

10-24-2011

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2 COUNTY OF MAUI, STATE OF HAWAII

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4 APPROVED 11/14/2011

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7 CHARTER COMMISSION

8 REGULAR MEETING

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14 Held at the Planning Department Conference Room,

15 250 South High Street, Wailuku, Maui, Hawaii, commencing

16 at 10:00 a.m., on Monday, October 24, 2011.

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1 ATTENDANCE

2 BOARD MEMBERS PRESENT:

3 Joshua A. Stone, Chair

4 Wayne N. Hedani, Vice-Chair

5 Artemio C. Baxa, Member

6 Stephanie S. Crivello, Member

7 David P. DeLeon, Member

8 Frank R. De Rego, Jr., Member

9 Clifford P. Hashimoto, Member

10 Wayne N. Hedani, Member

11 Susan A. Moikeha, Member

12 Linda Kay Okamoto, Member

13 Yuki Lei Sugimura, Member

14

15 STAFF PRESENT:

16 Ms. Sherry P. Broder, Commission Analyst

17 Mr. Edward Kushi, First Deputy Corporation Counsel

18 Lisa Kahuhu, Supervising Law Technician

19 ADMINISTRATION PRESENT:

20 Michael Molina, Executive Assistant to the Mayor

21

22 OTHERS PRESENT:

23 Mayor Alan Arakawa

24 Mary Cochran

25 Alan Kaufman

Jim Smith

Greg Jenkins

Irene Bowie

Neith Maddox

Tony Ramil

Jonathan Starr

Robin Knox

Jennifer Chirico

Dick Mayer

Archie Kalepa

Joanne Herman

Bill Medeiros, Geographic Services Manager in the

Department of Management

Jeffrey Murray, Chief, Fire & Public Safty

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1 (Monday, October 24, 2011, 10:00 a.m.)

2 \* \* \*

3 CHAIR STONE: Hello, everybody. Thank you

4 very much for attending this public meeting of the

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

6 Chairman of the Commission.

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

8 today's meeting available for everybody with Lisa

9 Kahuhu, who is right here. Lisa, raise your hand, say

10 "hi" to everybody, please.

11 And as per our rules, all discussions today

12 shall be pertaining to these agenda items only.

13 Before we begin public testimony, we have a

14 few items of business to address.

15 Firstly, I've got this new gavel. I'd like to

16 call this meeting to order. ...(gavel)... Wow, that's

17 cool. Okay. So I would like to call this meeting to

18 order as of 10:00 a.m. And I'd like to recognize the

19 Commissioners that are present or excused. Lisa.

20 MS. KAHUHU: Chair, Flo Wiger is excused.

21 Everyone else is here.

22 CHAIR STONE: Okay. Commissioners, thank you

23 very much for being here.

24 Also, I'd like to present our staff. We have

25 Ed Kushi, Jr.

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1 MR. KUSHI: Good morning.

2 CHAIR STONE: Who's our Deputy Corporation

3 Counsel. We have, again, Lisa Kahuhu who is our

4 Supervising Law Technician. Also, we have Tonya McDade,

5 our court reporter, energizer bunny. And EA from the

6 Mayor's Office, Executive Assistant, Mike Molina.

7 MR. MOLINA: Good morning, Chairman.

8 CHAIR STONE: Thank you very much for being

9 here.

10 Also, I'd like to say thank you to Akaku for

11 being here today and getting this meeting out to the

12 public.

13 So at this time I would like to approve the

14 minutes from our last meeting.

15 MEMBER SUGIMURA: So moved.

16 CHAIR STONE: We have a motion to approve the

17 minutes. Do I have a second?

18 MEMBER DELEON: Mr. Chair, I have a comment.

19 CHAIR STONE: Commissioner DeLeon.

20 MEMBER DELEON: Yeah, I'm glad we got "Davis"

21 changed to "Lightbourn" in the minutes, but, also,

22 there's a misspelling of Mr. Oliva's name.

23 CHAIR STONE: You know the page?

24 MEMBER DELEON: Yeah, it's 89. It's a

25 reference to Henry Oliva. And that's probably because I

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Page 5	<p>1 was speed racing through my comments because I was</p> <p>2 limited in time. Anyway, his name is spelled L -- I</p> <p>3 mean, O-L-I-V-A. It also refers to him as a Marine</p> <p>4 Beret; it's supposed to be green, green in color, Green</p> <p>5 Beret.</p> <p>6 CHAIR STONE: Thank you very much.</p> <p>7 Yes, Commissioner Hedani.</p> <p>8 VICE-CHAIR HEDANI: One correction to the</p> <p>9 minutes. On Page 120, where it says "inaudible," the</p> <p>10 word that I said was "hog cheese."</p> <p>11 (Laughter.)</p> <p>12 CHAIR STONE: Let that go down in the record,</p> <p>13 please, Tonya. "Hog cheese" was the appropriate word.</p> <p>14 Thank you for the clarification, Mr. Hedani.</p> <p>15 Any further comments on the minutes? We have</p> <p>16 a first. Do we have a second, by the way? We have a</p> <p>17 motion. Seconded. Approval of the minutes with the</p> <p>18 changes, seconded by Commissioner Hedani. Any further</p> <p>19 discussion on the minutes?</p> <p>20 (No Response.)</p> <p>21 CHAIR STONE: No. All in favor of approving</p> <p>22 the minutes, say "aye."</p> <p>23 (A chorus of ayes.)</p> <p>24 CHAIR STONE: Minutes are approved. Thank</p> <p>25 you.</p>	Page 7	<p>1 MAYOR ARAKAWA: Thank you.</p> <p>2 MEMBER DELEON: Mr. Chair?</p> <p>3 CHAIR STONE: Commissioner DeLeon.</p> <p>4 MEMBER DELEON: The Mayor is ex officio to</p> <p>5 this body. I don't think the five-minute rule should</p> <p>6 apply to the Mayor.</p> <p>7 CHAIR STONE: Yes. We understand. The Mayor,</p> <p>8 actually, was in our agenda later on down the line, but</p> <p>9 he chose to come in during the oral testimony portion of</p> <p>10 the meeting.</p> <p>11 So thank you very much, Mayor, for being here.</p> <p>12 ...BEGIN PUBLIC TESTIMONY...</p> <p>13 MAYOR ARAKAWA: Well, good morning. If I had</p> <p>14 known all that food was here, I might have come back a</p> <p>15 little bit later. I could eat while you guys are having</p> <p>16 deliberations.</p> <p>17 I was asked to come down to discuss several</p> <p>18 different issues that are before this Commission</p> <p>19 currently. And one of those has to do with the creation</p> <p>20 of a new division within the Department of Environmental</p> <p>21 Management. That is having to deal with all of our</p> <p>22 environmental concerns that are -- that are really not</p> <p>23 already encompassed within the Department of</p> <p>24 Environmental Management.</p> <p>25 Now, the question comes up as to why we would</p>
Page 6	<p>1 Moving on to oral testimony. And before we</p> <p>2 begin, I would like to go over our oral testimony rules.</p> <p>3 We'll call each public testifier in the order that they</p> <p>4 registered to testify. Each person will have five</p> <p>5 minutes to testify on all items in our agenda.</p> <p>6 Following a testifier's testimony, I will ask the</p> <p>7 Commissioners if they need clarification of the</p> <p>8 presented testimony.</p> <p>9 Commissioners, I just want to point out, as of</p> <p>10 right now, we have 15 -- or was it -- Lisa, how many</p> <p>11 testifiers are signed up?</p> <p>12 MS. KAHUHU: 13, Chair.</p> <p>13 CHAIR STONE: 13 testifiers. So keep the</p> <p>14 clarifications pertinent, please. I'm not looking at</p> <p>15 you. I am not looking at you.</p> <p>16 (Laughter.)</p> <p>17 MEMBER DE REGO: Look on both sides.</p> <p>18 CHAIR STONE: You have beautiful eyes, that's</p> <p>19 why.</p> <p>20 Lisa, can you please call the first testifier?</p> <p>21 MS. KAHUHU: Chair, our first testifier is</p> <p>22 Mayor Arakawa.</p> <p>23 CHAIR STONE: We're happy to have Mayor</p> <p>24 Arakawa here today. Thank you very much for being here,</p> <p>25 Mayor.</p>	Page 8	<p>1 be trying to create a division with County employees,</p> <p>2 civil service employees, rather than just having</p> <p>3 arbitrary people assigned to this particular task. I</p> <p>4 would ask all of you to consider some of the types of</p> <p>5 projects you might want to work with.</p> <p>6 Let's just say we're going to be dealing with</p> <p>7 the flooding situation that's occurred in Kihei and the</p> <p>8 recreation of wetlands. Which one of you would like to</p> <p>9 take that on as a project to work on, and how would you</p> <p>10 approach it? You're going to have to go through the</p> <p>11 process of looking at every property within the area.</p> <p>12 You're going to have to deal with the Corps of</p> <p>13 Engineers. You're going to have to deal with trying to</p> <p>14 acquire properties, or perhaps redesign things,</p> <p>15 engineering work, you're going to have to be able to</p> <p>16 bring in the resources from a lot of different agencies</p> <p>17 together to be able to address that one issue.</p> <p>18 Let's just take another issue, miconia,</p> <p>19 something we've been dealing with. Which one of you</p> <p>20 would like to take that on as a specific project in</p> <p>21 trying to eradicate just that one alien species,</p> <p>22 miconia? Who is going to coordinate and how would you</p> <p>23 coordinate all of the efforts that are going to be there</p> <p>24 so you could actually come to a resolution rather than</p> <p>25 just a maintenance program, which is what we have now?</p>

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<p style="text-align: right;">Page 9</p> <p>1 You know, we're not really gaining on miconia. We're  2 just trying to stop the spread from being -- just  3 overwhelming the forest at this point. We're not  4 putting adequate resources to it.  5 We're going to be dealing with all the erosion  6 that's been going down to the ocean, all the water, the  7 runoffs. Who wants to start working with all of the  8 drainage situations that we're going to have to deal  9 with, starting at the top of the mountain and trying to  10 design all of the retention basins, all of the areas  11 where we're going to have to be able to deal with  12 dealing with the runoff, dealing with the contracts that  13 you have to work with, with all of the private property  14 owners, where you're going to put all these retention  15 basins, or developing out the different programs?  16 Also, reforestation of Ulupalakua/Haleakala  17 area. Who wants to deal with that?  18 And if we take and we magnify that to all of  19 the different diseases that are coming in, all of the  20 different alien species, having to deal with the ocean  21 activities and all the effects that are happening with  22 our coral reefs, the effects that are happening with  23 silt that's there, new invasive algae that are coming  24 in, which one of you would want to take that on as a  25 part-time position just arbitrarily being assigned?</p>	<p style="text-align: right;">Page 11</p> <p>1 We could stick our heads in the sand and  2 pretend it doesn't exist, problems are just going to  3 disappear by themselves, but they're not.  4 Realistically, realistically, we have put far  5 too little effort into resolving issues that are going  6 to be huge as far as economic devastation to our  7 community in the future, and are already starting to  8 rear its ugly head. Just the last rainstorm when we had  9 to deal with all of those peoples whose houses were  10 flooded because we've overbuilt in areas that we  11 shouldn't have built, it's going -- it's going to be  12 very problematic.  13 So I'm seeing that, by creating an area like  14 this, where we have people that are actually going to  15 concentrate on trying to find solutions and trying to  16 find funding from other sources, and try to coordinate  17 between different agencies and different private  18 entities, we have to put real bodies that are going to  19 be doing this full-time. Otherwise, all we're doing is  20 we're creating a huge economic burden for future  21 generations. That's how I see it. And I could be very  22 wrong.  23 If you choose not to allow this to happen,  24 what will happen is what's happening right now. We can  25 assign one person from my staff to listen to what's</p>
<p style="text-align: right;">Page 10</p> <p>1 And how many of you would want the County  2 government to ignore any one of these issues and just  3 put it off for future generations?  4 We could ignore the deer population right now,  5 and virtually wipe out our agricultural industry, which  6 is what's happening. Where almost all of the farmers  7 are losing their farms because the deer are eating a lot  8 of the product. We could be overwhelmed by it.  9 And we could lose a lot of our wetland areas.  10 Who wants to ignore that kind of a situation?  11 Areas like Waihee where we have the dirt bikes  12 going up into the mountain, creating huge erosion  13 problems for the future. Who wants the government to  14 ignore those kinds of problems and not deal with it?  15 And how much staffing and how much personnel  16 are we going to have to coordinate within all of the  17 different agencies that are going to have to become  18 involved in it, just trying to get funding for it?  19 You're talking about hundreds millions of dollars in  20 damage somebody is going to have to be able to address.  21 From my perspective, I need to have staff that  22 are going to be able to concentrate on trying to address  23 each and every one of these areas. And there are  24 literally hundreds of these areas that need to be  25 addressed.</p>	<p style="text-align: right;">Page 12</p> <p>1 happening, but one person can hardly be expected to put  2 in the effort that's necessary to really do corrections.  3 And we need to be able to take realistic corrective  4 measures to address many of these problems.  5 Invasive species. For decades now, we've  6 known we don't have the proper inspections on the  7 island. Almost every Matson container that comes in is  8 offloaded, whatever insects comes out, whatever --  9 whatever was going to threaten our island has just been  10 allowed to happen. We don't have the proper steps in  11 place. And we don't have any bodies that are really  12 addressing any kind of issues.  13 When I started farming as a child, you know,  14 my grandfather used to use talcum powder as his only  15 insecticide. Today, you need to have an arsenal of  16 different weaponry to be able to address many of the  17 different kinds of pests that are -- that are here now.  18 Are we going to continue to allow our  19 environment to deteriorate because we are not willing to  20 put in the effort to be able to address these  21 situations? That's really the choice that I'm looking  22 at. As Mayor of Maui County, I feel very strongly it's  23 my responsibility to this community to try and address  24 some of the major issues best we can.  25 I can tell you, we don't have enough money</p>

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<p style="text-align: right;">Page 13</p> <p>1 within our County system right now to address half of  2 the major challenges we have. We don't. But if we  3 don't start addressing them, and we just ignore them  4 because they're too enormous to be able to work with,  5 the challenge to future generations are going to be  6 much, much greater and much more expensive.  7 Those of you that go to the ocean now,  8 remember what it was like 30 years ago, when you could  9 actually go down almost every day and have crystal clear  10 water? Today, you can hardly find a day where you have  11 crystal clear water in a week. You're mostly dealing --  12 we're mostly just dealing with suspended solids in the  13 water every time wave action takes place. That wasn't  14 what it was like before.  15 How are we going to address these kinds of  16 problems?  17 Are we going to just allow future generations  18 to have to deal with it?  19 I was on the East Coast where I was looking at  20 water that was black because it hasn't been addressed.  21 And I don't want to see the same thing happen to Maui  22 County. I don't think future generations deserve our  23 ignoring the problems. And I really truly believe that  24 we need to put an effort to addressing it.  25 That's why I'm suggesting that we need to be</p>	<p style="text-align: right;">Page 15</p> <p>1 MEMBER MOIKEHA: So it's just creating a  2 division under --  3 MAYOR ARAKAWA: Yes.  4 MEMBER MOIKEHA: And then these two items, 4  5 and 5, is what's being asked --  6 MAYOR ARAKAWA: Right.  7 MEMBER MOIKEHA: -- to expand those powers to  8 meet that goal of creating --  9 MAYOR ARAKAWA: Yes.  10 MEMBER MOIKEHA: -- the sustainability  11 division?  12 MAYOR ARAKAWA: Yes.  13 MEMBER MOIKEHA: Okay. I had the chance to go  14 back and look at our meeting on June 21st. And I  15 reviewed Rob Parsons' testimony. And for me, there were  16 a couple of things I asked him if he could provide for  17 us the cost of this new division. Do you have anything  18 of this time, some kind of estimated cost?  19 MAYOR ARAKAWA: I can tell you that the cost  20 will vary depending on what we want to accomplish and  21 how we're going to try and accomplish it. But it will  22 be limited by what the County Council will allow us to  23 do in cooperation with the current budget that we have  24 to deal with. So there will be no specific dollar  25 figure that I could give you.</p>
<p style="text-align: right;">Page 14</p> <p>1 able to create a real honest, hard-working group that's  2 going to be assigned permanent work addressing some of  3 these issues. And, yes, it is an expense, but it's an  4 expense we're either going to pay now or we're going to  5 pay a much, much higher price in the future. I'd prefer  6 to try and start now, even though I know that we're  7 starting probably 50 years, 100 years too late. Okay.  8 That's my position on it.  9 If you have any questions on a particular  10 area, I would be happy to answer it.  11 CHAIR STONE: Thank you very much, Mayor.  12 Commissioners, clarification on the testimony  13 from the Mayor? Commissioner Moikeha.  14 MEMBER MOIKEHA: Thank you, Mayor, for coming  15 down today. And I just -- I'm looking at your sheet  16 that you gave out to us, your Matrix. And it appears,  17 under Section 8-15.3, is where you would add two  18 specific guidelines that fall under the powers and  19 duties and functions.  20 MAYOR ARAKAWA: Yes.  21 MEMBER MOIKEHA: So are you asking us to add  22 these to this department, or are we creating -- or are  23 you trying to create a whole new department?  24 MAYOR ARAKAWA: No. I'm creating a division  25 under environmental -- Department of --</p>	<p style="text-align: right;">Page 16</p> <p>1 If we wanted to address every single  2 environmental issue, the cost would be in the billions.  3 If we want to take specific projects and start working  4 on them, we're going to have to determine what those  5 specific projects are going to be. Because, in my mind,  6 there's no way we can do everything. We're going to  7 have to be able -- we're going to have to limit what  8 we're going to do and say, okay, these are the projects  9 that are doable and let's attack these kinds of  10 projects.  11 MEMBER MOIKEHA: I was more interested in the  12 cost of setting up this additional division, staffing.  13 That was where my question was.  14 MAYOR ARAKAWA: It will -- it will be as if  15 we're adding new personnel to this. So probably,  16 initially, starting with, oh, half a dozen or so  17 personnel to start.  18 MEMBER MOIKEHA: Okay. So do you have  19 estimated costs of what it costs to put on additional  20 personnel?  21 MAYOR ARAKAWA: If you look at what the  22 average cost of personnel within that department,  23 probably 40,000 per person, plus, I'm going to say, time  24 and-a-half, the cost of personnel, because you have a  25 vehicle, you're going to have to have tools and</p>

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1 equipment. But those initial personnel will be mostly  
 2 coordinating or trying to coordinate various State,  
 3 Federal and County agencies into working within these  
 4 areas. They won't physically need to do all the work  
 5 themselves.  
 6 MEMBER MOIKEHA: Right. And that leads to  
 7 another point that Mr. Parsons brought up in his  
 8 testimony. And it was a question that was posed to him.  
 9 And he responded that -- well, first, the question has  
 10 to do with the fact that a lot of these issues are under  
 11 the State's jurisdiction.  
 12 MAYOR ARAKAWA: Yes.  
 13 MEMBER MOIKEHA: And so with that in mind, how  
 14 much control would you have as a County over trying to  
 15 accomplish some of these goals?  
 16 MAYOR ARAKAWA: Even though miconia is in the  
 17 State's jurisdiction, it's the County funds that are  
 18 creating the ability to deal with the problem. When we  
 19 had the problem with the gall wasp, it was County funds  
 20 that allowed us to get the insect that is rectifying the  
 21 problem -- the situation. So in a lot of these areas,  
 22 we're putting County funds to be able to try to correct  
 23 the situation. Coqui frogs is another one. If we  
 24 hadn't done it, we'd be in the same situation where the  
 25 Big Island is right now. And it's uncontrollable.

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1 So if we're going to take proactive measures,  
 2 we're going to have to do it in spite of the limitation  
 3 of the State departments.  
 4 If I had confidence that the State departments  
 5 were going to be doing their job and taking care of all  
 6 these invasive species, I wouldn't even consider  
 7 creating this department -- or this division. It's  
 8 because I do not have confidence that the State is going  
 9 to be able to put the funding or the personnel to  
 10 address some of these situations, nor do I believe that  
 11 they are going to put the time and effort into doing  
 12 what Maui County needs to have happen that I'm proposing  
 13 this.  
 14 MEMBER MOIKEHA: So is it that the County now  
 15 receives no funding from the State for these  
 16 environmental issues?  
 17 MAYOR ARAKAWA: The State addresses it to some  
 18 degree, but it's very limited.  
 19 When we had the problem with the gall wasp,  
 20 for instance, the State was choosing to just let the  
 21 situation ride and not take an action. It was the  
 22 County funds that allowed us to take an action and to  
 23 find a solution. It wasn't the State.  
 24 When we started dealing with coqui frogs, you  
 25 know, we had one reservoir in Haiku where it started.

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1 The State was aware of it. They allowed it to spread  
 2 through much of the island. If it hadn't been for the  
 3 County funds and working with MISC, it would never have  
 4 been resolved.  
 5 So we're going to have to take proactive  
 6 measures if we're going to protect our own community.  
 7 I, for one, believe that we have to protect our own  
 8 community. We cannot just allow things to happen.  
 9 Take the axis deer. You know, the programs  
 10 that they had allowed the population to get to the state  
 11 where it's at. And their situation -- and their  
 12 solution has been virtually nonexistent.  
 13 Are we going to allow these kind of things to  
 14 continue to happen to us, or are we going to take a  
 15 proactive position? We can take a position over and  
 16 above what the State does. We cannot replace the State  
 17 or -- or force them to cancel their programs, but we can  
 18 take an action over above and work cooperative with the  
 19 State. If you talk to the agents on the ground, most of  
 20 them welcome the extra help because they can't get it  
 21 through the State system. So what we're doing, in  
 22 adding the extra help, is to be able to allow solutions.  
 23 I think --  
 24 MEMBER MOIKEHA: It sounds like it's a  
 25 collaborative effort.

