

COUNTY OF MAUI, STATE OF HAWAII

APPROVED 10/24/2011

CHARTER COMMISSION

REGULAR MEETING

Held at the Planning Department Conference Room,
250 South High Street, Wailuku, Maui, Hawaii, commencing
at 10:00 a.m., on Monday, October 10, 2011.

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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

STAFF PRESENT:

Ms. Sherry P. Broder, Commission Analyst
 Edward Kushi, Jr., First Deputy Corporation Counsel
 Lisa Kahuhu, Supervising Law Technician

ADMINISTRATION PRESENT:

Michael Molina, Executive Assistant to the Mayor

OTHERS PRESENT:

Mary Cochran
 Fire Chief Jeffrey Murray
 Thomas Croly
 Sylvia Cabral
 Roy Vandoom
 Veronica Cheromcka
 Peter Davis
 Bob Lightbourn
 Steve Parker
 Wendy Osher
 Bruce Faulkner

(Monday, October 10, 2011, 10:00 a.m.)

CHAIR STONE: I would like to say hello to everyone for attending this public meeting of the Charter Commission. My name is Josh Stone, and I am the Chairman of the Commission. If you need, there are copies of today's agenda as well as copies of the Charter here with Lisa Kahuhu. Lisa, could you raise your hand, please? So if you need that, please see Lisa.

Before we begin public testimony, we have a few items of business to address. First, I would like to call this meeting to order as of 10:00 a.m., and recognize our Commissioners that are present or excused.

MS. KAHUHU: Chair, Flo Wiger will be excused today, and we hope to see Stephanie soon.

CHAIR STONE: Okay. Very good. Thank you. Stephanie didn't say she wasn't coming, right?

MS. KAHUHU: No.

MEMBER DELEON: Stacy.

CHAIR STONE: Stacy.

MS. KAHUHU: Sorry.

CHAIR STONE: It's all right. She goes by both.

Also, I would like to present our staff today.

We have Ed Kushi, Jr., back from sick leave. Ed, good to see you. He's our Deputy Corporation Counsel. We also have Lisa Kahuhu, again, Supervising Law Technician. Tonya McDade, our court reporter. Tonya.

And, Lisa, do we expect EA today?

MS. KAHUHU: I didn't hear, so I'm not sure.

CHAIR STONE: Okay. No problem. Hopefully, we get a EA from the Mayor's Office.

Also, I'd like to welcome Sherry Broder who is our Commission Analyst. Thank you, Sherry, for being here. And thank you very much to Akaku for being here to televise this to the public. Much appreciated.

MEMBER DELEON: There's Michael.

CHAIR STONE: Ah. And, punctually, from the Mayor's Office, Michael Molina.

MR. MOLINA: Good morning.

CHAIR STONE: EA to the Mayor. Thank you, Mike, for being here.

I would like to take this time to approve the minutes from our last meeting. Are there any -- yes, please.

MEMBER OKAMOTO: Mr. Chair, I had a question.

And I don't know if anyone else can answer it. There were a couple things that I did pass over, but, on Page 36, when Greg Jenkins was testifying, Line 14, 15, and

there was something about consideration of a 13-2. I just didn't know what -- I couldn't remember what that meant.

MEMBER DELEON: Mr. Chair?

CHAIR STONE: Yes, Commissioner DeLeon.

MEMBER DELEON: That refers to the Charter, Boards and Commissions, under 13-2, General provisions.

MEMBER OKAMOTO: So he was talking about the section?

MEMBER DELEON: Section in the Charter.

MEMBER OKAMOTO: Thank you. Thank you.

CHAIR STONE: Does that answer your question?

MEMBER OKAMOTO: Yes, it does.

CHAIR STONE: Okay. Very good. Do I have a motion?

VICE-CHAIR HEDANI: Move to approve.

CHAIR STONE: I have a motion to approve from

--

MEMBER DE REGO: Second.

MEMBER SUGIMURA: Second.

CHAIR STONE: I have a second. Very good.

Any discussion -- any further discussion on this?

(No Response.)

CHAIR STONE: All in favor of approving the minutes, please say "aye."

1 (A chorus of ayes.)
 2 CHAIR STONE: Very good. The minutes are
 3 approved. I know, it's just 10:00.
 4 We'll now move on to oral testimony. Before
 5 we begin, I would like to go over our oral testimony
 6 rules. We'll call up each public testifier in the order
 7 that they registered to testify. Each person will have
 8 five minutes to testify on all items in our agenda
 9 today. Following a testifier's testimony, I will ask
 10 Commissioners if they need clarification of the
 11 presented testimony.
 12 Lisa, please introduce our first testifier.
 13 MS. KAHUHU: Thank you, Chair. First
 14 testifier is Mary Cochran.
 15 CHAIR STONE: Hello, Mary. Thank you for
 16 being here.
 17 ...BEGIN PUBLIC TESTIMONY...
 18 MS. COCHRAN: Good morning. Thank you, all of
 19 you, for the services you're doing for our County. It
 20 is -- after all, the Charter is our local constitution
 21 and does have far-reaching effects, politically,
 22 socially, economically. So I can imagine that it has
 23 not been easy, looking at the makeup of this panel. So
 24 thank you.
 25 I only want to talk about two topics. One

1 very briefly. And I imagine that you guys have already
 2 discussed this at length, but just as a -- just to say
 3 what I feel about that, the proposed Charter amendment
 4 of district voting.
 5 Now, I'm sure, with Judge Baxa over there,
 6 that you guys have been made aware of the legal
 7 precedence with respect to the principle of one man, one
 8 vote, as required by the Fourteenth Amendment of the
 9 United States Constitution and articulated by the Court
 10 in two cases, Reynolds v. Sims, and Avery v. Midland
 11 County. Which, by the way, yeah, we want to be like the
 12 mainland, we want to be like Avery v. Midland County
 13 where the court required one man, one vote and
 14 district-wide -- I mean, at-large voting. Now, to me,
 15 district voting under these two cases could not
 16 withstand legal challenge. And I can guarantee that if
 17 this panel decides they want to put it as a proposed
 18 Charter amendment, that -- and for some miracle, it
 19 should pass, you can almost guarantee there's going to
 20 be some legal challenge to this. And there is precedent
 21 to uphold not doing it.
 22 Now, the other reason that I want to talk
 23 about -- and I understand I've got more than three
 24 minutes, right?
 25 CHAIR STONE: Five minutes.

1 MS. COCHRAN: Okay. To me, we have four more
 2 amendments that need to be made. And I speak of
 3 establishing, number one, a County Auditor position
 4 similar to that of the position held by the Legislative
 5 Auditor Marion Higa for the State. Now, such a position
 6 would go beyond what currently exists within the power
 7 of the County of Managing Director or the different
 8 department heads to assess and evaluate our County
 9 systems.
 10 Does it have to be a full-fledged department?
 11 Not necessarily so. But that the Council, or whomever
 12 you deem can make the appointment, can appoint from time
 13 to time, as need be, an independent auditor that
 14 assesses, that evaluates and recommend, if necessary, a
 15 repertoire of changes to make our County government far
 16 more efficient and far more responsive to the needs of
 17 our economic and social needs. I'll give you an
 18 example. The last time the Charter was amended, you
 19 have a Chapter 16, the Cost of Government Commissions.
 20 So -- so who oversees the overseer? And to me, an
 21 independent auditor on the same level as Marion Higa,
 22 who we all respect and admire, you know, should be at
 23 least seriously considered.
 24 For example: If you want more transparency
 25 and more accountability for the monies that we are

1 expending in the area of nonprofits -- I know that's a
 2 very sensitive area, but nevertheless, Maui County gives
 3 out \$30 million a year vis-a-vis Kauai which is about 7
 4 million, Oahu which gives out about 20 million. So from
 5 all the counties, this county is the -- the greatest --
 6 the grand daddy of them all, as far as I'm concerned.
 7 So if you have an auditor that can either validate the
 8 necessity of continuing such funding, or propose the
 9 elimination or streamlining with a rational basis or
 10 some funding for those nonprofits that replicate
 11 services. And we know it does exist. Okay. So --
 12 And then another thing, one final thing. I
 13 think I'm closing in on my five minutes. Now, too many
 14 amendments can be frustrating to the ordinary voter,
 15 especially in a year, next year, we will be electing a
 16 president in addition to new congressional
 17 representatives, in addition to our local elections.
 18 And people get frustrated. They ignore the amendments.
 19 They look at it and say, "My God, am I in California or
 20 what." So they see all these amendments. And, you
 21 know, the unfair part for those that want to see it
 22 pass, a blank vote is, what, counted as a no vote.
 23 So be very judicious in amending our Charter.
 24 Because if something really -- especially with our
 25 changing times in Maui, we do have the County Council

1 who was the authority to -- to resolution to add to our
 2 Charter. So be very judicious in that is all I'm
 3 saying, is just don't have too many because they'll
 4 choke the ordinary voter. I know it chokes me. So
 5 please prioritize our amendments.
 6 And thank you very much for what you guys are
 7 doing. And know that this document carries the same
 8 weight as the Constitution of the United States and our
 9 State Constitution. Thank you.
 10 CHAIR STONE: Thank you, Ms. Cochran. Hang on
 11 one second. Commissioners, any clarification on the
 12 testimony? Commissioner DeLeon.
 13 MEMBER DELEON: Mary, I did not -- I didn't
 14 understand your first point. Are you saying that our
 15 current elective system would not withstand the test?
 16 MS. COCHRAN: Well, if you -- no, our current
 17 system will withstand. It's been in place there for
 18 years. But this proposal to make district voting, an
 19 example, Paia, Makawao, Haiku, district voting, to me,
 20 says only those voters in that area can vote for their
 21 representative, and not this at-large thing that we have
 22 currently.
 23 MEMBER DELEON: Okay.
 24 MS. COCHRAN: To me, the current system is
 25 legal. And, you know, it's been in place. So if

1 anybody wanted to challenge that, the challenge would
 2 have come a long time ago, to say, hey, this goes
 3 against the Fourteenth Amendment. But, no, the way it
 4 is right now, it falls squarely within the Fourteenth
 5 Amendment protection.
 6 MEMBER DELEON: Thank you.
 7 CHAIR STONE: Thank you. Any further
 8 clarifications? No. Thank you, Ms. Cochran, so much
 9 for being here.
 10 MS. COCHRAN: Thank you.
 11 CHAIR STONE: Lisa, next testifier, please.
 12 MS. KAHUHU: Fire Chief Jeff Murray.
 13 CHAIR STONE: Fire Chief, thank you very much
 14 for being here.
 15 CHIEF MURRAY: Thank you. Good morning,
 16 Chair. Good morning, Members. I am here to answer any
 17 questions that you may have. There have been some
 18 testifiers, whether they're County employees or members
 19 of the community, that have made some statements about
 20 our department. And I'm here to answer any of your
 21 questions that you may have.
 22 CHAIR STONE: Very good. Clarification,
 23 Commissioners? Any questions for the Fire Chief, since
 24 we have him down here, on the testimony presented?
 25 Commissioner Moikeha.

1 MEMBER MOIKEHA: I don't know if it's
 2 something we're going to get to today as we go through
 3 the proposals, but, when we do, if we could have you
 4 come back at that point in time.
 5 CHIEF MURRAY: Absolutely. That would be
 6 excellent.
 7 MEMBER MOIKEHA: Okay.
 8 CHIEF MURRAY: Because I'd like to be able to
 9 answer some misleading things that were said.
 10 CHAIR STONE: Very good. That, most likely,
 11 will happen. So when we get to that stage of the Active
 12 List, I have a feeling the Commissioners will request
 13 your presence.
 14 CHIEF MURRAY: All right. Thank you.
 15 CHAIR STONE: I do have Commissioner Hedani
 16 here.
 17 VICE-CHAIR HEDANI: Yes, Chief. Do you have
 18 any comments on what's been submitted so far?
 19 CHIEF MURRAY: Yes, I do, actually. If we can
 20 go to your active proposals, on -- starting at Page 4,
 21 Chapter 7.
 22 MEMBER MOIKEHA: Chair, can we have the date
 23 of that document that Mr. Murray is --
 24 CHAIR STONE: It was the last -- in our last
 25 packet handed out.

1 CHIEF MURRAY: Yeah, I believe it was October
 2 3rd.
 3 CHAIR STONE: It starts off -- yeah.
 4 CHIEF MURRAY: And there was a typo on that
 5 one, that it says the year 2100, yeah. I was a little
 6 -- I woke up and said, "Woah, I need to retire."
 7 (Laughter.)
 8 MEMBER SUGIMURA: What page again?
 9 CHIEF MURRAY: 4.
 10 MEMBER SUGIMURA: Page 4.
 11 CHAIR STONE: Page 4, Chapter 7.
 12 CHIEF MURRAY: Okay. On Item 8.7.1, and the
 13 deletion of Section 8-7.2 and Subsection 8-7.3, it
 14 shouldn't -- shouldn't the degrees be specified for this
 15 type of position and not a generic degree, if that's
 16 what is being asked here? And, also, would there be
 17 time allowed for our personnel within our department to
 18 work towards that?
 19 CHAIR STONE: Chief Murray, I don't mean to
 20 interrupt. I just -- as I recall, what we did when we
 21 came to this chapter -- or these -- these proposals was
 22 we just made a generic move all proposals to the Active
 23 List to discuss. So, basically, I think that -- correct
 24 me if I'm wrong, Commission, but I believe that we just
 25 moved all proposals to that Active List to discuss. So

1 nothing -- that Active List includes every spectrum of
 2 what was proposed for Fire and Public Safety.
 3 CHIEF MURRAY: All right. Thank you. I just
 4 didn't want to miss an opportunity to speak.
 5 CHAIR STONE: Of course. Of course.
 6 CHIEF MURRAY: On the 26th, I was off island,
 7 so I was unable to be here to represent our department.
 8 CHAIR STONE: I can see how you might be
 9 surprised when you opened the Active List. Okay. So
 10 that is the case. So when we get to this, I think it's
 11 -- that would be the appropriate time to really bring in
 12 the Chief, don't you think?
 13 MEMBER DELEON: Yeah, that's what I was going
 14 to say.
 15 CHAIR STONE: Commissioner DeLeon.
 16 MEMBER DELEON: Rather than go through this
 17 step right now --
 18 CHAIR STONE: Right.
 19 MEMBER DELEON: -- let's set a time and ask
 20 him to come back at a particular time.
 21 CHAIR STONE: Yeah. Let's see how we do today
 22 on the Active List and then we'll be able to set that.
 23 But we assure you, you'll be called, for sure.
 24 CHIEF MURRAY: Appreciate it. Thank you very
 25 much. Have a nice day.

1 CHAIR STONE: Thank you. Have a fantastic
 2 day.
 3 Lisa, next testifier, please.
 4 MS. KAHUHU: Thomas Croly.
 5 CHAIR STONE: Mr. Croly, thank you for coming
 6 today.
 7 MR. CROLY: Aloha, Commission. My name is
 8 Thomas Croly, I'm testifying today on my own behalf.
 9 Corrupt, a word that should have no place in
 10 government. Naive, perhaps, to believe that it doesn't.
 11 But nevertheless, something that we should always be
 12 vigilant in watching out for.
 13 The word corrupt comes from Latin which
 14 means -- the Latin corruptus which means broken into
 15 pieces. Another definition is lacking integrity.
 16 We must do everything possible to avoid
 17 allowing our elective system from becoming corrupt. Yet
 18 I would put forward that the system that we now have to
 19 elect our County Council is just that, it's a corrupt
 20 system. It's broken.
 21 I know this may seem a bit extreme to hear,
 22 but as I look at the process that we've been using over
 23 the past 20 years here in Maui County, this is the
 24 conclusion that I've drawn. I say this because when I
 25 look at the choice the voters have been given in

1 electing the representative from Molokai, for eight of
 2 the past nine elections, they haven't been given a
 3 choice. There's only been one choice on -- on the
 4 ballot. That's a problem. In Lanai, that's been the
 5 case three out of the last nine elections.
 6 I'm sorry. I lost my place here.
 7 For the current elective system to be just and
 8 fair, I would expect that the public would have the
 9 choice of at least two candidates for election and that
 10 each of these candidates would have an equal chance to
 11 be heard by the folks that are going to elect them.
 12 That means, under our current system, throughout the
 13 entire County.
 14 On our present system, it's not the case. For
 15 a candidate, with honest full-time residence on Molokai
 16 or Lanai to become heard by a majority of the voters, he
 17 or she would have to spend an extreme amount of time
 18 campaigning and engaging voters on the Island of Maui,
 19 since it's the voters from the Island of Maui who
 20 actually elect the representative from Lanai or Molokai.
 21 In fact, in most of the elections over the past 20
 22 years, the folks in Lanai and Molokai did not, by their
 23 choice, elect the person who -- who became their
 24 representative.
 25 There are more ways that our current system is

1 also corrupt, but there's no need to even look into them
 2 because corrupt is corrupt, and we need to fix it. I
 3 understand the difficulty in meeting the equal
 4 representation requirement and balancing the unique
 5 needs of our County's islands in the elective process.
 6 But there's one thing for certain, the current system
 7 must be changed. It's broken into pieces.
 8 The other thing is that the people should
 9 decide what that is. It shouldn't simply be decided
 10 here. It's the kuleana of this Charter Commission to
 11 put forward a choice for the voters to consider.
 12 Anything short of that would render this -- this Charter
 13 Commission to be corrupt.
 14 I look forward to hearing this Commission have
 15 a spirited debate on the alternative effective systems
 16 for choosing -- for the choice to be put on the ballot
 17 for -- for the voters in 2012.
 18 If I can mention one other issue that I
 19 brought up in previous testimony, that appears didn't
 20 make your cut, I just make a plea for it. And that is
 21 alternative commission members. For those commissions
 22 that have difficulty making quorum sometimes, or those
 23 commissions that are just so important that we need more
 24 than a bare quorum for them to do business, Planning
 25 Commission, the Cultural Resources Commission, the idea

1 of having alternative commission members, I think, would
 2 be a valid one.

3 Thank you.

4 CHAIR STONE: Thank you very much, Mr. Croly.
 5 Commissioners, any clarification on the testimony?
 6 Commissioner DeLeon.

7 MEMBER DELEON: Mr. Croly, when you speak to
 8 corruption in the system, are you talking about a
 9 structural problem, or as opposed to a people problem?

10 MR. CROLY: I think the -- first, let me make
 11 very clear, I'm not saying that any individual is
 12 corrupt. I don't want anyone to -- to, you know,
 13 misconstrue that I'm saying that -- that anyone who's
 14 been elected or that anyone in the system is corrupt.
 15 But the system itself is corrupted. I don't think that
 16 this system serves either the electorate or the
 17 candidate seeking office. It doesn't serve the
 18 candidate seeking office, as I already pointed out,
 19 because it's very, very difficult for a candidate to
 20 rise from an individual district and campaign
 21 island-wide. It's particularly more difficult for
 22 someone from Molokai or -- or Lanai to rise from being
 23 unknown and then campaign throughout -- throughout Maui.
 24 So this gives a huge advantage to the person who is the
 25 incumbent from either of these -- these places.

1 But it also doesn't serve the electorate
 2 because, every two years, the electorate has to go to
 3 the -- to the polling place and they have to make an
 4 educated decision, perhaps about nine different
 5 councilmembers. Of course, it hasn't been nine
 6 different councilmembers because, in many cases, there
 7 hasn't been another opponent put up. But if the system
 8 was working as it should, that means they need to
 9 research and make an educated choice of 18 different
 10 folks.

11 And just as Mary Cochran pointed out, if we
 12 give the voters too many things to choose from, it
 13 becomes difficult for them to make the choice. I hope
 14 that we don't have 18 ballot initiatives from -- from
 15 this Charter Commission. Can you imagine, you know,
 16 people going into the polling place and having to have
 17 all that information? They're going to need a whole
 18 notebook in order to keep that. And the same is true of
 19 our councilmembers. People can deal with, I like this
 20 councilmember over that councilmember as my district
 21 representative. That, I think the electorate is ready
 22 to do. I'm not sure the electorate is ready to say, I
 23 live in Hana and I think the best choice for the guy in
 24 Molokai is so-and-so.

25 MEMBER DELEON: Thank you.

1 CHAIR STONE: Thank you.
 2 Commissioner Sugimura.

3 MEMBER SUGIMURA: Mr. Croly, thank you very
 4 much for testifying. And I just wanted to make a
 5 general statement about your comments about
 6 Councilmember Mateo. As -- when we went to Molokai and
 7 heard from the Molokai community -- as you reference in
 8 your testimony that they were given the -- the community
 9 was giving -- given no choices because he ran unopposed,
 10 I think that the Island of Molokai said really loud and
 11 clear that they appreciated his work and so, therefore,
 12 they were satisfied that there was nobody else running
 13 against him. So maybe you think that, for the Island of
 14 Molokai, it looked unfair to not have another choice,
 15 but I think what we heard from the community -- and
 16 maybe Stacy can clarify -- is that they were happy with
 17 the services that he provided, so, therefore, there was
 18 nobody else running against him. So that was kind of
 19 the summary we heard from Island of Molokai.

20 MR. CROLY: If I could respond to that. I've
 21 never heard something so corrupt in my life. A small
 22 group of people said, we're satisfied with this guy, so
 23 there's no one else who should -- should necessarily put
 24 themselves forward. That, in and of itself, I think,
 25 makes my point. That's a corrupt system.

1 CHAIR STONE: Commissioner Crivello.

2 MEMBER CRIVELLO: Thank you, Mr. Croly, for
 3 testifying on behalf of Maui County. You know, I'm sure
 4 you're speaking on behalf of all of us. I'm a little
 5 puzzled how you can speak on behalf of the people of
 6 Molokai. It wasn't a small group -- I just want to
 7 correct you on that -- that spoke on -- on behalf of
 8 protecting their opportunities to have representatives
 9 from their island. But my question, since you seem to
 10 have so much knowledge on the election, all of the
 11 districts on Maui, aren't they mostly incumbents,
 12 anyway?

13 MR. CROLY: Our -- our system does typically
 14 favor the incumbent. And it's usually the incumbent who
 15 is reelected. But I'm not speaking on behalf of the
 16 people of Molokai. And it doesn't matter how many
 17 numbers that is. The representative from Molokai is not
 18 elected by the folks of Molokai. The representative who
 19 lives in Molokai is elected by all of the people of Maui
 20 County.

21 MEMBER SUGIMURA: Correct.

22 MEMBER CRIVELLO: Yes.

23 MR. CROLY: And it's all of the people of Maui
 24 County who should have the choice. It's not just the
 25 people of Molokai who should say, this is our choice,

1 the folks in -- in -- on Maui Island shouldn't have a
 2 choice, we've made ours. That is corrupt, my friend --
 3 my friends.

4 CHAIR STONE: Thank you. Commissioners, any
 5 further clarification? Commissioner Moikeha.

6 MEMBER MOIKEHA: Thank you for your testimony.
 7 So are you now saying that everyone should be a part of
 8 the process of electing all candidates?

9 MR. CROLY: Under our current system, that is
 10 the case. Okay. What we need to look at is how is our
 11 current system working, how well is it working. We --
 12 we have 20 years of experience, we can look back on that
 13 now. Right now, the current system says every person in
 14 Maui County has the -- has the -- the say in who gets
 15 elected to the Council. There's alternate systems that
 16 -- that will be brought to you, and I'm sure you're
 17 aware of, district voting and so forth, where individual
 18 districts will only vote for an individual.

19 MEMBER MOIKEHA: So let me clarify, so I
 20 understand. So you support that areas will be divided
 21 up by population, equal population, and that each area
 22 will vote for their own candidate as opposed to voting
 23 for the entire at-large?

24 MR. CROLY: Actually, I'm not testifying in
 25 support of any specific idea. Okay. I'd like this --

1 this Commission to bring forward ideas. And then, if
 2 the time is right, I might come back and say, I support
 3 this idea over that idea. But right now, what I'm
 4 supporting is that the Commission cannot ignore that our
 5 current system is not working and look at other systems
 6 and bring forward other choices for the voters to
 7 consider.

8 MEMBER MOIKEHA: Okay. And I don't think
 9 we're ignoring it. It has been moved to discussion, a
 10 general discussion of district voting. And it will be
 11 part of our agenda item today, to have that open
 12 discussion. I think your perception of corruption is
 13 subjective. And if you --

14 MR. CROLY: Of course.

15 MEMBER DELEON: Chair, point of order. This
 16 is being argumentative. This is not a question.

17 MEMBER MOIKEHA: Chair, I am not being
 18 argumentative.

19 CHAIR STONE: Hang on one second. Just --
 20 just let's continue and let's remember we have a lot of
 21 work to do today. So, obviously, we're not --

22 MEMBER MOIKEHA: I believe, Chair, for the
 23 record, I stated a question and the question was
 24 answered. Did you receive a question from me,
 25 Mr. Croly?

1 MR. CROLY: I -- I received a question,
 2 then --

3 MEMBER MOIKEHA: And you answered it.

4 CHAIR STONE: Order.

5 MEMBER MOIKEHA: I appreciate it.

6 CHAIR STONE: Order. Please, order.

7 MEMBER MOIKEHA: Thank you.

8 CHAIR STONE: Guys, come on.

9 MEMBER MOIKEHA: May I continue, Chair?

10 CHAIR STONE: Order. Yes. My point being is
 11 that this is to clarify testimony --

12 MEMBER MOIKEHA: Exactly.

13 CHAIR STONE: -- from the testifier, not to
 14 make statements.

15 MEMBER MOIKEHA: Exactly.

16 CHAIR STONE: So, please, if you have a
 17 question to clarify --

18 MEMBER MOIKEHA: So then let's have a point of
 19 order, because I heard several statements from previous
 20 Commissioners --

21 CHAIR STONE: Commissioner Moikeha --

22 MEMBER MOIKEHA: -- and Mr. --

23 CHAIR STONE: -- do you have a question?

24 MEMBER MOIKEHA: -- DeLeon --

25 CHAIR STONE: Commissioner Moikeha, please.

1 MEMBER MOIKEHA: -- feels the need to
 2 interrupt me?

3 CHAIR STONE: Commissioner.

4 MEMBER MOIKEHA: Why?

5 CHAIR STONE: Commissioner --

6 MEMBER MOIKEHA: Chair, request a break.

7 CHAIR STONE: -- do you have a question?

8 MEMBER CRIVELLO: Recess.

9 MEMBER DE REGO: Recess.

10 CHAIR STONE: Recess? No.
 11 Continue. Any more -- any further
 12 clarification for the testifier? Commissioner.

13 MEMBER OKAMOTO: You mentioned that you think
 14 the system is corrupt if there's only one person running
 15 for an office. I notice many times in the legislative
 16 realm there are -- all over Oahu, even sometimes here,
 17 there's only one person running. Would that system
 18 then, in your mind, also be corrupt?

19 MR. CROLY: On occasion, there's going to be
 20 situations where there's only one choice. And -- and
 21 that's fine. Okay. But when -- eight out of the last
 22 nine elections, there was only one choice. To me, that
 23 says something. And I agree that my -- that it's
 24 subjective as far as the level that -- that one would
 25 say something is corrupt.

1 My evaluation -- and that's exactly what my
2 testimony was -- is that I believe we have a corrupt or
3 broken system when the result of it is that eight out of
4 the nine last elections, there's only been one choice.

5 MEMBER OKAMOTO: Thank you.

6 CHAIR STONE: Further clarification?
7 Commissioner Moikeha.

8 MEMBER MOIKEHA: I would like to clarify what
9 you had said earlier. And if you could submit to this
10 body some documentation that shows that the process is
11 corrupt. For me and my weighing of the -- of
12 decision-making, I like to see some documented proof
13 that maybe it isn't just your perception.

14 MR. CROLY: Okay.

15 MEMBER MOIKEHA: So if you would be so kind to
16 be able to submit that, that would help clarify even
17 further for me.

18 My second question dealt with the alternatives
19 for commissions. And I believe you weren't here at that
20 time, but what we did is we put a general discussion
21 under boards and commissions, because we do feel that
22 that's something that has to have more conversation
23 about. I personally don't support alternatives, but
24 your testimony and your comment to bring forth helped me
25 clarify the position that maybe the whole thing needs to

1 be looked at.

2 Thank you.

3 CHAIR STONE: Thank you. Commissioners, any
4 further clarification?

5 MEMBER BAXA: Mr. Chair?

6 CHAIR STONE: Yes, Commissioner Baxa.

7 MEMBER BAXA: Mr. Croly, I appreciate all your
8 comments today. As all of us know, we have all the
9 freedom in this world to say what we want to say. And
10 you have that freedom. I myself give you the right to
11 say what you have said.

12 Let me just say -- ask you a question now.
13 You said that the system is corrupt, and that the small
14 people that gathered on Molokai and Lanai are not the
15 voice of the people. We just -- you say that it's
16 probably insignificant portion that we heard, is that
17 correct?

18 MR. CROLY: What -- what I said was if the --
19 a small group of people on -- or a large group of people
20 on Molokai, whatever, are the -- are the ones who make
21 the choice for the entire island of Maui County, that is
22 corrupt.

23 MEMBER BAXA: Yeah. Let me just add this,
24 though. The meetings on Lanai and Molokai were well
25 publicized. The people of Lanai and Molokai were asked

1 to come to the meetings to testify, to express their
2 view. Because we went there to listen to them. We
3 expected the people to be there. If they actually had
4 concerns, I hope that they did, for the people that went
5 there -- in fact, I can say for the record that among
6 all the communities in the county of Maui, I would say
7 that the number of people who attended the meetings on
8 Molokai and Lanai were the most as compared to the other
9 groups. So I would say that the representation that the
10 people of Molokai and Lanai were the most representative
11 because they had the most people.

12 I -- I would not have said anything, but to
13 have heard the word "corrupt" here, to me, is a very
14 serious matter. Integrity among us, between you and me,
15 is the most important thing that an individual in this
16 world can ever hope to have. (Inaudible) if this
17 Commission is going to return the present system, then
18 this Commission itself is corrupt. I hope that the day
19 will not come when this body will be actually corrupt.
20 I would rather that I am not a member of this
21 Commission.

22 Let me just end, though, that to say that
23 something is corrupt does not really mean that something
24 is corrupt. It is the perception from the individual.

25 Thank you very much.

1 MR. CROLY: We are in total agreement.

2 MEMBER BAXA: Thank you, sir.

3 CHAIR STONE: Thank you. Commissioners, any
4 further clarification?

5 (No Response.)

6 CHAIR STONE: Mr. Croly, thank you for your
7 testimony.

8 Lisa, next testifier, please.

9 MS. KAHUHU: Sylvia Cabral.

10 CHAIR STONE: Ms. Cabral, thank you for being
11 here today.

12 MS. CABRAL: Good morning. Sylvia Cabral,
13 speaking on my own behalf.

14 I'm here to ask that you vote for the district
15 voting and the term limits. And the most important
16 thing that I think Mr. Croly was trying to say,
17 actually, is it's just an expense, it's such an expense
18 and waste of time that councilmembers that we know, it
19 takes 'em a year to -- to meet their staff, to find out,
20 you know, how to do the -- all these forms. And the
21 term limit for four years would be a more efficient use
22 of the money.

23 And I think maybe people don't run on Molokai
24 and Lanai because of the cost and the expense of running
25 every two years.

1 I don't want to vote for somebody on Molokai
2 or Lanai. And I -- maybe I don't even -- I don't
3 remember, but maybe I don't even do it. Because why
4 would a person in Kula or Kihei have any idea or want to
5 spend the time researching what a person on Molokai or
6 Lanai needs?

7 So -- and as Mrs. -- Ms. Cochran said, the
8 most important thing, where it's really going to --
9 you're really going to feel it is in 2012, when 74 seats
10 are running for Congress, representative, council,
11 president, everybody's going to be running. Who is
12 going to be running the government? They're all going
13 to be campaigning, they're all spending billions and
14 millions and thousands and hundreds of dollars. And
15 it's just a more efficient use of our time and our
16 money.

17 Thank you.

18 CHAIR STONE: Thank you very much.
19 Commissioners, any clarification on the testimony?

20 (No Response.)

21 CHAIR STONE: No. Thank you so much for being
22 here.

23 Lisa, next testifier, please.

24 MS. KAHUHU: Roy Vandoorn.

25 CHAIR STONE: Mr. Vandoorn, thanks for being

1 here.

2 MR. VANDOORN: Good morning. My name is Roy
3 Vandoorn. And I currently live in the city of Wailuku.
4 Thank you for the opportunity to address this Commission
5 this morning. I'm here, also, to discuss and provide
6 input on district voting and councilmembers' term
7 limits.

8 Relative to district voting, let's just
9 imagine for a second we could have a completely blank
10 slate, and I was here this morning testifying in front
11 of you. And I provided a scheme where you had a group A
12 that had 3,000 people in it and we gave them a
13 representative, then we had group B with 7,000 people
14 and we gave them a representative, and we had group C
15 with 28,000 people, and we gave them a representative.
16 One of you, when you're having the discussion, would
17 clearly bring up the question of equal representation.
18 And the reason for that is, is that there is a group of
19 10,000 people that would have two votes on the Council
20 and a group of 28,000 people who would only have one
21 vote on the Council. And, Ladies and Gentlemen, that's
22 what we have today. That's exactly the situation that
23 we have today.

24 So regardless of if you believe -- if equal
25 representation or not equal representation is acceptable

1 or unacceptable, I respectfully request that you put it
2 on the ballot and let the people of Maui County decide
3 if equal representation is a way that they would like to
4 see their County Council structured.

5 Furthermore, please include that people only
6 vote for the person that's going to be representing
7 them. For me personally, I live in Wailuku, I don't
8 think I should have input on who represents Makawao.
9 That's a Makawao decision.

10 On the second issue of councilmember terms,
11 I'm in support of increasing the term limits to four
12 years, and limiting people to two-year terms. In other
13 words, a councilperson could only serve for total of
14 eight years, irregardless if they are consecutive terms
15 or nonconsecutive terms.

16 I believe the combination of district voting
17 and only -- and term limits will allow people to run for
18 public office. Because, right now, with all due respect
19 to our council people, you see them having lots of
20 fund-raisers where they have to get the funds so they
21 can campaign across the entire county and across all of
22 the islands. If we have district voting and limited
23 terms, the cost of running for office would be reduced,
24 and it would open the opportunity to many more people,
25 giving them an opportunity to run and, hopefully, serve

1 on our Council.

2 Thank you again for allowing me to address
3 your Commission.

4 CHAIR STONE: Thank you very much.
5 Commissioners, clarification? Commissioner
6 Crivello.

7 MEMBER CRIVELLO: Good morning.

8 MR. VANDOORN: Good morning.

9 MEMBER CRIVELLO: Thank you for testifying.
10 Are you of the opinion that our Council representation,
11 our nine Council represents only their districts, or do
12 they represent all of Maui County --

13 MR. VANDOORN: Yeah.

14 MEMBER CRIVELLO: -- in making decisions?

15 MR. VANDOORN: It depends on the issue, right.
16 Because when there is a proposal in front of the
17 Council, they all vote on the proposal. However, I have
18 heard anecdotally that a councilperson from one district
19 was attempting to influence something in another
20 district, and they got their hand slapped. So do they
21 represent the entire -- do they represent the entire
22 county in all issues? No.

