4 MEMBER CRIVELLO: No.
 5 MS. KAHUHU: Wayne.
 6 VICE-CHAIR HEDANI: Nay.
 7 MEMBER BAXA: No.
 8 MS. KAHUHU: Artemio. David.
 9 MEMBER DELEON: Yes.
 10 MS. KAHUHU: Susan.
 11 MEMBER MOIKEHA: No.
 12 MS. KAHUHU: Yuki.
 13 MEMBER SUGIMURA: No.
 14 MS. KAHUHU: Frank.
 15 MEMBER DE REGO: No.
 16 MS. KAHUHU: Josh?
 17 CHAIR STONE: Yes.
 18 MS. KAHUHU: Three yeses and eight noes.
 19 MEMBER MOIKEHA: Chair, I would like to make a
 20 motion.
 21 CHAIR STONE: Commissioner Moikeha.
 22 MEMBER MOIKEHA: I would like to propose that
 23 we have a discussion -- further discussion on
 24 single-member districts moved to the active list.
 25 That's an amendment of 3.2.

1 VICE-CHAIR HEDANI: Second.
 2 CHAIR STONE: Question. Commissioner Moikeha,
 3 would that include general discussion, correct?
 4 MEMBER MOIKEHA: A proposal to have a general
 5 discussion on single-member districts to be moved to the
 6 active list.
 7 CHAIR STONE: Okay. There's been a proposal
 8 put forward and seconded to move a general discussion on
 9 pro -- on proposals for single-member districts to the
 10 active list. Discussion?
 11 MEMBER DE REGO: Chair, I call for the vote.
 12 CHAIR STONE: Roll call.
 13 MS. KAHUHU: Kay.
 14 MEMBER OKAMOTO: Yes.
 15 MS. KAHUHU: Cliff.
 16 MEMBER HASHIMOTO: No.
 17 MS. KAHUHU: Flo.
 18 MEMBER WIGER: Yes.
 19 MS. KAHUHU: Stacy.
 20 MEMBER CRIVELLO: I do not support
 21 single-member districts, but, to further the discussion,
 22 I vote yea.
 23 MS. KAHUHU: Was that yes?
 24 MEMBER CRIVELLO: Yes.
 25 MS. KAHUHU: Okay. Wayne.

1 VICE-CHAIR HEDANI: Aye.
 2 MS. KAHUHU: Artemio.
 3 MEMBER BAXA: Aye.
 4 MS. KAHUHU: David.
 5 MEMBER DELEON: Good to be on the winning
 6 side.
 7 MS. KAHUHU: Is that a --
 8 MEMBER MOIKEHA: Yes.
 9 MEMBER DELEON: Yes.
 10 MS. KAHUHU: Yes. Okay. Yuki.
 11 MEMBER SUGIMURA: Susan.
 12 MS. KAHUHU: Oh, yes, Susan. Sorry, Susan.
 13 Yuki.
 14 MEMBER SUGIMURA: Yes.
 15 MS. KAHUHU: Frank.
 16 MEMBER DE REGO: Aye.
 17 MS. KAHUHU: And Josh.
 18 CHAIR STONE: Yes.
 19 MS. KAHUHU: Ten yes, one no.
 20 CHAIR STONE: Okay. Very good. Thank you,
 21 Commissioners.
 22 Our court reporter needs a short recess, so we
 23 will take a five-minute break and be back here at --
 24 let's make it 3:45. We'll make it a 10-minute break,
 25 3:43. 10-minute break.

1 (Recess, 3:32 p.m. to 3:41 p.m.)
 2 CHAIR STONE: Bring our meeting back to order
 3 as of 10 -- or 3:43.
 4 And moving on to Proposal Number 3.3,
 5 "Single-member districts proposal with Lanai and Molokai
 6 in separate districts. Amend Section 3-1, Composition,
 7 to change the composition of the Maui County Council to
 8 nine single-member districts, but do not place Lanai and
 9 Molokai in the same Council district.
 10 MEMBER MOIKEHA: Chair, I would like to make a
 11 motion.
 12 CHAIR STONE: Please.
 13 MEMBER MOIKEHA: 3.3, Proposal, 3.4, 3.5 and
 14 3.6, I would like to make a motion to include those all
 15 in the general discussion of single-member districts
 16 that has already been moved to the active list.
 17 MEMBER OKAMOTO: Second.
 18 CHAIR STONE: We have a motion on the table to
 19 move Proposals Number 3.3, 3.4, 3.5 and 3.6 all to the
 20 active list. Discussion?
 21 MEMBER OKAMOTO: What about 3.7?
 22 CHAIR STONE: It's not on the agenda. And
 23 you're not using your microphone, Kay.
 24 MEMBER OKAMOTO: I know, I didn't want that.
 25 I didn't want that --