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1 MAYOR ARAKAWA: It is collaborative. It has  
 2 to be collaborative. But, at the same time, it has to  
 3 be over and above what the State allows itself as a  
 4 solution.  
 5 MEMBER MOIKEHA: I guess when I was listening  
 6 to Mr. Parsons, he was more focused on the  
 7 sustainability, growing your own food, becoming less  
 8 dependent on the mainland. And when I look at the items  
 9 here to expand the powers and duties, it sounds it's  
 10 more in that direction. You focused a lot on the  
 11 environmental issues, so --  
 12 MAYOR ARAKAWA: It's both.  
 13 MEMBER MOIKEHA: It's both?  
 14 MAYOR ARAKAWA: It's both. You have to be --  
 15 you have to be able to deal with all these issues, which  
 16 is why I'm saying the range is very, very large. We  
 17 have to -- we have to look at what can we really  
 18 accomplish.  
 19 MEMBER MOIKEHA: My last question is, so there  
 20 can be no other way by which we can meet this goal of  
 21 this separate sustainable division except through the  
 22 Charter? So it can't be done through legislation?  
 23 MAYOR ARAKAWA: I believe it needs to be a  
 24 Charter amendment to -- to add this on. There are -- we  
 25 could -- again, we could just ignore the whole thing and

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<p style="text-align: right;">Page 21</p> <p>1 -- and hope that it just goes away, but I don't think  2 anybody living in the real world believes that's going  3 to happen.  4 MEMBER MOIKEHA: Okay. Thank you.  5 CHAIR STONE: Thank you.  6 Commissioners, further clarification?  7 Commissioner Sugimura.  8 MEMBER SUGIMURA: Thank you, Mayor Arakawa.  9 So I wanted to ask a question in line with  10 just that. In putting this on the Charter -- I agree  11 it's important and it's an important issue, but I always  12 wonder if it's something that you can do -- because you  13 have the power of the Mayor's Office, that you could  14 just administratively decide to activate and do  15 sustainability as part of the department, anyway. Is  16 that possible, or it has to be a Charter amendment?  17 MAYOR ARAKAWA: I believe, in order to create  18 the division, I have to go through the Charter, just as  19 we -- when we split the Department of Public Works into  20 Environmental Management and Public Works. I think we  21 have to go through the Charter to do this.  22 MEMBER SUGIMURA: Why?  23 MAYOR ARAKAWA: Because, systemically, we're  24 listed in the Charter as to what each of these  25 departments and divisions can do. If you find</p>	<p style="text-align: right;">Page 23</p> <p>1 MAYOR ARAKAWA: We could put -- we could put  2 this anyplace, but I think the most appropriate place is  3 Environmental Management, which is dealing with the  4 environmental concerns and appropriately named. I could  5 take any one of the departments and any of their --  6 their jobs and put it under the Mayor's Office or  7 Managing Director's Office, or virtually any department,  8 but I think the most appropriate is Environmental  9 Management.  10 The other thing that it allows, it allows the  11 department to do much more efficiently, is the  12 department has engineers, the department has other  13 equipment. And a division within the department can  14 share a lot of those -- those facilities and tools. So  15 it's a lot more efficient within -- within the  16 department to have the divisions there to be able to  17 utilize or cross-utilize a lot of the assets of those  18 departments. So that's one of the reasons why I want to  19 have it -- prefer to have it there.  20 MEMBER BAXA: Mr. --  21 CHAIR STONE: Commissioner Baxa.  22 MEMBER BAXA: One advantage that I can see  23 from your point of view is we know that mayors change.  24 When it's put in the Charter, the next Mayor will follow  25 on that because it's already part of the department.</p>
<p style="text-align: right;">Page 22</p> <p>1 otherwise, I would be more than happy to just recommend  2 it and do it. I believe we have to go through the  3 Charter.  4 CHAIR STONE: Thank you.  5 Commissioners, further clarification?  6 Commissioner Baxa.  7 MEMBER BAXA: Mayor, if I may. I think you  8 have partly answered the question that I was going to  9 pose. I'm following from Ms. -- Commissioner Sugimura's  10 question to you. I was also thinking along that way,  11 when you mentioned that there might be instances when  12 the County has to act quickly and immediately to respond  13 to some of these things. If you put it in the  14 Charter -- I know that you are still the head of all the  15 departments of the County, but if you put it in the  16 Charter as a division of the Department of Environmental  17 Management, I have a feeling that, like the office that  18 is under you right now, the Office of Economic  19 Development, it reacts quickly, it tries to solve  20 problems quickly. If -- in this instance that we're  21 talking about, if you were to have another office of  22 this sort under your office, not under the department,  23 but directly under your office, would not that be, in a  24 way, a faster way to deal with this equation that you  25 are thinking about?</p>	<p style="text-align: right;">Page 24</p> <p>1 MAYOR ARAKAWA: Uh-huh.  2 MEMBER BAXA: Thank you.  3 CHAIR STONE: Thank you.  4 Commissioners, further clarification?  5 (No Response.)  6 CHAIR STONE: The Chair has a quick  7 clarification, Mayor. When we were discussing the topic  8 at our last meeting, the proposal was to have a --  9 change the department name to Department of  10 Sustainability and Environmental Management. Is that  11 really a necessary requirement, do you think, to  12 actually add "sustainability" to the entire name, or can  13 it just be known that it's a division of the Department  14 of Environmental Management?  15 MAYOR ARAKAWA: You don't have to change the  16 department's name at all. All you have to do is create  17 the division. So, no, I don't believe you have to do  18 anything to the name of the department.  19 CHAIR STONE: Very good. Thank you.  20 Commissioners, any further clarification?  21 (No Response.)  22 CHAIR STONE: No. Mayor, thank you so much  23 for being here today.  24 MAYOR ARAKAWA: Well, there -- that was one  25 issue.</p>

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<p style="text-align: right;">Page 25</p> <p>1 (Laughter.)</p> <p>2 MAYOR ARAKAWA: Just I would ask to address</p> <p>3 some of these issues. Let me briefly address another</p> <p>4 issue that was brought to me. And this is having to do</p> <p>5 with the -- having some of the departments come under</p> <p>6 the Office of the Mayor, Fire Department in specific.</p> <p>7 Okay. This is not a proposal that I put forth, but let</p> <p>8 me -- let me clarify my position on this. When I'm</p> <p>9 looking and -- and I'm expected to be able to manage the</p> <p>10 departments as Mayor, I need to be able to have some</p> <p>11 control over the management of the departments. And</p> <p>12 unless you have some way to be able to do that, the</p> <p>13 Office of the Mayor really does not have control.</p> <p>14 As it currently sits right now, the Police</p> <p>15 Chief and the Fire Chief answer to their boards and</p> <p>16 commissions; they do not answer to the Office of the</p> <p>17 Mayor. Okay. It is only because they choose to, at</p> <p>18 this point, work with us that they -- they have to.</p> <p>19 But it's very problematic when the community</p> <p>20 feels that the Office of the Mayor has control over many</p> <p>21 of these departments, and we don't have. They're</p> <p>22 expecting us to be able to resolve issues that we</p> <p>23 cannot. We cannot order the personnel, we cannot</p> <p>24 direct, we have no way of being able to control the</p> <p>25 department heads, or anyone within those departments,</p>	<p style="text-align: right;">Page 27</p> <p>1 of the County, I believe the Mayor should have some</p> <p>2 control of it at some -- in some way, shape or form.</p> <p>3 Without that, they actually -- they actively and</p> <p>4 practically are independent. And we do not have any</p> <p>5 control.</p> <p>6 So from Administration standpoint, I believe</p> <p>7 that the County of Maui is run with a strong Mayor form</p> <p>8 of government. The Mayor's Office should have the</p> <p>9 ability to appoint the directors and the deputy</p> <p>10 directors or have some other way of controlling it, but</p> <p>11 the Commission's controlling it. Most of the times, the</p> <p>12 commissions are isolated away from the Administration,</p> <p>13 or our Administration. So we have -- we do not really</p> <p>14 function as a control. And there is no real control.</p> <p>15 It's through the budget process. And even through the</p> <p>16 budget process, most of that is not really a control.</p> <p>17 So we cannot say, you know, your policy --</p> <p>18 let's say with the Police Department, your policy, you</p> <p>19 have to be able to take care of the drug programs or you</p> <p>20 have to focus on major community concerns. We have</p> <p>21 absolutely no control or say on that. So it's very</p> <p>22 problematic when the community calls in, when they're</p> <p>23 asking us to be able to do something about these</p> <p>24 situations, and we're expected to do it, but we have no</p> <p>25 control over it.</p>
<p style="text-align: right;">Page 26</p> <p>1 becomes very problematic.</p> <p>2 So some of the -- one of the recommendations</p> <p>3 that came was to have the department -- the chiefs be</p> <p>4 selected by the -- by the Mayor's Office. And that's</p> <p>5 something that I think you need to consider very</p> <p>6 strongly, because there needs to be some methodology by</p> <p>7 which some of the control does come out from the</p> <p>8 department, where either the Council or the</p> <p>9 Administration has the direct ability to be able to</p> <p>10 control the department. And what was suggested, that</p> <p>11 the appointment come from the Mayor's Office, is</p> <p>12 something that I would support.</p> <p>13 CHAIR STONE: Thank you.</p> <p>14 Commissioners, clarification? Commissioner</p> <p>15 Crivello.</p> <p>16 MEMBER CRIVELLO: Thank you, Mayor, for being</p> <p>17 here today.</p> <p>18 When you said Fire Department specifically,</p> <p>19 are you just looking at the Fire Department to be under</p> <p>20 the jurisdiction -- direct jurisdiction of the Mayor, or</p> <p>21 are you looking at all other departments that are run by</p> <p>22 a board or commission?</p> <p>23 MAYOR ARAKAWA: I did not propose this to the</p> <p>24 Charter Commission. But if you're asking my opinion,</p> <p>25 any of the departments that come under the jurisdiction</p>	<p style="text-align: right;">Page 28</p> <p>1 CHAIR STONE: Thank you.</p> <p>2 Commissioner, do you have any response or --</p> <p>3 MEMBER CRIVELLO: Yeah, I do. Thank you.</p> <p>4 CHAIR STONE: Okay. Go ahead.</p> <p>5 MEMBER CRIVELLO: Thank you, Dave.</p> <p>6 So, in your mind, as the executive power of</p> <p>7 the -- of Maui County --</p> <p>8 MAYOR ARAKAWA: Yes.</p> <p>9 MEMBER CRIVELLO: -- you don't have the vested</p> <p>10 power over the commission itself? Maybe not necessarily</p> <p>11 over the chief, but -- or is that something maybe our</p> <p>12 legal minds can --</p> <p>13 MAYOR ARAKAWA: We don't have --</p> <p>14 MEMBER CRIVELLO: -- determine?</p> <p>15 MAYOR ARAKAWA: We don't have the power over</p> <p>16 the department, not the commission or the chiefs. We</p> <p>17 don't have the authority over the department, to be able</p> <p>18 to set the direction for the departments. That's what</p> <p>19 I'm saying. So, in my mind, when you're looking at the</p> <p>20 operations, each of those departments could pretty much</p> <p>21 do what they want to.</p> <p>22 Liquor Department has been operating this way</p> <p>23 for quite some time as well. So all of the various</p> <p>24 rules and regulations never come to the Administration</p> <p>25 for review or discussion. They're done within their</p>

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<p style="text-align: right;">Page 29</p> <p>1 commissions and within their department.  2 So when we receive all of the complaints, we  3 can talk to the department heads, but we don't have  4 direct control. So if there is something that goes  5 wrong within the department, the Administration does not  6 have a way of really correcting it.  7 MEMBER CRIVELLO: Does the department work  8 with the Administration in reference to the budget?  9 MAYOR ARAKAWA: We are working with every  10 department very well currently.  11 MEMBER CRIVELLO: Okay.  12 MAYOR ARAKAWA: But the discussion, as far as  13 how we are working, I would say, right now, we're doing  14 very well, our partnerships are very good. It's from a  15 theoretical standpoint, practical standpoint, if a  16 department head were not willing to work with us for  17 some reason, then we would have no way to be able to  18 make that department work with us.  19 MEMBER CRIVELLO: Thank you, Mr. Mayor.  20 CHAIR STONE: Thank you.  21 Commissioner DeLeon.  22 MEMBER DELEON: Good morning, Mr. Mayor.  23 Thank you for being here.  24 The proposal on the Fire Chief position is  25 that the commission does the actual recruitment and</p>	<p style="text-align: right;">Page 31</p> <p>1 when you're trying to work as a complete administration.  2 Now, we have to be able to work with the  3 Police and Fire in creating all of the police stations,  4 fire stations, being able to work on the budget. But  5 they could theoretically do a lot of things we really  6 don't have control over on the day-to-day basis. And,  7 again, there is no methodology right now where we would  8 control that. So any -- any system that you come up  9 with, such as what you've proposed, I could support  10 that. I'm just suggesting that this is something you  11 need to look at because it's not just my Administration,  12 it's every Administration would have the same situation  13 to work with. And it's going to be very problematic if  14 the personalities do not get along.  15 And, again, I will tell you for the record  16 that the chiefs and I get along very well currently,  17 but, under the discussion, proposal that's come up, if  18 there's any kind of a rift, that could be very  19 problematic.  20 CHAIR STONE: Thank you.  21 Commissioners, further clarification on that?  22 (No Response.)  23 CHAIR STONE: No. Mayor, thank you.  24 MAYOR ARAKAWA: Okay.  25 CHAIR STONE: Thank you so much. Do you have</p>
<p style="text-align: right;">Page 30</p> <p>1 vetting and makes a recommendation or a nomination to  2 the Mayor, so that the Mayor has the final say in who  3 gets to be the Fire Chief. But the commission still has  4 the responsibility to go out and find the candidates and  5 make a proposal to the Mayor.  6 MAYOR ARAKAWA: That's fine. That's fine by  7 me. It's just -- what I'm saying is that we need to  8 have -- if we're going to be managing the department, we  9 need to have some way of controlling what is happening  10 within the department. You have to have some influence  11 in being able to control the department. That doesn't  12 exist right now.  13 MEMBER DELEON: Yeah. So this would give you  14 -- give a Mayor the final say in who the Fire Chief is,  15 and a sense of -- I think it develops a sense of loyalty  16 to the Mayor from the Fire Chief.  17 MAYOR ARAKAWA: If does to a degree. Let's  18 just say, hypothetically, that the Fire Chief or the  19 Police Chief or the Liquor Commission Director hated the  20 Mayor, just chose not to work with the Mayor. They  21 could take their entire department independently and do  22 things where the Mayor's Office would not be able to  23 control it. Especially in an area like the Liquor where  24 even their funding is self-supported, so you have no  25 ability to influence it. And that's very problematic</p>	<p style="text-align: right;">Page 32</p> <p>1 anything else to discuss?  2 MAYOR ARAKAWA: Those were the -- that was the  3 issue that I was asked to -- to work with.  4 Oh, volunteer firefighters was the other  5 issue. I've suggested volunteer firefighters and  6 volunteer police officers. And I still truly believe  7 that we need to be able to create volunteer arms to be  8 able to economize and to be able to put more people in  9 touch with what the departments do.  10 You know, from the Fire -- from the Fire  11 perspective, we have many volunteers that we depend on,  12 Goodfellow Brothers, HC&amp;S, they would be great to be  13 able to have as part of a volunteer fire force. And  14 would give them credentials that they could hold and  15 display to the members of the community.  16 We're not suggesting that these people be  17 professional, but they are -- as support, many other  18 communities that have them. And I believe that as we're  19 going forward and we're seeing that our budgets are  20 being asked to be stretched more and more to support,  21 especially, Police and Fire, there's going to become a  22 point where we cannot stretch the budget. If we had the  23 same situation that the State did, where they're cutting  24 back, if we didn't have a volunteer force and we didn't  25 have the ability to pay for our Police and Fire, we'd</p>



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1 have a real problem. So to have volunteers in place  
 2 will allow us to have a cushion of experience that can  
 3 be built up in the community so that, if we run into a  
 4 financial problem, then we at least have somebody there  
 5 to make sure the public is protected.  
 6 CHAIR STONE: Thank you.  
 7 Commissioner De Rego.  
 8 MEMBER DE REGO: Thank you very much for  
 9 coming, Mayor.  
 10 I just have a question. Sort of the same  
 11 question that Commissioner DeLeon asked, but in reverse.  
 12 Okay. If the Mayor would have the ability to, upon  
 13 recommendation of the Fire Commission or the Police  
 14 Commission or the Liquor Commission or the Department of  
 15 Personnel Services, to hire the department head based on  
 16 the recommendations that come up to the Mayor from these  
 17 particular commissions, how would you handle the firing  
 18 of somebody?  
 19 MAYOR ARAKAWA: Then at least we'd be able to  
 20 evaluate whether they're doing their job adequately or  
 21 not. And because they would have to report to the  
 22 Mayor, you would have the ability to do an analysis.  
 23 Currently, the commissions do the total analysis. So we  
 24 really do not have the ability even to review the  
 25 performance portfolios of the various departments. So

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1 that's part of what should happen, is we should be able  
 2 to do an analysis to be able to determine whether or not  
 3 the job is being done adequately.  
 4 CHAIR STONE: Commissioner De Rego, continue.  
 5 MEMBER DE REGO: Just a follow-up. I'm just  
 6 trying to understand the process, that's why. Would it  
 7 be the Mayor who recommends and then the commission that  
 8 would make the final decision on the firing, or would it  
 9 be like when the hiring comes, they vet and then it  
 10 would be the Mayor who makes the final decision on the  
 11 -- on the firing of the department head in any four of  
 12 these entities?  
 13 MAYOR ARAKAWA: My preference, if I were to  
 14 have my way in doing this, I would say that the firing  
 15 of a Police or Fire, or any of the department heads, the  
 16 Mayor would make a recommendation to the County Council,  
 17 not the board or commission that is there. Okay.  
 18 Because the commission tends to be dealing with the  
 19 department, they get immersed within the department.  
 20 The Council, County Council, can be very objective in  
 21 how they do the analysis. So I would prefer to the way  
 22 we have it now where, if the Water Department Director  
 23 is not doing his job, we make a recommendation to the  
 24 County Council, they do an evaluation. Because they're  
 25 an independent group, they can look at the facts and

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1 figures independent of emotion. And I think that would  
 2 be a better mechanism.  
 3 CHAIR STONE: Commissioner Crivello.  
 4 MEMBER CRIVELLO: In reference to your  
 5 volunteers for firefighters and police officers, which I  
 6 think is of value; however, my question is, when we talk  
 7 budget, I would think as the police officers and  
 8 firefighters go through their daily work, their training  
 9 would have to be ongoing, that's my thinking. And that  
 10 is costly, also. So with that -- with the volunteers,  
 11 will they also be put under that kind of regular  
 12 training like the regular firefighters?  
 13 And then the other question I have, before we  
 14 take this into consideration, is this -- has a  
 15 conversation started with the bargaining units as to how  
 16 they would consider this sort of involvement from  
 17 volunteers?  
 18 MAYOR ARAKAWA: No, we have not taken it up  
 19 with the bargaining unit. Currently, the bargaining  
 20 unit is still involved in the normal bargaining process  
 21 of salaries. That's not been resolved, especially with  
 22 Police and Fire, or UPW, for that matter. But as far as  
 23 -- as far as training, you know, even retired police  
 24 officers or firefighters could be recruited as  
 25 volunteers.

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1 So you could -- you could work with existing  
 2 personnel. There are people within our community that  
 3 have had -- have worked with these agencies in other  
 4 jurisdictions. There's any number of ways that we could  
 5 create a volunteer group that could be qualified.  
 6 And, yes, we would want to do the appropriate  
 7 training. But if you have a cost involved with it --  
 8 well, you're going to have costs involved with having  
 9 people ready. And that's part of what we need to have  
 10 done. So I would not be -- I would actually require  
 11 proper training. So -- we don't want to have somebody  
 12 out there that's going to jeopardize their health or  
 13 safety. We want to have them properly trained. There's  
 14 a cost involved, but the security and ability to have a  
 15 backup group to be able to help if we need it.  
 16 Let's take some of these wildfires that we  
 17 have, for instance, like Molokai. Where if we had a  
 18 volunteer fire force that could go out with the  
 19 firefighters, perhaps we could be able to control the  
 20 situation much sooner and it would be a lot less costly  
 21 in the long run.  
 22 I'm just thinking that there's so many  
 23 different communities that have these volunteer groups,  
 24 that have found them very productive, that it's well  
 25 worth the consideration for Maui County.

