

COUNTY OF MAUI, STATE OF HAWAII

APPROVED 10/10/2011

CHARTER COMMISSION
REGULAR MEETING

Held at the Planning Department Conference Room,
250 South High Street, Wailuku, Maui, Hawaii, commencing
at 10:01 a.m., on Monday, September 26, 2011.

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

ATTENDANCE

BOARD MEMBERS PRESENT:

Joshua A. Stone, Chair
Wayne N. Hedani, Vice-Chair
Artemio C. Baxa, Member
Stephanie S. Crivello, Member
David P. DeLeon, Member
Frank R. De Rego, Jr., Member
Clifford P. Hashimoto, Member
Wayne N. Hedani, Member
Susan A. Moikeha, Member
Linda Kay Okamoto, Member
Yuki Lei Sugimura, Member
Flo V. Wiger, Member

STAFF PRESENT:

Ms. Sherry P. Broder
Lisa Kahuhu, Supervising Law Technician

ADMINISTRATION PRESENT:

Michael Molina, Executive Assistant to the Mayor

OTHERS PRESENT:

Alan Kaufman
Tony Ramil
Jocelyn Perreira
Greg Jenkins
Wayne Axelson

(Monday, September 26, 2011, 10:00 a.m.)

CHAIR STONE: First, I'd like to say hello to everyone for attending this public meeting of the Maui County Charter Commission. My name is Josh Stone, and I am the Chairman of the Commission.

If you need, there are copies of our agenda of today's meeting available with Lisa Kahuhu, who is standing right behind me, as well as copies of our Proposal Matrix, and, also, limited copies of the Charter itself. So if you need any of that, please see her. She'll be sitting right over there.

Before I begin with public testimony, we have a few items of business to address. First, I would like to call this meeting to order as of -- wow -- 10:05 a.m. Thank you, Commissioners, for coming early today. I appreciate it.

And, also, I'd like to take this time to present our staff. First off, again, there's Lisa Kahuhu, who is our Supervising Law Technician. Tonya McDade, our tireless court reporter. Tonya, thank you for being here. We are missing Ed Kushi today because he is ill. And I hope he feels better soon. And sitting next to me, our very, very vital Analyst, Sherry Broder. Sherry, thank you for being here today.

Also, I want to say thank you to Akaku for being here. Thanks, guys. It's very much appreciated.

With that, let's move on to approving our minutes from our last meeting. Just a quick note, we need to include, in the approval of our minutes, Commissioner De Rego's presentation as part of the minutes. So you guys are aware about that. All right? So looking at minutes, September 12, 2011, Regular Meeting, do I have a motion?

MEMBER SUGIMURA: I so move.

MEMBER DE REGO: Second.

MEMBER DELEON: Second.

CHAIR STONE: Yeah, one at a time. Okay, it's his birthday.

MEMBER DE REGO: Yeah, I'll give you this one.

CHAIR STONE: Seconded by Commissioner DeLeon.

Discussion about the minutes?

MEMBER SUGIMURA: Well done, Tonya.

MEMBER DELEON: Really.

CHAIR STONE: No discussion?

(No Response.)

CHAIR STONE: Great. So all in favor --

MEMBER OKAMOTO: I take it I'm the only one that can't read on the computer, then?

CHAIR STONE: Oh, are you having trouble?

1 MEMBER OKAMOTO: Well, I can't read this kind
2 of stuff on the computer. And I guess I'm the only one,
3 and that's okay.

4 CHAIR STONE: Did anybody else have any issues
5 reading the minutes, PDF format? I was able to read it.

6 MEMBER WIGER: That's fine.

7 CHAIR STONE: Did you have trouble, Flo?

8 MEMBER WIGER: I had trouble, but I know it's
9 the user's issue. It's not --

10 MEMBER OKAMOTO: It's us.

11 MEMBER WIGER: It is, it's the user issue.
12 It's not the issue coming out of -- yeah.

13 CHAIR STONE: To this side of the table, I'd
14 like to remind you, speak into your microphone, please.

15 MEMBER WIGER: Well, I was, sort of. It's in
16 that direction.

17 CHAIR STONE: No yelling into the microphone;
18 speak into the mic, get it closer to your mouth. Okay.
19 Thank you very much.

20 So we have a motion. All in favor of
21 approving the minutes, say "aye."
22 (A chorus of ayes.)

23 CHAIR STONE: Motion passes.

24 Moving on now to public testimony. Before I
25 begin, I would like to go over our oral testimony rules.

1 We'll call up each public testifier in the order that
2 they registered to testify. Each person will have five
3 minutes to testify on all items in our agenda today.
4 Following a testifier's testimony, I'll ask the
5 Commissioners if they need clarification of the
6 presented testimony.

7 Lisa, first testifier, please.

8 MS. KAHUHU: Chair, first testifier is Alan
9 Kaufman.

10 CHAIR STONE: Mr. Kaufman, thank you for being
11 here today.

12 ...BEGIN PUBLIC TESTIMONY...

13 MR. KAUFMAN: Thank you for giving me five
14 minutes. I thought it was going to be three, so I've
15 got all the time in the world.

16 (Laughter.)

17 MR. KAUFMAN: But now I'll reminisce. I
18 remember many happy hours spent in this room.

19 At your last meeting, you voted to keep
20 district voting on the agenda. And I want to thank you
21 for doing that. Not because I support district voting,
22 but because I believe that this is an issue that needs
23 to be decided by the voters of Maui County.

24 In some countries, tyrants dictate. In a
25 democracy, citizens shape their own future. Sham

1 elections are common across the globe, but are not
2 typical of democracy.

3 In Maui County, our elected leaders shape the
4 future of our multi-island communities. Is district
5 voting a preferred alternative to the current system? I
6 don't know. And, honestly, I don't know that any of us
7 in this room know. What I do know is that the decision
8 of how we elect our County Council should be made by the
9 voters.

10 Over the past two years, residents of Maui
11 County have suggested alternative ways to elect our
12 Council. The proposal that appears to have gathered the
13 most support is to have nine single-member districts.
14 These districts would be of equal population size and
15 meet the constitutional requirement of one man, one
16 vote.

17 Would this system be better than what we have
18 now? Again, I don't know. But I know the discussion
19 should take place. The discussion should happen in our
20 homes, over the dinner table. The discussion should
21 take place at community meetings and at social
22 functions. It can happen in The Maui News. It can even
23 happen online. And it can happen in testimony before
24 this Commission. But the discussion will only happen in
25 earnest if the issue is placed on the ballot. The

1 determination of how we elect our Council is absolutely
2 a decision for the voters.

3 You have already heard impassioned testimony
4 on the subject of district voting. In fact, I think I
5 can give impassioned testimony on both sides of the
6 issue. The fact that there is passionate testimony
7 demonstrates the issue's importance. The strong
8 feelings and diverse opinions of the members of the
9 Charter Review Commission is further evidence of the
10 importance of the issue.

11 What do the people want? I don't pretend to
12 know. And I don't think anyone in this room should
13 pretend to know. I do know that the people who visit
14 with me want a chance to vote on the issue, not to have
15 it decided for them. It is a divisive issue. And the
16 voters deserve the final say. Not to give it to the
17 voter would insult them. To do less is actually taking
18 a step backwards from democracy.

19 Because the members of this Commission have
20 open minds, it's my hope that we can anticipate your
21 sense of fairness will place single-member district
22 voting on the ballot. The Charter Review Commission
23 does not need to debate the merits of district voting
24 versus our current system; you only need to place the
25 issue on the ballot. The voters can determine the path

forward.

Since I've got more time than I thought, let me share some of my questions with you. And these are questions I really want answers to because I don't really have them. And it's why I feel this is an important issue.

Why is it important that our Council representatives must live in the district they represent, but the voters who elect them don't have to?

How can the voters on Lanai and Molokai know who can best represent me in Kula? They don't know these people.

Is it right for districts to have representatives who are not supported by the voters within their own district? And that's the situation that we've seen many times as well.

Josh, thank you for the five minutes. I really appreciate it. And I'm done with my remarks.

CHAIR STONE: Thank you very much, Mr. Kaufman. Commissioners, questions?

(No Response.)

CHAIR STONE: No. Very nice. Thank you. Appreciate it.

Lisa, next testifier, please.

MS. KAHUHU: Tony Ramil.

CHAIR STONE: Tony, thank you for being here.

MR. RAMIL: Good morning, Mr. Chairman and

Ladies and Gentlemen of the Maui County Charter Review Commission. It is a privilege to appear before you in this chamber. This chamber is very rich in history. It used to be the chamber where the old Board of Supervisors met and, also, the County Council met before the nine-story County building was built in 1970. So this place is very historic.

I am not sure -- I am not very familiar with the procedure of the Charter Commission, so I thought I could come in here and make some new proposals, or divert from whatever is in the agenda. I don't really know what is -- I can talk on, but, on district voting, I think will focus on that, I like to make my position known to the members of the Charter Commission that I favor district voting. But I would like to have, at the same time district voting, while, at the same time, retaining the nine residential representation in the Council, nine area residency representation of the Council. And I believe that the only way that this can be done is to having nine to, let us say, the various areas on Maui. The only way that this can be done would be by having, I think, a three -- three district -- three district for Maui County with each district having

three councilmembers.

And in this connection, I think -- I believe that the present nine residential representation is very important. It's very historic, traditional and it respects the various communities with their special cultural histories. So I would propose a three-district County Council with three members from each district.

In this connection, I do not have the details on that, but I would leave it to the Charter Commission to look into it. Maybe they have the people, the professional support group, or technical staff, that would look into -- look into this.

And, of course, in this connection, I support retaining the two-year term for councilmembers.

I think only the previous two years, we had the sad experience of councilmember whose election was questioned, or legitimacy of their stay on the Council was, I think, severely criticized. And if we have -- had at the time the four-year term for councilmembers, just imagine all the frustrated residents and citizens of Maui County still waiting for another two years to have the opportunity to reconsider the vote for these two councilmembers that were in office during the previous term.

The other thing regarding this representation

is that I think maybe you look into the status of Kahoolawe. Pardon me, but I have failed to keep track of the status of Kahoolawe. Is Kahoolawe still a part of Maui County? I know that in the -- if you look at the County Charter, there is a description of the territory of the County of Maui, and it mentions Kahoolawe. But with all these recent developments, I'm not really sure what is now the status of Kahoolawe. But if Kahoolawe is still a part of Maui County, maybe there might be a provision that you would like to put in there regarding the statutes and the governance of Kahoolawe as in relation with how the County Council would operate in relation with the commission. I remember there is a commission that is pretty much, I think, taking care of declaring improvements on Kahoolawe. And if Kahoolawe is still a part of Maui County, I think there would have to be a clarification as to which -- especially if you retain the residential areas for each councilmember, is Kahoolawe a part of Lahaina residential area or is it a part of South Maui.

I would propose that -- I would propose that Kahoolawe should be a part of South Maui. I think the recent history of Kahoolawe is that it was closely connected with South Maui, especially during the times when the Baldwin family had cattle runs on Kahoolawe,

1 they used to use South Maui ports to move cattle, and
 2 all things, from between Kahoolawe and Maui.
 3 I would like to have special permission to
 4 divert. I don't know if I am pertinent, but there is a
 5 provision in the existing County Charter --
 6 MS. KAHUHU: Time.
 7 CHAIR STONE: Sorry, sir.
 8 MR. RAMIL: Thank you very much. I think I
 9 have had enough, I think I have covered. But, anyway, I
 10 submitted my written testimony.
 11 CHAIR STONE: Yes, everything in writing. But
 12 one second. Commissioners, clarification of the
 13 testimony?
 14 And before I go forward, I would like to say
 15 Commissioner Moikeha is here, so now we have a -- come
 16 forward.
 17 MEMBER MOIKEHA: I was waiting until he was
 18 done. I didn't want to interrupt.
 19 CHAIR STONE: Thank you very much for being
 20 polite.
 21 MEMBER BAXA: Mr. Chair?
 22 CHAIR STONE: Yes, sir.
 23 MEMBER BAXA: Sir, can I pose a question to
 24 you?
 25 MR. RAMIL: Sure, sir.

1 MEMBER BAXA: Concerning your proposal for
 2 retaining the district -- the nine-councilmember
 3 district, you mentioned that you wanted to have three
 4 councils -- councilmembers within --
 5 MR. RAMIL: Three districts.
 6 MEMBER BAXA: Three districts. How are you
 7 going to consider Molokai, Lanai and Hana?
 8 MR. RAMIL: You know, as I said, I don't have
 9 the specifics, but I think Hana would have a seat,
 10 Lanai, Molokai, they would have to be, I think, assigned
 11 to one of the three districts. So maybe they could be
 12 together in one district or separate district. As I
 13 said, there will be three districts. So maybe I
 14 think -- Lanai, Molokai or Hana will have to be, I
 15 think, placed in one of these three districts. I don't
 16 have any specifics on that, Mr. Commissioner.
 17 MEMBER BAXA: So are you saying that -- let us
 18 say -- are you saying that Hana, Molokai and Lanai could
 19 just be one of the three members within the --
 20 MR. RAMIL: No. May I? May I respond, sir?
 21 MEMBER BAXA: Within the -- because you said
 22 that there will be three, yeah, three councilmembers in
 23 each district.
 24 MR. RAMIL: Yeah, because there will be -- I'm
 25 talking about three districts for the entire County of

1 Maui.
 2 MEMBER BAXA: Yes. Yes.
 3 MR. RAMIL: And three districts -- three seats
 4 for each district. So maybe if -- maybe one district
 5 could be Lanai, Lahaina or South Maui, depending upon
 6 how you can configure it, or what another district could
 7 be, maybe Molokai, Kahului and maybe Paia or something
 8 like that. And then South Maui, Upcountry and Hana.
 9 That's roughly how it would look, yeah.
 10 MEMBER BAXA: I guess, to make it clearer,
 11 right now, we have Lanai, one councilman, Molokai, one
 12 councilman, under your proposal, Lanai and Molokai and
 13 even Hana would just have one councilman?
 14 MR. RAMIL: That's correct. But they will be
 15 in one district with three members. And so let us say
 16 if you have a district, let us say district one, maybe,
 17 and you have three seats there, so the three seats in
 18 that particular district will be elected by the voters
 19 in that district. So each district will be electing
 20 three, three councilmembers.
 21 MEMBER BAXA: So --
 22 CHAIR STONE: Thank you.
 23 MEMBER BAXA: -- it could be that there will
 24 be a reduction of representation of Molokai and Lanai
 25 right now under your proposal?

1 MR. RAMIL: No, there's not. I think
 2 precisely --
 3 MEMBER BAXA: Because, right now, they have
 4 two councilmembers, Molokai and Lanai.
 5 MR. RAMIL: I'm not thinking of taking out
 6 representation from either of these islands. I was
 7 thinking, if there are nine districts, Lanai, Molokai
 8 would be -- would fall into one of these districts is
 9 what I'm thinking. As I said, Molokai could be assigned
 10 in a district where Lahaina also, I think, has a
 11 representation, or something.
 12 CHAIR STONE: Sorry, Commissioner Baxa. I
 13 have another question from Commissioner Wiger.
 14 MEMBER WIGER: Following on Commissioner
 15 Baxa's --
 16 CHAIR STONE: Commissioner Wiger, sorry.
 17 MEMBER WIGER: Following on Commissioner
 18 Baxa's question, had you considered that one -- you're
 19 suggesting three districts.
 20 MR. RAMIL: Sure.
 21 MEMBER WIGER: Three people from each
 22 district, or three councilmembers from each district?
 23 MR. RAMIL: That's correct.
 24 MEMBER WIGER: Had you considered Molokai,
 25 Lanai, Hana being one district?

1 MR. RAMIL: No, no. I think one seat, not
 2 district. One seat in a district.
 3 MEMBER WIGER: No. You're saying -- you're
 4 saying there's three districts?
 5 MR. RAMIL: That's right.
 6 MEMBER WIGER: And you're going to have three
 7 councilmembers from each district?
 8 MR. RAMIL: In each district.
 9 MEMBER WIGER: In each district, you would
 10 have three councilmembers?
 11 MR. RAMIL: That's correct.
 12 MEMBER WIGER: Okay. So I'm posing the
 13 question, would it not be possible to create a district
 14 that has three councilmembers, one of whom would be
 15 from -- if the district was composed of Lanai, Molokai
 16 and Hana, theoretically, one could be elected from each
 17 of those places. I mean, that -- that would be a
 18 possibility, would it not?
 19 MR. RAMIL: Yeah, that is a possibility, but,
 20 you know, I think it is kind of (inaudible) because of
 21 the actual population numbers, yeah. So, most likely,
 22 Hana, Molokai and Lanai would have to be -- would have
 23 to be assigned to some district with a bigger population
 24 to equalize the population --
 25 MEMBER WIGER: Okay.

1 MR. RAMIL: -- for each district, yeah.
 2 MEMBER WIGER: Okay. So you're coming at it
 3 from the other angle of one person, one vote, just
 4 slicing it in a different way?
 5 MR. RAMIL: That's correct.
 6 MEMBER WIGER: Okay.
 7 MR. RAMIL: In other words --
 8 MEMBER WIGER: Got it.
 9 MR. RAMIL: -- you have district one, you
 10 know, there will be three councilmembers there.
 11 MEMBER WIGER: Yeah.
 12 MR. RAMIL: And the voters in that district
 13 will be voting for three, instead of, I think, voters
 14 voting for nine as -- as we have at the present time.
 15 CHAIR STONE: Thank you. Further
 16 clarification?
 17 MEMBER HASHIMOTO: Yeah.
 18 CHAIR STONE: Commissioner Hashimoto.
 19 MEMBER HASHIMOTO: Chair, I would like to say
 20 that in part of the information that we have already
 21 received at prior hearings, there was a proposal made by
 22 the Kula Community Association which -- which expresses
 23 exactly what our current testifier is saying. Even
 24 though, as he said, he didn't have any details about it,
 25 but perhaps it's a good idea that we read that in, some

1 of us here, so that we realize that there has already
 2 been a proposal for that made previously. So if you
 3 would like to read that, perhaps you could get a copy of
 4 that from our --
 5 MR. RAMIL: Thank you. Thank you very much.
 6 CHAIR STONE: Good.
 7 MEMBER HASHIMOTO: From our lady back here.
 8 CHAIR STONE: We can call her Lisa, just for
 9 short. She's officially the Supervising Law Technician,
 10 but that's a lot to say.
 11 MEMBER HASHIMOTO: I was thinking so hard
 12 about what I was trying to say.
 13 (Laughter.)
 14 CHAIR STONE: Thank you. Commissioners?
 15 Commissioner DeLeon.
 16 MEMBER DELEON: Tony, can you give us your
 17 rationale? What is the -- what's the benefit of doing
 18 three, three and three? I mean -- so say, for instance,
 19 we have three senators, so we use the three senatorial
 20 districts -- this is what Cliff was referring to with
 21 Dick Mayer's concept -- what is gained by doing this,
 22 what's the benefit, as opposed to, say, what we have now
 23 versus, say, a single-member district?
 24 MR. RAMIL: Oh, the difference is that, for
 25 instance, the voters in each district will be focusing

1 only on three -- three opposing set of candidates for
 2 the Council. And not only that, they will have -- so
 3 they will get to know better the candidates because they
 4 will have to consider only three seats, instead of nine.
 5 And the other benefit for the candidate is that instead
 6 of campaigning Lanai, Molokai, they will be campaigning
 7 only in a smaller area, like, for instance, if the
 8 district is Lanai and maybe Molokai and Lahaina, then
 9 the candidates will be only focusing on that area. And
 10 maybe they might become more, I think, familiar, I
 11 suppose, with the needs of that district. And, also,
 12 maybe the sense of responsibility, I think, would be
 13 stronger, because I think -- I mean, the connection
 14 there is, I think, closer. I think they cannot -- I
 15 think they don't have to rely -- I think they -- no, I
 16 don't have to go there, they can think I have strong
 17 vote in this area. I think something like that.
 18 CHAIR STONE: Once again, Commissioner DeLeon.
 19 MEMBER DELEON: Following up on a different
 20 item of yours. In reference to Kahoolawe, we were
 21 having the same kind of conversation in reference to
 22 Kalaupapa and whether that part of Molokai should be
 23 part of Maui County. And, you know, now I'm thinking,
 24 you're a historian, I would like to know what the
 25 history of Kalawao County is. So maybe, off the record,

1 we can have that conversation.

2 But the other -- the other jurisdiction that
3 sits in Maui County that we don't take under -- we
4 weren't considering in reference to this, is the
5 national park. And we got a whole hunk of -- the top of
6 the mountain here that's part of Maui County, but it's
7 really not under the jurisdiction of Maui County. It's
8 under the Federal Government. It's got its own police
9 force, its got its own operations. And Kahoolawe, of
10 course, is run by the State, and so is Kalaupapa. So
11 just that -- so, I mean, why are we worried about
12 governance of something that's already kind of governed
13 by another entity? Why would we worry about that?
14 There's nobody living on Kahoolawe permanently, so why
15 would we concern ourselves with the governance of
16 Kahoolawe?

17 MR. RAMIL: I think -- I think you should be
18 concerned because I think it's still very culturally
19 disregarded. It's a very important area, especially for
20 our brother and sister Hawaiians. So I think -- I think
21 what to do with Kahoolawe, its future and its present
22 development, or improvement, I think it's very important
23 for Maui. Of course, it's important for Maui County,
24 its governance, because, traditionally, from the time
25 Maui County was established, Kahoolawe had been a part

1 of -- has been a part of Maui County. But, for some
2 reason, I think we have neglected it.

3 So, of course, as I said, there have been
4 recent developments as to the status of Kahoolawe. And
5 maybe -- I think there may be a need, I think,
6 especially in the present Charter now, it specifically
7 mentions Kahoolawe as a part of territory of the County.
8 So with all the recent developments, it might be, I
9 think -- I think it is very important to update the
10 Charter, only to see what is really the status of
11 Kahoolawe. And if Kahoolawe, as I said, is still a part
12 of Maui County and, therefore, there has to be a Council
13 -- and there is a Council representation. I think
14 presently the councilmember from Lahaina, I think, is --
15 I think includes Kahoolawe. But my suggestion is,
16 historically, I think Kahoolawe should be with South
17 Maui.

18 MEMBER DELEON: Thank you.

19 CHAIR STONE: Thank you. Commissioners, any
20 further questions, clarification? Commissioner Moikeha.

21 MEMBER MOIKEHA: Thank you. Thank you for
22 your testimony. I quickly kind of just went through it
23 because I wasn't here when you gave your testimony. To
24 follow up on what Dave asked you for the rationale, you
25 said it was to get to know the candidate or the

1 representative better, if I understood that correctly.
2 Don't you think that the representatives that are now
3 representing Lanai and Molokai have a better chance of
4 knowing their residency, their community, as it stands
5 now, and that they might have a lesser chance of that if
6 they are combined with a larger district here on the
7 Island of Maui?

8 MR. RAMIL: That is correct. I think
9 precisely the reason for this residential requirement is
10 to have representation of the Council of people who are
11 familiar with that area, yeah. But right now -- the
12 thing is, right now, the persons at Lanai and Molokai,
13 they also vote for the other nine members, yeah. So --

14 MEMBER MOIKEHA: But to know your -- your
15 representative, they live in your area. And so if I
16 understand your proposal correctly, you would have these
17 outer islands being joined up with a district here on
18 Maui, which gives them an even lesser chance of having a
19 representative that lives on their island, because
20 there's no proposal that I've seen that guarantees that
21 they would have a representative on that island.

22 MR. RAMIL: No. I think, precisely, I'm
23 saying that I think three districts, I think Lanai and
24 Molokai and Hana will have a seat, but through that
25 district, yeah. I'm thinking of three districts. So

1 I'm not -- I'm not depriving Lanai, Molokai or Hana. As
2 a matter of fact, I think the proposal that I am
3 addressing now is to retain -- what would be some kind
4 of a compromise to retain representation from these
5 smaller areas. Because I think these district -- I
6 think -- nine districts, I think that proposal would
7 deprive -- practically deprive Hana, Molokai and Lanai
8 of a residency representation in the Council. And I
9 think this three-district proposal that I am addressing
10 is some kind of a compromise between the straight nine
11 separate districts, yeah.

12 MEMBER MOIKEHA: Okay. And I have another
13 question in regards to, what are we losing here? If we
14 keep things the way they are and you have nine districts
15 with nine individual representatives that live in that
16 area, what would we be losing?

17 MR. RAMIL: Well, I don't know. I beg to say
18 that we do not have nine districts now. We have
19 essentially one district. The County of Maui's one
20 district with three councilmembers elected at-large.

21 MEMBER MOIKEHA: Okay. My question is, the
22 way the process is today, there are nine councilmembers
23 representing nine areas or communities or districts,
24 whatever you want to call them. What are we going to
25 lose if we don't change that? Will we lose anything?

1 What are we losing by leaving it the way it is?
 2 MR. RAMIL: Well -- well, there have been
 3 concerns about -- about I think -- I think closer
 4 representation with the people, you know, yeah. And I
 5 think I have had -- I have heard candidates, I think,
 6 saying that it is very difficult to be -- I think
 7 especially the new candidate, they said that they don't
 8 have any chance. We have candidates, like I say, on
 9 Molokai or Lanai, if you require them to campaign
 10 through the entire island, as I said, I think their
 11 chance of winning, even if they are popular or well
 12 liked in their areas, I think, because they cannot get
 13 enough votes in Makawao or South Maui, then they don't
 14 have a chance, yeah.
 15 MEMBER MOIKEHA: Okay.
 16 MR. RAMIL: So I think -- people, I think, in
 17 one area, like Lanai, you know, I think with the
 18 district -- three districts, I think kind of making the
 19 district a little less more, I think the voters on Lanai
 20 would have a better chance of electing the person that
 21 they really like, yeah. Because, let's say there is a
 22 guy in Lanai, I think, comes number one by the votes on
 23 Lanai, but then he cannot even come out number two or
 24 number three, because another candidate, although he's
 25 way behind in Lanai, gets so many votes in some other

1 area.
 2 MEMBER MOIKEHA: Okay. Thank you for your
 3 comments. And, you know, I can go through every one of
 4 your arguments, the rationale, and give you the other
 5 side of that. And I'll leave that for the time that we
 6 have the opportunity to debate that issue. But I
 7 appreciate your comments and coming forth to share your
 8 testimony. Thank you.
 9 CHAIR STONE: Thank you very much. Thank you.
 10 Tony, poor Tony up there stuck with the -- Commissioner
 11 Sugimura.
 12 MEMBER SUGIMURA: Thank you, Tony, for being
 13 here and all that you do for the community. Appreciate
 14 it.
 15 I just wanted to just make a comment that, in
 16 the Charter, in our districts that are defined and
 17 designated, Molokini and Kahoolawe is included with
 18 South Maui. So it's not that we haven't excluded it.
 19 Oh, sorry. West Maui? Yeah, West Maui.
 20 MR. RAMIL: West Maui, yeah. Not South Maui.
 21 MEMBER SUGIMURA: Yeah. It is with West Maui
 22 area, includes area of Molokini and Kahoolawe. So it
 23 is included. Because it's not like we --
 24 CHAIR STONE: Commissioners -- Commissioners,
 25 order. Order. Please, we got a -- we have a very, very

1 long day today. Okay. Let's stay focused here. Keep
 2 the questions pertinent, please.
 3 Is there anybody else who has a question?
 4 MR. RAMIL: Mr. Chair, can I have the final
 5 word regarding that?
 6 CHAIR STONE: You deserve it, Tony. Take a
 7 real quick second.
 8 MR. RAMIL: I think I would also recognize
 9 that this residential assignment, I would -- it would be
 10 good, I think, that if Kahoolawe assigned with South
 11 Maui, I think it will be not good, I think, to designate
 12 that area as South Maui, Kahoolawe, residential area,
 13 and instead of -- just -- so I think keep Kahoolawe, I
 14 mean, in the minds of the people. Thank you very much.
 15 CHAIR STONE: Thank you very much. Thank you.
 16 Thanks, Tony. Thanks for being here.
 17 Lisa, next testifier, please.
 18 MS. KAHUHU: Jocelyn Perreira.
 19 CHAIR STONE: Hello, Ms. Perreira. Thank you
 20 very much for being here.
 21 MS. PERREIRA: Aloha. I'm back here, as
 22 requested by the Commissioners, to go back and get some
 23 clarification on some questions. As you know, the
 24 Charter and the process is a significant interest to our
 25 organization because we represent such a large spectrum

1 of small towns in Maui County. And we do try to adhere
 2 to a process so that we make sure that we are trying to
 3 reach as many people as possible to participate.
 4 I was asked to come back to report on the fact
 5 whether an alternative member appointed to the Water
 6 Board would make a difference in our position regarding
 7 the autonomous Water Board, the position that we took
 8 the last time. Our position remains the same, and this
 9 is after checking with our other communities, to support
 10 an appointed Water Board, and to hold the Mayor
 11 accountable for selecting persons with knowledge,
 12 expertise and experience in this area. We are concerned
 13 about an elected system that allows for special
 14 interests to control an autonomous board. That the
 15 appointment of the Water Director would also be made by
 16 the Mayor to appoint someone with integrity who would
 17 work with the Mayor and Council so that the focus is on
 18 spending money, on improving the water system and
 19 seeking additional water sources. They should work in
 20 concert to fully understand the importance of setting
 21 appropriate and affordable water rates. And the Water
 22 Board should have staggered terms. And vacancies should
 23 be filled by the Mayor.
 24 Another request was to take another look at
 25 the Finance Director as being third in line of

1 succession. And this generated a good deal of
2 discussion. We fully recognize the need for checks and
3 balances. We understand the positions of the Planning
4 Director and the Finance Director do wield a lot of
5 power and their positions and actions would have
6 significant impact on issues facing our communities and
7 government.

8 Some felt to have the Council controlling who
9 is put -- who can -- who is put forth can create a
10 compromised position. Sorry, I didn't write that
11 exactly right. Whereas it is clear that the Council
12 input into the process is helpful to avoid appointment
13 delays and/or gridlock, it's also strongly felt that the
14 Mayor should not be add odds with his directors. He
15 appoints his team, and we expect him or her to hold them
16 accountable. The Mayor is elected because of the result
17 of a clear democracy and we trust him to choose
18 qualified nominees for appointment.

19 Finally, we, once again, put forth and
20 reiterate our position that retains our community's
21 right to continue to vote for all nine councilmembers.
22 Not only do we believe that it provides fair
23 opportunities for all positions to be heard, it
24 obligates all councilmembers to be accountable to the
25 entire citizenry, especially in determining

1 interregional issues.

2 Why should we support losing the opportunity
3 to express our independent voice that carry the power
4 and equality of nine representatives?

5 That allows a broader discussion and
6 understanding of the issues that may not be in sync with
7 the person who was elected from your particular
8 district.

9 In some cases, entire districts have grown and
10 changed with new sets of values and visions. This
11 leaves those who have lived in these areas for
12 generations with a much smaller and, at times, an
13 intimidated voice and insufficient options to seek out
14 someone who they are comfortable sharing their concerns.
15 When these small towns try to get a project to benefit
16 their community, it is important that all nine members
17 are aware and responsible to each and every citizen for
18 a fair division of resources and opportunities for a
19 broader field of judgment on home rule issues. What
20 about when issues such as placing a wind farm on these
21 island locations, or utilizing the fact that these
22 islands may have a greater percentage of economically
23 depressed areas or unemployment statistics that are used
24 to attract county-wide grants that is intended to
25 greatly benefit the broader Maui County community.

1 Surely, our ohana on these islands such as --
2 and diversity such as Hana, Lanai, Molokai, have a right
3 to their participatory voice at the table where
4 decisions are made. And that will affect their
5 livelihood, their cultural traditions and quality of
6 life, all while benefiting the rest of us, because we do
7 benefit from them being a part of our ohana. It is a
8 home rule issue that respectfully recognizes everyone no
9 matter how big or small.

10 Placing everything under district voting label
11 does not necessarily mean progress. As stated
12 previously, residents, businesses in these towns pay the
13 same taxes, fees, and contribute to our County planning
14 process. They must take extraordinary measures to
15 travel to be assured of attaining full service and
16 access. Requiring them to bear a --

17 MS. KAHUHU: Time.

18 MS. PERREIRA: -- greater burden not only
19 seems unfair, it is unfair.

20 CHAIR STONE: Thank --

21 MS. PERREIRA: I can --

22 CHAIR STONE: Thank you, Jocelyn. We have the
23 written testimony.

24 MS. PERREIRA: That's fine.

25 CHAIR STONE: Very eloquent. Thank you so

1 much. Much appreciated. Commissioners, I would just
2 like to point out our goal here is not to debate with
3 our testifiers. So if you guys have -- if you guys need
4 some clarification on the testimony, please ask for
5 clarification.

6 Anybody?

7 (No Response.)

8 CHAIR STONE: Jocelyn, thank you so much for
9 your time.

10 MS. PERREIRA: You're very welcome.

11 CHAIR STONE: It is very much appreciated.

12 MS. PERREIRA: And thank you for giving us the
13 opportunity to come back and strengthen and clarify the
14 positions of the people we serve.

15 CHAIR STONE: Thank you.

16 MS. PERREIRA: Aloha.

17 CHAIR STONE: It's much appreciated.

18 Next testifier, please, Lisa.

19 MS. KAHUHU: Greg Jenkins.

20 CHAIR STONE: Mr. Jenkins, great to have you
21 back. Thank you for being here.

22 MR. JENKINS: Good morning, Chair Stone and
23 Charter Commission Members. My name is Greg Jenkins,
24 and I'm over here today from my beautiful home Molokai.

25 I have submitted written testimony to you

1 today regarding the matrix proposals, regarding Section
2 8 and the substantive changes that were recommended.
3 The purpose of this testimony is to comment on those
4 proposals as prepared by Ms. Broder and Mr. Van Dyke
5 that was -- that was made available to us on September
6 2nd, 2011. And my comments are in conjunction with that
7 matrix and the report that I submitted regarding the
8 reform of Article 8, Chapter 7 of the County Charter.

9 My comments basically are -- in my testimony,
10 written testimony I submitted to you today, are based on
11 the details that were presented in that matrix. I don't
12 want it to be taken that I'm nitpicking the details in
13 the matrix, but I'm sure that, at another point in time,
14 you're going to be paying attention to the details in
15 the language and such. So I'm just commenting on those
16 that I saw at that time.

17 And if there's any questions that you guys
18 would have based on that, my testimony, in writing, I'd
19 be happy to answer them.

20 Lastly, since the issue of district voting has
21 come up, and I am here from Molokai, I appreciate my
22 sister's testimony here. It was very, very well stated.
23 I would just like to add one consideration on the
24 district voting issue that -- that is something I also
25 presented in my testimony on Molokai. And that is that

1 with the nine members we currently have in our at-large
2 districts, the issues that concern the entire County are
3 the foremost consideration of our Council. And they
4 vote as a majority on those issues that concern each
5 district for the whole County. To take away voters'
6 rights on Molokai, to be able to hold other
7 councilmembers accountable for their vote that concern
8 specific districts is a very important concern and
9 consideration that I believe we should constantly
10 compare and contrast when addressing this issue.
11 Because, for example, if the member in Hana, the
12 councilmember in Hana, if that particular member is
13 voting as a majority vote on an issue concerning
14 Molokai, if I am not happy, or other citizens of Molokai
15 are not happy, with that particular position, we have a
16 right to cast our vote for or against that member. And
17 that's a very important right. It gives us a voice. If
18 that's taken away, then we lose that voice and get
19 gobbled up by a representative that may not be from our
20 home district. So that -- that very much concerns me.

21 I understand that no system is perfect, but
22 there are aspects and characteristics that are critical
23 to one that's fair. So thank you very much.

24 CHAIR STONE: Thank you very much,
25 Mr. Jenkins. Good having you back here. Commissioners,

1 any clarifications? Commissioner DeLeon.

2 MEMBER DELEON: Greg, I didn't have a chance
3 to read your testimony, but you do have testimony in
4 reference to a suggestion in regarding to how the Fire
5 Chief is selected? Could you summarize what your
6 testimony is on that?

7 MR. JENKINS: Yes, Commissioner DeLeon.

8 MEMBER DELEON: As you -- as you submitted
9 here.

10 MR. JENKINS: Essentially, one of the
11 proposals, I believe it was -- I saved my comments for
12 item two of my testimony regarding Matrix Proposal
13 8-7.2. And, essentially, it was a hybrid proposal,
14 somewhere in the middle of the current system of the
15 Commission having appoint and dismissal powers, as they
16 currently stand, and those returning back 100 percent to
17 a politically-motivated appointment. And I believe that
18 the technical details in the proposal said that the
19 commission would provide a name that went through their
20 due process to the Mayor, the Mayor would have final
21 approval. And then, on matters of dismissal, the Mayor
22 would -- would initiate, and the commission, being the
23 Fire Commission, would be -- will take a majority vote
24 to ratify that request. I believe that that particular
25 proposal, in comparison to the two, does have its

1 merits; however, it is on the political side. So
2 there's specific details I included in my testimony or
3 my comments that address that.

4 I believe that one of the key considerations
5 would be that since we have a Fire Chief that -- that
6 supervises a force of 100 percent labor, that it's very
7 important to have Commissioners that are sensitive to --
8 to labor issues of that force. And as is currently
9 provided with the EUTF for the State, as well as the
10 Labor Relations Board, for example, the labor is able to
11 choose a minority side at those seats and the government
12 is able to choose, being an employer, the other side.
13 So I think if four out of the nine commissioners, that
14 labor had the opportunity to submit names to the Mayor
15 for consideration with normal 13-2 processing and
16 approval by the Council, that that would be a very
17 interesting balanced approach in looking at that hybrid
18 proposal that was submitted in the matrix, in comparison
19 with what we currently have to versus 100 percent
20 political appointment.

21 MEMBER DELEON: Thank you.

22 CHAIR STONE: Thank you very much. Further
23 clarification?

24 (No Response.)

25 CHAIR STONE: No. Thank you, again, for being

1 here. It's very much appreciated.
 2 MR. JENKINS: Thank you.
 3 CHAIR STONE: So Chair would recognize we have
 4 Executive Assistant Mike Molina join us. Thank you very
 5 much, Mike, for being here. Much appreciated.
 6 Lisa, next testifier, please.
 7 MS. KAHUHU: Chair, no one else has signed up.
 8 CHAIR STONE: Looks like Councilwoman Baisa is
 9 ready to go. You coming forward?
 10 MS. BAISA: No, thank you.
 11 CHAIR STONE: Just kidding.
 12 MS. BAISA: I'm going to leave the decisions
 13 to you.
 14 CHAIR STONE: Why, thank you. We would like
 15 to recognize Councilwoman Baisa. Thank you for being
 16 here as well today.
 17 If there is anybody in the public who would
 18 like to testify, please come forward at this time.
 19 Thank you. If you could just state your name, please.
 20 MR. AXELSON: Yes. My name is Wayne Axelson.
 21 And I'm very interested in sustainability for our
 22 islands. I'm a member of Upcountry Sustainability. I
 23 have a small organization called the Eco Villages Maui
 24 where we're looking to develop farmland and be able to
 25 raise food locally to support our local people.