23 MEMBER CRIVELLO: That's of your opinion?

24 MR. VANDOORN: That is my opinion.

25 MEMBER CRIVELLO: Right. May I ask another

1 question?

2 CHAIR STONE: Yes, please.

3 MEMBER CRIVELLO: So, in your opinion or with

4 your knowledge, should ordinance pass for the 3,000 or

5 7,000 population of Molokai and Lanai, when the meter

6 rates go up to \$6,000 because of meeting the cost of

7 development on Maui, is Molokai and Lanai exempt? If

8 the water rates go up, is Molokai and Lanai exempt, in

9 your opinion?

10 MR. VANDOORN: Well, I'm not sure we want to

11 get into a whole water discussion here.

12 MEMBER CRIVELLO: No. I'm just trying to --

13 trying to see --

14 MR. VANDOORN: Yeah.

15 MEMBER CRIVELLO: -- if just because we have

16 3,000 population on Lanai, or 7,000, 8,000 population on

17 Molokai, when laws and ordinances are passed by the nine

18 councilmembers --

19 MR. VANDOORN: Uh-huh.

20 MEMBER CRIVELLO: -- are the people of Lanai

21 and Molokai exempt or are we obliged by the laws that

22 are put forth for all of Maui County?

23 MR. VANDOORN: Maui County laws need to be

24 implemented equally across the entire county.

25 MEMBER CRIVELLO: Okay.

1 MR. VANDOORN: And all of those individuals

2 need to have equal representation with the people making

3 those decisions.

4 MEMBER CRIVELLO: Thank you.

5 CHAIR STONE: Thank you. Commissioners,

6 further clarification?

7 MEMBER BAXA: Mr. Chair?

8 CHAIR STONE: Commissioner Baxa.

9 MEMBER BAXA: Sir, can I just ask one

10 question? You mention about a councilman who tried to

11 introduce legislation that pertained to the district of

12 a certain councilmember, is that correct?

13 MR. VANDOORN: I did not say legislation. It

14 was my understanding that they were trying to help with

15 a community concern, and they were informed that that

16 actually needed to be done by the person representing

17 that area.

18 MEMBER BAXA: I see. Yeah. Well, I stand

19 corrected.

20 MR. VANDOORN: I apologize, sir, if I confused

21 you.

22 MEMBER BAXA: It could extend to legislation,

23 though, also?

24 MR. VANDOORN: I'm not -- the question you're

25 -- what's the question you're asking, please?

1 MEMBER BAXA: If I understand your position,

2 it is that a councilman should not really be interested

3 internally within what is happening within the district

4 of another councilman?

5 MR. VANDOORN: It depends on the issue.

6 Right. So we have --

7 MEMBER BAXA: But -- no. I am trying to zero

8 in on the position that you have, that --

9 MR. VANDOORN: Right.

10 MEMBER BAXA: Because the one councilman to be

11 elected only within your own district.

12 MR. VANDOORN: Right.

13 MEMBER BAXA: So a question was posed to you,

14 I think from the Commissioner from Molokai, that is it

15 your position that a councilman should only be

16 interested in the interests of his own district. And I

17 think you answered the question.

18 MR. VANDOORN: So let me give you a tangible

19 example. Okay. Central Maui today has a huge problem

20 with non-dedicated roads. Right? Right now, I believe

21 that when that issue comes up, correcting that issue for

22 Central Maui should be the Central Maui

23 representative's -- councilperson's responsibility. I

24 don't think that I should be going, knocking on the

25 councilmember from Upcountry to say, please help me

1 create -- get the roads dedicated in Central Maui. And

2 if the people of Central Maui are allowed to vote for

3 that individual, then those specific issues that are

4 important to Central Maui can be -- make sure they

5 become part of the campaign rather than making the

6 campaign a purely generic Maui County issue, which it is

7 today because they have to appeal to all voters.

8 CHAIR STONE: Thank you. Commissioners,

9 further clarification?

10 MEMBER BAXA: Let me just follow up,

11 Mr. Chair.

12 CHAIR STONE: Sure, Mr. Baxa.

13 MEMBER BAXA: Supposing there's something that

14 happens in Makawao that affects the whole county.

15 MR. VANDOORN: Could you give me an example,

16 please?

17 MEMBER BAXA: Whose jurisdiction would be --

18 whose councilman would be to attend to that?

19 MR. VANDOORN: If there's a issue that affects

20 Makawao, you would expect the Makawao representative to

21 spearhead that for the Council.

22 MEMBER BAXA: Something that happens in

23 Makawao that affects the whole county.

24 MR. VANDOORN: I'm -- could you give me an

25 example, please?

1 MEMBER BAXA: Let's us say water.
 2 MR. VANDOORN: Water. We have a county-wide
 3 water system that is headed up by a water director who
 4 puts together a Maui-wide plan. That Maui-wide plan is
 5 agreed to by the Council and the Mayor. And as such,
 6 that is a -- when you do trade-offs between that, that
 7 is a county-wide decision, which is voted on by those --
 8 by all the councilmembers.
 9 MEMBER BAXA: Okay.
 10 CHAIR STONE: Does that answer your question,
 11 Commissioner Baxa?
 12 MEMBER BAXA: So the initiative could come
 13 from any particular councilman irrespective of the
 14 district they represent?
 15 MR. VANDOORN: If it's a county-wide resource,
 16 absolutely.
 17 MEMBER BAXA: So do you admit, then, that
 18 there is also some advantage to the county-wide system
 19 as contrasted to the districts -- or the district system
 20 that you're proposing?
 21 MR. VANDOORN: I think you have a choice
 22 point. I think you have a very interesting choice
 23 point. You either have county-wide council or you have
 24 districts. Okay. Based upon what I'm hearing from this
 25 Commission, a county-wide system, where there are --

1 where people are not attached to a district, but we have
 2 nine members that run at-large, that aren't related to
 3 any, is a perfectly acceptable solution, but I don't
 4 think it meets the needs of what I'm hearing. People
 5 want to know who their councilperson is. They would
 6 like to be able to go to talk to someone.
 7 MEMBER BAXA: Okay. I think you have
 8 clarified your position. Thank you.
 9 CHAIR STONE: Thank you very much,
 10 Commissioners. And just a point of order, please, no
 11 debating with our testifiers. They're here just to give
 12 their testimony and we're meant to clarify. No debates,
 13 please.
 14 Thank you very much, Mr. Vandoorn.
 15 Lisa, next testifier please.
 16 MEMBER BAXA: Mr. Chair, I would like to make
 17 a -- can I say something?
 18 CHAIR STONE: Yes, Commissioner Baxa.
 19 MEMBER BAXA: I'd like to make a comment as to
 20 what you say, debating. You know, we are trying to
 21 clarify things here. Debate is a form of clarification.
 22 So please let us be careful about the words we say.
 23 Thank you.
 24 CHAIR STONE: Thank you, Commissioner Baxa.
 25 Next testifier, please, Lisa.

1 MS. KAHUHU: Victoria Cheromcka.
 2 CHAIR STONE: Hello, Victoria. Thank you for
 3 being here.
 4 MS. CHEROMCKA: Aloha, Chair and
 5 Commissioners. My name's Victoria Cheromcka. And I've
 6 lived on Maui since 1988.
 7 To begin, I'd like to thank you all for your
 8 service. This is an extremely important and
 9 time-consuming thing you are undertaking for the County
 10 of Maui. And I very much appreciate your efforts and
 11 contribution.
 12 I testified several weeks ago, asking you to
 13 give the voters of Maui the chance to decide on district
 14 voting and four-year terms for councilmembers. I'm back
 15 again to ask one time -- one more time for this
 16 opportunity.
 17 I support the constitutional concept of one
 18 person, one vote. Maui's current electoral system does
 19 not provide this. It heavily skews the voting power of
 20 less than 10 percent of the population. At the same
 21 time, lessening the voting power of 90 percent. This is
 22 unfair.
 23 As -- as for four-year terms for Council, the
 24 opportunity for increased productivity and efficiency
 25 will be huge. Let's end the two-year cycle of learning

1 the new ropes year one and campaigning year two. That's
 2 a lot of pressure as well as energy for nonproductive
 3 duties. I would not enjoy doing my job under these
 4 conditions. I believe this would result in a wider
 5 selection of candidates who would be more willing to
 6 undertake that tough job.
 7 I'm asking you to please let the voters
 8 decide, include district voting and four-year terms on
 9 the 2012 ballot. Thank you.
 10 CHAIR STONE: Thank you very much.
 11 Commissioners, clarification?
 12 (No Response.)
 13 CHAIR STONE: No. Thank you, Victoria, for
 14 being here today. Appreciate it.
 15 Lisa, next testifier, please.
 16 MS. KAHUHU: Peter Davis.
 17 CHAIR STONE: Mr. Davis, thank you for being
 18 here.
 19 MR. DAVIS: Good morning. My name is Peter
 20 Davis and I'm a resident of South Kihei. I've been on
 21 the island for about less than 10 years, but I've
 22 witnessed several election cycles. And it has been
 23 fascinating. It's been difficult to understand.
 24 I've lived in jurisdictions before that have
 25 -- have large voting. And I've lived in jurisdictions

1 that have representative district voting. I've never
2 seen or lived in an environment where we have the
3 fiction of both at the same time. And that's what I
4 think we're confronted with here is clearly a fiction of
5 both systems.

6 We have someone who is supposed to represent a
7 district, but when resoundingly defeated by the voters of
8 that district, they get swept into office by the voters
9 at-large. I don't understand how this can be
10 perpetuated. I think it's abundantly clear that it
11 would be the best thing for you to do to give the voters
12 a chance to change that system.

13 On the subject of term limits, I've witnessed
14 people who have gone into office and served the full
15 10-year term, sat out for two, go back to 10 more, sat
16 out for two. This is not meaningful term limits. There
17 should be a maximum term served. This should not be a
18 career job. You're here in a public service capacity
19 when you're serving as a councilmember. It's not
20 supposed to be a lifetime job. And I would ask you to
21 address that and put that on the ballot, also.

22 And those are my comments. I'm well within my
23 five minutes.

24 CHAIR STONE: Thank you very much. We
25 appreciate that.

1 Commissioners, any clarification on the
2 testimony?

3 (No Response.)

4 CHAIR STONE: Thank you very much, Mr. Davis.

5 MR. DAVIS: Thank you for the opportunity.

6 CHAIR STONE: Lisa, next testifier, please.

7 MS. KAHUHU: Bob Lightbourn.

8 CHAIR STONE: Mr. Lightbourn, thank you for
9 coming.

10 MR. LIGHTBOURN: Thank you for letting me --
11 giving me the opportunity. I know that you folks have
12 put a lot of time into this Commission. I can't
13 imagine.

14 Anyway, my name is Bob Lightbourn. And my
15 eyes are getting old, so I'm going to put on my glasses.
16 And I'm the president of the Realtors Association of
17 Maui, speaking on behalf of our association.

18 The Realtors Association of Maui wishes to go
19 on record in support of this Commission placing the
20 reform of Maui County Council elective process before
21 the voters. Our association believes that there has
22 been enough community debate on the issue, there are
23 clear and compelling arguments on both sides of the
24 issue, now the voters need the opportunity to decide for
25 themselves.

1 Our association carefully considered this
2 question before deciding to support instituting a
3 single-member equally-proportioned elective system to
4 replace the at-large system we currently have. We
5 simply believe that it is wrong to have a system that so
6 overrepresents some areas and greatly underrepresents
7 others. It is wrong to have a system that results in
8 councilmembers getting elected election after election
9 without any competition. It is wrong that candidates
10 are elected despite the opposition of the community in
11 which they are supposed to represent.

12 The question was raised as to why this is a
13 realtor issue. It was decided that, considering all of
14 the reforms or adjustments we could advocate, none can
15 be more significant and more important than reforming
16 the odd way we elect our County Council. Our members
17 watched the Sol Kaho'ohalahala case with amazement. And
18 for many of us, it put a spotlight on how out of whack
19 our County Council system is. The more we reviewed it,
20 the more we decided it was our duty as citizens to
21 express our position.

22 We believe that this is a question -- that
23 this question be placed -- I'm sorry. We ask this
24 question be placed on the ballot to allow the voters to
25 choose what kind of system they want to select their

1 representatives.

2 Our association would also like to support a
3 proposal to change the Council's term of office to
4 four-year terms. We would also support a proposal that
5 would restrict the County Council Members' number of
6 terms to a maximum of two. We believe that these should
7 not be career positions, and, after eight years of
8 service, our system should allow someone else to step
9 forward.

10 That's within five minutes, I think. Mahalo
11 for this opportunity to present our position.

12 CHAIR STONE: Thank you, Mr. Lightbourn.

13 Commissioners, clarification on the testimony?
14 Commissioner Moikeha.

15 MEMBER MOIKEHA: Thank you for your testimony,
16 for being here today. Just for clarification, when you
17 said that you represent RAM, how does that go out to
18 your membership? Was it in discussion amongst the
19 members. did they get to vote either way?

20 MR. LIGHTBOURN: It was a number of
21 discussions among our members. This wasn't something
22 that we entered into lightly. And, again, we have a
23 large membership, and there's a number of varied
24 opinions on it. So, basically, what we're saying is
25 we'd just like to see it put before a vote for the

1 people and -- and let them decide.

2 MEMBER MOIKEHA: And I can appreciate that. I
3 am a member of RAM as a licensed realtor of the State of
4 Hawaii.

5 MR. LIGHTBOURN: Uh-huh.

6 MEMBER MOIKEHA: I don't recall anything
7 specifically coming to me asking for my opinion or
8 taking a vote as a whole membership. And that's why I
9 asked for clarification. Did something go out to the
10 members to vote their opinions --

11 MR. LIGHTBOURN: No.

12 MEMBER MOIKEHA: -- or a survey?

13 MR. LIGHTBOURN: There was not a survey that
14 went out.

15 MEMBER MOIKEHA: So there was no vote?

16 MR. LIGHTBOURN: No.

17 MEMBER MOIKEHA: Was there any survey done of
18 the membership?

19 MR. LIGHTBOURN: Not -- well, the members that
20 were involved, yes. If you're not a member, if you're
21 not involved in RAM, then you probably didn't know about
22 it.

23 MEMBER MOIKEHA: Okay. I understand.

24 MR. LIGHTBOURN: We have 1,400 members, and a
25 lot of them don't really get involved in the actual

1 leadership of any part of RAM, or, for that matter, the
2 County as a whole. It's fairly representative of the
3 population of Maui. There are those who are more active
4 in everything.

5 MEMBER MOIKEHA: So -- so I understand, of
6 this 1,400 membership, there was no survey done
7 specifically out to every member, whether they're
8 involved or not, they're still a member, and there was
9 no casting of a vote of a decision specific of a model
10 of what RAM would like to see proposed --

11 MR. LIGHTBOURN: No. We're not --

12 MEMBER MOIKEHA: -- for district voting?

13 MR. LIGHTBOURN: We're not proposing any
14 particular model. We're proposing that it be put
15 forward for a vote.

16 MEMBER MOIKEHA: Okay. And the same thing
17 with the term, four years, was there any survey done
18 with that?

19 MR. LIGHTBOURN: It was part of the joint --
20 joint discussion. And -- and our -- the general feeling
21 from the members that we did hear from was along the
22 same lines of it's pretty difficult to do a job in two
23 years when, like you say, you spend the first year
24 learning the job, the next year you spend campaigning to
25 get elected. We feel that it would be more beneficial

1 to our councilmembers, to get the job done, that they
2 put their time forward to do if they had more time to
3 learn. I mean, as president of the association, it took
4 me at least a year to even figure out what my job was.
5 And I am -- nothing compared to what the County Council
6 Members have to --

7 MEMBER MOIKEHA: So would you -- just to
8 clarify, would you say that a lot of the discussion went
9 on in the Government Affairs Committee and these debates
10 and discussions amongst those members, which is a small
11 group of RAM?

12 MR. LIGHTBOURN: The group is representative
13 of -- like, for instance, aside from my position as
14 president, I take what I do in these committees back to
15 my office. My office is one of the largest offices on
16 the island, so I get the feedback from the people in my
17 company. And the other members of the GAC. And the GAC
18 Committee is open to anybody that wants to come in. The
19 agenda for what the GAC's going to talk about is open to
20 anybody that wants to read it and wants to show up and
21 give us their opinions.

22 MEMBER MOIKEHA: Yeah. And I appreciate that.
23 Mr. DeLeon oversees that as an employee of RAM, does
24 send those out to -- and I'm on that list. So I
25 appreciate the overall input that they -- that RAM does

1 bring forth to the community of, at least, realtors.
2 And that's why I'm just trying to clarify, was there any
3 formal surveys done, but apparently not. Thank you very
4 much.

5 CHAIR STONE: Thank you.

6 Commissioners? Commissioner Okamoto.

7 MEMBER OKAMOTO: Well, as you know, I'm,
8 obviously --

9 MR. LIGHTBOURN: I know.

10 MEMBER OKAMOTO: -- also a member of RAM. And
11 I would consider myself fairly active in RAM. I was
12 shocked when I came -- when I first got the note or the
13 letter saying that this was a position of the Realtors
14 Association. This was probably a year or so ago.

15 MR. LIGHTBOURN: Uh-huh.

16 MEMBER OKAMOTO: And at the time I discussed
17 with a few people, I believe, who were board, I think it
18 came through the board. And, again, it was that, "Well,
19 this is really better for Lanai and Molokai." And I was
20 like, "What?" But my problem was, it seemed to have
21 come from the board. The board does not have any
22 representatives that includes Lanai. If you'll notice,
23 you have -- and I shouldn't be arguing. I have a
24 question.

25 CHAIR STONE: That's fine.

1 MEMBER OKAMOTO: Your board members do include
 2 areas which does not include Lanai. You have a West
 3 Maui, a South Maui. And I'm assuming that those people
 4 discuss things with their group. Did they or not?
 5 MR. LIGHTBOURN: I'm sorry. I'm not --
 6 MEMBER OKAMOTO: On your board, you have some
 7 at-large board members --
 8 MR. LIGHTBOURN: We do. We do.
 9 MEMBER OKAMOTO: And you have board members
 10 that represent areas.
 11 MR. LIGHTBOURN: Right.
 12 MEMBER OKAMOTO: Do those --
 13 MR. LIGHTBOURN: We don't claim to represent
 14 the entire county.
 15 MEMBER OKAMOTO: Okay. Do they go to the area
 16 to discuss things, or not?
 17 MR. LIGHTBOURN: They do, they discuss them.
 18 And we have meetings once a week called -- well, you
 19 know what a caravan is, right?
 20 MEMBER OKAMOTO: Uh-huh.
 21 MR. LIGHTBOURN: So our directors do go to the
 22 caravans and discuss what's happening with the realtor
 23 members that show up at the caravan, the district
 24 meetings. Now, they are mostly -- they are mostly
 25 people going to see properties.

1 MEMBER OKAMOTO: Right.
 2 MR. LIGHTBOURN: But they are, in theory, also
 3 general meetings for Upcountry, South Maui, West Maui,
 4 and a chance for the members to get with their directors
 5 and give them input on what they think or don't think.
 6 Again, it's all based on the participation in
 7 RAM, like any other -- any other group. There are
 8 people that are more active than others.
 9 MEMBER OKAMOTO: Well, like I say, I think I'm
 10 fairly active. I've been to quite a few different
 11 caravans. I've never heard anybody discuss issues. But
 12 my biggest one, I guess, is like Susan, I just wondered
 13 that an organization came out supporting, and now you
 14 are saying the organization supports, but how many
 15 people would you base that on? Was this --
 16 MR. LIGHTBOURN: I really don't know.
 17 MEMBER OKAMOTO: -- just your board? No. I'm
 18 just -- who made the decision to say, as an
 19 organization, was it just your board or was it the GAC?
 20 MR. LIGHTBOURN: The Governmental Affairs
 21 Committee discussed it, then we put it out for
 22 discussion to the Board of Directors. And the Board of
 23 Directors put it out to any of their members that
 24 happened to want to have input.
 25 MEMBER OKAMOTO: And how many are on your

1 board?
 2 MR. LIGHTBOURN: 12?
 3 MEMBER OKAMOTO: Thank you.
 4 MR. LIGHTBOURN: Plus all the committee
 5 members.
 6 MEMBER OKAMOTO: Thank you.
 7 CHAIR STONE: Thank you. Further
 8 clarification, Commissioners?
 9 (No Response.)
 10 CHAIR STONE: No. Thank you, Mr. Lightbourn,
 11 for being here. Appreciate it.
 12 Lisa, next testifier, please.
 13 MS. KAHUHU: Steve Parker.
 14 CHAIR STONE: Mr. Parker, thank you for being
 15 here.
 16 MR. PARKER: Thank you, Chairman. Thank you,
 17 Board Members. I'm here just as a resident of Maui, not
 18 any organization, although I also belong to RAM. I am
 19 for the one man, one vote proposal be put on the -- on
 20 the ballot. District voting is what I think is the
 21 fairest. The problem is the unique nature of Hana,
 22 Lanai and Molokai, and how they should be represented.
 23 It's -- it's hard to put the two together since the
 24 populations don't match with the voting power that they
 25 have on the -- on the Council.

1 A thought out there may be to give the -- the
 2 member being voted from any one of those districts a
 3 lesser voting power directed strictly by the amount of
 4 population in his district versus what every other
 5 population has. I.e. the Lanai vote might be a third of
 6 a vote and the -- and the Molokai vote might be half of
 7 a vote. I know that's probably a violation of
 8 something.
 9 (Laughter.)
 10 MR. PARKER: But, to me, you need to have
 11 somebody from those districts. I think it's important
 12 because the districts are very unique. So we -- you
 13 know, obviously, that's been the problem that we -- we
 14 face and that's where we are today. Just it's hard to
 15 -- to balance the two. And then the -- the least of all
 16 evils was to have -- have them voted at-large. But,
 17 again, I think what happens is that some districts keep
 18 electing the same person because they have name
 19 recognition on the island. And it's hard to -- to come
 20 in and -- and challenge from those districts once you
 21 have island-wide name recognition.
 22 So I am in favor of the one man, one vote and
 23 the district -- the district voting. I'm also in favor
 24 of term limits, the four-year term, because I think
 25 that's just more efficient. Thank you very much.

1 CHAIR STONE: Thank you for your testimony.
 2 Commissioners, clarification on the testimony?
 3 (No Response.)
 4 CHAIR STONE: No. Thank you very much,
 5 Mr. Parker, for being here.
 6 MR. PARKER: Thank you.
 7 CHAIR STONE: Lisa, just a quick check, how
 8 many more registered testifiers do we have?
 9 MS. KAHUHU: That was our last one.
 10 CHAIR STONE: Before I go to recess or close
 11 oral testimony, I would like to say, anybody in the
 12 public who has not testified, you're welcome to come
 13 forward at this time to testify. Please. I just want
 14 to point out, after your testimony, make sure you
 15 register with Lisa.
 16 MS. OSHER: Okay.
 17 CHAIR STONE: State your name, please.
 18 MS. OSHER: My name is Wendy Osher. I'm
 19 coming on behalf of the Fire Commission. I'm the
 20 Vice-Chair of the commission.
 21 There was a proposal that had surfaced
 22 recently regarding the chief's selection, that it be
 23 placed in the hands of the Mayor. Currently, it's the
 24 duty of the commission to hire or -- and/or fire the
 25 chief. That's what our basic role is. And I think that

1 leaving it in the hands of the commission is a good
 2 idea.
 3 We have a diverse group of nine members that
 4 represent the different areas of the community. And
 5 we've developed a process that is solid over the years.
 6 We take into consideration the opinions of key
 7 department heads as well as evaluate candidates based on
 8 their qualifications. And we also do this in
 9 coordination with DPS. So I think that it takes away --
 10 it will take away the impartiality of the process if we
 11 leave it in the hands of the Mayor.
 12 And that's all I have to say.
 13 CHAIR STONE: Thank you, Wendy. Boy, that
 14 voice sure does sound familiar.
 15 (Laughter.)
 16 CHAIR STONE: We appreciate you being here.
 17 Commissioners, clarification on that
 18 testimony? Commissioner DeLeon.
 19 MEMBER DELEON: It just slipped right out of
 20 my brain.
 21 CHAIR STONE: Okay. Anyway, it's Frank's
 22 birthday, anyway. So, Commissioner De Rego.
 23 MEMBER OKAMOTO: I thought it was his
 24 birthday.
 25 CHAIR STONE: We'll come back to you, Dave.

1 MEMBER DELEON: Dynamic duo.
 2 MEMBER DE REGO: Wendy, thank you very much
 3 for your testimony. I just have one question. When the
 4 chief is evaluated, what sort of public documentation or
 5 report is made that is available to the County as a
 6 whole on that evaluation?
 7 MS. OSHER: When the chief is evaluated, we --
 8 we always -- during any of our meetings, we have a
 9 section for public testimony, just as you do here. So
 10 the public is always open to give their opinions. Are
 11 you talking about on the distribution of the evaluation?
 12 MEMBER DE REGO: Yes. When the final report
 13 comes through on the evaluation of the chief, is that a
 14 public document or is it --
 15 MS. OSHER: No.
 16 MEMBER DE REGO: -- considered a civil service
 17 thing and it's actually a personnel issue --
 18 MS. OSHER: It's a personnel --
 19 MEMBER DE REGO: -- where the --
 20 MS. OSHER: Sorry. It's a personnel issue.
 21 So we do provide an evaluation or a recap to the Mayor's
 22 Office and his -- I'm not sure if the department heads,
 23 but I know the Mayor gets a copy. It's not distributed
 24 to the public. We have the option of providing a press
 25 release to give like an overview of if he was -- he

1 received a satisfactory evaluation or not. That's at
 2 the discretion of the commission.
 3 MEMBER DE REGO: Okay. So not putting words
 4 in your mouth, but the information that goes out from
 5 the commission is very limited in terms of what the
 6 public is able to see in terms of the terms of the
 7 evaluation and what were the results of it?
 8 MS. OSHER: Yeah, it's a personnel issue.
 9 Yeah.
 10 CHAIR STONE: Thank you. Commissioner
 11 Moikeha.
 12 MEMBER MOIKEHA: Thank you for your testimony.
 13 And if you could clarify for me, is there a set criteria
 14 that you -- where do you get what you set the criteria
 15 for? Where does that come from?
 16 MS. OSHER: It was developed over the years.
 17 We do have an outline of qualifications that the County
 18 requires chief to obtain. There's a period where you
 19 put it out to the -- like you do a public notice where
 20 you advertise it in, I think, the two major newspapers.
 21 And then -- I'm sorry. What was the question again?
 22 MEMBER MOIKEHA: A more specific -- more
 23 specifically concerned in clarification of the criteria.
 24 So maybe experience, length of education, residency. Do
 25 you follow some kind of national standard? Because I

1 know now the commission is going through their
 2 accreditation. Do you adopt those standards? I guess
 3 you will eventually, if they do become accredited.
 4 MS. OSHER: Right. Right now --
 5 MEMBER MOIKEHA: What are you using now, where
 6 does it come from?
 7 MS. OSHER: Right now, it's outlined by the
 8 County Department of -- or the DPS department. We are
 9 able to reevaluate and take other things into
 10 consideration. If the public feels that, oh, the
 11 residency requirement isn't what they want as a County,
 12 we can put that -- we can take that up as a commission
 13 and review that.
 14 MEMBER MOIKEHA: So would that be the same
 15 standards the Mayor might use to select?
 16 MS. OSHER: Yes.
 17 MEMBER MOIKEHA: So it's similar or same?
 18 MS. OSHER: I would think it was the same.
 19 MEMBER MOIKEHA: Okay. Thank you.
 20 MEMBER DE REGO: Can I have one more
 21 clarification?
 22 CHAIR STONE: Sure, Frank. It's your
 23 birthday. Commissioner De Rego.
 24 MEMBER DE REGO: Is that criteria that is used
 25 by DPS made public? Not -- not the report of the

1 final --
 2 MS. OSHER: Right.
 3 MEMBER DE REGO: -- but is that available for
 4 the public to see what standards or criteria are
 5 available to evaluate the chief?
 6 MS. OSHER: I think it is a public document.
 7 When we put the ad out in the paper for the -- to call
 8 on the people who want to apply, it's listed there what
 9 the qualifications are in order to apply for the
 10 position.
 11 MEMBER DE REGO: No. I'm talking about the
 12 yearly evaluation of the chief that's mandated by the
 13 Charter. There's a yearly evaluation that's mandated by
 14 the Charter. As we've heard, that is a civil service or
 15 personnel matter --
 16 MS. OSHER: Right.
 17 MEMBER DE REGO: -- when the final report
 18 comes out, but I'm just following up on Commissioner
 19 Moikeha's question, in terms of the criteria. Is the
 20 criteria by which the chief is evaluated made public?
 21 In other words, is it posted somewhere on a website
 22 or -- you know, I mean, it's not the final report, but
 23 it is -- the public at least would know that this is the
 24 criteria that the chief is being evaluated on when these
 25 public meetings are happening or when the testimony

1 comes in. So I'm just wondering what the process is
 2 that sort of -- you know, openness and transparency is
 3 my issue here in terms of bringing the public into the
 4 process whenever these things occur.
 5 MS. OSHER: You know, I don't think that the
 6 actual document that we have is made available to the
 7 public on the criteria for the evaluation; however, if
 8 any member of the public did want -- did have a question
 9 on how we evaluate the chief, it's not -- we're not
 10 hiding anything. So if they wanted to know, I'm sure
 11 any of the members would be willing to share -- to share
 12 what that is.
 13 CHAIR STONE: Commissioner DeLeon.
 14 MEMBER DELEON: I finally remembered.
 15 (Laughter.)
 16 MEMBER DELEON: For your information, by the
 17 way, Wendy, the chief was here earlier, and we asked him
 18 to come back when we do the Fire Commission, Fire
 19 Commission related issues.
 20 MS. OSHER: Oh, okay.
 21 MEMBER DELEON: So he's going to be coming
 22 back later. So you might want to coordinate with him as
 23 well.
 24 MS. OSHER: Okay.
 25 MEMBER DELEON: The question I have is the

1 commission's and department's relationship to the Mayor.
 2 Right now, we're watching the Mayor in kind of like a
 3 contest with the chief over what to do with Ocean Safety
 4 officers.
 5 MS. OSHER: Right.
 6 MEMBER DELEON: Also, we have the Mayor
 7 proposing fire reserves, when the chief is not very
 8 happy about the whole concept. I'm wondering what your
 9 opinion of the relationship between the Mayor and the
 10 department and the commission is? Who really runs that
 11 department, the commission or --
 12 MS. OSHER: The Fire Chief.
 13 MEMBER DELEON: The Fire Chief does, okay.
 14 Okay. And you oversee the Fire Chief. But where does
 15 the Mayor come into this question?
 16 MS. OSHER: I think, just as anyone, he has --
 17 he has his opinions and his -- what do you call, his
 18 objectives for the Administration. And I think that's
 19 taken into consideration. Where the commission comes
 20 into play, we're -- we oversee -- or we -- we have the
 21 role of selecting -- hiring or firing a chief, which
 22 means that we have to evaluate the chief based on his
 23 performance of the overall department. The Mayor has
 24 his opinions. And I think if the Mayor were to -- were
 25 to select the chief, his -- his goals or his objectives

1 may unfairly influence how the department is run. Just
2 as if the union were to select the chief, I think the
3 same thing would happen. If you leave it in the hands
4 of the commission, you have a diverse body of
5 individuals who are selected over a period of time, with
6 staggered terms, and that takes away the -- maybe any
7 bias that there might be from anyone in Administration.

8 CHAIR STONE: Commissioner DeLeon.

9 MEMBER DELEON: Follow-up. There is another
10 proposal on the table besides the one just to take away
11 the commission. And that is that the commission does
12 the recruitment, does the vetting, does the nomination
13 of the chief, but the final approval goes to the Mayor.

14 MS. OSHER: Exactly.

15 MEMBER DELEON: And then the final -- the
16 Mayor's ability to remove is only to request from the
17 commission, and the commission has to confirm that,
18 taking politics out of -- out of the game. But, also,
19 giving -- right now, the way I see it, the Mayor doesn't
20 seem to have -- there's -- there's no necessarily
21 loyalty from the Fire Chief to the Mayor. And I don't
22 understand structurally why that is necessary, to have
23 that separation. What is your feeling on that proposal?

24 MS. OSHER: I'm against it. I think that the
25 -- the commission serves a very important role. It

1 gives the community a chance to have input in the
2 process and have their opinions heard on issues of
3 public safety. And I think taking that away is probably
4 not --

5 MEMBER DELEON: Well, I'm not -- nobody --

6 CHAIR STONE: Commissioner DeLeon, remember,
7 no debating, please. No debating.

8 MEMBER DELEON: Okay. But I'm just trying to
9 -- to make sure we have an understanding here.

10 MS. OSHER: Right.

11 MEMBER DELEON: The concept is you do
12 everything you do now, you just are not the final
13 decision. The final decision is the Mayor. You do all
14 the selection, you have all the public input, you have
15 all the other activities you do now.

16 MS. OSHER: Uh-huh.

17 MEMBER DELEON: It's just that the final say,
18 the final approval is the Mayor.

19 MS. OSHER: The final approval is the Mayor,
20 but we serve as the -- kind of to open up the process to
21 both the public and keep it impartial. That's where our
22 capacity lies.

23 MEMBER DELEON: Okay. Okay. Thank you.

24 CHAIR STONE: Thank you. Commissioners,
25 further clarification?

1 (No Response.)

2 CHAIR STONE: Wendy, I didn't read the news
3 today. Could you give me the news, please?

4 (Laughter.)

5 MS. OSHER: It's partly sunny outside.

6 (Laughter.)

7 CHAIR STONE: Okay. Thank you very much,
8 Wendy, for being here.

9 MS. OSHER: Appreciate your help.

10 CHAIR STONE: Again, I put out the offer to
11 the public. If anybody has not testified yet, please,
12 you're welcome to come forward. Thank you, please state
13 your name.

14 MR. FAULKNER: Bruce Faulkner. I'm here on my
15 own behalf.

16 CHAIR STONE: Thank you, Mr. Faulkner.

17 MR. FAULKNER: I didn't come prepared to
18 testify per se, but sitting here, listening to
19 everybody, I thought I should speak my word here.

20 So I guess I'm a little bit confused with the
21 district voting or voting at-large because it seems to
22 me that if we're supporting a at-large voting system,
23 why not at least put it on the ballot and let the people
24 decide, you know.

25 With regard to term limits, I think there

1 should be no more than 10 years. And, personally, I'm
2 for the two-year term versus the four-year.

3 CHAIR STONE: Thank you. Commissioners, any
4 clarification on the testimony?

5 (No Response.)

6 CHAIR STONE: No. Thanks so much for stepping
7 forward.

8 Last chance, public, if anybody wants to come
9 forward. We have emergencies going on here with our
10 Commissioners.

11 MEMBER OKAMOTO: We need a break.

12 CHAIR STONE: Okay. Nobody coming forward,
13 thank you, at this time, without objection, I will close
14 public testimony.

15 ...END PUBLIC TESTIMONY...

16 CHAIR STONE: And we're going to take a short
17 recess, 10 minutes, to give everybody a break. And
18 we'll see everybody back here at 11:25. Thank you very
19 much.

20 (Recess, 11:12 a.m. to 11:25 a.m.)