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<p style="text-align: right;">Page 37</p> <p>1 CHAIR STONE: Thank you.  2 Commissioners, further clarification?  3 Commissioner Moikeha.  4 MEMBER MOIKEHA: I'm still trying to  5 understand your position on why you want to have the  6 hiring and firing of the Fire Chief underneath --  7 directly under the mayors. I'm trying to understand, is  8 it that this current structure is so ineffective that  9 you don't have a Fire Department that's functioning as  10 it should to protect and preserve the life of people?  11 MAYOR ARAKAWA: Let me put you in the position  12 of the Mayor. You're the Mayor. I'm the Fire Chief. I  13 don't like you, I don't want to come into your office, I  14 won't talk to you. Do something. What are you going to  15 do? How are you going to force it? How are you going  16 to get any kind of a reaction going?  17 If you have someone who is willing to work  18 with you, as we do now, it's very easy. And -- but if  19 you have somebody that is opposing this, that takes a  20 very negative position, you don't have the ability to be  21 able to enforce or to create an interaction. And that's  22 very detrimental to this community. There has to be  23 some mechanism whereby you have this interaction and you  24 have the line of authority.  25 The Mayor's Office, the Mayor is charged with</p>	<p style="text-align: right;">Page 39</p> <p>1 transparency.  2 And as we spoke with one of the vice-chairs of  3 this commission recently, and got more down into how are  4 they chosen, what kind of process do you use, they're  5 using all the standards of personnel that you would  6 hire -- you would use to hire the Fire Chief. When I  7 look at their functions and duties, they're being --  8 they're holding someone accountable.  9 And so that's my dilemma. It's a balance to  10 understand what you're saying versus what I'm hearing  11 from the general public to date.  12 MAYOR ARAKAWA: Let me be devil's advocate on  13 this. You've seen the situation, because you've been on  14 the Planning Commission, where the commission members  15 don't get along with each other and can be  16 nonfunctional. What happens if you come to a situation  17 where you have a commission that is split and you have a  18 situation where you cannot control the chiefs? There  19 are so many different scenarios that I could design  20 where the situation would not run smoothly at all, and  21 you would run into these kinds of challenges.  22 What happens if you come into a situation  23 where the head of the department is very much of a bully  24 and is able to manipulate the situation? You get to a  25 position where all of the -- all of the people that will</p>
<p style="text-align: right;">Page 38</p> <p>1 taking care of the entire community by elected mandate.  2 None of the others are elected. So the responsibility  3 is put by the public to the Mayor's Office to be able to  4 make sure that everything is running appropriately. If  5 you don't have the ability to control your departments,  6 how do you do that?  7 Again, if you're getting along fine, no  8 problem. What happens if you have a challenge where  9 you're not on good terms, where you dislike each other?  10 Then you don't have the ability to --  11 MEMBER MOIKEHA: And I can understand your  12 position. And I appreciate you sharing that with us.  13 And it's not just about you in this position today, it's  14 -- I see that you're looking forward to other mayors  15 that may serve in your position.  16 MAYOR ARAKAWA: Yes.  17 MEMBER MOIKEHA: I guess my concern is the  18 overwhelming amount of testimony we received in support  19 of the current system of the commission and the work  20 that they do. I guess what I feel impressed by the  21 commission is that they're transparent and they're  22 community members. And they are appointed by the Mayor.  23 So the Mayor does have some influence in who he appoints  24 to sit on these commissions, with Council approval, I  25 would assume. But I really like the idea of</p>	<p style="text-align: right;">Page 40</p> <p>1 come in will be specifically backing one position  2 because they're afraid not to. And we've seen  3 situations like that as well.  4 So what I'm suggesting is, when looking at a  5 system, not a situation, when looking at a system, you  6 want to have a system that allows checks and balances,  7 which is why I'm not -- I'm not suggesting that the  8 Mayor be able to fire the chief independently, but have  9 the County Council recommend, and then have the County  10 Council, nine bodies, independent, be able to make that  11 analysis. But you have to have some control and some  12 ability to be able to control a department.  13 There are too many scenarios that could occur  14 where the groups are skewed, and you don't get a very  15 comprehensive mix. In selecting our personnel for the  16 commissions, we pretty much go through a pool of people  17 that request to be on it and we look at that and who's  18 available, who's going to work and we put them on. We  19 don't go through and screen them as to whether or not  20 they have personality challenges or are politically  21 motivated. So there are a lot of scenarios that you  22 could create within various commissions that can become  23 very deadly for effectiveness. I'm not saying that is  24 occurring; I'm saying the potential is all there.  25 MEMBER MOIKEHA: Okay. Thank you. I just</p>

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1 have one -- are you returning later? Because the other  
 2 question --  
 3 CHAIR STONE: I was just about to say, Mayor,  
 4 I'm not sure, but I think your five minutes are up.  
 5 (Laughter.)  
 6 MAYOR ARAKAWA: I'm answering questions.  
 7 CHAIR STONE: Check with Lisa on that one.  
 8 Yes, I know. I'm just kidding.  
 9 I think we do have a lot of testifiers today.  
 10 I'd like to move forward with the public testimony just  
 11 because our general public -- well, if you guys want  
 12 more than five minutes, become the Mayor. That's all I  
 13 can --  
 14 MAYOR ARAKAWA: If you need me to come back  
 15 down, have staff call me.  
 16 CHAIR STONE: Okay.  
 17 MAYOR ARAKAWA: And I will get out of my other  
 18 meetings and I will come back down.  
 19 CHAIR STONE: Excellent. Thank you so much,  
 20 Mayor, for being here. It is very much appreciated.  
 21 MAYOR ARAKAWA: Thank you.  
 22 CHAIR STONE: We do appreciate it. Thank you,  
 23 again.  
 24 So, Lisa, I'd like to move forward with our  
 25 first -- or second testifier, please.

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1 MS. KAHUHU: Mary Cochran.  
 2 CHAIR STONE: Ms. Cochran, thank you for being  
 3 here.  
 4 MS. COCHRAN: Again.  
 5 CHAIR STONE: Again. And, testifiers, again,  
 6 testimony is five minutes per testifier.  
 7 MS. COCHRAN: I know. It's five minutes.  
 8 Primarily, I really do want to thank you guys  
 9 for your services. And thank you for the opportunity to  
 10 participate in this process.  
 11 Now I want to talk about nonpartisan voting.  
 12 I understand there is a proposal to return partisan  
 13 elections. And the question is whether it should be  
 14 presented to the voters after having had that process  
 15 prior to our current system.  
 16 CHAIR STONE: Excuse me. Mary?  
 17 MS. COCHRAN: Yes.  
 18 CHAIR STONE: Sorry. Do you mind pulling the  
 19 mic a little closer?  
 20 MS. COCHRAN: Oh, okay. I'm a little bit  
 21 short.  
 22 CHAIR STONE: Thank you.  
 23 MS. COCHRAN: Okay. Well, anyhow, I can only  
 24 ask why the need to change again. Is it because of the  
 25 low voter turnout at the last election where our County

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1 elections fell to a very miserable and pathetic 34.2  
 2 percent voter turnout? Or is it because of scheduling  
 3 elections in the workweek? Is it because we have the  
 4 penchant of changing polling sites causing voter  
 5 confusion? Or even that this current system of  
 6 nonpartisan voting does not lend itself to voter  
 7 motivation to turnout? Why the need to revisit this  
 8 elective process? Have we now become flip-floppers,  
 9 where we were in favor before we were not in favor and  
 10 now we favor again? Did you follow that? Okay.  
 11 We don't know, but this I do know. That there  
 12 exists a rationale as to why we abandoned partisan  
 13 elections. And that rationale, I submit, was one of the  
 14 most enlightening proposals to be presented to the  
 15 voters. For the first time, nonpartisan voting, Maui  
 16 became part of an elective process and system that  
 17 divorced itself from partisan elections which can be  
 18 daunting at a County level and where the interests of  
 19 the party can sometimes be paramount to the citizens.  
 20 And we would be bucking the trend considering that  
 21 Kauai, Oahu and the Big Island all have nonpartisan  
 22 elections at the County level, while preserving, as we  
 23 do now, partisan elections at the State and national  
 24 level.  
 25 Nonpartisan elections, to me, are all

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1 inclusive. Meaning, through this process, the field is  
 2 leveled to afford independent voters the opportunity to  
 3 run without the need to go through party channels.  
 4 When it comes to County government, there is  
 5 no ideologue that controls. When it comes to the  
 6 business of the County, party affiliation or party  
 7 politics must give way to meet the needs of our people.  
 8 There is no republican agenda, there is no democrat  
 9 agenda; there is only one agenda and that is the  
 10 people's agenda, republicans, democrats and independent.  
 11 The pros and cons of partisan and nonpartisan  
 12 elections are many, and depending on who is conducting  
 13 the polls to gauge the public's druthers, we must ask  
 14 ourselves, why do we want to abandon an elective process  
 15 that is not broken and return to a system where one  
 16 party almost always dominates. Are we so insecure in  
 17 our political philosophies that somehow, through this  
 18 nonpartisan process, our beliefs would get co-opted? I  
 19 don't think so. Whatever the case may be, I trust that  
 20 a decision to return -- not to return to the partisan  
 21 elections will be the result of careful analysis of the  
 22 studies and data that's out there.  
 23 And given the political climate, both  
 24 nationally and statewide, as it exists today, it can be  
 25 argued that the populous is far more satisfied in

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<p style="text-align: right;">Page 45</p> <p>1 participating in a local election process that ignores  2 party affiliation, an elective process where we, all of  3 us, our independent voters, wouldn't have to worry as to  4 whether we're republicans or democrats or independents.  5 I believe I got a couple more -- one more  6 minute left. I just want to comment on the term limit  7 thing. And probably, if it does go out to the public,  8 I'll be there. I am in favor of -- well, number one,  9 I'm in favor of the four-year term because once -- and  10 that's true. They get elected on November the 4th;  11 November the 5th, those Council people are out  12 campaigning again for the next election.  13 As far as term limits go, I am kind of one way  14 or the other on that. Well, I don't believe in  15 professional legislators. On the other hand, I believe  16 that there are people out there that can run and run and  17 be very effective. And then, of course, there is that  18 legal question as to whether or not, by limiting them to  19 term limits, are we then squelching their First  20 Amendment rights -- well, the public's amendment rights,  21 if they want to, you know, vote for these people again.  22 The third thing is the -- the budget, the  23 biennial. By all means, do it. On the Board of  24 Education, it turned out to be very, very effective.  25 Thank you.</p>	<p style="text-align: right;">Page 47</p> <p>1 Commission. Those strong opinions has warranted the  2 Kula Community Association putting discussion of  3 proposed Charter amendments on its program for its next  4 meeting.  5 I read The Maui News, which doesn't take as  6 long as it used to. It reported that you have heard  7 passionate testimony. That is not surprising.  8 Individuals are passionate when threatened by changes in  9 the status quo. Please appreciate that passionate  10 speakers have included not only Gandhi and Obama, but,  11 also, Hitler and bin Laden. Decisions based on reason  12 are preferred to those based on passion alone.  13 I agree with Commission Member Moikeha who the  14 paper quoted as wanting more information on district  15 voting. Obviously, this issue will only be addressed in  16 the depth it deserves if it appears on the ballot.  17 I also agree with Member Okamoto, who sees  18 Maui County as one unit. We are in one canoe. The  19 question to address is how we select the paddlers.  20 Also reported was the idea that only  21 amendments with clear benefit to the community should  22 advance to the ballot. Who can better decide if an  23 amendment benefits the community than the voters, if  24 only we, as voters, are given the opportunity to decide?  25 Member Okamoto suggests that making smaller</p>
<p style="text-align: right;">Page 46</p> <p>1 CHAIR STONE: Thank you, Mary, very much for  2 your testimony. One second, please.  3 MS. COCHRAN: Oh.  4 CHAIR STONE: Commissioners, clarification for  5 Mary?  6 (No Response.)  7 CHAIR STONE: No. Very eloquent. Thank you.  8 Lisa, next testifier, please.  9 MS. KAHUHU: Alan Kaufman.  10 CHAIR STONE: Mr. Kaufman, thank you for being  11 here.  12 MR. KAUFMAN: Thank you for all of your  13 dramatic patience. I read the minutes of your last  14 meeting. It sounded like it got a little testy at  15 times. But, really, I thank you from the bottom of my  16 heart for being willing to sit there. You may not have  17 been given Job's patience, but you've certainly got a  18 healthy dose of it. Thank you for your service.  19 My position on district voting is that the  20 issue should appear on the ballot. Do I favor district  21 voting? I don't know. And I wish that all of you could  22 say the same thing. I'm still listening to the  23 discussion.  24 There are strong opinions on this issue by  25 members of the public as well as by members of this</p>	<p style="text-align: right;">Page 48</p> <p>1 districts for the benefit of the candidates is not a  2 good excuse to change the system. And I agree with  3 that.  4 I go on, though, to ask, is making smaller  5 districts for the benefit of the voters perhaps a good  6 excuse to change the system?  7 Is district voting to be preferred to the  8 current system? None of us know.  9 A pessimist would suspect that County  10 government will muddle along regardless of how we elect  11 our representatives. An idealist would hope that, as  12 intelligent individuals believing in democrat ideals,  13 you will place district voting on the ballot.  14 I suspect most of you already have a position  15 on district voting. It is, after all, a very important  16 issue. Please appreciate the issue deserves a place on  17 the ballot no matter what opinion you may have. The  18 opinion of the electorate, not the individual opinions  19 of the members of this Commission, is the opinion that  20 needs to be heard.  21 I appreciate the resulting consternation when  22 presented with multiple alternatives in regard to  23 formulating language for a district voting Charter  24 amendment. Our starting place is one man, one vote, the  25 law of the land. We currently have nine councilpersons</p>

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1 and we each have nine votes.  
 2 A variation of district voting that has been  
 3 offered up is three districts and three votes. Another  
 4 variation calls for six districts and one vote, plus one  
 5 more at-large district with three more votes.  
 6 While these may be plausible voting schemes,  
 7 multiple scenarios confuse the issue. Single-member  
 8 districts and one man, one vote is something everyone  
 9 can understand. It would be a clear alternative to the  
 10 existing system. Put it on the ballot so we can have  
 11 the discussion and, being a democracy, have the voters  
 12 decide.  
 13 Thank you very much.  
 14 CHAIR STONE: Thank you, Mr. Kaufman.  
 15 Commissioners, clarification?  
 16 (No Response.)  
 17 CHAIR STONE: No. Thanks so much for your  
 18 testimony. Thanks for being here today.  
 19 Lisa, next testifier, please.  
 20 MS. KAHUHU: Jim Smith.  
 21 CHAIR STONE: Mr. Smith, thank you for being  
 22 here.  
 23 MR. SMITH: Chairperson Stone, Members of the  
 24 Commission, once again, thank you for being here. Thank  
 25 you very much.

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1 It's interesting. I'd like to make a mention  
 2 on your minutes. I tried to get minutes to read prior  
 3 to a meeting, and wasn't given them because they hadn't  
 4 been approved. And that sets me back. And if that's  
 5 the way it is, then I need to see those minutes, if  
 6 they're on the agenda. Because there may be something  
 7 wrong that I've said and is reported that way, and I  
 8 can't see them. So I'd say that's probably not  
 9 transparent, it's not, you know, with me.  
 10 The second thing is, a member of this Charter  
 11 Commission transmitted an argument, okay, at the  
 12 meeting, 10-10. It was listed as additional material,  
 13 okay, but it was an argument. Okay. And I want to know  
 14 if it's a serial transmittal. In other words, did he  
 15 email that to you before the meeting? Was that  
 16 distributed at the meeting? Was it sanctioned by this  
 17 Charter Commission? I mean, he identified himself as a  
 18 Charter Commissioner, and he makes these false  
 19 allegations and these scurrilous remarks. Is that a  
 20 public matter, or did it misstate that? Well, if it --  
 21 either way, I would ask this Commission to write a  
 22 letter to the member of our -- of our Council from  
 23 Molokai and Lanai and clarify. Because comments about  
 24 the community were outrageous, outrageous, distortions  
 25 of truth were outrageous.

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1 For example, the Lanai community is -- is  
 2 objecting to (inaudible) of a councilmember when 11  
 3 individuals sued. Since when do 11 individuals  
 4 represent a whole community? What is wrong? Please  
 5 apologize -- or recognize the problem, but transmit that  
 6 to our representative -- not representative, but clarify  
 7 to our councilmember. That's important to me.  
 8 Thank you very much.  
 9 The next issue that I'd like to mention is I  
 10 submitted to you a proposal, and it addresses power,  
 11 because I think managing power is the primary issue.  
 12 And there was an error, maybe two. And in the last one,  
 13 which is regarding the Mayor's power, I use the word  
 14 "delete." Well, when you're in a community, you delete,  
 15 but, in a Charter, you repeal. So it's repeal the  
 16 Charter.  
 17 I also mentioned that -- regarding powers,  
 18 that -- and following the idea that the Council should  
 19 create powers that are not listed. Okay. And that's  
 20 what it says. So if you have a Mayor that can create  
 21 powers in a chapter and you have a Council that has the  
 22 authority to create powers that aren't listed, well,  
 23 you're screwed up. So I would ask that you would input  
 24 into that the -- further, that the establishment of an  
 25 office or division shall be required -- in other words,

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1 shall require approval by two-thirds of the Council.  
 2 Shall require approval; not shall be. So that answers  
 3 that.  
 4 The next is this -- this terrible thing that  
 5 is happening before you. You are not -- and -- and the  
 6 last testifier said, you're not supposed to make these  
 7 decisions, don't consider the merit. Well, if you'll  
 8 look at the 1974 Charter minutes, and you'll find, in  
 9 arriving at a decision regarding councilmembers at  
 10 large, the Commission was not unmindful of the arguments  
 11 in favor of districts. In fact, (inaudible) appreciated  
 12 them. So they're into the substance, they're into the  
 13 merit of what these things are, because they wanna have  
 14 a cause to bring a question forward.  
 15 And it's not just a cause. It has to be a  
 16 good cause. And that's what you're being diverted from.  
 17 Just like the Cultural Resources Commission can't take  
 18 up a matter regarding the historical district because of  
 19 intervention by the Mayor and his -- his cronies. They  
 20 can't take that up because it's not before them. Well,  
 21 here, you can't take up the question because, you know  
 22 what, it's not for you to decide. Well, you decide  
 23 whether there's good cause. And I would appreciate  
 24 that.  
 25 And I don't think there is good cause because

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1 that same testifier asked questions about representing  
 2 -- and this is at Page 8 and Page 9 of the September  
 3 26th. And he says, here's some questions, since he had  
 4 additional minutes, why is it important that our Council  
 5 representatives must live in the district they  
 6 represent, but voters not. Well, these are residential  
 7 areas, they're not districts. Our Charter doesn't even  
 8 contemplate districts. It's residential areas. And  
 9 that moves on to say don't live in a district, you don't  
 10 live in the area. So two things. They're not  
 11 representatives; they're councilmembers. That means --  
 12 MS. KAHUHU: Time.  
 13 MR. SMITH: -- they're legislators and they  
 14 protect us.  
 15 CHAIR STONE: Thank you.  
 16 MR. SMITH: Thank you for your time.  
 17 CHAIR STONE: Thank you very much, Mr. Smith.  
 18 Clarification, Commissioners, for Mr. Smith?  
 19 (No Response.)  
 20 CHAIR STONE: No. Thank you so much for your  
 21 testimony.  
 22 MR. SMITH: Thank you for your time.  
 23 CHAIR STONE: Thank you for being here.  
 24 Lisa, next testifier, please.  
 25 MS. KAHUHU: Greg Jenkins.

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1 CHAIR STONE: Mr. Jenkins, thank you for  
 2 coming.  
 3 MR. JENKINS: Good morning, Commissioners. My  
 4 name is Greg Jenkins. I'm from the Island of Molokai.  
 5 I'm happy to be here with you guys today. Thank you for  
 6 all of your work.  
 7 The purpose of my testimony is to reconfirm my  
 8 capacity when testifying to this Commission and to  
 9 request consideration from the Commission concerning  
 10 Charter language design and level of detail. Any of my  
 11 testimony or submittals to this Charter Commission is  
 12 solely representative of me as an individual citizen and  
 13 firefighter by trade. It should not be presumed that I  
 14 am here to represent the opinions or positions of County  
 15 government or any individual group of County employees.  
 16 In contrast, I am here for the following  
 17 reasons: To request that, through the actions of this  
 18 body, that proposed Charter language be of a practicable  
 19 and effectual nature, and, based on that premise, that  
 20 such Charter language not only guarantee, but facilitate  
 21 the right of the public, which includes firefighters, a  
 22 voice in all matters concerning responsible County  
 23 government in general, the quality of Fire Department  
 24 services and the well-being of the public as well as the  
 25 well-being of firefighters.

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1 With Charter language, the devil lives in the  
 2 details. Thus, I believe it is only through precise and  
 3 strong Charter language that the intended purpose for  
 4 the existence of County government, entities and  
 5 departments, including the services that those  
 6 departments and entities provide, will ever be  
 7 responsibly achieved. The powers, duties and functions  
 8 spelled out in the Charter must be such that, in  
 9 content, context and meaning, that they are of a  
 10 practicable nature, that enables the entity or the  
 11 department to be actually effectual in exercising any  
 12 power, duty or function.  
 13 The Mayor alluded to those types of matters  
 14 earlier.  
 15 Additionally, the powers, duties and functions  
 16 should be relevant to the premise and intent of each  
 17 article and section of the Charter. In other words, if  
 18 the Charter requires something to be done, then it must  
 19 be possible to be achieved by a just and responsible  
 20 means. If not, any particular goal and objective of the  
 21 Charter will be ineffective and potentially harmful.  
 22 If requested, examples of this problem can be  
 23 provided that are applicable to existing Charter  
 24 language.  
 25 At times, it is from Corporation Counsel's

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1 legal opinions regarding Charter language that  
 2 weaknesses and flaws in Charter language are exposed  
 3 that we can address.  
 4 I appreciate the Matrix, and its use as a tool  
 5 of expediency to move the Commission's agenda forward;  
 6 however, in understanding that the Matrix is, in many  
 7 cases, a summary of proposal language, and, from that,  
 8 original -- excuse me -- in many cases, it is a summary  
 9 of proposal language from that originally submitted, I  
 10 request that when the Commission chooses to act on or  
 11 construct specific language for Charter proposals, that  
 12 it carefully review the original submitted proposal  
 13 language provided through testimony. Only then can the  
 14 true identity and intent of proposed Charter language be  
 15 responsibly deliberated and acted upon.  
 16 Thank you.  
 17 CHAIR STONE: Thank you very much, Greg.  
 18 Commissioners, clarification? Commissioner  
 19 Okamoto.  
 20 MEMBER OKAMOTO: Thank you for coming again.  
 21 I just have one -- not a simple question, but one  
 22 question. I know you've talked and educated us a lot on  
 23 the Fire Commission and how it all works. If you were  
 24 to have one or two items to be changed in the Charter in  
 25 that area, what would be your top priority?