1 And I was very encouraged to see the Mayor's
 2 proposal about adding a Department of Sustainability and
 3 Environmental to his bureaucratic structure. I think
 4 that would be a very positive development for us to do
 5 that. It would send a clear message about the urgency
 6 of such issues to us. And I think it would also put
 7 Maui in the vanguard, to some extent. I mean, other
 8 counties and other municipalities have done this, but it
 9 would be very good for our state, for -- for our County
 10 to step up and acknowledge this as an important issue
 11 for our people.
 12 We are in the middle of the Pacific. We all
 13 know that. And there's issues connected with that, that
 14 need to be given careful attention and thoughtful
 15 development. And so I think a department dedicated to
 16 considering those issues would be a very good thing.
 17 And in addition to that, I think such a
 18 department, by clearly identifying a connection point
 19 for the citizens, could exercise a lot of leverage in
 20 the community. There's many people in the community, of
 21 which I'm just one representative, of people interested
 22 in these issues, as I said.
 23 In the past administration, I was one of the
 24 chairmen for the renewable energy working groups that
 25 Mayor Tavares had. And there was a lot of volunteer

1 time that was energized and directed at the request of
 2 the County because of that structure. And I think this
 3 department has the capability of -- or raises the
 4 possibility of having similar island-wide kind of
 5 efforts closely coordinated with the County. So it
 6 would be a way of giving great leverage to what -- in a
 7 time of budgetary restrictions, there's a lot of good
 8 work that could happen with -- by creating such a --
 9 such an arm of the bureaucracy. Okay. Thank you.
 10 CHAIR STONE: Thank you, Wayne. Thank you
 11 very much. Clarification? Commissioner Okamoto.
 12 MEMBER OKAMOTO: I will be nice and I'll use
 13 the microphone. You said you were part of a working
 14 group. Now, that's a volunteer group?
 15 MR. AXELSON: Yes.
 16 MEMBER OKAMOTO: Do you see a way to
 17 accomplish the whole thing with the sustainability
 18 without it having to become a department, where we could
 19 actually do it with less money is what I'm asking?
 20 MR. AXELSON: Certainly, that's possible. I'm
 21 here because the Mayor's proposal is, I believe, a
 22 superior way to achieve that goal. And I think it can
 23 be managed in such a way that the monies that are
 24 required for use by the County can be kept proportional
 25 to the benefit as possible. And this idea of leveraging

1 community activism is a very important part of that.
 2 And I think having it a specific department would add
 3 credibility, plus it would also give an ongoing nature
 4 to these efforts. It wouldn't be subject to the whim of
 5 a certain individual in a key position. It will be
 6 something that -- because it's going to take a while,
 7 it's going to take more than one administration to
 8 really make this happen.
 9 MEMBER OKAMOTO: Thank you.
 10 CHAIR STONE: Thank you. Commissioners, any
 11 further clarification? Commissioner Hashimoto.
 12 MEMBER HASHIMOTO: Yes, I do. I just want to
 13 ask one question. How do you describe the word
 14 sustainability that you use? Because I looked it up in
 15 the dictionary. And I also looked up the word
 16 survivability. What is the difference between the two,
 17 in your -- in your mind?
 18 MR. AXELSON: In my mind, sustainability is
 19 looking beyond just our generation, our current
 20 circumstances, which was survivability, and looking at
 21 our descendants, our grandchildren. Seven generations
 22 down the road is a good length of time to consider the
 23 impact of current decisions. And so decisions that make
 24 sense for the seventh generation following us are more
 25 truly sustainable in their conception, I would say.

1 CHAIR STONE: Thank you.
 2 MEMBER HASHIMOTO: Thank you. You sound
 3 (inaudible), saying seven years. Thank you.
 4 CHAIR STONE: Thank you. Commissioners, any
 5 further clarification?
 6 (No Response.)
 7 CHAIR STONE: No. Thanks so much for being
 8 here today, Wayne. Thank you very much.
 9 MR. AXELSON: Yeah, thank you for the
 10 opportunity.
 11 CHAIR STONE: I would put the offer out there
 12 to any member of the public who has not yet come
 13 forward, if they would like to, now would be the time.
 14 (No Response.)
 15 CHAIR STONE: No. No objection, I would like
 16 to close public testimony at this time.
 17 ...END PUBLIC TESTIMONY...
 18 CHAIR STONE: And without further objection,
 19 the Chair will accept and file all public communications
 20 for the record.
 21 Before we move forward, since we're going to
 22 have such a long day, I want to take breaks, basically,
 23 right at the changing of the hour. So we'll take a very
 24 quick, say 10-minute, recess. Tonya needs her hands for
 25 the whole day. So without objection, we'll take a

1 recess right now for 10 minutes. Thank you.
 2 (Recess, 10:51 a.m. to 11:06 a.m.)
 3 CHAIR STONE: Without objection, I would like
 4 to call this meeting back into order.
 5 Just make sure that our court reporter is
 6 ready. Tonya, you good? And, Akaku, you guys okay back
 7 there? Very good.
 8 So time to get down to business. The next
 9 item is Proposed Charter Amendments Matrix. Getting
 10 back to the Matrix. Today, our goal is to work through
 11 review, discussion, and action on Matrix 9-2-2011,
 12 Proposals 3.7 through New Articles Proposed.
 13 MEMBER MOIKEHA: Chair?
 14 CHAIR STONE: Commissioner Moikeha, yes,
 15 please.
 16 MEMBER MOIKEHA: I would like to make a motion
 17 to move 3.7, 3.8, 3.9, 3.10, 3.11 to general discussion
 18 of single-member districts.
 19 CHAIR STONE: There's a motion on the floor.
 20 MEMBER DELEON: Seconded.
 21 CHAIR STONE: Seconded by Commissioner DeLeon.
 22 Discussion, please.
 23 MEMBER MOIKEHA: I'm sorry. To the Active
 24 List under general discussion of single-member
 25 districts.

1 CHAIR STONE: And just could you -- what was
 2 the last point, three point what?
 3 MEMBER DELEON: 11.
 4 MEMBER MOIKEHA: 3.7 through 3.11.
 5 CHAIR STONE: If you don't mind giving me a
 6 second to read that. Any discussion? Commissioner
 7 Okamoto.
 8 MEMBER OKAMOTO: Question.
 9 MEMBER DELEON: Chair, point of order. I
 10 think it's Robert's Rules that the maker of the motion
 11 gets to speak first, or at least offered the opportunity
 12 to speak first so they can set the rationale for the
 13 motion. Then we can have something to talk about.
 14 CHAIR STONE: Thank you very much,
 15 Commissioner DeLeon. So that would be you, Commissioner
 16 Moikeha.
 17 MEMBER MOIKEHA: I thought it was pretty
 18 straightforward, but just a second. And I appreciate
 19 Dave doing that, and he is right. I think all of these
 20 have to do with either pro or con to the discussion of
 21 single-member districts. And I wouldn't get caught up
 22 in too much of the specific details of these proposals
 23 here other than to know that it can be discussed under
 24 general discussion.
 25 Thank you.

1 CHAIR STONE: Very good. Thank you.
 2 Commissioner Okamoto.
 3 MEMBER OKAMOTO: Mine was simply a question.
 4 Are we working from this newer set, or are we working
 5 from the Matrix that we had handed out before? I'm
 6 just --
 7 CHAIR STONE: We were provided, okay, with a
 8 -- with our Matrix, all right, then we have new -- new
 9 proposals. Correct. So we have -- we should have three
 10 things: Active proposal, which is not that important
 11 right now, we're just moving items over; our actual
 12 Matrix -- and then, Sherry, did you add the new
 13 proposals to the end or did you -- no, you put them in,
 14 correct?
 15 MS. BRODER: Let me just explain what I did.
 16 I wrote a cover letter so I could -- oh. I wrote a
 17 cover letter so I would -- could explain what I did.
 18 And I listed every single new proposal that we got
 19 separately on the cover letter. Then I generated a new
 20 Matrix, okay, and I added those all in numerical order.
 21 So like if it was 3.33, was the last one, and then we
 22 got a new one, I labeled that 3.34. So they're at the
 23 end. So I did generate a new list. But what I'm going
 24 to do in the future, because some people have made
 25 notes, I see, on the very first one, is that I will

1 generate a new cover letter every time. And in that, I
 2 will tell you all the additions to the original Matrix,
 3 in case you want to keep using your original Matrix.
 4 And then, for those who want to use an updated Matrix,
 5 I'll generate one of those for them. Okay? So then if
 6 you want to keep your original one, if you wrote notes
 7 on it or something like that.

8 MEMBER OKAMOTO: So for today, we are working
 9 with the one that says New Articles Proposed September
 10 25th? I just want to be sure that I'm on the same page.

11 CHAIR STONE: And they are -- they are already
 12 built into this. Luckily, none of the new proposals
 13 went back previously, to sections we've already looked
 14 at.

15 MEMBER OKAMOTO: Thank you.

16 CHAIR STONE: Commissioner Moikeha.

17 MEMBER MOIKEHA: You know, I would prefer that
 18 we just stick with our first draft and we work from
 19 that. Because Sherry already indicated maybe we made
 20 notes on this. And I don't want to go back and forth
 21 between two different drafts.

22 And my other suggestion would be that she
 23 continue her cover letter with the ones she's adding.
 24 When we get through, unless it's something that we
 25 haven't gotten to -- make a decision, either we're going

1 to do it as we go through it or we're going to do it at
 2 the end. And I would prefer to do it at the end.

3 CHAIR STONE: That's -- that can -- that can
 4 be done at this point. It's just please note that these
 5 new proposals, we hadn't already passed that section.
 6 So that's why they worked into the Matrix. So, Sherry,
 7 we'll discuss how we're going to make sure --

8 MEMBER MOIKEHA: Okay. Thank you.

9 CHAIR STONE: Thank you very much,
 10 Commissioner Moikeha.

11 MEMBER DE REGO: Go ahead.

12 CHAIR STONE: Commissioner Sugimura.

13 MEMBER DE REGO: Your hand was up way before.

14 CHAIR STONE: Please, go ahead.

15 MEMBER SUGIMURA: So based upon Sherry's
 16 contributions or her letter, if you look at 3.37,
 17 proposal for single-member districts with self-rule for
 18 Molokai, Lanai, through the creation of island boards,
 19 that then is what we're talking about now, so that
 20 should be included with suggestions, with Commissioner
 21 Moikeha's --

22 CHAIR STONE: Commissioner Moikeha, would you
 23 amend your motion?

24 MEMBER MOIKEHA: So that was my reason for
 25 asking, are you going to take it up now or at the end.

1 If you're going to take it up now, then I'm going to
 2 amend my motion to include 3.37.

3 MEMBER DELEON: Second.

4 CHAIR STONE: Okay. That's been -- the motion
 5 has been amended. Discussion?

6 MEMBER DE REGO: Can I have another point of
 7 order here --

8 CHAIR STONE: Sure.

9 MEMBER DE REGO: To ask a question of the
 10 Chair?

11 CHAIR STONE: Of course.

12 MEMBER DE REGO: I had a discussion with
 13 Sherry earlier today. And I noticed that, in this new
 14 Matrix, there was an amended proposal from the Cost of
 15 Government Commission. I think everyone was here last
 16 week when we actually amended the Cost of Government's
 17 proposal, which I did in the presentation, to change the
 18 selection of the County Auditor, if that -- I mean, it's
 19 kind of a step proposal, right? The County Auditor has
 20 to be -- office has to be accepted first, and then the
 21 Cost of Government has to be actually moved over to that
 22 office. In the event those two things occur, the Cost
 23 of Government suggested, as I pointed out last week --
 24 wanted the Cost of Government Commission to be the one
 25 who hires and -- appoints and hires the County Auditor.

1 So -- which was -- I noticed that she picked up the
 2 first of our proposals, which made the Cost of
 3 Government Commission members' terms conform with what's
 4 already in the Charter, but that second amendment needs
 5 to be put -- actually, should have been part of this
 6 list, but needs to be put on this list at some point. I
 7 just wanted to make that a part of the public record.

8 MS. BRODER: And then we -- we discussed this
 9 already. Because I didn't have the PowerPoint, I didn't
 10 have the testimony, so without, I guess, the PowerPoint
 11 I wasn't really --

12 MEMBER DE REGO: Sure.

13 MS. BRODER: -- quite sure --

14 MEMBER DE REGO: Okay.

15 MS. BRODER: -- what it was you wanted. But,
 16 yeah, that's not a problem, though. I'll have it ready
 17 for the next meeting.

18 MEMBER DE REGO: Okay. Good. Thank you.

19 CHAIR STONE: Very good. We have a motion on
 20 the floor. Commissioner Hedani.

21 VICE-CHAIR HEDANI: Could you please restate
 22 the motion?

23 CHAIR STONE: The motion is to move Proposal
 24 Number 3.7 through 3.37, all proposals, to the Active
 25 List, correct?

1 MEMBER MOIKEHA: That would be incorrect.
 2 CHAIR STONE: Okay. What was it?
 3 MEMBER MOIKEHA: The motion is 3.7 through
 4 3.11, plus adding on 3.37.
 5 CHAIR STONE: Okay. Thank you for the
 6 clarification.
 7 MEMBER MOIKEHA: All to the general discussion
 8 of single-member districts.
 9 CHAIR STONE: Commissioner Hedani.
 10 VICE-CHAIR HEDANI: I don't have a 3.37.
 11 Where is that?
 12 MEMBER DE REGO: That's in Sherry's letter.
 13 MEMBER MOIKEHA: Chair?
 14 CHAIR STONE: Yes.
 15 MEMBER MOIKEHA: I would --
 16 CHAIR STONE: Hang on. Order, please. Order.
 17 MEMBER MOIKEHA: I would recommend we take
 18 these additional ones that she sends in our cover letter
 19 at the end of where we are at for that day and take care
 20 of it. This is going to get really confusing. Because,
 21 for one thing, we don't -- did this go out in our
 22 packet?
 23 CHAIR STONE: Yes. Didn't it?
 24 MEMBER WIGER: No.
 25 MEMBER MOIKEHA: We got it today. So we don't

1 even have time to look at this to see if it -- where it
 2 falls. So I would suggest we -- we do it at the end.
 3 Just move through the first draft, get through that, and
 4 then come back to her added list. Because now that I'm
 5 looking at it, 3.37 is almost exactly as 3.6. It talks
 6 about island boards, self-rule for Molokai and Lanai. I
 7 mean, we need time to look at her list because it could
 8 be a duplication.
 9 MEMBER DE REGO: I would --
 10 MEMBER MOIKEHA: To try and incorporate this
 11 as we're going through a main list that everybody
 12 already has, that we can all look at throughout the
 13 week, before we meet again, make our notes on it and
 14 keep moving this.
 15 CHAIR STONE: Noted. Commissioner De Rego.
 16 MEMBER DE REGO: I would agree with
 17 Commissioner Moikeha on that.
 18 CHAIR STONE: So what you guys are suggesting
 19 is to go back to our original Matrix draft?
 20 MEMBER DE REGO: And go through it completely.
 21 CHAIR STONE: And bring all of the new
 22 proposals at the very end of that Active List review?
 23 MEMBER DE REGO: Right.
 24 MEMBER DELEON: Mr. Chair?
 25 CHAIR STONE: Yes, Commissioner DeLeon.

1 MEMBER DELEON: Another possible way of doing
 2 this is to have the staff call it out when we do get to
 3 the point where there's an add-on, and then we can
 4 address it as we go, as opposed to -- because we'll be
 5 -- we'll be approving stuff and, out of sequence, we'll
 6 be taking up stuff later. And there might be overlaps
 7 or problems. If you see them all -- it's like Susan's
 8 saying, this new one we were just talking about is,
 9 basically, on our list already. So we don't really need
 10 to include this. But if we bring it all the way around,
 11 then we have to restudy the list. And to see them in
 12 context with the other material in that same section,
 13 while we're handling it, I think it -- to me, that will
 14 work better. I share Susan's problem with, you know,
 15 you study this up and you get it ready, and then -- and
 16 then you're -- and then you find new material coming at
 17 you kind of disconcerting, but it's the reality. We're
 18 just going to keep on getting these proposals as we go.
 19 CHAIR STONE: Yes, we're continuing to accept
 20 proposals. So --
 21 MEMBER DELEON: So my suggestion is that, when
 22 we get to a point like this, that the staff call out
 23 that there is an additional item in this -- in this
 24 particular area while we're there. So when we get to
 25 7.4, that would be called out to us, to our attention,

1 for instance. Not there, but, I mean -- that's just my
 2 thought. I can go with Susan's proposal.
 3 CHAIR STONE: Let me think on that for a
 4 second, please. So, you know, the issue, obviously, is
 5 that, at this stage, the Commissioners didn't have
 6 enough time to study the new proposals put forward. So
 7 do you see any issues with keeping them until the end
 8 and going back and reviewing?
 9 MS. BRODER: No. I think the goal should be
 10 whatever makes the most sense and eliminates confusion.
 11 And I don't think -- there's no set procedure. I think
 12 whatever makes the most sense to you folks as to how to
 13 do it. And, you know, I can -- I can do it both ways,
 14 so whoever wants to do it whichever way can do it that
 15 way. So I can keep generating a letter that lists every
 16 single one that's since the last time. Or if you have
 17 an agreed upon way you want to do it -- but I think
 18 whatever seems to make the most sense to you and is
 19 easiest. I don't think there's any set procedure.
 20 CHAIR STONE: Thank you. Commissioner De
 21 Rego.
 22 MEMBER DE REGO: Okay. Yeah. I would be for
 23 just going ahead with what we have currently on the
 24 Matrix, I think that's more clear-cut, and then deal
 25 with everything afterwards. Instead of having to have

1 staff intervene and --

2 CHAIR STONE: I agree. I think that we're

3 going to get so confused if we don't deal with it in

4 that method. So --

5 MEMBER DE REGO: I would agree with

6 Commissioner Moikeha.

7 CHAIR STONE: What we would like to do is take

8 out our original Matrix from our last meeting.

9 Everybody got that? Okay.

10 MEMBER HASHIMOTO: I don't have it.

11 MEMBER OKAMOTO: Lay aside the new one,

12 correct? Lay it aside for now?

13 CHAIR STONE: Yeah. Lay that over to the side

14 for now. And I'll work it out with Sherry, we'll

15 clarify it.

16 MS. BRODER: Yeah.

17 CHAIR STONE: Very good.

18 MEMBER HASHIMOTO: Chair, if I --

19 CHAIR STONE: Sorry. Commissioner Hashimoto.

20 MEMBER HASHIMOTO: If I may add, it's always

21 been my concern that we're -- we're spending a lot of

22 time reading some of this stuff now because we have so

23 much of it. So we end up reading much of this new

24 material. Whereas, in my mind -- maybe because I'm

25 older and I'm a little slower -- but, to me, we should

1 be looking at the existing Charter and comparing that

2 existing Charter with what we're seeing written down.

3 And that way, it gets us into the Charter, we're looking

4 at the current Charter. And see how much difference

5 there is between what is being proposed, in whatever

6 manner is being proposed and whatever wording. And that

7 way, we're pretty much clear about what we're trying to

8 fix and what we're not trying to fix.

9 CHAIR STONE: Agreed, Commissioner Hashimoto.

10 Agreed. This is -- I think, at the moment, though, we

11 have a general motion to move a chunk of a discussion

12 forward. So when we do get back into the individual

13 proposals, obviously, everybody is going to need to have

14 their Charter out.

15 That's some funky boogie music.

16 MEMBER DE REGO: Yeah. I was gonna get up and

17 dance.

18 CHAIR STONE: You should turn that up, Kay.

19 MEMBER OKAMOTO: I don't know whose phone it

20 is.

21 MEMBER DELEON: You don't know whose phone it

22 is?

23 CHAIR STONE: Oh, that is the worst excuse I

24 have ever heard.

25 (Laughter.)

1 MEMBER OKAMOTO: Serious.

2 CHAIR STONE: "Whose phone is this?"

3 MEMBER OKAMOTO: I'm serious. Here's my phone

4 and here's --

5 CHAIR STONE: As a point of order, the Chair

6 does that with his children on occasion. "Whose kid is

7 that?"

8 (Laughter.)

9 CHAIR STONE: All right. So looking back at

10 the previous -- the first Matrix, from our last meeting,

11 Susan, would you like to amend your --

12 MEMBER MOIKEHA: Why not? Okay. I would like

13 to make a motion to approve and move 3.7 through 3.11 to

14 the Active List under general discussion of

15 single-member districts.

16 MEMBER DELEON: Second.

17 CHAIR STONE: Amended motion put forward.

18 Commissioner DeLeon seconded the motion. Commissioner

19 Moikeha, any initial discussion?

20 MEMBER MOIKEHA: No.

21 CHAIR STONE: Commissioners, any discussion?

22 (No Response.)

23 CHAIR STONE: Incredible.

24 (Laughter.)

25 CHAIR STONE: Oh, Commissioner Hedani.

1 VICE-CHAIR HEDANI: Generally speaking, I

2 would like to see a point -- I would like to see us get

3 to a point where single-member districts becomes one

4 discussion item. Right now, on the Active List, we have

5 one, two, three, four, five items related to

6 single-member districts and we're adding another one,

7 two, three, four, five, we're adding another five. So

8 we're going to end up with 10 proposals. So I don't

9 know how we get to that point, but, to me, it's one ball

10 of wax.

11 CHAIR STONE: Agreed. I think when we get

12 back to our Active List, it will melt into one ball of

13 wax, in a sense. So any further commission on the -- or

14 discussion on the motion?

15 MEMBER WIGER: Call the question.

16 CHAIR STONE: We are going to do roll call.

17 And I've been assured that this time roll call will be

18 done correctly. So Lisa, please roll call on the vote.

19 MS. KAHUHU: Can I just ask that you say "yes"

20 or "no," please? Thank you. Okay.

21 Member Baxa.

22 MEMBER BAXA: Yes.

23 MS. KAHUHU: Member Crivello.

24 MEMBER CRIVELLO: Yes.

25 MS. KAHUHU: Member DeLeon.

1 MEMBER DELEON: Yes.
 2 MS. KAHUHU: Member De Rego.
 3 MEMBER DE REGO: Yes.
 4 MS. KAHUHU: Member Hashimoto.
 5 MEMBER HASHIMOTO: Yes.
 6 MS. KAHUHU: Member Hedani.
 7 VICE-CHAIR HEDANI: Aye.
 8 (Laughter.)
 9 VICE-CHAIR HEDANI: Yes.
 10 MEMBER DE REGO: Ooh, contrarian.
 11 MS. KAHUHU: Member Moikeha.
 12 MEMBER MOIKEHA: Yes.
 13 MS. KAHUHU: Member Okamoto.
 14 MEMBER OKAMOTO: Yes.
 15 MS. KAHUHU: Member Sugimura.
 16 MEMBER SUGIMURA: Yes.
 17 MS. KAHUHU: Member Wiger.
 18 MEMBER WIGER: Yes.
 19 MS. KAHUHU: Chair Stone.
 20 CHAIR STONE: Yes. So that's unanimous.
 21 MS. KAHUHU: Unanimous.
 22 CHAIR STONE: So motion carries.
 23 Moving forward now to Section 3.12, proposal
 24 to delete Subsections (1), (2), (3) and (4) of Article
 25 3, County Council, Sections 3-2, Election of Council and

1 Term of Office, and add new language to enact instant
 2 runoff voting, similar to San Francisco, California.
 3 MEMBER DELEON: Move to oppose.
 4 CHAIR STONE: Got a motion on the floor to
 5 oppose.
 6 MEMBER SUGIMURA: Second.
 7 MEMBER DELEON: Table. I'm sorry. Table.
 8 MEMBER DE REGO: Tabled.
 9 CHAIR STONE: Oh.
 10 MEMBER DE REGO: Isn't that what we sort of
 11 agreed? I'm sorry. I'm out of order.
 12 Point of clarification? I think we, in our
 13 discussions, said that we're never taking a proposal off
 14 the table. I mean -- I'm sorry -- we're not deleting as
 15 much as tabling propositions --
 16 CHAIR STONE: Right.
 17 MEMBER DE REGO: -- or proposals at this
 18 point.
 19 CHAIR STONE: Correct. Is that a motion?
 20 MEMBER DE REGO: So I would say that
 21 Commissioner DeLeon's suggestion is well-taken, table
 22 it. And I would second that.
 23 CHAIR STONE: We have a motion to table this
 24 proposal, and it's been seconded. Discussion?
 25 Commissioner DeLeon.

1 MEMBER DELEON: I don't think our community is
 2 ready for this kind of elaborate system. And it's -- I
 3 think it needs to play itself out in other places first,
 4 then we maybe get to it in some future generation.
 5 CHAIR STONE: Commissioners, discussion?
 6 MEMBER DE REGO: I would agree with
 7 Commissioner DeLeon on that point.
 8 CHAIR STONE: Any further discussion? We'll
 9 take action -- Commissioner Sugimura. Oh, Commissioner
 10 Hedani.
 11 VICE-CHAIR HEDANI: I generally think that --
 12 well, this is the first time I'm hearing of tabling any
 13 of the proposals that we're getting. I don't think we
 14 should have a negative motion in terms of opposing a
 15 proposal, but we could have a positive motion that moves
 16 it to the inactive list.
 17 MEMBER DE REGO: Oh, okay.
 18 MEMBER DELEON: Well, the motion was to table.
 19 VICE-CHAIR HEDANI: Right.
 20 MEMBER DELEON: It's not a negative. It's
 21 just to where we're putting it.
 22 VICE-CHAIR HEDANI: Yeah. My only concern is
 23 we haven't tabled anything.
 24 MEMBER DELEON: Yeah, we have. We have the
 25 first -- Kahoolawe, the Molokai --

1 MEMBER DE REGO: The preamble.
 2 CHAIR STONE: Preamble, Article 1.1, Article
 3 2.1.
 4 MEMBER DELEON: That's what we were doing at
 5 the last meeting.
 6 MEMBER DE REGO: Point of clarification.
 7 VICE-CHAIR HEDANI: So tabling is
 8 equivalent --
 9 CHAIR STONE: Order, guys.
 10 VICE-CHAIR HEDANI: -- to getting it to the
 11 inactive list.
 12 MEMBER DE REGO: That's what was my question,
 13 is that -- is what Commissioner Hedani is saying --
 14 CHAIR STONE: Nothing is going on an inactive
 15 list. This Matrix is going to remain active. I'm
 16 sorry. Let's not confuse it. The Matrix will remain --
 17 the proposals will remain on the Matrix, and, at some
 18 point, they could be referenced back to.
 19 MEMBER DE REGO: Okay.
 20 CHAIR STONE: So tabling, I believe, is the
 21 correct method. Commissioner Moikeha.
 22 MEMBER MOIKEHA: Maybe we should just say
 23 defer, leave it on the list, defer it. Then that leaves
 24 it up to always come back.
 25 CHAIR STONE: We could do that as well.

1 MEMBER MOIKEHA: I mean, we had this long
 2 discussion that nothing ever was ended, that it would
 3 just stay on this list and --
 4 CHAIR STONE: Exactly.
 5 MEMBER MOIKEHA: -- we're moving forward.
 6 CHAIR STONE: Semantics. Table is -- table or
 7 defer is the same thing.
 8 MEMBER MOIKEHA: Well, it could still be a
 9 question. That's the only reason.
 10 CHAIR STONE: Sherry?
 11 MEMBER MOIKEHA: It will come up again.
 12 MS. BRODER: Actually, strictly speaking, if
 13 you're not going to move it the Active List, you don't
 14 really even need to have a motion.
 15 MEMBER DELEON: That's true.
 16 MS. BRODER: You can just move on. You know,
 17 the Chair could ask -- could say, does anybody want to
 18 make a motion, and if nobody makes a motion, then you
 19 move on to the next one. That way, maybe save some
 20 time, too.
 21 MEMBER DELEON: Good.
 22 MEMBER MOIKEHA: Sounds good.
 23 MEMBER OKAMOTO: Good.
 24 MS. BRODER: It will be faster.
 25 CHAIR STONE: That is very good clarification.

1 And where have you been for the last 10 minutes?
 2 (Laughter.)
 3 MEMBER DE REGO: Ouch.
 4 CHAIR STONE: Just enjoying the show, are we?
 5 So would anybody -- first of all, would you -- the
 6 motion's on the table.
 7 MEMBER DELEON: I withdraw my motion.
 8 CHAIR STONE: Motion is withdrawn.
 9 MEMBER DE REGO: I withdraw my second.
 10 CHAIR STONE: Withdrawn. So is there any
 11 Commissioner that would like to move Section Number 3.12
 12 to the Active List?
 13 (No Response.)
 14 CHAIR STONE: No. Then let's move forward.
 15 Section Number 3.13, proposal to return to a
 16 closed primary system.
 17 MEMBER OKAMOTO: I would like to move 3.13 and
 18 3.14 to the Active List.
 19 VICE-CHAIR HEDANI: Second.
 20 CHAIR STONE: A motion has been put forward
 21 and seconded to move 3.13 and 3.14 to the Active List.
 22 Yes, please, Commissioner.
 23 MEMBER OKAMOTO: It just seems that there is
 24 some -- we need to have some discussion about partisan
 25 versus nonpartisan. And I think that's -- that's part

1 of that discussion.
 2 CHAIR STONE: Commissioner Hedani.
 3 VICE-CHAIR HEDANI: Ditto.
 4 CHAIR STONE: That's very precise. Thank you.
 5 Commissioners, any further discussion?
 6 (No Response.)
 7 CHAIR STONE: A motion was put forward to
 8 vote. I will do roll call vote.
 9 MS. KAHUHU: Commissioner Wiger.
 10 MEMBER WIGER: Yes.
 11 MS. KAHUHU: Commissioner Sugimura.
 12 MEMBER SUGIMURA: Yes.
 13 MS. KAHUHU: Commissioner Okamoto.
 14 MEMBER OKAMOTO: Yes.
 15 MS. KAHUHU: Commissioner Moikeha.
 16 MEMBER MOIKEHA: No.
 17 MS. KAHUHU: Commissioner Hashimoto.
 18 MEMBER HASHIMOTO: No.
 19 MS. KAHUHU: Commissioner Hedani.
 20 VICE-CHAIR HEDANI: Yes.
 21 MS. KAHUHU: Commissioner DeLeon.
 22 MEMBER DELEON: No.
 23 MS. KAHUHU: Commissioner De Rego.
 24 MEMBER DE REGO: Yes.
 25 MS. KAHUHU: Commissioner Crivello.

1 MEMBER CRIVELLO: Yes.
 2 MS. KAHUHU: Commissioner Baxa.
 3 MEMBER BAXA: Yes.
 4 MS. KAHUHU: Chair Stone.
 5 CHAIR STONE: Yes.
 6 MS. KAHUHU: Eight to three. Eight "yes,"
 7 three "no." It passes.
 8 CHAIR STONE: Motion passes.
 9 Moving on to Number 3.15. Commissioner
 10 Moikeha.
 11 MEMBER MOIKEHA: I would like to make a motion
 12 to move 3.15, 3.16 to the Active List for discussion
 13 under requirements for County councilmembers residency.
 14 MEMBER DELEON: Second.
 15 MEMBER DE REGO: Second.
 16 CHAIR STONE: Birthday boy seconded.
 17 MEMBER DE REGO: Give it to the birthday boy.
 18 CHAIR STONE: Yeah. So the motion on the
 19 floor has been seconded to move points Number 3.15 and
 20 Number 3.16 to the Active List. Commission Moikeha.
 21 MEMBER MOIKEHA: No comment.
 22 CHAIR STONE: Commissioners, any further
 23 discussion? Commissioner Sugimura.
 24 MEMBER SUGIMURA: I am going to vote against
 25 this because I was under the impression from our last

meeting, from when our Corp Counsel said that this is a State, HRS jurisdiction. So, therefore, what we do -- it has to be -- or this whole issue has to be taken up with the State of Hawaii Legislature, not put in our Charter. So I'm going to be voting against it.

CHAIR STONE: Very good. Commissioners, further discussion?

MEMBER DELEON: Chair?

CHAIR STONE: Commissioner DeLeon.

MEMBER DELEON: I don't remember that conversation.

CHAIR STONE: Boxing gloves?

MEMBER DELEON: No. Just that I don't remember that conversation. And I think this is very much a part of our Charter. We can set requirements for voting. That was the whole question of what's -- Councilmember Kaho'ohalahala on Lanai the last time where he voted, and whether he's a resident or not. We need to get it settled down whether people are residents or not. I think, personally, it's -- where you last voted is the best way to determine that. If you didn't vote there, then you're not a resident.

CHAIR STONE: Thank you. Commissioner De Rego.

MEMBER DE REGO: Chair, the other thing is

anything -- with due respect to our Corporation Counsel, it's not a written opinion, it's not something that's officially put out from the office at this point. So, you know, unless we get a official opinion from Corporation Counsel or from the State Attorney General's Office --

MEMBER SUGIMURA: Or Sherry.

MEMBER DE REGO: -- I think we should go ahead and pursue this. That's my feeling on this.

CHAIR STONE: Commissioner Sugimura, were you requesting information from Sherry?

MEMBER SUGIMURA: If we could.

CHAIR STONE: Sherry, do you have any input on this?

MS. BRODER: I think, at this very moment, I can't answer the question for you. But if you want to give me a few minutes, I can probably research it on the computer. But if you want to just go ahead and add it and give me time to give you a report by the next meeting, I can certainly do that.

MEMBER SUGIMURA: That's better.

CHAIR STONE: Very good. Commissioners -- yes, Commissioner Baxa.

MEMBER BAXA: I think we should go on record to consider this.

CHAIR STONE: Okay. Thank you.

MEMBER DE REGO: I would agree with Commissioner Baxa on that, that even though we may not have jurisdiction, at least it would be in the public record that the Charter Commission is looking at this, that we suggest even that the County, if it's not even in their jurisdiction, begin looking at this issue, the County with the State. So --

CHAIR STONE: The Chair agrees. I think that when we get it on the Active List, if there is those issues, we'll find out then.

Commissioner Hedani.

VICE-CHAIR HEDANI: I would like to know if the maker of the motion would be willing to partition -- partition the question into two pieces, 3.15 and 3.16. I am in favor of one and I'm opposed to the other one.

CHAIR STONE: Commissioner Moikeha?

MEMBER MOIKEHA: I'm sorry. I'm not following you. Repeat that again.

VICE-CHAIR HEDANI: I'm wondering if you can partition it into 3.15 -- a vote on 3.15 and a vote on 3.16. I support 3.15 going onto the Active List. I think five years residency requirement for -- under 3.16 may be unreasonable. If a person, say, lived on the island for 20 years, moved away for five years, comes

back, decides to run for election the next year, he can't qualify.

MEMBER MOIKEHA: Okay. Let me clarify my motion. It's a general discussion. So it can be about either one of these, pro, con, yes, no. And I'm in agreement. I think when we get these things onto the Active List, you can flush all of these issues out. But because it's here now, it falls under, my opinion, the whole general topic. That's the reason why I'm proposing. I'm not taking a position that I believe one or two of these is right or wrong. I'm just trying to propose something that I think is more of a opportunity to discuss it under a general discussion.

CHAIR STONE: I'm not -- I'm not opposed, though, to working through some of these proposals. So your motion stands right now.

MEMBER MOIKEHA: Okay.

CHAIR STONE: Okay. Commissioner De Rego.

MEMBER DE REGO: I would agree with Commissioner Moikeha on that. I think we're going to find, when the Analyst does her research, that three-year terms were overturned in the seventies, actually, by the Hawaii State Supreme Court, when there were three-year residency requirements for councilmembers way back when, in the seventies. And

1 that was actually overturned by the Hawaii State Supreme
 2 Court. So this is -- it becomes a question of what is
 3 reasonable at that point.
 4 So, yes, I would agree that we need to do what
 5 we're doing with the district voting, is, you know, as
 6 we pass these over, then we'll discuss the general idea
 7 of how we look at residency. So --
 8 CHAIR STONE: Commissioners, further
 9 discussion?
 10 (No Response.)
 11 CHAIR STONE: No further discussion, let's
 12 take a vote on the motion. Roll call, please.
 13 MS. KAHUHU: Member Baxa.
 14 MEMBER BAXA: Yes.
 15 MS. KAHUHU: Member Crivello.
 16 MEMBER CRIVELLO: Yes.
 17 MS. KAHUHU: Member DeLeon.
 18 MEMBER DELEON: Yes.
 19 MS. KAHUHU: Member De Rego.
 20 MEMBER DE REGO: Yes.
 21 MS. KAHUHU: Member Hashimoto.
 22 MEMBER HASHIMOTO: Yes.
 23 MS. KAHUHU: Member Hedani.
 24 VICE-CHAIR HEDANI: Yes.
 25 MS. KAHUHU: Member Moikeha.

1 MEMBER MOIKEHA: Yes.
 2 MS. KAHUHU: Member Okamoto.
 3 MEMBER OKAMOTO: Yes.
 4 MS. KAHUHU: Member Sugimura.
 5 MEMBER SUGIMURA: No.
 6 MS. KAHUHU: Member Wiger.
 7 MEMBER WIGER: Yes.
 8 MS. KAHUHU: Chair Stone.
 9 CHAIR STONE: Yes.
 10 Moving forward to Number 3.17, proposal for
 11 eight-year term limits.
 12 MEMBER MOIKEHA: Chair?
 13 CHAIR STONE: Commissioner Moikeha.
 14 MEMBER MOIKEHA: I have a motion. I would
 15 like to propose that we adopt 3.17, 3.18, 3.19, 3.20,
 16 3.21, 3.22 and 3.23, and move that to a general
 17 discussion on term limits of the County Council.
 18 MEMBER DE REGO: Second.
 19 MEMBER MOIKEHA: To the Active List.
 20 CHAIR STONE: Motion is on the table, and
 21 seconded, to move proposals Number 3.17 through Number
 22 3.23 to the Active List. Commission Moikeha,
 23 discussion.
 24 MEMBER MOIKEHA: Again, I think there is many
 25 proposals here with different suggestions. And I think

1 it will all come out in a general discussion.
 2 CHAIR STONE: Thank you, Commissioners. Any
 3 further discussion?
 4 (No Response.)
 5 CHAIR STONE: No further discussion. Let's
 6 take a vote, please, roll call.
 7 MS. KAHUHU: Member Wiger.
 8 MEMBER WIGER: Yes.
 9 MS. KAHUHU: Member Sugimura.
 10 MEMBER SUGIMURA: Yes.
 11 MS. KAHUHU: Member Okamoto.
 12 MEMBER OKAMOTO: Yes.
 13 MS. KAHUHU: Member Moikeha.
 14 MEMBER MOIKEHA: Yes.
 15 MS. KAHUHU: Member Hashimoto.
 16 MEMBER HASHIMOTO: Yes.
 17 MS. KAHUHU: Member Hedani.
 18 VICE-CHAIR HEDANI: Yes.
 19 MS. KAHUHU: Member DeLeon.
 20 MEMBER DELEON: Yes.
 21 MS. KAHUHU: Member De Rego.
 22 MEMBER DE REGO: Yes.
 23 MS. KAHUHU: Member Crivello.
 24 MEMBER CRIVELLO: Yes.
 25 MS. KAHUHU: Member Baxa.