21 CHAIR STONE: I would like to call this
22 meeting back to order at 11:25. At this time, without
23 objection, the Chair will also accept and file all
24 public communications for the record. You guys got that
25 packet. There were some, also, additional

communications put on our desk. Which there is one from Mr. Smith, Jim Smith, as well as something from Commissioner DeLeon, which pertains to something down the -- down the road on our agenda.

Okay. Moving on. Again, just to remind the Commissioners, we will have communication -- discussion on communication items down towards the end of the agenda.

So next item of business, Proposed Charter Amendments Matrix. In our last packet, we have a letter from our Commission Analysts, Sherry Broder and Jon Van Dyke, dated October 3rd, 2011. And on -- in that letter, topics were -- certain questions from our Commissioners at the last meeting were answered. Let me give you a guys a second to find that. It's in the packet.

MEMBER OKAMOTO: Chair?

CHAIR STONE: Yes.

MEMBER OKAMOTO: Is the bottom of it 1-6 that we're looking at?

CHAIR STONE: Yes, 1-6. Very good. Thank you. So, yes, Commissioner Sugimura.

MEMBER SUGIMURA: I have a question. I see the letter and I read it.

CHAIR STONE: Uh-huh.

MEMBER SUGIMURA: And thank you for spending the time answering our constitutional questions. So on the residency requirement --

CHAIR STONE: Commissioner Sugimura, the microphone, please.

MEMBER SUGIMURA: On the -- so, Sherry, on the residency requirement section, can you put it in layman's term?

MS. BRODER: Okay. Read the first paragraph. I tried to summarize it. Okay. So, yes, you can have residency requirements. Courts have upheld it. And in particular, the Federal District Court here in Hawaii has upheld residency requirements for state office. But you have to still be reasonable. So it has to be a reasonable amount of time, you know.

So, for instance, in writing this -- I didn't give you a report on this opinion, but there was an opinion by the U.S. attorney to the Virgin Islands, and they wanted to put a 10-year residency on running for any office. And in that -- sorry -- in that opinion, which is very recent, they cited the Federal District Court of Hawaii's opinion and approvingly. So I think that that's still good law. And -- but they did point out that maybe 10 years would be found to be too long and unreasonable. But I think there's a lot of

flexibility.

And I listed for you in that part of the opinion, starting on Page 2, all the different requirements in the different counties. So each county has different requirements. And then I also included the requirements for running for State House and State Senate and for Governor and Lieutenant Governor. So that, I thought, would give you the range of possibilities.

CHAIR STONE: Thank you.

Commissioner Okamoto.

MEMBER OKAMOTO: To follow up on that question, residency, as defined -- I mean, that seemed to be the problem in Hawaii -- what does it mean, residency? Physically residing, intent to reside? Has that been clarified in any of the previous -- or in other counties?

MS. BRODER: Yeah, it has to be physical residency. I mean, you have to reside to have it be residency.

MEMBER OKAMOTO: But that has not been the case in Maui?

MS. BRODER: Well, there is a case that did go to the Hawaii Supreme Court, and they found that the person wasn't qualified because they weren't in fact

residing on that island. I believe it was Lanai. So I think that issue has been clarified.

MEMBER OKAMOTO: So that would be the latest of the rulings?

MS. BRODER: Yes.

MEMBER OKAMOTO: Thank you.

CHAIR STONE: Very good.

Any further discussion on the letter?

Commissioner Moikeha.

MEMBER MOIKEHA: Thank you for that, because it really started to make me think about other things that are connected to this. If you could -- and I'll just put it in as a request -- and what triggered this for me was the paragraph on Page 3 where it talks about -- and this was founded in an actual court case -- where the residency -- or the court found the committee report persuasive. And it says: "The residency requirements, too, are important; all states include such provisions in their constitutions. The role of the legislator is to represent the views of his constituents, and he must be familiar with them and their needs." And that made me stop and think because what impact or affect does this have on where we are today, at-large voting, where we require -- because of the at-large voting, such as, example, Molokai or Lanai, we require a resident to live

on island. And so now this court says how important that is, that this -- that these representatives -- views of his constituents and he must -- or she, must be familiar with them and their needs, and then the importance of living right there in that area. So where I'm going with this is would there be any legal constitution -- any challenge if we were to have a proposed amendment that changed that through different districting, where you have these islands absorbed into Maui?

MS. BRODER: I can give you a short answer right now, which is that, in reviewing -- in reviewing the three-year residency requirement, the court was looking for a justification for why. And so that is a justification supporting it. I don't think that -- that it can then be reinterpreted to say that that's a requirement. It's more an acceptable reason. However, obviously, this is going to be a matter of, you know, dispute. And, you know, I can do further research. You're sort of asking a different question now.

MEMBER MOIKEHA: Yeah, based on -- but you've already explained that it was a justification of this issue alone. I would appreciate, if there is time, to explore that further. Because we did have a testifier, Ms. Cochran, who raised that issue, that it could be

challenged. And if what system we have today, at-large, has not been challenged yet -- because I've heard people also say what we're doing now is illegal. And so, you know, it's -- it's both of that. So if you could provide us some insight into that, I would appreciate it.

Thank you.

MS. BRODER: Okay.

CHAIR STONE: Good. Further discussion on the letter? Not including the new proposals, because that's further down on our agenda.

(No Response.)

CHAIR STONE: No. Okay. Great.

So if you guys will notice, a full copy of the Matrix was provided in your packet, which we have already gone through, except for proposals that are in this letter. So that was done so you guys could see the new proposals coming forward and we could discuss before we get into the Active List. Does everybody understand that? Okay, good. All right.

So moving on to III-B, review, discussion and action on Matrix 9/2011, updated as of 10/3/2011. New proposals received September 26th, 2011, starting with Proposal 3.39, Proposal to amend Section 3-1, Composition, to move the jurisdiction of Kahoolawe from

District 2, West Maui residency to District 5, South Maui residency, and to clarify the relationship for the Maui County Council and the Kahoolawe Island Reserve Commission which is created by state law, see HRS Chapter 6K.

Is there a motion to move this proposal -- or you guys need some time?

MEMBER MOIKEHA: I haven't found the document.

CHAIR STONE: Sure. It's, actually, in the letter.

MS. BRODER: I tried to do it -- I did it the way, Commissioner, that you requested last time, and I put it right in the letter. But I also put it at the end of the Matrix. People from the public wanted one document, so I did it both ways. It's right here in the letter.

CHAIR STONE: Do I have a motion to move this to the Active List?

(No Response.)

CHAIR STONE: No motion.

Moving forward. Sorry. One second. Let me get organized. Moving forward, next new proposal, Number 3.40, proposal for amend section -- I think that should read "to" -- proposal to amend Section 3-1, Composition, to have three districts and three

councilpersons from each district, and have the districts organized as follows: (1), Lanai, Lahaina, and part of South Maui, (2), Molokai, Kahului and maybe Paia, and, (3), part of South Maui, Upcountry and Hana. Commissioner Moikeha.

MEMBER MOIKEHA: Motion to move to general discussion under voting districting on the Active List.

CHAIR STONE: Do I have a second?

VICE-CHAIR HEDANI: Second.

MEMBER SUGIMURA: Second.

CHAIR STONE: I am going to give that to you.

Commissioner Sugimura seconded the motion. Discussion?

MEMBER MOIKEHA: None.

CHAIR STONE: Lisa, roll call to move that to the Active List, please.

MS. KAHUHU: Commissioner Baxa.

MEMBER BAXA: Yes.

MS. KAHUHU: Commissioner Crivello.

MEMBER CRIVELLO: Yes.

MS. KAHUHU: Commissioner DeLeon.

MEMBER DELEON: Yes.

MS. KAHUHU: Commissioner De Rego.

MEMBER DE REGO: Yes.

MS. KAHUHU: Commissioner Hashimoto.

MEMBER HASHIMOTO: Yes.

1 MS. KAHUHU: Commissioner Hedani.
 2 VICE-CHAIR HEDANI: Yes.
 3 MS. KAHUHU: Commissioner Moikeha.
 4 MEMBER MOIKEHA: Yes.
 5 MS. KAHUHU: Commissioner Okamoto.
 6 MEMBER OKAMOTO: Yes.
 7 MS. KAHUHU: Commissioner Sugimura.
 8 MEMBER SUGIMURA: Yes.
 9 MS. KAHUHU: Commissioner Wiger is excused.
 10 Chair Stone.
 11 CHAIR STONE: Yes.
 12 MS. KAHUHU: Motion passes.
 13 CHAIR STONE: Very good.
 14 Moving forward. New Proposal Number 8.7.13,
 15 proposal to add to Number 8.7.2 to include the following
 16 language: "Four out of the nine members of the Fire and
 17 Public Safety Commission shall be nominated to the Mayor
 18 by the fire fighters labor union. The fire fighters
 19 labor union shall submit names of nominees for up to
 20 four out of the nine Fire and Public Safety
 21 Commissioners that shall be appointed by the Mayor and
 22 confirmed by the Council in the matter prescribed in
 23 Section 13-2."
 24 MEMBER OKAMOTO: I move that we move 8.7.13
 25 and, on the next page, 8.7.14 to our general discussion

1 on the Fire.
 2 CHAIR STONE: Very good. We have a motion.
 3 Do I have a second?
 4 MEMBER CRIVELLO: Second.
 5 CHAIR STONE: Motion's been seconded by
 6 Commissioner Crivello. Any discussion on that?
 7 (No response.)
 8 CHAIR STONE: We'll take that to vote. Lisa,
 9 roll call, please.
 10 MS. KAHUHU: Commissioner Wiger, excused.
 11 Commissioner Sugimura.
 12 MEMBER SUGIMURA: Yes.
 13 MS. KAHUHU: Commissioner Okamoto.
 14 MEMBER OKAMOTO: Yes.
 15 MS. KAHUHU: Commissioner Moikeha.
 16 MEMBER MOIKEHA: Yes.
 17 MS. KAHUHU: Commissioner Hashimoto.
 18 MEMBER HASHIMOTO: Yes.
 19 MS. KAHUHU: Commissioner Hedani.
 20 VICE-CHAIR HEDANI: Yes.
 21 MS. KAHUHU: Commissioner DeLeon.
 22 MEMBER DELEON: Yes.
 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: Motion passes.
 7 CHAIR STONE: Very good. Motion passes.
 8 Moving on to New Proposal Number 8.16.8,
 9 proposal to establish an Independent Office of County
 10 Auditor, to have the Commission of Government --
 11 Commission on Government be attached to the Office of
 12 County Auditor, and to have the Commission on Government
 13 have the power to hire and fire the County Auditor.
 14 MEMBER DE REGO: Chair, I would like to move
 15 that this issue be moved to the Active List when we
 16 discuss the Office of County Auditor.
 17 VICE-CHAIR HEDANI: Second.
 18 CHAIR STONE: Motion, seconded by Commissioner
 19 Hedani. Any discussion?
 20 (No response.)
 21 CHAIR STONE: Let's put it to vote. Lisa,
 22 roll call please.
 23 MS. KAHUHU: Commissioner Baxa.
 24 MEMBER BAXA: Yes.
 25 MS. KAHUHU: Commissioner Crivello.

1 MEMBER CRIVELLO: Yes.
 2 MS. KAHUHU: Commissioner DeLeon.
 3 MEMBER DELEON: Yes.
 4 MS. KAHUHU: Commissioner De Rego.
 5 MEMBER DE REGO: Yes.
 6 MS. KAHUHU: Commissioner Hashimoto.
 7 MEMBER HASHIMOTO: Yes.
 8 MS. KAHUHU: Commissioner Hedani.
 9 VICE-CHAIR HEDANI: Yes.
 10 MS. KAHUHU: Commissioner Moikeha.
 11 MEMBER MOIKEHA: Yes.
 12 MS. KAHUHU: Commissioner Okamoto.
 13 MEMBER OKAMOTO: Yes.
 14 MS. KAHUHU: Commissioner Sugimura.
 15 MEMBER SUGIMURA: Yes.
 16 MS. KAHUHU: Commissioner Wiger is excused.
 17 Chair Stone.
 18 CHAIR STONE: Yes.
 19 MS. KAHUHU: Motion passes.
 20 CHAIR STONE: Motion passes.
 21 Moving forward. New Proposal Number 13.10,
 22 proposal to amend Article 13, General Provisions,
 23 Section 2, Boards and Commissions, to add provisions
 24 requiring the County to indemnify and fund the legal
 25 representation of members of boards and commissions in

1 the event of civil action as a result of the lawful
 2 performance of their duties.
 3 MEMBER DE REGO: Mr. Chair, I would like to
 4 move that this proposal be moved to the Active List
 5 under Boards and Commissions.
 6 MEMBER DELEON: Second.
 7 CHAIR STONE: We have a first from
 8 Commissioner De Rego, second by Commissioner DeLeon. Do
 9 we have any discussion?
 10 (No Response.)
 11 CHAIR STONE: No discussion. Let's put it to
 12 vote. Lisa, roll call.
 13 MS. KAHUHU: Commissioner Wiger, excused.
 14 Commissioner Sugimura.
 15 MEMBER SUGIMURA: Yes.
 16 MS. KAHUHU: Commissioner Okamoto.
 17 MEMBER OKAMOTO: Yes.
 18 MS. KAHUHU: Commissioner Moikeha.
 19 MEMBER MOIKEHA: Yes.
 20 MS. KAHUHU: Commissioner Hashimoto.
 21 MEMBER HASHIMOTO: Yes.
 22 MS. KAHUHU: Commissioner Hedani.
 23 VICE-CHAIR HEDANI: Yes.
 24 MS. KAHUHU: Commissioner DeLeon.
 25 MEMBER DELEON: Yes.

1 MS. KAHUHU: Commissioner De Rego.
 2 MEMBER DE REGO: Yes.
 3 MS. KAHUHU: Commissioner Crivello.
 4 MEMBER CRIVELLO: Yes.
 5 MS. KAHUHU: Commissioner Baxa.
 6 MEMBER BAXA: Yes.
 7 MS. KAHUHU: Chair Stone?
 8 CHAIR STONE: Yes.
 9 MS. KAHUHU: Motion passes.
 10 CHAIR STONE: Very good. Motion passes.
 11 Moving on to new Proposal Number 8.7.15,
 12 proposal to amend Sections 8-9.4, 8-12.2, 8-13.2 and
 13 8-13.4 to create consistency in the powers and duties of
 14 the Fire and Public Safety, Police, Liquor, and the
 15 Civil Service Commissions and the due process afforded
 16 directors of these departments in the event of
 17 dismissal.
 18 MEMBER DE REGO: Mr. Chair, I would move to
 19 move this proposal to the Active List when we discuss
 20 these boards and commissions -- these commissions.
 21 CHAIR STONE: Very good. Do I have a second?
 22 MEMBER CRIVELLO: Second.
 23 CHAIR STONE: Commissioner Crivello, second.
 24 Discussion?
 25 (No Response.)

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

1 I'd just like to point out we may touch base
 2 on some of these items in our Active List discussion
 3 today, so make sure you keep this document handy. Very
 4 good.
 5 Moving on to our next item of business, Item
 6 Number IV, Proposed Charter Amendments Active Proposal
 7 List; review, discussion and action on active proposals
 8 for substantive changes to the Maui County Charter List
 9 updated as of October 3rd, 2011.
 10 MEMBER DELEON: Chair, how would you want to
 11 proceed on this? We've got a broad base here.
 12 CHAIR STONE: Right. Very good. This is the
 13 time to discuss that. What we had discussed at our last
 14 meeting is we're going to go -- bring up the subject
 15 matter on the Active List, we're going to go around the
 16 table, let every Commissioner have a statement about the
 17 Active List, and then go back around the table and let
 18 Commissioners have another statement after hearing the
 19 other Commissioners' discussion. We'll see how it's
 20 going. If you have nothing to say, say "no comment" or
 21 "listening." And we will open it up, obviously, to
 22 debate at a certain stage, but I want to see how this
 23 works out, first. All right. And if it's not working
 24 out, we're not getting our job done, we'll change the
 25 format.

1 Yes, Commissioner Moikeha.
 2 MEMBER MOIKEHA: Will we be working from the
 3 October 3rd list now?
 4 CHAIR STONE: Active Proposals for Substantive
 5 Changes, October 3rd, yes.
 6 MEMBER MOIKEHA: My other question is, if we
 7 were going to --
 8 CHAIR STONE: Yes, that's the date, 2100, by
 9 the way.
 10 MEMBER MOIKEHA: Okay.
 11 CHAIR STONE: Just a note, let's change that
 12 on your -- to 2011. I think that's what Sherry was
 13 going for.
 14 Yes, Commissioner Moikeha.
 15 MEMBER MOIKEHA: I thought we were proceeding
 16 and at least starting in some kind of chronological
 17 order as it appears. So I was wondering why district --
 18 the subject of district elections, and what happened to
 19 the Preamble and the -- did that come -- was that on
 20 there?
 21 CHAIR STONE: Sherry, just to be 100 percent
 22 sure, so I don't look like a complete fool, that didn't
 23 get on the Active List?
 24 MS. BRODER: No.
 25 MEMBER MOIKEHA: This is where we started,

1 this Article 3.
 2 CHAIR STONE: So, lo and behold, look where we
 3 start. The easy one. We're starting with district
 4 elections. Fantastic.
 5 MEMBER OKAMOTO: I guess I'm lost.
 6 MEMBER CRIVELLO: I'm lost, too.
 7 CHAIR STONE: Oh.
 8 MEMBER OKAMOTO: The one I'm looking at starts
 9 with the Preamble.
 10 CHAIR STONE: You're looking at the Matrix.
 11 MEMBER DELEON: Keep on going. Keep on going.
 12 CHAIR STONE: This is the Active Proposal
 13 List.
 14 MEMBER OKAMOTO: What's the number at the
 15 bottom?
 16 CHAIR STONE: It is 1-14. Page, right, 1-14.
 17 IV-A, yeah. Okay. Everybody got it before we start?
 18 Okay.
 19 So this is a -- no. I think, basically, we're
 20 delving into the issue. And there's a number of
 21 proposals here on the table. What we should do, I
 22 guess, is take a second, maybe, to review the proposals
 23 that are on the table for district voting, and then
 24 begin our discussion. So why don't -- let's give
 25 everybody a good five minutes to remind themselves what

1 the proposals are on the table before we enter into the
 2 discussion. All right? Okay. Ready, set, go.
 3 (Off the record, 11:45 a.m. to 11:51 a.m.)
 4 CHAIR STONE: So what we'll do is, to make it
 5 fun and exciting, we'll start going one way around the
 6 table and the other way back around the table so
 7 everybody has a fair chance to speak. What I would like
 8 to do is put this first round limit at two minutes, try
 9 to keep it under two minutes, the discussion.
 10 Yes, Commissioner DeLeon.
 11 MEMBER DELEON: I need a longer statement than
 12 that.
 13 CHAIR STONE: Commissioner DeLeon, you're
 14 getting two times to talk.
 15 MEMBER DELEON: I'm not going to be able to
 16 complete the thought. I have yet to complete the
 17 thought in the whole time we've had these discussions.
 18 I've been cut off at the seams every time I try to bring
 19 up the thought. I would like to complete the thought.
 20 CHAIR STONE: What we're going to do is we'll
 21 go around this first time, come back the second, and
 22 then we're going to, obviously, have major debate. So
 23 let's get out -- this is to get our general feelings and
 24 ideas on the table so that we know where we're starting
 25 this discussion off. All right? Is that okay?

1 MEMBER CRIVELLO: Clarification?
 2 CHAIR STONE: Yes, Commissioner Crivello.
 3 MEMBER CRIVELLO: So are we taking each --
 4 CHAIR STONE: No, it is a general discussion.
 5 MEMBER CRIVELLO: Okay.
 6 CHAIR STONE: All right. So, birthday boy.
 7 (Laughter.)
 8 MEMBER DE REGO: Oh, I get the honor of
 9 starting this off, huh?
 10 CHAIR STONE: And I'm timing. Go ahead.
 11 MEMBER DE REGO: Actually, I have a very short
 12 remark to start off with. It's looking at each of
 13 these, and it's been my position that it would be unfair
 14 to the voters and, I think, not clear if we just put a
 15 general amendment about district voting on the ballot
 16 and then somehow, miraculously, work it out later. We
 17 did contract, in some shape or form, the GIS Department
 18 to have some sort of software capability to be able to
 19 look at each of these in an individual sort of way
 20 exactly how it would look. I think this is the time now
 21 to employ that group, and to take the specific
 22 recommendations in what I would call models for each of
 23 these district voting recommendations and to get them
 24 sort of divided up and have us to be able to look at it.
 25 CHAIR STONE: That's it, Frank?

1 MEMBER DE REGO: That's it.
 2 CHAIR STONE: Okay. Thank you.
 3 Commissioner Sugimura.
 4 MEMBER SUGIMURA: So I would like -- as far as
 5 this district voting issue, there's words in there which
 6 I need clarification. Like self-rule, what does that
 7 mean? What would be the powers and duties of self-rule
 8 mean versus being a councilmember, in that capacity.
 9 And just with the composition, like what Frank is
 10 talking about -- I think he kind of answered my
 11 question -- how would that be divided up and what does
 12 that mean to the general picture? So that's kind of my
 13 questions.
 14 CHAIR STONE: Very good.
 15 Commissioner Moikeha.
 16 MEMBER MOIKEHA: Thank you, Chair. My
 17 comments are pretty straightforward, simple.
 18 I like what the West Maui Taxpayers put in
 19 their letter; "We realize that this is a complex issue
 20 that will touch all citizens of Maui County." And I
 21 know in testimonies that I've heard and positions that
 22 Commissioners have put forth here, it seems like it's
 23 trying to -- they want it to be something very
 24 simplistic, and it's not.
 25 And for the very reasons that my previous

1 Commissioners before me stated, this is a very complex
 2 issue. I, too, would support having GSI or GIS come
 3 down and do their modeling and take a look at this.
 4 It's very unfortunate that of all that I've heard in
 5 testimony and limited discussions here on this subject,
 6 that there's no data. There's just people's subjective
 7 opinions that this is what the system is, it works for
 8 me or it doesn't. And I want to see some data. I want
 9 to see some data that shows me how this makes it unfair,
 10 this at-large system. I want to see data that gives me
 11 the pros and cons of something different or something
 12 that we have already. And those are the kind of things
 13 that I'm looking for, more factual base, more objective.
 14 And I know surveys and all of that can be designed to
 15 sway you a certain way, but we haven't seen anything.
 16 I've heard a lot of testimony. Even RAM didn't conduct
 17 their own survey of their members to find out where
 18 their position stood. So I need more information.
 19 And if we want to go down the road of picking
 20 some of these models and portraying them out there and
 21 seeing what we can see from that, that would be part of
 22 it, but I need to see a specific model that's going to
 23 work for all of Maui County and not just for the Island
 24 of Maui residents and voters. So I think there's still
 25 much more that needs to be presented to persuade me to

1 move in either direction.
 2 CHAIR STONE: Very good.
 3 Commissioner DeLeon.
 4 MEMBER DELEON: For the record, I've written
 5 out my statement so you can see exactly what the logic
 6 of my thoughts are. I'm not very good at doing this --
 7 doing it this way.
 8 Basically, as an observer for decades, I've
 9 noticed how -- how there's distortions in the system
 10 and -- but I've never really got really interested in
 11 it. I watched the fact that -- that, you know, it's
 12 absurd for councilmembers to go home to Molokai, Lanai,
 13 Hana. I mean, that's impossible. I notice that they
 14 frequently ran without competition or a lot of votes
 15 were left blank. But it never really got into focus for
 16 me until the Kaho'ohalahala case. And that comes down
 17 to if they don't have to live on the island, then what
 18 is the point of this (inaudible) system? And it isn't
 19 just Mr. Kaho'ohalahala. Mr. Gima, in his testimony on
 20 Lanai, said he's also suing Mr. Hokama because he
 21 doesn't live there as well.
 22 When I lived in Kahului, Goro Hokama lived
 23 across the street from me. His wife, his kids, his
 24 family lived in a house driveway to driveway straight
 25 across the street for two years. Apparently, the rules

1 didn't count then, either.
 2 So why do we have this system?
 3 The cost. You know, we have this -- there's
 4 -- there are real heavy duty costs to democracy and this
 5 system. Communities are stuck with representatives that
 6 they don't want because an incumbent doesn't have to
 7 represent a district, even though the Council is really
 8 organized in districts. If you pay attention, they
 9 really are. Two of the three councilmembers, and
 10 usually the Molokai and Lanai councilmembers, run
 11 without competition every election. And one of those
 12 people usually end up being the Council Chair. Molokai
 13 and Lanai incumbents run with little or no competition
 14 because they've never been defeated, ever. The last
 15 serious attempt was by Henry Olivo, in 1988 and 1990.
 16 He was an intelligent, handsome, capable, ex-Marine
 17 Beret, corporate executive, very capable guy. Didn't
 18 have a Maui base, didn't stand a chance. He lost two
 19 elections. He fought really hard and went down hard.
 20 And he was capable. He was a guy, he ended up being the
 21 Parks Director under Lingle.
 22 Lanai -- and so the lesson is, the Lanai and
 23 Molokai incumbents will never be beaten. This is a very
 24 serious distortion in a democracy.
 25 CHAIR STONE: Commissioner DeLeon, we'll come

1 back to your thought.

2 MEMBER DELEON: Boy, that's really hard,

3 Mr. Chair. That's really hard. I mean, I've sat

4 through these discussions, and we've never really had a

5 chance to discuss it. Now I'm ready, and I can't even

6 finish my thought. Thank you.

7 CHAIR STONE: Thank you.

8 Commissioner Baxa.

9 MEMBER BAXA: Mr. Chair, I think I understand

10 a little bit of the issue, but not as much. I am one of

11 those who would like to see a model so that I could

12 compare the general residency versus what is being

13 proposed today. That's all that I have to say.

14 CHAIR STONE: Thank you very much,

15 Commissioner Baxa.

16 Vice-Chair.

17 VICE-CHAIR HEDANI: On the question of

18 district elections, I've heard a lot. I've heard a lot

19 of testimony from the islands of Lanai and Molokai. My

20 general feeling is that there are too many moving parts

21 in the proposal, that the "I"s are not dotted, the "T"s

22 are not crossed. We've gone 50 years, basically, since

23 the Charter was first created. And the system that we

24 have today has withstood the test of that time. If

25 we're going to change to another system, then it has to

1 be something where everything gets answered and we

2 understand completely how it's going to work. And to

3 date, I haven't seen all of those perspectives

4 addressed.

5 CHAIR STONE: Thank you.

6 The Chair is presently listening. So,

7 Commissioner Crivello.

8 MEMBER CRIVELLO: Did you want to go ahead?

9 CHAIR STONE: No. I'm good. I'm listening.

10 MEMBER CRIVELLO: Okay, you're listening.

11 As I go through these different amendment

12 proposals, you know, I note quite a bit the word

13 "without" or "leave out" or "they don't count," Molokai

14 and Lanai. So I have to take a stand to get some clear

15 clarification how powers of the Council is run, and how

16 the ordinances and resolutions affect Molokai and Lanai.

17 We're not left out of the -- that bucket. Everything

18 that comes before us from the Council, they have the

19 power, and whatever they pass, whatever ordinance they

20 pass affects Molokai and Lanai, unless -- unless someone

21 can show me otherwise. So district voting, if it's fair

22 and equitable for the people of Lanai and Molokai, then

23 that's maybe something we want to consider, at least on

24 behalf of the less populated districts. Unless we are

25 not part of Maui County, then -- then we have another

1 discussion.

2 So I need to know, also, what is self-rule.

3 What does -- how does a residency -- maybe that's what

4 we have to look more into, the residency and how we have

5 that the people who have to enforce these rules pay more

6 attention to -- to -- so I think there is many more

7 discussions, and more clarification from those who

8 support district voting can help to give us the kind of

9 model that they're looking at, that the beneficiaries of

10 Molokai, Lanai and Hana are not left out. If you're

11 saying Maui Nui, then, you know, that does include us,

12 also.

13 CHAIR STONE: Thank you, Commissioner.

14 Commissioner Hashimoto.

15 MEMBER HASHIMOTO: Yeah, I also agree with --

16 gee, I want to call her Stephanie, too. I guess it got

17 stuck in my head. But what I have to say about this

18 matter is this: I believe that we need to ask this

19 question, first of all, so we can clarify, whether we

20 need to put this question of changing our present system

21 to single district, for example. But I think the -- the

22 first question that needs to be asked is do the people

23 of Maui want to change the system. I think that's the

24 primary question, is, do the people of Maui want to

25 change from the current system. Just remember now that

1 the people voted for the system we're in now. It's not

2 something we're trying; it was voted for. If we give

3 them another system -- whatever system that happens to

4 be -- that is different from the one we now have, that

5 is -- that has been voted upon and adopted, and been in

6 place at least 10 years, then -- then we may be sort of

7 forcing it upon our people. So I think that what we

8 need to do is ask that question, do you want to change.

9 CHAIR STONE: Very good. Thank you very much,

10 Commissioner Hashimoto.

11 Commissioner Okamoto.

12 MEMBER OKAMOTO: I have my notes.

13 (Laughter.)

14 CHAIR STONE: You're prepared.

15 MEMBER OKAMOTO: I'm prepared. Well, before

16 -- as I thought about this, my whole philosophy on the

17 Charter is that we should only make a change if it's

18 really going to benefit people. We should make as few

19 changes as possible. It's like the Constitution, after

20 200 years, how few changes have been made. And so in

21 looking at everything, I'm really looking at that, that

22 we only change if it's a way to improve.

23 And I also tried to think if I weren't from

24 Lanai. And, honestly, if I weren't, I would still want

25 the system we have because I feel like Maui is one unit.

1 We're not like the mainland. One of our testifiers
2 talked about having different systems. I don't think he
3 lived where there were different islands. And so I
4 think we have to think of it in that respect. We are
5 Maui, in one unit.

6 And I like the idea of having to vote for nine
7 people. Yes, it may require me to study a little more.
8 Well, I'm sorry, I didn't think that voting was going to
9 be easy. We do need to study the candidates.

10 And I also don't think we need to just make it
11 because it's cheaper. We've had a candidate in the past
12 who was the highest vote-getter and spent very little
13 money. So I don't -- I don't go for that.

14 And I just -- I think much of the testimony
15 that we did hear was -- it was that, well, it's easier
16 for people to run for office. And I just don't think
17 that's a good excuse. It's also, well, we keep electing
18 the same people. Well, we keep electing Dan Inouye and
19 we keep electing Akaka. Hawaii is known for that. In
20 fact, mainland is known for it, too. I lived in a state
21 that had Carl Hayden forever. So that's -- you know,
22 that is just politics. People get reelected because of
23 their name.

24 And I think that's -- that's -- the arguments
25 that I heard, I don't always put validity with some of

1 them just for that. They're valid arguments for
2 something, but not to change a system that the voters
3 did decide on when they originally accepted the Charter.
4 And so that's my position.

5 CHAIR STONE: Thank you, Commissioner. So
6 we've heard everybody's -- everybody's thoughts on the
7 matter. It seems like we need more information. So
8 what I'd like to do, instead of going back around the
9 room at this point, is if a Commissioner would like to
10 continue for a bit more, please raise your hand and you
11 may finish your thoughts.

12 Commissioner DeLeon and then Commissioner
13 Moikeha.

14 MEMBER MOIKEHA: I'm confused. What are we
15 doing now?

16 CHAIR STONE: Well, to me, it seems like we're
17 not at a stage where we can truly dig into this. We
18 need GIS back to look at possibilities. It doesn't seem
19 that any Commissioner is ready to take a full stand at
20 the moment because they just don't have enough
21 information in front of them. So I think what we're
22 going to need to do is dig -- get all the information
23 that the Commissioners require. After this round of
24 discussion, what I would like to do is go to each
25 Commissioner and say, "What do you need to make a final

1 opinion or formulate a final opinion?" Because that's
2 what we need to get to eventually.

3 MEMBER MOIKEHA: So, then, I understand you're
4 going to eliminate the second go-round and just let us
5 have conversation.

6 CHAIR STONE: Yes. Just quickly, short
7 conversation, two minutes each, raise your hand, and --
8 and then we're going to discuss about what we need. All
9 right? Because I can see right now, we're not going to
10 -- nobody's taking a stand. So --

11 MEMBER DELEON: Mr. Chair, I haven't even had
12 a chance to get to a stand. I haven't even completed
13 the beginning of my thought.

14 CHAIR STONE: Well, Commissioner --

15 MEMBER DELEON: Well, I mean --

16 CHAIR STONE: Commissioner DeLeon, please.

17 MEMBER DELEON: Okay. So, so far, I've
18 pointed out that communities are stuck with
19 representatives they don't want, two or three
20 councilmembers always run without competition, Lanai and
21 Molokai councilmembers run with no competition because
22 they never get defeated.

23 I would like to point out that the testimony
24 pointed out again today that this is a very inequitable
25 operation we have now. It's, you know, Lanai with 3,000

1 residents, and Wailuku with 28,000, and they get the
2 same amount of Council representation.

3 I would like to point out the testimony -- and
4 I know the -- the idea this is at-large election is an
5 illusion -- I mean, the at-large election is not an
6 illusion, but the fact that it's not districts is an
7 illusion. It is very much a district operation in the
8 County Council, especially when you get down to budgets.

9 And I would like to speak to point out the
10 Zach Helm's statement to us at the Molokai hearing: I
11 started off with five positions on Molokai, back in
12 1982. I had 30 positions. And I have to thank our
13 Council representative, you know, for providing these
14 jobs because it really helps us economically. If we --
15 if we -- if we lose that voice, we may not be able to
16 get the things we've gotten now.

17 But that's what we're really talking about
18 here. We're talking about budget leverage beyond what
19 the small populations of these small communities can
20 justify. The leverage is compounded in each case
21 because most Molokai and Lanai councilmembers invariably
22 turn out to be the Council Chairs.

23 The voters don't like the system we have now.
24 That's evidenced by the fact there's a 20 percent blank
25 rate in every election, every election. The West Maui

1 taxpayers put it this way: "We are finding that a large
2 number of county voters are simply not voting for
3 Council positions because they either do not recognize
4 the candidates or feel that the candidates do not
5 represent them and where they live." We need to make a
6 voting system -- voting system be easier, more
7 transparent, more logical, in a word, more fair for Maui
8 County residents.

9 Last year, there was a survey of Maui County
10 voters, a scientific survey done by QMark. This is the
11 information sheet that they sent out before -- before
12 the survey was conducted to show what they were talking
13 about. It went to every voter. That survey said 65
14 percent of the Maui County voters wants to see change in
15 the election system. There's ample evidence the fact
16 that this community wants to see a change. The
17 Kaho'ohalahala case highlighted that evidence. It's
18 clear and it's really -- now it's on this Commission's
19 responsibility. I'm sorry, I'm not -- I would rather
20 read the thing. I thought I would have more time to do
21 it.

22 This question's come up before, but it's never
23 been -- never before had the issues been so clearly
24 drawn. Never before the voter's interest in seeing it
25 brought to a vote been so clear. Our current system is

1 developed over time, and none of the distortions noted
2 were deliberately set, but they are now noted and known
3 and clearly delineated. And this Commission is on
4 notice that we have, in fact, a broken system. And the
5 voters want it changed to address that issue.