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1 MR. JENKINS: Thank you for the question,  
 2 Commissioner Okamoto. I think that question's also been  
 3 asked of me before by other Commissioners.  
 4 It's difficult for me to answer that. The  
 5 only reason is, is that I believe that the Charter is --  
 6 is everything to the existence of our department and  
 7 services it provides. And I have great respect for the  
 8 details of Charter language. And, therefore, if  
 9 something's missing, if -- if a particular component  
 10 that is designed to facilitate and -- a goal is not  
 11 correctly enumerated, it could -- it disables the effect  
 12 of the Charter. And so whether it is a commission with  
 13 certain powers, whether it be review, recommend, or  
 14 executive, if there isn't a practical means to get those  
 15 -- the intent of that part of the Charter done, then,  
 16 basically, that commission can chase its tail and not be  
 17 effectual in the powers that it was intended to have.  
 18 And that all points back to Charter language.  
 19 And that same example can be used for any  
 20 other aspect of the components of a department provided  
 21 in the Charter. So any of the proposals that I had  
 22 included in my report were all -- 99.99 percent of them  
 23 were based on language from other charters in our state.  
 24 So to conclude in my response on your  
 25 question, I would ask the question, why do -- why do

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1 those other charters have strong language, why do those  
 2 other charters have precise language. I believe it's  
 3 for a very critical reason. And those are what,  
 4 hopefully, will allow our departments, specifically the  
 5 Fire Department, to be most successful in its  
 6 activities.  
 7 MEMBER OKAMOTO: Thank you.  
 8 CHAIR STONE: Thank you. Commissioners,  
 9 further clarification?  
 10 (No Response.)  
 11 CHAIR STONE: No. Thank you very much, Greg,  
 12 again, for being here today.  
 13 MR. JENKINS: Thank you.  
 14 CHAIR STONE: It's very much appreciated.  
 15 I think we need to take a quick break here for  
 16 our court reporter. Her fingers are probably freezing  
 17 up. So let's take a very quick five-minute break.  
 18 Let's make it 10. 10-minute break. Everybody deserves  
 19 it. And we'll go back to oral testimony. Thank you.  
 20 (Recess, 11:14 a.m. to 11:27 a.m.)  
 21 CHAIR STONE: Call this meeting back to order  
 22 as of 11:27 a.m. And the Commission would like to take  
 23 this time to thank Councilman Mateo for joining us  
 24 today. We didn't see him back there buried in the  
 25 crowd. Councilman Mateo, thank you so much for being

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1 here. It's good to have our councilmembers involved in  
 2 the process.  
 3 So, moving forward, let's take on our next  
 4 public testifier. Lisa.  
 5 MS. KAHUHU: Rex Takushi.  
 6 CHAIR STONE: Rex, are you here? Let's --  
 7 Lisa, let's put him down at the bottom just in case he  
 8 comes back, please.  
 9 MS. KAHUHU: Irene Bowie.  
 10 CHAIR STONE: Ms. Bowie, thank you for being  
 11 here.  
 12 MS. BOWIE: Good morning, Chair Stone and  
 13 Commission Members. My name is Irene Bowie. I'm the  
 14 Executive Director for Maui Tomorrow Foundation.  
 15 Maui Tomorrow Foundation supports the creation  
 16 of a new division of the Department of Environmental  
 17 Management to deal with issues of sustainability.  
 18 Research shows that such efforts are a growing trend  
 19 throughout the country. Last winter's dramatic storm  
 20 events and intense runoff should remind us that we've  
 21 altered entire watersheds and urbanized natural drainage  
 22 and wetlands areas. And even though we've since been  
 23 able to repair public infrastructure, the nearshore reef  
 24 ecosystems will take far longer to heal from the silt  
 25 and pollution.

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1 Maui County can't afford to be in a reactive  
 2 stance to the next invasive species threat or the next  
 3 environmental emergency. We need to deal with sea level  
 4 rise and decide how best to deal with losses to our  
 5 coastal areas, such as the current situation at Baldwin  
 6 Beach, the planned revetments at Kahului Wastewater  
 7 Treatment Plant, and continuing repairs to Honoapiilani  
 8 Highway in West Maui.  
 9 We're now reaching the point of emergency with  
 10 growing axis deer populations affecting our farmers and  
 11 ranchers and posing hazards to those driving on Maui's  
 12 roads. And climate change promises to bring even more  
 13 invasive species to our community.  
 14 We need coordinated efforts to address  
 15 sustainability issues from preservation of our natural  
 16 environment on land and in coastal waters, local food  
 17 production, water conservation and reuse, green building  
 18 construction and renovation, energy efficiency and  
 19 renewable energy generation, along with sustainable  
 20 tourism measures.  
 21 As reported by the National Association of  
 22 Counties, in 2010, counties across the nation who have  
 23 addressed sustainability strategies report that the  
 24 greatest benefit has been reduced cost of government  
 25 spending as these positions more than pay for themselves

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1 with dividends of lower energy costs and by the green  
 2 jobs created. Many counties pursue sustainability  
 3 strategies in order to provide services for county  
 4 residents, promote partnerships with the private sector  
 5 and enhance citizen participation in government. We  
 6 need to consider what the cost is if we don't address  
 7 many of our pressing environmental issues, as we will  
 8 risk the ongoing source of one of our main economic  
 9 engines, tourism. Visitors may fail to return to a  
 10 diminished Hawaiian experience.  
 11 Maui Tomorrow Foundation supports the creation  
 12 of the Department of Sustainability as part of the  
 13 Department of Environmental Management. And we thank  
 14 the Charter Commission for considering its creation.  
 15 Mahalo.  
 16 CHAIR STONE: Thank you very much.  
 17 Commissioners, clarification from Irene?  
 18 Commissioner Moikeha.  
 19 MEMBER MOIKEHA: Thank you for being here. I  
 20 think this is where I was confused and asked for clarity  
 21 from the Mayor. And now, as you're speaking, too, it  
 22 seems as though we have now been given a platform to  
 23 create a new division. But even when I look at the  
 24 Mayor's matrix, he even says here that the Charter does  
 25 not specifically delineate divisions and offices within

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1 departments, rather, it describes the powers, duties and  
 2 functions. And he is just proposing two additional  
 3 items to the functions --  
 4 MS. BOWIE: Uh-huh.  
 5 MEMBER MOIKEHA: -- of the director, under the  
 6 Department of Environmental Management. Can you -- do  
 7 you have a copy of that?  
 8 MS. BOWIE: That's this, right?  
 9 MEMBER MOIKEHA: Well, I have this. I'm not  
 10 sure what --  
 11 MS. BOWIE: Oh, okay. I think it's,  
 12 basically, the same.  
 13 MEMBER MOIKEHA: Can you elaborate on whether  
 14 or not you feel that fits the goal of what you speak to?  
 15 Because I don't think we're really looking at creating  
 16 the division in the Charter; we're just creating and  
 17 expanding powers by which a division can be developed.  
 18 And that would become an administrative thing.  
 19 MS. BOWIE: Which we support that totally,  
 20 however this needs to go forward. I think what it  
 21 really does is bring a broader emphasis to the  
 22 Department of Environmental Management that is really  
 23 needed. And, you know, the things that I list in my  
 24 testimony are certainly where we'd like to go all the  
 25 way into the future, but we understand it's a process

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1 and there will be budgetary concerns. That if we could  
 2 start with some of those things -- right now, the range  
 3 in Environmental Management is fairly narrow, and  
 4 sustainability going into that is certainly important.  
 5 As I mentioned, conservation and water reuse to be a  
 6 focus of that department would be a huge improvement for  
 7 us in these times of drought and -- and so many  
 8 complicated water issues.  
 9 So I think it's just -- it's -- it makes  
 10 sense. It's what other counties are doing across the  
 11 country. And as you read more about this, you see that  
 12 various counties put certain emphasis on certain areas  
 13 that are appropriate for their community. Not everybody  
 14 is trying to, you know, do this with a broad brush.  
 15 MEMBER MOIKEHA: Okay. Thank you.  
 16 CHAIR STONE: Thank you.  
 17 MEMBER BAXA: Ma'am? Sir?  
 18 CHAIR STONE: Commissioner Baxa.  
 19 MEMBER BAXA: Mr. Chair, I have to apologize.  
 20 I said "ma'am," but I meant --  
 21 CHAIR STONE: Don't let the hair fool you.  
 22 (Laughter.)  
 23 MEMBER BAXA: You are entitled to that.  
 24 Ma'am, you were here when the Mayor testified?  
 25 MS. BOWIE: Yes.

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1 MEMBER BAXA: I'm hearing from you -- I just  
 2 want to make sure -- that you are in agreement with what  
 3 the Mayor said, that you would want this to be part of  
 4 the Charter provision?  
 5 MS. BOWIE: Yes.  
 6 MEMBER BAXA: Thank you.  
 7 MS. BOWIE: Thank you.  
 8 CHAIR STONE: Thank you.  
 9 Commissioner Sugimura.  
 10 MEMBER SUGIMURA: Thank you for being here.  
 11 Just based upon the reputation of Maui Tomorrow and all  
 12 that you achieve in the community, I'm just curious,  
 13 because I'm looking at you as another means of providing  
 14 what this division -- or not having the division now has  
 15 created in terms of what is lacking by -- by us not  
 16 having it, from your perspective. I know you gave a  
 17 great speech and, you know, you described all the things  
 18 today and the future, but I just wonder what are the  
 19 impacts that you're seeing and --  
 20 MS. BOWIE: By not having something like this?  
 21 MEMBER SUGIMURA: Yeah.  
 22 MS. BOWIE: Well, to be frank, not having a  
 23 very firm ally, for one thing, that's really addressing  
 24 environmental concerns. Right now, so much of this is,  
 25 you know, in the non -- nonprofit environmental world



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1 that we're looking at these things. And we're trying to  
 2 build relationships and allies to move forward. And I  
 3 think what this does is absolutely legitimize what these  
 4 issues are, that it's important enough for counties to  
 5 take a look at this and know that issues of climate  
 6 change that are going to bring these -- that already are  
 7 bringing these direct effects, and especially to an  
 8 island community are something that, you know, the  
 9 community does agree needs to be met with.  
 10 I don't know if you saw the article in the  
 11 paper the other day about what people in the U.S. agree  
 12 that our reefs are worth, our coral reefs. This is  
 13 estimated value of \$33.57 billion. Well, with the  
 14 runoff and the algae blooms and the things that are  
 15 happening right now, this precious resource is really  
 16 being diminished.  
 17 And, again, I tie this back so much to the  
 18 visitor industry. When we really look at what our  
 19 economic engines are, right now, they're fairly narrow.  
 20 And can we afford to keep diminishing the golden goose  
 21 that really takes care of us, you know. Will people  
 22 spend the money to come back over here if the reefs are  
 23 not what they were, if there's not waterfalls flowing,  
 24 if the air quality isn't very good. You know, so many  
 25 things we need to address. So I think it's absolutely

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1 appropriate for a -- for a local government to really  
 2 seriously look at these things and find solutions and  
 3 work with the private sector.  
 4 Right now, Maui Tomorrow's got a project going  
 5 with the County to replace trees at Baldwin Beach that  
 6 have been lost due to coastal erosion. More things like  
 7 that could be possible where the -- this could help  
 8 coordinate private sector efforts as well.  
 9 MEMBER SUGIMURA: Okay.  
 10 CHAIR STONE: Thank you.  
 11 Commissioner Okamoto.  
 12 MEMBER OKAMOTO: One question. If this goes  
 13 on the Charter --  
 14 CHAIR STONE: Commissioner Okamoto. Scolding,  
 15 number one.  
 16 MEMBER OKAMOTO: Okay. There. Is that  
 17 better? If this goes on as a Charter amendment, and if  
 18 it should happen to be voted down, what would that do,  
 19 then, to efforts that might be ongoing?  
 20 MS. BOWIE: Well, you know, we'd certainly  
 21 keep doing as we have been doing. But I have the  
 22 feeling it would be supported by the community. I'm  
 23 optimistic that it would succeed and it would become  
 24 something that our County would be proud of, the  
 25 progressive stance on this.

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1 MEMBER OKAMOTO: I think probably the reason I  
 2 would think that, if it did get voted down, would have  
 3 to do with just creating, you know, say a division. And  
 4 so what -- if it got voted down, would that make it more  
 5 difficult for the Mayor, for the Council, to proceed in  
 6 these areas, to support the kinds of things you're  
 7 talking about?  
 8 MS. BOWIE: I don't feel that -- I don't feel  
 9 that it would. And I think that the main point to  
 10 really bring forward to the community is that other  
 11 counties are finding that this really does, overall,  
 12 save money. Your initial reaction would be that it's  
 13 going to cost more, but to show that it doesn't would be  
 14 really a priority.  
 15 CHAIR STONE: Thank you.  
 16 MS. BOWIE: Thank you.  
 17 CHAIR STONE: Thank you.  
 18 Commissioner De Rego.  
 19 MEMBER DE REGO: Irene, thank you for being  
 20 here today.  
 21 I just want to reiterate something through a  
 22 question that Commissioner Moikeha asked. As you  
 23 understand these Charter recommendations, they're  
 24 actually not creating a division within themselves, but,  
 25 actually, creating functions that, in some way, shape or

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1 form, the Department of Environmental Management has to  
 2 meet in some way, shape or form, as the department would  
 3 decide. And if the Mayor decides that the best way to  
 4 do that is a division, then he would go about in doing  
 5 that, or organize it in any way. But you're supporting  
 6 that these functions be a part of the Department of  
 7 Environmental Management?  
 8 MS. BOWIE: Absolutely. And the Mayor's  
 9 direction on this as well.  
 10 CHAIR STONE: Thank you.  
 11 Commissioners?  
 12 (No Response.)  
 13 CHAIR STONE: No. Thanks so much for your  
 14 time. Thank you for being here.  
 15 Lisa, next testifier, please.  
 16 MS. KAHUHU: Neith Maddox.  
 17 CHAIR STONE: Good morning. Thank you for  
 18 being here.  
 19 MS. MADDOX: Good morning, Commissioners,  
 20 Chair. My name is Neith Maddox, and I'm here to testify  
 21 on Chapter 15, the Department of Environmental  
 22 Management.  
 23 Basically, what I would like all of us is to  
 24 go to the real meaning of the word sustainability.  
 25 Sustainability is the ability to sustain ourselves, is

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1 the ability to be responsible for what we are getting  
 2 and for what we need. So, to me, there are so many ways  
 3 to apply sustainability, not just in the food, but,  
 4 also, in the transportation, in the way we build.  
 5 (Inaudible), it's a way to live, it's not just a word,  
 6 it's not just another department. It is -- the question  
 7 really is, why didn't we have a sustainability  
 8 department 50 years ago? We wouldn't have so many  
 9 problems that we have right now. So I really support  
 10 this to move forward.  
 11 And, also, I would like to -- in the proposal  
 12 to abolish the nonpartisan elections for the County, I  
 13 really -- I'm here not to support that because a lot of  
 14 us do not follow certain parties, but we still want to  
 15 do the best for the people. And I believe that, if this  
 16 happens, then there wouldn't be the opportunity for  
 17 people who really want to do the best without really  
 18 following a group.  
 19 So, basically, that's my testimony today.  
 20 CHAIR STONE: Thank you, Neith. Thanks very  
 21 much for being here.  
 22 MS. MADDOX: Thank you.  
 23 CHAIR STONE: Always good to see a fellow  
 24 windsurfer.  
 25 MS. MADDOX: Thank you. Good to see you.

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1 (Inaudible.)  
 2 CHAIR STONE: Definitely. Well, probably not.  
 3 But, Commissioners, any clarification from the  
 4 testimony?  
 5 (No Response.)  
 6 CHAIR STONE: No. Thank you so much for being  
 7 here.  
 8 MS. MADDOX: Thank you very much.  
 9 CHAIR STONE: Thank you.  
 10 Lisa, next testifier, please.  
 11 MS. KAHUHU: Tony Ramil.  
 12 CHAIR STONE: Mr. Ramil, thank you for being  
 13 here.  
 14 MR. RAMIL: Good morning, Mr. Chairman and  
 15 Members of the Maui County Charter Commission.  
 16 Well, I appeared here before in support of a  
 17 proposal for a three-district, three-member Council.  
 18 And I just like to -- I did submit some kind of a  
 19 supplemental position statement dated October 10, I  
 20 think it's in your agenda communications this morning.  
 21 And the proposal that I am supporting is a proposal that  
 22 would ensure that Molokai and Lanai and Hana would  
 23 retain their residential area seat. And if you look at  
 24 the memo that I wrote October 10, I did make a tentative  
 25 assignment of the residential representation. And it is

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1 clear that Lanai would be represented, and Molokai and  
 2 even Hana.  
 3 It is very important, I believe, that we  
 4 should retain representation for Hana and Molokai, and  
 5 even Hana. You know, the history of Maui County is that  
 6 the first board of supervisor of the Maui County  
 7 Council, Hana, there was a representation from Hana.  
 8 There were only five; Hana, Makawao, Molokai, Lahaina  
 9 and Wailuku. And then since 1955, we have been electing  
 10 members of the Board of Supervisors. Nine members. And  
 11 from 1955, we have always had representation from Lanai  
 12 and Molokai. And that structure has been confirmed for  
 13 more than, what, 50 years now.  
 14 So I believe it is a important political  
 15 tradition for all of us Maui. I think we are affirming  
 16 that, although Molokai and Lanai are separate islands,  
 17 they're an integral part of our County. And I think  
 18 they should have a voice in the County Council. Any  
 19 amendment that would deprive -- any Charter amendment  
 20 that would deprive these two islands of representation  
 21 is like a proposal on the federal level where somebody  
 22 says that maybe Hawaii should not have two senators in  
 23 the U.S. Congress. Maybe California, with the millions  
 24 and millions of residents, should have 10 or 20  
 25 senators, and Hawaii -- Hawaii only two. I think that's

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1 how important to me is, this representation from Lanai  
 2 and Molokai. They are an important part of our  
 3 tradition, a very important part of our County.  
 4 I think the proposal to create three district  
 5 (inaudible) to give the candidates easier time to  
 6 campaign. I think it allows a more informed and  
 7 meaningful dialogue between the candidates and the  
 8 residents.  
 9 I have been reviewing, for instance, the  
 10 voting pattern, especially the last election. And --  
 11 and this is outrageous.  
 12 Let us say, for instance, the race of Carroll  
 13 and Medeiros, this is Hana, Hana, (inaudible) in Hana.  
 14 You know the percentage of blank votes in Hana in 2010?  
 15 Only 2.1 percent. But once you move to Maui, Maui  
 16 Waena, the blank votes goes to 14.1 percent. That's  
 17 terrible, you know. And then Baldwin, 16.8 percent  
 18 blank votes. And then Waihee, 11.7. Worst, Kihei,  
 19 blank votes, 28.4 percent. So what do these blank votes  
 20 mean? Either -- I would suppose that the voters did not  
 21 know these candidates very well, so they just leave the  
 22 blank vote, or maybe -- maybe they were against the  
 23 incumbent or whoever, but then they were not sure of the  
 24 -- I mean, the opposing candidate, either.  
 25 Further, let us take Cochran-Fukuyama. This

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1 is Lahaina residency seat. We have here Lahaina  
 2 Intermediate, that's their home per se, you know their  
 3 blank votes, only 4.2 percent. But once you move to  
 4 Waihee, it moves up to 11.2 percent. And Baldwin, 13.4  
 5 percent. So there is a lot of ways and there's at-large  
 6 voting.  
 7 So the proposal is three districts, three  
 8 councilmembers each district.  
 9 Thank you very much.  
 10 CHAIR STONE: Thank you very much.  
 11 Commissioners, clarification? Commissioner  
 12 DeLeon.  
 13 MEMBER DELEON: Tony, I'm sorry, I didn't see  
 14 your communication.  
 15 So three districts, how would Lanai, Molokai  
 16 and Hana be ensured of individual representation for  
 17 each one of those areas in a three-district deal?  
 18 MR. RAMIL: Yeah, yeah. I tell you -- yeah, I  
 19 do have my memo, Mr. Commissioner. And the first  
 20 district -- the first district, I would -- as I said, we  
 21 will retain the present nine councilmembers with  
 22 assigned residential area. The first district would be  
 23 composed of Wailuku, Waihee, Waikapu residential area.  
 24 And the second one would be West Maui residential area  
 25 and Lanai residential area. So this first district, the

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1 voters in this district, the area, would be voting for  
 2 only three members. They will focus on candidates from  
 3 Wailuku, West Maui and Lanai. And the second district,  
 4 I have Kahului residential area, South Maui and Island  
 5 of Molokai. So I think the voters in this area, this  
 6 district, would vote for three. And then the third, I  
 7 have assigned East Maui, Makawao -- Makawao, this  
 8 includes Paia -- Paia, yeah. East Maui includes Hana,  
 9 Keanae, and the third would be Upcountry. I believe  
 10 that it is possible to work out, I think, defining the  
 11 boundaries of each district so that each district with  
 12 three -- with three representatives would have more or  
 13 less equal population representation.  
 14 I did make a tentative, I think, review of the  
 15 figures, population figures, voting figures. And it  
 16 appears that it is workable to come up with this kind of  
 17 practical -- I mean, district structure.  
 18 CHAIR STONE: Tony, I have a -- just for  
 19 clarification. So, in other words, the way that the  
 20 Island of Lanai, for example, would be represented in  
 21 the first district is that one of those councilmembers  
 22 would have to be resident of that island?  
 23 MR. RAMIL: That's correct. True, sir.  
 24 CHAIR STONE: So that's what you mean by  
 25 everybody would still be represented in this?