1 CHAIR STONE: Commissioner Sugimura.
 2 MEMBER SUGIMURA: I support this. And it ties
 3 to our earlier discussion in that this item should be on
 4 the active list for further discussion, and these other
 5 items that Susan read off is just little bits and pieces
 6 of the total picture. So we can discuss it as a whole
 7 and then get more into detail as we determine what is
 8 and what is not important. So I support this motion.
 9 CHAIR STONE: Thank you. Further discussion?
 10 (Silence.)
 11 CHAIR STONE: No further discussion. Roll
 12 call. We'll have a vote.
 13 MS. KAHUHU: Kay.
 14 MEMBER OKAMOTO: Aye.
 15 MS. KAHUHU: Cliff.
 16 MEMBER HASHIMOTO: Nay.
 17 MS. KAHUHU: Flo.
 18 MEMBER WIGER: Aye.
 19 MS. KAHUHU: Stacy.
 20 MEMBER CRIVELLO: No, on the basis that 3.2
 21 will already allow us the further discussion.
 22 MS. KAHUHU: Wayne.
 23 VICE-CHAIR HEDANI: No, for the same reason.
 24 MS. KAHUHU: Artemio.
 25 MEMBER BAXA: No.

1 MS. KAHUHU: David.
 2 MEMBER DELEON: Aye.
 3 MS. KAHUHU: Susan.
 4 MEMBER MOIKEHA: Yes.
 5 MS. KAHUHU: Yuki.
 6 MEMBER SUGIMURA: Yes.
 7 MS. KAHUHU: Frank.
 8 MEMBER DE REGO: Yes.
 9 MS. KAHUHU: Josh?
 10 CHAIR STONE: No.
 11 MS. KAHUHU: Five noes, six yes.
 12 CHAIR STONE: Motion passes. The following
 13 proposals, Number 3.3, 3.4, 3.5 and 3.6, will be moved
 14 to the active list.
 15 MR. KUSH: Mr. Chair?
 16 MEMBER MOIKEHA: Chair, clarification? That
 17 was to be discussed within the general discussion. It's
 18 not that we will take each one of these proposals and
 19 have a little sidebar. It's part of the whole
 20 discussion.
 21 CHAIR STONE: Clarification. In other words,
 22 we're going to have all of these grouped into one?
 23 MEMBER MOIKEHA: Yes.
 24 CHAIR STONE: Okay. We need to clarify that.
 25 MEMBER MOIKEHA: Yes. I don't want to see

1 individual, 3.3, 3.4, 3.5.
 2 CHAIR STONE: All right. Is that the
 3 understanding? I didn't vote with that understanding,
 4 but -- that was the understanding?
 5 MEMBER DELEON: Yeah.
 6 CHAIR STONE: Okay. Okay.
 7 MR. KUSHI: Mr. Chair, I believe the vote was
 8 five to six.
 9 CHAIR STONE: What was the vote again? Sorry.
 10 MS. KAHUHU: Five no, six yes.
 11 CHAIR STONE: So it did pass.
 12 MEMBER DE REGO: It passed. She did it
 13 backwards. Usually ayes --
 14 MS. KAHUHU: Five no.
 15 CHAIR STONE: Five no, six yes.
 16 MEMBER DELEON: We're going to get this yet.
 17 MR. KUSHI: Say the yeses first.
 18 MEMBER SUGIMURA: So it passes, right?
 19 CHAIR STONE: Yeah. I had five noes, six yes.
 20 Yes. Okay. So it passes. And the proposal is passed.
 21 Great. Okay. Good.
 22 (Laughter.)
 23 CHAIR STONE: Okay. So that is --
 24 MEMBER DELEON: How did that happen?
 25 CHAIR STONE: Dave, good job.