1 MEMBER BAXA: Yes.
 2 MS. KAHUHU: Chair Stone.
 3 CHAIR STONE: Yes.
 4 Moving on to Proposal Number 3.33, proposal to
 5 amend Section 3-6, Powers of the Council, to require
 6 that the Council approve the appointments of all
 7 department heads; in the alternative, require that the
 8 Council approve the appointments of Planning Director
 9 and the Director of the Department of Finance. Is there
 10 any Commissioner who would like to make a motion on
 11 this?
 12 MEMBER OKAMOTO: I move to move 3.33 to the
 13 Active List.
 14 CHAIR STONE: Is there a second?
 15 MEMBER BAXA: Second.
 16 CHAIR STONE: Second by Commissioner Baxa.
 17 Thank you. Discussion? Commissioner Okamoto.
 18 MEMBER OKAMOTO: Well, I think it's just -- it
 19 does need some discussion, the whole general idea of
 20 some department heads are approved by the Council, some
 21 are not. And there seem to be a bigger discussion out
 22 there.
 23 CHAIR STONE: Commissioners, any further
 24 discussion? Commissioner DeLeon, were you raising your
 25 hand?

1 MEMBER DELEON: In my own head. I don't know.
 2 I was going like this. But, no, I do have -- I do have
 3 -- yeah, I don't know. The Finance Director is a
 4 discussion worth having. The only other department
 5 heads that are currently approved by the Council are the
 6 Corporation Counsel and the prosecutors. And they're,
 7 you know, important legal positions that have to cross
 8 over for both -- both -- both office, legislative and
 9 administrative. Oh, I'm sorry. And the Director of
 10 Water Supply. And the Director of Water Supply is -- I
 11 think is a holdover from back when. The Finance
 12 Director is the third in line of succession, so it's
 13 significant. So I'm not going to oppose this. But the
 14 whole idea of having all of the Mayor's cabinet approved
 15 by the -- by the Council, I think, is a step too far.
 16 CHAIR STONE: Further discussion,
 17 Commissioners?
 18 (No Response.)
 19 CHAIR STONE: No. Let's put it to vote. Roll
 20 call, please.
 21 MS. KAHUHU: Member Baxa.
 22 MEMBER BAXA: Yes.
 23 MS. KAHUHU: Member Crivello.
 24 MEMBER CRIVELLO: Yes.
 25 MS. KAHUHU: Member DeLeon.

1 MEMBER DELEON: Yes.
 2 MS. KAHUHU: Member De Rego.
 3 MEMBER DE REGO: Yes.
 4 MS. KAHUHU: Member Hashimoto.
 5 MEMBER HASHIMOTO: Yes.
 6 MS. KAHUHU: Member Hedani.
 7 VICE-CHAIR HEDANI: Yes.
 8 MS. KAHUHU: Member Moikeha.
 9 MEMBER MOIKEHA: Yes.
 10 MS. KAHUHU: Member Okamoto.
 11 MEMBER OKAMOTO: Yes.
 12 MS. KAHUHU: Member Sugimura.
 13 MEMBER SUGIMURA: Yes.
 14 MS. KAHUHU: Member Wiger.
 15 MEMBER WIGER: Yes.
 16 MS. KAHUHU: Chair Stone.
 17 CHAIR STONE: Yes.
 18 MS. KAHUHU: Unanimous.
 19 CHAIR STONE: Motion passes.
 20 Moving on to 3.34, proposal to establish an
 21 Office of Legislative Attorney for the County Council.
 22 Do we have a motion to move this proposal to the Active
 23 List?
 24 (No Response.)
 25 CHAIR STONE: No motion.

1 Moving forward. Proposal Number 3.35,
 2 proposal to require an Apportionment Commission every 10
 3 years. Do I have a motion to move this forward to the
 4 Active List?
 5 (No Response.)
 6 CHAIR STONE: No. No motion.
 7 Moving forward. Proposal Number 3.36,
 8 proposal to delete Section 3.3-8 as the Council approves
 9 the appointments of the Mayor.
 10 MEMBER DELEON: Mr. Chair?
 11 CHAIR STONE: Yes, please.
 12 MEMBER DELEON: I was trying to find this item
 13 in the -- in the Charter. I wasn't successful. Is this
 14 supposed to be probably 3.8?
 15 CHAIR STONE: Sherry?
 16 MEMBER DELEON: As opposed to 3.38?
 17 MS. BRODER: Yeah.
 18 MEMBER DELEON: Supposed to be 3.8?
 19 MS. BRODER: Well, the reason it's -- I
 20 believe it's this Section 3.8.
 21 MEMBER DELEON: This is the one prohibiting
 22 the Council from taking -- directing people, yeah.
 23 Okay.
 24 MS. BRODER: So the reason I did it 3.38 is 3
 25 refers to the article.

1 MEMBER DELEON: Oh, okay.
 2 MS. BRODER: But I see why it's confusing.
 3 MEMBER DELEON: I'm sorry. I was looking for
 4 the Charter item. Okay. Now I see what I did wrong.
 5 Okay.
 6 MS. BRODER: Well, I don't know who was wrong.
 7 I was probably the one that was wrong, but thank you.
 8 CHAIR STONE: Commissioners? Commissioner
 9 Hedani.
 10 VICE-CHAIR HEDANI: I'm sorry. So the
 11 question is 3.36 is a proposal to delete Section 3.8?
 12 CHAIR STONE: Sherry, can you clarify?
 13 MS. BRODER: Of Article 3, yes.
 14 MEMBER SUGIMURA: 3.8.
 15 MS. BRODER: Restrictions on Council and
 16 Councilmembers.
 17 CHAIR STONE: If you're looking at our printed
 18 version of it, it's Page 7, Section 3-8, Page 7.
 19 MEMBER DELEON: If you're trying to figure it
 20 out, I can give you a quick background.
 21 CHAIR STONE: Let's see if somebody puts a
 22 motion to move it to the approved list.
 23 MEMBER DE REGO: Point of order --
 24 CHAIR STONE: Yes, Commissioner De Rego.
 25 MEMBER DE REGO: -- and clarification,

1 Mr. Chair.

2 CHAIR STONE: Yes.

3 MEMBER DE REGO: This amendment seems

4 dependent upon a prior amendment at this point, on the

5 one where the Council is approving all the appointments

6 of the Mayor. Therefore, if the Council is approving

7 all the appointments of the Mayor, the suggestion was

8 then to delete this section because, then, they wouldn't

9 be interfering, they would actually be involved in the

10 appointments of the department heads. I think, from the

11 way I'm reading this, is that one sort of follows on the

12 other. So if you're going to do one, you're going to

13 have to push the other forward as well, unless I am

14 reading this incorrectly.

15 MEMBER DELEON: Mr. Chair?

16 CHAIR STONE: Yes, please.

17 MEMBER DELEON: This could stand alone. I

18 mean, you don't have to have the other to take out this

19 provision. I just don't think it's appropriate to take

20 out the provision. I think it's a good safeguard that

21 needs to stay.

22 CHAIR STONE: Very good. Commissioners,

23 discussion? Is there any of the Commissioners who would

24 like to move this forward to the Active List?

25 MEMBER DE REGO: Okay. Just for consistency

1 sake, it says here that neither the Council nor any of

2 its members shall, in any manner, dictate the

3 appointment. If we end up approving -- this is where

4 the confusion goes in terms of, you know, how we're

5 going to deal with consistencies throughout the Charter.

6 Once we start changing things, we're going to have to

7 change this section if we agree that the Council should

8 be appointing with the Mayor, right, with the approval,

9 right, because they'll be involved in the appointment

10 process, all of the department heads.

11 Now, this is begging the question whether or

12 not we approve that, but it would seem to me that that

13 section of the Charter would have to be changed in some

14 way, shape or form, maybe not so much in the deletion.

15 So I'll defer to the Legislative Analyst in terms of

16 guidance on how we start making things consistent

17 throughout the Charter. Once we change one thing, it's

18 going to affect other things in terms of sort of a

19 dominoes at this point.

20 MS. BRODER: Well, I think that once you

21 decide on a substantive matter that you do want to

22 change in the Charter, that, you know, we will have to

23 take a look at conforming the rest of the Charter, if

24 there are inconsistent provisions in the Charter with

25 the substantive issue that you want to propose to the

1 voters. But this -- you know, this wasn't intended --

2 the Matrix was not intended to be completely complete

3 because, you know, it just wasn't really worth the time.

4 Because, I mean, as you see, some people come, and I

5 tried to capture -- I did my best to try to capture

6 every proposal that somebody came forward with. But

7 some people were very complete or -- for instance, the

8 Mayor's Office would have been very complete, but other

9 people were very incomplete. So I don't think this is

10 intended to be complete yet.

11 MEMBER DE REGO: Just a follow-up, then, on --

12 to my point of clarification, my point of order,

13 Mr. Chair?

14 CHAIR STONE: Yes.

15 MEMBER DE REGO: Therefore, it really wouldn't

16 make a difference, you're saying, whether or not we pass

17 this onto the Active List because, at some point, if we

18 did pass, let's say, or talk about, or put on the ballot

19 something in regards to the councilmembers approving all

20 department heads, we'd have to, at some point, change

21 that as well to make it in conformity to that particular

22 decision that the Commission has made?

23 MS. BRODER: Well, you know, without

24 specifically answering whether or not this would be

25 required, I would just say that whatever would be

1 required to bring the Charter in conformity, we'd have

2 to do. And you'd have to make a final decision on, you

3 know, is that the package that you want to put to the

4 voters.

5 MEMBER DE REGO: Yeah. It just seems to me

6 that you pass one, then this, all of a sudden, becomes

7 inconsistent. That's my only point.

8 CHAIR STONE: Commissioner De Rego, please

9 remember the Matrix is always going to be available to

10 us as well.

11 MEMBER DE REGO: Yeah.

12 CHAIR STONE: Commissioner Moikeha.

13 MEMBER MOIKEHA: I would agree with the

14 Analyst, that's something we can deal with, if we do

15 pass something. And then I would assume the Analyst

16 would go back to make sure there's no contradiction, and

17 we would have opportunity to correct that. I also

18 believe that Number 2 specifically of three point --

19 Section 8, as Dave says, can stand alone without

20 anything else. It's -- they shall not give orders to

21 any County employees or County officers, it's not just

22 department heads, that Council may approve or

23 disapprove, or Mayor, whatever, it's employees, too,

24 other. And that's pretty broad, for me, to -- to say

25 that that's everyone that's employed by the County. So

1 I say we move on unless there's a motion to put this on
2 the Active List.

3 CHAIR STONE: Commissioner DeLeon.

4 MEMBER DELEON: As it stands now, the Council
5 approves the Water Director. That is -- this is a
6 conflict and it's a conflict right now. I don't hear
7 anybody saying it's a conflict. I don't think it really
8 runs as a conflict. I think it's broader. I think it's
9 more to deal with councilmembers trying to be
10 administrative heads. And that's something that grew
11 out of the Board of Supervisors. And that's ancient
12 history, but we do run into the occasion of ambitious
13 legislators occasionally who want to be, you know,
14 department heads as well. So, yeah.

15 MEMBER DE REGO: I'm fine.

16 CHAIR STONE: Thank you, Commissioner. Any
17 further -- or shall I say, do we have anybody who would
18 like to move this proposal to the Active List?

19 (No Response.)

20 CHAIR STONE: No. Then we'll be moving on.

21 Moving on to Article 5, County Clerk, Proposal
22 Number 5.1. Proposal to designate County Clerk to be
23 the official custodian of all County records.

24 MEMBER DELEON: Mr. Chair?

25 CHAIR STONE: Yes.

1 MEMBER DELEON: Can we know the source of this
2 request? Does it -- did it come from the County Clerk
3 or did it come from the general public?

4 CHAIR STONE: Let me ask our Analyst. Sherry,
5 do you have any idea the source?

6 MS. BRODER: I can't recall.

7 MEMBER DELEON: Yeah. Currently, the -- the
8 holder of the records is the Managing Director. There
9 is -- there is a body that does that. The Clerk has
10 certain kinds of recordkeeping authority, but the
11 management of the documents is -- is the Managing
12 Director.

13 MS. BRODER: Okay. My recollection is
14 refreshed somewhat.

15 MEMBER DELEON: Okay.

16 MS. BRODER: Okay. Not completely, but I'm
17 pretty sure that this is not a proposal from anybody in
18 government.

19 MEMBER DELEON: Okay.

20 MS. BRODER: I'm pretty sure.

21 MEMBER DELEON: Okay.

22 MS. BRODER: Without going back again, I can't
23 be sure. But now that you remind me of things, I don't
24 believe it's from the government.

25 MEMBER OKAMOTO: Chair?

1 CHAIR STONE: Thank you. Commissioner
2 Okamoto.

3 MEMBER OKAMOTO: As I recall, it had to do
4 with the County Clerk getting the financial -- it seems
5 like it came up one time when they were talking about,
6 you know, certain financial records --

7 MEMBER DELEON: Oh, yeah.

8 MEMBER OKAMOTO: -- didn't come out at the
9 right time. I think that's when it came --

10 MEMBER DE REGO: Can I?

11 CHAIR STONE: Yes, Commissioner De Rego.

12 MEMBER DELEON: (Inaudible.)

13 MEMBER DE REGO: Yeah, I think it had to do
14 with the whole issue of financial reporting for nominees
15 to -- for election. I think this is where this came up.

16 MEMBER DELEON: Oh, okay. Mr. Chair, I think
17 this -- it's pau already. We've already taken care of
18 it with the Charter and the County Code and state law.

19 CHAIR STONE: Thank you. Commissioners, is
20 there anybody who would like to put this proposal
21 forward to the Active List?

22 (No Response.)

23 CHAIR STONE: No. Thank you.

24 Moving on. Article 7, Office of the Mayor.
25 Proposal 7.1, proposal to require transparency in

1 appointments to boards and commissions, specifically
2 amend Section 7-5, Powers, Duties and Functions, to
3 require the Mayor to make the public -- make to the
4 public of names of those who have volunteered to serve
5 on boards and commissions. Any commissioner like to put
6 a proposal forward to the Active List?

7 (No Response.)

8 CHAIR STONE: No. Okay.

9 MEMBER DELEON: Getting hazy.

10 CHAIR STONE: Going on to Number -- Proposal
11 7.2, proposal to make the Office of the Mayor ceremonial
12 and implement an appointed County Manager as chief
13 executive officer. Is there any --

14 MEMBER DELEON: Mr. Chair?

15 CHAIR STONE: Yes, Commissioner DeLeon.

16 MEMBER DELEON: I would like to take -- take a
17 step back. I know we're not anywhere near running out
18 to do a city manager kind of government right now. I
19 mean, there's no way to do that from where we're at.
20 However, I think it's worthy of review. And it's
21 something that the Mayor himself mentioned in his
22 presentation to us, it is worthy of review. And as
23 such, I think this should go onto the Active List as a
24 request for a special review commission to study that
25 concept and to -- to take a look forward and see whether

1 this is something that Maui County wants to consider
2 doing.

3 This is something that's been around our
4 nation for over 100 years. It's not like a new form of
5 government. And there's plenty of history of how it
6 works. It's just that we don't have this kind of
7 experience in Hawaii.

8 So I would -- I would move that this matter be
9 put on the Active.

10 MEMBER MOIKEHA: Second.

11 CHAIR STONE: Proposal Number 7.2 has been
12 moved and seconded to the Active List. Any -- first of
13 all, Commissioner DeLeon, you have any --

14 MEMBER DELEON: No. I think I already spoke
15 to this.

16 CHAIR STONE: Commissioner De Rego.

17 MEMBER DE REGO: I'm sorry. I'll defer to
18 Yuki, she had her hand up first.

19 CHAIR STONE: Commissioner Sugimura.

20 MEMBER SUGIMURA: So what Dave is proposing is
21 for a special committee?

22 MEMBER DELEON: Commission, yeah.

23 CHAIR STONE: Can you clarify that?

24 MEMBER SUGIMURA: To be created to look into
25 this as not part of the Charter, but as a future

1 consideration for the community to take up? Or what
2 does -- or how does that --

3 MEMBER DELEON: As a recommendation of this
4 Commission to the public, yes. It would be either
5 adopted or not. I don't know how to --

6 MEMBER SUGIMURA: How do you do that? We're
7 going to be proposing Charter amendments, and we're not
8 going to be proposing more commissions or more special
9 committees. It's kind of not our role.

10 MEMBER DELEON: No, you can do that in the
11 Charter itself, if you want to. I'm sorry for being out
12 of order.

13 CHAIR STONE: So, Commissioners, any further
14 discussion? Commissioner Wiger.

15 MEMBER WIGER: Just to clarify, then. Moving
16 it to the Active List is not -- if I'm hearing what
17 you're saying, is not even necessarily we say we're
18 going to move it to a special commission. We want to
19 have a discussion, and one of the outcomes of that
20 discussion could be a special commission. Is that --

21 CHAIR STONE: Commissioner.

22 MEMBER DELEON: I think it has enough merit to
23 have a further conversation. And if it dies on the way,
24 you know, to gestation, then fine.

25 MEMBER WIGER: Okay. So it's not getting to

1 the special commission. It's --

2 MEMBER DELEON: Yeah, just having our
3 conversation rather than just cut it off at this point.

4 MEMBER DE REGO: Another point --

5 CHAIR STONE: Commissioner De Rego.

6 MEMBER DE REGO: -- for the Legislative
7 Analyst at this point. Would it be possible for you to
8 look at the Charter Commission reports and see if it's
9 within the purview of the Commission to make
10 recommendations outside of just Charter Commission
11 recommendations, like things to the Council, or -- or is
12 that not our role at this point? I'm trying to build on
13 what Commissioner DeLeon is saying, that there's certain
14 things that the Commission may notice that we were not
15 able to get to or we didn't feel we had the time or the
16 ability. As I think Commissioner Okamoto has said,
17 that, you know, we should be looking at maybe
18 lengthening the time of what we do, but, you know,
19 something as large as a change to a city manager form of
20 government -- which, by the way, I think is like 44
21 percent of the country, municipalities have city manager
22 forms of government. I think that's a figure I've seen.
23 You know, would that be possible for us to put in our
24 report, or are we sort of circumscribed to -- just to
25 put in our report those Charter amendments that we're

1 putting forward on the ballot?

2 MS. BRODER: Well, the Charter says the
3 Commission may propose amendments to the Charter, draft
4 a new Charter, which shall be submitted, et cetera. So,
5 basically, that's your job assignment, you know. I
6 mean, it is a free country. So, you know, if you want
7 to make a -- make a -- write a letter or make a
8 recommendation, you can, but it's really beyond the
9 scope of the job assignment of the Charter Commission.
10 And I don't know how much extra work everybody wants to
11 take on.

12 MEMBER DE REGO: Then I would agree with
13 Commissioner DeLeon and Commissioner Wiger that we
14 should just put it on the Active List for discussion and
15 see where it goes. And then if we want to do something
16 actively when the next Charter Commission comes around,
17 then see where it goes.

18 CHAIR STONE: Commissioners, any further
19 discussion? Commissioner Baxa.

20 MEMBER HASHIMOTO: Yes.

21 CHAIR STONE: Oh, I'm sorry.

22 MEMBER HASHIMOTO: I just have a question for
23 the --

24 CHAIR STONE: Commissioner Hashimoto.

25 MEMBER HASHIMOTO: Unless -- if the -- if a

1 new Charter is proposed, that would mean that there are
 2 a lot of changes that were -- the Charter Commission's
 3 proposing to -- to the voters. I'm just wondering,
 4 perhaps you can answer the question, how do we put that
 5 question before the voters if we do that? Do they just
 6 accept the one checkmark or X saying that they -- the
 7 voter agreed to -- to the new proposed Charter? Is that
 8 it? That's all the voter gets to vote on?
 9 CHAIR STONE: Sherry.
 10 MS. BRODER: Well, I would have to do a little
 11 more research to fully answer and properly answer the
 12 question. But I can tell you that, in 1978, I was the
 13 deputy chief attorney at the Hawaii State Constitutional
 14 convention. And the way it was done was you could just
 15 check yes or no for all the changes or you could go
 16 through the list and individually vote on each and every
 17 change. And, you know, that might be a format that you
 18 would want to follow.
 19 But in any event, when we get further along,
 20 I'll give you a more in-depth analysis of how the
 21 Charter changes that you are proposing to the voters are
 22 laid out.
 23 CHAIR STONE: Thank you, Commissioners. Any
 24 further discussion on the motion?
 25 MEMBER DELEON: Mr. Chair, question for the

1 Analyst.
 2 CHAIR STONE: Commissioner DeLeon.
 3 MEMBER DELEON: So is it possible to put into
 4 the Charter that there will be a special commission to
 5 review the way the government works? So, for instance,
 6 moving to a city manager kind of government?
 7 MEMBER BAXA: Mr. Chair?
 8 MS. BRODER: I mean, you have a commission on
 9 good government that makes recommendations, you know, to
 10 the Council on changes to ordinances and the way the
 11 structure is. Of course, you would have to amend the
 12 Charter itself to make these kind of changes.
 13 MEMBER DELEON: No. My question is, could we
 14 put in --
 15 MS. BRODER: To have a commission --
 16 MEMBER DELEON: Have that --
 17 MS. BRODER: -- to make recommendations?
 18 MEMBER DELEON: Have that as an item that's
 19 approved by the voters to be part of the Charter?
 20 MS. BRODER: You could. You could establish a
 21 commission to review County -- structure of County
 22 government and to make recommendations. But it would --
 23 but it would have -- the recommendations would have to
 24 then be adopted through a Charter amendment.
 25 MEMBER DELEON: Correct.

1 MS. BRODER: So that commission would have to
 2 go through the process.
 3 MEMBER DELEON: Thank you.
 4 MS. BRODER: Either go to the Council or go to
 5 another Charter Commission.
 6 CHAIR STONE: Thank you. Commissioner Baxa.
 7 MEMBER BAXA: Mr. Chair, I think our attorney
 8 has already answered the question, the question that I
 9 was going to say.
 10 CHAIR STONE: Thank you. Commissioners, any
 11 further discussion?
 12 (No Response.)
 13 CHAIR STONE: There's a motion on the --
 14 Commissioner Moikeha, did you have something?
 15 MEMBER MOIKEHA: No. I'm just waiting to
 16 vote.
 17 CHAIR STONE: There's a motion to put proposal
 18 7.2 onto the Active List. We're going to take a vote
 19 now.
 20 MS. KAHUHU: Member Wiger.
 21 MEMBER WIGER: Yes.
 22 MS. KAHUHU: Member Sugimura.
 23 MEMBER SUGIMURA: Yes.
 24 MS. KAHUHU: Member Okamoto.
 25 MEMBER OKAMOTO: No.

1 MS. KAHUHU: Member Moikeha.
 2 MEMBER MOIKEHA: Yes.
 3 MS. KAHUHU: Member Hashimoto.
 4 MEMBER HASHIMOTO: Yes.
 5 MS. KAHUHU: Member Hedani.
 6 VICE-CHAIR HEDANI: No.
 7 MS. KAHUHU: Member DeLeon.
 8 MEMBER DELEON: Yes.
 9 MS. KAHUHU: Member De Rego.
 10 MEMBER DE REGO: Yes.
 11 MS. KAHUHU: Member Crivello.
 12 MEMBER CRIVELLO: No.
 13 MS. KAHUHU: Member Baxa.
 14 MEMBER BAXA: Yes.
 15 MS. KAHUHU: Chair Stone.
 16 CHAIR STONE: No.
 17 MS. KAHUHU: Seven to four, it passes.
 18 CHAIR STONE: Motion passes.
 19 Next, Proposal Number 7.3, proposal to require
 20 the Mayor to include a balance sheet in the Mayor's
 21 Annual Report. Commissioners, anybody would like to
 22 move this motion to the Active List -- this proposal.
 23 Excuse me.
 24 (No Response.)
 25 CHAIR STONE: No.

1 Moving on. Article 8, County Departments,
 2 Chapter 1, Department of Management. Proposal Number
 3 8.1.1, proposal to amend Section 8-1.1, Organization, to
 4 specify that there shall be a Deputy Managing Director.
 5 MEMBER CRIVELLO: What happened to 7.4?
 6 MEMBER DELEON: Mr. Chair?
 7 CHAIR STONE: Yes, Commissioner DeLeon.
 8 MEMBER DELEON: I spoke to the Managing
 9 Director about what his purpose for this was. And he's
 10 explaining that there's a loss of recognition that that
 11 department is actually a department. And his deputy is
 12 called the first assistant. And he wants to formalize
 13 that the -- he's going to be an assistant, in any case,
 14 he just wants to be able to have it locked in so that
 15 there would be a recognition of that fact, that it's an
 16 actual department and that he oversees a lot of moving
 17 parts and he needs a deputy to be able to do that.
 18 CHAIR STONE: Would you like to put a
 19 motion --
 20 MEMBER DELEON: That's my recommendation.
 21 That's my motion, to approve.
 22 CHAIR STONE: Okay. A motion has been put
 23 forward to approve. Is there a second?
 24 MEMBER DE REGO: Second.
 25 CHAIR STONE: The motion has been seconded by

1 Commissioner De Rego. Any discussion? Commissioner
 2 Moikeha.
 3 MEMBER MOIKEHA: I'm not real big on
 4 supporting just to make somebody's position solidified
 5 in a charter. So I will support discussion of pros and
 6 cons of that. I'm not at this point in agreement that
 7 that's what we should do. So I'll leave it at that.
 8 CHAIR STONE: Commissioners, any further
 9 discussion? Commissioner Hedani.
 10 VICE-CHAIR HEDANI: I'll be voting against
 11 this particular motion only because it seems like a
 12 personal recognition kind of a thing, and I don't think
 13 it's that important.
 14 CHAIR STONE: Okay. Commissioners, any
 15 further discussion?
 16 MEMBER HASHIMOTO: Yes. I would support --
 17 CHAIR STONE: Commissioner Hashimoto.
 18 MEMBER HASHIMOTO: -- if that means that this
 19 person, just by changing title, in name, title, would --
 20 would suddenly be entitled to a higher pay because he
 21 has a title such as deputy.
 22 CHAIR STONE: Thank you. Commissioner
 23 Sugimura.
 24 MEMBER SUGIMURA: I guess, in discussion,
 25 we'll find out. I mean, because I agree with that, with

1 such fiscal, you know, concerns right now. And usually
 2 when you have a bigger title, you get bigger pay.
 3 Although I think that Herman Andaya is well worth it, he
 4 works really hard, I see him all over the place, but, I
 5 mean, looking forward, I think that's a really big
 6 thing.
 7 CHAIR STONE: Thank you. Yes, Commissioner --
 8 sorry -- Executive Assistant Molina.
 9 MR. MOLINA: Thank you, Chairman. Just to
 10 make a clarification on Commissioner Sugimura's title.
 11 The person -- the Deputy Managing Director -- or the
 12 proposed individual for this title would be David Ching.
 13 He currently is the Managing Director's assistant, First
 14 Assistant.
 15 MEMBER SUGIMURA: So what is Herman?
 16 MR. MOLINA: Herman is Chief of Staff.
 17 And something else to add, if the Commission
 18 decides to put this on the ballot and if it is approved,
 19 that position is created as a Deputy Managing Director,
 20 the individual's salary would be dictated by the Salary
 21 Commission. Something just to add as an FYI.
 22 CHAIR STONE: Thank you very much.
 23 MEMBER DE REGO: Point of clarification, then.
 24 CHAIR STONE: Commissioner De Rego.
 25 MEMBER DE REGO: How is the first assistant in

1 the departments of management right now? What is -- how
 2 is their salary determined?
 3 MR. MOLINA: It comes out of the Mayor's
 4 budget.
 5 MEMBER DE REGO: Oh.
 6 MR. MOLINA: Determined by the Mayor.
 7 MEMBER DE REGO: Okay. He's not treated like
 8 a deputy director at this point?
 9 MR. MOLINA: His responsibilities would
 10 include something similar to what a deputy would do. If
 11 it is created as a deputy position, typically, in terms
 12 of the pay, it will be -- I believe it's five percent
 13 less than that of the director. So, for example --
 14 MEMBER DE REGO: Okay.
 15 MR. MOLINA: If the MD makes \$100,000, it's
 16 five percent less than that.
 17 MEMBER DE REGO: Okay.
 18 MR. MOLINA: I did mention at the last meeting
 19 that I would provide you a list of current
 20 responsibilities of the first assistant. I did submit
 21 that to the Managing Director. I'm still awaiting the
 22 list of responsibilities, but I'll put my foot on the
 23 gas pedal to get that information to you.
 24 CHAIR STONE: Thank you.
 25 MEMBER DE REGO: Thank you.

1 CHAIR STONE: Commissioners, any further
 2 discussion on the motion? Commissioner Wiger.
 3 MEMBER WIGER: Well, it sounds like there's
 4 enough confusion about the whole state of affairs that
 5 having a discussion probably is a fairly good idea to
 6 sort out --
 7 MEMBER DE REGO: Exactly.
 8 MEMBER WIGER: -- the confusion.
 9 CHAIR STONE: Very good. Any further
 10 discussion? No. Let's put it to a vote. Lisa, roll
 11 call, please.
 12 MS. KAHUHU: Member Baxa.
 13 MEMBER BAXA: Yes.
 14 MS. KAHUHU: Member Crivello.
 15 MEMBER CRIVELLO: No.
 16 MS. KAHUHU: Member DeLeon.
 17 MEMBER DELEON: Yes.
 18 MS. KAHUHU: Member De Rego.
 19 MEMBER DE REGO: Yes.
 20 MS. KAHUHU: Member Hashimoto.
 21 MEMBER HASHIMOTO: No.
 22 MS. KAHUHU: Is that a yes?
 23 MEMBER HASHIMOTO: No.
 24 MEMBER DE REGO: It was a no. In the mic.
 25 MS. KAHUHU: Member Hedani.

1 VICE-CHAIR HEDANI: No.
 2 MS. KAHUHU: Member Moikeha.
 3 MEMBER MOIKEHA: Yes.
 4 MS. KAHUHU: Member Okamoto.
 5 MEMBER OKAMOTO: No.
 6 MS. KAHUHU: Member Sugimura.
 7 MEMBER SUGIMURA: No.
 8 MS. KAHUHU: Member Wiger.
 9 MEMBER WIGER: Yes.
 10 MS. KAHUHU: Chair Stone.
 11 CHAIR STONE: Yes.
 12 MS. KAHUHU: Six "yes," five "no." It passes.
 13 CHAIR STONE: Motion passes. Proposal Number
 14 8.1.2, proposal to amend Section 8-8.3(6) to require an
 15 audit every five years of projects that received
 16 conditional zoning approval. Is there any Commissioner
 17 who would like to have the proposal on the Active List?
 18 (No Response.)
 19 CHAIR STONE: No. Okay. Moving on. Chapter
 20 3, Department of Prosecuting Attorney. Proposal Number
 21 8.3.1, proposal to Section 8-3.3, Powers, Duties and
 22 Functions, to clarify that the investigators in the
 23 Prosecuting Attorney's Office have all the powers and
 24 privileges of a police officer of the county.
 25 MEMBER DELEON: Mr. Chair?

1 CHAIR STONE: Yes.
 2 MEMBER DELEON: Move to recommend that three
 3 point -- I mean, 8.3.1 and .2 go on the Active List.
 4 VICE-CHAIR HEDANI: Second.
 5 CHAIR STONE: A motion has been put forward to
 6 move Proposals 8.3.1 and 8.3.2 to the Active List.
 7 Discussion?
 8 MEMBER DELEON: Mr. Chair, these were proposed
 9 by the Department and they're proposed in a form that
 10 felt like it was just housecleaning, just trying to
 11 clean up the law to make sure we're consistent with
 12 state law.
 13 CHAIR STONE: Any further discussion?
 14 (No Response.)
 15 CHAIR STONE: No. Let's put that to a vote,
 16 please. Roll call, Lisa.
 17 MS. KAHUHU: Member Wiger.
 18 MEMBER WIGER: Yes.
 19 MS. KAHUHU: Member Sugimura.
 20 MEMBER SUGIMURA: Yes.
 21 MS. KAHUHU: Member Okamoto.
 22 MEMBER OKAMOTO: Yes.
 23 MS. KAHUHU: Member Moikeha.
 24 MEMBER MOIKEHA: Yes.
 25 MS. KAHUHU: Member Hashimoto.

1 MEMBER HASHIMOTO: Yes.
 2 MS. KAHUHU: Member Hedani.
 3 VICE-CHAIR HEDANI: Yes.
 4 MS. KAHUHU: Member DeLeon.
 5 MEMBER DELEON: Yes.
 6 MS. KAHUHU: Member De Rego.
 7 MEMBER DE REGO: Yes.
 8 MS. KAHUHU: Member Crivello.
 9 MEMBER CRIVELLO: Yes.
 10 MS. KAHUHU: Member Baxa.
 11 MEMBER BAXA: Yes.
 12 MS. KAHUHU: Chair Stone.
 13 CHAIR STONE: Yes.
 14 MS. KAHUHU: It's unanimous.
 15 CHAIR STONE: Proposal passes.
 16 Moving on to Chapter 4, Department of Finance.
 17 Proposal 8.4.1, proposal to require all finance reports
 18 to be available to the public. Specifically, amend
 19 Section 8-4.3, Powers, Duties and Functions, to add a
 20 new section that requires the Director to make available
 21 to the public all financial reports in an electrical
 22 form on the County website. Is there any Commissioner
 23 who would like to see that moved to the Active List?
 24 MEMBER OKAMOTO: I move that we do move it to
 25 the Active List. I'm not really sure that it's going to

1 cover what I'm thinking of, but I'm thinking the issue
 2 that happened with the councilperson that -- so I'm not
 3 sure that that's going to cover it, but I'm thinking
 4 maybe we still need to discuss it and get a better idea.
 5 CHAIR STONE: Motion put forward. Is there a
 6 second?
 7 MEMBER WIGER: Second.
 8 CHAIR STONE: It's been seconded by
 9 Commissioner Wiger. Discussion? Commissioner Okamoto,
 10 do you have anything further to say?
 11 MEMBER OKAMOTO: Well, it's just I feel there
 12 is some problem with financial reports. And I don't
 13 know that it needs to be all financial reports. I think
 14 it needs a (inaudible). That's my only -- on the issue
 15 of discussion.
 16 MEMBER DELEON: Mr. Chair?
 17 CHAIR STONE: Thank you. Yes.
 18 MEMBER DELEON: I think the financial report
 19 that's being spoken to here are the records of the
 20 finances of the County, so -- so chapter and verse. I
 21 mean, what you're saying here is all the -- all the --
 22 basically, what the -- what the financial auditor does
 23 would become open, and even more so. I mean, so all the
 24 base documents that the financial auditor would go
 25 through would be in this document. I don't know who is

1 going to be reading all of that. And I'm not sure --
 2 when it says "all," I'm real concerned about "all." I
 3 mean, it can be -- it could be proprietary stuff in
 4 there that shouldn't be floating out in the real world.
 5 CHAIR STONE: Commissioner Wiger.
 6 MEMBER WIGER: Point of clarification. I'm
 7 just trying to figure out in my head, does this have
 8 anything to do with the idea of making sure it's on
 9 electronic form? Is that part of the -- is that part of
 10 the issue here, that it's not any electronic form now,
 11 and they want it to be in electronic form? I'm just
 12 looking for some clarification as to where this is from.
 13 CHAIR STONE: Yeah. Commissioner, Chair has a
 14 -- I believe that these proposals, I guess, again, when
 15 it says, for example, "all," that doesn't mean that,
 16 when we look at it, we're going to assume that we're
 17 going to take it as all. These are just ideas that are
 18 gonna be worked upon. So, I mean, that should clarify
 19 that question.
 20 MEMBER DELEON: Mr. Chair? Just to point out
 21 to you, Kay, that this is under the Finance Department.
 22 It's not under Corporation -- that's not under
 23 Corporation Counsel which handles Ethics or the Clerk's
 24 Office which also reports on -- on financial reporting
 25 on candidates. So this is clearly the -- the County's

1 financial records as opposed to political records.
 2 MEMBER OKAMOTO: I would still like to see it
 3 discussed.
 4 CHAIR STONE: Okay. Commissioners, further
 5 discussion? Commissioner Moikeha.
 6 MEMBER MOIKEHA: I don't -- so there is a
 7 motion on the floor, correct?
 8 CHAIR STONE: Yes, there is.
 9 MEMBER MOIKEHA: Okay. I'm not going to
 10 support it, because when you look at the duties right
 11 now, as in the current Charter, the Mayor has to submit
 12 a quarterly report, Council statement of revenues and
 13 expenditures, and for the fiscal year up to and
 14 including the preceding quarter. I mean, this is all
 15 public information. So I don't feel the need to move
 16 that forward.
 17 CHAIR STONE: Commissioners, further
 18 discussion? Commissioner Hedani?
 19 VICE-CHAIR HEDANI: I generally feel that it's
 20 -- it's very specific in electronic form. The County
 21 has to maintain a website, all financial reports of the
 22 County. To me, it goes into more detail than should be
 23 contained in the Charter.
 24 CHAIR STONE: Thank you. Commissioners,
 25 further discussion? Commissioner De Rego.