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1 MR. RAMIL: That's right. That's right, sir.  
 2 CHAIR STONE: Interesting. Thank you.  
 3 Commissioner Okamoto.  
 4 MEMBER OKAMOTO: So, basically, you're just  
 5 breaking down the at-large nine into three so that we  
 6 have smaller groups, but, still, it is requiring the  
 7 residential area to have their representative --  
 8 MR. RAMIL: That's correct.  
 9 MEMBER OKAMOTO: -- correct?  
 10 MR. RAMIL: That's correct, ma'am.  
 11 MEMBER OKAMOTO: Thank you.  
 12 CHAIR STONE: Commissioners, further  
 13 clarification? Commissioner Moikeha.  
 14 MEMBER MOIKEHA: Thank you. So was it broken  
 15 down in these various areas or these districts by  
 16 population or area plan -- community area plan?  
 17 MR. RAMIL: Yeah. As I said, of course, we  
 18 will look at the entire population. And I have, as I  
 19 said, figure it out. And it looks like this district  
 20 division, I think, pretty much, the population are close  
 21 to being equal, yeah.  
 22 MEMBER MOIKEHA: Okay. Thank you.  
 23 MR. RAMIL: So there will be sort of, I mean,  
 24 I would say, equal representation in a sense because  
 25 each district will have equal number of population or

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1 voting.  
 2 MEMBER BAXA: Mr. Chair?  
 3 CHAIR STONE: Commissioner Baxa.  
 4 MEMBER BAXA: So, Mr. Ramil, the areas that  
 5 you have put into particular districts, you have  
 6 approximated the populations of these areas?  
 7 MR. RAMIL: Yeah. I have made a tentative --  
 8 I don't have the --  
 9 MEMBER BAXA: So I understand that it is  
 10 something to --  
 11 MR. RAMIL: Yeah. I just look up the voting  
 12 figures, because I don't -- I don't have --  
 13 MEMBER BAXA: The main thing is that you are  
 14 retaining Lanai and Molokai?  
 15 MR. RAMIL: That's correct. That's correct.  
 16 MEMBER BAXA: Okay. So the only distinction  
 17 now from the current system is that, in your proposal,  
 18 the three councilmen will come from each district.  
 19 MR. RAMIL: That's correct, sir.  
 20 MEMBER BAXA: With exception of Lanai, Molokai  
 21 and possibly Hana?  
 22 MR. RAMIL: No, no, no. I think each of these  
 23 areas will be in a separate district.  
 24 MEMBER BAXA: Yeah, separate district. But  
 25 Molokai, Lanai and possibly Hana will have their own --

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1 MR. RAMIL: That's correct.  
 2 MEMBER BAXA: -- specific councilman?  
 3 MR. RAMIL: That's right. I mean, they will  
 4 be -- we are -- with this proposal, we are retaining the  
 5 residential area -- support residency area  
 6 representation.  
 7 MEMBER BAXA: Let me ask you this question:  
 8 Your proposition assumes that, in some way, we will be  
 9 diluting with one man, one vote principle?  
 10 MR. RAMIL: Well, I don't think so. It's just  
 11 pretty much within the one man, one vote because each  
 12 district will be having equal number of -- number of  
 13 population. And each district would have -- each  
 14 district will still have three representation, so that I  
 15 don't think we are diluting the one man, one vote rule.  
 16 Because each district will have three representatives  
 17 and each district will have, more or less, equal number  
 18 of voters or population.  
 19 MEMBER BAXA: You will agree with me, though,  
 20 that the population of Lanai is only 2,000-plus?  
 21 MR. RAMIL: Yeah. Yeah. I understand,  
 22 Mr. Commissioner. But then, if you combine, the  
 23 district is not only on Lanai -- Lanai is not a  
 24 district. The district --  
 25 MEMBER BAXA: I know. I know Lanai is not a

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1 district.  
 2 MR. RAMIL: Yeah, yeah, yeah, yeah.  
 3 MEMBER BAXA: Because the district is -- yeah,  
 4 yeah.  
 5 MR. RAMIL: The district --  
 6 MEMBER BAXA: Lanai and Molokai are within  
 7 one -- within a district?  
 8 MR. RAMIL: No, no. I think Lanai will be  
 9 with the first district.  
 10 MEMBER BAXA: Yeah, yeah, within a district.  
 11 MR. RAMIL: That's right, separate district.  
 12 MEMBER BAXA: Yeah.  
 13 CHAIR STONE: Very good.  
 14 MR. RAMIL: And I think --  
 15 MEMBER BAXA: I think you got my point.  
 16 MR. RAMIL: Oh, okay.  
 17 CHAIR STONE: Tony, just a question. So,  
 18 clarification, with this system, when it would come to  
 19 Council vote, there would be three votes?  
 20 MR. RAMIL: That's correct. Like, for  
 21 instance, now I -- I live in Kihei. So I will have -- I  
 22 will be voting for three.  
 23 CHAIR STONE: Excuse me. Talking about  
 24 Council -- on the Council, when all of these -- when all  
 25 the council -- nine councilmembers are involved, will

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1 each -- the three councilmembers of a district -- let's  
 2 talk about the first district, there's three  
 3 councilmembers, will those three councilmembers have one  
 4 vote?  
 5 MR. RAMIL: No, no, no. They will vote as, I  
 6 mean, a representative, as it is now. There will still  
 7 be nine votes.  
 8 CHAIR STONE: Thank you.  
 9 MR. RAMIL: Thank you very much.  
 10 CHAIR STONE: Commissioner DeLeon.  
 11 MEMBER DELEON: So, Tony, when the voter goes  
 12 into the voting booth, and it's in the first district --  
 13 so it's Molokai -- what is it? Yeah, it's --  
 14 CHAIR STONE: Lanai, West Maui --  
 15 MEMBER DELEON: Okay.  
 16 MR. RAMIL: South Maui and Kahului.  
 17 MEMBER DELEON: Okay. So when they go to --  
 18 they have to -- that voter would have to choose to elect  
 19 somebody for Lanai?  
 20 MR. RAMIL: No, no, no. Molokai. Lanai is  
 21 not in the group that you're --  
 22 MEMBER DELEON: Okay. I think maybe it's kind  
 23 of representative of the confusion. But -- sorry.  
 24 Yeah, I don't have it in front of me. Sorry. So say  
 25 second district, Kahului, South Maui and Molokai. So

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1 the voter would go into the voting booth and he would  
 2 have to pick a candidate for the Molokai seat?  
 3 MR. RAMIL: That's correct.  
 4 MEMBER DELEON: Then he would have to pick a  
 5 candidate for the Kihei seat?  
 6 MR. RAMIL: That's correct, sir.  
 7 MEMBER DELEON: And one for Kahului?  
 8 MR. RAMIL: That's right.  
 9 MEMBER DELEON: I don't see how this fixes the  
 10 confusion that voters already have with our system. I  
 11 mean, part of the reason why we have the blank votes, I  
 12 believe, is the confusion with the system and the lack  
 13 of willingness to -- lack of willingness to -- to vote  
 14 for outside of your district. Some folks don't think  
 15 that's pono.  
 16 MR. RAMIL: Yeah. I think --  
 17 MEMBER DELEON: So you think that resolves  
 18 that? You think that deals with that?  
 19 MR. RAMIL: Well, we don't really know, but it  
 20 looks like because the district -- the area is smaller,  
 21 hopefully, the candidates and the voters would -- would  
 22 have more time to interact. I mean, the voters will be  
 23 able to know the candidates better because I think only,  
 24 basically, three areas instead of the whole county. So  
 25 --

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1 MEMBER DELEON: Okay.  
 2 MR. RAMIL: You know, I cannot answer that,  
 3 might give you a categorical answer on that, Mr. DeLeon.  
 4 MEMBER DELEON: Okay. Thank you.  
 5 MR. RAMIL: Okay.  
 6 CHAIR STONE: Okay. Any further clarification  
 7 for Tony?  
 8 (No Response.)  
 9 CHAIR STONE: No. Thanks so much again for  
 10 your testimony. Thank you very much.  
 11 Lisa, next testifier, please.  
 12 MS. KAHUHU: Jonathan Starr.  
 13 CHAIR STONE: Mr. Starr, thank you for being  
 14 here.  
 15 MR. STARR: And thank you, Commissioners, for  
 16 your hard work. And I apologize for not getting into  
 17 the discussion earlier. I've been off island for a  
 18 while.  
 19 I ran for -- my name's Jonathan Starr. I ran  
 20 for the State House a number of years ago. I also ran  
 21 for County Council. And the last time I ran, I came  
 22 within 200 votes of taking out a long-standing  
 23 incumbent. I didn't run a third time because I realized  
 24 coming in second was probably better for me than coming  
 25 in first would have been.

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1 (Laughter.)  
 2 MR. STARR: But the experience of running for  
 3 legislature, where you have a smaller district, when you  
 4 do that, you and your wife and maybe one or two friends  
 5 go and make some yard signs, and then you go house to  
 6 house and talk to people, and you go to every community  
 7 event. And at the end of the election process, you  
 8 pretty much know most of the people in your district.  
 9 You've really walked it, you've really talked it, and  
 10 you know the issues and you're really involved. In  
 11 running in a county-wide election, such as the current  
 12 County Council, you don't do that. You don't bother  
 13 trying to walk, you don't bother trying to talk to  
 14 people. You don't even bother making your own yard  
 15 signs or trying to pound them yourself. What you do is  
 16 you concentrate on power centers.  
 17 It's as though the decision-making is broken  
 18 up between these power centers, or I always thought of  
 19 them as warlords. And you have to go to them and try to  
 20 convince them that, if elected, you will do their  
 21 bidding.  
 22 And they are different kinds of warlords,  
 23 these power centers. Some of them are unions. And some  
 24 of them are large corporations who will give you money  
 25 that you can utilize to buy advertising, whether it's in

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1 television, radio or print, or even online now. Some of  
 2 them -- and the really strong -- probably the really  
 3 strong ones now are the nonprofits. Where, you know, if  
 4 you want to have an event and you want MEO to bus in  
 5 1,000 seniors to make it look like you're popular, you  
 6 have to convince MEO that they will bring the buses and  
 7 they will cook the food.  
 8 And so, you know, I was president of Boys and  
 9 Girls Club for six years. You know, we were one of the  
 10 monster nonprofits. And, you know, when we wanted  
 11 something before the Council, we would, you know, do  
 12 what we call a full-court MEO, which means you bring in  
 13 100 kids and, you know, they write poems and pictures  
 14 and all of that. And you, you know, are only almost  
 15 unstopable at budget time.  
 16 And too many decisions are being made in this  
 17 mode. And a lot of times the intent is good; however,  
 18 the problem is, is that the people are not represented  
 19 by this. The organizations, the warlords, the power  
 20 centers are represented in this way.  
 21 And I feel that it is really disruptive to a  
 22 lot of the decision-making process that occurs because  
 23 the councilmembers, their first priority is to support  
 24 these power centers, whether they're corporate, whether  
 25 they're union, whether they're nonprofits, senior clubs,

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1 but there is about 20 county-wide organizations that are  
 2 really large enough to affect the elections. And those  
 3 20 organizations really rule this County.  
 4 And I would like to see that changed. I think  
 5 that you're on the scent to changing it, to actually  
 6 empowering the people, which is to create a mechanism  
 7 for district voting and making it a grass roots -- a  
 8 grass roots mechanism where candidates actually know the  
 9 people that they're representing and where they're  
 10 actually -- the election process is actually about them  
 11 going out and meeting them and talking to them, and  
 12 finding ways to give them access.  
 13 I mean, one of the things that happened  
 14 after -- you know, not too long ago, was the doors to  
 15 the 8th Floor were locked. As a private citizen, you  
 16 can no longer go up there and talk to the  
 17 councilmembers, you know. I used to go up there and go  
 18 around office to office and chat, and find out what was  
 19 happening and talk. You can't do that anymore. The  
 20 only people who are up there are people who represent  
 21 these corporations, unions and nonprofits. And somehow  
 22 they do manage to have full access up there. This is  
 23 really wrong. So I really --  
 24 MS. KAHUHU: Time.  
 25 MR. STARR: -- ask support for district

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<p style="text-align: right;">Page 85</p> <p>1 voting.</p> <p>2 CHAIR STONE: Thank you, Mr. Starr.</p> <p>3 MR. STARR: One person, one vote. Thank you.</p> <p>4 CHAIR STONE: Thank you so much. One second,</p> <p>5 please.</p> <p>6 Commissioners, clarification for Mr. Starr?</p> <p>7 Commissioner Baxa.</p> <p>8 MR. STARR: Yes. Yes, Judge.</p> <p>9 MEMBER BAXA: Mr. Starr, thank you. I think I</p> <p>10 learned a lot from you this morning. I just have a</p> <p>11 question here.</p> <p>12 MR. STARR: Yes, sir.</p> <p>13 MEMBER BAXA: You said that, by campaigning in</p> <p>14 a more limited area, you got to know the people more and</p> <p>15 that you will feel more comfortable, and there will be</p> <p>16 -- you will not be controlled by the power brokers. But</p> <p>17 in some way, does that not come against your original</p> <p>18 idea or your argument because, in a small place, there</p> <p>19 may just be one or two power brokers. In the whole</p> <p>20 county, there may be several, and it may be harder to --</p> <p>21 to get together with them. So in a way, would not that</p> <p>22 be a better system?</p> <p>23 MR. STARR: I don't think so. Because I don't</p> <p>24 think those power brokers -- and I know, you know, the</p> <p>25 kind of individuals you might be referring to. I don't</p>	<p style="text-align: right;">Page 87</p> <p>1 CHAIR STONE: Robin, thank you for coming.</p> <p>2 MS. KNOX: Thank you very much.</p> <p>3 I was trying to make some notes on my iPhone</p> <p>4 of what I wanted to say because I didn't really realize</p> <p>5 until this morning that this meeting was being held.</p> <p>6 And I really do appreciate all of your service and this</p> <p>7 opportunity to speak to you.</p> <p>8 I'm going to give you -- I'm glad we have five</p> <p>9 minutes because I want to give you a little bit of</p> <p>10 background on myself, because I think it will help you</p> <p>11 understand the context of my comments.</p> <p>12 I am an environmental scientist. I'm from</p> <p>13 Louisiana. And so I kind of cut my teeth as an</p> <p>14 environmental professional in a place where we had very</p> <p>15 large-scale problems to address. I have a degree in</p> <p>16 agriculture. I am very familiar with animal husbandry,</p> <p>17 raising crops, food processing, food and drug</p> <p>18 regulations, and all of the water quality issues around</p> <p>19 that. I have graduate education in environmental</p> <p>20 engineering, civil engineering, specifically water and</p> <p>21 wastewater unit operations. My experiences include</p> <p>22 being a permit writer, implementing EPA programs in the</p> <p>23 state of Louisiana, similar to what Department of Health</p> <p>24 does here. I also have 25 years as a consultant in the</p> <p>25 industry that emerged from environmental regulations,</p>
<p style="text-align: right;">Page 86</p> <p>1 think that they really control how people vote. I think</p> <p>2 that they control the -- the accessories, the mechanism,</p> <p>3 they control the money, they control the yard signs,</p> <p>4 they control the ability to have rallies. And they</p> <p>5 don't really control how people -- what people do when</p> <p>6 they get inside the ballot box. But people vote by name</p> <p>7 recognition. And so unless your name is out there a</p> <p>8 lot, people won't -- especially in other districts,</p> <p>9 won't vote for you. You know, if you're from Hana, if</p> <p>10 you're from Lanai, the people from Kahului need to know</p> <p>11 your name. And that's only done with money and that's</p> <p>12 only done with large amounts of resources and manpower.</p> <p>13 Whereas if it were the -- you know, the people of East</p> <p>14 Maui voting for an East Maui person, they would vote for</p> <p>15 the person they know. The same in Kahului and Wailuku.</p> <p>16 MEMBER BAXA: Thank you.</p> <p>17 CHAIR STONE: Thank you. Commissioners,</p> <p>18 further clarification?</p> <p>19 (No Response.)</p> <p>20 CHAIR STONE: No. Thank you so much for being</p> <p>21 here.</p> <p>22 MR. STARR: Thank you.</p> <p>23 CHAIR STONE: And, Lisa, next testifier,</p> <p>24 please.</p> <p>25 MS. KAHUHU: Robin Knox.</p>	<p style="text-align: right;">Page 88</p> <p>1 which is the environmental compliance and ecosystem</p> <p>2 restoration industry.</p> <p>3 And that's one of the important things I want</p> <p>4 you to understand, is that is an industry and an</p> <p>5 economic driver that brings great benefit.</p> <p>6 I want to support the Mayor's ideas. I can't</p> <p>7 say enough how impressed I am with Mayor Arakawa. I</p> <p>8 consider him to be one of my colleagues in the field of</p> <p>9 environmental protection, because he is what I call the</p> <p>10 ultimate technocrat. He really does understand the</p> <p>11 technical components. He understands things at both the</p> <p>12 minute scale and the large scale. And his</p> <p>13 recommendation to you to have a division of</p> <p>14 environmental protection is very sound.</p> <p>15 I think it does need to be in the Charter. It</p> <p>16 does need to be, clearly, the responsibility, because</p> <p>17 when I come here from my experience around the world and</p> <p>18 I look at how environmental protection's being done in</p> <p>19 Hawaii, I am horrified. When I suggest basic</p> <p>20 sanitation, which everywhere else is considered the</p> <p>21 distinguishing mark between third world nations and</p> <p>22 developed nations, I get looked at like I'm crazy. "Oh,</p> <p>23 that's going to cost money to disinfect our sewage.</p> <p>24 Where are we going to get the money?"</p> <p>25 But what's not being taken into account is the</p>

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1 cost of not doing environmental protection. And when  
 2 you have the highest MRSA rate in the U.S. -- that's the  
 3 antibiotic resistant staph infections -- and you have no  
 4 disinfection to speak of on most of your sewage disposal  
 5 on the island, some people think there might be a  
 6 connection that we ought to be looking into.  
 7       And environmental protection is different than  
 8 the marine science that's been done to protect the  
 9 reefs. Environmental protection deals with reasonable  
 10 potential, what's reasonable that might happen. By the  
 11 time we can prove that it's happened, the harm is  
 12 already done, and it might be irreversible. And this is  
 13 the kind of protection that's not being practiced in  
 14 Hawaii.  
 15       And like the Mayor, I, unfortunately, have no  
 16 confidence in the Department of Health and their ability  
 17 to fully implement EPA programs. And I do believe the  
 18 County needs to be a stronger role.  
 19       Now, I am not just a theorist. My last job in  
 20 Louisiana was restoring an island called Grand Terre,  
 21 the big land. It's going to disappear by 2050. It was  
 22 losing 25 feet per year of shoreline over the last 100  
 23 years. So I am very real world, very  
 24 engineering-oriented, very science-oriented,  
 25 regulation-oriented into how to do this. And it

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1 involves leadership and responsibility.  
 2       And every time I talk to the County  
 3 officials -- for instance, when I first met Rob Parsons  
 4 in the last Arakawa Administration, I said, "Who is  
 5 responsible for stormwater quality?" And he kind of  
 6 laughed and said, "You know, that's a good question.  
 7 I'm not sure, because the responsibilities are all  
 8 spread out." And, today, he still can't answer that  
 9 question because the responsibilities are still all  
 10 spread out. And it needs to be someone's clearly  
 11 accountable job to protect the environment.  
 12       Now, many say that this is the State's  
 13 responsibility. I'm a survivor of Hurricane Katrina.  
 14 And I can tell you -- and, also, a survivor of the land  
 15 loss in Louisiana. And you don't want to count on  
 16 anybody but your local resources to protect your  
 17 environment and your livelihood and your safety. It's  
 18 great that we can get the federal money and the State  
 19 support, and we should, but we need to take  
 20 responsibility at the local level. And I see that being  
 21 County government.  
 22       As to the cost, if you look at the true cost  
 23 of what we're doing now, it is horrific. If you look at  
 24 the loss of resources and what that's going to do to our  
 25 tourism economy, as well as our agricultural and other

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1 economies --  
 2       MS. KAHUHU: Time.  
 3       MS. KNOX: -- you will see that you will save  
 4 money. And this is the lesson that was learned through  
 5 environmental protection --  
 6       CHAIR STONE: Sorry, I got to caught you off  
 7 there.  
 8       MS. KNOX: Exxon and other people learned to  
 9 save money by doing environmental protection.  
 10       CHAIR STONE: Thank you very much.  
 11       MS. KNOX: Thank you.  
 12       CHAIR STONE: Much appreciated.  
 13 Commissioners? One second, Ms. Knox. Commissioner  
 14 Moikeha, clarification.  
 15       MEMBER MOIKEHA: Thank you for your testimony.  
 16 It's the same question I had asked Irene earlier. You  
 17 understand we're not forming a division within the  
 18 context of the Charter; we are, however, looking at  
 19 strengthening functions -- or powers, duties and  
 20 functions under Environmental Management. Have you seen  
 21 what the Mayor has proposed in the matrix on those two  
 22 items?  
 23       MS. KNOX: I have looked at it briefly. I  
 24 can't say that I've reviewed it carefully to comment on  
 25 it, but I think the most important thing is to clearly

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1 establish the responsibility and authority within County  
 2 government for environmental protection.  
 3       Both Kyle Ginoza and Dave Taylor, when he was  
 4 head of -- Kyle Ginoza is head of DM right now and Dave  
 5 Taylor, when he was head of Wastewater, they both told  
 6 me very clearly, in no uncertain terms, that  
 7 environmental protection was not their job. And, in  
 8 fact, Kyle even said Environmental Management Department  
 9 was misnamed, that that's not his job. And I've heard  
 10 the County call down Dave Taylor and say, "You don't set  
 11 policy. You're staff." And I think this is an  
 12 important issue that it needs to be clearly the County's  
 13 responsibility to protect the environment and that that  
 14 -- that there -- I agree with the Mayor, also, that  
 15 there needs to be a mechanism where either the Mayor or  
 16 the County Council, or someone, can remove department  
 17 heads if they're not fulfilling those responsibilities.  
 18       MEMBER MOIKEHA: When you do have time, if you  
 19 could take a look at these two items and see if that  
 20 needs to be strengthened as far as language to give the  
 21 foundation where a division could be created from that.  
 22       MS. KNOX: Right. Where do I find that? Is  
 23 that --  
 24       MEMBER MOIKEHA: On the matrix. I'm sure  
 25 Mr. Molina could -- or, you know --