1 MEMBER WIGER: That's two today.
 2 CHAIR STONE: Okay. So that is -- 3.6 was as
 3 far as we put onto our agenda. So we are now pau with
 4 that section.
 5 We are moving on now to our next meeting date
 6 and discussion on next meeting agenda items. Now, you
 7 got -- you were passed out a calendar which has our
 8 tentative -- well, the regular meetings up through
 9 November are set. And then we have the month -- do you
 10 have that calendar, Commissioner? And then we have
 11 December. And that, also, has our next round of public
 12 outreach meetings, starting Hana, on the 1st of
 13 December. Now, I had -- I talked already -- there's one
 14 change that I've already proposed. And that's to move
 15 the regular meeting, noon, on the 27th of December, as
 16 it's Christmas holidays.
 17 MEMBER SUGIMURA: Thank you.
 18 CHAIR STONE: So I propose to move that to
 19 Wednesday, the 11th of January, 2012, before the Lanai
 20 public meeting.
 21 MS. KAHUHU: Chair, can I comment? I
 22 apologize. I gave you the wrong information. I can get
 23 Wednesdays on the first and third for this room. So it
 24 would be the 18th of January. I apologize for that.
 25 CHAIR STONE: That would, actually, be better

1 considering Wailuku is after that. Okay. So we'll make
 2 up that regular meeting Wednesday, the 18th of January.
 3 Correct?
 4 MS. KAHUHU: Yes.
 5 MEMBER SUGIMURA: Cross out the 27th?
 6 MEMBER MOIKEHA: Chair?
 7 CHAIR STONE: Yes.
 8 MEMBER MOIKEHA: Why do we have to make up a
 9 meeting when we could just extend a current meeting?
 10 Maybe the 12th, and even -- the 12th or the 28th of
 11 November, hour-wise. Why do we need another day?
 12 CHAIR STONE: That would be a long day,
 13 Commissioner.
 14 MEMBER OKAMOTO: Question. Do we really
 15 think, four meetings, that we're going to have stuff
 16 ready for Hana?
 17 CHAIR STONE: Let's -- also, let's point out,
 18 we went fairly smoothly today. And I think that's a
 19 pretty good sign so far. I don't -- there may be -- we
 20 may not need that other meeting. And if we get to the
 21 point where we realize that we're doing better than we
 22 thought we were doing, then we could potentially
 23 eliminate meeting dates.
 24 MEMBER MOIKEHA: Okay. It's just my
 25 understanding from a conversation at a prior meeting

1 that we would try and extend meetings rather than have
 2 extra day meetings.
 3 CHAIR STONE: Right. And so what we can do is
 4 we can start at 10:00.
 5 MEMBER MOIKEHA: That's fine.
 6 CHAIR STONE: All right. 10:00 a.m. Which I
 7 haven't decided if we're going to do that at the next
 8 meeting, but that's what we'll discuss now. And the
 9 issue is some of the Commissioners have to leave by 4:15
 10 or they have to stay over. So 10:00 to 4:15 would give
 11 us six hours, 15 minutes, which is -- I guess if we did
 12 a couple of those, we made up for full meetings. So --
 13 MEMBER WIGER: Mr. Chair?
 14 CHAIR STONE: Yes.
 15 MEMBER WIGER: I believe there were a couple
 16 of us who indicated to Lisa and to you that we would not
 17 be able to do Wednesday afternoon meetings, that -- just
 18 to put that back, that that won't work at all.
 19 CHAIR STONE: Okay. So let's do this: Let's
 20 eliminate that meeting altogether.
 21 MEMBER SUGIMURA: Where are you?
 22 CHAIR STONE: We are looking at -- we moved
 23 December 27th, we just eliminated that meeting
 24 altogether.
 25 I'm going to call the next meeting, start at