6 Commission Moikeha points out that -- that --
7 you know, so what's the evidence of the broken system.
8 That is the highlighted points I've put in here.
9 They're very real and they -- they affect the ability
10 for the voters to be able to treat this like a
11 democracy.

12 Thank you.

13 CHAIR STONE: Thank you, Commissioner DeLeon.

14 Any other Commissioner have a statement?

15 MEMBER OKAMOTO: Well, I will -- I will go
16 ahead and continue. I believe that a lot of the numbers
17 that we've given, I think we all -- the whole thing with
18 QMark, we never got any answers on how those things came
19 about. At one point, someone said hundreds of people
20 have spoken for the district voting. I went through our
21 count and I sure didn't find hundreds. Yes, there are
22 people who have spoken. Many of them have spoken more
23 than once on the same issue. So I think there is an
24 exaggeration in the numbers.

25 And I really -- I feel like we've gotten into

1 personalities a couple times that we shouldn't, but I do
2 have to answer to those.

3 I don't believe that Mr. Kaho'ohalahala's
4 issue has anything to do with district voting. It
5 wouldn't have mattered whether he was -- if you had pure
6 districts, you'd have the same problem. That's a
7 totally separate issue, that's a residency issue.
8 Because he could have been elected from Upcountry, we'd
9 had the same issue. So I don't believe that that should
10 even come into play.

11 And I do -- and I know we're not supposed to
12 debate, but I do have to -- I lived on Lanai all the
13 time that Goro was representative. His children went to
14 school on Lanai. His wife lived on Lanai. He came home
15 on many weekends. Obviously, not every weekend. I went
16 to church with him many, many weeks. So to say -- yes,
17 he lived with his daughter after she was an adult here,
18 while he was serving, but, yes, he did live on Lanai.
19 And we saw him quite often.

20 The one thing that -- and I see it as a sort
21 of progression, we now do not have a Maui County Fair.
22 We have a Maui Fair. And that just really hit me. Is
23 that where we're going, Maui is it, the rest of it
24 doesn't count? You know, Maui County is one unit, we
25 have to look at everybody.

1 CHAIR STONE: Thank you. And point of
2 clarification, now is the time to debate.

3 MEMBER OKAMOTO: Thank you.

4 CHAIR STONE: Okay. Thank you very much.
5 Commissioners, would anybody like to make
6 another comment? Commissioner Crivello.

7 MEMBER CRIVELLO: I'm willing to take a stand.

8 I can understand where the proponents for
9 district voting is coming from. What I do not
10 understand is how you can eliminate districts that are
11 considered part of the county, part of Maui County.
12 Unless it's otherwise, then don't exclude the districts
13 that are part of Maui County.

14 You mention, Commissioner DeLeon, about our
15 representatives from Lanai and Molokai. We take some
16 pride. I mean, we've had Mayor Lingle who started off
17 as our councilwoman, and ended up being Governor. We
18 had the late Council Pat Kawano, who served for many
19 years as Chair of the Council. And, today, we have
20 Chair Mateo. So how unknown to Maui and to Molokai are
21 these representatives?

22 So in all fairness, perhaps Brother Zach was
23 able to increase his Parks Department, perhaps it
24 started from Council Linda Lingle's time, too. And
25 that's how far back it goes in the Parks and Recreation.

1 So maybe it's an accumulation of times. I think we need
 2 to get more details.

3 We're also left out quite a bit. But you know
 4 what? We sustain it. And, you know, this may not be
 5 the best, but it's what we have. And we have been able
 6 to work it well, not only on behalf of Molokai and
 7 Lanai, but all of Maui. It's -- we're -- we don't
 8 isolate ourselves because we're Molokai. We take pride.

9 And nature separates us by water. And that's
 10 something that we live with. And one thing that at
 11 least we're not deprived of is having direct
 12 representation with our resident councilperson.

13 If -- we have, on the State level, single
 14 district. Our house of representative lives on Maui,
 15 our senator lives on Maui. And we have to put up with
 16 the representation of not being directly from our
 17 island. And -- and we know the difference.

18 So I don't see why we should be without.
 19 Wards and townships and self-rule, whatever else is put
 20 before us with the proponents of removing or -- or
 21 separating us, my question to you would be, how would
 22 you separate the districts that's on Maui? In this
 23 district voting, how will we separate -- or will there
 24 be a separation of districts for Wailuku and Kahului?
 25 Does that come with the district -- district voting,

1 too?

2 So I take my stand. I have -- I don't see
 3 where district voting would be of full benefit for all
 4 of the County of Maui.

5 CHAIR STONE: Thank you, Commissioner.
 6 Commissioner Hashimoto.

7 MEMBER HASHIMOTO: I'm just going to follow up
 8 on what I said earlier. The reason for the -- for
 9 asking that question is, you know, we have sat here, all
 10 of us have sat here, and listened to people walking in
 11 and talking about district voting. We've heard it more
 12 today than we heard it before. And it's one meeting.
 13 Before that, though, we didn't have that. Now -- and
 14 even though we've heard a lot of people speaking in
 15 favor of district voting, these -- these are just very
 16 small numbers of people who had really spoken, you know,
 17 in favor of that. There are 82,000 voters on Maui. And
 18 we've heard, what, a very small percentage of people who
 19 have spoken up in favor of single-district voting. So I
 20 still believe that -- that we can't base our -- whatever
 21 conclusions we come to purely on -- on a few number of
 22 people who seem to be in favor of single-district
 23 voting.

24 I really go back to that question again, do
 25 the people of Maui want to change the system that has

1 been with us now for 20 years, or however long it's
 2 been.

3 CHAIR STONE: Thank you very much,
 4 Commissioner.

5 Commissioner Sugimura.

6 MEMBER SUGIMURA: So I have a question
 7 regarding this document here. And I guess -- correct me
 8 if I'm wrong, Dave, but I think it was presented like
 9 this was a piece that was distributed to -- I don't know
 10 who.

11 MEMBER DELEON: To the voters.

12 MEMBER SUGIMURA: To the voters, okay. So
 13 this is from the North Beach West Maui Benefit Fund,
 14 Inc., that Lahaina group. And I think this is the same
 15 group that we're waiting for that QMark study back. But
 16 I remember at the time, when we were going through this
 17 discussion, that I think Commissioner Moikeha said that
 18 because it wasn't validated through data or even through
 19 community meetings, or whatever, it looked like it was
 20 like these four commissioners or representatives who
 21 actually represented that group, the West Maui -- I
 22 don't know what they're called already -- I would have
 23 to study it. But -- so, therefore, I think this is the
 24 same -- same fancy publication, a lot of money that was
 25 spent for information, but it didn't go further than

1 that.

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

4 MEMBER DELEON: Actually, this was a
 5 preliminary piece that went out, and then the 500 voters
 6 were called in a random professional survey by QMark.

7 Now, this Commission never made an effort to
 8 bring QMark in here. I mean, that was your prerogative
 9 as a commission to bring him in here. If you're going
 10 to challenge them, have the opportunity to talk to them.
 11 Nobody's taken that effort to do that. Make the effort
 12 if that's what you think.

13 And, Stacy, if you want to look at what a
 14 district looks like, that's what was described here. So
 15 that's -- that's what's answering your question what a
 16 district would look like. Excuse me.

17 Clifford, on your point about the voters
 18 picked the system and created this system, the voters
 19 moved from one at-large system to another at-large
 20 system 20 years ago. It didn't really change. It
 21 wasn't ever a single-member district.

22 MEMBER HASHIMOTO: I didn't say that.

23 MEMBER DELEON: Single-member district.
 24 Basically, a small variation on the same game, including
 25 the -- the Hana District, the Hana seat, in creating,

1 and got rid of the at-large seats, the nonspecific
2 non-district entities, and ended up with nine districts.
3 But it was still an at-large race. Nothing -- nothing
4 significantly changed in that reference in order to be
5 able to protect Lanai and Molokai's current position.
6 That was the goal of that.

7 And, to me, it's kind of a cynical thing to
8 say, well, the incumbents always get elected. So why
9 even bother having elections, then? I mean, if the
10 incumbents are always going to win, why bother? I mean,
11 let's not even bother having elections.

12 MEMBER HASHIMOTO: Well, you know, I
13 believe -- if I may?

14 CHAIR STONE: Yes, Commissioner Hashimoto.

15 MEMBER HASHIMOTO: Well, I believe, you know,
16 that -- that is, you know, your opinion, Commissioner.
17 I have my own personal opinion as well. But I have not
18 tried to do that. I have not tried to influence anybody
19 in here based on my -- my own opinion and -- and what I
20 like or what I dislike. I only asked the question.

21 MEMBER DELEON: Okay. Mr. Chair?

22 CHAIR STONE: Thank you, Commissioner.

23 MEMBER DELEON: I would like to support,
24 though, Cliff's concept of putting a simple question to
25 the public, do you want to change the system. I think

1 there's too much inertia in our current status quo that
2 it would be too hard to move the status quo. And I
3 think the public needs to be asked. If you don't trust
4 a professional survey organization like QMark, then
5 maybe the professional organization that ought to make
6 the question is the Clerk's Office on the ballot. And
7 then we can ask the question formally, and then have --
8 have it done in a real formal -- formal and
9 non-equivocal manner. Ask the question, do we want to
10 change the way we elect our County Council, put it to
11 the voters.

12 MEMBER BAXA: Mr. Chair?

13 CHAIR STONE: Thank you, Commissioner.

14 MEMBER BAXA: Mr. Chair?

15 CHAIR STONE: Oh. Sorry. Who is that
16 beautiful woman? You come in here, disrupt our meeting,
17 looking sexy and all. Get out of here. That's our
18 pizza delivery girl.

19 (Laughter.)

20 CHAIR STONE: Commissioner Baxa.

21 MEMBER BAXA: Mr. Chair, this is a very
22 important question. I know that we have different
23 thoughts. And I would not say anything any more, but,
24 lest, everybody suspects that I do not have any thoughts
25 on this, I might as well go on record.

1 I believe that the idea of one man, one vote
2 is really an ideal. It is. And, yet, it bothers me
3 that if we go strictly to the point, it may really occur
4 that Lanai, Molokai, and even Hana, may actually be
5 totally deprived of the right of representation. And,
6 to me, consideration of the right of the minority, small
7 group of people, is very important in a democracy.

8 The United States, big as it is, is a great
9 country. I think every one of us recognizes that
10 America is the greatest country in the world because it
11 recognizes the right of minorities. And at this point,
12 I consider the island -- the people of Lanai and Molokai
13 to be in that category. So much for that.

14 As far as the Kaho'ohalahala question is
15 concerned, I do not think that is an issue in district
16 voting. Kaho'ohalahala question/issue pertains to
17 residency. That is separate. It has nothing to do with
18 the residency question.

19 There was an argument by Mr. DeLeon. And I
20 respect his intelligence and I respect the hard work
21 that he did. And he means that with all his heart, I
22 give him that. But he keeps on saying that Molokai and
23 Lanai, because of the councilman's power, they get most
24 of what they want. Until today, I am not convinced that
25 Lanai and Molokai, in relationship to the economic

1 progress of the other portions of Maui, have surpassed
2 the other districts. To me, Lanai and Molokai remains
3 at the bottom.

4 I don't know if you have an answer to that.

5 These are important considerations for me. I
6 have to consider the rights of what I believe as far as
7 minorities within this country. Thank you.

8 CHAIR STONE: Thank you very much,
9 Commissioner.

10 Commissioner Moikeha.

11 MEMBER MOIKEHA: Thank you.

12 I just want to clarify a few things that were
13 said, because they were on the record. In regards to
14 the QMark and my comment at that time, after some
15 discussion as to when this came out and how much of it
16 was from public input, my concern with that was that I
17 took it -- this working group's document, including
18 their survey, as individual testimony, and not
19 representation of the public of Lahaina. At one point
20 in time, in the minutes, it does reflect this, that they
21 were representing that they spoke for the public of the
22 west side. My concern about that, after discussion, was
23 that that's not what I found to be true.

24 Whatever work they did propose in this
25 documentation, wherever they have presented it in the

1 county, to me, is a working group of four individuals.
 2 And for me, it's validated because it comes from them.
 3 And it's like anyone else in the public eye, that stands
 4 up here and shares their opinion. Likewise, any one of
 5 us. So this, for me, was individuals that got together
 6 and produced a document of their positions on many
 7 amendments to the Charter, one of them being the
 8 district voting.

9 In regards to the QMark, which Mr. DeLeon
 10 relies heavily on as the -- the greatest survey ever, to
 11 give us all the data we need, we differ on that opinion.
 12 Because I don't see that.

13 And, yes, we did request it, and it still has
 14 not come forth. Mr. De Rego had requested it many
 15 times. And it would be a good idea for us today, when
 16 we go through our list, if we could have a telephone
 17 conversation with those that actually conducted this.

18 So right now, it's just out there for
 19 information purposes.

20 In regards to some of the issues that
 21 Mr. DeLeon raises in his -- in his dissertation, which I
 22 respect -- I think Dave feels very passionate about the
 23 things that he puts forth here, as many other people do.
 24 And I respect that, even if I'm not in agreement with
 25 it. I don't always agree with everything that everybody

1 says, but, for me, I respect that that's their opinion.
 2 And this is his opinion. He cites things that he views
 3 as his rationale. When I look at things -- and I have
 4 thought about this -- the voters don't like or
 5 understand the current system, every election there is a
 6 20 percent blank rate in Council races. In his opinion,
 7 that means something. In my opinion, it means, are you
 8 a mind-reader, did you go to the polls, did you talk to
 9 people that cast a blank vote?

10 And this is why I always appreciate people
 11 that come to testify and share their personal
 12 experiences with this whole issue. I've heard the same
 13 general things, pretty much what Mr. DeLeon has proposed
 14 here in support of his argument, coming forth from the
 15 general public. And I want to hear some personal
 16 experience.

17 As a voter, myself, I have cast a blank vote.

18 First of all, being a -- having the privilege
 19 to vote in a democracy gives certain privacy. We go to
 20 the voting polls, we close that little curtain, and the
 21 only person that knows where we stand on our views and
 22 who we cast our vote for is us, unless we share that.

23 I've heard very little people talk about their
 24 experiences in their voting. And here's mine: When I
 25 had to vote for a mayor this last election, I left a

1 blank vote because neither one of them, to me, aligned
 2 with my values and views that I could support either
 3 one. And -- and that's where I stood. A lot of times,
 4 when I look at Council districts at-large, I may
 5 personally not like that person, and there's no one else
 6 running, okay, I don't want to cast a vote, let the rest
 7 of the world decide who is going to run and represent
 8 you. That doesn't mean that I don't understand the
 9 system. That doesn't mean that I'm ignorant or, you
 10 know, I don't care. That's my personal stance. And
 11 that's where I'm coming from.

12 There's a lot of things here that I've heard
 13 that can be -- go either way. And we can cancel each
 14 other out all day long. But the gist of all of this
 15 comes back to a specific model. I have not seen a
 16 specific model that I think is going to be fair and
 17 equitable to everyone.

18 And maybe that just requires more time. This
 19 issue has been along -- around for a long time. And no
 20 one has really grasped it and taken it and investigated
 21 it and dissected it. And we always get to these crisis
 22 moments of emergency, we got to decide now, we got to
 23 have it on the ballot. Well, the Council had full
 24 control of that last year. And what did they do? They
 25 kicked it to us. Why? Why didn't they take the time to

1 have a subcommittee and really investigate this issue
 2 and see where we are? And let's look at the pros and
 3 cons of both sides of this story. Because I haven't
 4 seen all of that information come out yet. I've heard a
 5 lot of opinions from very passionate people who believe
 6 what they believe. And they take the time to come here
 7 and share it. And I've heard the exact same thing from
 8 the people that have committed their year service here,
 9 you know. My opinion, your opinion. Everybody has an
 10 opinion.

11 In making decisions, for me, it is going to be
 12 about how I weigh everything. And I do come from a more
 13 analytical detail, give me some facts, help me tip that
 14 scale one way or another.

15 The other part of that issue, too, in my
 16 decision-making, my personal decision-making, has a lot
 17 to do with, also, some subjective feelings that I get.

18 I was in those meetings on Molokai and Lanai
 19 and Hana where this issue will affect them the most.
 20 They will be greatly impacted the most. And when I
 21 listened to their concerns and their issues and where
 22 they're coming from and their experience -- let me also
 23 tell you, I spent a lot of time in those communities in
 24 my life. In being a resident of South Maui for 32 years
 25 and on this island since 1977, I have spent time in

1 those communities. I spent a lot of time there in my
2 college days, on Molokai, immersed in the culture of
3 that island. I have done the same in Lanai. They're
4 not my islands, I don't reside there, but I've been
5 there, I've immersed myself in the culture.

6 And this issue, too, is more than just about
7 weighing the facts; it's a cultural thing. It is indeed
8 a cultural thing, whether we want to talk about that or
9 not. And -- and that's something that is underlying
10 underneath all of that. When you talk about mokus or
11 districts of the ahupua'a system, as I think Mr. Helm
12 was referring to, and those on these islands are
13 referring to, yes, there were districts, there were --
14 this is how they lived, that's how they functioned,
15 that's how they preserved their resources, to live, to
16 sustain their lives. And this issue dips down into
17 that, in my opinion. I'm not a cultural expert. It is
18 my heritage, too, but I'm not a cultural -- but that's
19 the feeling and the passion that I get as I hear, listen
20 and observe.

21 I don't think this issue is going to be
22 decided in this time, in my personal opinion. There is
23 so much more that needs to be addressed. It is just not
24 going to be another model in the continental USA, how
25 they do it. I'm sorry, I don't believe that.

1 And I'll leave it at that.

2 CHAIR STONE: Thank you, Commissioner, very
3 much.

4 Commissioners, this is actually very
5 interesting. This is good stuff. This is what I want
6 to hear from you.

7 So any further discussion? Commissioner
8 DeLeon.

9 MEMBER DELEON: Yeah. I would like to address
10 a few different issues.

11 CHAIR STONE: In the microphone, please.

12 MEMBER DELEON: I'm sorry. I was looking at
13 my notes.

14 On the idea of disenfranchising Lanai and
15 Molokai, what we're talking about with single-member
16 districts is equal representation. That means everybody
17 gets the same amount of representation equally. You
18 don't get more because you live on a small island
19 anymore. You get the same amount of representation as
20 the other folks in the county. Minorities will not lose
21 representation; they'll get fair representation.

22 The Kaho'ohalahala case underlines the issue
23 of why we're doing the thing. The whole point of the
24 thing is they're supposed to live on those islands. If
25 they're not living on those islands, why are we doing

1 it? That is why -- that's why I did put a highlight on
2 it, that's why I did focus the community on this issue.

3 I'm not done yet.

4 On the blank votes, I'm not trying to
5 mind-read anybody, but only in the Council races do we
6 have a 20 percent blank vote rate. Susan mentioned that
7 she -- she didn't vote in the Mayor's race. Well, she
8 was part of the two percent that didn't vote in the
9 Mayor's race. And the Council races, for the last
10 number of years, number of elections, it's been 20
11 percent blanks. People aren't getting it.

12 And let me read the statement again from -- I
13 never got to it here -- from the West Maui Taxpayers.
14 "We are finding that a large number of county voters are
15 simply not voting for Council positions because they
16 either do not recognize the candidates or feel that the
17 candidates do not represent them and where they live.
18 We need to make the voting system easier, more
19 transparent, more logical, in a word, more fair for Maui
20 County citizens." That's the West Maui Taxpayers
21 Association. That isn't four citizens. That is the
22 premier representative organization in West Maui.

23 On the question of cultural -- and I know this
24 is sliding away from Council races, but what we were --
25 what I was speaking to -- and it was Mr. Rittle, and not

1 Mr. Helm, on Molokai. It was in reference to -- he was
2 talking about creating a moku system that was elected,
3 and that is a traditional system. That's, basically,
4 what I was talking about with island boards. It's,
5 basically, the same thing. So if it's a traditional
6 process, why is it so bad?

7 Pau.

8 CHAIR STONE: Thank you, Commissioner.
9 Commissioner Crivello.

10 MEMBER CRIVELLO: With your last comment on
11 the moku, we still come back to, you know, irregardless
12 if you were to have that representation, you would have
13 a complete voice in the aha, or, for us, the Council.
14 And so how does the idea of the islands of Molokai and
15 Lanai and the district of Hana, or other districts --
16 because everybody else would be split up one way or the
17 other -- be included in the full Council powers? I
18 mean, you know, you talk about boards, townships or
19 different mokus or -- or what-have-you.

20 Molokai certainly would like to be their own
21 voice. There's nothing more that we would want. But
22 being part of the county does not allow that. And so I
23 ask you, how will that be allowed that we're still part
24 of the full decision-making of the Council that affects
25 us as a population?

MEMBER DELEON: Mr. Chair?

CHAIR STONE: Commissioner DeLeon.

MEMBER DELEON: One man, one vote, you have equal amount of representation as everybody else. If you had island -- island boards, you would have an under structure. Which is an American system, yes, it's something that happens on the mainland, like townships. But Molokai is not going to afford a township. Township means you incorporate, means you run some of your own services. Molokai does need Maui resources. So -- same with Lanai. It would be too hard to do. That's why I suggested that -- and before me, Sarah Sykes suggested --

MEMBER CRIVELLO: She's no longer on Molokai.

MEMBER DELEON: Yeah, I know.

MEMBER CRIVELLO: Long time ago.

MEMBER DELEON: Yeah. But, anyway, that was originally her proposal and it managed to stick in my head. But the concept is that you would have an elected body which you don't have now. You have -- you actually elect nobody on Molokai. Maui elects -- when there is competition, which it hasn't happened in 10 years. When there's competition, Maui elects your representative. Molokai doesn't represent -- doesn't elect anybody. Molokai could represent -- could have its own

representatives and representative voice. So when someone wants to bring in a windmill farm, they would have a body to be able to stand up for them and be able to make -- make the arguments on a broad spectrum, and not just in the County Council.

CHAIR STONE: Commissioner Crivello.

MEMBER CRIVELLO: So to follow up with that, we do have our voices heard, but that doesn't necessarily mean that we get to make the final decision. And -- and the representation that we have from our resident councilperson allows us this opportunity to have us have that vote. So I think you said it very -- when you said a board or a township would be under, we want to be on the table, unless -- unless everything is completely 100 percent governance by our island and the people. And -- and the full governance, we live with this model that we have. It's not always to say it's the best, but we live with it. And candidates have run, and once the -- maybe, after a while, they run unopposed. But we know that we can knock on a door and be able to meet with our councilperson on the island. I think that's the difference, you know.

I -- you give me a lot of food for thought, Dave. And I really appreciate that. But I have to stand firm, until we can have a model, that we will not

be deprived.

CHAIR STONE: Thank you, Commissioner. Commissioner Hedani.

VICE-CHAIR HEDANI: You know, the maps that were presented in this exhibit from the North Beach West Maui Association kind of convinces me, to some degree, that the system that we have now works better than the systems that are being contemplated. If you look at Map 1, everything is green. One man, one vote, every citizen in the county, on all the islands, has nine votes, a vote for every councilperson. Option 1, Molokai, Lanai, Kahoolawe and Hana, as well as Haiku and Upper Kula, are included in one district. Geographically speaking, because we're four islands, probably the person in Haiku is going to represent Lanai, Molokai and Kahoolawe, whether he knows where Molokai is or not.

In Map 3, same thing. Probably somebody in Haiku is going to represent Lanai, Molokai.

In Map 4, somebody in Kihei is going to represent Lanai, and somebody in Wailuku or Waihee is going to represent Molokai.

What we're looking at is the potential disenfranchisement of the people of Lanai and Molokai from participation in Maui County. We already have --

Maui Island already has seven out of the nine councilmembers represented on the Council. And from my perspective, we don't have to (inaudible) all nine Council positions, you know, for the entire -- for the entire island.

In the case of the Senate and the House of Representatives, at the Congressional level, you have one system that represents minorities, irrespective of population. Same thing in the State Capitol, you have representatives and senators irrespective of population. In the case of the County Council, it's only one body; it's not bicameral. So you have a situation where you don't have the opportunity to have lesser communities represented by that perspective. The people that are there are the people that are there.

And I think I kind of like the green map that shows everybody voting for everybody.

CHAIR STONE: Thank you, Commissioner Hedani. Commissioners, any further discussion?

MEMBER HASHIMOTO: Yeah, just --

CHAIR STONE: Commissioner Hashimoto.

MEMBER HASHIMOTO: I was going to mention this to our first testifier today, that -- that, you know, I believe, if my memory serves me right, that 28 percent of the population of Maui is Caucasian. Okay. But we

1 don't see many Caucasian representatives. Perhaps
 2 that's the problem. I don't know. But with 28 percent
 3 of the population, which is the largest population we
 4 have on Maui, I -- I just don't understand why we don't
 5 have more representatives from -- from that large group,
 6 which is where -- where I'm hearing most of these
 7 complaints about unfairness coming from.

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

11 MEMBER SUGIMURA: So I guess, before we break
 12 for lunch, because I know that's where we're going
 13 next --

14 CHAIR STONE: So you think.

15 MEMBER SUGIMURA: But I just want to say that,
 16 in my work, like Commissioner Moikeha, I have done work
 17 with Lanai and Molokai, and not only with this island,
 18 and got to know the people. And maybe not as many
 19 issues as they have had to live through, but I
 20 understand their passion and their -- what they were
 21 saying when we went before them. Even Hana. Here we
 22 are only talking about Lanai and Molokai, but, really,
 23 Hana, I think, has a lot to lose, as we heard the
 24 testimony, Clifford, when we went to your -- your
 25 community, also.

1 And I just want to say that until you live
 2 there and you know what's happening, where you know what
 3 it is to live in those shoes, I think it's hard for us
 4 to make the kind of decisions that we think we know
 5 what's better for them. And the words in the -- the
 6 proposals that came to us that really troubles me are,
 7 you know, all these fancy words, townships or whatever.
 8 We think we're giving them a fair chance, but -- and a
 9 voice, but I think, really, what we need is for them to
 10 have what we see today, which is their own
 11 representatives for Lanai, Hana and -- and Molokai.
 12 And, yeah, the population is not equal, but that's the
 13 way it is. It's islands, which gives it a very unique
 14 character. And -- and I -- too, I haven't heard any
 15 reason why things should, you know, drastically change.

16 That's my position.

17 CHAIR STONE: Thank you very much,
 18 Commissioner.

19 Commissioners, I'm sure everybody is really
 20 hungry. So what I'd like to do is, when we come back,
 21 after we take our lunch recess, I'd like to discuss what
 22 data information we need to get to continue this
 23 conversation. And then we will defer this and move on
 24 through our Active List until we can organize that
 25 information. Is that okay? So we're going to take a

1 half-hour recess. So let's have everybody -- oh, let's
 2 make it a little more. Let's make it everybody back
 3 here at 12:20, please. So without objection --

4 MEMBER DELEON: 12:20?

5 CHAIR STONE: I'm sorry. 1:20. Excuse me. I
 6 should be looking at this clock, not that clock, because
 7 my eyes blur.

8 So without objection, we'll have our lunch
 9 recess now. Thank you very much, Commissioners.

10 (Recess, 12:47 p.m. to 1:25 p.m.)

11 CHAIR STONE: I'm going to call the meeting
 12 back to order, without objection, at 1:25.
 13 Commissioners, thank you for coming back from lunch.

14 So we left off with discussion on information
 15 needed for the subject matter of district elections. I
 16 have here a note to call in GIS. I think Commissioner
 17 De Rego mentioned that.

18 So, Commissioners, any conversation on
 19 information needed for that discussion? Commissioner
 20 Moikeha.

21 MEMBER MOIKEHA: I have some questions about
 22 this brochure that was handed out. I'm not sure who
 23 presented it to us. Was that from you, Dave?

24 MEMBER DELEON: Yeah, it was.

25 MEMBER MOIKEHA: Okay. Because we did request

1 this, and we have requested it for a long time, to hear
 2 from QMark. And so it's time to get them on the phone
 3 or some representation here.

4 CHAIR STONE: Very good.

5 MEMBER MOIKEHA: I also have some questions
 6 for our Analyst, because it seems that person that put
 7 this brochure together was Professor Jon Van Dyke.

8 MS. BRODER: Is that what it says?

9 MEMBER OKAMOTO: That's what it says.

10 CHAIR STONE: Dom, dom, dom.

11 MEMBER MOIKEHA: I'd like to know more about
 12 exactly what he did for -- since he is working for us
 13 now, I would like to know more about what this was --
 14 what this was all about.

15 MS. BRODER: I, personally, don't know
 16 anything about it, but I will ask him. But I guess,
 17 just superficially, anyways, looking at it, it looks
 18 like it's supposed to -- the maps, anyway, are supposed
 19 to just show how it would look.

20 MEMBER DELEON: Scenarios.

21 MEMBER MOIKEHA: According to the
 22 introduction, it said that he was commissioned to
 23 provide the educational brochure to help our community
 24 better understand. So I'd like to know, did he come up
 25 with all the information, or was this written out from

1 the group and they just said please put this together?
 2 He does cite some constitutional requirements for the
 3 one man, one vote, which is in line with the question I
 4 asked you about before. So I'd like -- as part of that
 5 follow-up, this might be where that answer is going to
 6 come.

7 But I also felt it interesting in his
 8 paragraph, the challenge presented by Maui County's
 9 population, and it almost -- it starts to get into the
 10 residency requirement, as if to say that was okay. We
 11 didn't necessarily meet the requirements of this
 12 lawsuit, but having someone required to live in that
 13 area seemed to, I don't know, give it an exemption. So
 14 that whole page -- the whole thing has a lot of
 15 questions for me. And if he could provide some
 16 background on his involvement and what all this means in
 17 context of -- really, the issue now becoming for me is
 18 whether -- is the at-large district voting illegal? Is
 19 any change to it going to pose constitutional challenges
 20 or lawsuits or whatever? I mean, those are the kind of
 21 things I'm looking at now with this.

22 And then my other question before all ties in
 23 with that.

24 CHAIR STONE: Very good.
 25 Commissioner De Rego.

1 MEMBER DE REGO: And there's also some
 2 questioning about the wording.

3 MS. BRODER: Okay.

4 MEMBER DE REGO: Since this was sent out to,
 5 supposedly, all Maui households or registered voters, it
 6 seems to me that a lot of the language is already skewed
 7 in one direction in terms of supporting one over the
 8 other. Because, obviously, the only problems that are
 9 pointed out are for the first one --

10 MS. BRODER: Okay.

11 MEMBER DE REGO: -- but none for the other
 12 three. So it didn't look like it was a pro and con on
 13 each one; it looked like it was just a statement of what
 14 the present situation is and then the cons of that
 15 situation. And then outlining the other three and what
 16 the advantages of each would be, but not really any
 17 looking at the cons of -- of that as well. So it didn't
 18 seem like a well-balanced presentation of all four
 19 models.

20 CHAIR STONE: Thank you very much.
 21 Commissioners, anything else?

22 And, Commissioner De Rego, didn't you mention
 23 you had almost had a chance to get one of these QMark
 24 guys?

25 MEMBER DE REGO: Yes. It was a census

1 meeting, but he left in the middle of it, so I didn't
 2 have a chance to blindside him at the meeting in
 3 Honolulu, but -- it was a missed opportunity.

4 CHAIR STONE: Okay. Very good. Any other
 5 requests?

6 MEMBER SUGIMURA: So just on this brochure,
 7 since we're --

8 CHAIR STONE: Yes, Commissioner Sugimura.

9 MEMBER SUGIMURA: -- getting into focus, can
 10 you also find out who it went to? I don't remember ever
 11 getting this. This is the kind of stuff I would love to
 12 read, but who it went to. And I guess we know who paid
 13 for it, the North Shore West Maui Benefit Fund. Just,
 14 you know, why was it sent out and for what reason and
 15 whatever.

16 MEMBER DELEON: Mr. Chair?

17 CHAIR STONE: Yes, Commissioner DeLeon.

18 MEMBER DELEON: I received it in the mailbox
 19 as a voter. So I think it went to all voters. But if
 20 you just were to receive that with all the other junk
 21 mail you get in the course of the day, you might not pay
 22 attention to it. It might have went on the way, if you
 23 weren't paying attention. So it's a chance that a lot
 24 of folks just didn't follow, you know, what it was.

25 CHAIR STONE: Commissioner DeLeon, just

1 clarification, this came simply like this without any
 2 kind of a return form?

3 MEMBER DELEON: The address right here.

4 MEMBER HASHIMOTO: I received one. I just ran
 5 into it two weeks ago. And --

6 MEMBER DELEON: Oh, you ran into it?

7 MEMBER HASHIMOTO: Yeah. It was on my desk.
 8 I just didn't pay -- I think I looked at it once and I
 9 put it up. And I pulled it back out again to look at
 10 it.

11 MEMBER SUGIMURA: What year was it sent out?

12 MEMBER DELEON: Last year. It was right
 13 before the QMark. It was supposed to preset the
 14 conversation in the community before the QMark survey
 15 was held.

16 MEMBER SUGIMURA: That's a lot of money spent
 17 for 500 voters.

18 MEMBER MOIKEHA: Spent 15,000.

19 CHAIR STONE: Very good.
 20 Commissioners, any further information
 21 required for this topic?

22 (No Response.)

23 CHAIR STONE: No. Okay. Very good.

24 MS. KAHUHU: Chair, I apologize for
 25 interrupting, will you please clarify for me what these

1 requests are?

2 CHAIR STONE: Sure. It's quite simple. We
3 would like to get GIS here to explain to us different
4 scenarios of districts.

5 MS. KAHUHU: Okay. Would it be possible for
6 you to draft a letter so they can --

7 CHAIR STONE: Absolutely.

8 MS. KAHUHU: -- prepare exactly what --

9 CHAIR STONE: Can you email me that?

10 MS. KAHUHU: Sure.

11 CHAIR STONE: Thank you. And then, also, the
12 other request is we would like to get QMark -- the QMark
13 representative on the phone, if possible, during one of
14 our meetings to query about this -- their --

15 MEMBER OKAMOTO: Survey.

16 CHAIR STONE: -- survey. Thank you very much.

17 MEMBER DE REGO: Chair, a point --

18 CHAIR STONE: Yes.

19 MEMBER DE REGO: A point of order and a
20 question for our Corporation Counsel. If we do have
21 this phone call, will it have to be in a public place
22 where other people can attend, according to the Sunshine
23 Law?

24 MR. KUSHI: Offhand, I would say no.

25 CHAIR STONE: Sorry, Ed. In the microphone.

1 MR. KUSHI: Offhand, I would say no because
2 it's not -- it's not a commission member. He would be a
3 resource person.

4 MEMBER DE REGO: Okay.

5 MR. KUSHI: However, I would -- I was going to
6 tell staff, and we'll talk to the Chair later, to see
7 what kind of budget we're talking about. I think it's
8 easier if you bring him here.

9 MEMBER DE REGO: Okay.

10 MR. KUSHI: Then the public would know, it
11 would be an agenda item, and you guys can do
12 face-to-face.

13 MEMBER DE REGO: Okay. Thank you.

14 MEMBER DELEON: Mr. Chair?

15 CHAIR STONE: Thank you. Yeah, Commissioner
16 DeLeon.

17 MEMBER DELEON: Is there a possibility of us
18 developing a series of questions we need to have
19 answered and send them a letter the old-fashioned way,
20 or email, whatever you want to do it? But, I mean, just
21 rather than have a big circus about trying to trap
22 somebody into this room to be able to interrogate them.