1 MEMBER DE REGO: This is something that I've
 2 been looking at personally. And it's the whole issue of
 3 openness and transparency in government. I can see the
 4 particular problems with the way this proposal is
 5 worded. At the same time, I think it sort of has a nut
 6 or a kernel there that is very, very important to the
 7 government as a whole, or, I think, all of us have
 8 experience with County government at some point about
 9 trying to get information from particular departments,
 10 which we assume are open and transparent. I'm not quite
 11 sure at this point what this means for me in terms of
 12 voting for this particular provision, but I think it's
 13 an important issue. So that's my only comment about
 14 this at this point.
 15 CHAIR STONE: Thank you. Commissioners,
 16 further discussion?
 17 (No Response.)
 18 CHAIR STONE: Let's put this motion to a vote.
 19 Roll call, please.
 20 MS. KAHUHU: Member Baxa.
 21 MEMBER BAXA: I will vote no for that.
 22 MS. KAHUHU: Member Crivello.
 23 MEMBER CRIVELLO: Yes.
 24 MS. KAHUHU: Member DeLeon.
 25 MEMBER DELEON: No.

1 MS. KAHUHU: Member De Rego.
 2 MEMBER DE REGO: Yes.
 3 MS. KAHUHU: Member Hashimoto.
 4 MEMBER HASHIMOTO: No.
 5 MS. KAHUHU: Member Hedani.
 6 VICE-CHAIR HEDANI: No.
 7 MS. KAHUHU: Member Moikeha.
 8 MEMBER MOIKEHA: No.
 9 MS. KAHUHU: Member Okamoto.
 10 MEMBER OKAMOTO: Yes.
 11 MS. KAHUHU: Member Sugimura.
 12 MEMBER SUGIMURA: No.
 13 MS. KAHUHU: Member Wiger.
 14 MEMBER WIGER: Yes.
 15 MS. KAHUHU: Chair Stone.
 16 CHAIR STONE: Yes.
 17 MS. KAHUHU: Six "no," five "yes." So it
 18 fails.
 19 CHAIR STONE: Okay. Before we move on, I
 20 notice that lunch has shown up. So I would like to,
 21 without objection, take a -- what do you guys think, how
 22 long do we need for lunch?
 23 MEMBER CRIVELLO: Five minutes?
 24 CHAIR STONE: No, not five minutes.
 25 (Inaudible.) Why don't we take a 30-minute recess for a

1 quick lunch? And that will bring us back here at
 2 quarter to 1:00. Thank you.
 3 (Recess, 12:13 a.m. to 12:44 a.m.)
 4 CHAIR STONE: Without objection, I would like
 5 to bring this meeting back to order. Give everybody a
 6 second to wake up from their siestas. Okay.
 7 Moving on. Chapter 5, Department of Public
 8 Works and Environmental Management. Proposal Number
 9 8.5.1, proposal to require expeditious processing of
 10 building permits. It's hard to say no to that one.
 11 MEMBER SUGIMURA: Where are we? I'm sorry.
 12 CHAIR STONE: 8.5.1. It's Page 6.
 13 MEMBER WIGER: There it is. Okay. Got it.
 14 CHAIR STONE: Yes, Commissioner Okamoto.
 15 MEMBER SUGIMURA: I got it.
 16 MEMBER OKAMOTO: I just don't see that that
 17 belongs in the Charter.
 18 CHAIR STONE: Thank you. Commissioners, does
 19 anybody want to take action to move this motion to --
 20 okay. No. Moving on.
 21 MEMBER DELEON: You're on the wrong one,
 22 though. You're on the old -- new one.
 23 CHAIR STONE: No. It's the old one.
 24 MEMBER DELEON: No, he is. He's got the wrong
 25 one.

1 CHAIR STONE: You know, let me wait until
 2 Commissioner Baxa is up. Take your time.
 3 MEMBER MOIKEHA: Okay. (Inaudible.)
 4 CHAIR STONE: Okay. So -- thank you,
 5 Commissioner Moikeha.
 6 MEMBER MOIKEHA: You're welcome.
 7 CHAIR STONE: Moving on to 8.5.2, proposal to
 8 amend Section 8-14.1, Department of Transportation, to
 9 delete the section and merge the Department of
 10 Transportation to be under the powers, duties and
 11 functions of the Director of Public Works. Is there a
 12 Commissioner who would like it make a motion on this?
 13 (No Response.)
 14 CHAIR STONE: No.
 15 Moving forward. Chapter 7, Department of Fire
 16 and Public Safety. Proposal Number 8.7.1, proposal to
 17 abolish Department of Fire and Public Safety, require
 18 Fire Chief to report to Mayor, and set minimum
 19 qualifications for Fire Chief and other high-ranking
 20 fire officials.
 21 MEMBER OKAMOTO: Mr. Chair?
 22 CHAIR STONE: Yes.
 23 MEMBER OKAMOTO: I move that we move 7.1
 24 through 7.12 to the Active List. 8.7.1 through 8.7.12.
 25 CHAIR STONE: Okay. There's a motion on the

1 table. Is there a second on that motion?
 2 MEMBER DE REGO: I second that.
 3 CHAIR STONE: Discussion, Commissioner
 4 Okamoto?
 5 MEMBER OKAMOTO: Well, they all seem to be on
 6 the Department of Fire. And I think that needs to have
 7 a discussion all at one time.
 8 CHAIR STONE: Okay. Commissioner Moikeha.
 9 MEMBER MOIKEHA: I can't support 8.7.1. I
 10 cannot support 8.7.2. Personally, all that I've heard
 11 thus far has swayed me to believe that allowing the
 12 commission to continue to hire the Fire Chief is where
 13 it should stay. I think there's a greater chance of
 14 transparency. I'm not one to believe that the Mayor has
 15 to have control over hiring and firing of the Fire
 16 Chief.
 17 I haven't heard anything come out in testimony
 18 as of yet to persuade me to believe that -- that this
 19 current process is broken. Yet, I've heard a lot in
 20 support of it. And I'm not so naive to think that the
 21 commission is the perfect body, and that everything this
 22 process does with them involved creates a perfect
 23 entity, but I do believe the Mayor still has authority
 24 through the Charter, through his list of duties. And a
 25 big, big control of authority is the money. Mayors

1 still have control, no matter who hires or fires their
2 department heads, over the money. And the money is very
3 significant to the running of any department in this
4 County. And so I don't agree that this should be
5 changed. So I cannot support your motion as it is now.
6 The rest of it I could see being moved into a block for
7 further discussion, but, absolutely, 8.7.1, 8.7.2, I
8 cannot support. I will not support the current motion.

9 CHAIR STONE: Thank you, Commissioner.
10 Commissioner Okamoto.

11 MEMBER OKAMOTO: I liken this very much to the
12 single-member district. We threw everything into one to
13 discuss it. I don't support doing away with it, either,
14 but I think it all comes out in one discussion of what
15 we want to end up with the Fire. And, certainly, all
16 those different proposals, we may come up with only one,
17 we may not come up with any, I think it should all be
18 put into that one discussion of the Fire Department.

19 CHAIR STONE: Thank you, Commissioner DeLeon.

20 MEMBER DELEON: I want to support Kay's
21 proposal. As for 8.7.2, I believe there is disconnect
22 right now. I don't think -- who is in charge of the
23 commission, who tells the commission what to do? The
24 commission does whatever it pleases, there isn't any --
25 there is no political oversight whatsoever. My proposal

1 is that the commission continue to function as it does
2 now, vets the -- vets the applicants -- recruits and
3 vets the applicants, makes a recommendation to the
4 Mayor, the Mayor says yes or no. There is a political
5 connection over the department. To say it's in the
6 Charter and think that has any impact at all on the
7 function of the department is -- it's not really
8 understanding how the game works. If you don't hire and
9 fire, you don't have any control. And as for the
10 budget, the budget is done by the Council. It's not by
11 the Mayor. The Mayor does not release the money. So
12 it's -- once it's approved by the Council, then it's got
13 -- then they have the right to go. So to say that the
14 Mayor currently has control over Police, Fire and
15 Personnel is wrong. He does not. He has no authority
16 over them at all because they're all appointed by -- by
17 commissions.

18 I would apply the same process to all three
19 departments if I had my druthers, that the commission
20 recruits, finds the right candidates, makes sure it's
21 professional, it's not somebody just politically picked
22 out of thin air, and that the -- that the departments --
23 I'm sorry. I guess I got distracted, the Mayor just
24 walked in.

25 (Laughter.)

1 MEMBER DELEON: But I really believe that
2 having the Mayor have this appointed power is -- it
3 makes a connection so that there's a reality there. The
4 Mayor would not be able to remove, he would not be able
5 to remove unilaterally, he would be able to remove with
6 the support of the majority of the commission. This is
7 a hybrid. And if you listen to Greg, he mentioned that
8 he agreed with the concept. And this, actually, grew
9 out of his testimony. To say that there was no
10 testimony to this effect is wrong. There was testimony
11 to this effect.

12 CHAIR STONE: Thank you, Commissioner DeLeon.
13 Commissioner Crivello, please.

14 MEMBER CRIVELLO: I, too, personally may not
15 support 8.7.1, 8.7.2; however, like the single district,
16 I agree with Commissioner Okamoto that we should bring
17 all of this to the table and continue this discussion
18 and see where it goes.

19 CHAIR STONE: Very good. Thank you.
20 Commissioners, further discussion?

21 (No Response.)

22 CHAIR STONE: No. Let's put this to vote.
23 Roll call please, Lisa.

24 MS. KAHUHU: Member Wiger.

25 MEMBER WIGER: Yes.

1 MS. KAHUHU: Member Sugimura.

2 MEMBER SUGIMURA: Yes.

3 MS. KAHUHU: Member Okamoto.

4 MEMBER OKAMOTO: Yes.

5 MS. KAHUHU: Member Moikeha.

6 MEMBER MOIKEHA: No.

7 MS. KAHUHU: Member Hashimoto.

8 MEMBER HASHIMOTO: Yes.

9 MS. KAHUHU: Member Hedani.

10 VICE-CHAIR HEDANI: Yes.

11 MS. KAHUHU: Member DeLeon.

12 MEMBER DELEON: Yes.

13 MS. KAHUHU: Member De Rego.

14 MEMBER DE REGO: Yes.

15 MS. KAHUHU: Member Crivello.

16 MEMBER CRIVELLO: Yes.

17 MS. KAHUHU: Member Baxa.

18 MEMBER BAXA: Yes.

19 MS. KAHUHU: Chair Stone.

20 CHAIR STONE: Yes. Motion passes.

21 MS. KAHUHU: Ten-one.

22 CHAIR STONE: I would like to take this time
23 to say hi to Mayor Arakawa. Thank you very much for
24 being here today. Nice to see you.

25 MAYOR ARAKAWA: Thank you.

1 CHAIR STONE: Sorry. Not recognizing Mayor
2 Arakawa, but saying hello to Mayor Arakawa.
3 MAYOR ARAKAWA: No, no. I just came down
4 because Mike called and said that you might want to talk
5 to me. So I came down. So my question is, did you want
6 to say anything or not?
7 CHAIR STONE: Well, how's the weather?
8 MEMBER DELEON: I think I'd like to check with
9 the Analyst, is the Mayor an ex officio member of the
10 commission?
11 MS. BRODER: I don't believe the Mayor is an
12 ex officio member of the Commission.
13 MEMBER DELEON: Okay. Because most of the
14 other commissions he is, that's why I was checking.
15 MS. BRODER: I don't believe so, but --
16 CHAIR STONE: Well, Mayor Arakawa, we have
17 another three hours. If you would like to sit here and
18 join us for three hours, you're welcome to.
19 MAYOR ARAKAWA: Not to be disruptive, but just
20 for clarification --
21 MEMBER MOIKEHA: Chair, point of order.
22 CHAIR STONE: I understand. I agree. I'm
23 very sorry, Mayor Arakawa, I can't recognize you at this
24 time.
25 MAYOR ARAKAWA: I just wanted to know if I

1 could leave or not.
2 CHAIR STONE: You may leave.
3 MAYOR ARAKAWA: Thank you.
4 CHAIR STONE: You're very welcome. Thank you
5 for being here, though. Appreciate it.
6 MAYOR ARAKAWA: That's all I wanted to know.
7 CHAIR STONE: Oh, nothing is worse than
8 sending the Mayor away, is there?
9 MAYOR ARAKAWA: I promised, when you guys
10 asked, I would come down. I was just trying to honor
11 that.
12 CHAIR STONE: Thank you very much. Thank you.
13 MEMBER MOIKEHA: Chair?
14 CHAIR STONE: Yes.
15 MEMBER MOIKEHA: I think there's some
16 confusion. This body did not request the Mayor to come
17 down. So I don't know where that --
18 CHAIR STONE: I believe that came from EA
19 Molina.
20 MR. MOLINA: Yes. Mr. Chairman, I would like
21 to clarify that. A Commissioner did suggest, because we
22 were going on to the topic of this discussion, to have
23 the Mayor as a resource in case the Commission Members
24 did want to ask a question of him. So --
25 MEMBER MOIKEHA: That was requested prior to

1 the break?
2 CHAIR STONE: Not to me personally, no.
3 MEMBER MOIKEHA: Excuse me?
4 CHAIR STONE: Not to me personally, no.
5 MEMBER MOIKEHA: Not to me, either. I don't
6 know where that came from.
7 CHAIR STONE: Well, situation resolved.
8 MR. MOLINA: Yeah. It was just suggested that
9 the Mayor be -- be available to respond to any questions
10 because of the nature of the topic.
11 CHAIR STONE: Thank you very much.
12 Going on, Chapter 8, Department of Planning.
13 Proposal Number 8.8.1, proposal to change planning and
14 variance process to create elected community boards for
15 every Community Plan area on Maui, Molokai and Lanai.
16 Do I have a motion to move this to the Active List?
17 (No Response.)
18 CHAIR STONE: Moving forward. Proposal Number
19 8.8.2, proposal to create planning commissions for each
20 community. Do I have a motion?
21 (No Response.)
22 CHAIR STONE: No.
23 Moving forward. Proposal Number 8.8.3,
24 proposal to amend Chapter 8, Department of Planning,
25 Section 8-8.1, Organization, to add a new section to

1 establish a Hana Planning Commission. Do I have a
2 motion?
3 (No Response.)
4 CHAIR STONE: No.
5 Proposal Number 8.8.4, proposal to retain Hana
6 Advisory Committee and make no changes to Chapter 8,
7 Department of Planning. Do I have a motion?
8 MEMBER OKAMOTO: No. Point of, I guess,
9 information. So if we didn't do anything with that, it
10 wouldn't change, right?
11 MEMBER DELEON: Right.
12 CHAIR STONE: Right.
13 MEMBER OKAMOTO: Thank you.
14 CHAIR STONE: Proposal Number 8.8.5, proposal
15 to amend Section 8-8.1, Organization, to reduce the
16 number of commissioners for the Molokai and Lanai
17 Planning Commissions from nine to seven members.
18 MEMBER DELEON: Mr. Chair?
19 CHAIR STONE: Yes, Commissioner DeLeon.
20 MEMBER DELEON: As somebody who spent hours of
21 his life trying to find people to populate these boards,
22 I can tell you how difficult it can be sometimes to find
23 nine members, when the board could function very well at
24 seven. And I would like to move to approve this -- or
25 put this on the Active List.

1 CHAIR STONE: There's a motion forward to put
 2 this proposal on the Active List. Do I have a second?
 3 VICE-CHAIR HEDANI: Second.
 4 CHAIR STONE: Seconded by Commissioner Hedani.
 5 Commissioner DeLeon.
 6 MEMBER DELEON: Yeah. I mean, it's -- it's
 7 very difficult in these small communities to find this
 8 many people. There's no reason why the boards have to
 9 be so big. Nine is the standard through Maui County.
 10 Molokai is typically very difficult to find somebody who
 11 is willing to stand up and serve on that board. And I
 12 used to have similar kind of problems. If I had my
 13 druther, I'll leave it at the seven for the moment, but,
 14 for Lanai, I would go to five. It's just a function of
 15 the difficulty trying to find people to serve in these
 16 roles. It's amazingly difficult.
 17 CHAIR STONE: Thank you. Commissioner
 18 Moikeha.
 19 MEMBER MOIKEHA: Just a question to either
 20 Stacy or Kay. I mean, what's your opinion on this?
 21 Both of you have served on commissions before other than
 22 this commission. I'd like to hear from them.
 23 MEMBER CRIVELLO: I don't think it's a matter
 24 of finding people who would want to serve on the Molokai
 25 Planning Commission, you know. If you can tell me that

1 it's not functional with the nine -- I've never really
 2 heard that happening, not on Molokai. I know -- I've
 3 sat on your panel, I know we've had some problems
 4 getting Lanai people because of the conflict that
 5 sometimes occurs. But I don't see that happening on
 6 Molokai.
 7 MEMBER DELEON: May I respond, Chair?
 8 MEMBER MOIKEHA: Chair, point of order. I
 9 have a question before the two Commissioners.
 10 MEMBER DELEON: Okay. Sorry.
 11 CHAIR STONE: Go ahead, Commissioner Moikeha.
 12 MEMBER OKAMOTO: No. I think at one time
 13 Lanai did possibly have a problem. I know that, one of
 14 the last rounds, they turned people down. So I don't
 15 see that problem. They are no longer only accepting
 16 non-company employees. And that was an issue back a few
 17 years ago. And so I know that there were people turned
 18 down for the Planning Commission on Lanai, in the past
 19 five years, anyway.
 20 CHAIR STONE: Thank you. Commissioner DeLeon.
 21 MEMBER DELEON: That was never a luxury of
 22 mine, turning people down. It was always a difficult
 23 problem acquiring -- actually, we have the appointing
 24 officer here, if you want to ask Mike whether he has any
 25 problems or not.

1 CHAIR STONE: Is that a direct question to the
 2 EA?
 3 MEMBER DELEON: Yeah.
 4 MR. MOLINA: We're talking about finding
 5 members to staff -- or to fill --
 6 MEMBER DELEON: Fill the positions on the
 7 Molokai --
 8 MR. MOLINA: Yes.
 9 MEMBER DELEON: -- and Lanai Planning
 10 Commission.
 11 MR. MOLINA: It's certainly been very
 12 difficult. And maybe the nature of the type of work
 13 that they do is -- can be very complex. And to find
 14 volunteers to give their time can be -- can be difficult
 15 at times. Although, knock on wood, we've been somewhat
 16 successful so far, but it can be a bit laborious
 17 sometimes to get people, to motivate people to come out
 18 again. Sometimes we find ourselves asking people who
 19 have previously served. Because some folks have not
 20 been -- you know, have expressed interest in serving in
 21 other boards or commissions. So we definitely
 22 understand the challenges.
 23 CHAIR STONE: Thank you. Commissioner
 24 Crivello.
 25 MEMBER CRIVELLO: So you said it was difficult

1 at times. And I think you'll find that in most
 2 commissions. And not just the Planning Commission or
 3 what-have-you. It's just that for people to give up the
 4 kind of time. And for Molokai, it's usually during the
 5 working hours that -- because we have to accommodate the
 6 staff that travels over to Molokai, so it's held during
 7 the day. So that's the kind of thing that has to be --
 8 you have to have the flexibility from your employer to
 9 participate. And, you know, we may have encountered
 10 problems before and we -- I think we said that before
 11 with most all commissions. But to make that assumption
 12 that just Molokai and Lanai cannot fill nine seats -- so
 13 let me ask you this: Do you have nine seats filled
 14 today for the Molokai Planning Commission?
 15 MR. MOLINA: Currently, we have eight. There
 16 was one resignation. And we're currently in the process
 17 of trying to fill that blank slot.
 18 MEMBER CRIVELLO: But you've had the nine
 19 except with one resignation?
 20 MR. MOLINA: Yes.
 21 MEMBER CRIVELLO: Thank you.
 22 CHAIR STONE: Thank you, Commissioner
 23 Crivello. Any further -- Commissioner Moikeha.
 24 MEMBER MOIKEHA: Yeah. My concern with this
 25 is we're -- we're narrowly looking at this as only an

1 issue of Lanai and Molokai. And I don't agree. Just
 2 with the preliminary information I've heard from
 3 everyone that spoke just now on this, you know, that's
 4 -- whatever your frame of reference has been, it may no
 5 longer be true today is what I'm hearing from people
 6 that have actually served on these commissions. I've
 7 served on boards and commissions on this island and I
 8 can tell you that, while you can maybe get the people
 9 you need to fulfill that, they don't always stay, and
 10 they're not always the most, let's say, committed
 11 people. I mean, I sat on a Planning Commission where
 12 one individual, who got right on there, and was on other
 13 boards with the State, who, every time there was a
 14 controversial decision, never showed up. So, you know,
 15 I just think this is kind of prejudiced. I'm going to
 16 throw that out there. That why is it only Molokai and
 17 Lanai that, in somebody's opinion, is having trouble
 18 getting nine members? And if we are going to look at
 19 the number of members on commissions, then make it a
 20 broader thing. Let's look at all the commissions and
 21 boards and see how many we really don't even need. And
 22 that could be part of that discussion. But to single
 23 out two islands -- and, in my opinion, at this point, I
 24 don't see it's -- it's an issue.

25 CHAIR STONE: Thank you.

1 MEMBER MOIKEHA: I'll leave it at that. And I
 2 will not support the motion.

3 CHAIR STONE: Thank you, Commissioner.
 4 Commissioner DeLeon.

5 MEMBER DELEON: Well, actually, it's all the
 6 small communities, it's Hana as well. It's just that
 7 you have a very narrow community, very -- very few
 8 people to choose from. And the people willing to -- you
 9 have -- you never -- almost never get enough automatic
 10 applications for these kind of bodies. You have to
 11 hunt. You have to go knock on doors to get people to --
 12 to agree to serve. And often you don't -- when you do
 13 that, you don't get the right person because it's not
 14 somebody volunteering. It's somebody being volunteered.

15 It's my experience as 12 years of doing this
 16 that this is not going to change. Those communities are
 17 still small and they don't need to have nine-member
 18 boards to be able to function. And I would make the
 19 Hana Advisory Committee to the Planning Commission five,
 20 if I had my druthers, for the same reason, because you
 21 got a population of 3,000 people you're choosing from.
 22 And it's -- it's way narrow. It's not to be prejudiced,
 23 it's not a slight on anybody's ethnicity or any other
 24 kind of issue. That's not what I'm talking about here.
 25 I'm talking about the function of numbers. And you only

1 get so many volunteers from a population. And after
 2 that, you run out.
 3 Mike's trying to reach you.
 4 CHAIR STONE: Thank you, Commissioner DeLeon.
 5 MR. MOLINA: Chairman, to --
 6 CHAIR STONE: Mr. Molina.
 7 MR. MOLINA: -- provide the Commission with a
 8 little bit more information, each of these boards and
 9 commissions are staffed by the Planning Department.
 10 They have a representative there that maybe, at a future
 11 point, they could come in and give you some better
 12 insight. Because they're there, they see it all the
 13 time. So they could probably give you some additional
 14 information that definitely would help you with your
 15 decision-making on this.
 16 CHAIR STONE: Thank you. Commissioners,
 17 further discussion? Commissioner Hashimoto.
 18 MEMBER HASHIMOTO: Yes. I would like to speak
 19 for Hana, for Hana's case. The problem with Hana
 20 serving on -- on boards and commissions is that, first
 21 of all, we don't have that many people, and which is
 22 true, but the problem is getting here, getting here to
 23 the meeting and going home. Unless you make that drive
 24 back and forth, you can't understand that. I mean, it's
 25 not like driving from here to Kihei. I mean, yes, you

1 have traffic problems here, but the problem is, it's
 2 still a task to drive from Hana and back home.

3 MEMBER DELEON: Mr. Chair, the boards --

4 CHAIR STONE: Commissioner DeLeon.

5 MEMBER DELEON: -- we mentioned do not travel,
 6 they stay in their community. So we're talking about
 7 Lanai meeting in Lanai, we're talking about Molokai
 8 meeting in Molokai, and we're talking about the Hana
 9 Advisory Committee meeting in Hana.

10 MEMBER HASHIMOTO: I understand.

11 CHAIR STONE: Commissioner Okamoto.

12 MEMBER OKAMOTO: Well, I'm kind of -- the
 13 whole idea of pointing out certain groups I don't like.
 14 There may need to be a general discussion on boards and
 15 commissions. I serve on the Urban Design Review Board.
 16 They always have a very difficult time filling the
 17 position. So it's -- anytime you're, I think, fairly
 18 focused on a certain area, you're going to have a
 19 difficult time. And I also know from other groups that
 20 I've been on that, frequently, it's the Lanai and
 21 Molokai people that show up and the people who live here
 22 who don't always show up. Because, you know, for us,
 23 it's a day trip. For you, you got an hour here or
 24 something, especially shorter meetings, it is difficult
 25 to have attendance. And -- but that's an overall

1 discussion of boards and commissions, I believe, not in
2 this context.

3 CHAIR STONE: Thank you, Commissioner.

4 Commissioner Moikeha -- oh, sorry. Excuse me.

5 MEMBER MOIKEHA: I would agree --

6 CHAIR STONE: Sorry, Commissioner Moikeha.

7 MEMBER MOIKEHA: Sorry.

8 CHAIR STONE: Commissioner De Rego hasn't had
9 an opportunity yet.

10 MEMBER DE REGO: It's interesting we're having
11 this discussion after two weeks ago, when I made that
12 little presentation on boards and commissions, because a
13 lot of the points you're bringing up are exactly the
14 ones I pointed out as challenges to boards and
15 commissions. One is the meeting times, and people don't
16 have the adaptability to meet in the middle -- in the
17 middle of the day, which then questions the
18 administrative process. Is it possible for the County
19 to put out a little extra effort to -- and maybe cost,
20 to meet in the evening, have them stay overnight, you
21 know, that kind of thing, so, you know, people could
22 participate more in the -- the evening times, you know,
23 when it's possible. I mean, there's other kinds of
24 creative ways we could deal with this, but, now, we're
25 just looking at the Charter. It seems to me that, from

1 my vantage point, considering some of my remarks from
2 last week, that the whole issue of memberships on boards
3 and commissions is something that maybe we need to be
4 looking at. Maybe all boards and commissions need to be
5 seven members as versus nine, simply because it is so
6 difficult, not only for Lanai and Molokai, but, also,
7 for the Urban Design Review Board, the Board of Code
8 Appeals, the Animal Control Board. You can go down the
9 list and there are problems oftentimes. Now, some are
10 easier than others. I think there's always a plethora
11 of people signing up for the Fire and the Police
12 Commission. Right? I mean, they're knocking down the
13 doors. So, you know, there seems to be this lack of
14 equilibrium, but the question becomes how do we deal
15 with it systematically and consistently in such a way
16 that, you know, the reality and the goal of boards and
17 commissions is fulfilled. So I would agree that I would
18 not vote for -- looking at this -- I would be voting
19 against this motion to look at Lanai and Molokai
20 Planning Commissions specifically. But if there was
21 something here that would allow us to look at the whole
22 issue of boards and commissions and memberships as a
23 whole, then I would be supporting that.

24 CHAIR STONE: Thank you, Commissioner.
25 Commissioner Moikeha.

1 MEMBER MOIKEHA: And that would be my comment,
2 is to look at it as a whole and consider everything, as
3 already indicated my own personal experience. And it is
4 about commitment to anything you do that is in a
5 volunteer position.

6 I would also say that population just does not
7 dictate the number of -- or limit you by who you can
8 choose from. Because after I left the Planning
9 Commission, the west side and Hana's representative was
10 not fulfilled for months and months and months. So
11 where is the theory there?

12 So I would support this going out to a
13 complete evaluation of boards and commissions on
14 everything that we can look at that are currently in the
15 Charter, but I will not support this motion.

16 MEMBER DELEON: Mr. Chair?

17 CHAIR STONE: Yes, Commissioner DeLeon.

18 MEMBER DELEON: Can I amend my motion?

19 CHAIR STONE: Yes, please.

20 MEMBER DELEON: Can we expand this to be about
21 all boards and commissions? I think we're going to
22 get --

23 CHAIR STONE: Let's talk to -- let's ask
24 Sherry about that. Sherry, how do -- how can we deal
25 with that?

1 MS. BRODER: Yes, you can definitely do that.

2 MEMBER DELEON: Okay. Because I think --

3 MS. BRODER: You're not bound by the proposals
4 that were made.

5 MEMBER DELEON: Okay. Because I think we're
6 going to get to that discussion point, anyways, down the
7 track. So let's just include -- let's have a general
8 B&C connection here, and have all the stuff with B&Cs
9 into that. I need a second.

10 CHAIR STONE: Very good. Do we need a second
11 on that amendment?

12 MEMBER MOIKEHA: Point of order. Would you
13 please state the exact wording of your motion, so I
14 understand clearly?

15 CHAIR STONE: Yes. Go ahead, Dave.

16 MEMBER DELEON: So that -- rather than just --
17 where am I at here? 8.8.5, we expand this topic to
18 include all boards and commissions, the way they're
19 appointed and the way they function.

20 MEMBER MOIKEHA: If the maker of the motion
21 can just say a general discussion on boards and
22 commissions, I could support that. I don't want to
23 narrow it.

24 MEMBER DELEON: Her words.

25 MEMBER MOIKEHA: Seems like we're narrowing

1 it.

2 CHAIR STONE: So you have been handed over the

3 wording there, Susan. You want to repeat that?

4 MEMBER MOIKEHA: General discussion --

5 CHAIR STONE: General discussion --

6 MEMBER MOIKEHA: -- on boards and commissions.

7 CHAIR STONE: -- on boards and commissions.

8 That was seconded, I believe, by Commissioner Hedani.

9 Discussion.

10 MEMBER OKAMOTO: I would still be opposed to

11 that because I thought the idea, we're going through

12 what's here. To me, that's a new one we added on at the

13 end. I mean, it's just a procedural. We agreed,

14 earlier, we'd go through these. And then, to me, that's

15 an additional one we added on to the end. But that's my

16 --

17 CHAIR STONE: I believe that we -- but we have

18 a motion on the floor at the moment. So --

19 MEMBER OKAMOTO: And I said I would be opposed

20 to it as that.

21 CHAIR STONE: Okay. Thank you. Commissioner

22 Hashimoto.

23 MEMBER HASHIMOTO: I would be opposed to it,

24 too, because we are doing something here which is in the

25 wrong place, if we're going to cover all of the boards

1 and commissions. We're on the Planning Department right

2 now.

3 MEMBER DELEON: Well, there is --

4 MEMBER HASHIMOTO: So we need to move it to

5 the right place.

6 CHAIR STONE: Sorry. Let me defer that to

7 Sherry. Sherry, how best shall we handle this?

8 MS. BRODER: Well, I mean, I think you can

9 always take the proposal and do it as amended. I guess

10 the issue that you bring up, we're in Article 8, Chapter

11 8 right now, looking at things --

12 MEMBER DE REGO: On departments.

13 MS. BRODER: -- is a point, but I think the

14 intent of the system was to just to try to make it

15 convenient for you. And it wasn't intended to be --

16 make it into its own rules and regulations. So I think

17 you can do it either way you want. You could either do

18 it as amended and -- you know, when we get into this --

19 you know, some of these are in Article 8, Chapter 8,

20 but, actually, if you want to make a change -- and this

21 is something we talked about earlier today -- we might

22 have to include other articles or other chapters. So

23 this was just to be a handy tool, that's all. And it's

24 not meant to metamorphosize into a rule and regulation.

25 So I think you can do it his way or your way, whichever

1 way you want.

2 CHAIR STONE: Commissioner Crivello.

3 MEMBER CRIVELLO: I would hope we would stick

4 to some consistency. If it's not to go on, and if we

5 have a motion to make it active or inactive, we should

6 deal with it that way, just stick to what we've been

7 doing.

8 CHAIR STONE: However, we did pass amended

9 proposals to the Active List already.

10 MEMBER DELEON: Mr. Chair?

11 CHAIR STONE: Yes, Commissioner DeLeon.

12 MEMBER DELEON: I would like to encourage the

13 Commission to look at this as a big bucket we're going

14 to put everything with boards and commissions into, like

15 we did with single-member districts, like we did with

16 terms of office, like we did with the Fire Department,

17 and just move along. We're trying to work our way

18 through a fundamental list and -- and if the Commission

19 feels like this particular item should not be in that

20 bucket, then, you know, maybe that's a question that --

21 you know, my motion needs to be amended to do that, or

22 vote the thing down, then. But I think, at some point,

23 we're going to need a boards and commissions bucket to

24 put stuff in, anyway. It's just a place to start that,

25 it's the first one we ran across.

1 CHAIR STONE: Commissioner DeLeon, would it be

2 too much to ask you to simply write a new proposal

3 suggesting that? And, that way, we move through the

4 list, that proposal comes up --

5 MEMBER DELEON: At the other appropriate time.

6 CHAIR STONE: Is that okay?

7 MEMBER DE REGO: I can do that, actually.

8 CHAIR STONE: Okay.

9 MEMBER DE REGO: About boards and commissions.

10 CHAIR STONE: Thank you. Yeah. Commissioner

11 De Rego, if you would take that on, with that being the

12 case.

13 MEMBER DELEON: But can this item stay alive?

14 I mean, I don't want to come back down the ladder and

15 say, oh, sorry, this one's done.

16 CHAIR STONE: Well, do you want to amend or go

17 back to the original motion?

18 MEMBER DELEON: No. Let's just -- what would

19 you suggest, Chair?

20 CHAIR STONE: I think that we should just send

21 it in as a proposal, so simple. I mean, for that

22 proposal. I think we should take this as-is, send it

23 through the other -- the new proposal so that it comes

24 up at the end of the whole list, discussing broad base

25 on commissions and boards. I just think it keeps it

1 cleaner, and we move through our list.
 2 MEMBER DELEON: Okay. So stand on this one as
 3 it is written?
 4 CHAIR STONE: Yes.
 5 MEMBER DELEON: I'm amending my motion.
 6 CHAIR STONE: Thank you very much.
 7 MEMBER DELEON: To do what you just said.
 8 Basically, to put this item that's in front of us,
 9 8.8.5, on the Active List.
 10 CHAIR STONE: Okay. Thank you.
 11 MEMBER DELEON: I withdraw and remotion.
 12 CHAIR STONE: Do we have a second?
 13 VICE-CHAIR HEDANI: The motion is?
 14 CHAIR STONE: The motion is exactly as --
 15 MEMBER DELEON: We're back to the original
 16 motion.
 17 CHAIR STONE: The motion is to put Proposal
 18 Number 8.8.5 onto the Active List as worded.
 19 VICE-CHAIR HEDANI: Second.
 20 CHAIR STONE: It's been so seconded.
 21 MEMBER DE REGO: I call for the question.
 22 CHAIR STONE: One second. Commissioner
 23 Sugimura.
 24 MEMBER SUGIMURA: I have a question. So by
 25 what you asked Frank to do is, basically, cover boards

1 and commissions in general, which you're -- we're
 2 assuming is going to cover this, also?
 3 CHAIR STONE: No. We're going to take this
 4 proposal on right now as-is. That's the motion, to take
 5 this proposal as is.
 6 MEMBER SUGIMURA: Okay.
 7 CHAIR STONE: We'll get a new proposal that
 8 will come up at the new proposal portion of our
 9 discussion. Commissioner Hedani.
 10 VICE-CHAIR HEDANI: Okay. My reason for
 11 seconding this particular motion is primarily from the
 12 standpoint of cost savings, we go with seven versus
 13 nine.
 14 MEMBER DE REGO: Right.
 15 VICE-CHAIR HEDANI: There's a danger when you
 16 go from nine to seven that you -- it condenses power
 17 into the people that remain. If you go down to five,
 18 that's even worse, because all you need is three people
 19 to buy off before you can get something approved.
 20 (Laughter.)
 21 VICE-CHAIR HEDANI: So in this particular
 22 case, from a cost savings standpoint, I'm thinking seven
 23 is cheaper than nine. Whether or not there was some
 24 logic to the original nine tying into districts or the
 25 nine councilmembers or whatever, I don't know, but from

1 the standpoint of discussion, you know, that's my
 2 purpose for supporting this.
 3 CHAIR STONE: Thank you, Commissioner.
 4 Commissioner Crivello.
 5 MEMBER CRIVELLO: I also feel that because we
 6 will take into consideration what Commissioner DeLeon --
 7 De Rego would submit, I think this is a moot proposal.
 8 CHAIR STONE: Thank you very much,
 9 Commissioner.
 10 MEMBER DE REGO: Yeah, I -- oh, I'm sorry.
 11 CHAIR STONE: I'm sorry.
 12 MEMBER DE REGO: Go ahead.
 13 CHAIR STONE: Commissioner Hashimoto.
 14 MEMBER HASHIMOTO: I just want to point out,
 15 under Article 13, General Provisions, I think it's
 16 Section 13-2, it says boards and commissions. If you
 17 look there, it kind of has the -- I mean, I think that's
 18 --
 19 CHAIR STONE: That's true. Commissioner
 20 Hedani.
 21 VICE-CHAIR HEDANI: Call the question.
 22 CHAIR STONE: We're going to put this to vote.
 23 Lisa, roll call, please.
 24 MS. KAHUHU: Member Baxa.
 25 MEMBER BAXA: Yes.

1 MS. KAHUHU: Member Crivello.
 2 MEMBER CRIVELLO: No.
 3 MS. KAHUHU: Member DeLeon.
 4 MEMBER DELEON: Yes.
 5 MS. KAHUHU: Member De Rego.
 6 MEMBER DE REGO: No.
 7 MS. KAHUHU: Member Hashimoto.
 8 MEMBER HASHIMOTO: No.
 9 MS. KAHUHU: Member Hedani.
 10 VICE-CHAIR HEDANI: Yes.
 11 MS. KAHUHU: Member Moikeha.
 12 MEMBER MOIKEHA: No.
 13 MS. KAHUHU: Member Okamoto.
 14 MEMBER OKAMOTO: No.
 15 MS. KAHUHU: Member Sugimura.
 16 MEMBER SUGIMURA: No.
 17 MS. KAHUHU: Member Wiger.
 18 MEMBER WIGER: No.
 19 MS. KAHUHU: Chair Stone.
 20 CHAIR STONE: Yes.
 21 MS. KAHUHU: Four "yes," seven "no." Motion
 22 fails.
 23 CHAIR STONE: Thank you.
 24 Moving on. Proposal Number 8.8.6, proposal to
 25 amend Section 8-8.4, Planning Commission, to allow

1 outgoing board members of the Molokai Planning
 2 Commission to retain their membership on the board until
 3 their terms expire or their replacement member is
 4 confirmed, whichever is later. Do we have a motion to
 5 put this proposal on the Active List?
 6 MEMBER DELEON: I can't help myself,
 7 Mr. Chair. This one is --
 8 (Laughter.)
 9 MEMBER DELEON: I'm not proposing this, but
 10 I'm pointing out that this is -- this proposal is a
 11 result of what we were just talking about, because they
 12 can't find replacements, they need to hold the members
 13 on the board. That's why somebody proposed this.
 14 CHAIR STONE: Are you making a motion?
 15 MEMBER DELEON: No, I'm not.
 16 CHAIR STONE: Okay. Thank you. So no motion.
 17 Moving forward. Section number 8.8. --
 18 Commissioners, please. You're gonna have to take it
 19 outside.
 20 (Laughter.)
 21 MEMBER MOIKEHA: No. We're agreeing.
 22 MEMBER DELEON: Yeah.
 23 CHAIR STONE: That is impossible.
 24 MEMBER MOIKEHA: We always agree, don't we?
 25 MEMBER DELEON: Yeah.