1 10:00 a.m.
 2 MEMBER HASHIMOTO: Next meeting meaning
 3 January --
 4 CHAIR STONE: Our next regular meeting.
 5 MS. KAHUHU: September 26th?
 6 CHAIR STONE: Yes, September 26th. It's going
 7 to start at 10:00 a.m.
 8 MEMBER BAXA: Mr. Chair, may I just make --
 9 MEMBER HASHIMOTO: Wait a minute.
 10 MEMBER BAXA: If you start the meeting at
 11 10:00, okay, can I just come in at 12:00? Because,
 12 normally, between the morning to noontime, I'll be
 13 actually very busy. And I'm trying to juggle my time.
 14 Can I just come in at 12:00?
 15 CHAIR STONE: We would miss you.
 16 MEMBER BAXA: I really would not want to as
 17 much as possible.
 18 MEMBER OKAMOTO: I think we have to try to
 19 accommodate everybody and their time.
 20 CHAIR STONE: We do.
 21 MEMBER OKAMOTO: My concern is you've got,
 22 say, five meetings, and you're going to start scheduling
 23 Hana, which means we have to have everything written up
 24 and done. I think that's unrealistic.
 25 MEMBER DELEON: That's true.

1 CHAIR STONE: That's why we need -- we wanted
 2 to extend the times of our meetings.
 3 MEMBER DELEON: Mr. Chair?
 4 CHAIR STONE: Yes.
 5 MEMBER DELEON: The Planning Commission,
 6 correct me if I'm wrong, starts at like 9:00 in the
 7 morning, they go often until 5:00 or 6:00 in the
 8 evening. I'm not suggesting 5:00 to 6:00 in the
 9 evening, but if you were to start at 10:00, somebody is
 10 going to have to eat lunch at some point. I mean -- and
 11 so you need to have at least a half-hour break broken in
 12 there. And that will slow down, you know, your
 13 functionality for that extra time we're throwing in. So
 14 if you were to start at 9:00, then you got that -- you
 15 got that extra hour to be able to grab --
 16 CHAIR STONE: There was an issue with the
 17 Commissioners coming from outer island.
 18 MEMBER DELEON: Oh, I see. I'm sorry. You
 19 guys can't get here.
 20 CHAIR STONE: We checked the best possible --
 21 MEMBER DELEON: That will be the day we'll do
 22 district voting, then.
 23 MEMBER OKAMOTO: Yeah. That's what I figured.
 24 That's why we want to be here. We know you.
 25 MEMBER WIGER: Quit while you're ahead, Dave.

1 (Laughter.)
 2 MEMBER CRIVELLO: Nice try, Dave.
 3 MEMBER DELEON: A little humor.
 4 CHAIR STONE: Just to note, guys, if you look
 5 at the minutes, these minutes were November 19th when
 6 they were actively going after proposals. So we are
 7 doing pretty -- I mean, we're ahead of schedule compared
 8 to the --
 9 MEMBER CRIVELLO: Yeah, but we've got heavy
 10 discussions.
 11 MEMBER HASHIMOTO: I agree with what -- I
 12 agree with what you just said. As I recall, after
 13 reading those minutes of the last Charter Commission,
 14 they didn't accomplish a whole heck of a lot.
 15 (Laughter.)
 16 MEMBER HASHIMOTO: I'm not saying that they
 17 weren't capable of doing it. I think the problem was
 18 they ran out of time.
 19 CHAIR STONE: So from now on, our regular
 20 meetings will be 10:00 a.m. until we get to the next
 21 round of outreach. And then we'll -- I'll determine.
 22 MEMBER OKAMOTO: I have a problem with that
 23 just because -- just because I can come at 10:00, and
 24 Artemio can't -- you know, I think everybody needs to
 25 somehow be allowed to be here.

1 CHAIR STONE: Agreed, but we're 11, we're a
 2 group of 11, with busy schedules. We have to -- we only
 3 have the room for a specific amount of time. So either
 4 we start early or we run late. And, to me, it's a mix
 5 of both. So if we start at 10:00, there's a chance, if
 6 we're really deep into something, you may have to leave
 7 at 4:15, or need to stay.
 8 MEMBER CRIVELLO: Stay overnight while we're
 9 going over the proposals.
 10 CHAIR STONE: I can't accommodate all 11, it's
 11 impossible.
 12 MEMBER OKAMOTO: I mean, I don't object to
 13 staying overnight if that's what is needed, but --
 14 CHAIR STONE: We'll see how our process works.
 15 MEMBER OKAMOTO: If that works for everybody
 16 else better.
 17 MEMBER CRIVELLO: I think, you know, when we
 18 made the decision, it was at 12:00, so -- and we just
 19 continue the 12:00 and then run on, continue until
 20 everybody's time can be accommodated.
 21 MR. KUSHI: Mr. Chair?
 22 CHAIR STONE: Yes.
 23 MR. KUSHI: If I may suggest this? There
 24 might be a way to accommodate Member Baxa in that we
 25 arrange the agenda such as no action items will take