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<p style="text-align: right;">Page 93</p> <p>1 MS. KNOX: I'd be glad to look at it.  2 MEMBER MOIKEHA: Since it was the Mayor's  3 document given to us --  4 CHAIR STONE: I think it's -- it's public  5 record, correct, Lisa?  6 MEMBER MOIKEHA: It's online.  7 CHAIR STONE: It's online, too. Okay. Very  8 good.  9 MEMBER MOIKEHA: Thank you.  10 MS. KNOX: I'll be glad to comment on that.  11 Thank you.  12 CHAIR STONE: Thank you. Commissioners,  13 further clarification or questions?  14 (No Response.)  15 CHAIR STONE: No. Thanks so much for your  16 testimony today. Thank you.  17 Lisa, next testifier, please.  18 MS. KAHUHU: Jennifer Chirico.  19 CHAIR STONE: Jennifer, thank you for coming.  20 MS. CHIRICO: Thanks. Thanks for having me  21 here. Thank you. Can you hear me okay? Thank you so  22 much for having us here today. My name's Jennifer  23 Chirico. I am the Executive Director of the Sustainable  24 Living Institute of Maui, Maui College.  25 Just a little bit on my background. I have a</p>	<p style="text-align: right;">Page 95</p> <p>1 are connected.  2 For Maui County to become energy independent  3 and create greater food security, it must address all of  4 these issues together in a coordinated effort.  5 Sustainability provides that link, to ensure that we are  6 all working together in harmony rather than in  7 (inaudible).  8 Counties across the nation are adopting  9 sustainability as a money-saving measure. Countless  10 examples exist where cities and counties across the  11 nation have saved enormous amounts of money by creating  12 a sustainability division. I realize this isn't a  13 division; it's just expanding the efforts of that  14 division. But we are experiencing critical economic  15 times, and we can't afford to waste any more of our  16 resources. A small investment today in sustainability  17 will be to greater economic efficiency in the future as  18 well as greater protection of our finite natural  19 resources.  20 Maui College has already embraced  21 sustainability. SLIM was started over five years ago.  22 SLIM works with the college as well as the community to  23 provide sustainability education to the residents of  24 Maui County. In the last two years, we've trained over  25 200 students in various renewable energy, energy</p>
<p style="text-align: right;">Page 94</p> <p>1 master's in public health, focused on environmental  2 health. I just recently finished my Ph.D in  3 environmental policy. And I've been researching  4 sustainability issues for the last 10 years. I also  5 used to work for the Portland Development Commission on  6 Sustainability, Portland City, Oregon. And I'm here  7 today to offer my full support for the expansion of  8 sustainability efforts within the Maui County  9 government.  10 Sustainability is about our kuleana here in  11 Hawaii. It's our obligation to ourselves and to future  12 generations. It means being economically,  13 environmentally and socially sustainable.  14 Sustainability is really an umbrella. I like  15 to think of it as an umbrella that ties together  16 multiple components. Right now, we have Environmental  17 Management Department focused on water issues,  18 wastewater issues, we have an energy commissioner, but  19 we need something that ties all these different things  20 together.  21 For instance, energy, waste, agriculture and  22 water are all inherently interconnected. Agriculture  23 requires energy. Agriculture also creates waste as well  24 as energy creating waste. And waste is generated from  25 energy, water and agriculture. So all of these things</p>	<p style="text-align: right;">Page 96</p> <p>1 efficiency techniques, water efficiency, agriculture.  2 We regularly have waiting lists for all of these  3 classes.  4 In addition, we also have just recently  5 started a bachelor's program in sustainability, the  6 first four-year program in the state of Hawaii focused  7 on sustainability. And we have other programs that are  8 focused on sustainability such as the sustainable  9 construction and technology program, our culinary  10 academy working on farm to table initiatives, and, also,  11 the natural resource program.  12 Multiple nonprofit organizations have emerged  13 as a result of the demand for sustainability initiatives  14 on Maui. Businesses are jumping on board to meet this  15 demand, as well as providing more sustainable business  16 endeavors that protect our fragile island. So we're  17 seeing this across the board. It's academia and  18 business and nonprofits, but we haven't seen it yet at  19 the government level.  20 Cities and counties have already created  21 sustainability departments and are working with us. And  22 it's time that Maui County do the same.  23 Maui's a small group of islands. Our Native  24 Hawaiian culture has a rich history of sustainability,  25 and we have the opportunity to use that history to</p>



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<p style="text-align: right;">Page 97</p> <p>1 become a model for sustainability around the world,  2 especially on islands.  3 This is an important and timely endeavor. And  4 I don't think that we can afford not to do this. So I  5 kindly request your full support in moving this agenda  6 forward.  7 Thank you.  8 CHAIR STONE: Thank you very much, Jennifer.  9 Commissioners, clarification from the  10 testifier? No. Commissioner De Rego.  11 MEMBER DE REGO: Have you had a chance to read  12 the -- going back to the Commissioner Moikeha's  13 question, you've had a chance to read the Mayor's  14 functions as suggested to be put into the department of  15 environmental energy?  16 MS. CHIRICO: The sheet, yes.  17 MEMBER DE REGO: The --  18 MS. CHIRICO: The duties, right, uh-huh.  19 MEMBER DE REGO: I just have a question. And  20 it's one that, since discussion has been going on, you  21 mentioned the Energy Commissioner in the Mayor's Office.  22 In looking at the functions -- especially, you know,  23 sustainability can be this huge umbrella, and the  24 Department of Environmental Management will have  25 specific functions to -- to perform within this large</p>	<p style="text-align: right;">Page 99</p> <p>1 on Maui. But what I've seen of other cities and  2 counties that have done this -- I mean, they actually  3 have an office of sustainability, and the job of that  4 office is developing sustainability initiatives for the  5 County, setting metrics of how you're going to do this,  6 how you're going to achieve different goals, and those  7 people work across all of these groups. And, you know,  8 even if it's just one person, if you have one  9 sustainability coordinator that works among all of them,  10 that's just -- this is my personal opinion, but I -- and  11 from what I've seen just in -- you know, I worked with  12 Portland on this, and I've talked a lot with people in  13 Vancouver, in their sustainability office. And, you  14 know, it's a -- it's a coordination position. It needs  15 to be coordinated across all of these groups because  16 sustainability, it does -- it connects with economics,  17 with the environment, all of the social issues. It's  18 not just one thing.  19 MEMBER DE REGO: Follow-up, Chair?  20 CHAIR STONE: Please, go ahead, Commissioner.  21 MEMBER DE REGO: I wonder -- just a short  22 follow-up. I wonder if you would look at the  23 suggestions for the functions again and make any  24 suggestions or observations about how they're presently  25 written.</p>
<p style="text-align: right;">Page 98</p> <p>1 umbrella of sustainability. Where would you draw the  2 line between sustainability in regards to pushing  3 initiatives for economic development as versus dealing  4 with specific challenges or problems in the environment?  5 I don't know if that question is clear, but  6 sustainability as an umbrella has one side which deals  7 with renewable energy and energy efficiency in regards  8 to economic development, the creation of incentives for  9 companies to come in and do renewable energy, to train  10 people in those kinds of trades-- and grow the economy  11 in that sense, in a diversified way, but then there's,  12 on the other end, right, the issue of, you know, our  13 wastewater facilities are using tons of energy to pump  14 water uphill, to -- you know, where Maui County is the  15 largest customer of electricity, you know, we could go  16 on. You know, where do you make that dividing line with  17 sustainability as economic development as versus  18 sustainability as looking specific problems that need to  19 be dealt with, and how would that impact how we define  20 this Department of Environmental Management?  21 MS. CHIRICO: Well, that's a good question.  22 What I've seen from other cities and counties -- you  23 know, I know this is just to expand the effort within  24 the Environmental Management Department. And I want to  25 promote any efforts towards greater sustainability here</p>	<p style="text-align: right;">Page 100</p> <p>1 MS. CHIRICO: Okay. You want me to give that  2 to you or give it --  3 MEMBER DE REGO: The Commission.  4 MS. CHIRICO: -- to the Commission?  5 CHAIR STONE: Yes, please. Okay. Any further  6 clarification?  7 (No Response.)  8 CHAIR STONE: No. Thank you so much for your  9 testimony today. Appreciate it.  10 Lisa, next testifier, please.  11 MS. KAHUHU: Dick Mayer.  12 CHAIR STONE: Mr. Mayer, thank you for coming.  13 MR. MAYER: Thank you for having me. I feel a  14 bit guilty. Everyone is talking about one issue each,  15 and I've got six. But I will try to keep it within the  16 five minutes.  17 First thing -- and I'm using the Matrix that  18 was on the web that I saw, at least the list that was  19 prepared by Mr. Van Dyke and Ms. Broder -- Item 13-6,  20 the blue ribbon committee, I'm hoping that you will pass  21 that through. I think under the previous Arakawa  22 Administration, it worked, it worked very well. I think  23 it should be formalized, should be made part of the  24 Charter. It allows, I think, the very best people from  25 the county to be selected for very many important boards</p>

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<p style="text-align: right;">Page 101</p> <p>1 and commissions. And I think it's served its function                  2 well and it produces some good people. And I think the                  3 process that's indicated in 13-6 is a good one.                  4 Second item, telecommunications with Lanai,                  5 Molokai and Hana, Item 13-5. I think this will allow                  6 those islands and Hana to be able to give testimony at                  7 important meetings. Right now, your item there is too                  8 broad. It says all county boards and commissions and                  9 committee meetings. I think that's much too broad.                  10 There are too many boards and commissions that would bog                  11 it down. It would be very, very expensive. But I do                  12 think, at least as a first step, it should be for                  13 Council meetings and County -- and Council committee                  14 meetings, restricted to that -- those two areas would be                  15 most important. Not necessarily every street naming                  16 committee and every committee that's out there.                  17 Item Number 9-2, with reference to the                  18 biennial budget, I would strongly support that idea, of                  19 having a separation of the CIP and the operating budgets                  20 in alternating years. You will reduce the workload on                  21 the Council, and it would allow the Council to handle                  22 the many, many other things it's supposed to. Right                  23 now, the Council's overly bogged down in budget                  24 considerations for several months of the year. And it                  25 really prohibits them from looking at many other issues.</p>	<p style="text-align: right;">Page 103</p> <p>1 should have the present system or we should have                  2 single-member districts or three-member districts, or                  3 what-have-you, but perhaps giving a choice of three                  4 different options to the voters. One would be the                  5 existing system as it is now, leave that as one, the                  6 second would be single-member districts, which has been                  7 discussed, and the third would be some other form that                  8 has been mentioned.                  9 I had mentioned in my initial testimony, about                  10 three months ago, various options, the six and three or                  11 the three-member districts, some other option out there.                  12 And then putting in the requirement that whichever one                  13 of the three options gets the top vote, that will be the                  14 one that will go onto the -- into the Charter.                  15 On Item 3-40, I would urge you, there's a --                  16 where you talk about the districts and setting up, that                  17 the expression -- the phrase be put in there, with                  18 approximate equal population. I think it's important                  19 that the districts be defined as having approximately                  20 equal population, whatever thing you set up, if you do                  21 change the district elections.                  22 And lastly, Item 3-2, with regard to term                  23 limits. And I think you need to put in there -- what                  24 about existing councilmembers, many of whom may have                  25 served six years, eight years, will they be allowed to</p>
<p style="text-align: right;">Page 102</p> <p>1 An example is the Maui Island Plan that will                  2 take the Council a minimum of two -- minimum of four,                  3 maybe as many as five, years to finally get through just                  4 the Council. It's going to be -- it's ridiculous.                  5 But I would urge you, also, to consider adding                  6 a change in the fiscal year. Rather than starting on                  7 July 1st, delaying it until October 1st will give the                  8 Council a better chance to get indications from the                  9 State government what monies would be available.                  10 Also, when a Mayor now comes into office,                  11 they're expected to produce a budget in about a month,                  12 to give to the Council that first year. By changing the                  13 fiscal year of the Council to October 1st, it would                  14 allow the new Mayor every four years to be able to get a                  15 budget prepared and allow councilmembers to get their                  16 feet wet before they're, all of a sudden, jumping into                  17 Council deliberations -- into budget considerations.                  18 Item 13-14: I hope you keep the nonpartisan                  19 the way it is now. I think allowing the parties back                  20 into it would be defeated. And I think it would be --                  21 it's very important to give the -- keep that -- I hope                  22 you defeat that as a recommendation from this body.                  23 Also, on the ballot, with regard to district                  24 elections, one thing I would urge you to consider, at                  25 least, is not just putting one proposal forth saying we</p>	<p style="text-align: right;">Page 104</p> <p>1 go for two more terms as -- as is sort of worded in                  2 there now? Or will councilmembers be required to have a                  3 maximum of X number of years, whatever you decide -- you                  4 eventually do. But you have to consider there will be                  5 councilmembers who have been there only two years, four                  6 years, six years, eight years, who may be running, and                  7 that would apply to them. And I think if the -- if the                  8 Council -- if the community thinks there should be                  9 limits --                  10 MS. KAHUHU: Time.                  11 MR. MAYER: The last item on that is the                  12 reference to maximum of two elections.                  13 CHAIR STONE: Mr. Mayer.                  14 MR. MAYER: Rather than term limits. No. I                  15 just wanted to finish that sentence. Maximum of two                  16 elections rather than -- maximum of two term limits.                  17 Thank you.                  18 CHAIR STONE: Okay. Thank you very much.                  19 Appreciate it.                  20 Commissioners, clarification from the                  21 testifier? Commissioner Sugimura.                  22 MEMBER SUGIMURA: Could you clarify what                  23 maximum of two elections mean versus --                  24 MR. MAYER: Right now, everything is being                  25 referenced to the fact that councilmembers would be</p>

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1 allowed to run for two terms. What about a  
 2 councilmember who fills a previous term of somebody who  
 3 may have died in office and gets appointed, and then  
 4 they would be in there. It could be -- and that's what  
 5 happened three years, like Mr. Kawano years ago passed  
 6 away, and then -- and the person -- so just  
 7 clarification when you make the wording that you are --  
 8 assuming that a person can finish up an unexpired term  
 9 and then have two more, or maximum number of years.  
 10 That just should be clarified.  
 11 CHAIR STONE: Very good. Commissioners, any  
 12 further clarification from the testifier?  
 13 (No Response.)  
 14 CHAIR STONE: No. Mr. Mayer, thank you for  
 15 being here.  
 16 MR. MAYER: (Inaudible.)  
 17 CHAIR STONE: Lot of stuff in five minutes.  
 18 Appreciate it.  
 19 Lisa, next testifier, please.  
 20 MS. KAHUHU: Archie Kalepa.  
 21 CHAIR STONE: Mr. Kalepa, thank you for coming  
 22 today.  
 23 MR. KALEPA: Good afternoon, Commission.  
 24 I've been asked to make myself present, by the  
 25 Mayor, to answer any questions regarding Ocean Safety,

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1 should it come up during today's discussion.  
 2 And, you know, I just want to say that the  
 3 reason for me being here is I think Maui County has  
 4 grown. We've -- we've experienced a lot of changes from  
 5 when I was a little kid until today. And, you know,  
 6 I've been involved with Ocean Safety for over nearly 30  
 7 years, and have seen where they've come from and where  
 8 they are today and where they need to be.  
 9 And I'm not a car salesman. I'm not here to  
 10 pitch anything to you guys. I'm here to tell you guys  
 11 what I've experienced. I've traveled around the world  
 12 to train many different lifeguard agencies and have seen  
 13 the benefits of lifeguard agencies merging into a public  
 14 safety entity.  
 15 And, you know, on behalf of the public, who we  
 16 protect, and the guards who guard these people on the  
 17 beach, we owe them due diligence to put them into a  
 18 public safety entity because that is the service that  
 19 they provide. So where that is, I don't know, but I  
 20 just want you to know that that is an important entity  
 21 to the function of this whole county. And it needs to  
 22 be very clearly looked at.  
 23 So I'll be available today, if need be, for  
 24 all of you, to answer questions.  
 25 CHAIR STONE: Thank you very much, Archie.

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1 Commissioner DeLeon.  
 2 MEMBER DELEON: Mr. Kalepa, what kind of  
 3 uniform are you wearing?  
 4 MR. KALEPA: This is our Ocean Safety Class A  
 5 uniform.  
 6 MEMBER DELEON: Okay. I've never seen it  
 7 before. Thank you.  
 8 MR. KALEPA: I've had it for seven years.  
 9 CHAIR STONE: Very smart.  
 10 Commissioner Moikeha.  
 11 MEMBER MOIKEHA: This is why I clarified with  
 12 the Mayor if he was going to come back for this subject  
 13 matter, because that is one of his proposals. But  
 14 you're going to be here to be a resource for us?  
 15 MR. KALEPA: Yes, if need be.  
 16 CHAIR STONE: Very good.  
 17 MEMBER MOIKEHA: Thank you.  
 18 CHAIR STONE: Commissioners, any further  
 19 clarification until we get to this topic?  
 20 (No Response.)  
 21 CHAIR STONE: No. We'll defer to that topic.  
 22 Thank you so much for being --  
 23 MR. KALEPA: Thank you.  
 24 CHAIR STONE: -- here, Archie. We really do  
 25 appreciate your time. Thank you.

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1 Next testifier, please, Lisa.  
 2 MS. KAHUHU: Joanne Herman.  
 3 CHAIR STONE: Hello, Joanne. Thank you for  
 4 coming.  
 5 MS. HERMAN: Hello. My name is Joanne Herman.  
 6 And I am a -- I'm originally from Florida. I have lived  
 7 here in Hawaii for three or four years. I've written a  
 8 blog for Florida Times Union, some of it covering the  
 9 energy issues that that state has, unfortunately,  
 10 ignored.  
 11 However, I'm here to request your support of  
 12 Mayor Alan Arakawa's proposal to form a division of  
 13 sustainability within the Department of Environmental  
 14 Management for the following reasons: It would involve  
 15 the economic development and the ecology of Maui. Now,  
 16 I notice some people already spoke about -- to the  
 17 ecology of Maui, so I will speak to the economic  
 18 development.  
 19 Mayor Arakawa has pointed out that there  
 20 already exists a bureaucratic structure for this  
 21 division in the Charter, and that these are forward  
 22 thinking measures, sustainability and resource  
 23 protections that will become increasingly important.  
 24 Portland, Seattle, and California cities already have  
 25 offices of sustainability in their bureaucratic

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<p>1 structure, which office would benefit green economy</p> <p>2 initiatives which keep our dollars here on the islands</p> <p>3 and create jobs and business opportunities.</p> <p>4 In speaking to that, I'd just like to point</p> <p>5 out that, not long ago, in March of this year, the</p> <p>6 County of Maui's Office of Economic Development, OED,</p> <p>7 and the Hawaii State Department of Labor and Industrial</p> <p>8 Relations, DLIR, presented a green workforce development</p> <p>9 symposium on March 30th, at the Maui Economic</p> <p>10 Development Board's, MEDB, Malcolm Center in the Maui</p> <p>11 Research and Technology Park, Kihei. Maui Economic</p> <p>12 Development Board Vice President, Leslie Wilkins,</p> <p>13 moderated the seminar, featuring speakers Jeff Matsui,</p> <p>14 lead researcher for the State Department of Labor and</p> <p>15 Industrial Relations Research and Statistical Office.</p> <p>16 He said many businesses are on a path to becoming</p> <p>17 greener, more jobs are being created, our job training</p> <p>18 and college training and education in this area matters.</p> <p>19 Speaking to that, UH Maui College Chancellor</p> <p>20 Clyde Sakamoto, on the college, spoke to the college's</p> <p>21 direction and opportunities in the green industry. OED</p> <p>22 Workforce Investment Act Executive Director Roland</p> <p>23 Prieto advocated support for innovative eco industries</p> <p>24 and for green education and training. John Bendon,</p> <p>25 founding principal of Green Building, LLC, a successful</p>	<p>1 that we have a sustainability division in our Charter.</p> <p>2 MS. KAHUHU: Time.</p> <p>3 MS. HERMAN: Okay.</p> <p>4 CHAIR STONE: Thank you so much, Joanne. It's</p> <p>5 much appreciated.</p> <p>6 Commissioners, clarification? Commissioner De</p> <p>7 Rego.</p> <p>8 MEMBER DE REGO: Thank you very much for your</p> <p>9 testimony. This gets back and piggybacks, actually, to</p> <p>10 my last question --</p> <p>11 MS. HERMAN: Right.</p> <p>12 MEMBER DE REGO: -- about looking at the</p> <p>13 functions that are being proposed by the County.</p> <p>14 Because I kind of recognize this tension between the</p> <p>15 nuts and bolts on the ground kind of issues that you</p> <p>16 have to deal with, like getting rid of the invasive</p> <p>17 species and dealing with, you know, algae blooms and</p> <p>18 dealing with the fact that -- you know, the axis deer.</p> <p>19 You know, those are very concrete kinds of nuts and</p> <p>20 bolts on the ground kind of environmental things that</p> <p>21 need to be managed.</p> <p>22 MS. HERMAN: Right.</p> <p>23 MEMBER DE REGO: You have the economic</p> <p>24 development side, which, you know, is often handled by</p> <p>25 the Office of Economic Development right now, with</p>
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<p>1 Maui company that promotes efficiency and green energy</p> <p>2 and building practices, also known as LEED, he was there</p> <p>3 as a speaker. Dr. Michael Riley, President of HNU</p> <p>4 Photonics, LLC, which specializes in lighting technology</p> <p>5 and solar voltaics, and concentrates on scientific and</p> <p>6 engineering solutions. For example, PV systems, smart</p> <p>7 grids and storage systems. He was there speaking.</p> <p>8 James Lokes (phonetic), Vice President of Energy Hawaii,</p> <p>9 Inc., of Honolulu, which systems use biomass fuels, he</p> <p>10 was there as a speaker. Jenna Long of Hawaii Pacific's</p> <p>11 Biodiesel Business World was there.</p> <p>12 The point is, what I'm saying is that we have</p> <p>13 entrepreneurs here in Maui ready to go, all they need is</p> <p>14 the political support and support and will to do so.</p> <p>15 According to a recent report from the UN, IPP -- IPCC,</p> <p>16 which stands for Intergovernmental Panel on Climate</p> <p>17 Change, renewable energy could account for almost 80</p> <p>18 percent of the world's energy supply within four</p> <p>19 decades, but only if governments pursue the policies</p> <p>20 needed to promote green power. I'll repeat. Only if</p> <p>21 governments pursue the policies needed to promote green</p> <p>22 power. So you can see how important. It's not just a</p> <p>23 little division, although it's -- it would be very</p> <p>24 simple to insert this and give it a name for</p> <p>25 clarification within your Charter. It is very important</p>	<p>1 Teena. And when you're trying to define something</p> <p>2 within the Department of Environmental Management, they</p> <p>3 have to be careful, at least from my vantage point, that</p> <p>4 there's not kind of a mission creep. Okay. That what</p> <p>5 is being proposed has to be specific to what that</p> <p>6 department is able to do. If you look at what the</p> <p>7 department presently does, it deals with wastewater</p> <p>8 management, basically, and it deals with trash. Okay.</p> <p>9 I mean, basically, those two large environmental impacts</p> <p>10 upon our county. And it seems that from what I read</p> <p>11 from the Mayor's proposal that there seems to be more of</p> <p>12 a nuts and bolts kind of emphasis here other than sort</p> <p>13 of the economic development side. So that's going to be</p> <p>14 something, I think, the Mayor is going to have to figure</p> <p>15 out, how to get these two functions, which are --</p> <p>16 they're systemic, they're intimately related, but</p> <p>17 somehow has to be done.</p> <p>18 So if you would look at those functions and</p> <p>19 kind of give us some insight on what you're talking</p> <p>20 about in terms of the economic development, is this</p> <p>21 going to be included in there, is it not, is there a way</p> <p>22 of having cooperation between the Mayor's Office and the</p> <p>23 Department of Environmental Management that would take</p> <p>24 care of those issues, you know, I think would be</p> <p>25 important. I'm just --</p>