23 CHAIR STONE: Commissioner Moikeha.

24 MEMBER MOIKEHA: I would like to have him
25 invited here to appear. I thought telephone would be

1 easiest, less invasive of his time, a telephone
2 conferencing call, where we could interact over the
3 phone and ask questions. But I'm all for bringing him
4 here, too, so the public is totally aware of our
5 process.

6 CHAIR STONE: Uh-huh.

7 MEMBER MOIKEHA: And it's not to trap anybody,
8 it's not to interrogate; it's to ask questions.

9 CHAIR STONE: Right.

10 MEMBER MOIKEHA: Questions that need to be
11 answered for -- to find out what -- what this was all
12 about. Because we haven't really gotten any definitive
13 answers.

14 CHAIR STONE: Right. I think, optimally,
15 obviously, if we have the budget and we can get him
16 here, we'll do that. Barring that, phone --
17 over-the-phone meeting. And then, Ed, if, for some
18 reason, we can't get them to call in for a phone meeting
19 or something, would it be -- would it be allowed for the
20 Chair to take the questions and discuss it with QMark,
21 and then report to the Commission, if that is the
22 last -- obviously, not really an optimum way to go, but
23 --

24 MR. KUSHI: I'd suggest -- on your third
25 suggestion, I would say develop a list of questions,

1 send it to him and have him respond in writing.

2 CHAIR STONE: It might take a push over the
3 phone is what I'm saying.

4 MR. KUSHI: Right. Right. Nobody wants to be
5 -- they want to be prepared.

6 CHAIR STONE: Right.

7 MR. KUSHI: So make a list of questions and --

8 CHAIR STONE: Okay.

9 MR. KUSHI: If you can't get him here.

10 CHAIR STONE: If we can't, right. That would
11 be the best. Okay. Very good.

12 MEMBER BAXA: Mr. Chair?

13 CHAIR STONE: Yes, Commissioner Baxa.

14 MEMBER BAXA: I know that you already said
15 that perhaps you would prefer that he appear in person,
16 but then you gave the affirmative that, perhaps, the
17 telephone would be okay. I would prefer, though, as
18 much as possible, if we have the capacity, to bring him
19 over. And so that there will be no surprises, tell him
20 ahead of time what the most -- the general area of the
21 subject matters so he will be prepared. There is not --
22 there is no substitute to face-to-face dialogue.

23 Thank you.

24 CHAIR STONE: Thank you very much. That will
25 be, of course, our optimum. We'll target that.

1 Commissioner Okamoto.
 2 MEMBER OKAMOTO: Does that mean we want to go
 3 ahead and make -- give you our questions particularly?
 4 Or --
 5 CHAIR STONE: Yeah. Send in -- if anybody has
 6 particular questions on the subject matter of the QMark
 7 survey, send them to Lisa. She'll forward them to me.
 8 Lisa and Ed, please. And they'll forward to me. And
 9 we'll do our very best to get QMark here.
 10 Okay. So at this time we're going to defer
 11 district elections until we have further information as
 12 requested, and move on to next subject matter,
 13 nonpartisan elections. We're looking at proposal -- or
 14 Active Proposals Number 3.13 and Number 3.14. 3.13,
 15 proposal to return to a closed primary system; and 3.14,
 16 proposal to abolish nonpartisan elections for County
 17 Council.
 18 MEMBER DELEON: Chair?
 19 CHAIR STONE: Yes, please.
 20 MEMBER DELEON: Can I refer the Commission to
 21 another handout?
 22 CHAIR STONE: Sure.
 23 MEMBER DELEON: This is from a State -- State
 24 Elections Plan, 2004. It shows the registered voters,
 25 statewide, on the top, the top group of numbers. And

1 the second group of numbers, it's the voter turnout.
 2 You can watch a progression in this from -- from 19 --
 3 Susan didn't get one -- from 1992 through 2002. And
 4 then I added on, just hang-on numbers at the end are
 5 something I tagged on, so it's not part of the original
 6 document, for 2010. I didn't have them for 2100. That
 7 was a joke. I'm sorry.
 8 Anyway, so -- so the thing that happened in --
 9 and -- in 1992, was the Motor Voter Act that the Federal
 10 Government passed. And that thing, basically, did two
 11 things. That required that the states -- not only
 12 required, but encouraged the states to include
 13 registration of voters when they -- when folks went to
 14 get their driver's license. So now if you go to renew
 15 your driver's license -- I assume you all have driver's
 16 licenses -- you'll also see a blank on there to register
 17 to vote. A lot of folks were encouraged to vote as a
 18 way, maybe, to make it easier to get the driver's
 19 license, or whatever, and probably never voted.
 20 The other thing that law did was it requires
 21 that the -- that the county clerks leave on the -- on
 22 the roles, for two elections, people who did not vote.
 23 So the folks who did not vote for two elections stay on.
 24 They used to come off in one election. So -- and we
 25 have a very mobile community, so this is compounded. So

1 you have folks coming in, getting driver's license,
 2 signing up for voting, never voting, staying on the
 3 rolls for two elections and then jumping off. So you
 4 can see that the progression runs here. So in -- in
 5 1992, we got, basically, an 80 percent voter turnout.
 6 And -- and it progresses across so that the
 7 registrations jump 30 percent in 10 years. The
 8 population didn't jump 30 percent, but the registrations
 9 did. And the -- and the voting turnout stayed the same.
 10 So, basically, you had the same number of voters over
 11 that period of time, but you had a 30 percent increase
 12 in registrations.
 13 Now, the reason I'm bringing this up in the
 14 course of this conversation about partisan voting is
 15 this had nothing to do with partisan voting. This had
 16 to do with a federal law that changed in 1992. And I
 17 don't see how partisan voting connects with how many
 18 registered voters you got. But we do have a progression
 19 here of increase in -- in registered voters over a
 20 period of a decade, and it continued to increase with
 21 the population. So now we're up to 85 in the last
 22 election. And the -- and the percentage stays about the
 23 same, right about 50 percent turnout. Back before that
 24 -- that change in federal law, we were at 80 percent.
 25 So, to me, it's pretty clear evidence that --

1 that something really major changed. And what really
 2 changed was the federal law that underlies the way we
 3 register people to vote. Not -- not the fact that we
 4 went to a nonpartisan election.
 5 Now, the other point about nonpartisan
 6 elections -- or partisan elections is that means you
 7 will elect a partisan Mayor and a partisan County
 8 Council. When Lingle Lingle was on the Maui County
 9 Council, she was never allowed to run a committee, ever,
 10 because she was a Republican. She's a minority.
 11 Minority members are shoved off to the side. The -- and
 12 that's what happens in partisan elections -- I mean,
 13 partisan setups. That's what happens in the State
 14 Legislature, the minority party is put to the side.
 15 They don't get to make any substantive changes or laws.
 16 So you lose a portion of the people who -- who are
 17 elected because of the party.
 18 What is the value of that in a nine-member
 19 council? And what is the value of -- of partisanship at
 20 that level of government? We're talking about water
 21 management, we're talking about zoning, we're talking
 22 about running a fire department. We're not talking
 23 about, you know, the issues going on in Congress. I
 24 mean, it's a different level of government, different
 25 level of issues.

And to me, these two -- these two facts, the facts that -- the Motor Vehicle Registration Act really did change the registrations. And it's an urban legend that it was because we turned into a nonpartisan government. And -- and the fact that changing our government back into a partisan element -- and I forgot there was one other point I wanted to make, and that was the point I made earlier -- and I gave you statistics to this before -- and that is that 68 percent of the folks who sign up in Maui County to be on boards and commissions declared themselves to be nonpartisan. Now, we're going to tell all these people they have to start declaring their party to be able to take a ballot at the primary now, even though they're not really Democrats or not really Republicans? And where are we going with this and why are we going there?

And I think there's maybe a slight party orientation on this Commission and that is why we're going there. But I don't think this is an appropriate action to take at all given the realities in our society.

Thank you.

CHAIR STONE: Thank you very much, Commissioner DeLeon.

Commissioners, any further discussion on this?

Commissioner Okamoto.

MEMBER OKAMOTO: I just have to. I'm not necessarily -- I still, you know, weigh both sides. I would probably be one that would say, on an application, I was nonpartisan because I do tend to vote either way, whether it be I vote for the person, although I am a card-carrying Democrat. But in listening to Dave's argument, it reminds me so much of the district voting. You know, it's like, okay, why do it, why change it. We changed one -- it just seems to be the same kind of issue. What good is it going to do to change it? And -- and maybe there is no good in going back. I'm not saying one way or the other. But it reminds me very much of the district voting issue.

CHAIR STONE: Thank you. Commissioner.

MEMBER DELEON: It's my tone of voice that does that.

(Laughter.)

MEMBER OKAMOTO: I know.

CHAIR STONE: Commissioner Sugimura.

MEMBER SUGIMURA: I forget which year that this changed for Maui County, but I was working for, I think it was Dennis Nakamura, Councilmember, and I was sitting in Council Chambers when they were taking this vote. And I remember -- I can tell you which

councilmember was the deciding vote, but I won't tell you.

(Laughter.)

MEMBER SUGIMURA: But the interesting part that I remember was I was working as a -- I guess they're called executive assistants now, because we were staff. And we were getting calls from students who said, please change it so that it's nonpartisan. And I can still remember that, that voice that came from our future. It wasn't a lot of students, but they still made the effort to call. And I was pretty impressed with that. And as it turned out, it was changed to nonpartisan.

I am a card-carrying, strong campaign-for-everybody Democrat. And I put that on my application, too. And I will always. But, you know, yeah, I'm going to vote the way I vote. It also happens when you pick up your ballot for primary, you get to vote Democrat or Republican for the House and -- and the state and federal side. So you get to vote the way you are. And I don't think we need to change the way that we handle that.

CHAIR STONE: Very good. Thank you, Commissioner.

MEMBER BAXA: Mr. Chair?

CHAIR STONE: Commissioner Baxa.

MEMBER BAXA: I would hope that you would retain it for active discussion. The fact that we are either Republican or Democrat, we should not try to say that if we are Republican that we're not going to consider the whole picture, the whole benefit of the whole population. And same way when you're Democrats. Let us consider it, put it in the Active List.

CHAIR STONE: Well, Commissioner Baxa, this is the time to consider it because, after this discussion, we probably will be taking action on whether or not to move forward with it as a proposal. So we need to discuss it now.

MEMBER BAXA: Oh. Discussion?

CHAIR STONE: It is Active List. So do you have further comment now that you know that it's active?

MEMBER BAXA: You know, I am intrigued with it. I would like to see it come back.

CHAIR STONE: Is there --

MEMBER BAXA: The closed primary.

CHAIR STONE: Just for -- for purposes, what argument would you have to bring it back?

MEMBER BAXA: I think, in terms of discussion of issues, there will be more discussion of issues when you have Republicans and Democrats before the people.

1 Right now, they do not discuss issues. They just
 2 present themselves (inaudible). That's it.
 3 CHAIR STONE: Very good. Thank you,
 4 Commissioner.
 5 MEMBER CRIVELLO: Chair?
 6 CHAIR STONE: Yes, Commissioner Crivello.
 7 MEMBER CRIVELLO: In all due respect, Judge
 8 Baxa, I like the nonpartisan approach. I have to agree
 9 with Commissioner DeLeon.
 10 MEMBER DELEON: How did that happen?
 11 (Laughter.)
 12 CHAIR STONE: It's a miracle. Tonya, did you
 13 get that?
 14 MEMBER DE REGO: It's on Akaku now.
 15 MEMBER CRIVELLO: We have the opportunity on
 16 other levels of government, like Yuki Lei said, is
 17 declaring our party in voting in the primary. The
 18 nonpartisan approach allows a bigger picture for us to
 19 have a stronger voice in local government. So I support
 20 leaving the nonpartisan approach.
 21 CHAIR STONE: Thank you.
 22 Commissioners, further discussion?
 23 Commissioner DeLeon.
 24 MEMBER DELEON: Can I make a motion?
 25 CHAIR STONE: Absolutely.

1 MEMBER DELEON: I would like to remove this
 2 from the Active List.
 3 CHAIR STONE: Very good. Do I have a second
 4 for the motion?
 5 MEMBER SUGIMURA: Second.
 6 CHAIR STONE: Who was that? Oh, Commissioner
 7 Crivello.
 8 MEMBER CRIVELLO: Yes.
 9 CHAIR STONE: Thank you. So we have a motion
 10 to remove the subject matter nonpartisan elections from
 11 the Active List. Discussion?
 12 MEMBER DELEON: I made my points already.
 13 CHAIR STONE: Uh-huh. Any further?
 14 Commissioner Hedani.
 15 VICE-CHAIR HEDANI: Personally, you know, I
 16 would support a closed primary system only because when
 17 I look at my own personal experience in the last
 18 election, when we were looking at the race for Mayor, I
 19 almost didn't vote because we had two people from
 20 essentially the same party, although you couldn't tell
 21 because they didn't say whether they were from that
 22 particular party, were running against each other. And
 23 to me, it should be clear in terms of who they
 24 represent, the ideas that they represent, and the
 25 philosophy going forward.

1 CHAIR STONE: Good. Any further discussion?
 2 (No Response.)
 3 CHAIR STONE: All right. Let's take this to
 4 vote. Lisa, roll call, please.
 5 MS. KAHUHU: Commissioner Baxa.
 6 MEMBER BAXA: So which is which?
 7 CHAIR STONE: Let me clarify. I'm very sorry.
 8 There is a motion on the floor, and seconded, to remove
 9 from the Active List the subject matter nonpartisan
 10 elections. Meaning if you vote yes on this -- on our
 11 upcoming vote, that we will stay with the present
 12 system.
 13 MEMBER BAXA: I will vote no.
 14 MS. KAHUHU: Commissioner Crivello.
 15 MEMBER CRIVELLO: I vote yes. Wait. Wait.
 16 Clarify.
 17 CHAIR STONE: Yes means stay the same.
 18 MEMBER CRIVELLO: It remains the same. Yeah.
 19 MEMBER SUGIMURA: Yes means stay the same.
 20 MS. KAHUHU: Commissioner DeLeon.
 21 MEMBER DELEON: Yes.
 22 MS. KAHUHU: Commissioner De Rego.
 23 MEMBER DE REGO: No.
 24 MS. KAHUHU: Commissioner Hashimoto.
 25 MEMBER HASHIMOTO: No.

1 MS. KAHUHU: Commissioner Hedani.
 2 VICE-CHAIR HEDANI: No.
 3 MS. KAHUHU: Commissioner Moikeha.
 4 MEMBER MOIKEHA: Yes.
 5 MS. KAHUHU: Commissioner Okamoto.
 6 MEMBER OKAMOTO: No.
 7 MS. KAHUHU: Commissioner Sugimura.
 8 MEMBER SUGIMURA: Yes.
 9 MS. KAHUHU: Commissioner Wiger is excused.
 10 Chair Stone.
 11 CHAIR STONE: No.
 12 MS. KAHUHU: Six "noes," four "yes."
 13 CHAIR STONE: So we won't be making a proposal
 14 on changing the system.
 15 MEMBER OKAMOTO: Point of clarification. We
 16 will continue to discuss it, it could, in the end, not
 17 become a proposal, correct?
 18 CHAIR STONE: You know, that's a very good
 19 question. We need to -- I think --
 20 MEMBER CRIVELLO: Because the motion was to
 21 active.
 22 MEMBER OKAMOTO: Just keep it.
 23 CHAIR STONE: I believe that, yes, it will
 24 stay on the Active List for now. And we will need to --
 25 actually, what would be good is to -- I mean, I think at

1 this stage -- you know, that is -- let me think about
2 that for a second.

3 MEMBER OKAMOTO: Well, my question -- to me,
4 we're narrowing it down each time, but if, in my mind, I
5 only want to see one or two things go actually on the
6 ballot, then I need to know that because I'm going to
7 vote to take most of them off.

8 CHAIR STONE: I think what could occur at this
9 stage is somebody could make a motion to actually put a
10 proposal to return a closed primary system at this
11 stage, and see where we go with that. And if that is
12 voted yes, then we will work -- the Commission, as a
13 majority, has decided to put it forward. So do I have a
14 motion at this time? Or do we just -- Commissioner
15 Hedani.

16 VICE-CHAIR HEDANI: I have a question,
17 actually, for Ed. In this particular case, you know,
18 can the Commission just say proposal to return to a
19 closed primary system and that's all we need to do, or
20 do we have to -- does language have to be drafted that
21 would implement something like that?

22 MR. KUSHI: I'd defer that to your Commission
23 Analyst.

24 MS. BRODER: I would think that before you
25 propose something to the voters that you have actually

1 decided exactly what it is that you're proposing. I
2 mean, this is a general concept, but it certainly would
3 need, you know, more fleshing out and more work done
4 before, you know, you would have something that you were
5 ready to propose to the voters. So I think that this
6 would just be -- you know, would be viewed as you voted
7 on a concept, okay, that you want to explore the concept
8 further. And then, you know, if people have -- if
9 Commissioners have more specific ideas about how they
10 want something like that to work, maybe they should, you
11 know, bring it forward. I don't know when or how, what
12 the procedure really would be, but I think that, you
13 know, at this point, it can only be a vote on concept
14 because there isn't anything, you know, about how it's
15 all going to work.

16 CHAIR STONE: Would you recommend at this
17 stage that we take a vote on concept?

18 MEMBER OKAMOTO: We just did.

19 CHAIR STONE: Well, we took a negative vote
20 saying it stays on -- doesn't go off the Active List.
21 So it just remains on the Active List at this stage.
22 But it seems like there's a majority --

23 MEMBER DE REGO: Point of clarification.

24 CHAIR STONE: Yes, Commissioner De Rego. Oh,
25 I'm sorry. Commissioner Baxa was asking first. Sorry.

1 MEMBER DE REGO: Okay. Go ahead.

2 MEMBER BAXA: Yeah. I was going to raise a
3 procedural question here because we just voted no. So
4 are we ongoing what we have just voted?

5 CHAIR STONE: No, no, no. We voted to not
6 remove this from the Active List. That's all we voted
7 on.

8 MEMBER DE REGO: Now my question of procedure,
9 which follows up, I guess, upon --

10 MEMBER BAXA: Yeah. The motion was to remove.

11 CHAIR STONE: And with a no -- no --

12 MEMBER DELEON: Four for the motion, six
13 against.

14 MEMBER MOIKEHA: Six people agreed to leave it
15 on the list.

16 CHAIR STONE: So six people agreed to leave it
17 on the Active List.

18 MEMBER BAXA: The six were the no?

19 CHAIR STONE: Yes.

20 (Laughter.)

21 CHAIR STONE: I think I heard a joke once like
22 this.

23 (Laughter.)

24 MEMBER DE REGO: Okay. Can I --

25 CHAIR STONE: Commissioner De Rego.

1 MEMBER DE REGO: Now can I get my question of
2 clarification? At this point, could somebody make an
3 active motion to have the Legislative Analyst draft a
4 suggested language for a closed primary, proposal for
5 us, or do we hash that out first about exactly what it's
6 supposed to look like, and then ask you to do that?

7 MS. BRODER: Well, I mean, of course I would
8 prefer to have a little more substance, you know, so
9 that, when I actually get to work, you know, I know what
10 it is that you want to do. I don't want to be inserting
11 myself into what your concept -- you know, what it is
12 that you really want. Do you know what I mean? So I
13 think --

14 MEMBER DE REGO: So what would be an
15 appropriate motion? I guess that's what I'm asking.

16 CHAIR STONE: Sorry. Ed has a comment.

17 MR. KUSHI: Yeah. Just off the top of my
18 head, maybe, procedurally, if the Commission is ready
19 now to move ahead on the question to act on this as part
20 of the Active List, if you say yes, then it's up to us
21 staff to come back with some language. What I would
22 suggest is maybe -- I wasn't -- the previous Charter
23 language -- I don't know what the previous Charter
24 language was before it was changed, but I would imagine
25 you would have to reinsert that.

1 MS. BRODER: Well, here's another idea, too,
 2 which is that County of Honolulu has a nonpartisan
 3 election system. So, I mean, what we could do is we
 4 could bring to the next meeting for your consideration,
 5 further consideration, is what Honolulu does and what
 6 Maui used to do.
 7 MEMBER DE REGO: But we already have
 8 experience about what we've done. So I don't see the
 9 need to bring Honolulu in --
 10 MS. BRODER: Okay.
 11 MEMBER DE REGO: -- for something that we've
 12 been living with for a while. I think the real question
 13 is, is, you know, based on the vote that we just had to
 14 leave it on the Active List, whether or not we want to
 15 go ahead and draft something. And I think that's the
 16 essential question here right now. And who does it and
 17 how do we get something that we can actually vote on and
 18 move ahead on, either for or against?
 19 CHAIR STONE: Agreed, because this is the
 20 first time we've actually been positive on a Active List
 21 item. So we just want to make sure procedurally. This
 22 is going to set the tone for the rest of our actions, so
 23 -- any input, guys? No. Yes, Commissioner Moikeha.
 24 MEMBER MOIKEHA: Yeah. I think we're at the
 25 stage to make decisions instead of kept -- keep on

1 deferring these things.
 2 MEMBER DE REGO: Exactly.
 3 MEMBER MOIKEHA: Either the motion now is
 4 going to be to propose it as a amendment or it's not.
 5 And that's what the vote should be.
 6 I would also say that she already answered the
 7 question on Page 4 of her draft, what are the
 8 requirements for describing Charter amendments on the
 9 ballot. And if you look at the second paragraph, it
 10 talks about the text. And the criteria for that is that
 11 it must fairly and accurately present the question or
 12 issue to be decided in order to assure a free,
 13 intelligent and informed vote. While she also does make
 14 mention that it can be a summary and what the criteria
 15 for that is, it doesn't have to be word for word. But I
 16 think we're at the stage. And if we don't start doing
 17 something, we're just going to keep this list --
 18 CHAIR STONE: I agree with you totally.
 19 MEMBER MOIKEHA: So either there's a proposal
 20 to put this on the ballot today and then let them
 21 continue to --
 22 CHAIR STONE: We need a motion.
 23 MEMBER MOIKEHA: Okay.
 24 MEMBER DE REGO: I would like to move, then,
 25 to move this from the Active List to creation of a

1 proposal --
 2 CHAIR STONE: Uh-huh.
 3 MEMBER DE REGO: -- to put as the Charter
 4 amendment. Is that the correct motion at this point?
 5 CHAIR STONE: So just to clarify, you're
 6 putting forward a motion to put forward a proposal to
 7 return to a closed primary system.
 8 MEMBER DE REGO: Yes.
 9 CHAIR STONE: And on the ballot.
 10 MEMBER DE REGO: And directing the -- either
 11 Corporation Counsel or Legislative Analyst to draft
 12 language to that effect.
 13 CHAIR STONE: Very good.
 14 VICE-CHAIR HEDANI: Second.
 15 CHAIR STONE: It's been seconded -- forwarded
 16 and seconded. Discussion?
 17 MEMBER DELEON: Mr. Chair? Oh, go ahead.
 18 CHAIR STONE: Yes, Commissioner Hedani.
 19 VICE-CHAIR HEDANI: I think information -- if
 20 information could be provided on what the prior language
 21 was for the closed primary system and when it was
 22 changed, it would also help.
 23 CHAIR STONE: Very good. Commissioner DeLeon.
 24 MEMBER DELEON: I want to point out is what
 25 you're changing is not only an election system, but it's

1 also the system of government. So that we'll have
 2 partisan government, we might have a Republican Mayor
 3 and Democrat Council again, we may have those kind of
 4 hassles that we had before on that. That was a
 5 consistent problem during the Lingle Administration.
 6 Continued in the Arakawa Administration, even though we
 7 went to nonpartisan. And we will have minority members
 8 in the County Council who will be treated as minority
 9 members, and not given leadership functions, like we
 10 currently have all members of the County Council with
 11 leadership functions. Everybody gets a committee,
 12 everybody gets a responsibility. That will change.
 13 I don't understand the value of doing this at
 14 this level of government. And I think you guys are
 15 missing a serious point here with this. Because you're
 16 not just changing the election system, you're changing
 17 the nature of the government.
 18 CHAIR STONE: Thank you, Commissioner.
 19 Further discussion?
 20 (No Response.)
 21 CHAIR STONE: Chair has a statement. I
 22 personally am going to vote in favor of this. And one
 23 of the reasons is because I think, from my group of
 24 people that I discuss politics with, I've noticed
 25 there's a very large lack of interest because of people

1 are part of a party and they specifically have beliefs
2 from that party, and, without representation from that
3 party, they just said, forget it, we're not going to
4 vote. So that's the reason I will be voting in favor of
5 this.

6 MEMBER BAXA: Mr. Chair?

7 CHAIR STONE: Commissioner Baxa.

8 MEMBER BAXA: Yeah. It's important to know
9 that we know exactly -- I don't want to be confused now.

10 And I think everybody here understands what we are going
11 to vote on. But I just want to be clear, the proposal
12 is to return to the primary system, closed primary?

13 CHAIR STONE: Yes.

14 MEMBER BAXA: Okay. I understand, then. I am
15 clear now.

16 (Laughter.)

17 CHAIR STONE: That is very good.

18 Commissioners, any further discussion?
19 Commissioner Sugimura.

20 MEMBER SUGIMURA: So going back to where --
21 just a comment with what Dave DeLeon said. In the U.S.
22 Senate, the way that the Democrats and Republicans work,
23 you know, they have like equal vote representation. So
24 if you're the majority party, and you become the chair
25 for the Veteran Affairs, like Senator Akaka was when he

1 was in the minority party, he was also a chair of -- or
2 vice-chair of some committee. So he was never really --
3 they were never really excluded in terms of having a
4 voice and leadership. It was just that at that -- well,
5 either the party that is of the majority then becomes
6 the chair, and then you have the minority party having
7 the vice-chair position. So there's ways of working it
8 out. I just wanted to throw that out. It's not all
9 that unequal.

10 CHAIR STONE: Commissioner Crivello.

11 MEMBER CRIVELLO: Okay. I'm one that I don't
12 belong to any political party. And I'd like the
13 independence of having full representation, that I'm not
14 frowned upon because I'm a card-carrying -- or a
15 non-card-carrying person. So I think, like in your
16 network, you may have people that maybe have this
17 interest of bringing back the closed primary, but
18 there's also a large network that appreciates the
19 nonpartisan because of the process. The process has
20 allowed more open and -- more open government. And
21 that's just my opinion. I support the nonpartisan
22 approach for local government.

23 And I think we know, more or less, who are the
24 card-carrying representatives, but because they have in
25 mind that it's a full representation, it's like having

1 the at-large, you know, it's full representation. So I
2 can appreciate and support the fact that we remain
3 nonpartisan.

4 CHAIR STONE: Thank you very much.

5 Commissioner Okamoto.

6 MEMBER OKAMOTO: Point of clarification.
7 Let's say that we pass this one -- we're on our second
8 item -- so we go through the whole thing, and we end up
9 with 25 items. I don't think anybody wants -- will we
10 go back through again and go, well, this wasn't my most
11 important? Or are we deciding at this point, you know,
12 is this actually my most important what I feel is the
13 most important? That's where I'm kind of confused.

14 CHAIR STONE: At this stage, if we put forward
15 -- if we are to take this vote and put this forward,
16 this will go -- we will have the proposal written
17 properly, and that will be taken out to the public for
18 public comment.

19 Basically, the proposals that we're going to
20 be putting on the ballot are going back to the public.
21 So they're not done. For example, if we go to the
22 public and the public has outrage towards our proposals,
23 we may want to rethink the proposal. So I wouldn't say
24 that it's a done deal because we still are going to be
25 discussing it after our public outreach period.

1 MEMBER DE REGO: I'm going to reserve. I'm
2 going to let other people go.

3 CHAIR STONE: Commissioner Hashimoto.

4 MEMBER HASHIMOTO: I think he had his hand up.

5 CHAIR STONE: Oh, Commissioner DeLeon.

6 MEMBER DELEON: Just in answer to Kay.

7 There's also a possibility that presenting the voters
8 with a new Charter, the whole document, rather than --
9 rather than, you know, a laundry list of topics. If we
10 have enough topics and we think they're all serious, we
11 might want to consider doing that.

12 MEMBER DE REGO: So I'm just -- I just want --

13 CHAIR STONE: Commissioner De Rego.

14 MEMBER DE REGO: I'm sorry. Clifford, do you
15 want to go ahead?

16 MEMBER HASHIMOTO: Go ahead. You're talking.

17 MEMBER DE REGO: Since I'm the maker of the
18 motion, I want to be clear about what's happening.
19 Okay. My understanding is we're pushing this forward to
20 create language about a amendment that would go onto the
21 ballot, but it doesn't mean that we've come to the point
22 that we're actually going to vote that it's actually
23 going to go on the ballot. I'm just talking about
24 creation of language at this point.

25 CHAIR STONE: Correct.

1 MEMBER DE REGO: And that we will have another
 2 crack at the apple, right, bite at the apple, that will
 3 then say whether or not this will actually be one of
 4 those proposals that will then make it to the ballot.
 5 Am I clear here about that at this point?
 6 CHAIR STONE: Yes. Because, remember, we
 7 still have our public outreach period.
 8 MEMBER DE REGO: Okay.
 9 CHAIR STONE: So we have to take these
 10 potential proposals to the public. Also, before these
 11 potential proposals would go to the public, we need to
 12 discuss and make sure we're happy with the language of
 13 the proposal.
 14 We're at a new point here. Right? So we do
 15 need to clarify and work it out. But this is how I see
 16 it.
 17 If this proposal passes, the language is
 18 written for the proposal, it's brought back to us, we
 19 review the language, we look at the proposal, we make a
 20 motion to take that proposal to the public. Right?
 21 MEMBER DE REGO: Okay. And I feel
 22 comfortable, then, with that.
 23 CHAIR STONE: At that stage, it goes to the
 24 public, the public has their input on it, then we make,
 25 after public input period, the decision if these

1 proposals are going to go to the ballot -- or to
 2 Council.
 3 Commissioner --
 4 MEMBER BAXA: No. I think it's Member
 5 Hashimoto.
 6 CHAIR STONE: Oh. I am so sorry, Cliff. I'm
 7 so sorry. Commissioner Hashimoto.
 8 MEMBER HASHIMOTO: For some reason, you hate
 9 me.
 10 (Laughter.)
 11 MEMBER HASHIMOTO: Maybe because you and I
 12 went to the same school.
 13 CHAIR STONE: Absolutely not true. Absolutely
 14 not true. I love you, Cliff. I don't hate you.
 15 MEMBER HASHIMOTO: You know, I'd like to go
 16 back to what I stated earlier in an early meeting. You
 17 know, we've got a lot of these hot little things that we
 18 talk about, that seems to generate a lot of interest and
 19 whatever. I think -- I think that, you know, the real
 20 main question about the Charter is that are we taking
 21 care of the right problem.
 22 You know, to me, good government is not really
 23 how we elect people. I think it's how the government
 24 works, that functions, you know, like how much money
 25 does it cost us to run our government. I think -- I

1 think that's a big thing. And then whether all of the
 2 people of the county receive the services that they
 3 should receive rather than just going to certain people.
 4 You know, I think, to me, those -- those are the things
 5 I consider to be important.
 6 And how we go about electing people and all
 7 that stuff, you know, I mean, it sounds good on the
 8 surface, but it really does nothing, you know. Because
 9 you know what's going to happen? We're -- we are going
 10 to -- as I stated earlier, we're going to be fooling
 11 around with a lot of these things until the point that
 12 we cannot actually make any changes. We're going to
 13 end up making perhaps one change, which is not going to
 14 do very much, and our government is still going to be
 15 the same thing, hasn't changed.
 16 You know what? I think every commission has
 17 that same problem. They meet together, they discuss
 18 something, and they go on the hottest subject, and they
 19 spend all of their time there, and they make no effort
 20 there to really look and find -- try to find out what
 21 the real problems are in government. And that's -- and
 22 that's -- you know, how big is the government, is it
 23 effective, and is it just spending money foolishly.
 24 Those are, I think, the big problems of government. And
 25 -- and not some of these small little things that --

1 that we spend a lot of time discussing. And we're doing
 2 that right now. And it's gonna take a lot of time at
 3 the rate we're going. And we're never going to get to
 4 the real problem.
 5 CHAIR STONE: Thank you. Thank you,
 6 Commissioner Hashimoto. And by the way, I love you, not
 7 hate you. Just so we're clear. That's what I love
 8 about you right here. Okay.
 9 Who was up? Commissioner Moikeha.
 10 MEMBER MOIKEHA: Uh-huh.
 11 CHAIR STONE: Sorry.
 12 MEMBER MOIKEHA: You know, for me, right now,
 13 it's -- I'm making my decision on what I think should go
 14 to the voters. And along the lines of what Kay had
 15 stated earlier, I don't want to see 25 things or 18
 16 things for the voters to have to deal with. I think --
 17 in my opinion, I already know what the key issues are
 18 and the things that I think are going to need to be
 19 addressed to the voters. This is not one of it. I
 20 don't recall this being a big issue by the numbers that
 21 we heard from. That came through maybe one or two
 22 people. And that's just what I recall.
 23 There are a few things, a handful of things,
 24 that I think are going to be the key issues. And right
 25 now, I'm making that decision as we go through this.