1 place until 12:00, take care of your administrative --
 2 CHAIR STONE: That's a very good point.
 3 MEMBER CRIVELLO: You're so smart.
 4 CHAIR STONE: Very good point. Which it would
 5 be better to miss the beginnings of meetings and not the
 6 ends of meetings. So I think we'll --
 7 MR. KUSHI: So he won't miss out on --
 8 CHAIR STONE: We'll stick with 10:00. All
 9 right.
 10 MEMBER MOIKEHA: So wait a minute. I'm not
 11 clear on that one because, at our next meeting, we're
 12 going to get to -- I hope we're going to get this list
 13 through and we're going to have an active list by the
 14 time we end the next meeting. Is that the intent?
 15 CHAIR STONE: Well, we went through the -- the
 16 intent is to -- I'm going to add a lot more of these
 17 proposals.
 18 MEMBER MOIKEHA: I would suggest don't putting
 19 an ending number. Just say we are going to get through
 20 it. And then we go as long as we can until we get
 21 through it.
 22 MEMBER CRIVELLO: Yeah.
 23 MEMBER MOIKEHA: If we have to stop because we
 24 lose quorum, then we stop. But putting this ending --
 25 we could have got -- we could have covered this probably

1 whole section of 3, because a lot of it is, in my
 2 opinion --
 3 CHAIR STONE: Susan, it was meant to be 3.36.
 4 When I read the agenda --
 5 MEMBER MOIKEHA: So whatever the issue is, I'm
 6 just saying don't put an ending stop.
 7 CHAIR STONE: The only reason I did this is
 8 because Sunshine Law requires the ability for people to
 9 speak on any item in -- in the Charter. The issue is if
 10 you open it, the Matrix, completely up, there's a chance
 11 we could get a flood of oral testimony.
 12 MEMBER MOIKEHA: Okay. Well, I understand
 13 that.
 14 CHAIR STONE: How about I make it --
 15 MEMBER MOIKEHA: But you're constraining our
 16 ability to use all of our time by making a stop point.
 17 And I understand your position, and you're trying to
 18 give balance to this where we have control over what's
 19 happening. But if you just say "the Matrix" and we'll
 20 go as far as we can -- now, this is an example. How
 21 many people showed up today? No one. And this is the
 22 meat of it. To testify, we had two testifiers.
 23 CHAIR STONE: Good point.
 24 MEMBER MOIKEHA: Three. So leave -- leave it
 25 open and just say we will be discussing the Matrix, and

1 we'll go as far as we can go. I would like to see us
 2 complete the entire Matrix by the end of the next
 3 meeting. That would be my goal.
 4 CHAIR STONE: That would be wonderful. Thank
 5 you for your input.
 6 MEMBER MOIKEHA: You're welcome.
 7 CHAIR STONE: Any other discussion?
 8 MEMBER WIGER: Question. Is there a way of us
 9 being able to order lunch brought in so that we don't
 10 have to physically stop and run around and --
 11 CHAIR STONE: How about Chair will take care
 12 of that?
 13 MEMBER OKAMOTO: Pizza.
 14 MEMBER DE REGO: Pizza.
 15 CHAIR STONE: I don't want to say it because
 16 it will look like I'm pitching.
 17 MEMBER WIGER: Some of us would like it.
 18 CHAIR STONE: Not like Yuki, sponsored by Good
 19 News Bars.
 20 MEMBER SUGIMURA: It's a celebration of
 21 accomplishments.
 22 CHAIR STONE: Mr. Hedani.
 23 VICE-CHAIR HEDANI: On the Planning
 24 Commission, we had plate lunches brought in. And that
 25 could, you know, restrict it to like half an hour lunch.