1 CHAIR STONE: The DeLeon/Moikeha connection.
 2 No, no, no.
 3 Moving on. Proposal Number 8.8.7, proposal to
 4 amend Section 8-8.4, Planning Commissions, to expand the
 5 jurisdiction and powers of the Molokai Planning
 6 Commission.
 7 MEMBER OKAMOTO: Chair?
 8 CHAIR STONE: Yes, Commissioner Okamoto.
 9 MEMBER OKAMOTO: Question. Do we know, did
 10 this proposal come from Molokai? I don't remember
 11 hearing it, so I just wonder where it came from.
 12 CHAIR STONE: Let's see if Sherry can recall.
 13 MS. BRODER: I'm afraid I can't recall.
 14 MEMBER DELEON: I can speak to -- this is part
 15 of that proposal I made earlier. However, there was
 16 another proposal made 20 years ago, that I brought into
 17 the record, that was out of Molokai, that did explicitly
 18 this. And I, apparently, was subconsciously challenging
 19 that -- I mean channeling that information when I came
 20 up with my proposal as well, because I sat through the
 21 1990 commission. So it was in my notes when I was going
 22 through the notes and it popped out at me. But it came
 23 from Sarah Sykes on Molokai originally.
 24 MEMBER OKAMOTO: Thank you.
 25 CHAIR STONE: Thank you. Commissioners, is

1 there anybody putting a motion? Yes, Commissioner
 2 Hedani.
 3 VICE-CHAIR HEDANI: I'm sorry. I wasn't
 4 making a motion.
 5 CHAIR STONE: Did you have some discussion?
 6 VICE-CHAIR HEDANI: My only comment was that,
 7 in terms of the Planning Commission, the Planning
 8 Commission has a specific purpose. When you're adding
 9 these other things to it, the people that are on the
 10 Planning Commission may not be qualified to make a
 11 judgment on electrical permits versus building permits
 12 versus et cetera.
 13 MEMBER DELEON: It's --
 14 MEMBER SUGIMURA: So no action?
 15 CHAIR STONE: So no action on this proposal?
 16 MEMBER DELEON: Actually, this is not my
 17 proposal. Mine was an elective board, and it didn't
 18 include building permits. It only dealt with --
 19 CHAIR STONE: No action.
 20 Moving on. Page 10, Proposal Number 8.8.8,
 21 proposal to make no changes to Planning Commission.
 22 (No Response.)
 23 CHAIR STONE: No action.
 24 Proposal 8.8.9, proposal to provide adequate
 25 time for Planning Commissions to act. Amend Section

1 8-8.4, Planning Commission, Second Subsection 3, to
 2 extend the time from 120 days to 180 days for the
 3 Planning Commissions to transmit findings and
 4 recommendations of ordinances to the Council.
 5 (No Response.)
 6 CHAIR STONE: No action.
 7 Proposal Number 8.8.10, proposal to provide
 8 adequate time for Planning Commissions to act.
 9 (No Response.)
 10 CHAIR STONE: No action.
 11 Proposal Number 8.8.11, proposal to combine
 12 Board of Code Appeals with Board of Variances and
 13 Appeals.
 14 MEMBER DELEON: Mr. Chair?
 15 CHAIR STONE: Yes, Commissioner DeLeon.
 16 MEMBER DELEON: I'd like to put this on the
 17 Active List. This came from the department.
 18 CHAIR STONE: Thank you. Is there a second?
 19 VICE-CHAIR HEDANI: Second.
 20 CHAIR STONE: There's a motion to move 8.8.11
 21 onto the Active List. Discussion?
 22 MEMBER DELEON: Again, this is an attempt at
 23 efficiency on the part of the department. We have a
 24 board that rarely meets. And the department assured us
 25 that -- that the Board of Variances could absorb and

1 only have one board as opposed to two.
 2 CHAIR STONE: Any further discussion?
 3 MEMBER DE REGO: I'm trying to remember this
 4 discussion at --
 5 MEMBER SUGIMURA: David Goode.
 6 MEMBER DE REGO: David Goode. I think what
 7 the proposal actually was, is that there was a
 8 difference between the Board of Variances and Appeals
 9 and what the Board of Code Appeals does, and that they
 10 were looking at such things as subdivision standards,
 11 Board of Code Appeals, I think there were like three or
 12 four functions, street lighting.
 13 MEMBER DELEON: That's right.
 14 MEMBER DE REGO: I think the proposal actually
 15 was from the Department of Public Works, actually was to
 16 -- so this is where we're getting sort of the two
 17 departments in sort of contradistinction to one another.
 18 There was actually -- these -- the Board of Code Appeals
 19 is actually under the Department of Public Works; and
 20 the Variances and Appeals is under the Department of
 21 Planning. So what David Goode's proposal was, is to
 22 combine by ordinance, which would be an easier way of
 23 doing it than by the Charter, is all those functions
 24 which they don't have a lot of traction on in terms of
 25 getting people to show up for meetings or not much to

1 do. So if you put all these functions together, you can
 2 do it by ordinance, it doesn't have to go through the
 3 Council.
 4 So I'll be voting against this simply because,
 5 from what I have heard, there would be enough difference
 6 between what the Board of Variances and Appeals does and
 7 the Board of Code Appeals does to merit looking at that
 8 in a different way. But I think there's an
 9 administrative way of dealing with this in terms of
 10 combining functions and saving money, and we could do
 11 that by ordinance, without having to deal with the
 12 Charter.
 13 MEMBER DELEON: Mr. Chair?
 14 CHAIR STONE: Yes, Commissioner DeLeon.
 15 MEMBER DELEON: I believe the Board of
 16 Variances and Appeals is Charter-based.
 17 MEMBER DE REGO: Yes. Yes, but the Board of
 18 Code Appeals is not.
 19 MEMBER DELEON: Right. So the powers and
 20 duties of the Board of Variances and Appeals, if we're
 21 going to put these powers inside of the Board of
 22 Variances and Appeals, would have to be in the Charter.
 23 MEMBER DE REGO: Yes. But what I'm saying is,
 24 from what David Goode had said, is there's really no
 25 need to make a change of putting something that's by

1 ordinance into a function by -- into something that's in
 2 the Charter simply because they're going to plan on
 3 dealing with it by ordinance, by all of the functions in
 4 Public Works that are not having a big response in terms
 5 of time and effort, and on the -- on the terms of
 6 commissioners into what they -- what he was calling a
 7 board of Public Works, or a commission of Public Works.
 8 MEMBER DELEON: If I may, Mr. Chair? Did that
 9 board include the Board of Variances and Appeals
 10 version?
 11 MEMBER DE REGO: No. That would include the
 12 Board of Code Appeals.
 13 MEMBER DELEON: But not the Board of Variance
 14 and Appeals?
 15 MEMBER DE REGO: No. The Board of Variance
 16 and Appeals would still be within the Planning
 17 Department.
 18 MEMBER DELEON: I think we have some kind of
 19 confusion here.
 20 MEMBER DE REGO: Yes. I'm clear about it, but
 21 I want to make sure if everybody else is.
 22 CHAIR STONE: Commissioners, any further
 23 discussion?
 24 MEMBER DE REGO: I can make one more stab at
 25 explaining it.

1 CHAIR STONE: One second, though. Sherry has
 2 something to say.
 3 MS. BRODER: Well, I think, actually, the
 4 Board of Variance and Appeals, that section on Page 22
 5 in this book, under Paragraph 3, it says they can hear
 6 and determine all other matters which the board may be
 7 required to pass on pursuant to ordinances. So it could
 8 actually go to any other board that the Council -- it
 9 seems to me, from reading that, that the Council decided
 10 to assign to it.
 11 MEMBER DELEON: Mr. Chair?
 12 CHAIR STONE: Yes, Commissioner.
 13 MEMBER DELEON: I withdraw my motion.
 14 CHAIR STONE: Okay. Thank you.
 15 Moving forward. Proposal Number 8.8.12,
 16 proposal to protect the right of citizens to use their
 17 residence for economic activity. Amend Article 8,
 18 County Departments, Chapter 8, Department of Planning,
 19 to add a new section to provide that the use of the home
 20 for small business or rental for any period of time
 21 shall not be infringed upon except in cases of health,
 22 safety, welfare and nuisance. Do I have a motion?
 23 (No Response.)
 24 CHAIR STONE: No.
 25 Moving forward. Proposal Number 8.8.13,

1 proposal to establish elected island boards for Molokai
2 and Lanai. Amend Article 8, County Departments, Chapter
3 8, Department of Planning, to add a new section for
4 elected island boards for Molokai and Lanai, to have
5 five or seven members, to replace the Planning
6 Commissions and all their functions, and take over the
7 variance and zoning functions of the County Council for
8 those islands.

9 MEMBER DELEON: This was my proposal.

10 MEMBER DE REGO: There we go.

11 MEMBER CRIVELLO: Yeah, your proposal. And I
12 will not support that.

13 MEMBER DELEON: Move to approve.

14 CHAIR STONE: We have a motion to move
15 Proposal Number 8.8.13 to the Active List. Is there a
16 second? Commissioner Wiger.

17 MEMBER WIGER: No. I have a question -- or I
18 need a clarification. I'm trying to wrap my head around
19 this one and the --

20 MEMBER DE REGO: Board of Variances and
21 Appeals.

22 MEMBER WIGER: No, no, no, no.

23 MEMBER CRIVELLO: Commissions.

24 MEMBER WIGER: About the --

25 MEMBER SUGIMURA: Boards and commissions.

1 MEMBER WIGER: Boards and commissions that
2 Commissioner De Rego is going to come in with. And I'm
3 just trying to figure out if this is framed under that,
4 or would this be framed under boards, or is it totally
5 separate?

6 CHAIR STONE: Thank you. I believe it's
7 separate. Commissioners, do we have a second on the
8 motion?

9 (No Response.)

10 CHAIR STONE: No second.

11 Proposal Number 8.8.14, proposal to create an
12 Implementation Unit within the Department of Planning's
13 Long-Range Division. Amend Article 8, County
14 Departments, to add a new section for an Implementation
15 Unit with the Department of Planning's Long-Range
16 Division to proactively implement and coordinate the
17 General Plan and coordinate with the Enforcement Unit to
18 vigorously enforce the provision of these plans.

19 (No Response.)

20 CHAIR STONE: No motion.

21 Moving forward. Chapter 9, Department of
22 Personnel Services. Proposal Number 8.9.1, proposal to
23 amend Article 8, County Departments, Chapter 9,
24 Department of Personnel Services, Section 9.4, Civil
25 Service Commission, with a housekeeping measure to align

1 the Maui County Charter with the Hawaii Revised Statutes
2 regarding recent changes to the civil service law.

3 MEMBER DELEON: Move to approve.

4 MEMBER SUGIMURA: Second.

5 CHAIR STONE: Motion to approve, seconded by
6 Commissioner Sugimura. Discussion?

7 MEMBER DELEON: This is, again, a departmental
8 proposal, it's a housekeeping matter.

9 CHAIR STONE: Commissioner Okamoto.

10 MEMBER OKAMOTO: Are we going to have some
11 kind of way to handle the housekeeping ones separate
12 from -- in the end, will there be like housekeeping ones
13 that just are really simple, separate from others?

14 MEMBER DELEON: They'll have that Good
15 Housekeeping seal of approval.

16 MEMBER OKAMOTO: Good.

17 CHAIR STONE: Commissioner Hedani.

18 MEMBER OKAMOTO: How about with a broom and
19 sweep?

20 VICE-CHAIR HEDANI: I agree with what Kay is
21 saying. I think, to some degree, we need to look at
22 everything that's included in the Charter from a
23 housekeeping purpose, you know, in terms of being in
24 compliance with state laws, federal laws, whatever.

25 CHAIR STONE: Chair has a recommendation.

1 Since Frank likes to write stuff, maybe Frank could
2 write another proposal.

3 (Laughter.)

4 MEMBER DE REGO: Hey, wait a minute now.

5 CHAIR STONE: Housekeeping -- general
6 housekeeping proposal.

7 MEMBER DE REGO: Okay.

8 CHAIR STONE: Frank?

9 MEMBER OKAMOTO: Is that something that Sherry
10 could just keep a list separate that might be simple --

11 MS. BRODER: Uh-huh.

12 MEMBER OKAMOTO: -- housekeeping issues?

13 MS. BRODER: Yeah. You know, usually, on the
14 ballot, there's one question at the end which are a
15 number of technical amendments, you know. So -- but,
16 yeah.

17 MEMBER DE REGO: Yeah, might be better that
18 way.

19 CHAIR STONE: Very good. You want to keep
20 your motion on the table?

21 MEMBER DELEON: I think it needs to -- you
22 know, I think we need to act on it and just move along,
23 get it out of the way.

24 CHAIR STONE: Very good. Any further
25 discussion?

1 (No Response.)
 2 CHAIR STONE: No. Let's take it to vote.
 3 Roll call, please.
 4 MS. KAHUHU: Member Wiger.
 5 MEMBER WIGER: Yes.
 6 MS. KAHUHU: Member Sugimura.
 7 MEMBER SUGIMURA: Yes.
 8 MS. KAHUHU: Member Okamoto.
 9 MEMBER OKAMOTO: Yes.
 10 MS. KAHUHU: Member Moikeha.
 11 MEMBER MOIKEHA: No.
 12 MS. KAHUHU: Member Hashimoto.
 13 MEMBER HASHIMOTO: Yes.
 14 MS. KAHUHU: Member Hedani.
 15 VICE-CHAIR HEDANI: Yes.
 16 MS. KAHUHU: Member DeLeon.
 17 MEMBER DELEON: Yes.
 18 MS. KAHUHU: Member De Rego.
 19 MEMBER DE REGO: Yes.
 20 MS. KAHUHU: Member Crivello.
 21 MEMBER CRIVELLO: Yes.
 22 MS. KAHUHU: Member Baxa.
 23 MEMBER BAXA: Yes.
 24 MS. KAHUHU: Chair Stone.
 25 CHAIR STONE: Yes.

1 MS. KAHUHU: Ten to one, the motion passes.
 2 CHAIR STONE: Chapter 11, Department of Water
 3 Supply. Number 8.11.1, proposal to eliminate the Board
 4 of Water Supply. Delete Section 8-11.3. Motions?
 5 (No Response.)
 6 CHAIR STONE: No.
 7 Moving on. Proposal 8.11.2, proposal to amend
 8 Article 8, County Departments, Chapter 11, Department of
 9 Water Supply, Section 8-11.3, Board of Water Supply, and
 10 Section 8-11.4 Powers, Duties and Functions, to
 11 strengthen the independence of the Board of Water Supply
 12 and to establish it as a semiautonomous entity and to
 13 have some or all of the following powers. I'll read the
 14 powers, actually. Issue revenue bonds; hire its own
 15 legal counsel, and not use the Corporation Counsel; set
 16 rates; promulgate rules and regulations; set its own
 17 budget; appoint the Director the Department of Water
 18 Supply; use model of the provisions in the Charter of
 19 the City and County of Honolulu; use model -- use model
 20 it after the provision proposed by the 2001 Maui County
 21 Charter Commission; complete an independent authority
 22 for rules, budget, fees and rates.
 23 Do I have a motion to move this to the --
 24 okay. So Commissioner Hashimoto puts a motion to move
 25 this proposal to the Active List. Do I have a second?

1 MEMBER WIGER: Second.
 2 CHAIR STONE: Commissioner Wiger seconds.
 3 Discussion, commissioner Hashimoto, if you would like.
 4 MEMBER HASHIMOTO: (Inaudible), but, you know,
 5 oftentimes, we keep wanting to copy somebody who has a
 6 failing system and we still want to copy their system.
 7 (Laughter.)
 8 MEMBER HASHIMOTO: So I think that -- that we
 9 need to have further discussion on this to see whether
 10 -- whether in fact we really need to look at Honolulu's
 11 model. You know, they're running out of water, so I'm
 12 not really sure that they have a great model there,
 13 either. So perhaps we can find a better model if we
 14 made an attempt to.
 15 CHAIR STONE: Thank you. Commissioners, any
 16 further discussion?
 17 MEMBER DELEON: Mr. Chair?
 18 CHAIR STONE: Commissioner DeLeon.
 19 MEMBER DELEON: We've changed our Board of
 20 Water Supply -- our water supply governance six times in
 21 the last 60 years. We ping-pong back and forth. The
 22 County Council just got rebuilding -- done rebuilding
 23 the rules for our water supply, so it fits under a
 24 political process. Spent a lot of time, money and
 25 energy just getting it organized. The department's

1 finally beginning to act like it's a department as
 2 opposed to a separate fief. And now we're going to go
 3 and try to think about putting it back again. I don't
 4 hear any energy in the community on this at all. We get
 5 this repeatedly, I mean, it bounces back and forth, but
 6 I don't hear the kind of energy we're going to need to
 7 be able to make this work. To really make this work is
 8 you would have to have an autonomous board that's
 9 separate from the Mayor and the Council, sets its own
 10 rates, and do the whole thing. I don't know whether
 11 we're willing as a community to stand up and do that
 12 yet. And the fact is, we just changed it 10 years ago.
 13 So we're going to go bounce again, make this number
 14 seven?
 15 CHAIR STONE: Thank you, Commissioner.
 16 Commissioner Okamoto.
 17 MEMBER OKAMOTO: I have heard some of the
 18 testimony that talked about the Board of Water Supply,
 19 or whatever we call it, Department of Water Supply. I
 20 don't necessarily know that there should be a change,
 21 but I think, like some of the other issues we've already
 22 -- that it may need some more discussion by us, because
 23 some of us may have different understandings of it. We
 24 may end up agreeing that there should be no change,
 25 there may be some slight changes, but I think it should

1 stay on the table.
 2 CHAIR STONE: Thank you. Commissioners,
 3 further discussion? Commissioner Wiger.
 4 MEMBER WIGER: As I'm reading, it looks as
 5 though there's a number of issues around the Board of
 6 Water Supply in terms of 8.11.2, .3 is the director, but
 7 then .5 talks about the independence of the Department
 8 of Water Supply. I'm just wondering if there is some
 9 kick over on all of those or if each one is really quite
 10 solely independent from the other, as we move forward to
 11 deciding what we want to do with this. Just a question
 12 of clarification.
 13 CHAIR STONE: Commissioners?
 14 MS. BRODER: Are you asking me?
 15 MEMBER WIGER: Well, I'm asking whoever can
 16 answer the question.
 17 CHAIR STONE: Sherry, you want to take a shot
 18 at that?
 19 MS. BRODER: Well, I mean, I just tried to
 20 take the proposals that came in --
 21 MEMBER WIGER: Right.
 22 MS. BRODER: -- and to the extent there was
 23 any difference between one proposal and another, then I
 24 listed it down. I mean, I guess you could say there's
 25 some similarities between, you know, 8.11.2 and 8.11.5,

1 but --
 2 MEMBER WIGER: I'm not saying similarities.
 3 MS. BRODER: Oh.
 4 MEMBER WIGER: I'm talking about the fact that
 5 there seems to be a bunch of stuff in here about the
 6 Department of Water Supply, hither or yon. And I'm just
 7 wondering if -- in discussion, if it would make more
 8 sense to put everything together and have a big
 9 discussion.
 10 CHAIR STONE: Such as district voting.
 11 MEMBER WIGER: District voting or some of the
 12 other ones that we had.
 13 CHAIR STONE: Motion's on the table. Would
 14 the motion maker -- would the motion maker -- oh, I'm
 15 sorry. Commissioner Hedani. Excuse me. Please, you
 16 had something to say, before I request that.
 17 VICE-CHAIR HEDANI: I think the reason for my
 18 support of this particular motion is because I think
 19 water supply is one of the most important things, it
 20 controls all kinds of other things that happens on the
 21 island. So it's worth it to look at.
 22 CHAIR STONE: Thank you. Commissioners, any
 23 further discussion? Commissioner Okamoto.
 24 MEMBER OKAMOTO: Well, if you look at the
 25 11.2, it goes ahead and talks about 11.3 and 11.4, which

1 are also the next ones. So in his motion, it really
 2 does cover all three sections.
 3 CHAIR STONE: Commissioner Hashimoto, would
 4 you be willing to amend your motion?
 5 MEMBER HASHIMOTO: You mean to include the
 6 other --
 7 CHAIR STONE: To include Proposal Number
 8 8.11.2 through 8.11.4.
 9 MEMBER HASHIMOTO: I amend my motion.
 10 CHAIR STONE: Do I have a second on that?
 11 VICE-CHAIR HEDANI: Second.
 12 CHAIR STONE: Further discussion?
 13 (No Response.)
 14 CHAIR STONE: Let's talk this to vote, then.
 15 Roll call, please.
 16 MS. KAHUHU: Member Baxa.
 17 MEMBER BAXA: Yes.
 18 MS. KAHUHU: Member Crivello.
 19 MEMBER CRIVELLO: Yes.
 20 MS. KAHUHU: Member DeLeon.
 21 MEMBER DELEON: No.
 22 MS. KAHUHU: Member De Rego.
 23 MEMBER DE REGO: Yes.
 24 MS. KAHUHU: Member Hashimoto.
 25 MEMBER HASHIMOTO: Yes.

1 MS. KAHUHU: Member Hedani.
 2 VICE-CHAIR HEDANI: Yes.
 3 MS. KAHUHU: Member Moikeha.
 4 MEMBER MOIKEHA: No.
 5 MS. KAHUHU: Member Okamoto.
 6 MEMBER OKAMOTO: Yes.
 7 MS. KAHUHU: Member Sugimura.
 8 MEMBER SUGIMURA: Yes.
 9 MS. KAHUHU: Member Wiger.
 10 MEMBER WIGER: Yes.
 11 MS. KAHUHU: Chair Stone.
 12 CHAIR STONE: Yes. Moving on -- oh, sorry.
 13 Count.
 14 MS. KAHUHU: Nine "yes," two "no." It passes.
 15 CHAIR STONE: Motion passes.
 16 Moving on -- that might be a first. If Akaku
 17 wasn't here to catch it, I don't think I would believe
 18 it.
 19 MEMBER SUGIMURA: What?
 20 CHAIR STONE: That they actually voted on the
 21 same --
 22 (Laughter.)
 23 CHAIR STONE: We're going to have to replay
 24 that over and over.
 25 MEMBER DE REGO: Quite the duo over there,

1 yeah.
 2 (Laughter.)
 3 CHAIR STONE: Order. The Chair can go out of
 4 order, but not you guys.
 5 Chapter 12, Department of Police. Proposal
 6 Number 8.12.1, proposal to establish Mayor as appointing
 7 authority for Police Chief. Amend Section 8-12.3, Chief
 8 of Police, to have the Mayor appoint and remove the
 9 Chief of Police at will and delete the power of Police
 10 Commission to do so, and to add the requirements of a
 11 notice and hearing.
 12 Commissioner Wiger.
 13 MEMBER WIGER: The last motion was from 8.11.1
 14 through 8 point --
 15 CHAIR STONE: 11.4.
 16 MEMBER WIGER: And did you ask anything about
 17 8.11.5?
 18 CHAIR STONE: Oh, that's the -- that's the new
 19 one.
 20 MEMBER WIGER: That's the new one. Sorry.
 21 CHAIR STONE: Sorry.
 22 MEMBER WIGER: Never mind, as Emily Litella
 23 would say, from Saturday Night Live.
 24 CHAIR STONE: Okay. Going back to Proposal
 25 8.12.1.

1 MEMBER DELEON: Well -- never mind.
 2 CHAIR STONE: Proposal to establish Mayor as
 3 appointing authority for Police Chief.
 4 (No Response.)
 5 CHAIR STONE: There's no motion. Okay.
 6 Moving forward. Proposal Number 8.12.2,
 7 proposal to make no changes to Article 8, County
 8 Departments, Chapter 12, Department of Police.
 9 (No response.)
 10 CHAIR STONE: Commissioner Wiger, do you have
 11 something to say?
 12 MEMBER WIGER: No.
 13 CHAIR STONE: Okay. No motion there.
 14 Proposal Number 8.12.3, proposal to amend
 15 Article 8, County Departments, Chapter 12, Department of
 16 Police, Section 8-12.4(4), Powers, Duties and Functions
 17 of the Chief of Police, to clarify that reserve police
 18 officers can be trained and utilized, when needed.
 19 MEMBER DELEON: Move to approve.
 20 CHAIR STONE: We have a motion to approve
 21 Proposal Number 8.12.3 and move it to the Active List.
 22 Is there a second? No second.
 23 MEMBER MOIKEHA: Hang on a second. So 8.12.2
 24 is what you're proposing?
 25 CHAIR STONE: No, 8.12.3, proposal to amend

1 Article 8. And there's a motion.
 2 MEMBER MOIKEHA: I have one question. This
 3 goes back to 8.12.2.
 4 CHAIR STONE: Uh-huh.
 5 MEMBER MOIKEHA: And it deals with the Police
 6 Commission. This was kind of some things that came out
 7 during our discussions in prior meetings about making
 8 some of these commissions consistent. Is this something
 9 that's gonna be brought up through your proposal?
 10 MEMBER DE REGO: Yeah. I have some in the
 11 works in terms of -- that's part of my pet peeve.
 12 MEMBER MOIKEHA: So I'll leave it as is.
 13 CHAIR STONE: Okay. Back to our Proposal
 14 8.12.3. We have a motion on the table from Commissioner
 15 DeLeon. Do we have a second on that motion to move this
 16 to the Active List?
 17 (No Response.)
 18 CHAIR STONE: There's no second.
 19 Moving forward. Proposal Number 8.12.4,
 20 proposal to amend Section 8-12.2, Police Commission, to
 21 add a new subsection to require that the Police
 22 Commission hold public meetings in truly public venues
 23 in different parts of the County four times a year.
 24 MEMBER DELEON: Move to approve.
 25 CHAIR STONE: We have a motion to move

1 Proposal Number 8.12.4 to the Active List. Do we have a
 2 second?
 3 MEMBER WIGER: Second.
 4 CHAIR STONE: Seconded by Commissioner Wiger.
 5 Discussion, Commissioner DeLeon?
 6 MEMBER DELEON: Yeah. This grew out of my
 7 experience of working in the Mayor's Office, I was 25
 8 years into dealing with Maui County, I realized I had
 9 never been to a Police Commission hearing. There was a
 10 double shooting that month where two different people
 11 died because of police fire. Justifiably or not, I'm
 12 not saying anything about that, but we had a lot of
 13 uproar in the community. So I made a point of going to
 14 the Police Commission meeting that month, realizing I
 15 had never been to one. I had a hard time finding
 16 parking at the police station, had to clear security,
 17 got upstairs, and there was two other citizens up there
 18 with me. The community was in an uproar. There was two
 19 people in the room. The commission was -- meets in a --
 20 in a room about the big -- about the size of this table.
 21 And it's right next to the Police Chief's office, it's
 22 adjacent to the Police Chief's office. The room is
 23 ringed with officers in blue, with arms on their hips.
 24 It's kind of a very intimidating environment. The chief
 25 rules the meeting.

1 This is not a public meeting. This is a --
 2 this is the board and commission that hires and fires
 3 the Police Chief. This is your connector to the police
 4 force. They're not outside; they're in a locked room.
 5 And they say they do go out. And if you
 6 really ask them, like we did, you find out they would go
 7 out once a year, maybe. And that's not truly reaching
 8 out to the community. I think it's incumbent on them to
 9 make an effort to be out in the community more.
 10 And really, everybody I've talked to, whenever
 11 police come up, I ask them, have you ever been to a
 12 Police Commission hearing or meeting. And I've never
 13 heard one yet. Even when there's really, really
 14 egregious kind of activities going on, people -- people
 15 aren't getting to those meetings. I don't think they
 16 can.
 17 CHAIR STONE: Thank you.
 18 MEMBER DELEON: That's why the purpose of this
 19 motion.
 20 CHAIR STONE: Thank you, Commissioner DeLeon.
 21 Discussion? Commissioner Moikeha.
 22 MEMBER MOIKEHA: I think it's important and I
 23 think this is where we can discuss it under the proposal
 24 looking at all commissions. And I do recall, I think,
 25 it was the Police Commission's representative that did

1 say they went out, and they cited various areas in the
 2 community that they had been more than once a year. I
 3 thought it was like quarterly. And I would like the
 4 time to go back and review his testimony, but I think
 5 it's important enough to be discussed and can be
 6 discussed under a proposal of all commissions. Because
 7 I think all commissions should be public, and make it
 8 easy for the public to be there. So --
 9 CHAIR STONE: Thank you, Commissioner.
 10 MEMBER DELEON: Mr. Chair?
 11 CHAIR STONE: Commissioner Hedani.
 12 MEMBER DELEON: Go ahead.
 13 MEMBER BAXA: Mr. Chair?
 14 CHAIR STONE: Hang -- you'll defer to
 15 Commissioner Baxa?
 16 MEMBER BAXA: I would like to ask if there are
 17 some people here who have been with the Police
 18 Commission to enlighten us on that.
 19 CHAIR STONE: So, Commissioner Hedani.
 20 VICE-CHAIR HEDANI: Okay. I served on the
 21 Police Commission for five years, I was Chair for two
 22 years. I know the commission does go out into the
 23 community, they go to Molokai, they go to Lanai, they do
 24 Upcountry. They make, you know, rounds around the
 25 community for purposes of outreach to the community. To

1 me, this particular item is kind of like too specific
 2 for the Charter, which should be basically outlining
 3 what the department is, where it reports to, how it
 4 functions.
 5 I disagree with Commissioner DeLeon about
 6 accessibility. I think you can get to the Police
 7 Commission meetings. We've had some really crazy people
 8 come into the Police Commission meetings.
 9 (Laughter.)
 10 VICE-CHAIR HEDANI: And it almost got out of
 11 control, to some degree. So I can see the need for a
 12 little bit of security in terms of the meetings, but I
 13 would be voting against this particular proposal.
 14 CHAIR STONE: Thank you, Commissioner. Any
 15 further discussions?
 16 (No Response.)
 17 CHAIR STONE: No. Let's take this to a vote.
 18 MEMBER WIGER: No. I do.
 19 CHAIR STONE: I'm sorry. Commissioner Wiger.
 20 MEMBER WIGER: Again, it's a point of
 21 clarification, probably to Commissioner De Rego. Will
 22 it be your intent --
 23 MEMBER DE REGO: We need to clarify exactly
 24 what this boards and commissions thing --
 25 MEMBER WIGER: Yes.

1 MEMBER DE REGO: -- is going to be. I'm
 2 looking at the fact that we're probably looking at 13.2,
 3 which is usually the parameters of boards and
 4 commissions, which includes membership, methods of
 5 selection, the number of people on boards and
 6 commissions. I will be submitting, myself, as an
 7 individual, the consistency issue that Commissioner
 8 Moikeha brought up, which is something -- which was the
 9 point I brought up the last time that, you know, at
 10 least establishing a floor for evaluation and those kind
 11 of things that are required of the fire chief, but are
 12 not required in the Charter of the Liquor Adjudication
 13 -- I mean, the Liquor Commissioner, the Police Chief, et
 14 cetera. So I will be making a proposal for that. I'm
 15 working on that right now.
 16 And besides that, also doing something on
 17 boards and commissions in terms of the liability of
 18 boards and commission members, sort of forcing the hand
 19 of the Council that if boards and commissioners --
 20 boards and commission members are following the advice
 21 of Corporation Counsel, they should not have an option
 22 of whether or not they're going to support you in the
 23 case of civil action. It should be an automatic. So
 24 I'm also making a proposal in that regard, in regards to
 25 boards and commissions.

1 So if the Commissioners could give me sort of
 2 an idea of what you -- I don't want this to be a
 3 catchall, but I think I've heard consistency among the
 4 boards and commissions in the Charter. I've heard
 5 issues about membership. Okay. So I could -- I could
 6 actually put those kinds of things in the proposal, or
 7 maybe just a general motion, the discussion of 13-2, in
 8 terms of what's in there as being what we'll be looking
 9 at. So I need some guidance here from the
 10 Commissioners, and from our Analyst, maybe, of how this
 11 thing is going to look like. Because I have specific
 12 recommendations, but then I also have what the
 13 Commission wants in terms of a general discussion.

14 CHAIR STONE: Thank you, Commissioner De Rego.
 15 Any further discussion?

16 MEMBER DELEON: Mr. Chair, can we go back to
 17 the motion?

18 CHAIR STONE: Yes. The motion is on the
 19 floor.

20 MEMBER DELEON: Can I speak to it?

21 CHAIR STONE: Please, Commissioner DeLeon.

22 MEMBER DELEON: What I'm trying to get to is
 23 getting the commission to meet in a public place. This
 24 is not a public place. It's not even beginning to
 25 border on a public place. The second point is, if I

1 may, I would like to ask Wayne, when you do these
 2 outreach meetings, how frequently are they conducted?

3 VICE-CHAIR HEDANI: They were probably -- this
 4 particular motion is probably redundant to what they do.
 5 They probably do it on a quarterly basis right now.

6 MEMBER DELEON: They do? Because that's not
 7 what I got from the testimony. I was hearing like once
 8 a year from the testimony.

9 VICE-CHAIR HEDANI: Well, Molokai or Lanai,
 10 but they move -- and that's -- and that's --

11 MEMBER DELEON: They do that every year, they
 12 go Lanai and Molokai and other places? Every year?
 13 Then -- okay. If that's the case, then I withdraw my
 14 motion.

15 CHAIR STONE: Chair wants -- I recall the
 16 testimony was pretty slim for the outreach, actually.

17 MEMBER DELEON: Yeah, I didn't get like --

18 CHAIR STONE: Just a point that --

19 MEMBER DELEON: I wouldn't be making this
 20 motion if I thought --

21 CHAIR STONE: It wasn't -- they didn't go to
 22 every location once a year. That they went to a
 23 location, plus Lanai and Molokai every year.

24 MEMBER DE REGO: Uh-huh.

25 CHAIR STONE: So, anyway.

1 MEMBER DELEON: I'll leave it on the table.

2 CHAIR STONE: Yeah, let's leave it on the
 3 table. Okay. No further discussion?

4 (No Response.)

5 CHAIR STONE: Lisa, can we take the vote?

6 Roll call, please.

7 MS. KAHUHU: Member Wiger.

8 MEMBER WIGER: Yes.

9 MS. KAHUHU: Member Sugimura.

10 MEMBER SUGIMURA: No.

11 MS. KAHUHU: Member Okamoto.

12 MEMBER OKAMOTO: Yes.

13 MS. KAHUHU: Member Moikeha.

14 MEMBER MOIKEHA: No.

15 MS. KAHUHU: Member Hashimoto.

16 MEMBER HASHIMOTO: Yes.

17 MS. KAHUHU: Member Hedani.

18 VICE-CHAIR HEDANI: No.

19 MS. KAHUHU: Member DeLeon.

20 MEMBER DELEON: Yes.

21 MS. KAHUHU: Member De Rego.

22 MEMBER DE REGO: Yes.

23 MS. KAHUHU: Member Crivello.

24 MEMBER CRIVELLO: No.

25 MS. KAHUHU: Member Baxa.

1 MEMBER BAXA: Yes.

2 MS. KAHUHU: Chair Stone.

3 CHAIR STONE: Yes.

4 MS. KAHUHU: Seven "yes," motion passes.

5 CHAIR STONE: Motion passes.

6 Moving on. Chapter 13, Department of Liquor
 7 Control. Proposal Number 8.13.1, proposal to abolish
 8 the Liquor Adjudication Board. Any motion? Actually,
 9 just a point of order or detail information, isn't that
 10 -- didn't we learn that that was an issue with the
 11 State?

12 MEMBER DELEON: No.

13 CHAIR STONE: No?

14 MEMBER DELEON: That's the appointment of the
 15 director you're thinking of.

16 CHAIR STONE: Okay. We have a motion on this
 17 to move this to the Active List.

18 MEMBER HASHIMOTO: Just a question.

19 CHAIR STONE: Sure.

20 MEMBER HASHIMOTO: Would somebody tell me what
 21 this board does? Because I can't -- I can't remember a
 22 thing about it.

23 (Laughter.)

24 CHAIR STONE: We had them -- we had the
 25 Adjudication Board --

1 MEMBER SUGIMURA: Jason Medeiros.
 2 CHAIR STONE: -- chair as well as the Chair of
 3 the Liquor Commission, as well as the Liquor
 4 Commissioner, we had him for about an hour and-a-half.
 5 And it was quite -- it was a good lesson because we
 6 didn't understand -- I didn't up until that point.
 7 Maybe some of us did, but it was a pretty good lesson.
 8 Can anybody give a quick breakdown?
 9 MEMBER DELEON: I can, real quick.
 10 CHAIR STONE: Commissioner DeLeon.
 11 MEMBER DELEON: So, basically, there's two
 12 boards, one is as to budget, hires and fires the
 13 directors, that's the commission, sets the rules, gives
 14 out the permits. Then there's another board that
 15 adjudicates complaints. So the enforcement officers
 16 that go out, they'll bring back complaints. And the
 17 Adjudication Board is the hearings officer -- or
 18 hearings board for the department. So they bifurcated
 19 the responsibilities. What was being suggested here is
 20 that both responsibilities could be handled in one
 21 commission.
 22 CHAIR STONE: Is that good, Commissioner
 23 Hashimoto?
 24 MEMBER HASHIMOTO: Thank you.
 25 CHAIR STONE: Sure. Any discussion -- has

1 anybody put a motion on this?
 2 (No Response.)
 3 CHAIR STONE: No.
 4 Moving on. Proposal Number 8.13.2, proposal
 5 to make no changes to Liquor Adjudication Board.
 6 (No Response.)
 7 CHAIR STONE: No motion.
 8 Chapter 14, Department of Transportation.
 9 Proposal Number 8.14.1, delete Department of
 10 Transportation.
 11 (No Response.)
 12 CHAIR STONE: No motion on this.
 13 Moving forward. Proposal Number 8.14.2,
 14 delete Department of Transportation, and create a Deputy
 15 Transportation position in the Department of Public
 16 Works.
 17 MEMBER OKAMOTO: I just had a question. I'm
 18 trying to remember --
 19 CHAIR STONE: Commissioner Okamoto.
 20 MEMBER OKAMOTO: -- the one that brought that
 21 up, that the Department of Transportation for Maui
 22 County, basically, handle the buses and that's it? So
 23 that was why the proposal just to put them back, they
 24 really didn't need to be a complete department? Is that
 25 -- am I referring correctly?