1 There will be a couple things like district
 2 voting that I'm requesting to be deferred for further
 3 information, but, other than that, a lot of these other
 4 things, to me, can be dealt with, with the Council
 5 proposing amendments. We don't have to be able to do
 6 everything just because we heard it.
 7 So I am looking at this list and this process
 8 right now, narrowing it down to the things I am going to
 9 put my vote to as a final. If it needs more
 10 information, if it needs further clarification, then I'm
 11 going to say defer it. And if the vote's there, fine;
 12 if not, then it doesn't get on there.
 13 CHAIR STONE: Very good.
 14 MEMBER MOIKEHA: I think if we keep this
 15 moving, slowly, we're going to just keep regurgitating
 16 the thing over and over and over again. Just gotta make
 17 a decision and go.
 18 CHAIR STONE: Thank you, Commissioner Moikeha.
 19 Commissioner Baxa.
 20 MEMBER BAXA: Well, sir, he was raising his
 21 hand, Commissioner Hedani.
 22 VICE-CHAIR HEDANI: Sorry, Commissioner
 23 Hedani.
 24 MEMBER BAXA: I will speak after him.
 25 VICE-CHAIR HEDANI: I lost my train of

1 thought.
 2 CHAIR STONE: The good thing is we're not
 3 wasting time talking about not wasting time. That's the
 4 best part.
 5 Commissioner Baxa.
 6 MEMBER BAXA: Just one word. I want to
 7 proceed with the closed primary.
 8 CHAIR STONE: Thank you.
 9 Commissioner Hedani.
 10 VICE-CHAIR HEDANI: I figured it out. One of
 11 the questions that I would have if this moves forward
 12 is, if you can come back with answers to if this moves
 13 forward, is, how does a closed primary system not
 14 disenfranchise independent voters? How does an
 15 independent voter draw a ballot, say, in the primary?
 16 MEMBER CRIVELLO: Or run for office.
 17 MEMBER DELEON: Mr. Chair?
 18 CHAIR STONE: Commissioner DeLeon.
 19 MEMBER DELEON: In an attempt to answer that,
 20 they do it the same way you do it in the primary
 21 election for the State representative districts, for
 22 instance. You just declare, you take whatever ballot
 23 you want. So you might be an independent, but you only
 24 have two choices, or maybe three choices, it's a green
 25 or libertarian. There isn't independent ballot, but

1 there are other ballots. And it's up to the voter to
 2 declare himself. It's an open primary in that sense,
 3 but -- and it's a party-based primary.
 4 CHAIR STONE: Commissioner De Rego.
 5 MEMBER DE REGO: I just want to clarify why my
 6 vote on this issue. I think there's been a consistent
 7 train in my thinking about any of these issues, small or
 8 large, it has been toward openness and transparency.
 9 And for me, this particular issue talks about truth in
 10 labeling, especially in terms of political ideology,
 11 whether it's at a local level, a state level or a
 12 federal level. And for me, this is one of those issues,
 13 openness and transparency.
 14 So I will be supporting my own motion at this
 15 point based on that.
 16 MEMBER CRIVELLO: So --
 17 CHAIR STONE: Any further -- Commissioner
 18 Crivello.
 19 MEMBER CRIVELLO: Let me ask a question.
 20 Okay. So what Wayne just said about the independent
 21 voters, what about the independent candidates, what
 22 would their approach be? Do they have to --
 23 MEMBER DE REGO: I'm one of them, actually.
 24 I'm -- my issue is I'm not a card-carrying Democrat, I'm
 25 not a card-carrying Republican, but for -- my issue here

1 is that political ideology and position actually works
 2 in anybody's decisions. I mean, that's a given. That's
 3 a fact of life. Okay. And for me, I'd rather know
 4 where that person is actually coming from in terms of
 5 who they are as a person and -- and their -- their
 6 political philosophy from that matter. And then even as
 7 an independent, it gives me a chance to be able to make
 8 a decision.
 9 I think nonpartisan voting at this point sort
 10 of clouds the issue. It may -- but I would go with
 11 Wayne in terms of asking Corporation Counsel to clarify
 12 what it would mean for independents in terms of either
 13 running for office or what their role would be in that.
 14 CHAIR STONE: Commissioner DeLeon.
 15 MEMBER DELEON: How does knowing that Arakawa
 16 is a Republican really inform you on what he's going to
 17 do as a Mayor and the way it -- way this particular
 18 Mayor operates? I mean, how does that relate to the
 19 party? I don't see any kind of correlation at all to a
 20 party with this Mayor. How does -- do any of you guys
 21 know what Mike White is? Is he a Republican or is he a
 22 Democrat? I think he used to be a Democrat in the State
 23 House, but, heck, he's a corporate leader in a hotel.
 24 Wouldn't that make him a Republican? I mean, what's the
 25 point of this exercise?

1 What are those labels going to do for us in
 2 terms of a better wastewater system or a better bus
 3 system or a better finance operation or better parks? I
 4 mean, we're talking about County government here. We're
 5 not talking about, you know, whether we're going to have
 6 abortions or not, or whether abortions are illegal, or
 7 whether we're going to have trickle down economics, all
 8 this stuff that you do at the national and state levels.
 9 This is baseline government. This is providing
 10 services. Is the trash picked up or isn't it? What
 11 difference if it's a R or D?

12 CHAIR STONE: Commissioners, further
 13 discussion?

14 VICE-CHAIR HEDANI: Call for the question.

15 CHAIR STONE: Let's take it to vote. Roll
 16 call, please.

17 MEMBER MOIKEHA: Chair, could you restate the
 18 motion?

19 CHAIR STONE: Excuse me. The motion is to
 20 move forward the proposal to return to a closed primary
 21 system, for -- to -- would it be Corporation Counsel or
 22 to --

23 MR. KUSHI: Staff.

24 CHAIR STONE: -- staff to word a proposal, to
 25 move forward with the proposal.

1 MEMBER DELEON: To create a partisan closed
 2 party system, election system.

3 MEMBER CRIVELLO: Closed primary.

4 MEMBER DELEON: Closed primary.

5 CHAIR STONE: Closed primary.

6 MEMBER HASHIMOTO: (Inaudible) yes or no, make
 7 it clear.

8 CHAIR STONE: Okay. To make it very clear,
 9 there is a motion to move forward to the proposal
 10 stage -- I guess that's what I'm looking for, is what is
 11 our next stage in this process. So there's a motion to
 12 move forward to the proposal stage the proposal to
 13 return to a closed primary election system.

14 Does that make sense?

15 VICE-CHAIR HEDANI: Move forward to the
 16 amendment --

17 CHAIR STONE: To the amendment stage.

18 MEMBER DELEON: Mr. Chair, maybe another way
 19 of articulating would be to say to take out 13 -- I
 20 mean, 3.13 to the amendment stage.

21 CHAIR STONE: Yes. Okay.

22 MEMBER DELEON: That item right there.

23 CHAIR STONE: There we go. Okay. So that's
 24 how we're going to word it.

25 MEMBER MOIKEHA: Clarification.

1 CHAIR STONE: Please.

2 MEMBER MOIKEHA: So when you say amendment
 3 stage, this is a proposal we are proposing to the
 4 voters? Okay.

5 CHAIR STONE: Yes. Okay. So for final
 6 clarification, there is a motion on the floor, and
 7 seconded, to take to the amendment stage the proposal to
 8 return to a closed primary system. Everybody happy with
 9 that? Commissioner Hedani.

10 VICE-CHAIR HEDANI: Also, for clarification,
 11 it's not 13.13 in the Charter. I think nonpartisanship
 12 is talked about at Section 3-2.1.

13 CHAIR STONE: This is a -- yes. Good point.
 14 That's why -- that's why I didn't read it by number.
 15 We're going to read it by the proposal. Okay. So is
 16 everybody clear before we go to vote? Everybody is
 17 clear.

18 Lisa, roll call.

19 MS. KAHUHU: Commissioner Wiger, excused.

20 Commissioner Sugimura.

21 MEMBER SUGIMURA: Yes.

22 MS. KAHUHU: Commissioner Okamoto.

23 MEMBER OKAMOTO: Yes.

24 MS. KAHUHU: Commissioner Moikeha.

25 MEMBER MOIKEHA: No.

1 MS. KAHUHU: Commissioner Hashimoto.

2 MEMBER HASHIMOTO: No.

3 MS. KAHUHU: Commissioner Hedani.

4 VICE-CHAIR HEDANI: Yes.

5 MS. KAHUHU: Commissioner DeLeon.

6 MEMBER DELEON: No.

7 MS. KAHUHU: Commissioner De Rego.

8 MEMBER DE REGO: Yes.

9 MS. KAHUHU: Commissioner Crivello.

10 MEMBER CRIVELLO: No.

11 MS. KAHUHU: Commissioner Baxa.

12 MEMBER BAXA: Yes.

13 MS. KAHUHU: Chair Stone.

14 CHAIR STONE: Yes.

15 MS. KAHUHU: Six "yes." The motion passes.

16 CHAIR STONE: Okay, the motion passes. This
 17 proposal is moved to the amendment stage.

18 Moving forward. Next subject matter,
 19 residency requirements. Looking at Proposal Number 3.15
 20 and Proposal Number 3.16, proposal for residency
 21 requirements for County Council members, proposal to
 22 adopt a five-year residency requirement for County
 23 Council Members. Discussion? Commissioner Okamoto.

24 MEMBER OKAMOTO: We have two parts to this.
 25 One, you're talking the length of residency?

1 CHAIR STONE: And just for clarification,
 2 these proposals are ideas.
 3 MEMBER OKAMOTO: Right.
 4 CHAIR STONE: So if we come up with a
 5 different idea, it's in the discussion.
 6 MEMBER OKAMOTO: Okay. So one idea has to do
 7 with the length of residency.
 8 CHAIR STONE: Uh-huh.
 9 MEMBER OKAMOTO: How do we take out the
 10 interpretation of residency from the County Clerk's
 11 Office? I think that's -- I don't know if that is
 12 something we need to write in, if there's anything we
 13 can do about that.
 14 CHAIR STONE: I'll pass that off to staff to
 15 answer.
 16 MEMBER OKAMOTO: If you recall, in the past
 17 election, the County Clerk judged a person to be a
 18 resident because they intended to be a resident.
 19 MR. KUSHI: Mr. Chair, Members, the
 20 Legislative Analyst made reference to a Supreme Court
 21 case, recent case. We all know who that was. The case
 22 is about 40 pages long. So it's not a simple matter of
 23 just putting it in the Charter. It's case law, it's a
 24 lot of opinions and lot of factors in determining
 25 whether or not a person is a resident. I believe that

1 issue was whether he could have voted either in Lanai or
 2 Lahaina. There's another case pending on the issue of
 3 whether he was qualified. I'm not sure where that is.
 4 That might be moot because the election is over -- his
 5 term of office is over.
 6 But, again, I would hesitate to have you even
 7 attempt to make a definition in the Charter and leave it
 8 to the courts because that's where it should be cited.
 9 MEMBER OKAMOTO: I think that was my question.
 10 Thank you.
 11 CHAIR STONE: Okay. Thank you very much.
 12 Commissioner Moikeha.
 13 MEMBER MOIKEHA: I think the information that
 14 our Analyst provided was pretty detailed in Number 3 of
 15 Page 2 and 3, that we can set requirements, it appears,
 16 given the different counties, that everybody has a --
 17 some have a 90-day preceding the filing, some have two
 18 years, some have other terms. But I think your
 19 information established that it's a legal thing that you
 20 can do, require a certain amount of time for a person to
 21 live in that area.
 22 And Ed's shaking his head "no." Am I
 23 interpreting that incorrectly?
 24 MR. KUSHI: No, I'm not. Kink in my neck.
 25 MEMBER DE REGO: He's got a kink in his neck.

1 MEMBER MOIKEHA: Anyways, that's what I read,
 2 unless I misread that.
 3 MS. BRODER: The only limitation is it has to
 4 be something reasonable.
 5 MEMBER MOIKEHA: Reasonable.
 6 MS. BRODER: It can't be too long. You can
 7 have a reasonable time limit.
 8 MEMBER DELEON: Chair?
 9 MEMBER MOIKEHA: So this is one --
 10 MEMBER DELEON: I'm sorry.
 11 MEMBER MOIKEHA: -- that I think is one that
 12 should go to the voters. And we heard a lot of
 13 information about residency requirements, particularly
 14 from Lanai, and the issues that were raised by citizens
 15 and resident voters that had to challenge it in court.
 16 And, you know, this is where I think we can do something
 17 about strengthening this area of residency.
 18 I'm not sure, at this particular time, how
 19 long it should be that a person need to reside in the
 20 area before they would be considered a resident. I
 21 think it still needs some open discussion.
 22 I would be willing to defer this for further
 23 resources and information to come forth so we can
 24 determine something reasonable and have that discussion.
 25 But I think it's one of the most -- one of the most

1 important things that I heard from the public.
 2 CHAIR STONE: Thank you.
 3 Commissioner DeLeon.
 4 MEMBER DELEON: I think this thing is really
 5 simple. I think we just say that they have to have
 6 voted in the last election in the district and be a
 7 resident of the district. If they had voted in the last
 8 election in that district, they need to be a resident of
 9 the district, and leave it at that. I mean, we can --
 10 we can parse things down to nothing, but, I mean, if --
 11 if you voted in the last election, that's a matter of
 12 record. And -- and it's a simple straightforward thing.
 13 If you were a registered voter then, you were a
 14 registered voter when you file your nomination papers.
 15 And the discussion --
 16 MEMBER BAXA: Mr. Chair?
 17 CHAIR STONE: Okay, Commissioner Baxa.
 18 MEMBER BAXA: Yeah. In line with --
 19 Mr. Chair, in line with what Commissioner Moikeha said,
 20 I'd like to follow on that. Right now, the County
 21 Charter of Maui says that a resident of the County of
 22 Maui for a period of 90 days preceding the filing of
 23 nomination papers, and at the time of filing nomination
 24 papers, a resident in the area with whom the person
 25 seeks to be elected. This one, as contrasted to the

1 Charter of the County of Hawaii, does not require any
2 period of residence for the councilman in that district.
3 The County of Hawaii requires at least 90 days residency
4 in that particular area. Perhaps this is something that
5 we may want to consider.

6 CHAIR STONE: Thank you. Very good.
7 Commissioner Okamoto.

8 MEMBER OKAMOTO: I would have a problem with
9 saying they had to vote in the last election. If they
10 are 19 years old, they are able to now run for office;
11 however, they couldn't have voted in the last election.
12 I mean, if they voted in the last election, it's like a
13 two-year cycle, but I think the way wording that could
14 create some additional problem. I would like to see
15 longer than 90 days. Maybe two years is realistic. But
16 I think there is a loophole there for a young person to
17 say they had to have voted -- or maybe somebody who was
18 in the hospital the last election and they didn't get to
19 vote, they've lived there for -- you know, just that
20 issue.

21 MEMBER DELEON: I don't think -- oh, I'm
22 sorry. I'm sorry.

23 CHAIR STONE: Thank you, Commissioner.
24 Commissioners, any further discussion?

25 MEMBER BAXA: Mr. Chair?

1 CHAIR STONE: Commissioner Baxa.

2 MEMBER BAXA: Ma'am, the two years maybe okay,
3 but I think we may run into a problem with that, you
4 know. I mean, the law -- we may be crossing the line by
5 making it the law.

6 MEMBER OKAMOTO: I would be fine with it. So
7 do you think we could make one year? Would that be --

8 MEMBER BAXA: I really don't know. But the
9 safest that I can see is I don't think anybody has
10 challenged the Charter of the County of Hawaii, 90 days
11 is okay.

12 CHAIR STONE: Thank you. Commissioner DeLeon.

13 MEMBER DELEON: So how do you certify a year,
14 how do you certify six months, how do you certify any
15 time? We don't even -- you can't even tell whether they
16 live there or not.

17 MEMBER OKAMOTO: That's right.

18 MEMBER DELEON: I mean, seriously, that's why
19 I think the voter approach is the best because it's
20 certified. And, okay, so a 19-year-old is going to have
21 to wait for another turnaround. Realistically, a
22 19-year-old is actually going to get elected?

23 MEMBER OKAMOTO: I don't know.

24 MEMBER DELEON: As for somebody -- and as for
25 somebody who is in the hospital, that's why God made,

1 you know, the other kind of voting system.

2 MEMBER OKAMOTO: Well, I believe the issue
3 that has come up, he probably did vote on Lanai the
4 previous election. So, you know, I don't know that it's
5 tight enough. That's -- that's just my thoughts.

6 CHAIR STONE: Commissioners, further
7 discussion? Commissioner Hedani.

8 VICE-CHAIR HEDANI: I think the residency
9 issue is important from the standpoint of making sure
10 that Lanai and Molokai get adequate representation and
11 from a sense of fairness to those candidates or to those
12 office holders on Lanai and Molokai.

13 From an informational standpoint, I'd like to
14 know if their travel to and from the island is
15 reimbursable by the County. In other words, if they
16 wanted to go home every night, you know, from the County
17 Council, is that something that they could charge back
18 to the County and it would be reimbursed? Which, to me,
19 would be the fairest way.

20 CHAIR STONE: Mr. Molina, any insight?

21 MR. MOLINA: Thank you, Chair. I could give
22 some insight into Commissioner Hedani's inquiry. I
23 believe they do get reimbursed, they're given per diem
24 for travel. However, if the issue was the member would
25 want to go back every night, he would have to get

1 permission from the Council Chair, and depending on the
2 budget. But, in general, I believe the councilmembers
3 from Molokai and Lanai are allowed to go back home at
4 least one day out of the week. So -- and like I said,
5 they are given per diem. And, also, I believe the Hana
6 member is also given per diem as well.

7 CHAIR STONE: Thank you. Does that answer
8 your question, Wayne?

9 MEMBER DELEON: Well, Council Chair is
10 probably --

11 VICE-CHAIR HEDANI: I'm sorry. Was that once
12 a week?

13 MR. MOLINA: I believe they are allowed. I
14 could stand -- I could go and get that verified for you
15 from Council Services.

16 VICE-CHAIR HEDANI: So they could only be a
17 husband or a wife once a week.

18 MR. MOLINA: They, basically, want to meet
19 with their constituents.

20 MEMBER DE REGO: Their wife or husband, their
21 constituent.

22 CHAIR STONE: Commissioner Moikeha.

23 MEMBER MOIKEHA: I would like to make a motion
24 to defer this, keep it on the Active List, and to
25 propose specific information we need. Wayne just asked

1 for something, I'd like to know that, also, and if
 2 anybody else has other information. But I think it's
 3 still an issue that needs to be addressed.
 4 VICE-CHAIR HEDANI: Second.
 5 CHAIR STONE: A motion has been put forward to
 6 defer this subject matter, Residency Requirements, until
 7 our next meeting, and it's been seconded by Commissioner
 8 Hedani. Discussion? In lieu of further information.
 9 MEMBER MOIKEHA: I'd like to address that
 10 further information now so that --
 11 CHAIR STONE: Please, go ahead.
 12 MEMBER MOIKEHA: -- this doesn't just get
 13 lost.
 14 CHAIR STONE: That's fine.
 15 MEMBER MOIKEHA: So Wayne had one -- one thing
 16 to that. I'd really like to know, can the Council
 17 function with teleconferencing, so that these members of
 18 the Council, from Lanai and Hana, Molokai, could remain
 19 in their home districts?
 20 CHAIR STONE: Is there a Sunshine Law against
 21 that?
 22 MR. MOLINA: You know, it's interesting,
 23 Commissioner Moikeha, you brought that up. There had
 24 been some talk, discussion, to start using
 25 teleconferencing more down the road. But, again, when I

1 left the Council, it was still being explored, looked
 2 into. If you like, I could probably get that
 3 information from Council.
 4 MEMBER MOIKEHA: Yeah, I'd like to know what
 5 status that's at, that conversation here in the County.
 6 It's been -- it's been brought up so many times. And it
 7 hasn't just been in this context of this Charter
 8 Commission. I've heard it so many times prior to that.
 9 In fact, could be something by which we would really
 10 truly have area representation for these islands that
 11 are not part of Maui as far as geographically. But --
 12 And I'm still not certain on the number of
 13 days, so I want to think a little bit more about that,
 14 unless somebody else has any -- number of days that they
 15 have to be a resident of the area before they can file.
 16 Whether it's 90 days or two years or three years, I'm
 17 uncertain about that.
 18 CHAIR STONE: Thank you.
 19 Commissioner Sugimura.
 20 MEMBER SUGIMURA: So my question is, also, how
 21 do you define "lived?" I think that seems to be the
 22 problem where some people -- you know, what the term is
 23 that you live in the area. Is it that you pay real
 24 property tax, is it -- you know, is there a definition
 25 that -- or pay rent to somebody, or do you have to, you

1 know, prove that you do that or something. That seems
 2 to be another kind of like a gray area.
 3 CHAIR STONE: Okay. Commissioner --
 4 MEMBER DELEON: DeLeon.
 5 CHAIR STONE: -- DeLeon. How could I forget?
 6 MEMBER DELEON: I don't know. I tried to
 7 (inaudible) into your head.
 8 MEMBER DE REGO: He needs a new --
 9 MEMBER DELEON: My question, is the clerk able
 10 to identify voters having voted in the last election?
 11 So that if you voted, say, in 2010, can the clerk
 12 actually identify that?
 13 CHAIR STONE: Are you asking --
 14 MEMBER DELEON: That's to staff, however that
 15 goes. That's a question to staff. I thought we were
 16 collecting questions.
 17 CHAIR STONE: We are.
 18 MEMBER MOIKEHA: Yeah.
 19 CHAIR STONE: Yes, we are.
 20 Commissioner Hedani.
 21 MR. KUSHI: The other question that I would
 22 have on this issue is if they cannot commute on a daily
 23 basis back home, is there a provision for reimbursement
 24 to them for housing expenses while they're overnight
 25 here, either by hotel or apartment or something?

1 MR. MOLINA: Chairman? Commissioner, yes, as
 2 I mentioned earlier, they do have a per diem budget.
 3 For example, if I could use Councilmember Carroll as an
 4 example, whenever there would be any meetings that would
 5 go into the evening, late evening -- I believe we even
 6 had one meeting, one budget meeting, went into the early
 7 morning -- Councilmember Carroll would stay over at one
 8 of the local hotels here, instead of having to make that
 9 long drive back to Hana at 1:00 in the morning. So
 10 there was monies provided for him, as well as for any
 11 other councilmembers that come from the remote areas.
 12 CHAIR STONE: Good. Commissioner Moikeha.
 13 MEMBER MOIKEHA: The other question would be
 14 so it's the Council clerk -- it's the clerk that
 15 determines whether they're valid to run in that area, is
 16 that correct? What determines -- what department
 17 determines that?
 18 MR. MOLINA: County Clerk.
 19 MEMBER MOIKEHA: Okay. Can we have that
 20 person here, also, when that comes up? Because I'd like
 21 to know how -- exactly what Yuki Lei said, what is the
 22 defining of the word "live." I want to know what their
 23 standard is of determining whether or not someone
 24 actually lives in that area and is valid to run. So if
 25 they could be here to answer that kind of questions.

1 CHAIR STONE: Good. Next meeting.
 2 Commissioner Hashimoto.
 3 MEMBER HASHIMOTO: Yeah. Not being a lawyer
 4 or judge or anything, I have a problem with a lot of
 5 those questions that have to do with Sunshine Law and
 6 whether the thing is going to be challenged or not. You
 7 know, I think it's -- it behooves us to move along
 8 changes or additions, or whatever we do, or amendments
 9 of the Charter that is beneficial to the people of our
 10 County, and not worry about whether it's going to be
 11 challenged or not. Let the -- let somebody challenge
 12 it. That's what I say. Otherwise, they should make
 13 this -- the Commission should be made up of lawyers and
 14 judges.
 15 MEMBER DELEON: We got one of them.
 16 MEMBER HASHIMOTO: I thought -- I thought that
 17 we were supposed to represent the -- the average person
 18 in the community. Isn't that what -- I think it's what
 19 it says somewhere. But -- but somehow if -- we're not
 20 lawyers, so, you know, how do we make some of these
 21 defining -- answer some of these defining questions
 22 without being lawyers or judges? So what I think is, is
 23 that whatever amendment we choose to make, or put before
 24 the -- the people, we go right ahead and do it and let
 25 them challenge. Who cares? That's what the judges are

1 there to do.
 2 CHAIR STONE: Again, that's what I love about
 3 you, Cliff. Thanks very much.
 4 So we have a motion on the floor. Is there
 5 any further discussion, or bring out any further
 6 questions?
 7 VICE-CHAIR HEDANI: Call for the question.
 8 MEMBER DELEON: What is the question again?
 9 CHAIR STONE: The question is to defer the
 10 subject matter residency requirements --
 11 MEMBER DELEON: Okay.
 12 CHAIR STONE: -- in lieu of the information
 13 just requested. Any further discussion?
 14 (No Response.)
 15 CHAIR STONE: So, Lisa, let's take that to
 16 vote, roll call.
 17 MS. KAHUHU: Member Baxa.
 18 MEMBER BAXA: The issue is to defer?
 19 CHAIR STONE: Yes.
 20 MEMBER BAXA: Yes.
 21 MS. KAHUHU: Member Crivello.
 22 MEMBER CRIVELLO: 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 Hashimoto.
 3 MEMBER HASHIMOTO: No.
 4 MS. KAHUHU: Member Hedani.
 5 VICE-CHAIR HEDANI: Yes.
 6 MS. KAHUHU: Member Moikeha.
 7 MEMBER MOIKEHA: Yes.
 8 MS. KAHUHU: Member Okamoto.
 9 MEMBER OKAMOTO: Yes.
 10 MS. KAHUHU: Member Sugimura.
 11 MEMBER SUGIMURA: Yes.
 12 MS. KAHUHU: Member Wiger, excused.
 13 Chair Stone.
 14 CHAIR STONE: Yes.
 15 MS. KAHUHU: Nine "yes." Motion passes.
 16 CHAIR STONE: Okay. This subject matter,
 17 residency requirements, will be deferred to our next
 18 meeting.
 19 MEMBER DELEON: Chair?
 20 CHAIR STONE: Yes, Commissioner DeLeon.
 21 MEMBER DELEON: Point of order. You know, it
 22 might be expeditious if we just take general votes
 23 rather than do roll call for every item, especially when
 24 it's fairly obvious that something is going to be
 25 approved.

1 CHAIR STONE: Very good. I think when we're
 2 discussing deferral, then, yes, but if we're discussing
 3 proposals moving forward, then roll call.
 4 MEMBER DELEON: All right.
 5 CHAIR STONE: All right. Very good.
 6 Next subject matter, term limits. And there
 7 have been a number of proposals. Why doesn't everybody
 8 take two or three moments, please, to read through the
 9 proposals put forward? Actually, that is a good point.
 10 Yes. I think we should take a break here, 10-minute
 11 break. I'm going to call a recess, returning at 2:45.
 12 (Recess, 2:36 p.m. to 2:48 p.m.)
 13 CHAIR STONE: Let's call this meeting back
 14 from recess, 2:50.
 15 And moving on to our next subject matter, term
 16 limits. Discussion?
 17 MEMBER DE REGO: Mr. Chair?
 18 CHAIR STONE: Yes, Commissioner De Rego.
 19 MEMBER DE REGO: I would actually like to see
 20 this pushed along as quickly as possible in terms of a
 21 proposal. So I'm going to start off the conversation
 22 first by saying that I personally would like to see a
 23 extension of the Council terms, but, also, see the terms
 24 be absolute in a sense of, whether they're consecutive
 25 or not, pushing forward that there would be three terms

1 of four years and those terms would be absolute.
 2 There's no second bite at the apple, whether -- whether
 3 they're consecutive or not.
 4 Now, that being said, I would also like a
 5 consideration of how we sort of, in the transitional
 6 position -- provisions, back in this into those who are
 7 presently serving on the Council. Whether that's
 8 possible, whether it's constitutional, I think, needs to
 9 be looked at. I think we've heard enough on this from
 10 all sectors to say that there needs to be a transition
 11 to people who have new ideas, to people who would have a
 12 chance to serve the community and the County in ways
 13 that we don't see a -- how can I say -- well, I'll just
 14 leave it at that.
 15 MEMBER MOIKEHA: Second.
 16 CHAIR STONE: Commissioner, that was a motion,
 17 correct?
 18 MEMBER DE REGO: Okay. That was a pretty long
 19 motion, but I -- let me shorten it, okay? Okay. I
 20 would make a motion to write up --
 21 CHAIR STONE: Amendments, we'll call it.
 22 Amendment stage.
 23 MEMBER DE REGO: To take to the amendment
 24 stage a three-year --
 25 CHAIR STONE: Term.

1 MEMBER DE REGO: I mean a three-term,
 2 four-year term limit, absolute, and with transitional
 3 provisions related to currently serving councilmembers.
 4 CHAIR STONE: Thank you. And we have a
 5 second --
 6 MEMBER MOIKEHA: Second.
 7 CHAIR STONE: -- from Commissioner Moikeha.
 8 Discussion? Commissioner DeLeon.
 9 MEMBER DELEON: Can we make it staggered as
 10 well?
 11 MEMBER DE REGO: And staggered. Okay. I take
 12 that as a friendly amendment.
 13 CHAIR STONE: So amended. Commissioner
 14 Crivello.
 15 MEMBER CRIVELLO: I have a question to your
 16 motion with the existing Council. Because this goes --
 17 if it does go on the ballot, it goes to the people in
 18 2012.
 19 MEMBER DE REGO: Yeah.
 20 MEMBER CRIVELLO: So does that allow the
 21 existing council people to -- how do you make that
 22 transitional?
 23 MEMBER DE REGO: Well, this is something I
 24 would like the Legislative Analyst to figure out and --
 25 MEMBER CRIVELLO: I mean, because --

1 MEMBER DE REGO: -- come back to us.
 2 MEMBER CRIVELLO: If their term is up, how
 3 does it become transitional if this is not in effect?
 4 MEMBER DE REGO: Yeah. I understand your
 5 problem. And that's where the Constitutional problems
 6 may come in, or the challenge, I think. For those who's
 7 already served their 10 years, you know, does this
 8 actually apply to them. So I understand that is a
 9 problem. For those who are currently serving, I think
 10 it would be easier because, you know, they're in for
 11 eight years already, we could probably say that's two
 12 terms done and then, boom, you got one more shot at the
 13 apple and then done. For those who are leaving, I think
 14 that would be a problem. So I do admit that, but that's
 15 something that, hopefully, our Legislative Analyst and
 16 the Corporation Counsel will give us some answers
 17 whether or not that's possible.
 18 CHAIR STONE: Very good.
 19 Commissioner Moikeha.
 20 MEMBER MOIKEHA: Yeah. I would support this
 21 proposal. The transition, I can see utilizing the
 22 current terms, lengths that are in there now and
 23 applying it towards the 12 max as part of the
 24 transition, for those that are candidates already in
 25 office. It's going to only affect two individuals at

1 the end of 2012, whether or not they could come back
 2 under a new amendment. And I'm not quite certain,
 3 either, how to deal with that. It's almost like wiping
 4 the slate clean for them, and they could enter the race
 5 at any time in the next 12 unless you prohibit that. So
 6 that would be my question, also, to the Analyst.
 7 CHAIR STONE: Very good.
 8 Commissioner Hashimoto.
 9 MEMBER HASHIMOTO: Yes. My question, Chair,
 10 is, are we going to go through all those different --
 11 CHAIR STONE: No.
 12 MEMBER HASHIMOTO: -- things? Is this the
 13 only one that we're going to vote on?
 14 CHAIR STONE: Yes. This is what we're -- it's
 15 on the table at the moment. So this is what we're
 16 discussing. If you disagree --
 17 MEMBER HASHIMOTO: So the rest of them just
 18 are disregarded?
 19 CHAIR STONE: Well, they're built into this
 20 thought process. So if you want to bring something
 21 up --
 22 MEMBER HASHIMOTO: So once we take a vote,
 23 we're going on to the next?
 24 CHAIR STONE: Exactly. Very good.
 25 Commissioner Okamoto.

1 MEMBER OKAMOTO: I would like to see the
 2 motion split. I am -- I've heard too many people who
 3 want to keep the two-year term. And I heard -- I know
 4 that it has been voted on before and it's gotten -- the
 5 four years got voted down. I do agree with the absolute
 6 term limits, but I can't support this because I do feel
 7 that the two-year term is what I've heard a lot of
 8 people say.

9 CHAIR STONE: If this motion fails, then I
 10 believe you can place another motion forward.
 11 Commissioners, any further discussion?
 12 (No Response.)

13 CHAIR STONE: No further discussion --
 14 MR. KUSHI: Mr. Chair?
 15 CHAIR STONE: Yes.
 16 MR. KUSHI: Clarification on the motion for
 17 staff. Four-year Council term and three term max, which
 18 is 12 years?
 19 CHAIR STONE: Right, correct.
 20 MR. KUSHI: Three term max, whether it be
 21 consecutive or split?
 22 CHAIR STONE: I believe that was the motion.
 23 MEMBER DE REGO: Yes.
 24 CHAIR STONE: Yes, correct.
 25 MR. KUSHI: You can run for four years, take a

1 break, come back for another two four-year terms?
 2 MEMBER DE REGO: Yeah.
 3 CHAIR STONE: Staggered and with transitional
 4 language. Do you guys need me to reread it? I'm sorry.
 5 Commissioner Sugimura.
 6 MEMBER SUGIMURA: So is this going to -- is
 7 this sort of close to what the Mayor proposed, then?
 8 Which is his -- his proposal, when he presented to us,
 9 was talking about initial term of office for two-year
 10 term to a four-year term, stagger the terms by
 11 implementing the first election, the highest vote
 12 getters -- he addressed that, how you transition people
 13 in, who will serve four-year terms, the next highest
 14 vote getters will serve two-year terms, dah, dah, dah,
 15 dah, dah. Is that off? That's 3.22.
 16 CHAIR STONE: I don't believe this is directly
 17 from the Mayor's proposal. This is from Frank De Rego.
 18 MEMBER DE REGO: That portion is not mine. I
 19 think mine was closer to the 3.21. But, yes, I think
 20 that was the Mayor's proposal in terms of how to
 21 transition into this.
 22 CHAIR STONE: So that transitional language
 23 could work into the --
 24 MEMBER DE REGO: Could possibly work into.
 25 CHAIR STONE: Possibly.

1 MEMBER DE REGO: Yeah, depending on what the
 2 Legislative Analyst and Corporation Counsel come up
 3 with.

4 MEMBER DELEON: Mr. Chair, the State is
 5 actually doing something -- the State Reapportionment
 6 Commission is actually doing something like that right
 7 now with the State Senate. They're wrestling with who
 8 is going to get the -- have to serve a two-year term and
 9 then run again, and then who is going to get the full
 10 four-year term. So that is something that needs to be
 11 addressed, otherwise you have --

12 MEMBER DE REGO: Exactly.
 13 MEMBER DELEON: -- the whole Council elected
 14 simultaneously, then you have confusion about that
 15 continuity.

16 CHAIR STONE: Okay. Great. So any further
 17 discussion?
 18 (No Response.)

19 CHAIR STONE: Okay. The motion is, correct me
 20 if I'm wrong, Frank, to move to the amendment stage,
 21 proposal to go to four-year terms with a three-term
 22 maximum, which is a total of 12 years, with no
 23 extension, that includes transitional language and is
 24 staggered in implementation.
 25 MEMBER DE REGO: And they're absolute. It

1 doesn't have to be -- they're not consecutive.
 2 CHAIR STONE: Right. Right. Is that
 3 understood?
 4 MEMBER BAXA: Mr. Chair?
 5 CHAIR STONE: Yes, Commissioner Baxa.
 6 MEMBER BAXA: Point of inquiry. Should this
 7 -- should we vote on this, does that mean that we cannot
 8 make any other proposal?
 9 CHAIR STONE: This is the -- this is for --
 10 this proposal is for the subject matter term limits. So
 11 this is going to be the term limit proposal. If there's
 12 -- if there is a discussion, please bring it forward
 13 now, if you disagree with anything.
 14 MEMBER BAXA: I would disagree because I would
 15 like to propose another proposal which would be two-year
 16 term for -- two-year term, five times, absolute, 10
 17 years.
 18 CHAIR STONE: Okay. There's a proposal on the
 19 table. So if this proposal were to fail, I think then
 20 we would move to that proposal.
 21 Further discussion?
 22 MEMBER DE REGO: Can I speak to the motion
 23 again, then, Chair?
 24 CHAIR STONE: Yes.
 25 MEMBER DE REGO: I think we also heard from a

1 lot of people, not only in the Administration, but
 2 others, who see the value of the four-year term. I
 3 think this works hand in hand in terms of biennial
 4 budget. I think it works in hand with the whole idea of
 5 the Office of the Auditor. I think it works hand in
 6 hand in terms of we're always doing strategic planning
 7 followed by an election, and we never give our council
 8 people enough time to, you know, get out of the box and
 9 be able to do some longer range planning in regards to
 10 some of the issues that are fading -- facing the County.

11 I know this has been a measure that has been
 12 constantly voted down by the public, but I think part of
 13 that has been education about the nature of government
 14 and how we operate at this point. I think once it makes
 15 the amendment stage, I think there needs to be an
 16 education in terms of how these kinds of proposals
 17 actually work hand in hand with one another. And I
 18 think that's going to be, you know, the issue here.