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<p style="text-align: right;">Page 113</p> <p>1 MS. HERMAN: Okay. All right. What I'm  2 trying to say is that keeping sustainability out -- even  3 just even naming a division "sustainability" is going to  4 impede the progress of this -- of this particular  5 division or department, in my opinion. So I think you  6 keep sustainability in there and you -- I understand --  7 because others before me spoke about the actual nuts and  8 bolts, you know, they were the scientists on this. What  9 I'm -- but the big objection was, we don't have the  10 money for this. Well, I'm saying if we have a  11 sustainability department, we could expand it. And I  12 know you're talking about mission creep, but you have  13 entrepreneurs here ready and willing to go to work if  14 they just get the support. And -- and it is a systemic  15 approach. We all have to work together on this.  16 Policymakers, businessmen, farmers, all of us have to  17 work together on this.  18 CHAIR STONE: Thank you.  19 Commissioners, further clarification?  20 (No Response.)  21 CHAIR STONE: No. Thank you so much for your  22 testimony today. Appreciate it.  23 Lisa, next testifier, please.  24 MS. KAHUHU: Chair, no one else is signed up.  25 CHAIR STONE: I'd like to put out to the</p>	<p style="text-align: right;">Page 115</p> <p>1 CHAIR STONE: No. Okay. Thank you.  2 Moving forward, we are now on to Item 3,  3 Proposed Charter Amendments Matrix. At this time we had  4 scheduled Mayor Alan Arakawa. I'd like to ask the  5 Commission, do you think at this stage it would be  6 appropriate to bring Mayor Arakawa back down? No.  7 Okay. If we do hit a point where any Commissioner would  8 like to have the Mayor back down, then we will call him.  9 Commissioner Moikeha.  10 MEMBER MOIKEHA: Unless you're going to get  11 into the discussion of the Matrix at this time.  12 CHAIR STONE: It would be further down in the  13 list. So maybe we'll wait until we get there. Just  14 know that he's available.  15 So at this time, we have appearance by Bill  16 Medeiros, our Geographic Services Manager. Bill, thank  17 you again for being here.  18 MR. MEDEIROS: No problem.  19 CHAIR STONE: Much appreciated.  20 MR. MEDEIROS: For the record, I'm Bill  21 Medeiros, I'm the Geographic Services Manager in the  22 Department of Management.  23 I did do a handout. It's sort of a synopsis  24 of my presentation back in June, which talks about the  25 general guidelines for defining districting scenarios.</p>
<p style="text-align: right;">Page 114</p> <p>1 public, if you have not testified already, you're  2 welcome to come forward at this time before I close oral  3 testimony. All right, nobody wants to come forward.  4 Very good.  5 Without objection, I'll close oral testimony.  6 COMMISSION MEMBERS: No objections.  7 CHAIR STONE: Are you sure? Susan, no  8 objection? Got my gavel. All right.  9 ...END PUBLIC TESTIMONY...  10 CHAIR STONE: Moving on. I think that what  11 we'll do, too, just to be forewarned on the schedule, I  12 think we'll take lunch at about 1:00, if that's okay  13 with everybody.  14 So moving on, we have our communication items;  15 however, if you noticed, further down in our agenda, we  16 have, under New Business, discussion on communication  17 items. We'll get to that later, later on.  18 But formality, without objection, the Chair  19 will accept and file all public communications for the  20 record.  21 MEMBER SUGIMURA: So moved.  22 MEMBER DELEON: Second.  23 CHAIR STONE: I don't think we need to vote on  24 it. There's no objection. Is there any objections?  25 (No Response.)</p>	<p style="text-align: right;">Page 116</p> <p>1 Basically, just a few bullet points. And I will go over  2 them real quickly.  3 The first thing -- and in the previous  4 presentations, you've kind of seen that's the kind of  5 things that will pop up when you get into districting.  6 First thing is defining the population target. And so,  7 basically, it's the total population by whatever number  8 of districts. And so I gave an example of what nine  9 districts would come out to. So it comes out to  10 17,200-plus people. And then the maximum allowable  11 variation from district to district. So this is -- when  12 you're talking about equal districts, relatively equal  13 districts, the question is, how do you define relatively  14 equal, what is the range. And then I gave a couple  15 choices, plus or minus one, plus or minus two percent,  16 plus or minus five percent, and then the low and high,  17 which would be what is, theoretically, the smallest  18 district you could have and the largest district.  19 The next point is to define canoe districts,  20 if you're going to have canoe districts. Obviously,  21 Maui, you're likely going to have a canoe district. And  22 they can be in several different things. So in the case  23 of -- Mr. Ramil's issue was -- or his proposal was that  24 Lanai would be in one group and then Molokai would be in  25 another group. The State House Districts, Lanai,</p>

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1 Molokai and Hana are all in one group. So defining your  
 2 canoe district is something you want to do.  
 3 And then we put in starting points or hard and  
 4 fast geographic boundaries. So if there are issue -- if  
 5 there's certain areas that you want specifically put  
 6 together. So in his proposal, he talked about Wailuku  
 7 and Waihee, right, being a group, and West Maui and so  
 8 on. And so that's the other kind of -- so if there are  
 9 some that you have, do let us know.  
 10 And then, finally, and this is something that  
 11 we brought up -- or was brought up at our previous  
 12 meeting, is that the districts need to follow block  
 13 boundaries. So that's where the population comes from.  
 14 So when you're totaling up population, you want to stay  
 15 within the sense of block boundaries. And block  
 16 boundaries primarily follow streets. And we (inaudible)  
 17 because you may run into a situation where people on  
 18 this side of the street in one district and people on  
 19 that side of the street in another district. And that's  
 20 just part of the -- the potential, as you start to break  
 21 these things up. You may end up splitting not only  
 22 communities, but even neighborhoods might be split.  
 23 And so that's pretty much all I have. And  
 24 then I think it was going to be opened up to discussion.  
 25 CHAIR STONE: Very good.

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1 Commissioners, do we have any questions here  
 2 for Mr. Medeiros? Commissioner De Rego.  
 3 MEMBER DE REGO: When you say need, Bill --  
 4 and thank you for coming, by the way, this morning.  
 5 MR. MEDEIROS: Uh-huh.  
 6 MEMBER DE REGO: This afternoon, actually. Is  
 7 that a federal or state requirement, or is it just for  
 8 expediency in terms of you don't want to confuse people?  
 9 MR. MEDEIROS: You mean in terms of block  
 10 boundaries?  
 11 MEMBER DE REGO: The block boundaries, yeah.  
 12 MR. MEDEIROS: You need to do it because if  
 13 you're district voting based on population, if you split  
 14 a block, you're gonna be estimating population. See.  
 15 So blocks have actual counts.  
 16 MEMBER DE REGO: Okay.  
 17 MR. MEDEIROS: And so the key is to use the  
 18 actual population counts, which then validates the idea  
 19 that these districts are relatively equal in population.  
 20 And so the census numbers primarily drives the  
 21 reapportionment process. And so it may also be a  
 22 federal thing. But bottom line is, what you don't want  
 23 to do is you don't want me estimating how many people  
 24 are in this part of this block.  
 25 MEMBER DE REGO: Block, okay.

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1 MR. MEDEIROS: Which one of these use the  
 2 actual population numbers based on the federal census.  
 3 MEMBER DE REGO: Thank you.  
 4 MEMBER DELEON: Mr. Chair?  
 5 CHAIR STONE: I think Commissioner Moikeha.  
 6 MEMBER DELEON: I want to point out, we have  
 7 people sitting in the audience thinking that we're going  
 8 to go to them next. And I --  
 9 CHAIR STONE: Yeah. I pointed out we're going  
 10 to have lunch at 1:00.  
 11 MEMBER DELEON: So we might not be back until  
 12 1:30, yeah?  
 13 CHAIR STONE: We would take lunch until 1:30,  
 14 that's correct.  
 15 MEMBER DELEON: I just wanted to give them a  
 16 signal that we're not going to be able to get to you until  
 17 1:30, anyway.  
 18 CHAIR STONE: Okay. Thank you, Commissioner  
 19 DeLeon.  
 20 MEMBER DELEON: I'm sorry. I'm just kind of  
 21 concerned because people are sitting there, staring.  
 22 CHAIR STONE: I think they're just raptured  
 23 by --  
 24 MEMBER SUGIMURA: Intrigued.  
 25 CHAIR STONE: -- Mr. Medeiros' testimony.

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1 MEMBER DE REGO: Bill, you have that effect on  
 2 people.  
 3 CHAIR STONE: That is very -- it's a point to  
 4 the -- to the specialist, or the public, yes, 1:30 will  
 5 be the end of lunch. Thanks, Commissioner DeLeon.  
 6 MEMBER DELEON: I'm sorry. I just --  
 7 CHAIR STONE: Our social coordinator.  
 8 Continue, Mr. Medeiros.  
 9 Oh, Commissioner Moikeha.  
 10 MEMBER MOIKEHA: I think you answered one of  
 11 my questions. The population that you're using is the  
 12 2010 census.  
 13 MR. MEDEIROS: Yes.  
 14 MEMBER MOIKEHA: And I kind of just did a  
 15 quick, based on Tony Ramil's thing, and I came out,  
 16 first district around 51,000, second district around  
 17 55,000, the last district around 43,000. So explain to  
 18 me more about these blocks. Are blocks -- like, in the  
 19 County, there's community planned areas. Are they  
 20 broken into blocks and that's how you defined a  
 21 community plan?  
 22 MR. MEDEIROS: Actually, community plans are  
 23 defined politically, so they are defined based on  
 24 regions. There are nine community planned regions.  
 25 They're not based on population because Kahoolawe has a

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1 community plan, and there's nobody on Kahoolawe.  
 2 MEMBER MOIKEHA: So it's really the  
 3 geographic --  
 4 MR. MEDEIROS: And so --  
 5 MEMBER MOIKEHA: Community planned areas are  
 6 the geographics --  
 7 MR. MEDEIROS: Yes.  
 8 MEMBER MOIKEHA: -- of that?  
 9 MR. MEDEIROS: They, basically, become  
 10 planning areas.  
 11 MEMBER MOIKEHA: Okay.  
 12 MR. MEDEIROS: Right. And so -- but in terms  
 13 of the census population --  
 14 MEMBER MOIKEHA: Right.  
 15 MR. MEDEIROS: -- the census is built on three  
 16 different layers of geography. The smallest is the  
 17 block. So there are going to be many blocks, say, in  
 18 Kahului. Then these blocks are aggregated into what are  
 19 called block groups, which, you know, then will be sort  
 20 of fewer of them, but larger in Kahului, and then into  
 21 census tracts. And census tracts are the largest of the  
 22 areas. So in the case of -- I don't know -- Molokai --  
 23 or, in fact, East Maui is a good one, I've been working  
 24 on East Maui. East Maui is one census tract, Tract 301  
 25 is all of East Maui, but there are many, many blocks,

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1 something like two or three hundred blocks. And so what  
 2 you can do is you can assign these blocks based on some  
 3 other set of geography and recalculate numbers. In  
 4 fact, we're doing that for some folks in Hana right now,  
 5 trying to do it by communities in Hana, not by one  
 6 census tract for all of Hana.  
 7 And so in building the districts, you go to  
 8 the smallest piece and sort of build it back up like a  
 9 jigsaw puzzle. So that's why blocks is the smallest  
 10 geographic unit in terms of population in the 2010  
 11 census. So that's why we say -- we start with blocks.  
 12 We can't go any smaller than blocks.  
 13 MEMBER MOIKEHA: So can you work -- like his  
 14 theory here, is that going to work based on the block  
 15 system? I don't know if you saw his -- or heard his  
 16 testimony. And he's got it broken up like first  
 17 district is Wailuku, Waihee, Waikapu, West Maui and  
 18 Lanai. So you can -- that is doable?  
 19 MR. MEDEIROS: Yes.  
 20 MEMBER MOIKEHA: You can start with the  
 21 smallest increment blocks within those areas?  
 22 MR. MEDEIROS: What I will do is I will do the  
 23 basic geography that he's suggested and start allocating  
 24 blocks into that geography, and then -- using the  
 25 variations, then you adjust the boundaries to get within

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1 your plus or minus two percent or plus or minus five  
 2 percent. And so the -- then -- so like in the case of  
 3 the numbers that you came up with, if the range is too  
 4 far, then you're going to have to take people from one  
 5 and add them to another until you get this balanced.  
 6 MEMBER MOIKEHA: Right.  
 7 MR. MEDEIROS: Yeah.  
 8 MEMBER MOIKEHA: Okay. Thank you.  
 9 CHAIR STONE: Thank you.  
 10 Commissioner Crivello.  
 11 MEMBER CRIVELLO: So in our Charter presently,  
 12 we note a Composition, that we list all the -- I guess  
 13 the residential -- residence area. How does that apply  
 14 to the block?  
 15 MR. MEDEIROS: Okay. Because the current --  
 16 the current approach is not voting by population, so the  
 17 districts are assigned politically.  
 18 MEMBER CRIVELLO: Okay.  
 19 MR. MEDEIROS: So -- right? So they define  
 20 the different Council districts, but it's at-large  
 21 voting. So it's not necessary in at-large voting to  
 22 actually go ahead. Now, we have gone ahead and actually  
 23 taken a look at what the populations are by district,  
 24 but it's not required to be equal. And so -- because  
 25 they do at-large voting.

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1 CHAIR STONE: Bill, quick question. So when  
 2 determining the residency, the residency districts are  
 3 politically determined?  
 4 MR. MEDEIROS: They are done by the Charter,  
 5 right, which is then elected. So it's -- and -- and the  
 6 idea that Lanai is a separate district is not a  
 7 population choice. It's a choice -- a political choice.  
 8 So the other point that Mr. Ramil brought up  
 9 was the U.S. Senate. Well, this is not a new issue.  
 10 They wrestled with this with the U.S. Constitution. And  
 11 their compromise was having the House by population, the  
 12 Senate by geography. Right? Every state has two  
 13 senators. The House is the number of population, and  
 14 then you get more Congress people as you get more  
 15 population. So this is not a new thing, but it's --  
 16 it's that juggling between each area, geographic area,  
 17 having equal representation versus the one man, one  
 18 vote.  
 19 CHAIR STONE: Commissioner DeLeon.  
 20 MEMBER DELEON: Bill, is the block standard,  
 21 it's like 1,000, 10,000, or anything like that, or is it  
 22 -- does it vary in, let's say, different areas?  
 23 MR. MEDEIROS: There's a -- there's a range of  
 24 population that blocks are supposed to fall within. But  
 25 we have lots of blocks with zero. So even in the -- the

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<p style="text-align: right;">Page 125</p> <p>1 cane fields. And this is kind of aggravating to me, but  2 even the cane fields, they'll draw blocks and the blocks  3 have no population. And so there are a few large blocks  4 and there are lots of small blocks, and the population  5 kind of ranges. But, yeah, I think the -- I think the  6 target population is through -- like in the hundreds.  7 So they try to break up each neighborhood into  8 individual blocks.  9 MEMBER DELEON: Okay. Thank you.  10 MR. MEDEIROS: Yeah.  11 CHAIR STONE: Good. Any -- that's good  12 information. Any further questions? Commissioner De  13 Rego.  14 MEMBER DE REGO: If we were to give you, let's  15 say, three or four models off of which to work, could  16 you give us an estimated time, in terms of drawing these  17 blocks, how much time it would take GIS to be able to do  18 a project like that?  19 MR. MEDEIROS: Yeah. It comes down to the  20 complexity. Okay. So if -- if we're talking like two  21 or possibly three scenarios that are fairly  22 straightforward, that doesn't require sort of a feedback  23 loop, sort of iterations to do, we could probably do it  24 in a couple weeks, piece it together and then kind of  25 give that you view. And then, at that point, we would</p>	<p style="text-align: right;">Page 127</p> <p>1 on it to -- to finalize them, or is it, you know,  2 totally off, and the idea is just to come down. But  3 what -- and, yeah, and so that -- it's going to come  4 down to taking a -- visually looking at what the  5 districts are and looking at what the population are and  6 saying, okay, does these make sense or not make sense.  7 CHAIR STONE: Very good. So, basically, we  8 need to come to you with requests for what we need to  9 see?  10 MR. MEDEIROS: My suggestion is, yes, whatever  11 proposals that you feel warrant us processing into this,  12 and so you can visually see it, let us know and we can  13 get working on that.  14 CHAIR STONE: Very good.  15 Commissioner Hashimoto, do you have a  16 question?  17 MEMBER HASHIMOTO: No. I don't have a  18 question for Mr. Medeiros, but my thoughts are, it  19 sounds like we're trying to step ahead of ourselves a  20 little bit.  21 CHAIR STONE: Uh-huh.  22 MEMBER HASHIMOTO: Because even if we did have  23 Mr. Medeiros model out at least three different  24 scenarios of population and area geographical  25 breakdowns, or whatever we're talking about, we can't</p>
<p style="text-align: right;">Page 126</p> <p>1 expect that you would then go in and say, well, we don't  2 like the -- the numbers, they -- you need to put this  3 boundary, or maybe this boundary is in the wrong place,  4 and adjust it from there. If you get beyond two or  5 three, then it becomes problematical because it all  6 depends on sort of the -- let's just -- if a proposal is  7 six districts and it's based on the State House  8 districts, that's easy. I can get those like in  9 minutes. And so I can -- and, basically, just a matter  10 of piecing together a map that shows the information  11 that you could use. But --  12 MEMBER DE REGO: Like the six districts and  13 the three at-large would be easy?  14 MR. MEDEIROS: Right.  15 MEMBER DE REGO: Right.  16 MR. MEDEIROS: Right. But if it's something  17 that there's multiple canoe districts and they start  18 from different areas that would normally be split, then  19 it takes more work. But your next meeting is November  20 14th, so what I'm hoping is that if I get some  21 direction, I can have something for you folks to look at  22 November 14th.  23 And then the idea is then to look at what the  24 population are in terms of these various proposals and  25 to decide then, okay, are we going to continue to work</p>	<p style="text-align: right;">Page 128</p> <p>1 put that on the ballot. We're just presupposing that  2 that's how it's going to be, I think. Because the  3 people are going to vote by at-large. So it's kind of  4 hard --  5 CHAIR STONE: I see what you're saying. I  6 think -- I think, basically, Mr. Medeiros is an  7 informational tool for the Commission. And I think it's  8 what -- our use on this is to get the information  9 required for us to make a decision concerning if and  10 what would go to the ballot on district voting. So  11 we're simply, at this stage, using it as a tool to -- so  12 we can see -- actually see if there is something  13 physically that could work or not.  14 (Laughter.)  15 MEMBER HASHIMOTO: It doesn't make sense to me  16 at all, you know. It's just like --  17 VICE-CHAIR HEDANI: Did you get that, Tonya?  18 MEMBER HASHIMOTO: It's just like turning a  19 car around and going backwards.  20 CHAIR STONE: Okay. Commissioners, any  21 further clarification since we've got Bill down here  22 today?  23 MEMBER HASHIMOTO: I guess I'm too old.  24 MEMBER DELEON: So how would we propose the  25 concepts?</p>



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1 CHAIR STONE: I think -- I was just going to  
 2 say, if we do not touch on district voting today, I  
 3 would like to see Commissioners that do have an idea of  
 4 a proposal that has struck them as interesting to put  
 5 that request forward as soon as possible so that Bill  
 6 has the time to make it by the next meeting. Because,  
 7 again, I want to point out, there are only two meetings  
 8 left until we go back to the public. So we are going to  
 9 need to get that information ASAP, and start really --  
 10 we're going have to make a decision coming up here. So  
 11 if any Commissioner has seen a structure that looks  
 12 interesting to them, or proposal that looks interesting,  
 13 put it forward now to request the information. And  
 14 let's get the information so we can properly discuss it.  
 15 MEMBER BAXA: Mr. Chair?  
 16 CHAIR STONE: Commissioner Baxa.  
 17 MEMBER BAXA: Yeah. I think there may be  
 18 merit to looking at the proposition that Mr. Ramil  
 19 submitted.  
 20 MEMBER DELEON: Up to you.  
 21 CHAIR STONE: I think, for example,  
 22 Commissioner Baxa, at that stage, I would say -- I would  
 23 request the information.  
 24 MEMBER BAXA: Because that would require some  
 25 information.