1 MEMBER DELEON: That's the logic.
 2 MEMBER OKAMOTO: Okay. I move to put that --
 3 to keep 8.14.2 on the Active List.
 4 CHAIR STONE: Okay. Motion has been put
 5 forward. Is there a second?
 6 MEMBER HASHIMOTO: Second.
 7 CHAIR STONE: We have a second from
 8 Commissioner Hashimoto. Discussion on moving Proposal
 9 Number 8.14.2 to the Active List?
 10 MEMBER OKAMOTO: Well, it would just seem like
 11 it's a little bit of a cost savings. We're talking
 12 about adding other things. And to have only one thing
 13 under an entire department does seem a little redundant.
 14 CHAIR STONE: Thank you. Commissioner
 15 Moikeha.
 16 MEMBER MOIKEHA: I can't support this motion
 17 as it is. If the maker of the motion would like to make
 18 it more broad for open discussion, I'm open to that.
 19 Otherwise, I won't be supporting it.
 20 MEMBER DELEON: Mr. Chair?
 21 CHAIR STONE: Thank you. Commissioner DeLeon.
 22 MEMBER DELEON: Ten years ago, we didn't have
 23 a Transportation Department. The Transportation
 24 Department was created in the last Charter. And before
 25 that, we didn't have a bus service. And these are the

1 folks that built the bus service. It's really a
 2 low-cost operation. It's like about four people in the
 3 department. They don't hire and fire the drivers, they
 4 don't run the buses. They hire that out. That's just a
 5 dollar thing they run.
 6 The Public Works Department used to have Waste
 7 Management tied into it. It got to be too big and
 8 clumsy. And the more stuff -- there's a tendency to
 9 want to throw stuff into Public Works and create, now,
 10 Public Works and Transportation. It used to be Public
 11 Works and -- and Environmental Management before. And
 12 if the department loses its focus and cannot operate,
 13 this is a big deal. I mean, we have thousands of people
 14 that use this bus daily as their main form of
 15 transportation. I think it needs -- it needs a
 16 (inaudible) to continue in the form it is right now.
 17 It's working well, really well. Why break it?
 18 CHAIR STONE: Commissioner Okamoto.
 19 MEMBER OKAMOTO: I would go along with Susan's
 20 suggestion that we broaden it to discuss the department,
 21 whether it be going under Public Works or something
 22 else. I just -- I think the bus system's wonderful. I
 23 don't deny that. But it seems like there might be a way
 24 to do it that might be a little more cost-efficient.
 25 CHAIR STONE: So the proposal amendment would

1 be --

2 MEMBER OKAMOTO: To discuss the Department of

3 Transportation.

4 CHAIR STONE: Okay. Do we have a second on

5 that?

6 MEMBER HASHIMOTO: Second.

7 CHAIR STONE: Commissioner Hashimoto seconds

8 it. Any further discussion on that proposal to move to

9 the Active List, and seconded?

10 MEMBER DE REGO: Yeah. I think the reason why

11 this Department of Transportation was created, correct

12 me if I'm wrong, is that it was going to be a department

13 that would grow as the County would grow. I think to

14 try to then reincorporate it into another department, I

15 think, in the long run, might cost -- entail more cost

16 than less, simply because we may end up having to

17 decouple it once again, because, as we know, Maui has

18 grown over 300 percent over the last, what, 40 years.

19 There doesn't seem to be -- the Census Department was

20 off by about eight percent in terms of their estimates

21 of what we were actually in terms of a population. Maui

22 is growing faster and not getting smaller. And it seems

23 to me this was more of a plan for the future than it was

24 for the present. It's not only going to deal with buses

25 at some point; it might deal with some air

1 transportation, some water transportation, whether it be

2 ferries or, you know, other kinds of venues. So I'll

3 support discussing it, but I think it would be awful

4 shortsighted to -- to incorporate it back into Public

5 Works, my opinion of it.

6 CHAIR STONE: Thank you. Commissioners, any

7 further discussion? We will put the amended -- sorry.

8 Commissioner Hedani.

9 VICE-CHAIR HEDANI: You know, I rode the bus

10 for the first time the other day. And I think it's one

11 of the few things that the County's doing right.

12 (Laughter.)

13 MEMBER DE REGO: Ouch, Wayne.

14 VICE-CHAIR HEDANI: And on that basis, you

15 know, I would like to keep it focused, you know, on what

16 it's doing. And I don't even know if the Public Works

17 Director wants a position like a deputy for

18 Transportation. So I won't be supporting this motion.

19 CHAIR STONE: Thank you. So the motion is on

20 the table, amended. Any further discussion?

21 MEMBER SUGIMURA: What is the question?

22 CHAIR STONE: The question is to move Proposal

23 Number 8.14.2, amended, to a general discussion on the

24 Department of Transportation to the Active List. Okay.

25 No further discussion?

1 (No Response.)

2 CHAIR STONE: Take a vote. Roll call, please.

3 MS. KAHUHU: Member Baxa.

4 MEMBER BAXA: Yes.

5 MS. KAHUHU: Member Crivello.

6 MEMBER CRIVELLO: No.

7 MS. KAHUHU: Member DeLeon.

8 MEMBER DELEON: No.

9 MS. KAHUHU: Member De Rego.

10 MEMBER DE REGO: No.

11 MS. KAHUHU: Member Hashimoto.

12 MEMBER HASHIMOTO: Yes.

13 MS. KAHUHU: Member Hedani.

14 VICE-CHAIR HEDANI: No.

15 MS. KAHUHU: Member Moikeha.

16 MEMBER MOIKEHA: Yes.

17 MS. KAHUHU: Member Okamoto.

18 MEMBER OKAMOTO: Yes.

19 MS. KAHUHU: Member Sugimura.

20 MEMBER SUGIMURA: No.

21 MS. KAHUHU: Member Wiger.

22 MEMBER WIGER: No.

23 MS. KAHUHU: Chair Stone.

24 CHAIR STONE: No.

25 MS. KAHUHU: Seven "no." Motion fails.

1 CHAIR STONE: At this time I would like to,

2 before we move on, take a quick break. Tonya needs a

3 break. So let's meet back here at 2:10. Thank you.

4 (Recess, 2:01 p.m. to 2:14 p.m.)

5 CHAIR STONE: We have everybody back. Let's

6 call this meeting back to order at 2:15.

7 Moving on. Chapter 15, Department of

8 Environmental Management from the 2006 Charter

9 Amendment. Proposal Number 8.15.1, proposal to amend

10 Article 8, County Departments, Chapter 15, Department of

11 Environmental Management, to add the function of

12 sustainability to the Department of Environmental

13 Management, and change the name of the department to

14 Department of Sustainability and Environmental

15 Management, create a new department entitled the

16 Department of Sustainability and Environmental

17 Management.

18 MEMBER DE REGO: Chair?

19 CHAIR STONE: Yes, Commissioner De Rego.

20 MEMBER DE REGO: I'm sorry. Hang on. Page --

21 CHAIR STONE: Make sure it's pertinent.

22 MEMBER DE REGO: Yes. I would move that this

23 be moved -- put on the Active List.

24 MEMBER SUGIMURA: Second.

25 CHAIR STONE: Okay. We have a motion, and

1 seconded, to put Proposal Number 8.15.1 onto the Active
 2 List. Discussion? Commissioner De Rego.
 3 MEMBER DE REGO: I think from the testimony
 4 that was given that this is well -- I think the Mayor's
 5 Office did a good job of presenting this in terms of its
 6 support in other sections, in municipalities throughout
 7 the country. I think it's an area where Maui can
 8 actually be in the vanguard in terms of the environment.
 9 I also think that they did listen in terms of -- because
 10 they could have carved out something themselves
 11 administratively in terms of a division of
 12 sustainability, if they wanted to, but this actually
 13 sets the floor and actually sets the functions by which
 14 the Council and the Mayor would have to be able to deal
 15 with sustainability issues within the department --
 16 within the department and, therefore, provide resources
 17 and the support for -- for that function. So I will be
 18 supporting this because I think it's a good direction
 19 for Maui County. I think it's an issue that goes along
 20 with the waste -- Solid Waste Division, as well as the
 21 Wastewater Management as it's currently constituted, and
 22 would actually, in a sense, bridge those two functions
 23 as well as look at other issues in regards to recycling
 24 and the kinds of things that needs to be looking at. So
 25 I will be supporting this.

1 CHAIR STONE: Thank you, Commissioner De Rego.
 2 Any further discussion?
 3 MEMBER DELEON: Mr. Chair?
 4 CHAIR STONE: Commissioner DeLeon.
 5 MEMBER DELEON: I also support this motion, I
 6 just don't like the name. I think it ought to just stay
 7 Environmental Management. When you start tagging on
 8 names and adding purposes onto names, people have to
 9 live with that day in and day out when they're in their
 10 function. 15-word names is kind of ridiculous. So,
 11 anyway, besides the name, I'm in support of this
 12 proposal.
 13 CHAIR STONE: Thank you. Commissioners, any
 14 further discussion?
 15 (No Response.)
 16 CHAIR STONE: Let's take this to vote. Lisa,
 17 can you roll call, please?
 18 MS. KAHUHU: Member Wiger.
 19 MEMBER WIGER: Yes.
 20 MS. KAHUHU: Member Sugimura.
 21 MEMBER SUGIMURA: Yes.
 22 MS. KAHUHU: Member Okamoto.
 23 MEMBER OKAMOTO: Yes.
 24 MS. KAHUHU: Member Moikeha.
 25 MEMBER MOIKEHA: Yes.

1 MS. KAHUHU: Member Hashimoto.
 2 MEMBER HASHIMOTO: No.
 3 MS. KAHUHU: Member Hedani.
 4 VICE-CHAIR HEDANI: No.
 5 MS. KAHUHU: Member DeLeon.
 6 MEMBER DELEON: Yes.
 7 MS. KAHUHU: Member De Rego.
 8 MEMBER DE REGO: Yes.
 9 MS. KAHUHU: Member Crivello.
 10 MEMBER CRIVELLO: Yes.
 11 MS. KAHUHU: Member Baxa.
 12 MEMBER BAXA: Yes.
 13 MS. KAHUHU: Chair Stone.
 14 CHAIR STONE: Yes.
 15 MS. KAHUHU: Nine "yes." Motion passes.
 16 CHAIR STONE: Moving on. Chapter 16, Cost of
 17 Government Commission. Proposal Number --
 18 MEMBER DE REGO: Do I have to recuse myself?
 19 CHAIR STONE: 8.16.1, proposal to amend
 20 Article 8-16.2, Cost of Government Commission, to
 21 require that annual appropriation not be less than the
 22 year before, and that the commission decide the
 23 compensation of elected officials, appointed directors
 24 and deputy directors of all departments, consulting with
 25 the boards and commissions which have appointing

1 authority for department heads.
 2 Commissioner De Rego, you especially should
 3 have this out, probably.
 4 MEMBER DE REGO: I'm sorry. I'm going back
 5 and forth on this thing. When I'm talking, I have to
 6 close it and --
 7 CHAIR STONE: Page 13.
 8 MEMBER MOIKEHA: Chair?
 9 CHAIR STONE: Do I have a motion?
 10 MEMBER MOIKEHA: Chair?
 11 CHAIR STONE: Commissioner Moikeha.
 12 MEMBER MOIKEHA: I would consider all of this
 13 topic in one general discussion.
 14 MEMBER DE REGO: I would agree with that.
 15 MEMBER MOIKEHA: 8.16.1 through 8.16.6.
 16 CHAIR STONE: Very good. Would you like to
 17 make a motion?
 18 MEMBER MOIKEHA: Yes.
 19 MEMBER DE REGO: I second the motion.
 20 CHAIR STONE: Okay. The motion is, and has
 21 been seconded, to move Proposals Number 8.16.1 through
 22 Proposal Number 8.16.6 to the Active List. Any
 23 discussion?
 24 MEMBER DELEON: Chair, I'll support the
 25 motion; however, there's items on here I really don't

1 support at all.
 2 CHAIR STONE: Thank you, Commissioner.
 3 Further discussion?
 4 MEMBER DE REGO: I would say the same thing,
 5 but I think the whole issue of the Cost of Government,
 6 and, if we get to it, and when we get to it, the whole
 7 issue of the Office of County Auditor are going to sort
 8 of dovetail with one another at some point. But I would
 9 agree with Commissioner DeLeon.
 10 CHAIR STONE: Thank you. Commissioners, any
 11 further discussion?
 12 (No Response.)
 13 CHAIR STONE: No. Let's take it to a vote.
 14 Roll call, please.
 15 MS. KAHUHU: Member Baxa.
 16 MEMBER BAXA: Yes.
 17 MS. KAHUHU: Member Crivello.
 18 MEMBER CRIVELLO: Yes.
 19 MS. KAHUHU: Member DeLeon.
 20 MEMBER DELEON: Yes.
 21 MS. KAHUHU: Member De Rego.
 22 MEMBER DE REGO: Yes.
 23 MS. KAHUHU: Member Hashimoto.
 24 MEMBER HASHIMOTO: Yes.
 25 MS. KAHUHU: Member Hedani.

1 VICE-CHAIR HEDANI: Yes.
 2 MS. KAHUHU: Member Moikeha.
 3 MEMBER MOIKEHA: Yes.
 4 MS. KAHUHU: Member Okamoto.
 5 MEMBER OKAMOTO: Yes.
 6 MS. KAHUHU: Member Sugimura.
 7 MEMBER SUGIMURA: Yes.
 8 MS. KAHUHU: Member Wiger.
 9 MEMBER WIGER: Yes.
 10 MS. KAHUHU: Chair Stone.
 11 CHAIR STONE: Yes.
 12 MS. KAHUHU: It's unanimous.
 13 CHAIR STONE: Unanimous, thank you. Motion
 14 passes.
 15 Chapter 18, Salary Commission. Proposal
 16 Number 18 -- I'm sorry. Proposal Number 8.18.1,
 17 proposal to amend Section 8-17.1 to add the following
 18 language: Notwithstanding any law to the contrary, in
 19 setting the salary of each appointed department head,
 20 the salary of each appointed department head shall not
 21 be less than any base salary of any of the appointed
 22 department head's subordinate, and the salary of any
 23 first deputy for -- for first assistant to be appointed
 24 department -- fist assistant -- be appointed department
 25 head of any department --

1 (Laughter.)
 2 CHAIR STONE: -- shall not exceed a sum equal
 3 to 95 percent of such appointed department head,
 4 pursuant to HRS Section 4-24, as amended.
 5 Just a point of clarification, the Chair does
 6 know how to read.
 7 (Laughter.)
 8 CHAIR STONE: These are typos.
 9 MEMBER DE REGO: You want to add the
 10 (inaudible) to that or --
 11 CHAIR STONE: You have a motion? Commissioner
 12 Hedani, do you have something to say?
 13 VICE-CHAIR HEDANI: Move to approve.
 14 CHAIR STONE: We have a motion to approve. Do
 15 we have a second?
 16 VICE-CHAIR HEDANI: Move to move it to the
 17 Active --
 18 CHAIR STONE: Sorry, yes. Motion to move
 19 Proposal Number 8.18.1 to the Active List. Do we have a
 20 second?
 21 MEMBER WIGER: Second.
 22 CHAIR STONE: Seconded by Commissioner Wiger.
 23 Discussion?
 24 MEMBER MOIKEHA: Where -- I can't find Chapter
 25 18. Was it part of an amendment of the original

1 Charter?
 2 CHAIR STONE: I have it --
 3 MEMBER MOIKEHA: I mean, Page 30 ends Chapter
 4 17 in the original current Charter, and then we jump to
 5 31, Page 31, and it's Article 9?
 6 MS. BRODER: Okay. There was an amendment.
 7 And Chapter 16 --
 8 MEMBER DE REGO: Became 17, and 17 became --
 9 MS. BRODER: 15 became 16, 16 became 17, and
 10 17 became 18.
 11 MEMBER DE REGO: 18, yeah.
 12 MEMBER DELEON: That's where Jim Smith got --
 13 MEMBER DE REGO: 2003, I think. That's when
 14 they divided up Department of Environmental Management
 15 and Public Works.
 16 CHAIR STONE: Thank you. Commissioner Hedani.
 17 VICE-CHAIR HEDANI: Yes. When I was on the
 18 Police Commission, one of the problems that we had was
 19 because they're supervising people that are in the
 20 union, the union-negotiated increases ended up with
 21 assistant chiefs and the -- and the deputy -- well, the
 22 assistant chiefs making more than both the deputy and
 23 the Police Chief, which didn't make any sense. We'd go
 24 to the Salary Commission in order to testify about
 25 salaries paid for similar communities and similar size

1 populations making 50 percent more than our chief was
 2 making. And this would be something that would correct
 3 that situation.

4 CHAIR STONE: Commissioner Hedani, just a
 5 quick clarification. Could it also work in reverse?
 6 Could it be, all of a sudden, the Chief of Police has to
 7 get higher pay than -- yes, I understand, but I would
 8 say -- do you see what I'm saying? In other words, to
 9 me, this is -- this is a matter of cost-efficiency.
 10 That's the idea behind it, but, also, if you read it in
 11 reverse, it would mean that the Chief of Police base
 12 salary would have to jump, because it would have to, by
 13 Charter.

14 VICE-CHAIR HEDANI: That's correct.

15 MEMBER SUGIMURA: Be always more than --

16 MEMBER DE REGO: More than the deputy.

17 VICE-CHAIR HEDANI: Yeah. In our case, the
 18 Assistant Chief of Police was making \$95,000, and the
 19 Chief of Police was making \$85,000. And his deputy was
 20 making \$75,000 back then, which didn't make any sense at
 21 all.

22 MEMBER MOIKEHA: Clarification.

23 VICE-CHAIR HEDANI: In this case, it -- what
 24 this says is, basically, that the assistants cannot make
 25 less -- I mean, cannot make more than --

1 CHAIR STONE: So, in practice, what would
 2 happen is --

3 VICE-CHAIR HEDANI: Chief's salary --

4 CHAIR STONE: Would just automatically go up
 5 and then nobody -- so just the automatic inflationary --

6 VICE-CHAIR HEDANI: The Salary Commission
 7 would have to consider in terms of establishing the
 8 salary. When we testified, what happened was the Salary
 9 Commission agreed, increase the Chief of Police's pay to
 10 a point about it was higher than the Mayor. But the
 11 Mayor was supportive of the move.

12 MEMBER BAXA: So, Mr. Chair?

13 CHAIR STONE: Yes, Commissioner Baxa.

14 MEMBER BAXA: If I understand correctly, from
 15 a point, I think we have something there. Because if it
 16 goes into effect, that means then that, automatically,
 17 the salary of the chief will go much higher.

18 CHAIR STONE: That's what I'm saying, yeah.
 19 Commissioner Moikeha.

20 MEMBER MOIKEHA: I have a question to Wayne.
 21 If we didn't put it in here, you could do what you
 22 intend through this proposal through making a request to
 23 the Salary Commission?

24 VICE-CHAIR HEDANI: Right.

25 MEMBER MOIKEHA: Okay. Well, I can't support

1 this because that's real life. You know, I had a
 2 husband that worked for the airlines, was manager of the
 3 entire airline on this airline -- on this island, and
 4 anybody in the union will make more than him and his
 5 assistant supervisors. And it was true when he went
 6 over to be a longshoreman with McCabe and Matson. The
 7 supervisors and managers made less than the union
 8 workers. I mean, that's just real life. And you do --
 9 and I don't like the fact that, automatically, they
 10 should get raises. It should be based on performance
 11 and other issues. And since we do have a venue by which
 12 that could be done, I'm not going to support this.

13 CHAIR STONE: Thank you. Commissioners,
 14 further clarification? Commissioner Okamoto.

15 MEMBER OKAMOTO: Just a question, where it
 16 says pursuant to HRS, what is that specific portion
 17 referring to? Does anyone know? Nobody knows, okay.

18 CHAIR STONE: Sherry?

19 MEMBER OKAMOTO: Just thought I would ask.

20 MEMBER DE REGO: I think this came from Mark
 21 Vaught, didn't it?

22 CHAIR STONE: Let's ask Corp Counsel. Oh,
 23 sorry, they're not here.

24 MEMBER OKAMOTO: Next time. Okay. Thank you.

25 MEMBER DELEON: Mr. Chair?

1 CHAIR STONE: Yes, please, Commissioner
 2 DeLeon.

3 MEMBER DELEON: This has been a perennial
 4 issue. The Fire Commission and the Police Commission
 5 spend about half their time lobbying the Salary
 6 Commission for these pay increases. And I've never seen
 7 a shortage of chiefs. We seem to still have chiefs and
 8 they still get paid, and they get paid, usually, more
 9 than the Mayor, which is -- administratively, you can
 10 argue that they're not doing as much as the Mayor. But
 11 it's just the reality of it. And it's like I -- I agree
 12 with what Susan said, basically, it's reality. You got
 13 a guy like Taguma out there who is going to work a
 14 double shift and he's going to make all kinds of money.
 15 It's hard to keep up with people like that.

16 CHAIR STONE: Let's -- the personal reference,
 17 maybe we ought to stay away from. Okay. Any further
 18 discussion, Commissioners?

19 MEMBER BAXA: Yeah. Mr. --

20 CHAIR STONE: Commissioner Baxa.

21 MEMBER BAXA: One of the problems that I can
 22 see, Mr. Chair, is this: I can see the heads should
 23 have the highest salary, but I really don't know how to
 24 solve it because it has become complicated by the
 25 negotiations by the unions, you know. And even if you

1 go with this -- there is such a Salary Commission that
 2 sets the salary of the heads of the departments, but if
 3 you go on this one, the Salary Commission -- Department
 4 of the Salary Commission will actually be taken out
 5 because the result of the negotiating committees will
 6 come out and, automatically, the salary will jump up
 7 over. So that takes away the power of the Salary
 8 Commission to set the salaries.
 9 CHAIR STONE: Thank you, Commissioner Baxa.
 10 Any further discussion?
 11 (No Response.)
 12 CHAIR STONE: We'll put this motion to a vote.
 13 MS. KAHUHU: Member Wiger.
 14 MEMBER WIGER: No.
 15 MS. KAHUHU: Member Sugimura.
 16 MEMBER SUGIMURA: Yes.
 17 MS. KAHUHU: Member Okamoto.
 18 MEMBER OKAMOTO: No.
 19 MS. KAHUHU: Member Moikeha.
 20 MEMBER MOIKEHA: No.
 21 MS. KAHUHU: Member Hashimoto.
 22 MEMBER HASHIMOTO: No.
 23 MS. KAHUHU: Member Hedani.
 24 VICE-CHAIR HEDANI: Yes.
 25 MS. KAHUHU: Member DeLeon.

1 MEMBER DELEON: No.
 2 MS. KAHUHU: Member De Rego.
 3 MEMBER DE REGO: No.
 4 MS. KAHUHU: Member Crivello.
 5 MEMBER CRIVELLO: No.
 6 MS. KAHUHU: Member Baxa.
 7 MEMBER BAXA: No.
 8 MS. KAHUHU: Chair Stone.
 9 CHAIR STONE: No.
 10 MS. KAHUHU: Nine "no," motion fails.
 11 CHAIR STONE: Moving on. New chapters to be
 12 designated in Article 8, County Departments. Number
 13 8.New.1, proposal to establish an independent Office of
 14 County Hearings Officers. Amend Article 8, County
 15 Departments, to add a new section establishing an
 16 independent Office of County Hearings Officers to
 17 conduct all contested cases and to make findings and to
 18 recommend action to officials, boards and commissions,
 19 to be administered by the Office of Finance.
 20 Commissioner Moikeha.
 21 MEMBER MOIKEHA: I'm not going to support any
 22 motion to add this. You know, I was -- had firsthand
 23 experience on the Planning Commission with hearing
 24 officers during times of intervention. I believe you
 25 need to keep it independent. And I don't believe it

1 should be something that should be under the County,
 2 where you have representatives representing, you know,
 3 your body against -- or applicants or whoever in another
 4 department. I can't support that.
 5 CHAIR STONE: Thank you, Commissioners, any
 6 motion to put this on the Active List?
 7 (No Response.)
 8 CHAIR STONE: No.
 9 Proposal Number 8.New.2, proposal to establish
 10 elected community boards. It's an extremely long one.
 11 Amend Article 8, County Departments, to add a new
 12 section for communities and community boards and mandate
 13 that each Community Plan area have an elected community
 14 board of nine at-large members, whereby each member
 15 would run in a nonpartisan special elections conducted
 16 at the same time as the special election for Council,
 17 and the two candidates receiving the most votes would
 18 run in the General Election, with the terms limited to
 19 two four-year terms, designating a separate community
 20 board for Maui, Molokai and Lanai, with additional
 21 conforming amendments regarding vacancies, the conduct
 22 and scheduling of meetings, the powers of board, the
 23 replacement of citizens advisory committees, with
 24 community boards in the Community Plan process, and the
 25 authorities to appoint a member of the Board of

1 Variances and Appeals.
 2 Is there a motion to move this to the Active
 3 List?
 4 (No Response.)
 5 CHAIR STONE: Moving on. Proposal Number
 6 8.New.3, proposal to create an Office of Independent
 7 Counsel for Boards and Commissions. Amend Article 8,
 8 County Departments, to add a new section to create an
 9 Office of Independent Counsel separate from the
 10 Department of Corporation Counsel to provide independent
 11 legal advice to County boards and commissions.
 12 Is there a motion? Commissioner Moikeha.
 13 MEMBER MOIKEHA: You know, I would like to
 14 explore this. And I'll tell you why. Because we were
 15 in a situation as a Planning commissioner where we were
 16 being sued, and it was a federal case. And we were
 17 being requested to appear before the ethics boards as
 18 individuals, as part of this whole investigation. Not
 19 necessarily tied to this lawsuit, but because of other
 20 things. We could not get someone from Corp Counsel to
 21 come down here and represent us. And three of us --
 22 four of us that appeared before -- at the committee were
 23 there as individuals. Although, we were personally
 24 requested by letter for each one of us to be there.
 25 And, yet, we could not get Corp Counsel downstairs, in

1 this room, to advise us. We were fortunate enough to
 2 figure it out on our own and position ourselves so that
 3 we didn't have to ask -- answer questions. But we
 4 appeared, those that could. And that was wrong. We
 5 were volunteers. And this County should go to great
 6 lengths to prevent -- to protect our rights in the
 7 capacity of our volunteerism on these boards and
 8 commissions.

9 And if you wonder why we're having trouble
 10 getting boards and commissions filled, you might want to
 11 think about that one. And maybe that will be part of
 12 the discussion, is the liability when you're sued.

13 And then this goes to another issue of when a
 14 Council, County Council, questions whether you should be
 15 indemnified. And that's a whole 'nother big issue.

16 But I'd like to explore this, just for the
 17 sake -- and maybe this can be done under the -- under a
 18 proposal, as broad as it is, under boards and
 19 commissions.

20 CHAIR STONE: I feel that this one is special.
 21 I would -- I would ask you to put a motion forward on
 22 this particular proposal.

23 MEMBER MOIKEHA: Okay. I'll throw it out
 24 there as a motion.

25 CHAIR STONE: So we have a motion.

1 MEMBER MOIKEHA: I'm not interested so much as
 2 -- so this would be a whole separate section? Would
 3 fall under a specific department? It sounds like a
 4 whole independent department --

5 CHAIR STONE: We'll ask Sherry.

6 MEMBER MOIKEHA: -- or office.

7 MS. BRODER: Well, I mean, if this is
 8 something that you want to discuss, you know, having
 9 independent counsel -- a method for boards and
 10 commissions to have independent counsel, you could view
 11 it that way rather than perhaps having a whole office,
 12 you know, of -- you were referring to hearings officers.
 13 And I'm assuming that you did it similar to how they do
 14 it in the County of Hawaii, which is they would be
 15 independent attorneys that would be hired for a specific
 16 reason, for a specific case. And so, I mean, you could
 17 -- you could certainly have a general discussion.

18 MEMBER MOIKEHA: Well, I'm looking for along
 19 the lines of a general discussion. I'm not ready to
 20 commit to creating a whole office for this. It would be
 21 an amended proposal to have discussion on Office of
 22 Independent Counsel for Boards and Commissions. That
 23 would be my motion.

24 CHAIR STONE: Very good.

25 MEMBER DE REGO: Second.

1 CHAIR STONE: We have a second by Commissioner
 2 DeLeon. Discussion?

3 MEMBER DE REGO: Yeah, this -- Chair?

4 CHAIR STONE: Commissioner De Rego.

5 MEMBER DE REGO: This does dovetail into -- I
 6 did raise my hand, Wayne.

7 (Laughter.)

8 MEMBER DE REGO: This does dovetail into our
 9 discussion about boards and commissions in a certain
 10 sense. I, too, am sort of reluctant about creating a
 11 whole new office or something in the County.

12 CHAIR STONE: That's not the motion, though.

13 MEMBER DE REGO: Yeah. But, yeah, it would be
 14 worth having a discussion on -- within the context of
 15 boards and commissions, or however we do it, about --
 16 about representation of commissioners and members of
 17 commissions.

18 CHAIR STONE: Thank you very much.
 19 Commissioners, further discussion?

20 MEMBER BAXA: Yeah, Mr. Chair.

21 CHAIR STONE: Commissioner Baxa.

22 MEMBER BAXA: Yeah. I don't know if I will
 23 actually vote for an independent counsel, but I really
 24 would also like this to be continued for discussion
 25 later on. And probably we could have a lot of questions

1 to the Department of the Corporation Counsel, because,
 2 as pointed out by Commissioner Moikeha, we have a lot of
 3 members of boards and commissions that are giving their
 4 time voluntarily. And if, at one point, there was an
 5 experience where they had been abandoned, I wouldn't
 6 like that to happen. So we should put the Corporation
 7 Counsel at the front to answer this question as well.

8 CHAIR STONE: Thank you, Commissioner Baxa.
 9 Any further discussion?

10 MEMBER DELEON: Mr. Chair?

11 CHAIR STONE: Commissioner DeLeon.

12 MEMBER DELEON: You know, I think Susan is on
 13 to something that's important. I think I would like to
 14 keep it in the realm of boards and commissions. But I
 15 think there's also something happening here with regular
 16 line County employees not being covered, and they get
 17 into situations, particularly the enforcement officers.
 18 I can't imagine how difficult it is for them to go out
 19 in the private property situations and different things
 20 where they're enforcing the law, or trying to enforce
 21 the law, and somebody is yelling at them they're going
 22 to sue 'em, and they don't know whether the County is
 23 going to cover 'em or not. Because, right now, you have
 24 to get -- individually, each case is decided by the
 25 County Council whether you're going to get coverage or

1 not. So you're not -- you're not automatically
 2 protected as an employee.
 3 And this goes back to the Lingle case when she
 4 hired her husband that one time, that took the power
 5 away from -- before that, the employees were
 6 automatically covered. Then, after that, they weren't.
 7 And, boy, that would be -- if I was an enforcement
 8 officer, I would be thinking twice before I did
 9 anything.
 10 CHAIR STONE: Okay. Thank you, Commissioner.
 11 Any further discussion? Commissioner De Rego.
 12 MEMBER DE REGO: Yeah. I would agree with
 13 Commissioner DeLeon, it's more than just legal
 14 representation and looking at the Corporation Counsel,
 15 but it's also looking at the County Council itself.
 16 Especially in issues where it's very difficult, where
 17 it's highly politically charged. In commissions like
 18 the Planning Commission, where, you know, you may not
 19 agree with a decision that a particular commissioner or
 20 commissioners have taken, and then, all of a sudden,
 21 your vote is swayed, not by the issue of whether or not
 22 they followed the Corporation Counsel's legal advice,
 23 but, you know, by the issue itself. So, you know,
 24 there's got to be a way of assuring board and commission
 25 members that the County will support them in the case of

1 civil action in the lawful performance of their duties.
 2 MEMBER DELEON: Mr. Chair, I have one other
 3 example.
 4 CHAIR STONE: Commissioner DeLeon.
 5 MEMBER DELEON: I'm sorry for --
 6 MEMBER DE REGO: No, no. Go ahead.
 7 MEMBER DELEON: And that is an ethics case
 8 that happened in this room two years ago, when a certain
 9 councilmember was being called into question. And his
 10 attorney is screaming at the Board of Ethics that he's
 11 going to sue them individually. And we all saw how that
 12 worked out.
 13 CHAIR STONE: Thank you very much.
 14 Commissioners, any further discussion on the amended
 15 proposal? Commissioner Hedani.
 16 VICE-CHAIR HEDANI: Although an increase in
 17 the number of attorneys is the last thing that I would
 18 want --
 19 (Laughter.)
 20 VICE-CHAIR HEDANI: -- to the effective
 21 function of government, I kind of agree with Susan's
 22 position. Having been on the Planning Commission,
 23 having been in situations where the decision had to be
 24 whether or not Mrs. Hedani's mortgage was on the line or
 25 not. You know, I kind of think we need to explore a

1 little bit more.
 2 MEMBER DE REGO: Yeah, I agree. I agree.
 3 CHAIR STONE: Very good. Commissioners, any
 4 further discussion?
 5 (No Response.)
 6 CHAIR STONE: Okay. We're going to take the
 7 amended proposal -- and, Susan, help me clarify this
 8 amended Proposal Number 8.New.3 to --
 9 MEMBER MOIKEHA: General discussion.
 10 CHAIR STONE: -- general discussion of
 11 independent counsel for boards and commissions.
 12 MEMBER MOIKEHA: Uh-huh.
 13 CHAIR STONE: Okay. Let's do roll call,
 14 please.
 15 MS. KAHUHU: Member Baxa.
 16 MEMBER BAXA: Oh. Yes.
 17 MS. KAHUHU: Member Crivello.
 18 MEMBER CRIVELLO: Yes.
 19 MS. KAHUHU: Member DeLeon.
 20 MEMBER DELEON: Yes.
 21 MS. KAHUHU: Member De Rego.
 22 MEMBER DE REGO: Yes.
 23 MS. KAHUHU: Member Hashimoto.
 24 MEMBER HASHIMOTO: Yes.
 25 MS. KAHUHU: Member Hedani.

1 VICE-CHAIR HEDANI: Yes.
 2 MS. KAHUHU: Member Moikeha.
 3 MEMBER MOIKEHA: Yes.
 4 MS. KAHUHU: Member Okamoto.
 5 MEMBER OKAMOTO: Yes.
 6 MS. KAHUHU: Member Sugimura.
 7 MEMBER SUGIMURA: Yes.
 8 MS. KAHUHU: Member Wiger.
 9 MEMBER WIGER: Yes.
 10 MS. KAHUHU: Chair Stone.
 11 CHAIR STONE: Yes.
 12 MS. KAHUHU: Unanimous.
 13 CHAIR STONE: Motion passes.
 14 MS. KAHUHU: Passes.
 15 CHAIR STONE: Article 9, Financial Procedures.
 16 Proposal 9.1, proposal to amend Article 9, Financial
 17 Procedures, Section 9-2, preparation and submission of
 18 Budget and Capital Program to change from an annual
 19 budget to a biennial budget to commence in a nonelection
 20 year.
 21 Commissioner De Rego.
 22 MEMBER DE REGO: I would like to move to move
 23 this from the -- to the Active List. I have a question,
 24 though, about -- before I finish that, I do have a
 25 question about 9.2. It's for the Legislative Analyst.

1 Is that something similar to the biennial budget or was
 2 that --
 3 MEMBER DELEON: Yeah.
 4 MEMBER DE REGO: Because I would lump them
 5 together if that's the case, you know, 9.1 and 9.2,
 6 since they both deal with the budget and we have a
 7 general discussion on how we budget.
 8 MS. BRODER: I think that makes sense to lump
 9 them together. I guess I wasn't 100 percent sure as to
 10 how closely related they were or if there was some
 11 difference I was, you know, missing. So I made them two
 12 different ones. But, you know, I think it just -- from
 13 the way you've been doing things, it makes sense to just
 14 lump them together and have a general discussion.
 15 MEMBER DE REGO: Okay. Chair, then I would
 16 like to amend my motion to include 9.2, so that the
 17 motion is -- I would make the motion to move 9.1 and 9.2
 18 to the Active List.
 19 CHAIR STONE: Very good. Do I have a second?
 20 MEMBER WIGER: Second.
 21 CHAIR STONE: Second by Commissioner Wiger.
 22 Discussion?
 23 (No Response.)
 24 CHAIR STONE: Okay. No discussion. Let's
 25 take this to a vote. Roll call.

1 MS. KAHUHU: Member Wiger.
 2 MEMBER WIGER: Yes.
 3 MS. KAHUHU: Member Sugimura.
 4 MEMBER SUGIMURA: Yes.
 5 MS. KAHUHU: Member Okamoto.
 6 MEMBER OKAMOTO: Yes.
 7 MS. KAHUHU: Member Moikeha.
 8 MEMBER MOIKEHA: Yes.
 9 MS. KAHUHU: Member Hashimoto.
 10 MEMBER HASHIMOTO: Yes.
 11 MS. KAHUHU: Member Hedani.
 12 VICE-CHAIR HEDANI: Yes.
 13 MS. KAHUHU: Member DeLeon.
 14 MEMBER DELEON: Yes.
 15 MS. KAHUHU: Member De Rego.
 16 MEMBER DE REGO: Yes.
 17 MS. KAHUHU: Member Crivello.
 18 MEMBER CRIVELLO: Yes.
 19 MS. KAHUHU: Member Baxa.
 20 MEMBER BAXA: Yes.
 21 MS. KAHUHU: Chair Stone.
 22 CHAIR STONE: Yes.
 23 MS. KAHUHU: Motion passes. It's unanimous.
 24 CHAIR STONE: Motion passes.
 25 Moving on Proposal 9.3, proposal to amend

1 Article 9, Financial Procedures, Section 9-13, Audit, to
 2 shorten the time for each department to prepare its
 3 reports from six months to three months after the close
 4 of the year.
 5 Is there a motion to move this forward?
 6 (No Response.)
 7 CHAIR STONE: No.
 8 Proposal Number 9.4, proposal to delete
 9 Section 9-20, Affordable Housing Program, amended 2010.
 10 MEMBER OKAMOTO: I have a question. I do --
 11 affordable housing, you know, for realtors, that's a --
 12 that's a good thing. But I do have -- I remember
 13 somebody talking about that that's one of the very few
 14 things that's in the Charter that it really maybe
 15 doesn't belong in the Charter, it should be somewhere
 16 else. And I'm not that familiar. I would kind of like
 17 to know what others may know about that.
 18 CHAIR STONE: From my understanding about this
 19 Affordable Housing Fund, it hasn't been very successful
 20 to date. Has it? Commissioner Moikeha. Hey, I'm not
 21 naming names, guys. All right?
 22 MEMBER DELEON: Mr. Chair?
 23 CHAIR STONE: Yes.
 24 MEMBER DELEON: Our EA from the Mayor's
 25 Office --

1 CHAIR STONE: EA Molina.
 2 MEMBER MOIKEHA: Since he proposed it.
 3 MEMBER DELEON: He proposed it originally for
 4 the Charter. So I think he should at least speak to it.
 5 MR. MOLINA: Thank you, Mr. Chairman. And
 6 although I'll try not to be very biased, but I was the
 7 councilmember at the time who proposed the Charter
 8 amendment back in 2006. I believe there's a -- the
 9 public was really expressing a high demand that the
 10 County do something to provide affordable housing for
 11 our citizens, especially those in the middle income
 12 brackets, policemen, firemen and so forth. We have --
 13 the County has since then provided the additional
 14 funding to assist first-time homebuyers with the funds
 15 that come out of this, which is two percent set aside of
 16 the real property tax revenue. And I believe last term
 17 the Council did extend the sunset date for this fund,
 18 which I believe -- I would have to clarify that with you
 19 at a later point, I believe it would go -- expires in
 20 2014. I'm not 100 percent sure on that, but we did
 21 extend the -- the sunset date for this particular
 22 program. So it is two percent set aside. And it was
 23 passed in two elections. It was on the ballot, I think
 24 it was 2006 and, I think, 2010. So, yeah, I just would
 25 like to lend my historical analysis of that to you.