19 So that's my -- my two cents about this
 20 particular --

21 CHAIR STONE: Thank you, Commissioner De Rego.

22 MR. KUSHI: Recess, Chair, one minute?

23 CHAIR STONE: We need to take a very short
 24 recess, two minutes.

25 (Recess, 2:59 p.m. to 3:00 p.m.)

1 MEMBER DELEON: Are we on the record yet?

2 CHAIR STONE: No, we're not. I need to bring
 3 our meeting back in session. Cliff, thank you very
 4 much, I understand that, but we are on to discussing
 5 subject -- the full subject matter. And the proposals
 6 that come forward may not necessarily be any one of
 7 these individual proposals, but a proposal formulated.

8 Now, Corporation Counsel informed me that the
 9 process should be that if Commissioners have an
 10 amendment to the proposal, they can put it forward, and,
 11 if it is seconded, then we have to take a vote on the
 12 amendment to the proposal. So, I'm sorry, I should not
 13 have cut you guys off. If you -- Commissioner Okamoto
 14 and Commissioner Baxa expressed interest in doing a
 15 two-year term instead, you guys can put that motion
 16 forward, to amend, to amend the motion on the table, and
 17 if it's seconded, then we have discussion and we can
 18 vote. And if that amendment holds, then it stands and
 19 we move forward. All right? So that's the process.

20 All right. So with that said, Commissioner
 21 Hedani.

22 VICE-CHAIR HEDANI: Is this Proposal 3.18,
 23 3.21, or none of the above?

24 MEMBER DE REGO: Well, I thought when we were
 25 -- okay. This is my understanding of the process we're

1 doing right now. We decided to discuss these as a
 2 group.

3 CHAIR STONE: Uh-huh.

4 MEMBER DE REGO: And I thought that it might
 5 be best to make a recommendation that took the best of a
 6 couple of proposals and put them into a recommendation,
 7 which meant having a long enough period for
 8 representatives to be in office, long enough term to be
 9 able to do long-range, as well as strategic planning for
 10 the County, and last but not least, also have some
 11 transitional provisions included within the
 12 recommendation and the language that would include
 13 present members of the Council.

14 So as we -- this is -- please correct me if
 15 I'm wrong, and if I'm out of order in this, as we're
 16 discussing these in general, right --

17 CHAIR STONE: No. That is correct, Frank.

18 MEMBER DE REGO: Okay. I was seeing a way of
 19 crafting several of these ideas into one. Of course, I
 20 have a penchant more for four-year terms than two-year
 21 terms. And, you know, people can vote the motion up and
 22 down, or amend it as they want, but I wanted to put
 23 something before the table. I'd like to see us move
 24 these things along.

25 CHAIR STONE: This is the process we should be

1 working on. These are general subject matters, these
 2 proposals are meant for us to review and come up with
 3 our own ideas, or, if one is perfect, put that forward.
 4 So the process is working correctly. So now if there
 5 are people, Commissioners, I heard from that prefer a
 6 two year, if you like to put forward an amendment to the
 7 proposal.

8 MEMBER OKAMOTO: I personally wouldn't amend
 9 it. I think it really becomes kind of a different
 10 proposal. So I would go with what your originally said.
 11 If it is voted down, then I would put up a new proposal.
 12 Because it gets a little confusing, I think, to just --
 13 on this particular issue.

14 CHAIR STONE: Very good.

15 MEMBER OKAMOTO: Some issues, yes.

16 CHAIR STONE: Okay. Very good.

17 Any further discussion?

18 (No Response.)

19 CHAIR STONE: Let's put it to vote. Roll
 20 call, please.

21 MS. KAHUHU: Commissioner Wiger, excused.

22 Commissioner Sugimura.

23 MEMBER SUGIMURA: Yes.

24 MS. KAHUHU: Commissioner Okamoto.

25 MEMBER OKAMOTO: No.

1 MS. KAHUHU: Commissioner Moikeha.
 2 MEMBER MOIKEHA: Yes.
 3 MS. KAHUHU: Commissioner Hashimoto.
 4 CHAIR STONE: Cliff?
 5 MEMBER HASHIMOTO: No.
 6 MS. KAHUHU: Commissioner Hedani.
 7 VICE-CHAIR HEDANI: Yes.
 8 MS. KAHUHU: Commissioner DeLeon.
 9 MEMBER DELEON: Yes.
 10 MS. KAHUHU: Commissioner De Rego.
 11 MEMBER DE REGO: Yes.
 12 MS. KAHUHU: Commissioner Crivello.
 13 MEMBER CRIVELLO: No.
 14 MS. KAHUHU: Commissioner Baxa.
 15 MEMBER BAXA: No.
 16 MS. KAHUHU: Chair Stone.
 17 CHAIR STONE: Yes.
 18 MS. KAHUHU: Six "yes." Motion passes.
 19 CHAIR STONE: Motion passes. The proposal
 20 goes to the amendment stage.
 21 Moving on, next item, subject matter, Council
 22 Powers. There's only one proposal for this subject
 23 matter, Number 3.33, proposal to amend Section 3-6,
 24 Powers of the Council, to require that the Council
 25 approve the appointments of all department heads. In

1 the alternative, require that the Council approve the
 2 appointments of the Planning Department and the Director
 3 of the Department of Finance.
 4 Discussion? Commissioner Moikeha.
 5 MEMBER MOIKEHA: I'm not in support of
 6 changing this at this time. I think this is something
 7 that the Mayor or the -- can work on, or the Council can
 8 propose as an amendment. So I'm not going to support
 9 any kind of motion to move this forward.
 10 CHAIR STONE: Thank you.
 11 Commissioner De Rego.
 12 MEMBER DE REGO: I would say the same thing.
 13 I'm still having a problem focusing on the Planning
 14 Director instead of the Managing Director, who's
 15 actually second in line to the Mayor, and not being
 16 involved in this process somehow in terms of being
 17 approved by the Council. So I think this is something
 18 that we could move that maybe the Council could handle
 19 it, but I would agree with Commissioner Moikeha.
 20 CHAIR STONE: Thank you.
 21 Commissioners, further discussion?
 22 VICE-CHAIR HEDANI: Just a question.
 23 CHAIR STONE: Commissioner Hedani.
 24 VICE-CHAIR HEDANI: If this proposal were to
 25 pass, does that mean that directors of departments like

1 the Police Chief would need to be approved by the
 2 Council after the Commission has voted?
 3 CHAIR STONE: You're asking the wrong guy.
 4 Hang on one second. Sherry, what would that -- could
 5 you define that?
 6 MS. BRODER: Well, it's -- it's not my
 7 proposal, so I'm not 100 percent sure what the intent
 8 was, but it does seem, based on your question, that the
 9 answer would be yes. I mean, it seems like the intent
 10 is all department heads, or, in the alternative, then
 11 just those two.
 12 MEMBER DELEON: Mr. Chair?
 13 CHAIR STONE: Commissioner DeLeon.
 14 MEMBER DELEON: It seems like we have two
 15 different items here.
 16 MEMBER DE REGO: Yes.
 17 MEMBER DELEON: We're not talking about one
 18 item. We're talking about one that talks about all
 19 department heads, and we have another one that's only
 20 talking about Finance and the Planning Director.
 21 Finance is -- the argument can be made that he's third
 22 in line of succession, that the Council needs to approve
 23 that. But I don't see -- again, Managing Director is
 24 second in line. So, I mean, why are we missing that
 25 one?

1 MEMBER DE REGO: Exactly.
 2 MEMBER DELEON: And Planning Director, I mean,
 3 why not the Public Works Director or Parks Director? I
 4 mean, where's that stuff?
 5 CHAIR STONE: Further discussion?
 6 MEMBER DELEON: (Inaudible.)
 7 CHAIR STONE: Okay. Thank you.
 8 Further discussion?
 9 MEMBER BAXA: Yeah, Mr. Chair.
 10 CHAIR STONE: Commissioner Baxa.
 11 MEMBER BAXA: It looks like there is really
 12 confusion here, though. 3.3, proposal to amend 3.6,
 13 Powers of the Council, to require that councilmembers --
 14 Council approve the appointment of all department heads.
 15 That is all department heads. The second one, in the
 16 alternative, require the Council to approve the
 17 appointments of the Planning Director and the Director
 18 of Finance. Right now, the Corporation Counsel, the
 19 Department of the Prosecuting Attorney are also approved
 20 by the Council. So what does that mean? Are they taken
 21 out of the process?
 22 CHAIR STONE: I'll pass that off to our
 23 Analyst.
 24 MS. BRODER: What do you mean, are they taken
 25 out of the process?

1 MEMBER BAXA: Yeah, because the alternatives
2 say it limits it only to the Planning Director and the
3 Director of Finance.

4 MS. BRODER: Yeah. So are you saying if that
5 -- I think it can be however you want it, you know. I
6 mean, you don't have to be bound by this. So if you
7 wanted to have it every department head, if you wanted
8 to have it department head X, Y and Z, or A, B and C, or
9 however you wanted to change the Charter, so specific
10 department heads would have to be approved by the
11 Council Chair.

12 MEMBER DE REGO: Mr. Chair?

13 CHAIR STONE: Commissioner De Rego.

14 MEMBER DE REGO: I think, if I remember the
15 context of this particular proposal, after reading
16 through them all, was that this was going to be in
17 addition to the other department heads that were, you
18 know, approved by the Council. It wasn't something that
19 kind of sat up there in the ethereal heaven, that, all
20 of a sudden, everything else goes by the wayside. But I
21 think this was in addition to the -- you know, what goes
22 on right now. So --

23 CHAIR STONE: Very good.

24 Commissioner Hedani.

25 VICE-CHAIR HEDANI: Maybe we should ask for,

1 you know, a motion either for or against this particular
2 motion so we can actually --

3 MEMBER MOIKEHA: I'll put it forth. I say
4 leave it alone and move on.

5 MEMBER DELEON: Second.

6 MEMBER MOIKEHA: I don't see any reason to
7 explore this.

8 CHAIR STONE: Okay.

9 MEMBER MOIKEHA: It's something that the
10 Council can do themselves.

11 CHAIR STONE: Okay. Commissioner Moikeha has
12 put forward a motion to move the Subject Matter, Council
13 Powers off of the Active List, it has been seconded by
14 Commissioner DeLeon. Any further discussion on that?

15 (No Response.)

16 CHAIR STONE: No. So, actually, by a show of
17 hands, all in favor of moving this off the Active List,
18 raise your hands, please. I believe that is all except
19 for Commissioner Baxa.

20 MEMBER BAXA: Wait. Wait.

21 CHAIR STONE: So that's unanimous.

22 MEMBER BAXA: I have to be clear as to what
23 I'm voting for now.

24 CHAIR STONE: Oh. To, basically, not -- to
25 remove this subject matter off of the Active List.

1 MEMBER BAXA: Okay. I go with that.

2 CHAIR STONE: Okay. So, again, show of hands,
3 please, all in favor. Okay. It's unanimous. Wow.

4 Very good. Moving on, Subject Matter,
5 Structure of Office of the Executive.

6 Commissioner Moikeha.

7 MEMBER MOIKEHA: This is something that I have
8 always been very interested in. And I think, at some
9 time in the future, could really, really benefit this
10 County. I don't think we have the time to explore it.
11 I think it needs -- although I've heard a little bit of
12 support for it, and, also, from the Mayor, proposed it,
13 I think this is something that needs a lot of homework
14 done. I would like -- I would hope that the
15 Administration right now would start to explore this and
16 start to form some kind of committees to look into it,
17 and prepare for that day. Because I think once this
18 happens, it's going to change the entire Charter. And I
19 just don't think we have the time or the resources to
20 really delve into this. So I'm -- I support this and
21 I'd like to see it happen one day in my lifetime, but I
22 don't think it's going to happen this time around.

23 CHAIR STONE: Thank you, Commissioner.

24 Commissioner DeLeon.

25 MEMBER DELEON: I agree with Commissioner

1 Moikeha on this item. However, as proposed earlier, I
2 would like to see a commission formed that would take
3 this into -- into another realm. This Commission, of
4 course, doesn't have the time to try to deal with this.
5 Our community is not ready to have this conversation,
6 because we have no experience with this form of
7 government. But the experience around the country is
8 that this works, it's an efficient form. And Maui News
9 wrote an editorial in opposition to this based on the
10 way this thing is written.

11 I'm not talking about a ceremonial mayor, I'm
12 talking about the kind of mayor that the Mayor Arakawa
13 spoke about, which is a -- the Chair of the County
14 Council would be Mayor and that would be the oversight
15 body for Administration that would be a professional
16 Administration. But we're not ready for that
17 conversation. We're not ready to push it out of here.
18 But I agree with Susan that this is an important issue
19 that would have real relevance and that should be
20 studied as a forward thinking community should be doing,
21 looking at all forms out there to improve its efficiency
22 and function.

23 And I want to point out that we lost three
24 mayors in a row to elections. I mean, three incumbent
25 mayors were defeated. That kind of speaks to a

1 leadership issue. And I think -- I think that's --
2 that's relevant enough -- I mean, relevancy enough to be
3 able to make the argument we should have as a
4 Commission.

5 CHAIR STONE: Thank you.

6 Commissioner De Rego.

7 MEMBER DE REGO: I want to agree with
8 everything that's been said here. I just had a
9 conversation with the Mayor last night, actually said to
10 him, in Zippy's, that there needs to be a blue ribbon
11 commission or some kind of organization that actually
12 looks at these issues. At least -- I know we're
13 discussing at some point, you know, 18 months for the
14 Charter Commission, but this is the kind of an issue --
15 since you're actually asking for a wholesale change in
16 the Charter, you're actually asking for a complete new
17 Charter, that this -- this be looked at, at least three
18 years out, at minimum, in terms of making a change of
19 government, something like this, and to investigate all
20 the implications of what that means.

21 So we just don't have the time or the ability
22 at this point to deal with it, but I do think -- and I
23 keep asking if we have the ability to make
24 recommendations at the end, little spiritual nosegays or
25 whatever into the Council, saying maybe this is

1 something the Mayor can think about doing, even though
2 we weren't able to deal with it. So --

3 CHAIR STONE: Thank you, Commissioner.

4 Commissioner Okamoto.

5 MEMBER OKAMOTO: I move that we take this off
6 the Active List. I don't know if it's possible to make
7 recommendations, but I think we have to take it off of
8 our Active List.

9 CHAIR STONE: Okay. Thank you. Do I have a
10 second?

11 MEMBER DE REGO: Second.

12 MEMBER SUGIMURA: Second.

13 MEMBER CRIVELLO: Second.

14 CHAIR STONE: Oh. Okay. Who shot first,
15 guys?

16 MEMBER DE REGO: The birthday boy.

17 CHAIR STONE: We'll give that one to
18 Commissioner Crivello because she's closest.

19 (Laughter.)

20 CHAIR STONE: All right. The motion is to
21 move Subject Matter, Structure of Office of the
22 Executive off of the Active List. Any further
23 discussion on that?

24 (No Response.)

25 CHAIR STONE: No. By a show of hands, all in

1 favor of moving this off the list, say "aye" -- or show
2 hands. Sorry. "Aye" and show hands. Okay, unanimous.
3 That's off the subject list -- Active List. Excuse me.

4 Moving on, Article 8, County Departments.
5 Chapter 1, Department of Management, Proposal Number
6 8.1.1, proposal to amend Section 8-1.1, Organization, to
7 specify that there shall be a Deputy Managing Director.

8 MEMBER OKAMOTO: I move that we take this off
9 the Active List.

10 CHAIR STONE: There's a motion.

11 MEMBER CRIVELLO: I second.

12 CHAIR STONE: And seconded by Commissioner
13 Crivello. Discussion? Commissioner Sugimura.

14 MEMBER SUGIMURA: You want to speak?

15 CHAIR STONE: I'm sorry. Yes.

16 MEMBER OKAMOTO: Well, I think this is not one
17 of the issues that I feel is important enough, and this
18 is something that the Council could handle or the Mayor
19 can handle.

20 CHAIR STONE: Thank you.

21 Commissioner Sugimura.

22 MEMBER SUGIMURA: That was my question. Is
23 this something that can just be done? Otherwise, why
24 would the Mayor present it? Maybe Mike has a --

25 CHAIR STONE: Mr. Molina.

1 MR. MOLINA: Thank you, Mr. Chairman. In
2 response to Commissioner Sugimura's inquiry, I would
3 like to add it's been expressed to me recently by the
4 Administration that they will probably forego this, so
5 it's not something they're going to push. So I can
6 safely say it would be okay to go ahead and defer this
7 or put this on the inactive list.

8 CHAIR STONE: Okay. Any further discussion
9 before we go to vote?

10 (No Response.)

11 CHAIR STONE: No further discussion. By show
12 of hands, all in favor of moving this to the -- off the
13 Active List, raise your hands. Unanimous, off the
14 Active List.

15 Moving forward. Chapter 3 of Article 8,
16 Department of Prosecuting Attorney. Number 8.3.1 --
17 well, there's multiple proposals. So go ahead and take
18 a second, read those proposals, please.

19 MEMBER SUGIMURA: This came from them, though?

20 MEMBER DELEON: Mr. Chair, they're proposed to
21 be proposed. They're not exclusive to each other.

22 CHAIR STONE: Oh, okay.

23 MEMBER DE REGO: Yeah. I would move --

24 MEMBER DELEON: That was housekeeping.

25 MEMBER DE REGO: -- Mr. Chair, that -- I would

1 agree with professor -- professor -- I just made you
 2 reverend professor there, Dave.
 3 (Laughter.)
 4 MEMBER DE REGO: I feel like I'm in an
 5 academic setting. Yes, to be back. I would propose
 6 that we move this to the amendment stage, both of these,
 7 since these were housekeeping. And I think that it was
 8 pretty well accepted by the rest of the Commission that
 9 we move both of these to the amendment stage.
 10 CHAIR STONE: Do we have a second?
 11 MEMBER SUGIMURA: Second.
 12 CHAIR STONE: So a motion is on the floor to
 13 move to the amendment stage Proposal Number 8.3.1 and
 14 Proposal Number 8.3.2, and it's been seconded. Any
 15 discussion?
 16 (Laughter.)
 17 CHAIR STONE: Okay. Since this is moving it
 18 to -- moving it forward, I would like to do roll call
 19 for this one.
 20 MS. KAHUHU: Commissioner Baxa.
 21 MEMBER BAXA: Yes.
 22 MS. KAHUHU: Commissioner Crivello.
 23 MEMBER CRIVELLO: Yes.
 24 MS. KAHUHU: Commissioner DeLeon.
 25 MEMBER DELEON: Yes.

1 MS. KAHUHU: Commissioner De Rego.
 2 MEMBER DE REGO: Yes.
 3 MS. KAHUHU: Commissioner Hashimoto.
 4 MEMBER HASHIMOTO: Yes.
 5 MS. KAHUHU: Commissioner Hedani.
 6 VICE-CHAIR HEDANI: Yes.
 7 MS. KAHUHU: Commissioner Moikeha.
 8 MEMBER MOIKEHA: Yes.
 9 MS. KAHUHU: Commissioner Okamoto.
 10 MEMBER OKAMOTO: Yes.
 11 MS. KAHUHU: Commissioner Sugimura.
 12 MEMBER SUGIMURA: Yes.
 13 MS. KAHUHU: Commissioner Wiger, excused.
 14 Chair Stone.
 15 CHAIR STONE: Yes.
 16 MS. KAHUHU: Unanimous. Motion passes.
 17 CHAIR STONE: Very good. Both of those
 18 proposals move forward to the amendment stage.
 19 MEMBER DELEON: Mr. Chair, an observation.
 20 Notice how we go quicker at the end of the clock?
 21 CHAIR STONE: Fatigue is a wonderful thing.
 22 It's amazing.
 23 Chapter 7, Department of Fire and Public
 24 Safety.
 25 MEMBER OKAMOTO: Mr. Chair?

1 CHAIR STONE: Yes --
 2 MEMBER OKAMOTO: I move that we --
 3 CHAIR STONE: -- Commissioner.
 4 MEMBER OKAMOTO: -- table Department of Fire
 5 and Safety until the next meeting since we've already
 6 said we would ask the Chief back at that time. And
 7 there's a lot of things on that one.
 8 CHAIR STONE: Call Fire Chief.
 9 MEMBER CRIVELLO: I second.
 10 CHAIR STONE: Okay. A motion's been put
 11 forward and seconded to defer Chapter 7, Department of
 12 Fire and Public Safety to the next meeting. Discussion?
 13 Commissioner Moikeha.
 14 MEMBER MOIKEHA: I think this is one where we
 15 need to be specific of what we're asking resource
 16 people. So I need time to think about that. Can we
 17 just email that to Lisa, our question -- our concerns?
 18 CHAIR STONE: Very good. Any questions or
 19 concerns send to Lisa and Ed.
 20 MEMBER DELEON: Mr. Chair? I have a --
 21 CHAIR STONE: Commissioner DeLeon.
 22 MEMBER DELEON: On 8.7.2, the first item has
 23 -- well, both items speak to removal. The proposal was
 24 to -- for the Mayor to approve the nomination of the
 25 chief and have the -- have the ability to request the

1 removal. It wasn't -- it wasn't just to remove; it was
 2 also to hire -- or to approve a nomination from the
 3 commission.
 4 MEMBER CRIVELLO: That's 8.7.2, Page 5.
 5 MR. KUSHI: Don't forget the ones you just
 6 voted on, too.
 7 CHAIR STONE: Yeah, there's further items
 8 being added.
 9 MS. BRODER: Yeah.
 10 CHAIR STONE: Very good.
 11 MEMBER DELEON: That was my proposal, so I --
 12 CHAIR STONE: Did you get that, Sherry?
 13 MS. BRODER: Could you repeat that? I'm
 14 sorry.
 15 MEMBER DELEON: The proposal was -- that was
 16 the conversation I was having with the testifier at the
 17 beginning of the meeting. And that is that the
 18 commission does the recruitment and vetting and
 19 nomination of the chief, with the final approval by the
 20 Mayor.
 21 MS. BRODER: Okay. Which one is that?
 22 CHAIR STONE: 8.7.3.
 23 MEMBER DELEON: 2, I think.
 24 CHAIR STONE: Well, 8-7.2.
 25 MEMBER DELEON: That's confusing because you

1 get the next one.

2 MS. BRODER: Okay. Number 8.7.2, to amend
3 8.7.3?

4 MEMBER DELEON: Got it.

5 MS. BRODER: Okay.

6 CHAIR STONE: Okay, good. Any discussion on
7 deferring this?

8 (No Response.)

9 CHAIR STONE: No discussion. By show of
10 hands, in all in favor of deferring this to the next
11 meeting, raise your hands. Guys? Okay. Dave, are you
12 voting?

13 MEMBER DELEON: Sorry.

14 CHAIR STONE: Unanimous decision to defer.

15 MEMBER OKAMOTO: Point of information. This
16 is until the next meeting?

17 CHAIR STONE: Next meeting.

18 Just to put a little bit of Halloween scare in
19 you, we have three meetings remaining before we go back
20 to the public. Yeah, so let's continue. Yeah.

21 MEMBER DELEON: All right, Water Supply.

22 CHAIR STONE: We're on Page 7, yes. Moving
23 forward. Page 7, Subject Matter, Housekeeping, Chapter
24 9, Department of Personnel Services. Proposal Number
25 8.9.1, proposal to amend Article 8, County Departments,

1 Chapter 9, Department of Personnel Services, Section
2 9.4 --

3 MEMBER DELEON: Move to approve.

4 VICE-CHAIR HEDANI: Second.

5 CHAIR STONE: We have a motion to approve this
6 housekeeping measure, seconded by Commissioner Hedani.
7 Discussion?

8 (No Response.)

9 CHAIR STONE: Okay. So putting it forward,
10 this is a motion to move this proposal to our amendment
11 stage -- moving this proposal to the amendment stage.
12 Discussion?

13 MEMBER DE REGO: Call for the question,
14 Mr. Chair.

15 CHAIR STONE: Oh. Yeah, you got it.

16 MEMBER DE REGO: Okay. Are we going to vote?

17 CHAIR STONE: Roll call, please. Sorry,
18 Frank. I'm like, "What question?"

19 MEMBER MOIKEHA: I think this is one of
20 those --

21 MEMBER DE REGO: We can raise our hand.

22 CHAIR STONE: All right. All in favor, raise
23 their hand. It's unanimous, Proposal Number 8.9.1 moves
24 to the amendment stage.

25 Moving forward, subject matter Water Supply

1 Department and Board, Chapter 11, Department of Water
2 Supply. And I would prefer not to defer.

3 Yes, Commissioner Moikeha.

4 MEMBER MOIKEHA: I'm going to put forth a
5 motion to take this off the list. I think this is
6 another subject matter that I can't even envision myself
7 wrapping my head around. That's just my personal
8 opinion, but I'm going to throw it out there to take it
9 off.

10 VICE-CHAIR HEDANI: Second.

11 MEMBER MOIKEHA: Council can take it up if
12 they wish.

13 CHAIR STONE: There's a motion to remove this
14 proposal from the Active List, and seconded by
15 Commissioner Hedani. Discussion? Commissioner DeLeon.

16 MEMBER DELEON: I do have a concern about
17 leaving this as is. That is, this is the reason why we
18 had Fire Department -- the Fire Chief being appointed by
19 the Fire Commission. Fire Commission didn't have
20 anything to do for 20 years and, eventually, managed to
21 convince a Charter Commission to give them the power to
22 hire and fire -- hire and fire the Fire Chief. Okay.
23 Because you have a commission not doing anything,
24 they're going to sit there, and it's going to fester.
25 So we're going to have a Board of Water Supply in this

1 case festering with not any real responsibility. The
2 real Board of Water Supply will be the County Council.
3 And so you'll have this body sitting there with not
4 really a good function.

5 And, typically, in these cases, we have had
6 experience of this in the past, the director will ignore
7 the Board of Water Supply. I mean, that is just the
8 reality. He's got one board he's got to listen to, and
9 that is the County Council. This is just a redundancy.

10 And so my suggestion is that, instead of being
11 a Board of Water Supply, that we turn this into a Board
12 of Water Appeals. There needs to be an appeal body for
13 the director's decisions. And the ability to get water
14 on your property is fundamental, and it's a very
15 important issue. And, often, those decisions are made
16 by the borderline engineers in the department. And a
17 lot of grievances come out of that. And this
18 department -- this board has acted as a board of appeals
19 for the last, oh, about eight years, I think.

20 Without having a board of appeals, what you
21 have is everybody lining up in the Mayor's Office
22 because he becomes the board of appeals. So everybody
23 wants to lean on the Mayor to lean on the Water Director
24 to get the water -- the water meter. That's why it
25 ended up with the Board of Water Supply in the first

place. So rather than just let it fester, I would suggest that we -- we make this board a board of appeals.

Outside of that, I agree with Susan's point that this is not something that's being raised by the community with any kind of real vigor. When I speak to people about this, they say, leave it alone, it's working as it is, leave the basic fundamentals of the governance alone, we have changed it six times. So, I mean, we don't -- and there is no real urgency in the community to do it yet again. And even if we do change it, it doesn't mean we'll get it right this time, either.

So -- so given that, I would amend the motion so that we create a Board of Water Appeals.

CHAIR STONE: Okay. Do I have a --

MEMBER OKAMOTO: I have a question.

CHAIR STONE: I think, first, I have to see if there's a second to the motion.

MEMBER HASHIMOTO: I second.

MEMBER MOIKEHA: Wait. I had a motion.

CHAIR STONE: But they're amending.

MEMBER MOIKEHA: You're amending? So we're doing amended motions?

CHAIR STONE: If it fails, then we go back to

your motion. Commissioner Hedani seconds the motion. Okay.

VICE-CHAIR HEDANI: He seconded.

CHAIR STONE: I'm sorry. Commissioner Hashimoto, you seconded the motion. Right?

MEMBER HASHIMOTO: Yes.

CHAIR STONE: Yes. Okay.

Commissioner Okamoto.

MEMBER OKAMOTO: Question. Can it be done simply by adding into the -- what the Board of Water Supply does, a line that says that they will handle appeals?

MEMBER DELEON: No. They do that now.

MEMBER OKAMOTO: But is it in the --

MEMBER DELEON: It's in their responsibilities now.

MEMBER OKAMOTO: That's all I needed to know.

MEMBER DELEON: That exists as is. What I'm suggesting is you take out everything else.

MEMBER OKAMOTO: Oh, okay.

MEMBER DELEON: So you don't have that -- that second layer of -- of review and discussion that, basically, gets ignored. And it gets a more efficient process. You do have a board of water supply, it's called the County Council.

CHAIR STONE: Okay. Commissioner Moikeha.

MEMBER MOIKEHA: I would like to speak to Dave's amended motion. You know, I understand where you're coming from. I don't think we need to do that. I think, you know, even administratively, that could work as far as what you're suggesting as an amendment.

The other thing is, this question about going back and forth on the structure, maybe it's never been the structure that's been the problem. Maybe it's who you put in there as head of the department. And if the Council now, and has been, the board, quote, unquote, making those water decisions -- I mean, you -- we had Dave Taylor here, and I think he just tells it like it is, and I wish we had all department heads that could do that, and that just lays out all the facts about what the issue is. And then it's up to the Council, who is the board here in the case of water, to make those important decisions. Now it's on them. And I appreciate his straightforwardness. And maybe this is more an issue of who you put in the place to -- to be the leader and to bring forth the facts and provide all the information that's needed for making decisions in this County.

I don't support -- again, I'm going to go back to my original motion, take it off the list.

CHAIR STONE: Okay. Further discussion?

(No Response.)

CHAIR STONE: Okay. We have a motion, amended motion on the table. We'll take that to vote by a show of hands. The amended motion is to change water -- department of -- water supply department and board to Department and Board of Appeals -- Water Supply Department of Board of Appeals.

(Laughter.)

MEMBER DELEON: Change the Board of Water Supply into Board of Water Appeals.

CHAIR STONE: Water Appeals. Thank you very much. Very good. All in favor, raise your hands. That's four. Okay. So -- five. You know, that's pretty close. Let's do roll call on that, please.

MS. KAHUHU: Commissioner Wiger, excused.

Commissioner Sugimura.

MEMBER SUGIMURA: Yes.

MS. KAHUHU: Commissioner Okamoto.

MEMBER OKAMOTO: No.

MS. KAHUHU: Commissioner Moikeha.

MEMBER MOIKEHA: No.

MS. KAHUHU: Commissioner Hashimoto.

MEMBER HASHIMOTO: Yes.

MS. KAHUHU: Commissioner Hedani.

1 VICE-CHAIR HEDANI: No.
 2 MS. KAHUHU: Commissioner DeLeon.
 3 MEMBER DELEON: Yes.
 4 MS. KAHUHU: Commissioner De Rego.
 5 MEMBER DE REGO: No.
 6 MS. KAHUHU: Commissioner Crivello.
 7 MEMBER CRIVELLO: No.
 8 MS. KAHUHU: Commissioner Baxa.
 9 MEMBER BAXA: Yes.
 10 MS. KAHUHU: Chair Stone.
 11 CHAIR STONE: Yes.
 12 MS. KAHUHU: Five "yes," five "no," one
 13 excused.
 14 MEMBER DELEON: Fails.
 15 CHAIR STONE: So motion fails.
 16 MEMBER OKAMOTO: Yes.
 17 CHAIR STONE: Back to the original motion on
 18 the table to remove this from the Active List. Any
 19 further discussion?
 20 (No Response.)
 21 CHAIR STONE: No. Let's take a vote. Roll
 22 call, please.
 23 MS. KAHUHU: Commissioner Baxa.
 24 MEMBER BAXA: Yes.
 25 MS. KAHUHU: Commissioner Crivello.

1 MEMBER CRIVELLO: I'm sorry. What are we
 2 voting for?
 3 CHAIR STONE: To remove this proposal from the
 4 Active List.
 5 MEMBER CRIVELLO: Yes. Yes.
 6 MS. KAHUHU: Commissioner DeLeon.
 7 MEMBER DELEON: Yes.
 8 MS. KAHUHU: Commissioner De Rego.
 9 MEMBER DE REGO: Yes.
 10 MS. KAHUHU: Commissioner Hashimoto.
 11 MEMBER HASHIMOTO: Yes.
 12 MS. KAHUHU: Commissioner Hedani.
 13 VICE-CHAIR HEDANI: Yes.
 14 MS. KAHUHU: Commissioner Moikeha.
 15 MEMBER MOIKEHA: Yes.
 16 MS. KAHUHU: Commissioner Okamoto.
 17 MEMBER OKAMOTO: Yes.
 18 MS. KAHUHU: Commissioner Sugimura.
 19 MEMBER SUGIMURA: Yes.
 20 MS. KAHUHU: Commissioner Wiger, excused.
 21 Chair Stone.
 22 CHAIR STONE: Yes.
 23 MS. KAHUHU: Unanimous. Motion passes.
 24 CHAIR STONE: So this subject matter, Water
 25 Supply Department and Board, has been moved off the

1 Active List.
 2 Moving forward. Chapter 12 -- this is Page 9.
 3 Chapter 12, Department of Police. Proposal Number
 4 8.12.4, proposal to amend Section 8-12.2, Police
 5 Commission, to add a new subsection to require that the
 6 Police Commission hold public meetings in truly public
 7 venues in different parts of the county four times a
 8 year.
 9 Commissioner Okamoto.
 10 MEMBER OKAMOTO: I move we take it off the
 11 Active List.
 12 MEMBER SUGIMURA: Second.
 13 CHAIR STONE: There's a proposal to remove
 14 this from the Active List, seconded by Commissioner
 15 Sugimura. Discussion?
 16 MEMBER DELEON: I think, in opposition, it was
 17 my original concept. I think this is a problem. This
 18 is a board that is our sole representation to the Police
 19 Department. We have no political overview of the Police
 20 Department at all. This is the only way we get it.
 21 This board meets in the chief's office in a locked
 22 building, in a building that has almost no parking, and
 23 maybe goes out once a year. So if you think that's
 24 adequate, then go ahead and vote for it.
 25 CHAIR STONE: Commissioners, further

1 discussion? Commissioner De Rego.
 2 MEMBER DE REGO: I guess I have the -- about
 3 truly public venues, I mean, the wording, I understand
 4 what the intent is -- which I agree with, and this is
 5 consistent with my own belief in openness and
 6 transparency -- it would be nice to have at least a
 7 floor by which the -- all the commissions, whether it be
 8 Liquor Adjudication Board or whatever, has public
 9 meetings in other places. We heard that they do that,
 10 but this would actually add a requirement that they --
 11 they do go somewhere else and do have meetings in public
 12 places. Now, we heard that happens. Why don't we just
 13 -- my feeling is, why don't we just make that a
 14 requirement, in some way, shape or form, to ensure that
 15 it does happen in other venues. So I'm actually going
 16 to be supporting this.
 17 CHAIR STONE: Very good.
 18 Commissioner Moikeha.
 19 MEMBER OKAMOTO: As the maker of the motion,
 20 do I get to speak?
 21 CHAIR STONE: Yes. Sorry.
 22 MEMBER OKAMOTO: Since Mr. DeLeon --
 23 CHAIR STONE: Commissioner Okamoto.
 24 MEMBER OKAMOTO: I just don't believe it's
 25 something -- it doesn't belong in the Charter. I could

1 see maybe a statement, when we talk about boards and
2 commissions, that say all boards and commissions should
3 meet in a certain -- but to put a specific part in the
4 Police Commission in the Charter is the reason I think
5 it should be moved out.