1 CHAIR STONE: Would you guys be okay with
 2 pizza?
 3 VICE-CHAIR HEDANI: Sure.
 4 MEMBER SUGIMURA: From Flatbread?
 5 CHAIR STONE: Flatbread. We'll make sure we
 6 have enough pizza for everybody. Okay.
 7 Any further discussion?
 8 MEMBER MOIKEHA: So what is the plan --
 9 CHAIR STONE: 10:00 a.m.
 10 MEMBER MOIKEHA: -- for September?
 11 CHAIR STONE: 26th.
 12 MEMBER WIGER: 10:00 a.m.
 13 MEMBER DELEON: Chair.
 14 CHAIR STONE: Yes. Commissioner --
 15 Mr. Molina.
 16 MR. MOLINA: Thank you, Mr. Chair. Before you
 17 close today, just a suggestion to take into
 18 consideration for your Matrix, for your, I guess,
 19 printing and next reprint. If you could possibly put
 20 the names or entities that proposed the various Charter
 21 amendments, it would be, I think, my opinion, very
 22 helpful as a reference point for the Commissioners to go
 23 back and study on their own and look ahead to see who
 24 proposed it, as well as the general public, for
 25 transparency sake. So as the public looks at this

1 Matrix, they can see who proposed whatever proposal that
2 is currently on the Matrix. As a suggestion for
3 consideration.

4 CHAIR STONE: Thank you very much, Mike. I
5 had that discussion with our Analyst. And the ability
6 to actually pull that off -- because what was happening
7 was we were getting requests for how many people
8 supported this proposal, when we started talking about
9 that. And that -- that is -- it's impossible, really,
10 to put together for 70 proposals.

11 So I'll bring this topic back up with the
12 Analyst and we'll try to find a way. But, again, the
13 proposals are suggestions. And it's -- the proposals
14 that go to the voters come from this board -- this
15 Commission -- sorry --

16 MEMBER MOIKEHA: Chair?

17 CHAIR STONE: -- based on those. Yes.

18 MEMBER MOIKEHA: I'm not in agreement with
19 putting who proposed it. I don't think that's really
20 the most important thing. If they have been here and
21 they proposed something and we're talking about it, then
22 they know that we listened and we heard. I don't think
23 it needs to give anybody authorship as to who said it,
24 when they said it and how many said it.

25 I would find it helpful, if this doesn't cause

1 the Analyst too much trouble, is to reference the
2 specific -- because I see these 1.1, and sometimes they
3 line up with the current Charter, and, other times, they
4 don't. So I think these numbers on the side were just,
5 basically, what fell in chronological order, but they
6 don't necessarily match up with the actual reference in
7 the Charter.

8 CHAIR STONE: Uh-huh.

9 MEMBER MOIKEHA: So if it is not too much
10 trouble for her to just put this reference, Article 3,
11 in exact section, that would be helpful. Otherwise, I
12 will just do it on my own.

13 CHAIR STONE: Got it. No. That should be no
14 problem.

15 MEMBER DELEON: Well, but it is. Because some
16 of them don't exist. So, in some places, you're
17 creating stuff. For instance, nonpartisan discussion.
18 There was not a -- I'm sorry. There was not a place for
19 it. Thank you. So I created a 2.3, but -- I mean, you
20 have to create it, then, because it doesn't exist. So
21 you're going to run into that occasionally, I mean,
22 because you're not necessarily speaking to something
23 that exists.

24 CHAIR STONE: Commissioner Hedani.

25 VICE-CHAIR HEDANI: If it's not out of order,

1 one of the things, you know, since we took up so much
2 discussion on single-member districts today, that I was
3 wondering was whether or not the Analyst could provide
4 us with information on if and when single-member
5 district has gone to the voters of Maui County. I know
6 that, when I started reading minutes, back in 1966, they
7 were already talking about single-member districts.
8 So -- just so that we're not chewing our cud so many
9 times.

10 MEMBER DE REGO: Yeah. I think we had asked
11 the County Clerk's Office this question. And I think I
12 requested that in an email back two months ago, I think.
13 And I think the reply was that we were supposed to get a
14 reply in October in -- at some point. I think it was
15 October 24th, was the deadline that you set. Because I
16 had asked a history of all the -- the ballot measures
17 that had been put on the ballot for each of the --
18 since, I guess, '68. So that should be, as far as I
19 know -- since that request was sent to the County
20 Clerk's Office, that should be in the process and we
21 should get it next month. That was my understanding.