1 CHAIR STONE: Thank you. Very good insight.
2 Commissioner Moikeha.

3 MEMBER MOIKEHA: I did read the testifier's
4 testimony on this. And that was -- Peter Martin,
5 actually, wrote that in. And I think the thing that he
6 was trying to question is when things can be done by
7 ordinance, such as something of this nature, when do you
8 choose to make it a Charter amendment?

9 And maybe Mike can address, why did it have to
10 be a Charter amendment? Because there was also -- we
11 have the open -- what is it -- conservation, also,
12 that's in the Charter.

13 MR. MOLINA: That's in the Charter, one
14 percent.

15 MEMBER MOIKEHA: So is there -- is there some
16 trigger as to why these kind of issues have to be in our
17 Charter amendment and go to public? Is it because of
18 public funds that you're using? I don't know.

19 MR. MOLINA: Yeah.

20 CHAIR STONE: Go ahead.

21 MR. MOLINA: Commissioner Moikeha, the
22 discussion, if I recall, there was thought about doing
23 this via an ordinance, but it would be a bit more
24 restrictive and it sort of takes it out of the hands of
25 the public. So being that it was being really driven by

1 the public, it was a decision made by the majority of
2 councilmembers to put this on the ballot for the voters
3 to decide. So that is one reason I can recall why we
4 decided to put it on as a Charter amendment rather than
5 created by ordinance.

6 MEMBER MOIKEHA: Okay. So that would be the
7 same, maybe, logic as to why the conservation, one
8 percent --

9 MR. MOLINA: It probably -- I believe they
10 used that same rationale.

11 MEMBER MOIKEHA: Okay.

12 MR. MOLINA: Thank you.

13 CHAIR STONE: Commissioner DeLeon.

14 MEMBER DELEON: It's meant as a dedication.
15 It's meant as a serious commitment. The open house fund
16 -- I mean, the Affordable Housing Fund is -- it does
17 have a sunset on it. It's not meant to be locked in
18 forever. It will go away if it's not renewed by the
19 public in another Charter amendment. And it was just
20 renewed. We did -- the Department of Housing did
21 struggle at first to use the money correctly, now the
22 money is being used. I believe some of it's being used
23 to acquiring foreclosures at this point. And there was
24 a pile of money that stacked up, and they are using it
25 for different projects. The foreclosure one is a major

1 one in our community right now. So I don't -- because
2 it has a sunset on it, it's not like it's locked in
3 stone forever. By -- by contrast, the Open Space Land
4 Trust Fund is, is locked in. And it's one percent that
5 goes on forever. And that's just a guarantee that there
6 will be money to be able to acquire these unique lands.

7 When they have to compete -- when vacant land
8 has to compete against other issues in the budget, it
9 often loses. So this is the way to get -- you know,
10 stock up money over time to be able to do something
11 unique like that.

12 CHAIR STONE: Further discussion?
13 Commissioner Okamoto.

14 MEMBER OKAMOTO: Are there any other places in
15 the Charter where something actually expires? That was
16 one that kind of threw me. Because it's in the Charter
17 and, yet, if it isn't renewed in 2015, it just goes
18 away? That's kind of unusual, it seems like. No?
19 Nobody knows.

20 CHAIR STONE: I'm sorry. Sherry, I think that
21 question was for you. Do you have any idea?

22 MS. BRODER: Well, I mean, it is unusual to
23 have something in the Charter that sunsets, but there's
24 no rules as to what can be in the Charter and what can't
25 be in the Charter. So, you know, maybe people thought

1 this was an extremely important public policy issue that
2 they wanted the voters to decide upon, and so that's
3 why, but they wanted to make it short. So if you want
4 to do something that sunsets, you could.

5 CHAIR STONE: Commissioner Hedani.

6 VICE-CHAIR HEDANI: Question for Mike. This
7 was created through a Charter amendment?

8 MR. MOLINA: Yes, sir.

9 VICE-CHAIR HEDANI: Okay. So deleting it
10 would be, basically, asking the public to undo what they
11 did before?

12 MR. MOLINA: In essence, that's true.

13 CHAIR STONE: Commissioner Moikeha.

14 MEMBER MOIKEHA: Just to give you a little
15 background on the process, even though this is slated
16 for two percent of the real property tax, there is an
17 RFP process, and it functions through the Housing
18 division. They have deadlines as to when you will put
19 out a proposal, and it can come from nonprofits as well
20 as for private, to solicit and put out their proposals,
21 to meet the criteria of this proposal. And then it's a
22 process of where there's a committee who will make a
23 recommendation to the Director of Housing. And then
24 after that's completed, and then it goes to the County
25 Council for -- for review and then support, either yea

1 or nay or -- you know, and they look at each individual
2 recommendation that's come forth. And then it's
3 approved and then agreements are set up with the
4 individual applicants, and times are set and criteria is
5 met. And it's similar to other grant line items for
6 reporting, and, you know -- and that, basically, is the
7 process.

8 CHAIR STONE: Thank you. Commissioner De
9 Rego.

10 MEMBER DE REGO: My feeling on this is that
11 the public just spoke less than a year ago on this and
12 said they wanted this. So I would be loathe at this
13 point to go and revisit the issue once again, you know,
14 next year. So I would -- I would be voting against
15 this, if it even got forward. So --

16 CHAIR STONE: Commissioner Okamoto.

17 MEMBER OKAMOTO: So then my next question is
18 if we do nothing, then what's going to keep it going
19 after 2015? We would vote -- our proposals would come
20 up in 2012, correct? So the Council would be the one,
21 then, to put it out for renewal?

22 CHAIR STONE: Let's hand that off to Sherry.

23 MS. BRODER: Well, I mean, another Charter
24 amendment can be brought by the Council, so -- and I
25 assume, in 2010, the 2010 amendment and (inaudible)

1 amendment were both brought that way.

2 MEMBER OKAMOTO: Well, then my thought would
3 be if it's so important, then maybe, in the 2012, there
4 ought to be an extension already, because what if the
5 Council doesn't. That's --

6 MEMBER SUGIMURA: Or no sunshine -- or don't
7 have a sunshine -- sunset.

8 MEMBER DE REGO: Sunset.

9 MEMBER SUGIMURA: Wrong side.

10 MEMBER DELEON: You got the wrong side. East
11 or west, which one? Yeah.

12 (Laughter.)

13 MEMBER HASHIMOTO: Depends where you're
14 standing on Earth, I guess.

15 CHAIR STONE: You've clearly been in the room
16 too long.

17 MEMBER DELEON: Not where the sun is.

18 CHAIR STONE: Do we have a motion on this?
19 No. Commissioner Hedani. Sorry.

20 VICE-CHAIR HEDANI: I was just going to say,
21 we don't have a motion.

22 CHAIR STONE: We're having a very long
23 discussion, but we don't have a motion.

24 MEMBER OKAMOTO: It was a question is all.

25 CHAIR STONE: So there's no motion on this.

1 MEMBER SUGIMURA: That's a good thing.

2 CHAIR STONE: Proposal Number 9.5, proposal to
3 add a new section to prohibit the County from giving
4 money to nonprofits. Do we have a motion on this?

5 MEMBER HASHIMOTO: I would like to make a
6 motion to do that. And the reason behind it is to see
7 what the house here, what their thinking is on it,
8 because I believe that -- and I -- because I have worked
9 in nonprofits before. I know that money can be wasted
10 at nonprofits through duplication of services and so
11 forth, and mismanagement, but many of the services,
12 especially in outlying communities, that's the only
13 service they got. Okay. You know, we can't just run to
14 a hospital out in Hana. And I don't know about Molokai
15 and Lanai, but -- but that's just an example. Even
16 though we do have health services in Hana, it, again, is
17 a nonprofit. So many of our services in rural areas
18 such as Hana depend on the support and services which
19 they otherwise would not receive through -- through the
20 nonprofit.

21 CHAIR STONE: So, Commissioner Hashimoto, you
22 put a motion forward to move this proposal to the Active
23 List?

24 MEMBER HASHIMOTO: Yeah.

25 CHAIR STONE: Is there a second?

1 (No Response.)

2 CHAIR STONE: Okay. No second.

3 MEMBER OKAMOTO: Can we discuss it, anyway?

4 CHAIR STONE: No.

5 Article 10, Code of Ethics. Proposal Number
6 10.1, proposal to require simultaneous filing of
7 candidate financial disclosures. Amend Article 10, Code
8 of Ethics, Section 10-3, Financial Disclosures, to add a
9 provision that requires, one, the filing of a financial
10 disclosure statement with the County Clerk at the time a
11 candidate files his or her nomination papers for office,
12 two, the submission of the financial disclosure
13 statement to the Mayor by the County Clerk and from the
14 Mayor to the Ethics Commission, and, three, the
15 convening of a public meeting by the Ethics Commission
16 to discuss any conflicts of interest entries on the
17 form.

18 MEMBER DELEON: Mr. Chair, this has
19 essentially been solved in the Charter and in County
20 Code. I'm not sure what they're trying to resolve here.

21 CHAIR STONE: So we have no motion on this?
22 Commissioner Okamoto.

23 MEMBER OKAMOTO: I'm just still -- I mean, I
24 want to be absolutely sure it's been solved. I've heard
25 that, but, you know, I just -- I want to be sure because

1 it was such a terrible --
 2 MEMBER DELEON: So what was resolved was there
 3 was a Charter amendment, followed up by provisions in
 4 the County Code and the state law, so that -- there used
 5 to be a gap. So when the candidate filed their
 6 nomination papers, they had an extra 15 days to file
 7 their -- their financial disclosure. The case in point,
 8 in the 2008 election, when an individual did not file
 9 for 75 days, and there was no way to catch him, there
 10 was a loophole in the process. And, you know, the
 11 (inaudible) happened afterwards. The Charter amendment
 12 says now -- the Charter was amended so that you have to
 13 file your nomination papers on the same day -- I mean,
 14 you have to file your financial disclosure the same day
 15 as your -- as your nomination papers. The County Code
 16 was changed to that effect. State law says that -- and
 17 state -- and basically, the finding is if you do not
 18 file your financial forms, you cannot meet your
 19 nomination requirements, you don't make it on the
 20 ballot. State law was changed so that -- actually --
 21 we, actually, the County of Maui, amended state law so
 22 that -- or asked the legislature to change the state law
 23 so that -- so that will hold up. Because we didn't have
 24 that power to do that before. So we went three steps on
 25 the thing, and I think it's resolved.

1 MEMBER OKAMOTO: Thank you.
 2 CHAIR STONE: No motion?
 3 (No Response.)
 4 CHAIR STONE: Okay. Moving forward. Proposal
 5 Number 10.2, proposal to define ethics to prohibit
 6 making false statements. Amend Article 10, Code of
 7 Ethics, Section 10-1, Declaration of Policy, to add a
 8 provision to define ethics to prohibit the making of
 9 false statements.
 10 MEMBER BAXA: Mr. Chair?
 11 CHAIR STONE: Yes, Commissioner Baxa.
 12 MEMBER BAXA: My only comment is this. I
 13 don't think this proposal is necessary because it
 14 implies that making a false statement is okay.
 15 (Laughter.)
 16 MEMBER BAXA: What is the need for this
 17 proposal?
 18 CHAIR STONE: Commissioner Baxa, your wisdom
 19 is very useful. Do we have a motion on this?
 20 (No Response.)
 21 CHAIR STONE: No motion. Okay.
 22 Moving forward. Proposal Number 10.3,
 23 proposal to amend Article 10, Code of Ethics, Section
 24 10-3(1) Financial Disclosure, to specify that financial
 25 disclosure be as required by provisions of Article 10 of

1 the Maui County Charter, Maui County Code and Maui
 2 County Rules of the Board of Ethics. Any action on
 3 this, or do you need more time to look at it?
 4 MEMBER DELEON: I think that's the same thing.
 5 MEMBER DE REGO: Yeah.
 6 CHAIR STONE: Commissioner DeLeon.
 7 MEMBER DELEON: Yeah, I think it's the same
 8 thing as the other. Basically resolved.
 9 CHAIR STONE: Okay. Commissioners, any action
 10 on this item?
 11 (No response.)
 12 CHAIR STONE: Moving on. Actually, we're
 13 coming around to 3:00, so -- our court reporter needs a
 14 short break every hour, so we can take a five-minute
 15 break, just let her rest her hands. So we'll take a --
 16 without objection, we'll take a quick recess and meet
 17 back here at 3:05. Thank you.
 18 (Recess, 2:58 p.m. to 3:07 p.m.)
 19 CHAIR STONE: So we shall bring this meeting
 20 back to order as of 3:10. Thank you very much,
 21 Commissioners.
 22 Moving on to Proposal Number 10.4, proposal to
 23 amend Article 10, Code of Ethics, Section 10-4,
 24 Prohibitions, Subsection 2(a), to extend the time from
 25 one year to a longer time after termination of service

1 of employment with the County for former County
 2 employees, Mayors and councilmember before one can
 3 appear for compensation before any agency of the County.
 4 Commissioners, any motion? I give you all the
 5 time to --
 6 (No Response.)
 7 CHAIR STONE: Okay. Moving forward. Proposal
 8 Number 10.5, proposal to penalize those candidates who
 9 do not file timely financial statements by disqualifying
 10 them for County office.
 11 MEMBER MOIKEHA: Question.
 12 MEMBER DELEON: Kind of done already.
 13 MEMBER DE REGO: Yeah.
 14 CHAIR STONE: One at a time, please. Since
 15 Susan was sweet enough to raise her hand, Commissioner
 16 Moikeha.
 17 MEMBER MOIKEHA: I --
 18 MEMBER DE REGO: We're all mumblers on this
 19 side. We're all mumbling at this point.
 20 MEMBER MOIKEHA: I just wanted to know if this
 21 was taken care of in whatever changes we made. Dave?
 22 CHAIR STONE: Commissioner DeLeon.
 23 MEMBER DELEON: What this is suggesting is --
 24 sounds like they're disqualified forever. And it's just
 25 disqualified from the particular election they're filing

1 for under the provisions. But, essentially, it's done.
 2 CHAIR STONE: No motion?
 3 (No Response.)
 4 CHAIR STONE: Moving on. Article 11,
 5 Initiative. Proposal Number 11.1, proposal to reduce
 6 number of signatures required for initiative petition.
 7 Amend Section 11-3(2), Petitions, to reduce the
 8 percentage of signatures required from 20 percent to 10
 9 percent of voters, and to amend the definition of voters
 10 from those that were registered to those that voted.
 11 Commissioner Sugimura.
 12 MEMBER SUGIMURA: I want to make a statement
 13 that I'm against doing that because I think that we are
 14 talking about a very important document, which is our
 15 Constitution for our County, and that it shouldn't be
 16 something that would be easily changed or, you know, at
 17 the whim of a group. I think it -- I think I would like
 18 to leave it the way it is.
 19 CHAIR STONE: Thank you, Commissioner.
 20 Further discussion?
 21 MEMBER DELEON: Mr. Chair?
 22 CHAIR STONE: Commissioner DeLeon.
 23 MEMBER DELEON: Actually, this is a petition
 24 -- this is an initiative petition. It could be for a
 25 County Code item. It's not necessarily the Charter

1 we're talking about here. So we're not talking about
 2 necessarily changing the Charter in this proposal. And,
 3 you know, initiative is something that's pretty common
 4 throughout our country. It's not common here because,
 5 basically, 20 percent of the registered voters, it's
 6 almost about the number of people that actually vote.
 7 Because the registered voting lists are not cleaned up,
 8 they're much broader than we are in reality. Excuse me.
 9 If you were to say that, for instance, the percentage
 10 of, say, 20 percent of the people who voted in the last
 11 election, you've reduced that number by about a third.
 12 So, I mean -- so that would work as well. So, I mean, I
 13 would like to make a motion that we -- that we consider
 14 this as active and just have a further discussion about
 15 this and the recall item that follows it together.
 16 CHAIR STONE: Thank you, Commissioner.
 17 There's a motion. Do I have a second on that motion?
 18 MEMBER HASHIMOTO: Second.
 19 CHAIR STONE: Commissioner Hashimoto has
 20 seconded the motion to put Proposal Number 11.1 to the
 21 Active List. Discussion?
 22 MEMBER OKAMOTO: Well, is he --
 23 CHAIR STONE: Commissioner Okamoto.
 24 MEMBER OKAMOTO: I would like to know, is Dave
 25 saying all the way through 12.4?

1 MEMBER DELEON: Yeah.
 2 MEMBER OKAMOTO: So 11.1 through 12.4?
 3 MEMBER DELEON: This is -- yeah, voter --
 4 voter -- active voter participate through on their own
 5 initiative.
 6 CHAIR STONE: So would you like to amend that
 7 motion?
 8 MEMBER DELEON: Okay. So I would like to put
 9 on the Active List items 11.1 through 12.4.
 10 CHAIR STONE: Very good. Do I have a second?
 11 MEMBER HASHIMOTO: Yes.
 12 CHAIR STONE: Commissioner Hashimoto seconds
 13 that motion. Okay. Discussion? Commissioner Okamoto.
 14 MEMBER OKAMOTO: Well, even though I don't
 15 want to see a drastic reduction in number required, I'm
 16 very much like Yuki, I certainly would not go 10 percent
 17 of those who voted. You really get -- but I think as a
 18 point of discussion, to discuss the whole matter, is --
 19 MEMBER DELEON: Right. I think if we rule out
 20 numbers -- I'm sorry, Mr. Chair.
 21 CHAIR STONE: No. Please, Commissioner
 22 DeLeon.
 23 MEMBER DELEON: If you got the real numbers
 24 and saw what it meant and referred to how many people
 25 voted, say, in the last election, it would be more

1 telling. Right now, it doesn't work at all. I mean,
 2 there's -- there's no way the system works. And it's
 3 supposed to be a function of our democracy to be able to
 4 do this.
 5 CHAIR STONE: To find out what -- the Chair
 6 would like to say to find out in our outreach that no
 7 initiative has ever come from the public and made it
 8 through. It's pretty interesting. Isn't that true? Is
 9 that what I recall hearing? I better check with Sherry
 10 before I mistake myself. Is that true, Sherry?
 11 MS. BRODER: I don't know.
 12 CHAIR STONE: I recall a number of testifiers
 13 saying that the amount of signatures was never achieved.
 14 Yes, Commissioner Okamoto.
 15 MEMBER OKAMOTO: I'm not saying that's bad.
 16 But, I mean, I think we need to look at -- when I look
 17 at California and all the petitions they've had and how
 18 it's messed up a lot of things, and it's helped a lot of
 19 things, but just to say that, you know, there's never
 20 been one pass, that may not be necessarily a bad thing,
 21 but I think we should discuss it.
 22 CHAIR STONE: Uh-huh. Commissioner De Rego.
 23 MEMBER DE REGO: I just want to say that it's
 24 -- I think we should discuss it. I think there's
 25 something -- some middle point between the chaos of

1 referendum government and the stability of
 2 representative government. And I think we're going to
 3 have to find that in terms of a number. I don't think
 4 we're going to want every single issue to come to
 5 initiative or referendum because, therefore, you know,
 6 we should just do like Nielson does and put boxes in
 7 everybody's houses and then have them click, you know.
 8 But, you know -- which may be the future at this
 9 particular point. But, yeah, at this point, I think we
 10 should discuss it. But we're going to have to find a
 11 happy medium.

12 CHAIR STONE: Thank you. Commissioners, any
 13 further discussion? Commissioner Wiger.

14 MEMBER WIGER: I agree. I think -- I think
 15 it's something that we really need to talk about. And I
 16 think getting the numbers that Commissioner DeLeon is
 17 speaking about will be very helpful to that discourse in
 18 terms of knowing what the actual numbers are. Because,
 19 otherwise, it's just sort of a ethereal kind of thing.
 20 And I think it would be helpful to know what the reality
 21 is.

22 CHAIR STONE: Very good. Thank you. Any
 23 further discussion?
 24 (No Response.)
 25 CHAIR STONE: No. So we're going to put it to

1 vote. The motion is to --

2 MEMBER DE REGO: I -- there's --

3 CHAIR STONE: Commissioner De Rego.

4 MEMBER DE REGO: -- one thing that's -- is
 5 this going to be just a general on talking about
 6 initiative and recall?

7 MEMBER DELEON: Yeah.

8 MEMBER DE REGO: Is that it?

9 CHAIR STONE: Yes. We're putting all items in
 10 -- just to clarify, the motion is to move Proposal
 11 Numbers 11.1 all the way through Proposal Number 12.4 to
 12 the Active List, general discussion. And that has been
 13 seconded by Cliff, so let's take a vote. Roll call,
 14 please.

15 MS. KAHUHU: Member Baxa.

16 MEMBER BAXA: Yes.

17 MS. KAHUHU: Member Crivello.

18 MEMBER CRIVELLO: Yes.

19 MS. KAHUHU: Member DeLeon.

20 MEMBER DELEON: Yes.

21 MS. KAHUHU: Member De Rego.

22 MEMBER DE REGO: Yes.

23 MS. KAHUHU: Member Hashimoto.

24 MEMBER HASHIMOTO: Yes.

25 MS. KAHUHU: Member Hedani.

1 VICE-CHAIR HEDANI: Yes.

2 MS. KAHUHU: Member Moikeha.

3 MEMBER MOIKEHA: Yes.

4 MS. KAHUHU: Member Okamoto.

5 MEMBER OKAMOTO: Yes.

6 MS. KAHUHU: Member Sugimura.

7 MEMBER SUGIMURA: Yes.

8 MS. KAHUHU: Member Wiger.

9 MEMBER WIGER: Yes.

10 MS. KAHUHU: Chair Stone.

11 CHAIR STONE: Yes.

12 MS. KAHUHU: It's unanimous.

13 CHAIR STONE: Motion passes. Moving on to
 14 Proposal 13, General Provisions. Proposal Number 13.1,
 15 proposal to amend Section 13-2 Subsection 16 -- I'm
 16 sorry -- (16), Subsection 17 to clarify that the 30 days
 17 for the Mayor to submit to the Council the name of the
 18 Mayor's nominee to fill the vacancy commences upon the
 19 date of informing the Council of a vacancy.

20 MEMBER DELEON: Mr. Chair?

21 CHAIR STONE: Yes, Commissioner DeLeon.

22 MEMBER DELEON: This proposal is from the
 23 Mayor's Office. It's -- it's only pertinent in
 24 reference to the next item which is -- is the power of
 25 the -- of the Council to reject and then appoint their

1 own. The Mayor has like very -- a very narrow timeframe
 2 if -- if a member is rejected. And I've actually seen
 3 cases where -- where nominees were repeatedly rejected
 4 in order to be able -- for a councilmember to be able to
 5 put their own person on. So this might come under --
 6 this might come under the general realm of boards and
 7 commissions. If you want to put it in that bucket, then
 8 maybe that would work as well.

9 CHAIR STONE: Thank you, Commissioner.
 10 Commissioner De Rego.

11 MEMBER DE REGO: Actually, there's quite a
 12 number of these, if you go down the list, that fit into
 13 that -- that realm, whether it be 13.2 -- let's see --
 14 13.4, telecommunications, that happened, remember, the
 15 last time, in the context of our talking about boards
 16 and commissions and representatives to boards and
 17 commissions, you know, that kind of thing. So there's
 18 quite a number in here, 13.6, blue ribbon commissions,
 19 boards and commissions. So, yeah, it seems almost that
 20 13.1 to 13.9 almost actually have to do, majority, with
 21 boards and commissions, if I'm -- somebody correct me if
 22 I'm wrong. Is there something in there that wouldn't
 23 fit?

24 MEMBER OKAMOTO: I would think the ones about
 25 telecommunications maybe not quite as much.

1 MEMBER DE REGO: Okay.
 2 CHAIR STONE: I would agree.
 3 MEMBER OKAMOTO: But I would propose -- I
 4 would make a motion that we take 13.1 --
 5 MEMBER DELEON: We have a motion on the floor,
 6 don't we?
 7 MEMBER OKAMOTO: Oh, we do?
 8 CHAIR STONE: We do have a motion.
 9 MEMBER DE REGO: I'm sorry.
 10 MEMBER OKAMOTO: Okay. I'm sorry. Who made
 11 the motion? Can we amend it to include all those?
 12 MEMBER DELEON: Yeah. I'd just like to make
 13 one point about one of these items, though, before we
 14 just shuffle it off. And that is the one dealing with
 15 the provision that requires that no more than a majority
 16 of the members of the board or commission belong to the
 17 same party.
 18 I handed out a sheet to you folks, I don't
 19 know whether you've seen it or not. Basically, it's the
 20 findings of what exists in terms of the members of the
 21 boards and commissions now. And the applicant pool for
 22 the last two years is -- consistently, 68 percent are
 23 nonpartisan, independent, no party identified, compared
 24 to the other 32 percent. So it's -- it's very -- I was
 25 surprised at the numbers, the two different categories

1 came out the same, but -- and that was my experience
 2 earlier. I misspoke earlier when I told you it was 75
 3 percent. No, it's 68 percent. But I want to make that
 4 point before I -- this sheet gets lost in the shuffle
 5 because this also speaks to partisanship in our
 6 community, it also speaks to -- we had conversations
 7 about folks who were -- who were talking about going
 8 back to the political party way of electing. Our public
 9 is not thinking in those terms anymore. So -- and these
 10 are very active people. People who sign up for boards
 11 and commissions are not your typical citizen. So if you
 12 were to go deeper, I think you can get less partisan.
 13 CHAIR STONE: Thank you.
 14 MEMBER DE REGO: Can I ask our Legislative
 15 Analyst a question? Is this sort of the place where we
 16 would put that proposal that we were talking about
 17 instead of me having to write something up about a
 18 general discussion of boards and commissions? That
 19 we're actually at the point where we could make that
 20 proposal?
 21 MS. BRODER: Sure.
 22 MEMBER DE REGO: Because most of these tend to
 23 be with boards and commissions.
 24 MEMBER DELEON: Mr. Chair, you want me to take
 25 my motion off the table?

1 CHAIR STONE: Yes, if you could take your
 2 motion off the table.
 3 MEMBER DELEON: I would like to withdraw my
 4 motion.
 5 CHAIR STONE: Would you like to -- would you
 6 like to make another motion?
 7 MEMBER DELEON: If Frank wants to make his
 8 instead, I could go with that.
 9 CHAIR STONE: Commissioner De Rego.
 10 MEMBER DE REGO: Mr. Chair, I would like to
 11 make a motion that we include a general discussion of
 12 boards and commissions, including 13.1 through 13.9 and
 13 put that on the Active List.
 14 CHAIR STONE: Do I have a second?
 15 MEMBER DELEON: Second.
 16 MEMBER SUGIMURA: Second.
 17 CHAIR STONE: Commissioner DeLeon, second.
 18 Okay. We have a motion on the table, on the floor.
 19 Discussion?
 20 MEMBER DE REGO: I have nothing further on
 21 this. If nobody else does, I'd just call for the
 22 question at this point.
 23 CHAIR STONE: Any further discussion? No?
 24 (No Response.)
 25 CHAIR STONE: No further discussion. Let's

1 take a vote.
 2 MS. KAHUHU: Member Wiger.
 3 MEMBER WIGER: Yes.
 4 MS. KAHUHU: Member Sugimura.
 5 MEMBER SUGIMURA: Yes.
 6 MS. KAHUHU: Member Okamoto.
 7 MEMBER OKAMOTO: Yes.
 8 MS. KAHUHU: Member Moikeha.
 9 MEMBER MOIKEHA: Yes.
 10 MS. KAHUHU: Member Hashimoto.
 11 MEMBER HASHIMOTO: Yes.
 12 MS. KAHUHU: Member Hedani.
 13 VICE-CHAIR HEDANI: Yes.
 14 MS. KAHUHU: Member DeLeon.
 15 MEMBER DELEON: Yes.
 16 MS. KAHUHU: Member De Rego.
 17 MEMBER DE REGO: Yes.
 18 MS. KAHUHU: Member Crivello.
 19 MEMBER CRIVELLO: Yes.
 20 MS. KAHUHU: Member Baxa.
 21 MEMBER BAXA: Yes.
 22 MS. KAHUHU: Chair Stone.
 23 CHAIR STONE: Yes.
 24 MS. KAHUHU: It's unanimous. Motion passes.
 25 CHAIR STONE: Motion passes.

1 Article 14, Charter Amendments. Moving on.
 2 Proposal Number 14.1, proposal to delete power of County
 3 Council to amend Maui Charter. Amend Sections 14-1,
 4 Initiation of Amendments, Subsections (1) and (2), to
 5 remove power of the County Council to amend the Maui
 6 Charter on its own, and to make conforming changes. Is
 7 there a motion?
 8 (No Response.)
 9 CHAIR STONE: No motion.
 10 Commissioner De Rego, did you have something
 11 to say?
 12 MEMBER DE REGO: Well, I just wanted to say it
 13 was -- you know, I think I had mentioned something in
 14 public about this when we were first getting those
 15 resolutions through the County Council. And I want to
 16 make clear my position on this. It was not my
 17 intention, as was quoted in the newspaper at one point,
 18 for me to take away the Council's initiative in this
 19 area. I think it's very necessary. I think, as was
 20 said once before in testimony, it's very true that,
 21 oftentimes, the Council does make a great contribution
 22 in terms of very technical changes to the -- the Charter
 23 that we're not able to make, you know, when we're
 24 looking at the broad scope. So I think there is a way
 25 to do this that would make -- preclude them from making,

1 maybe, Charter amendments during the time of a sitting
 2 Charter Commission. I would be in favor of that. That
 3 they would be actively a part of the process. But to
 4 blanketly take away their power to amend the Charter, I
 5 don't think I'd be in favor of that. In fact, I know I
 6 wouldn't be in favor of it.
 7 MEMBER BAXA: Yeah. Mr. Chair?
 8 CHAIR STONE: Yes, Commissioner Baxa.
 9 MEMBER BAXA: I also would like to clarify my
 10 position that was printed in the paper. It wasn't only
 11 printed in the paper, but, the way it was printed, it
 12 was the other way around. What I suggested was that at
 13 the time when the Maui Charter Commission is proposing
 14 amendments for the people to consider, the Council
 15 should not be in the position to make proposals at the
 16 same time. They can always do that within the 10-year
 17 period that they have it, but not at the time when we
 18 are proposing amendments to the Charter.
 19 CHAIR STONE: Very good. I don't see that
 20 proposal in our Matrix.
 21 MEMBER DELEON: It's there.
 22 CHAIR STONE: Is it there? Which number is
 23 that?
 24 MEMBER DELEON: 14.3.
 25 MEMBER DE REGO: 14.3.

1 CHAIR STONE: Thank you. Okay. So there's no
 2 motion for 14.1?
 3 (No Response.)
 4 CHAIR STONE: Okay. Moving on. Proposal
 5 Number 14.2, proposal to delete power of County Council
 6 to amend Maui Charter.
 7 MEMBER DELEON: No.
 8 MEMBER SUGIMURA: No.
 9 CHAIR STONE: No motion.
 10 Proposal Number 14.3, proposal to amend
 11 Article 14, Charter Amendment, Sections 14-1, Initiation
 12 of Amendments, Subsections (1) and (2), to delete power
 13 of County Council to amend Maui Charter during the time
 14 that a Charter Commission is constituted.
 15 MEMBER DE REGO: Chair --
 16 MEMBER BAXA: Mr. Chair?
 17 MEMBER DE REGO: Go ahead, Artemio.
 18 MEMBER BAXA: I so move, Mr. Chair, move for
 19 deliberation.
 20 MEMBER DE REGO: I second.
 21 CHAIR STONE: Motion's been moved, it's been
 22 seconded. Discussion, commissioner Baxa.
 23 MEMBER BAXA: I think my position is well
 24 stated and everybody understands.
 25 CHAIR STONE: Okay. Very good. Any further

1 discussion?
 2 (No Response.)
 3 CHAIR STONE: No. Let's take a vote, please.
 4 Lisa, roll call.
 5 MS. KAHUHU: Member Baxa.
 6 MEMBER BAXA: Yes.
 7 MS. KAHUHU: Member Crivello.
 8 MEMBER CRIVELLO: Yes.
 9 MS. KAHUHU: Member DeLeon.
 10 MEMBER DELEON: Yes.
 11 MS. KAHUHU: Member De Rego.
 12 MEMBER DE REGO: Yes.
 13 MS. KAHUHU: Member Hashimoto.
 14 MEMBER HASHIMOTO: Yes.
 15 MS. KAHUHU: Member Hedani.
 16 VICE-CHAIR HEDANI: Yes.
 17 MS. KAHUHU: Member Moikeha.
 18 MEMBER MOIKEHA: Yes.
 19 MS. KAHUHU: Member Okamoto.
 20 MEMBER OKAMOTO: Yes.
 21 MS. KAHUHU: Member Sugimura.
 22 MEMBER SUGIMURA: Yes.
 23 MS. KAHUHU: Member Wiger.
 24 MEMBER WIGER: Yes.
 25 MS. KAHUHU: Chair Stone.

1 CHAIR STONE: Yes.
 2 MS. KAHUHU: Motion passes. Unanimous.
 3 CHAIR STONE: Thank you. Motion passes.
 4 Proposal Number 14.4, proposal to amend the
 5 Charter Commission Appointment Process, Section 14.3, so
 6 that it follows the time requirements for regular Maui
 7 County boards and commissions in Section 13.2-16.
 8 MEMBER DELEON: Move to approve.
 9 CHAIR STONE: There's a motion to approve --
 10 or to move the proposal to the Active List.
 11 MEMBER DELEON: Yes.
 12 MEMBER DE REGO: I would -- I would second
 13 that for purposes of discussion, Chair.
 14 CHAIR STONE: Seconded by Commissioner De
 15 Rego. Discussion?
 16 MEMBER DELEON: Mr. Chair, this, basically,
 17 allows for an already tried and true process that the
 18 County uses for boards and commissions. This dovetails
 19 with that. I was very taken aback when we were going
 20 through our process for appointment that it was taking
 21 so long to get through the process. And -- and looking
 22 at the Charter, I saw there was no -- there was no
 23 window for when the Council had to approve. So if there
 24 was a case where there was a chairman who didn't want to
 25 see the commission function very well, they could hold

1 this up for as long as they wanted, or (inaudible),
 2 which could be months, and then we wouldn't be able to
 3 backtrack on the time. So that didn't happen, but it
 4 could have happened. And I was concerned about it. And
 5 I think (inaudible), so I made this proposal.
 6 CHAIR STONE: Very good. Thank you,
 7 Commissioner. Any further discussion?
 8 (No Response.)
 9 CHAIR STONE: If no further discussion, let's
 10 take a vote. Roll call.
 11 MS. KAHUHU: Member Wiger.
 12 MEMBER WIGER: Yes.
 13 MS. KAHUHU: Member Sugimura.
 14 MEMBER SUGIMURA: Yes.
 15 MS. KAHUHU: Member Okamoto.
 16 MEMBER OKAMOTO: Yes.
 17 MS. KAHUHU: Member Moikeha.
 18 MEMBER MOIKEHA: Yes.
 19 MS. KAHUHU: Member Hashimoto.
 20 MEMBER HASHIMOTO: Yes.
 21 MS. KAHUHU: Member Hedani.
 22 VICE-CHAIR HEDANI: Yes.
 23 MS. KAHUHU: Member DeLeon.
 24 MEMBER DELEON: Yes.
 25 MS. KAHUHU: Member De Rego?

1 MEMBER DE REGO: Yes.
 2 MS. KAHUHU: Member Crivello.
 3 MEMBER CRIVELLO: Yes.
 4 MS. KAHUHU: Member Baxa.
 5 MEMBER BAXA: Yes.
 6 MS. KAHUHU: Chair Stone.
 7 CHAIR STONE: Yes.
 8 MS. KAHUHU: Unanimous, motion passes.
 9 CHAIR STONE: Motion passes.
 10 Moving on. Proposal Number 14.5, proposal to
 11 reduce the number of votes required for Charter
 12 Amendment Petition. Amend Section 14-2(3), Initiation
 13 of Amendments, to reduce from 20 percent to 10 percent
 14 the percentage of voters required to sign a petition to
 15 change the County Charter, and amend the definition of
 16 voters from those that were registered to those that
 17 voted.
 18 MEMBER OKAMOTO: Mr. Chair, can we put that in
 19 with the initiation -- initiation -- initiative and
 20 recall discussion we were going to have?
 21 MEMBER DELEON: Hazing, too.
 22 CHAIR STONE: It seems different to me. It
 23 seems different to me.
 24 MEMBER DELEON: It's still voter initiation,
 25 Mr. Chair. It's that same general concept. This is

1 where -- where Yuki is correct, this is where you have
 2 to be very cautious about people messing with the
 3 Charter through initiatives.
 4 CHAIR STONE: So it will be taken care of in
 5 our other discussions?
 6 MEMBER DELEON: This could be part of that
 7 discussion or not. I mean -- I'm not speaking for it,
 8 but I think --
 9 CHAIR STONE: I think just -- let's go ahead.
 10 Does anybody have a motion?
 11 MEMBER OKAMOTO: Can we raise the percentage
 12 instead of lower it?
 13 MEMBER DELEON: It's pretty high now. I mean,
 14 it's not -- not really --
 15 CHAIR STONE: Commissioner De Rego.
 16 MEMBER DE REGO: Would it be appropriate,
 17 then, to make a motion to ask our Legislative Analyst to
 18 add this to our initiative and recall discussion? Okay.
 19 Then I so move that we add 14.5 to our initiative and
 20 recall discussion and move that to the Active List.
 21 CHAIR STONE: Do I have a second on that?
 22 Commissioner Hedani seconded the proposal. Any further
 23 discussion?
 24 (No Response.)
 25 CHAIR STONE: No. Let's take a vote. Roll

1 call, please.