6 CHAIR STONE: Thank you.

7 Commissioner Moikeha.

8 MEMBER MOIKEHA: I think this is something --
9 I believe in transparency and that it should be not
10 difficult for the public to participate or come to a
11 meeting. Sometimes the process in itself is very
12 intimidating. But this, I think, we could work into a
13 consistency of all boards and commissions. That all
14 boards and commissions, that they, where possible, be
15 held in a public venue. I think we could address it
16 within that scope.

17 MEMBER DELEON: Mr. Chair?

18 CHAIR STONE: Just a point -- Chair has a
19 point. But if we say all boards and commissions, that
20 could be a stumbling block, because there's a lot of
21 boards and commissions, and some of them probably don't
22 need to go out. I think if we do, do something like
23 that, we're going to have to specify the boards and
24 commissions.

25 MEMBER MOIKEHA: Well, my thinking on that is

1 where it states --

2 CHAIR STONE: I mean, the idea -- I understand
3 the idea. I'm just saying that blanket for all boards
4 and commissions may be a little sketchy.

5 MEMBER DELEON: Mr. Chair?

6 MEMBER MOIKEHA: Personally, I think it's
7 something, in my opinion, that could be discussed within
8 there, we could figure something out. I don't think
9 it's enough to warrant making it a whole Charter
10 Commission -- a whole Charter amendment. Again, it's
11 important, but I think, in my opinion, it could be
12 discussed and addressed somewhere within -- when we get
13 to the topic of boards and commissions.

14 CHAIR STONE: Very good.

15 Commissioner DeLeon.

16 MEMBER DELEON: The word "truly" is there for
17 a purpose. And it's underlining the fact that there's
18 already a requirement that all boards and commissions
19 meet in public places. That's just -- that's standard
20 operating procedure for all governments in the United
21 States, I think. Except this one particular board
22 doesn't seem to think it applies to them. So -- so, I
23 mean, I'm underlining it here to make the point.

24 And if it doesn't -- we're not going to do
25 anything with it, fine, but I want to underline the

1 point that this is -- my experience is this board does
2 not meet in a truly public place.

3 CHAIR STONE: Commissioner Hedani.

4 VICE-CHAIR HEDANI: Generally, I think this
5 almost falls into the category of trying to micromanage
6 individual departments within the County. If you look
7 at this particular Commission, we have 11 commissioners.
8 If you look at the Police Commission, you have nine
9 commissioners. When you think about the expense we went
10 through to move our venue to Hana, Molokai and Lanai,
11 once, and we're going to do it again, and to multiply
12 that by four times every year, for the Police
13 Commission, the entire staff of the Police Department,
14 in order to make those meetings, I think it's very
15 expensive and it's not really necessary. I think they
16 do a fairly good job of outreach into the community.
17 And I think mandating something like this -- I think we
18 have bigger fish to fry.

19 MEMBER BAXA: Mr. Chair?

20 CHAIR STONE: Commissioner Baxa.

21 MEMBER BAXA: I think the best way to do this,
22 really, is -- and I agree with Commissioner Okamoto,
23 Commissioner Moikeha -- to single out the Police
24 Department I do not think is wise. To put the language
25 -- we can put this in the Charter, that all commissions

1 hold public meetings in truly public places.

2 (Inaudible) there is already a provision to that. If
3 you are going to do this, this means that we are
4 disregarding that provision there. We should not do
5 that. We should try to enforce that single provision.
6 We should put it in the Charter and require that all
7 commissions hold public meetings in truly public places.
8 That should be a requirement.

9 MEMBER DELEON: Who's going to hold them to
10 it? They got guns.

11 (Laughter.)

12 CHAIR STONE: Thank you.

13 Commissioner Hashimoto.

14 MEMBER DELEON: I'm sorry. I couldn't help
15 it.

16 MEMBER HASHIMOTO: In going through the --
17 because I'm looking at an old copy -- under -- let's
18 see. What was that? Article 13, General Provisions,
19 for boards -- Section 13-2, Boards and Commissions,
20 Number 11, "All boards and commissions shall hold public
21 hearings whenever required or deemed necessary and shall
22 provide due notice to the public by publication in the
23 newspaper of general circulation." I mean, isn't the
24 case that they're supposed to do that? That's a
25 requirement for all boards and commissions. There's not

1 a question of whether they are or they're not.

2 MEMBER DE REGO: I -- I --

3 CHAIR STONE: Commissioner De Rego.

4 MEMBER DE REGO: Chair, I think the issue here
5 is that of accessibility. And I think that's what
6 Commissioner DeLeon is attempting to address here. And
7 I would -- I would actually agree that maybe we could do
8 something with boards and commissions in general.

9 My comment here is that the Police power and
10 the Fire and Public Safety power, these are very two
11 special powers within the County, I mean, you know, no
12 matter which way you look at it. Okay. And they tend
13 to be, at times, the most controversial. Okay. So more
14 openness and more transparency for those particular
15 groups is always better than less.

16 So, you know, I would agree with Commissioner
17 Okamoto, maybe there's another way of dealing with this,
18 but I think there needs to be a sort of floor, again,
19 for all boards and commissions in terms of the ability
20 to have access to these boards and commissions when
21 they're meeting. And if -- if parking is a problem,
22 if -- you know, if even the perception of having
23 difficulty of getting to a meeting and -- and attending
24 is the problem, I think the perception has to be dealt
25 with as well.

1 CHAIR STONE: Thank you.

2 Commissioners, further discussion?

3 (No Response.)

4 CHAIR STONE: Okay. The motion is to move
5 Chapter 12, Department of Police, Proposal Number 8.12.4
6 off of the Active List. Let's do a roll call vote on
7 this, please.

8 MS. KAHUHU: Commissioner Wiger, excused.
9 Commissioner Sugimura.

10 MEMBER SUGIMURA: Yes.

11 MS. KAHUHU: Commissioner Okamoto.

12 MEMBER OKAMOTO: Yes.

13 MS. KAHUHU: Commissioner Moikeha.

14 MEMBER MOIKEHA: Yes.

15 MS. KAHUHU: Commissioner Hashimoto.

16 MEMBER HASHIMOTO: No.

17 MS. KAHUHU: Commissioner Hedani.

18 VICE-CHAIR HEDANI: Yes.

19 MS. KAHUHU: Commissioner DeLeon.

20 MEMBER DELEON: No.

21 MS. KAHUHU: Commissioner De Rego.

22 MEMBER DE REGO: No.

23 MS. KAHUHU: Commissioner Crivello.

24 MEMBER CRIVELLO: Yes.

25 MS. KAHUHU: Commissioner Baxa.

1 MEMBER BAXA: Wait, now. I have to be sure.

2 MEMBER DELEON: Moving it off the list.

3 MEMBER BAXA: To take off the list?

4 MEMBER DELEON: Right. Yes, you take it off;
5 no, you don't take it off.

6 MEMBER BAXA: Oh, yes.

7 MS. KAHUHU: Chair Stone.

8 CHAIR STONE: No.

9 MS. KAHUHU: Six "yes." Motion passes.

10 CHAIR STONE: Okay. Proposal Number 8.12.4 is
11 moved off the Active List.

12 Moving on. Chapter 15, Department of
13 Environmental Management.

14 MEMBER DE REGO: Point of clarification, then,
15 Chair. When the boards and commissions issue comes up,
16 is there a possibility to add something like this that
17 deals with all boards and commissions?

18 CHAIR STONE: I would say absolutely, yes.

19 MEMBER DE REGO: Okay. Thank you.

20 CHAIR STONE: Chapter 15, Department of
21 Environmental Management. Current section was in the
22 2006 Charter Amendment. Okay, so it's in the 2006
23 Charter Amendment. Proposal Number 8.15.1, proposal to
24 amend Article 8, County Departments, Chapter 15,
25 Department of Environmental Management, to add the

1 function of sustainability to the Department of
2 Environmental Management and change the name of the
3 department to Department of Sustainability and
4 Environmental Management, and, thus, to create a new
5 department entitled the Department of Sustainability and
6 Environmental Management.

7 Discussion?

8 MEMBER DE REGO: Chair?

9 CHAIR STONE: Yes.

10 MEMBER DE REGO: Thinking about it, I actually
11 agree with Commissioner DeLeon, it's possibly not wise
12 or even necessary to change the name, but I would like
13 to see some of these functions added to the list of
14 functions. So I would make a motion to move this to the
15 amendment --

16 CHAIR STONE: Stage.

17 MEMBER DE REGO: -- stage at this point. And
18 then we can have a discussion right now about whether or
19 not we want to add the word "sustainability" to the
20 department. That may be sort of an ancillary thing
21 compared to the functions.

22 CHAIR STONE: Very good. We have a motion.

23 MEMBER DELEON: Second.

24 CHAIR STONE: It's been seconded by
25 Commissioner DeLeon.

1 Commissioner Moikeha.
 2 MEMBER MOIKEHA: So let me understand this.
 3 Not only change the name, but create a new department?
 4 MEMBER DELEON: No.
 5 MEMBER MOIKEHA: Well, that's what this says,
 6 and, thus, to create a new department entitled the
 7 Department of Sustainability and Environmental
 8 Management. I'm okay with discussion of adding
 9 functions, but I'm not necessarily convinced it's to
 10 create a new department entitled --
 11 MEMBER DE REGO: Can I --
 12 CHAIR STONE: Very good.
 13 MEMBER MOIKEHA: So could you clarify your
 14 motion, Frank?
 15 CHAIR STONE: Commissioner De Rego.
 16 MEMBER DE REGO: Actually, I'm just looking at
 17 that, it seems kind of confused at this point. I think
 18 all they were trying to do was to change the name to go
 19 along with the functions and to sort of highlight this
 20 whole idea of sustainability. I'm just saying move this
 21 to the amendment stage, and we can discuss this now, you
 22 know, in terms what we would like to -- if somebody
 23 wants to make a friendly motion to just, you know, do it
 24 in regards to just keep the name Department of
 25 Environmental Management, but add the functions. Unless

1 you want me to do that right now.
 2 CHAIR STONE: Commissioner DeLeon.
 3 MEMBER DE REGO: I'm just trying to get this
 4 moved to the amendment list.
 5 CHAIR STONE: Commissioner DeLeon.
 6 MEMBER DELEON: The Department of
 7 Environmental Management, as it exists right now, has
 8 two divisions, Wastewater and Solid Waste. What they're
 9 proposing is, basically, putting a third division on the
 10 thing, and that would be sustainability and
 11 environmental protection, essentially. And they're
 12 calling that sustainability. So it's, basically,
 13 another division. And they're trying to change the name
 14 to include that concept. My problem with -- if my
 15 count's right, if -- yeah, I counted 17 syllables in the
 16 name.
 17 MEMBER DE REGO: Yeah, exactly.
 18 MEMBER DELEON: Sustainability and
 19 Environmental Management is just -- you know, I mean,
 20 the letterhead would be like that. So I mean -- so, you
 21 know, let's try to keep it under control. But I think
 22 it's very reasonable to have these functions because
 23 Maui County has to face these realities. The State's
 24 not covering these functions. I think the proposal is
 25 wise, I just don't think the name is.

1 CHAIR STONE: Okay. Very good.
 2 MEMBER DE REGO: Can I amend the motion, then?
 3 CHAIR STONE: Yes, please. Go ahead, Frank.
 4 MEMBER DE REGO: Then I would -- I would -- to
 5 -- listening to Commissioner Moikeha and Commissioner
 6 DeLeon, if I could amend my own motion to say that I
 7 would like to move to the amendment list --
 8 CHAIR STONE: Amendment stage.
 9 MEMBER DE REGO: -- amendment stage the
 10 creation -- the addition of the functions to the
 11 Department of Environmental Management, those functions
 12 listed here, without any change of name.
 13 CHAIR STONE: Very good. Commissioner --
 14 MEMBER DELEON: Second.
 15 CHAIR STONE: Very good. Thank you. Motion
 16 has been seconded.
 17 Commissioner Sugimura.
 18 MEMBER SUGIMURA: So this particular proposal
 19 is what the Mayor had recommended to us?
 20 CHAIR STONE: Uh-huh.
 21 MEMBER SUGIMURA: And so, therefore, right now
 22 what we're voting on is that we're saying we're not
 23 going to create another department, but we're just going
 24 to add functions to the existing. So why couldn't we
 25 just do it now without going through this whole Charter

1 thing? I mean, why couldn't it just happen already,
 2 right? I think the reason why it came to us is because
 3 they want to create a whole new department to focus on
 4 this, which I think is probably why he came forward and
 5 said it was one of his top priorities. But --
 6 CHAIR STONE: Commissioner Moikeha.
 7 MEMBER MOIKEHA: That was my question, too.
 8 Because in discussion with the Mayor, when he was here,
 9 there were many things that he said that could be done
 10 administratively. I don't recall if this was one of
 11 them. I would like to go back and look at that later.
 12 But I am not in agreement to creating a whole new
 13 department. I don't think we need to change the name.
 14 But if this language will help direct their efforts into
 15 sustainability, then, okay, I can be convinced. But,
 16 again, is it something that can be done already
 17 administratively?
 18 CHAIR STONE: Good. Thank you.
 19 MEMBER DE REGO: Can I answer that question?
 20 CHAIR STONE: Commissioner De Rego.
 21 MEMBER DE REGO: My feeling is -- and this was
 22 my counsel to them at the meeting in Kihei -- that if
 23 you want some sort of underpinning that has some weight
 24 in order to create a new department, especially with the
 25 County Council, and sustainability is an issue that they

1 would like to have as a focus for the department, what
2 better place to put it would be in the functions
3 themselves. So, therefore, now you have a focus within
4 the Charter. It's something that they -- that the
5 Council and the Mayor have to look at and deal with,
6 because it's there. So it creates sort of a mandate to
7 be able to do that.

8 CHAIR STONE: Okay. Thank you.
9 Commissioner Okamoto.

10 MEMBER OKAMOTO: If you put this forward, and
11 it's voted down, then it's going to be much more
12 difficult for the Mayor to add it in. And I could see
13 very easily that it could be voted down. People could
14 go, what is this, no, we're not going to -- and no -- a
15 blank vote is a no vote. You may be creating more -- if
16 the Mayor can do it as is, my feeling is that's the way
17 it should go. I would be voting against this.

18 CHAIR STONE: Thank you.
19 Commissioner Crivello.

20 MEMBER CRIVELLO: I, too, don't understand why
21 the Mayor or Administration cannot put forth their --
22 their vision to add sustainability to environmental
23 management. I think you're managing your environment,
24 you're sustaining your resources and everything that
25 surrounds your environment. But if they want to add

1 additional functions, then why can't they come directly
2 from the Administration?

3 CHAIR STONE: Commissioner DeLeon.

4 MEMBER DELEON: I think the answer would be
5 what they're trying to do is, basically, what the
6 Charter Commission did 10 years ago with the Department
7 of Transportation. There was no way the County Council
8 was approving a Department of Transportation. But the
9 voters approved one, and the Council had to live with
10 the fact that there was one. And out of that grew
11 buses. So what I think the Mayor is trying to do here
12 is trying to create an environment that will allow him
13 to get this funded and create this division through the
14 County Council, with the voter's endorsement. If the
15 voters say no, then it's not endorsed and then it's not
16 moving forward, end of the discussion. But if the
17 voters endorse it, then we move forward.

18 But it becomes a political football if it's
19 just put by the Mayor in the budget over there. And the
20 Council is going to look at it and say, well, this is a
21 jobs program for Rob Parsons. It's -- and it's not
22 really that. I mean, it's something much more
23 substantial than that. It's not an employment program.
24 It's meant to be something, a meaningful structure. But
25 if -- but without -- without some kind of support from

1 the voters, I don't see the Council doing it.

2 MEMBER BAXA: Chair?

3 CHAIR STONE: Commissioner Moikeha.

4 MEMBER MOIKEHA: Well, right now, in your 2006
5 Charter Amendment, this Number 4 was amended to read,
6 "Perform such other duties and functions as shall be
7 assigned by the Mayor." And that comes under Section
8 8-15.3, Powers, Duties and Functions. "The director of
9 Environmental Management shall: Perform such other
10 duties and function as shall be assigned by the Mayor."

11 I could see Dave's support of this if he were
12 creating a new department. And it will create a
13 position, a long-term position, for someone, and it will
14 require staff and it will require funding and a budget
15 and all of that. That's why I'm very hesitant in
16 proposing a new department at this stage. And now I
17 become even more hesitant in why do we even have to
18 spell out the function when it's all incorporated in
19 Number 4, and this was amended in 2006, to allow for the
20 Mayor to have that input through his director. They can
21 do whatever they want. And they certainly can focus on
22 sustainability, and they can advertise it and they can
23 put the bright lights out there, we're being
24 sustainable, but you don't have to do it and increase
25 costs of creating a new department. So --

1 CHAIR STONE: Commissioner Baxa. Oh, sorry.

2 MEMBER MOIKEHA: If you want to keep this on
3 there and have further discussion, I'm open to that, but
4 not --

5 MEMBER BAXA: Mr. Chair?

6 CHAIR STONE: Commissioner Baxa.

7 MEMBER BAXA: I see comments here that are --
8 to me, differ from the intent of the proposal. I hear
9 that the sustainability portion of this is going to just
10 create a division of the department of environment.
11 That is not the way I see it. If you see the language
12 of the title change, it will read, the Department of
13 Sustainability and Environmental Management. Even just
14 the arrangement of the word -- words in that title shows
15 that sustainability comes first, environmental
16 management comes second. So it will not just be a
17 division; it will be the main focus. And so it aims to
18 create a new department. If I understand correctly, the
19 intent is to focus on sustainability because
20 sustainability is a feature of the future, how you're
21 going to take care of the future. I think that is the
22 intent. And I think we should keep this alive.

23 CHAIR STONE: Thank you very much,
24 Commissioner Baxa.

25 MEMBER OKAMOTO: One other?

CHAIR STONE: Commissioner Okamoto.

MEMBER OKAMOTO: Frequently, Dave has mentioned, you know, if the Mayor does it and the Council is against it. I mean, I would like to think that if it's something important, both sides could work together. I know Dave does not agree with that. But I do think that when things come out and they are important, that's what the Council and the Mayor can do together. I think sustainability is important. I don't think any of us would deny that. But I just think that we have things -- the more things we put on the Charter amendments, they're watered down. And I think this is something the Mayor can work out.

CHAIR STONE: Mr. Molina has some input. Thank you, Commissioner.

MR. MOLINA: Thank you, Chairman. Upon hearing the discussions from the Commissioners, if you would like, I could relay the message to the Mayor, and maybe Mr. Parsons, to provide further explanation at maybe your next meeting, if that is something you would like to consider.

CHAIR STONE: Thank you. Yeah, I'm sure. Chair has a comment. Susan, clearly, it's in the Charter. Obviously, it does allow for powers of the Mayor to add, I mean, this kind of --

MEMBER DELEON: Function.

CHAIR STONE: -- function to the department. But from Mayor to Mayor, that could change. So the next Mayor may say sustainability doesn't matter. And that's -- that's my concern, because I think sustainability is critical, especially on an island. So I think this proposed by the Mayor seemed like a very good idea at the time, to me, in my opinion.

MEMBER DE REGO: Oh, I'm sorry. Go ahead.

CHAIR STONE: Commissioner Hedani.

VICE-CHAIR HEDANI: First, I have a question. Do we have a motion on the floor?

CHAIR STONE: Yes, we do. We do have a motion on the floor.

VICE-CHAIR HEDANI: Generally speaking, my perception was that sustainability is a very nice word, it's kind of in right now, it's kind of cool, but, from my perspective, it's almost like the County chasing after windmills, getting involved in things that it has no business getting involved in. The County doesn't produce energy. The County doesn't control population. The County doesn't -- the County doesn't get involved in food production. And these are all the kinds of things that sustainability is talking about. And the County doesn't necessarily have the ability to do things better

than the State in natural resource protection.

I think the important things for them to do is take care of the roads, take care of crime and prevention of crime, and basic functions of government, rather than chasing after windmills, which is what, to some degree, I view this as. So I'll be voting against the motion.

CHAIR STONE: Thank you.

Commissioners, further discussion?

MEMBER DELEON: Some of my best friends are named Don Quixote.

MEMBER OKAMOTO: Can you repeat the motion, Chair?

CHAIR STONE: The motion. Oh, my gosh. Frank, could you please --

MEMBER DELEON: Mr. Chair?

CHAIR STONE: Yes.

MEMBER DELEON: I'd like to suggest, under Mr. Molina's suggestion, that we defer this item and hear more from the Administration.

CHAIR STONE: Okay. We have a motion on the floor. Frank.

MEMBER DE REGO: I'm perfectly willing to amend the motion to defer this.

MEMBER MOIKEHA: We have to vote on that.

CHAIR STONE: Very good. Yes, we do. So there's a motion on the floor to defer this to the next meeting. Any discussion on that?

MEMBER OKAMOTO: Do we have a second?

CHAIR STONE: Oh, I believe -- did somebody second it?

MEMBER SUGIMURA: Second.

CHAIR STONE: Commissioner Sugimura. Sorry.

There's a motion on the floor that's been seconded to move this to the next meeting. All in favor, please raise your hand. Okay. Unanimous. Deferred to the next meeting. Thank you.

And, Mike, we should -- if we could line up the Mayor to be here for that meeting to discuss that.

MR. MOLINA: Will do.

CHAIR STONE: Thank you.

MEMBER MOIKEHA: Chair?

CHAIR STONE: Yes.

MEMBER MOIKEHA: Can we also hear from the environmental management side of this?

CHAIR STONE: Yes. That would be Rob Parsons.

MEMBER MOIKEHA: Both sides of that?

CHAIR STONE: Sure. Of course.

MEMBER MOIKEHA: Besides just the Mayor.

CHAIR STONE: Yeah. Thank you.

1 Commissioner De Rego.
 2 MEMBER DE REGO: So what we're asking is to
 3 have the department head here, besides Rob Parsons, out
 4 of the Mayor's Office? Is that what we're asking?
 5 MEMBER MOIKEHA: Yes.
 6 MEMBER DE REGO: Okay.
 7 CHAIR STONE: You mean department head of
 8 environment?
 9 MEMBER MOIKEHA: Yeah.
 10 CHAIR STONE: So we have three people we're
 11 asking to join us. Okay. Very good.
 12 Okay, moving on. Chapter 16, Cost of
 13 Government Commission. A number of proposals. And,
 14 also, don't forget, there's the Frank proposal, I
 15 believe.
 16 MEMBER DE REGO: Birthday Frank.
 17 CHAIR STONE: The birthday proposal.
 18 MEMBER DELEON: Mr. Chair, how long are you
 19 going to run?
 20 MEMBER OKAMOTO: One minute.
 21 CHAIR STONE: One more minute. Maybe we ought
 22 to --
 23 MEMBER DE REGO: Defer this to the next --
 24 CHAIR STONE: Yeah. I think -- yes, I think
 25 we're going to have to cut off there. And we have some

1 other items left on the agenda. All right? So, thank
 2 you. All right. So we are putting --
 3 MEMBER OKAMOTO: Mr. Chair?
 4 CHAIR STONE: Commissioner Okamoto.
 5 MEMBER OKAMOTO: Can we go over the people
 6 that we're going to have come so that they don't all
 7 have to come at the same time --
 8 CHAIR STONE: Yes.
 9 MEMBER OKAMOTO: -- for next meeting?
 10 CHAIR STONE: We'll go through our balance and
 11 got to make a decision whether we're going back to the
 12 deferred items first or depending on who can show up.
 13 Okay. Yes.
 14 VICE-CHAIR HEDANI: Do we hang on to this?
 15 CHAIR STONE: Oh, yeah.
 16 VICE-CHAIR HEDANI: For the next meeting?
 17 CHAIR STONE: Oh, yeah, please.
 18 MEMBER DE REGO: Don't lose it.
 19 CHAIR STONE: Don't lose it.
 20 Okay. Sorry. Let me get a little organized
 21 here.
 22 Looking at Old Business, we have none.
 23 And under New Business, we have discussion of
 24 Communication Items. Is there any discussion on the
 25 Communication Items we received in the packet or the

1 items brought forward to us today?
 2 MEMBER OKAMOTO: Today's?
 3 CHAIR STONE: I believe most of that was
 4 discussed. Commissioner Okamoto.
 5 MEMBER OKAMOTO: I have to ask this. Dave,
 6 why was the West Maui Taxpayers Association proposal
 7 directed to you?
 8 MEMBER DELEON: I had a conversation with
 9 Mr. Pure, and said he was going to have a conversation
 10 with his board about the general topic of district
 11 voting. And I don't know why they sent it back to me
 12 rather than sending it to the Commission.
 13 MEMBER SUGIMURA: Question about what's --
 14 CHAIR STONE: Okay. Commissioner Sugimura.
 15 MEMBER SUGIMURA: So I know I've always heard
 16 the, you know, West Maui Taxpayers Association, but how
 17 many members and how big is this group that made this
 18 decision? Kind of same like the real estate -- what is
 19 RAM, real estate association of Maui, is that what --
 20 CHAIR STONE: Yeah, RAM.
 21 MEMBER DELEON: Realtors Association of Maui.
 22 CHAIR STONE: Yes, Commissioner DeLeon.
 23 MEMBER DELEON: West Maui Taxpayers
 24 Association has been around since the 1960s. It was
 25 created by Jack Lamar out of Napili. Originally, the

1 Napili -- Honokowai-Napili-Kapalua Taxpayers
 2 Association. And they broadened their base to try to
 3 represent the whole community of West Maui. They
 4 retained the Taxpayers name because they were,
 5 basically, really originally concerned about
 6 infrastructure and services in the community, and then
 7 they grew into a much more broader community
 8 association. They are probably -- they are the
 9 preeminent representative organization in that
 10 community, like the Kihei Communication Association or
 11 the Kula Community Association. What their membership
 12 base is, I have no idea. I was not at their board
 13 decision when they made this decision. It was a board
 14 decision. I don't think it was a membership decision.
 15 VICE-CHAIR HEDANI: 15,000.
 16 MEMBER DELEON: 15,000. Oh, yeah, Wayne's
 17 associated.
 18 VICE-CHAIR HEDANI: I'm not a member, but --
 19 MEMBER DELEON: 15,000, yeah. It's a pretty
 20 broad-based organization.
 21 MEMBER MOIKEHA: Is there any chance that this
 22 group might appear before us for questions,
 23 clarification? If not, I would like to follow up,
 24 again, being consistent with what I asked RAM, because
 25 they state here we're finding that a large number of

1 County voters are simply not voting for Council
2 positions. And their conclusion is, because they either
3 do not recognize the candidates or feel that the
4 candidates do not represent them and where they live.
5 As a follow-up question to this group, I would
6 like to know how the decision was made, did it go to
7 their membership, what is the size of their membership,
8 and did they do some kind of survey or voting so that
9 all their membership could participate.
10 CHAIR STONE: So let's just clarify, Susan,
11 you have a question. That question you want sent to
12 RAM.
13 MEMBER MOIKEHA: Follow-up to West Maui
14 Taxpayers Association.
15 CHAIR STONE: And RAM.
16 MEMBER MOIKEHA: Again, to find out what is
17 the number of memberships -- members they have, did they
18 conduct a survey or a vote --
19 CHAIR STONE: Uh-huh.
20 MEMBER MOIKEHA: -- of the entire membership,
21 or was this simply a board's decision.
22 CHAIR STONE: Uh-huh.
23 MEMBER MOIKEHA: That's pretty much it.
24 CHAIR STONE: Okay. Thank you.
25 MEMBER OKAMOTO: Josh, I think you said "and

1 RAM," but we got the answer.
2 CHAIR STONE: Yeah, we already got that.
3 MEMBER MOIKEHA: I'm saying, for me, it's
4 being more consistent what I asked from RAM, those same
5 questions.
6 MEMBER DE REGO: Same questions.
7 CHAIR STONE: Got it.
8 MEMBER MOIKEHA: So that's why I propose it to
9 them.
10 CHAIR STONE: Okay. Very good. Any further
11 discussions on our Communication Items?
12 (No Response.)
13 CHAIR STONE: No. Okay. No further
14 discussion --
15 MS. KAHUHU: Chair, can I get a clarification
16 on the questions? Are you going to be drafting a letter
17 to --
18 CHAIR STONE: Yes.
19 MS. KAHUHU: -- West Maui Taxpayers?
20 CHAIR STONE: Yes. Again, just remind me by
21 email. So West Maui Taxpayers, number of members and
22 was the survey done, or a vote of the entire membership,
23 and, if not, then who was involved in the
24 decision-making process. Okeydoke.
25 MEMBER DELEON: I think the letter actually

1 says the board or the association made the decision.
2 And given the course of time, I think I had a
3 conversation with the gentleman on like a Friday, and
4 like Wednesday when I got the email. So, I mean, I
5 don't think they did a major survey. I think it's safe
6 to say that it wasn't. We can go through the step if
7 you want to, but I don't know what that's going to
8 prove.
9 CHAIR STONE: We'll get the answer, whether it
10 be by email or discussion. Okay.
11 So next meeting date, discussion on next
12 meeting agenda items. Next meeting date, next regular
13 meeting is scheduled for Monday, October 24th, 2011, at
14 10:00 a.m., here in the Planning Conference Room, the
15 Kalana Pakui Building. Any discussion on the meeting?
16 (No Response.)
17 CHAIR STONE: No. Commissioner Moikeha.
18 MEMBER MOIKEHA: On the agenda, what exactly
19 is going to be on the next meeting? Are we going to go
20 back to the ones we deferred, resource people?
21 CHAIR STONE: It will be very similar --
22 MEMBER MOIKEHA: Are we going to continue with
23 the list before we go back? What's going to happen?
24 CHAIR STONE: It will be very similar to this
25 meeting in the sense that, if we have any proposals, any

1 new proposals that Sherry got via communications will be
2 first. Remember how we did it today?
3 MEMBER MOIKEHA: Yeah, I remember. That
4 wasn't my question, though.
5 CHAIR STONE: Getting to it. And I need to
6 actually review how much longer the list is, kind of
7 guesstimate how much time it's going to take us and see
8 who can make it. And we will do our best to line it up.
9 Because, obviously, if people are here, we need to go to
10 the deferred subject that they're here for. And we're
11 going to have to -- it might be a little bit of bouncing
12 around. So it really is going to depend on who can come
13 when. And we'll try and schedule it best we can and in
14 order.
15 Obviously, my preference would be to move
16 through the entire list and then go back to the deferred
17 items. I have no idea how long that's actually going to
18 take. And if we can line up the -- wait one second. So
19 that -- I know that's not a real answer, Susan, but
20 that's -- at the moment, without reading through the
21 rest of our proposals, that's what I've got.
22 MEMBER MOIKEHA: So you have to finalize
23 before the agenda goes out?
24 CHAIR STONE: Of course. Yes.
25 MEMBER MOIKEHA: Is there any way we can know

1 sooner, prior to the agenda going out, so that we can
2 prepare?

3 CHAIR STONE: The agenda goes out one week
4 prior to the meeting. So my preference would be to work
5 through the balance of the list and then go to the
6 deferred items. However, if -- if certain people that
7 we requested for information are here, we need to work
8 on those items while they're here.

9 MEMBER MOIKEHA: I understand that.

10 CHAIR STONE: So that is my preference. So
11 let's assume we're going to be able to do it the best
12 possible way and work through the balance of the list.

13 Commissioner DeLeon.

14 MEMBER DELEON: Mr. Chair, I would like to
15 request that all the items related to the Fire
16 Department be sent to the Fire Chief and to the Fire
17 Commission so that they can actually see the actual list
18 and actual items we're dealing with, as opposed to a
19 supposition on something they read earlier.

20 CHAIR STONE: Very good.

21 MEMBER MOIKEHA: Chair?

22 CHAIR STONE: Email me to send the list and
23 explanation of the proposals, letting them know that
24 these are all the proposals on the table, so that they
25 know what they're going to be asked.

1 Yes, Commissioner Moikeha.

2 MEMBER MOIKEHA: I think it needs to be
3 clarified, especially to the resource people you're
4 sending this to, like this request by Dave, and to the
5 public, that these are not the proposals. These are
6 things that came from the public for general discussion.
7 So they should take it in the context that these are
8 things that came out of the public's eye, and we haven't
9 yea or nay'd them yet.

10 CHAIR STONE: Right. Very good.

11 MEMBER MOIKEHA: Because I think that was very
12 confusing for the Fire Chief, reading an agenda, to be
13 here today to address these that weren't things that we
14 were going to say yes or no to.

15 CHAIR STONE: Right. Which was an unfortunate
16 waste of his time. And I agree, it's just -- yeah, I
17 understand what you're saying.

18 MEMBER MOIKEHA: Send a letter to all resource
19 people, this is what came out of our Active List --

20 CHAIR STONE: Yes, of course.

21 MEMBER MOIKEHA: -- from the public. And then
22 these are the things we're going to be talking in
23 general.

24 CHAIR STONE: Right. Actually, when I contact
25 them, I clarify. Like if I can send a personal letter,

1 I always clarify what the situation is. Because I don't
2 like people to waste their time like that.

3 MEMBER MOIKEHA: Okay.

4 CHAIR STONE: Okay. Thank you.

5 Commissioner Hedani.

6 VICE-CHAIR HEDANI: I just thought I would
7 like to say that the Commission did a good job today in
8 terms of addressing the proposals. We had a total 21
9 items that were up for discussion, and we acted one way
10 or another on 15 of those. And we have eight more to
11 go. So --

12 CHAIR STONE: Yay.

13 VICE-CHAIR HEDANI: I'm sorry. 14? 13.

14 CHAIR STONE: Very good. Thanks. Pat on the
15 back to everybody. Good job, guys.

16 MS. KAHUHU: Chair, I'm sorry to interrupt.
17 One more question. The Board of Ethics Chair was the
18 one resource person you guys weren't able to meet with
19 because he was traveling. He's now back. So I just
20 wanted to know if you guys were still interested in
21 meeting with him.

22 CHAIR STONE: If there's something on the
23 Active List for him.

24 MS. KAHUHU: Okay. So we'll just play it by
25 ear, then.

1 MEMBER DE REGO: Excuse -- can I -- can I
2 reply to that? I think that was under boards and
3 commissions, when we're getting to this whole thing of
4 indemnification. We discussed that whole issue of what
5 happened with a particular incident --

6 CHAIR STONE: Very good.

7 MEMBER DE REGO: -- with the Board of Ethics.
8 So --

9 CHAIR STONE: Got it.

10 MEMBER DE REGO: -- I think that's where it
11 comes.

12 CHAIR STONE: So, Lisa, we're going to have to
13 get together and coordinate so people aren't just
14 sitting around. We'll figure it out. Okay. Great.

15 Any further discussion?

16 (No Response.)

17 CHAIR STONE: No. So I would like to adjourn
18 this meeting at about -- without any objection, at 4:10.
19 Thank you, guys. You guys did fantastic, everybody.
20 Good job. Very, very good job.

21 (Meeting adjourned at 4:08 p.m.)

CERTIFICATE

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

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

DATED this 19th day of October, 2011.

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