22 CHAIR STONE: It was -- it was put forward.
23 And we had a positive response -- correct, Lisa -- from
24 the County Clerk's Office?

25 MS. KAHUHU: It was transmitted to them and

1 requested that was provided.

2 CHAIR STONE: We'll double-check on that.

3 MEMBER DE REGO: Yeah, we need to doublecheck
4 on that and be sure that it's done by the deadline that
5 was given.

6 MEMBER DELEON: Mr. Chair, I think that was
7 the point with the single-member district discussion, is
8 it's never gone to the voters. It's always stalled out
9 in this kind of process because the folks that are
10 appointed to the Commission tend to be related to the --
11 the status of the community as it is, and they're in the
12 power biz. When -- the last time that the -- that the
13 four-year term went to the voters -- somebody mentioned
14 this earlier -- that the voters don't seem to have a
15 clue about what they're voting for -- but the last time
16 when four-year terms went to the voters, all the power
17 alignments were for the four-year term, it was
18 guaranteed that that thing was going to pass. And it
19 failed miserably. The voters had their own opinion.
20 So, yeah, don't sell the voters short on this.

21 MEMBER OKAMOTO: I didn't say the voters have
22 no clue.

23 MEMBER DELEON: I didn't say you.

24 MEMBER OKAMOTO: Of course, you did.
25 (Laughter.)

1 CHAIR STONE: All right. So just to finalize,
 2 our next meeting, next regular meeting, is Monday,
 3 September 26th, 2011, 10:00 a.m., here at the Planning
 4 Conference Room, Kalana Pakui Building.
 5 Commissioner Hedani.
 6 Lunch to be provided by a pizza place.
 7 VICE-CHAIR HEDANI: For our next meeting, can
 8 we ask that nobody speak until they're recognized by the
 9 Chair?
 10 MEMBER SUGIMURA: Yes.
 11 MEMBER OKAMOTO: Yes.
 12 CHAIR STONE: I would love that.
 13 (Laughter.)
 14 MEMBER OKAMOTO: We promise.
 15 CHAIR STONE: Commissioner Moikeha.
 16 MEMBER MOIKEHA: Will there be any Old
 17 Business that we have to follow up on, on the next
 18 agenda item? Do we know that yet?
 19 CHAIR STONE: I don't think we left anything
 20 on Old Business, have we?
 21 MEMBER MOIKEHA: Okay. Is there an intention
 22 for any New Business other than getting to work on the
 23 proposed Charter Amendment Matrix?
 24 CHAIR STONE: As of right now, it's the
 25 Matrix.

1 MEMBER MOIKEHA: Okay. Can I propose that you
 2 consider moving V, Proposed Charter Amendment Matrix, to
 3 right after closing of public testimony, and allow the
 4 rest of the agenda items to follow after that?
 5 CHAIR STONE: Noted. And let me take that
 6 under consideration.
 7 MEMBER MOIKEHA: Thank you.
 8 CHAIR STONE: Thank you.
 9 MEMBER DELEON: Mr. Chair?
 10 CHAIR STONE: Yes.
 11 MEMBER DELEON: In reference to that, for
 12 publicity purposes, are we going to say we're going to
 13 try to finish up the active list, we're going to try to
 14 work through the whole -- the whole 70 proposals?
 15 CHAIR STONE: Commissioner Moikeha has set a
 16 nice high bar for us. So we'll call it the Moikeha Bar.
 17 MEMBER DELEON: And for the record, the
 18 meeting will start at 10:00, so that I need to get that
 19 into the --
 20 CHAIR STONE: Yes.
 21 MEMBER DELEON: Yeah, because people are
 22 getting trained to come here at noon.
 23 CHAIR STONE: Yeah.
 24 MEMBER DELEON: So we need to be able to let
 25 them know that --

1 CHAIR STONE: Maybe specifically point out
 2 there's a new start time, at 10:00 a.m.
 3 MEMBER DELEON: Yes.
 4 CHAIR STONE: Great. Any further discussion
 5 before I adjourn?
 6 (Silence.)
 7 CHAIR STONE: No. Without objection, the
 8 meeting is adjourned at 4:05. Thank you very much for
 9 being here today. Thank you.
 10 (Meeting adjourned, 4:05 p.m.)
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CERTIFICATE

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

12 I further certify that I am not an attorney
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