2 MS. KAHUHU: Member Baxa.

3 MEMBER BAXA: Yes.

4 MS. KAHUHU: Member Crivello.

5 MEMBER CRIVELLO: Yes.

6 MS. KAHUHU: Member DeLeon.

7 MEMBER DELEON: Yes.

8 MS. KAHUHU: Member De Rego.

9 MEMBER DE REGO: Yes.

10 MS. KAHUHU: Member Hashimoto.

11 MEMBER HASHIMOTO: Yes.

12 MS. KAHUHU: Member Hedani.

13 VICE-CHAIR HEDANI: Yes.

14 MS. KAHUHU: Member Moikeha.

15 MEMBER MOIKEHA: Yes.

16 MS. KAHUHU: Member Okamoto.

17 MEMBER OKAMOTO: Yes.

18 MS. KAHUHU: Member Sugimura.

19 MEMBER SUGIMURA: Yes.

20 MS. KAHUHU: Member Wiger.

21 MEMBER WIGER: Yes.

22 MS. KAHUHU: Chair Stone.

23 CHAIR STONE: Yes.

24 MS. KAHUHU: Motion passes. Unanimous.

25 CHAIR STONE: Motion passes.

1 Moving on to Proposal Number 14.6, proposal to

2 require a Charter Commission every 10 years. Amend

3 Article 14, Charter Amendments, Section 14-3, Mandatory

4 Review, and delete the section which refers only to a

5 Charter Commission appointed in 2001, and draft a new

6 section mandating the appointment of a Charter Review

7 Commission every 10 years.

8 MEMBER DE REGO: Point of clarification from

9 the Legislative Analyst. In a sense, we already are

10 doing that. Is this more of a housekeeping measure that

11 would just delete that section about 2001, and then just

12 have a statement that the Charter shall be reviewed

13 every 10 years, or do you need a starting point from

14 which that occurs?

15 MS. BRODER: Well, if you take a look at

16 Section 14.3, the first paragraph refers to the first --

17 to the May -- to the March 2001 date. But the last

18 paragraph says that following any Special or General

19 Election, on any proposed Charter, at intervals of 10

20 years, the Mayor shall appoint a Charter Commission. So

21 it does seem that it's already --

22 MEMBER DE REGO: Taken care of.

23 MS. BRODER: -- taken care of.

24 MEMBER DE REGO: Okay. Thank you.

25 CHAIR STONE: Thank you. Is there a motion on

1 this proposal?

2 (No Response.)

3 CHAIR STONE: No.

4 Moving forward. Proposal Number 14.7,

5 proposal to require an estimated cost on the ballot for

6 every Charter amendment. Amend Article 14, Charter

7 Amendment, to add a new section to require that every

8 Charter amendment proposed to the voters include an

9 estimated cost on the ballot. Is there a motion on

10 this?

11 (No response.)

12 CHAIR STONE: No motion.

13 Okay, moving forward. Proposal Number 14.8,

14 proposal to eliminate the Charter Commission.

15 MEMBER DE REGO: Would this be a conflict of

16 interest, Chair?

17 (Laughter.)

18 CHAIR STONE: Could the Chair put a motion

19 forward? Is that allowed, Sherry?

20 (Laughter.)

21 MEMBER DELEON: I'm out of here.

22 MEMBER WIGER: You want it retroactive, is

23 that what?

24 CHAIR STONE: Do we have action on that?

25 (No Response.)

1 CHAIR STONE: Wayne has the right name for it.

2 Okay. Commission Moikeha?

3 MEMBER MOIKEHA: Let's talk about our term.

4 Is it in this section, of how long we are to serve for?

5 MEMBER DE REGO: Yeah.

6 MEMBER MOIKEHA: Is it in Section 14?

7 MS. BRODER: Yes. And there are two -- there

8 is the new amendment. So when you get to the letter,

9 you'll see it.

10 MEMBER MOIKEHA: Oh, it is in the new

11 amendment?

12 MS. BRODER: To make it 18 months.

13 MEMBER MOIKEHA: Okay.

14 CHAIR STONE: Thank you. Any further

15 discussion?

16 (No response.)

17 CHAIR STONE: No. Lo and behold, New Articles

18 Proposed.

19 MEMBER OKAMOTO: I move we move Article A,

20 County Auditor, to the Active List.

21 VICE-CHAIR HEDANI: Second.

22 CHAIR STONE: Okay. A motion has been put

23 forward to move this proposal to establish an Office of

24 County Auditor to establish an Office of County Auditor

25 to include or not include none or one or more of the

1 following. Independent of both the Mayor and Council,
 2 compete autonomy; perform all financial and operational
 3 audit functions; coordinate with the COG or otherwise
 4 work with COG; complete discretion to prioritize
 5 assignments; administrative assigned to the Council;
 6 possible appointment by the Judiciary; possible
 7 appointment by a committee; County Auditor could be
 8 removed only by a two-thirds vote of the Council, as in
 9 Honolulu Charter; model powers and duties after the
 10 Auditor for the City and County of Honolulu. So that
 11 has been -- a proposal has been put forward to be moved
 12 to the Active List and seconded. Any discussion?

13 CHAIR STONE: No discussion. Let's take a
 14 vote. Roll call, please.

15 MS. KAHUHU: Member Wiger.

16 MEMBER WIGER: Yes.

17 MS. KAHUHU: Member Sugimura.

18 MEMBER SUGIMURA: Yes.

19 MS. KAHUHU: Member Okamoto.

20 MEMBER OKAMOTO: Yes.

21 MS. KAHUHU: Member Moikeha.

22 MEMBER MOIKEHA: Yes.

23 MS. KAHUHU: Member Hashimoto.

24 MEMBER HASHIMOTO: Yes.

25 MS. KAHUHU: Member Hedani.

1 VICE-CHAIR HEDANI: Yes.

2 MS. KAHUHU: Member DeLeon.

3 MEMBER DELEON: Yes.

4 MS. KAHUHU: Member De Rego.

5 MEMBER DE REGO: Yes.

6 MS. KAHUHU: Member Crivello.

7 MEMBER CRIVELLO: Yes.

8 MS. KAHUHU: Member Baxa.

9 MEMBER BAXA: Yes.

10 MS. KAHUHU: Chair Stone.

11 CHAIR STONE: Yes.

12 MS. KAHUHU: Motion passes. Unanimous.

13 CHAIR STONE: Motion passed.

14 Moving on --

15 MEMBER DE REGO: Just a point of
 16 clarification, since we've already had the motion, I --

17 CHAIR STONE: Commissioner De Rego.

18 MEMBER DE REGO: I support that issue
 19 wholeheartedly. Still the question of the -- folding in
 20 the amended recommendations by the Cost of Government
 21 Commission at this point. We'll come to that later, I
 22 guess, in terms of folding those in or just adding them.

23 CHAIR STONE: You mean as --

24 MEMBER DE REGO: As a part of the general
 25 discussion for the Office of County Auditor.

1 CHAIR STONE: I think that when we get -- when
 2 we get to this, that would be the prime time to bring
 3 that in.

4 MEMBER DE REGO: Okay. Okay.

5 CHAIR STONE: And your input, as always, is
 6 invaluable.

7 MEMBER DE REGO: Okay. No. Because that was
 8 -- that was part of our discussion last week, and so
 9 it's part of the minutes already. So thank you.

10 CHAIR STONE: Very good. New Articles
 11 Proposed, B, proposal to establish a new office of
 12 Hearings Officers.

13 (No response.)

14 CHAIR STONE: No action on this.

15 Okay. Thank you. And, Sherry, since we're
 16 gluttons for punishment, and we have the time, let's
 17 move on to the -- the six additional proposals that we
 18 received.

19 MEMBER MOIKEHA: Chair, I would like to make a
 20 motion.

21 CHAIR STONE: Yes, please.

22 MEMBER MOIKEHA: I'd like to make a motion
 23 that 3.37, 3.38, 7.4 are already established and under
 24 previous proposals of general discussion.

25 CHAIR STONE: Okay. There's a motion -- I

1 don't know -- what is your motion exactly?

2 MEMBER MOIKEHA: What is my motion?

3 CHAIR STONE: To not -- to --

4 MEMBER MOIKEHA: That they're already there
 5 and we don't -- if you want take a formal motion to move
 6 them there, that's fine, but just noting that they're
 7 already there.

8 CHAIR STONE: Okay. Very good. I don't --

9 MEMBER DELEON: Same with Department of Water
 10 Supply.

11 CHAIR STONE: Yeah. I understand what you're
 12 saying, but I think what we can do is just not act.

13 MEMBER MOIKEHA: Okay.

14 CHAIR STONE: Okay.

15 MEMBER OKAMOTO: Wait. Excuse me.

16 CHAIR STONE: Yes.

17 MEMBER OKAMOTO: Are we on this particular --

18 CHAIR STONE: It's the --

19 MEMBER OKAMOTO: So that we're all on the
 20 same --

21 CHAIR STONE: It's the letter September 25th,
 22 2011.

23 MEMBER OKAMOTO: Thank you.

24 CHAIR STONE: From Sherry and Jon. So just
 25 very quickly, number -- Proposal 3.37, proposal for

1 single-member districts with self-rule for Molokai and
 2 Lanai through the creation of island boards. We've
 3 already seen that and it's already moved.
 4 So Proposal Number 3.38, proposal for
 5 four-year Council terms, limited to three consecutive
 6 terms and staggered election dates. That falls under
 7 our general discussion that we're going to have.
 8 Proposal Number 7.4, proposal to establish a
 9 selection commission for boards and commissions.
 10 MEMBER OKAMOTO: That's already one of the
 11 ones.
 12 CHAIR STONE: So no action on that.
 13 Proposal Number 8.11.5, proposal to amend
 14 Article 8, County Departments, Chapter 11, Department of
 15 Water Supply, Section 8-11. And that is a very lengthy
 16 proposal. And I believe that goes in the general
 17 discussion --
 18 MEMBER OKAMOTO: Right.
 19 CHAIR STONE: -- of the Water. Okay. Very
 20 good.
 21 Proposal Number 8.16.7, proposal to amend
 22 Article 16, Cost of Government Commission, Section 16.3,
 23 Term of Commission, to conform the term of the Cost of
 24 Government Commissioners to be the same as the terms and
 25 timetables as other commissions as provided in the

1 Charter, Article 13. And --
 2 MEMBER DELEON: It falls under the category we
 3 already got.
 4 MEMBER DE REGO: Yeah.
 5 CHAIR STONE: Okay. No action.
 6 MEMBER DE REGO: We already had Cost of
 7 Government.
 8 CHAIR STONE: Proposal to extend term of
 9 Charter Commissioners to 18 months.
 10 MEMBER WIGER: Move to include it on the
 11 Active List.
 12 CHAIR STONE: We have a motion to take this
 13 proposal to the Active List.
 14 MEMBER DE REGO: Second.
 15 CHAIR STONE: Seconded by Commissioner De
 16 Rego. Discussion? Commissioner Moikeha.
 17 MEMBER MOIKEHA: I support an extended term.
 18 I would like to have latitude that we could open this 18
 19 months up for further discussion as part of that motion.
 20 CHAIR STONE: Very good.
 21 MEMBER MOIKEHA: Or are we set on 18 months?
 22 No.
 23 CHAIR STONE: I believe the discussion will
 24 happen. It will happen. Any further discussion?
 25 (No Response.)

1 CHAIR STONE: No. Let's take that to vote,
 2 please.
 3 MS. KAHUHU: Chair, what proposal are you --
 4 CHAIR STONE: I'm sorry. We're moving very
 5 quickly, aren't we? Proposal 14.9, on Page 2.
 6 MS. KAHUHU: Okay. Got it. Thank you.
 7 CHAIR STONE: Off of the letter from Sherry
 8 and Jon. So the motion has been put forward and going
 9 to vote right now.
 10 MS. KAHUHU: Member Baxa.
 11 CHAIR STONE: Commissioner Baxa?
 12 MEMBER BAXA: Yes.
 13 MS. KAHUHU: Member Crivello.
 14 MEMBER DELEON: Out of the room.
 15 MS. KAHUHU: Member DeLeon.
 16 MEMBER DELEON: Yes.
 17 MS. KAHUHU: Member De Rego.
 18 MEMBER DE REGO: Yes.
 19 MS. KAHUHU: Member Hashimoto.
 20 MEMBER HASHIMOTO: I'm going to have to say
 21 yes because I don't know where we're --
 22 MS. KAHUHU: Member Hedani.
 23 VICE-CHAIR HEDANI: Yes.
 24 MS. KAHUHU: Member Moikeha.
 25 MEMBER MOIKEHA: Yes.

1 MS. KAHUHU: Member Okamoto.
 2 MEMBER OKAMOTO: Yes.
 3 MS. KAHUHU: Member Sugimura.
 4 MEMBER SUGIMURA: Yes.
 5 MS. KAHUHU: Member Wiger.
 6 MEMBER WIGER: Yes.
 7 MS. KAHUHU: Chair Stone.
 8 CHAIR STONE: Yes. And I'd like to point out
 9 that Commissioner Crivello is back.
 10 MS. KAHUHU: Member Crivello.
 11 MEMBER CRIVELLO: I'm sorry. Yes.
 12 MS. KAHUHU: Motion passes. Unanimous.
 13 CHAIR STONE: Thank you very much. Motion
 14 passes.
 15 Moving on to Proposal Number 14.10, proposal
 16 to require that the Charter be -- be republished each
 17 time it is amended with a significant amendment.
 18 MEMBER MOIKEHA: Yes.
 19 CHAIR STONE: Commissioner Moikeha is --
 20 MEMBER OKAMOTO: Second.
 21 CHAIR STONE: -- making a motion to put that
 22 forward to the Active List, it's being seconded by
 23 Commissioner Okamoto.
 24 MEMBER DE REGO: Point of clarification on
 25 this?

1 CHAIR STONE: Yes, Commissioner De Rego.
 2 MEMBER DE REGO: For our Legislative Analyst.
 3 Would this be appropriate under Charter amendments or
 4 would it be more appropriate under transitional
 5 provisions at this point, that once a Charter amendment
 6 is passed, then it's published immediately. Just a
 7 question.
 8 MS. BRODER: I think it's really your choice.
 9 MEMBER DE REGO: Okay.
 10 MEMBER DELEON: Point of order. It would be
 11 preferable if we get the seconds before we ask
 12 questions.
 13 MEMBER DE REGO: Okay. I'm sorry.
 14 MEMBER OKAMOTO: I seconded.
 15 CHAIR STONE: It was seconded.
 16 MEMBER DE REGO: That's why.
 17 MEMBER DELEON: I'm sorry. Okay. I didn't
 18 hear the second. Okay.
 19 MEMBER OKAMOTO: Because I'm so quiet.
 20 MEMBER DE REGO: That's why I asked. Yeah.
 21 CHAIR STONE: Commissioner DeLeon, I'm going
 22 to rename myself Roberts.
 23 (Laughter.)
 24 MEMBER DELEON: As it should be, sir.
 25 CHAIR STONE: So any further discussion on

1 this motion?
 2 (No Response.)
 3 CHAIR STONE: No further discussion, let's
 4 take a vote. Lisa, roll call.
 5 MS. KAHUHU: Member Wiger.
 6 MEMBER WIGER: Yes.
 7 MS. KAHUHU: Member Sugimura.
 8 MEMBER SUGIMURA: Yes.
 9 MS. KAHUHU: Member Okamoto.
 10 MEMBER OKAMOTO: Yes.
 11 MS. KAHUHU: Member Moikeha.
 12 MEMBER MOIKEHA: Yes.
 13 MS. KAHUHU: Member Hashimoto.
 14 MEMBER HASHIMOTO: Yes.
 15 MS. KAHUHU: Member Hedani.
 16 VICE-CHAIR HEDANI: Yes.
 17 MS. KAHUHU: Member DeLeon.
 18 MEMBER DELEON: Yes.
 19 MS. KAHUHU: Member De Rego.
 20 MEMBER DE REGO: Yes.
 21 MS. KAHUHU: Member Crivello.
 22 MEMBER CRIVELLO: Yes.
 23 MS. KAHUHU: Member Baxa.
 24 MEMBER BAXA: Yes.
 25 MS. KAHUHU: Chair Stone.

1 CHAIR STONE: Yes.
 2 MS. KAHUHU: Motion passes. Unanimous.
 3 CHAIR STONE: Thank you very much. Motion
 4 passes.
 5 And congratulations, everybody, we made our
 6 first run through the Matrix. Very good job. Very,
 7 very good job.
 8 MEMBER WIGER: Wonderful.
 9 CHAIR STONE: All right. Moving back to our
 10 agenda, if you can find it. Under Old Business, we have
 11 none.
 12 I do have to point out that I'm going to have
 13 to give up my name Roberts because I forgot our
 14 attendance, actually.
 15 MEMBER WIGER: The attendance at the
 16 beginning.
 17 CHAIR STONE: Lisa, would you please, as a
 18 point of order, (inaudible) Roberts?
 19 (Laughter.)
 20 CHAIR STONE: Thank you.
 21 MEMBER DE REGO: Back onto the roll, here.
 22 CHAIR STONE: That's bad. Okay. So moving on
 23 to --
 24 MEMBER DE REGO: See what happens when Ed --
 25 CHAIR STONE: -- New Business, discussion on

1 communication items. Commissioners, do we have any
 2 discussion on communication items?
 3 (No Response.)
 4 CHAIR STONE: No further discussion. Thank
 5 you.
 6 So under Announcements, our next meeting date
 7 and discussion on next meeting agenda items. Next
 8 meeting, regular meeting -- and, again, it's subject to
 9 change, but I don't think I'm going to be changing it --
 10 Monday, October 10th, 2011, time 10:00 a.m. here in the
 11 Planning Conference Room, Kalana Pakui Building.
 12 I do have a Commissioner that would like to
 13 discuss calendaring.
 14 MEMBER OKAMOTO: Well, I was the one --
 15 CHAIR STONE: I'm sorry. One second. Is
 16 October 10th a holiday?
 17 MEMBER WIGER: No.
 18 MEMBER OKAMOTO: It may be a federal one.
 19 MEMBER MOIKEHA: Not for us.
 20 CHAIR STONE: Okay. Commissioner Okamoto?
 21 MEMBER OKAMOTO: Well, I think we moved to
 22 10:00 more for my being able to stay later. I am
 23 willing to just stay over if it makes it easier. I know
 24 that Judge Baxa had -- it was a little difficult to come
 25 at 10:00. So if we wanted to go back to the 12:00 and

1 go until 5:00, I'm okay with that. So whatever the
 2 group -- I'll work it out.
 3 CHAIR STONE: Commissioners, any general
 4 feelings towards that?
 5 MEMBER DELEON: Mr. Chair?
 6 CHAIR STONE: Yes.
 7 MEMBER DELEON: I don't think we should be
 8 bouncing around, as much as possible.
 9 CHAIR STONE: Agreed.
 10 MEMBER DELEON: There are lots of people who
 11 want to testify.
 12 CHAIR STONE: Agreed.
 13 MEMBER DE REGO: Yeah, exactly.
 14 CHAIR STONE: I agree.
 15 MEMBER DELEON: Because they anticipated
 16 12:00.
 17 CHAIR STONE: I agree.
 18 MEMBER DELEON: If we bounce back to 12:00 or
 19 some other hour, then we throw them off.
 20 CHAIR STONE: Good. Very good. We're going
 21 to keep it at 10:00 a.m., because I just told some
 22 members of the public today, who came at 12:00, that
 23 we're now at 10:00. And to bounce it back would be
 24 dangerous. Okay.
 25 Any other discussions before we adjourn?

1 Commissioner Moikeha.
 2 MEMBER MOIKEHA: What is -- I'm going to
 3 assume that we're going to get started again and follow
 4 the same format.
 5 CHAIR STONE: Now we have our Active List. I
 6 think -- okay. Let me -- of course, Sherry, chime in
 7 here, but we're going to, obviously, have new proposals
 8 coming into the Matrix. Correct?
 9 MS. BRODER: I think -- yeah. There were a
 10 couple, two or three, today. What I'll do is I'll write
 11 a cover letter, put the 2 and 3 -- I'll have to read the
 12 transcript so I can be sure -- and I'll generate a new
 13 list based on what you did today, new Active List.
 14 MEMBER MOIKEHA: So it will look something
 15 similar to this?
 16 MS. BRODER: Yes.
 17 MEMBER MOIKEHA: Okay.
 18 MS. BRODER: But it's, right now, it's pretty
 19 much done. It's eight pages.
 20 MEMBER MOIKEHA: Okay.
 21 CHAIR STONE: So just a point I would like to
 22 discuss, actually, because what's going to be happening
 23 is we're going to have new proposals coming on with our
 24 active proposal list already out there to the public.
 25 So I believe we should work through the new proposals

1 right as we get them, then go back to our Active List.
 2 Would that make the most sense here? No? Commissioner
 3 Moikeha, what's --
 4 MEMBER MOIKEHA: I would suggest that we
 5 always start where we left off, we're going to have a
 6 new Active List, and we just decide now, are we going to
 7 take that in chronological order as it appears here, as
 8 we've done, and that we will know that we, on the next
 9 go-round, will be talking about, for instance, district
 10 voting. I'm okay with her listing every one that got
 11 moved today, but, after the next time, I don't think we
 12 have to keep listing each individual proposal that got
 13 moved. I'm not sure -- maybe it's a reminder for people
 14 what got moved. I don't know. I just want -- I just
 15 want it to be clear that the first thing we discuss will
 16 be the general discussion on district voting, and, yes,
 17 all these things got moved under there, but I don't want
 18 to get stuck on saying we're going to start voting on
 19 each one of those little things again. I just don't
 20 want to see us do that.
 21 When I mentioned format, I'm also talking
 22 about that, right after public testimony, we defer
 23 acceptance of the communications -- or discussion of the
 24 communications -- sorry -- and then get right to work.
 25 And --

1 CHAIR STONE: Which we did this time.
 2 MEMBER MOIKEHA: Yeah. That's what I'm
 3 saying. I'm asking that we continue the process.
 4 CHAIR STONE: Oh, yes. Of course.
 5 MEMBER MOIKEHA: That, I think, works really
 6 well.
 7 CHAIR STONE: It works out very well; however,
 8 I do have concern. When we get the new proposals in,
 9 obviously, we don't want to muddy the waters with the
 10 Active Proposal List. So I guess you're -- that would
 11 be the most logical thing to do, is move directly into
 12 our active proposals.
 13 MEMBER MOIKEHA: And then anything that comes
 14 in new, just like we did today, we can address it at the
 15 end.
 16 And I'm very comfortable with having the
 17 Analyst look at these things and just move 'em there. I
 18 doubt very highly you're going to get anything that is
 19 totally new, that we haven't discussed already by this
 20 process today. If it is, and it's a question to her,
 21 then -- then have a place where we'll talk about it that
 22 day. Like there were several today, you know, that just
 23 fit right automatically in there, which she wouldn't
 24 have known until we went through this process.
 25 CHAIR STONE: Agreed. I think it's important,

1 though, to point the new ones out, how we deal with 'em,
 2 obviously, can be in that method. If it's clearly
 3 nothing new, then we ignore it. If it's something
 4 stunningly new, then we take it into consideration. I
 5 do think, though, I want the public to still feel open
 6 to bring in their proposals to us. That's -- that's the
 7 primary reason. So, Commissioner Hashimoto.
 8 MEMBER HASHIMOTO: Yeah. I wanted to suggest
 9 that perhaps any new proposals that we get, that are
 10 completely different from something we've seen before,
 11 we could just make that New Business and just take care
 12 of it that way.
 13 CHAIR STONE: I believe that's what Susan was
 14 suggesting.
 15 MEMBER HASHIMOTO: Oh, I see. I'm sorry.
 16 CHAIR STONE: That's what we'll do. Okay.
 17 Great, guys.
 18 Any further discussion? Commissioner Okamoto.
 19 MEMBER OKAMOTO: Are we going to get the
 20 updated Matrix before we show up next time?
 21 MS. BRODER: Yes.
 22 MEMBER OKAMOTO: So it will come in our
 23 packets, we'll have a chance to review it?
 24 MS. BRODER: Yes.
 25 MEMBER OKAMOTO: Okay. Thank you.

1 CHAIR STONE: What I think she meant was the
 2 Active List, the updated Active List. Right?
 3 MEMBER OKAMOTO: Yes.
 4 CHAIR STONE: Because we're going to keep the
 5 draft Matrix and add on the new proposals to the draft
 6 -- to the original Matrix. Right?
 7 MS. BRODER: Yes. I'll have the Active List
 8 to -- yeah, probably next week Monday. So you will get
 9 it with your packet.
 10 And I just wanted to say what I saw today were
 11 three new proposals. Two -- one was another district
 12 election proposal. One was the one that Commissioner De
 13 Rego brought up about the County Auditor from the COG.
 14 So, I mean, those are both things that are already on
 15 your Active List. The only new thing, really, was
 16 Kahoolawe.
 17 CHAIR STONE: I think that we feel comfortable
 18 to allow, like if it's -- if it's already in a general
 19 discussion topic, bring it into our general discussion
 20 topic.
 21 MS. BRODER: Just put it on the list.
 22 CHAIR STONE: Exactly.
 23 MS. BRODER: So should -- why don't we just
 24 decide right now? Shall I add those two, the ones that
 25 are already in the Active List, to the list, and I'll do

1 the Kahoolawe one separately?
 2 CHAIR STONE: We can agree on that.
 3 MS. BRODER: Okay.
 4 CHAIR STONE: Very good.
 5 MEMBER DELEON: Mr. Chair?
 6 CHAIR STONE: Yes, Commissioner DeLeon.
 7 MEMBER DELEON: The caution is that it has to
 8 be something we heard or accepted in some form, so we'd
 9 have some knowledge of it before it summarily gets moved
 10 in some form or other. So as long as it's been on the
 11 record someplace to us, so that we know it exists.
 12 MS. BRODER: Well, I'm just doing what we did
 13 today.
 14 MEMBER DELEON: Right.
 15 MS. BRODER: We discussed that now, and you
 16 cleared it with me. So tell me what to do.
 17 MEMBER DELEON: Good.
 18 MS. BRODER: Okay.
 19 CHAIR STONE: Commissioner -- I'm sorry.
 20 Commissioner Wiger, you had your hand up.
 21 MEMBER WIGER: Yes. I was just going to let
 22 my colleagues know that something that was planned long
 23 before I ever got on the Charter Commission, which is a
 24 anniversary trip for our 37th wedding anniversary, but
 25 I'm going to be away for three weeks. We're going on a

1 cruise, a big cruise.
 2 CHAIR STONE: Congratulations.
 3 MEMBER WIGER: What, on the cruise or the
 4 37th?
 5 MEMBER OKAMOTO: Both.
 6 MEMBER WIGER: And I realize that that means
 7 that I won't be voting; however, I'm wondering if, as I
 8 get the information from Lisa on the email, you'll have
 9 information, because I'm bringing my computer with me,
 10 and my phone and my iPad -- oh, yes, I do all the
 11 time -- that if I might -- if I might --
 12 MEMBER DE REGO: Is your husband going to feel
 13 ignored on the cruise?
 14 MEMBER WIGER: Yeah. I love this so much, I
 15 can't be without it, Frank. Might -- might I make
 16 commentary and send it off to Lisa and the Chair, you
 17 know, and then you can -- good, bad or indifferent.
 18 MEMBER DELEON: Flo, when are you leaving?
 19 MEMBER WIGER: Pardon?
 20 MEMBER DELEON: When are you leaving?
 21 MEMBER WIGER: Sunday.
 22 MEMBER DELEON: This Sunday?
 23 MEMBER WIGER: This Sunday, with enthusiasm.
 24 MEMBER DELEON: So you'll miss the next
 25 meeting?

1 MEMBER WIGER: I'll miss the next meeting.
 2 MS. BRODER: I think we have to check in the
 3 Sunshine Law as to whether or not -- I mean, you can
 4 always submit anything as a communication.
 5 MEMBER WIGER: Right. Right.
 6 MS. BRODER: A written communication.
 7 MEMBER WIGER: Right. Right. I would just --
 8 I would do an email to Lisa and -- no, I realize that I
 9 can't vote, but I would do an email to Lisa just giving
 10 information, if that's appropriate.
 11 CHAIR STONE: Of course, anything to Lisa just
 12 goes into public record, so that's fine.
 13 And congratulations. 37 years, good job.
 14 Any further discussion? Commissioner Moikeha.
 15 MEMBER MOIKEHA: Yeah, I have some concerns as
 16 when we delve into this Active Proposal List, will that
 17 be a time that we would want requests of other people to
 18 come, to be there as a resource? I mean, how is this
 19 going to work?
 20 I did not like what happened today, that the
 21 Mayor was called down here by an individual when it
 22 never was discussed that we, as a body, requested him to
 23 be here. It's, unfortunately, a waste of his time to be
 24 called down here for nothing. And I just prefer
 25 anything that affects this body as a whole should be

1 discussed as a whole.
 2 I'm bringing this up in anticipation that
 3 there may be or may not be resources that we will want
 4 as part of the discussion. So at this time I'm asking
 5 the Chair and for this body to discuss how we're going
 6 to handle that.
 7 CHAIR STONE: Very good. Very good question.
 8 I believe we're leaving the entire active list on the
 9 agenda and we are going -- what I would like to do is
 10 work through it chronologically -- I'm sorry --
 11 numerically. And it seems the wisest way to go. It
 12 works very well today. And so, basically, looking
 13 forward, what we're going to be tackling, once we have
 14 the Active List, it's very important for the
 15 Commissioners to begin understanding what kind of
 16 information they need and to put the request as soon as
 17 possible to us, and we do the very best we can. And if
 18 we don't have enough information, the Commissioners as a
 19 majority don't feel they have enough information, then
 20 we step to the next part of the list before -- we have
 21 to make -- we have to make informed decisions. This is
 22 the go time now. So I totally understand what you're
 23 saying. And look forward down that list and determine
 24 what you guys need.
 25 And as we move forward, we're going to run

1 into -- we're going to run into situations where we
 2 don't have the information. We're going to have to put
 3 the request in at that time and hold off until we have
 4 the information.
 5 Anybody else, any other -- it's going to have
 6 to be a bit of a work in progress. I think if we're
 7 proactive, the more proactive we have, the better chance
 8 we have of getting it done in a timely fashion. So
 9 thanks very much.
 10 MEMBER MOIKEHA: Okay. Thank you. I
 11 appreciate that.
 12 CHAIR STONE: Any further discussion?
 13 (No Response.)
 14 CHAIR STONE: No? Commissioner De Rego, you
 15 look a little antsy.
 16 MEMBER DE REGO: Yeah. I have some questions.
 17 And I just want to build on what Susan is saying. That
 18 although we're working things through chronologically, I
 19 have a concern that if we get bogged down on a certain
 20 issue that other important issues, where there would be
 21 more agreement on the commission to move forward on,
 22 would get lost somehow and that we would not have the
 23 time or the energy to get to them. So -- and I'll be
 24 explicit about this. I think, from what I've heard, but
 25 I don't want to assume, that, you know, a discussion of

1 the biennial budget might go a little quicker, let's
 2 say, than district voting. Okay. So I think we also
 3 have to be flexible in terms of scheduling our time. I
 4 think chronologically, it's -- I mean, in terms of how
 5 they show up in the Charter is good, but I don't think
 6 we should be wedded to that totally, simply because
 7 there might be some issues that we can agree upon that
 8 we can move forward on a lot more quickly than others.
 9 So I want to put that out as well in terms of looking at
 10 process.
 11 CHAIR STONE: So, Commissioner De Rego, would
 12 you suggest that we hold district voting to the end?
 13 MEMBER DE REGO: I'm not saying that. I'm
 14 saying that that's something that we need to come to as
 15 we look at the issues as a whole. If it's taking too
 16 much time, we need to maybe defer it to a later time and
 17 then schedule it then. Because I don't want to -- I
 18 don't want to mess up the chronology at this point,
 19 right? But what I would say is that there's some issues
 20 that I think we would agree on and move quicker on much
 21 quicker than others.
 22 So maybe the Chair, along with the Legislative
 23 Analyst, might look at our discussions, might even
 24 present a list in that sense of some of the issues that
 25 we might go through a lot quicker than others. And then

1 do it that way. And -- and then move from there. So I
 2 -- I guess I'm saying deal with it as it comes, but be
 3 flexible.
 4 CHAIR STONE: That's a good point.
 5 MR. KUSHI: I just want to make sure that most
 6 of the Commissioners are comfortable if we do decide to
 7 go that method. It's something Sherry and I can
 8 discuss, for sure. Because the idea is to get as much
 9 done as we can without getting bogged down.
 10 MEMBER OKAMOTO: I think one of the things
 11 that Susan brought up before is, if we have rules
 12 saying, okay, everybody can speak once before everybody
 13 else gets a chance, if you realize, as the Chair, that
 14 we're just spinning, spinning, spinning, then you may
 15 say, well, let's just table this until the next time and
 16 go on to some other issues. Because I would hate to see
 17 us get -- and I don't think it's -- I mean, there are a
 18 few --
 19 MEMBER DE REGO: Few, yeah. No. I agree.
 20 MEMBER OKAMOTO: We all know one of them, and
 21 I think there's two or three that are going to be real
 22 discussion ones. And sometimes we can discuss for an
 23 hour and then, the next time we come back, everybody's
 24 kind of got their -- a better frame of reference.
 25 MEMBER BAXA: Mr. Chair?

1 CHAIR STONE: Yes. Thank you very much,
 2 Commissioner. Commissioner Baxa, please.
 3 MEMBER BAXA: I just have this to say: I
 4 think at this time we have heard a lot of the issues
 5 before us. I don't think it will take us a lot of time
 6 to decide on the issues. No. I mean, we have heard so
 7 much, you know, we are ready to make a decision. I hope
 8 so.
 9 CHAIR STONE: Very good. Thank you. That's a
 10 good way to end the meeting. Yes. Yes, Commissioner.
 11 MEMBER DELEON: Something that Kay said just a
 12 moment ago that struck me as like, you know, go for an
 13 hour and see what you got. Maybe that would be the
 14 criteria, if we are hung up in an hour, just, you know,
 15 step away from that one and move on to the next one.
 16 CHAIR STONE: Got it. Okay. Very good input.
 17 Very good. Commissioner Molkeha.
 18 MEMBER MOIKEHA: And, again, to Robert's
 19 Rules, I mean, if you allow each person to say what they
 20 got to say on a subject, and you keep that going as kind
 21 of your guide through the conversation, then we're not
 22 debating each other. And I think that's where we get
 23 hung up, because, you know, there feels the need to have
 24 to address everything somebody else says. If we just
 25 state what our views are and we go around the table and

1 then go through another cycle, then it doesn't become
 2 about individuals debating. And it's just about their
 3 views being put out on the table for food for thought
 4 for everyone, and you take it where you want it to go.
 5 CHAIR STONE: I think that's a start to it,
 6 yes. But at a certain point, when we are generating our
 7 final proposals, we have to debate. So, yes.
 8 MEMBER MOIKEHA: I think you can debate the
 9 issue without having to debate --
 10 CHAIR STONE: Back and forth.
 11 MEMBER MOIKEHA: -- individuals. That's what
 12 I'm saying. That's when time -- when you allow each
 13 person to keep addressing the other person on the view.
 14 CHAIR STONE: Very good. Yeah.
 15 MEMBER DE REGO: Chair?
 16 MEMBER MOIKEHA: That's why we end up with a
 17 very long discussion.
 18 CHAIR STONE: Very good. Thank you.
 19 Commissioner De Rego.
 20 MEMBER DE REGO: Chair, I would say that it
 21 behooves you to keep -- stick by our rules, you know.
 22 And one of the rules says that we have two interventions
 23 per subject, I mean, and keep it to that, and then, you
 24 know, start off with that.
 25 CHAIR STONE: Commissioner De Rego --

1 MEMBER DE REGO: And I'm -- I'm asking myself
 2 to be limited here.
 3 (Laughter.)
 4 MEMBER DE REGO: I'm inviting the limits at
 5 this point.
 6 CHAIR STONE: If that is not the pot calling
 7 the kettle black.
 8 MEMBER DE REGO: It's an act of sacrifice, I
 9 can tell you.
 10 MEMBER WIGER: Chair?
 11 CHAIR STONE: Yes, Commissioner Wiger.
 12 MEMBER WIGER: Spoken as a really good
 13 therapist.
 14 (Laughter.)
 15 CHAIR STONE: Commissioner Hedani.
 16 VICE-CHAIR HEDANI: I would just like to say
 17 congratulations to the Chair for keeping control of the
 18 meeting. It's 4:00 and we've actually covered all of
 19 the items that were proposed.
 20 MEMBER DE REGO: Yes.
 21 VICE-CHAIR HEDANI: And having excellent
 22 control over a very boisterous and cantankerous group.
 23 (Laughter.)
 24 CHAIR STONE: Thank you. The trick is being
 25 louder than everybody else. Thanks very much,

1 Commissioner Hedani. I appreciate that.

2 MEMBER DE REGO: Especially our most
3 boisterous member, Wayne Hedani.

4 (Laughter.)

5 CHAIR STONE: With that said,--

6 MEMBER WIGER: Thank you for the pizza.

7 CHAIR STONE: Oh, yeah, you're very welcome.

8 The no name pizza, you guys are very welcome. And the
9 next time, I'll come up with something else, next
10 meeting.

11 So with that said, I can't believe it, but,
12 without objection, I am going to be adjourning this
13 meeting at 4:00.

14 Thank you guys for a fantastic day. And thank
15 you to the staff for holding out. It's much
16 appreciated. Akaku, thank you very much for being here
17 for this entire duration as well.

18 (Meeting adjourned, 4:00 p.m.)
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1 CERTIFICATE

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

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

15 DATED this 5th day of October, 2011.
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20 Tonya McDade
21 Certified Shorthand Reporter #447
22 Registered Professional Reporter
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