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1 CHAIR STONE: Uh-huh.  
 2 MEMBER BAXA: His proposal is to this effect.  
 3 And correct me if I am wrong. My understanding is that  
 4 there would be three districts created in place of the  
 5 one district, county-wide district. Within the --  
 6 within each district, of these three districts, there  
 7 would be three councilmen. Except for Molokai and  
 8 Lanai, the other districts would be, more or less,  
 9 divided according to, more or less, equal population.  
 10 CHAIR STONE: I think -- Bill, I think what  
 11 I'll do is -- obviously, this is a request for  
 12 information, so I'll put that request forward, from  
 13 Commissioner Baxa. And I'll make sure that Lisa  
 14 presents it in writing.  
 15 One second.  
 16 Okay. So just a point from Corp Counsel,  
 17 please make sure that all requests for this information  
 18 comes to the Chair, and the Chair will pass it on to  
 19 Bill so we can coordinate and make sure we're not doing  
 20 double or triple requests from the same information.  
 21 MEMBER DELEON: Can we talk about it now?  
 22 CHAIR STONE: You mean the district voting  
 23 discussion?  
 24 MEMBER DELEON: Well, no, not the district  
 25 voting, but the scenario --

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1 CHAIR STONE: I think that we should discuss  
 2 the request scenarios at this time, but --  
 3 MEMBER DELEON: Briefly.  
 4 CHAIR STONE: Commissioner DeLeon.  
 5 MEMBER DELEON: I don't know if you all saw  
 6 the legal -- the Supreme Court ruling I stumbled over,  
 7 somebody pointed out to me. Basically, that ruling,  
 8 basically, trumps one man, one vote, and suggests that  
 9 we could end up with a situation where we can get  
 10 districts on Maui and have districts on Lanai and  
 11 Molokai as well, but they would be -- that would be  
 12 their own districts, and because of a geographic  
 13 exceptionality. I'm reading way too much into this, but  
 14 it hasn't -- I'm not an attorney and haven't done -- and  
 15 haven't had a legal review on it, but that's what I read  
 16 when I see it. I see this as a potential for getting us  
 17 out of the (inaudible) as far as creating districts  
 18 where a community really, really wants them and -- and  
 19 protecting Lanai and Molokai's special character and  
 20 needs.  
 21 CHAIR STONE: Yes. Commissioner DeLeon, that  
 22 was a interesting letter put out. So I'm sure we should  
 23 -- maybe that's -- are you directing that question to  
 24 our Analyst?  
 25 MEMBER DELEON: I'm suggesting that may be one

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1 of the scenarios we work on.  
 2 CHAIR STONE: Okay. Thank you. Thank you  
 3 very much.  
 4 Commissioner Okamoto.  
 5 MEMBER OKAMOTO: I think we can start talking,  
 6 and then we're going to find that we're into the  
 7 discussion of district voting.  
 8 CHAIR STONE: Yeah. I agree.  
 9 MEMBER OKAMOTO: And maybe we need to say,  
 10 okay, lunchtime. I think we owe it to the firemen to  
 11 put that as our next agenda item.  
 12 CHAIR STONE: That is, without question, the  
 13 next thing --  
 14 MEMBER OKAMOTO: And then maybe --  
 15 CHAIR STONE: -- we'll talk about.  
 16 MEMBER OKAMOTO: -- we do talk about it,  
 17 because the whole idea of district voting, there's been  
 18 some other things come in. But I hate to ask him to go  
 19 do information if it's not something that we're going to  
 20 end up, you know, really wanting.  
 21 MEMBER BAXA: Mr. Chair?  
 22 CHAIR STONE: Yes, Commissioner Baxa.  
 23 MEMBER BAXA: The reason I suggested that was  
 24 because I read the case that Mr. DeLeon emailed us.  
 25 MEMBER DELEON: Brown v. Thompson, yes.

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<p style="text-align: right;">Page 133</p> <p>1 MEMBER BAXA: Brown v. Thompson, I read the  2 case. And I think that the suggestion is permissible  3 under this case.  4 MEMBER DELEON: We got a judge's opinion.  5 MEMBER BAXA: No. I have the case here.  6 CHAIR STONE: Okay. So before we break for  7 lunch, is there any further questions for Bill here?  8 I'm sure he's -- he's been here waiting for us.  9 (No Response.)  10 CHAIR STONE: No further questions.  11 Mr. Medeiros, thank you so much for being here today.  12 And we will -- I'll put those requests together for you,  13 if we have them. Thank you.  14 MR. MOLINA: Chairman?  15 MEMBER DELEON: Chair?  16 CHAIR STONE: Yes.  17 MR. MOLINA: Thank you, Mr. Chairman.  18 CHAIR STONE: Mr. Molina.  19 MR. MOLINA: My apologies to you and the  20 Commission Members. Again, in anticipation of the Mayor  21 knowing that you may not want him back -- I know you  22 spent a good part of your morning -- he did have one  23 other item he wanted you to consider. And that was  24 related to the proposed Charter amendment to merge Ocean  25 Safety with the Fire Department.</p>	<p style="text-align: right;">Page 135</p> <p>1 questions to the Mayor when he first came and he  2 introduced this. And at that time, he indicated it  3 could be done administratively, that all other counties,  4 I believe, in the state are operating with the -- with  5 this decision under the Fire Department. And at that  6 time I asked him to at least give us a model of how it  7 would work, the transition, based on other counties, and  8 what the cost would be to the new -- you know, bring it  9 in underneath the Fire Department. Has the Mayor been  10 able to provide that information?  11 MR. MOLINA: At this time I haven't heard  12 nothing yet. I know -- I believe you did bring that  13 back.  14 It was my understanding that they have tried  15 to meet, both parties, the Fire and Ocean Safety, but  16 they haven't been able to meet on a consistent basis.  17 If you do -- I'll just -- speaking as a former  18 councilmember in dealing with Charter amendment  19 proposals, if it is put on the ballot by the Commission,  20 and if the public decides to go for this, I would  21 consider amending the proposal to put in a start date,  22 not as of January 1st, of the following year, for  23 example, 2013. You might want to consider giving six  24 months of time to -- for both departments to iron out  25 any potential bugs or details, because it is a complex</p>
<p style="text-align: right;">Page 134</p> <p>1 And he just wanted you to consider four brief  2 questions as part of your fact-finding when making your  3 decision:  4 I guess one is to ask what agency and national  5 standards is the department using to guide them in the  6 accreditation process, and are other fire departments  7 using the same agency and national standards; and, two,  8 who is the accreditation status of the department and  9 what specific impacts, if any, will the merger have on  10 the department's accreditation status; and, three, what  11 specific staff and budgetary impacts will the merger  12 have on the Fire Department; and, finally, four, are  13 there any specific policies or procedures Ocean Safety  14 is not following which may be causing concerns for the  15 department.  16 MEMBER DELEON: Mr. Chair?  17 MEMBER MOIKEHA: Chair?  18 CHAIR STONE: Yes. Commissioner Moikeha.  19 MEMBER MOIKEHA: These are questions the Mayor  20 is asking?  21 MR. MOLINA: Yeah, asking you to consider as  22 part of your deliberations --  23 MEMBER MOIKEHA: Okay.  24 MR. MOLINA: -- if you choose to.  25 MEMBER MOIKEHA: Because I proposed some</p>	<p style="text-align: right;">Page 136</p> <p>1 issue. I know other counties, you know, throughout the  2 state who have Ocean Safety under the Fire Department,  3 it has taken some time to kind of work it out, develop a  4 plan, specific plan.  5 But with regards to your question,  6 Commissioner Moikeha, with the plans itself, they have  7 tried to meet, from my understanding, but not on a  8 consistent basis. So that is probably one reason why  9 the Mayor's making a push for it to be memorialized as a  10 Charter amendment.  11 MEMBER MOIKEHA: And I would say that what I  12 asked for could have come from another county. I  13 thought that was clear, but maybe it was misunderstood.  14 MR. MOLINA: I think the Mayor has been quite  15 busy with some other things, but -- not to make that as  16 an excuse, but we'll certainly make a push to get that  17 additional information for you.  18 MEMBER DELEON: Mr. Chair?  19 MR. MOLINA: And Mr. Kalepa is, also, a  20 resource for you this afternoon.  21 CHAIR STONE: Great. Thank you.  22 Commissioner DeLeon.  23 MEMBER DELEON: Could I ask that Mr. Molina  24 provide us those questions in writing, please?  25 MR. MOLINA: Sure.</p>

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1 MEMBER DELEON: Gives them written form, so it  
 2 would be --  
 3 CHAIR STONE: That would be helpful.  
 4 MEMBER DELEON: -- rather than -- you were  
 5 going too fast for me.  
 6 MR. MOLINA: I know you're all hungry.  
 7 CHAIR STONE: Thank you very much.  
 8 I am going to call lunch. Take a quick  
 9 recess, 1:00 to 1:30. And I get to bang my new gavel.  
 10 ...(gavel)...  
 11 (Recess, 1:02 p.m. to 1:32 p.m.)  
 12 CHAIR STONE: ...(gavel)... I would like to  
 13 call this meeting back in session as of 1:33 p.m. Love  
 14 that gavel.  
 15 Moving on with our next item of business,  
 16 review and discussion on letter dated October 17th,  
 17 2011, from Commission Analyst Sherry Broder and Jon Van  
 18 Dyke. I'll give you a second to find that.  
 19 MEMBER DE REGO: I thought we were going with  
 20 the Fire.  
 21 MEMBER DELEON: Mr. Chair?  
 22 CHAIR STONE: Yes.  
 23 MEMBER DELEON: Mr. Chair?  
 24 CHAIR STONE: Wait one second. One second.  
 25 Sorry. Let me just --

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1 MS. BRODER: From both of us, the letter.  
 2 MEMBER DE REGO: I thought we were going with  
 3 Fire.  
 4 MS. BRODER: Looks like this.  
 5 MEMBER DE REGO: Yeah. I see.  
 6 MEMBER OKAMOTO: What's the date?  
 7 MEMBER DE REGO: October 17.  
 8 MS. BRODER: October 17th, 2011. 2011.  
 9 MEMBER MOIKEHA: Chair?  
 10 CHAIR STONE: Yes. I realize that. I think  
 11 that we can move through this section quickly of our  
 12 agenda. I don't think this is going to be a long --  
 13 long section. And then we'll move right into --  
 14 MEMBER DE REGO: The Fire.  
 15 CHAIR STONE: -- which will start with Fire.  
 16 Sherry, just to be clear, this is the letter?  
 17 MS. BRODER: Yes. October 17.  
 18 CHAIR STONE: Okay. Got it.  
 19 MS. BRODER: It's from both Sherry -- Jon Van  
 20 Dyke and Sherry Broder.  
 21 CHAIR STONE: Got it. So this is the new  
 22 proposals that we received at the last meeting. We can  
 23 quickly go through this and determine whether or not  
 24 they stay active -- or if they move to Active List.  
 25 Starting with Proposal Number 2.2, proposal to

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1 amend Article 2-2, Exercise of Powers, to add the  
 2 following sentence: "The application of such power  
 3 shall be guided by the principle that individuals  
 4 possess equal worth and dignity."  
 5 Do I have a motion?  
 6 You have a question, Cliff? Sorry, Cliff.  
 7 Let me clarify.  
 8 MEMBER HASHIMOTO: (Inaudible) a motion? Is  
 9 that what --  
 10 CHAIR STONE: No, no, no. What we're doing  
 11 is, these are our new proposals from our last meeting,  
 12 because, you know, every meeting, we get submitted with  
 13 some new proposals. So what we're going to do right now  
 14 is look at these three proposals and determine whether  
 15 or not they move to Active List for further discussion  
 16 or if they stay on the Matrix.  
 17 So the first new proposal from the last  
 18 meeting was Number 2.2. And, again, as a reminder, in  
 19 order to move this to the Active List, there needs to be  
 20 a motion.  
 21 (No Response.)  
 22 CHAIR STONE: No motion. Okay. No action on  
 23 Proposal Number 2.2.  
 24 Proposal Number 7.5, proposal to amend Article  
 25 7, Office of the Mayor, Section 7-5, Powers, Duties and

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1 Functions, add the following sentence to Section 7-5.3:  
 2 "Further, that establishment of an office or division of  
 3 a department must be approved by ordinance, by  
 4 two-thirds vote of a majority of the Council," and  
 5 delete Section 7-5.10, assign powers, duties and  
 6 functions that are not already assigned or enumerated in  
 7 Article 8, to and between the departments.  
 8 (No Response.)  
 9 CHAIR STONE: No motion. It stays on the  
 10 Matrix.  
 11 Proposal Number 8.8.15, proposal to amend  
 12 Article 8-8.43 regarding the requirement that the  
 13 appropriate planning commission must transmit its  
 14 findings and recommendations on proposed land use  
 15 ordinances and amendments that are unrelated to the  
 16 General Plan to the Council within 120 days after the  
 17 final public hearing, but, rather, after receipt of the  
 18 referral and make other changes to timeframes in the  
 19 Department of Planning to eliminate any inconsistencies.  
 20 MEMBER DELEON: Mr. Chair?  
 21 CHAIR STONE: Yes.  
 22 MEMBER DELEON: Do we have any idea who this  
 23 came from?  
 24 CHAIR STONE: I don't. Let me ask --  
 25 MEMBER DELEON: It would be more interesting

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<p>1 to me if this came from the department.</p> <p>2 MS. BRODER: This came from one of the</p> <p>3 councilmembers. You see the footnote there? I guess I</p> <p>4 had just -- this came from one of the councilmembers.</p> <p>5 MS. KAHUHU: Don Couch.</p> <p>6 MS. BRODER: Councilmember Couch.</p> <p>7 MEMBER SUGIMURA: Oh, that's right.</p> <p>8 MEMBER DELEON: Is there a way to keep this</p> <p>9 alive rather than, you know, defer it, and try to get</p> <p>10 some more information on what it really means?</p> <p>11 CHAIR STONE: I think in order -- I think -- I</p> <p>12 think the best way to do that is to move it to the</p> <p>13 Active List for further discussion.</p> <p>14 MEMBER DELEON: So move.</p> <p>15 MEMBER DE REGO: Second.</p> <p>16 CHAIR STONE: We have a motion to move this,</p> <p>17 seconded by Commissioner DeLeon [sic]. Discussion?</p> <p>18 (No Response.)</p> <p>19 CHAIR STONE: All right. We're going to take</p> <p>20 a vote to move New Proposal Number 8.15 to the Active</p> <p>21 List. Can we do a quick roll call, please?</p> <p>22 MS. KAHUHU: Commissioner Wiger, excused.</p> <p>23 Commissioner Sugimura.</p> <p>24 MEMBER SUGIMURA: Yes.</p> <p>25 MS. KAHUHU: Commissioner Okamoto.</p>	<p>1 County decisions regarding voting registration, 90 days</p> <p>2 in advance of the primary election, as well as Point 5</p> <p>3 and Point 6, and simply because we have the specialist</p> <p>4 here to discuss Fire. So I would like to move to that</p> <p>5 at this time. Is there any objection to deferring this</p> <p>6 to later in the agenda? Okay. Thank you.</p> <p>7 Okay. Moving forward. We're moving on to our</p> <p>8 Proposed Charter Amendments Active Proposal List. There</p> <p>9 was a request for specialists to be here today. So they</p> <p>10 are now here with us. And this is in reference,</p> <p>11 primarily, to Fire as well as -- Fire and Public Safety</p> <p>12 as well as Water safety. So that puts us -- Sherry,</p> <p>13 where does that put us?</p> <p>14 MS. BRODER: It's 8.8.</p> <p>15 MEMBER SUGIMURA: 8.8.</p> <p>16 MEMBER OKAMOTO: 8.7.</p> <p>17 MS. BRODER: 8.7.</p> <p>18 CHAIR STONE: That puts us on Page 6 of our</p> <p>19 Matrix proposal for substantive changes, Chapter 7,</p> <p>20 Department of Fire and Public Safety. And starting with</p> <p>21 Number 8.7.1. If you don't mind, I think I need a</p> <p>22 little bit of time to just quickly review. All right.</p> <p>23 So I'll give the Commissioners a little time to read</p> <p>24 through and just remember. Thank you.</p> <p>25 MEMBER OKAMOTO: Point of information.</p>
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<p>1 MEMBER OKAMOTO: Yes.</p> <p>2 MS. KAHUHU: Commissioner Moikeha.</p> <p>3 MEMBER MOIKEHA: No.</p> <p>4 MS. KAHUHU: Commissioner Hashimoto.</p> <p>5 MEMBER HASHIMOTO: No.</p> <p>6 MS. KAHUHU: Commissioner Hedani.</p> <p>7 VICE-CHAIR HEDANI: No.</p> <p>8 MS. KAHUHU: Commissioner DeLeon.</p> <p>9 MEMBER DELEON: Yes.</p> <p>10 MS. KAHUHU: Commissioner De Rego.</p> <p>11 MEMBER DE REGO: Yes.</p> <p>12 MS. KAHUHU: Commission Crivello.</p> <p>13 MEMBER CRIVELLO: No.</p> <p>14 MS. KAHUHU: Commissioner Baxa.</p> <p>15 MEMBER BAXA: Yes.</p> <p>16 MS. KAHUHU: Chair Stone.</p> <p>17 CHAIR STONE: Yes.</p> <p>18 MS. KAHUHU: Six "yes." The motion passes.</p> <p>19 CHAIR STONE: Thank you very much. Okay. So</p> <p>20 that's our new proposals.</p> <p>21 There is -- further to the letter, there are</p> <p>22 some other items that I would like to defer at this</p> <p>23 time. Point 2 of the letter draft Charter amendments</p> <p>24 attached, and Point 3, query regarding residency</p> <p>25 requirements, and Point 4, significance of recent Hawaii</p>	<p>1 CHAIR STONE: Commissioner Okamoto.</p> <p>2 MEMBER OKAMOTO: Have we given these -- a copy</p> <p>3 of this to the Fire --</p> <p>4 CHAIR STONE: That is a very good question.</p> <p>5 We have here with us today Chief Murray.</p> <p>6 Thank you so much, Chief Murray, for being</p> <p>7 here.</p> <p>8 CHIEF MURRAY: Good afternoon.</p> <p>9 CHAIR STONE: It's much appreciated. Did you</p> <p>10 get a copy of these proposals?</p> <p>11 CHIEF MURRAY: I just got the one dated</p> <p>12 October 3rd, and, the most recent one, the 17th.</p> <p>13 CHAIR STONE: Okay. So you haven't seen the</p> <p>14 complete list of proposals affecting the department?</p> <p>15 CHIEF MURRAY: No.</p> <p>16 MS. KAHUHU: He has the October 3rd.</p> <p>17 CHAIR STONE: Okay.</p> <p>18 CHIEF MURRAY: Is this the -- this one here?</p> <p>19 CHAIR STONE: You know what, my eyes are</p> <p>20 terrible.</p> <p>21 CHIEF MURRAY: So are mine. I can read,</p> <p>22 though.</p> <p>23 MS. BRODER: Page 6. Page 6, is that the Fire</p> <p>24 Department?</p> <p>25 CHAIR STONE: Page 6.</p>

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1 CHIEF MURRAY: 5.  
 2 MS. KAHUHU: You have it.  
 3 CHIEF MURRAY: Got it. Has anything changed  
 4 since the October 3rd --  
 5 CHAIR STONE: Sorry.  
 6 CHIEF MURRAY: -- Matrix?  
 7 MS. BRODER: There may have been some that  
 8 were added, but they would be at the end.  
 9 CHAIR STONE: So this -- actually, this entire  
 10 section was deferred to this meeting to get you guys  
 11 here. So just if you don't mind bearing with us for --  
 12 CHIEF MURRAY: Not a problem.  
 13 CHAIR STONE: Give us about five minutes,  
 14 please.  
 15 (Off the record.)  
 16 CHAIR STONE: Commissioners, I think the best  
 17 way to utilize Fire Chief's presence is, most likely, to  
 18 get his opinion and ask questions on each of these items  
 19 as we go through them. I know it's lengthy, but that's  
 20 probably the best way to get input. Otherwise, we're  
 21 going to bounce around and get out of control.  
 22 So just to be sure, Chief Murray, you do have  
 23 the correct information, right?  
 24 CHIEF MURRAY: Yes, I do.  
 25 CHAIR STONE: Okay. So starting this

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1 discussion, Chapter 7, Department of Fire and Public  
 2 Safety, Active Proposal Number 8.7.1, proposal to  
 3 abolish the Department of Fire and Public Safety, to  
 4 require the Fire Chief to report to the Mayor, and to  
 5 set minimum qualification to Fire Chief and other  
 6 high-ranking Fire officials.  
 7 Chief Murray, your opinion on that proposal?  
 8 CHIEF MURRAY: Let me talk about the positive  
 9 part about this. Setting minimum qualifications is a  
 10 great thing, but be sure that, as a Charter Commission,  
 11 you should be looking at items across the board, not  
 12 just the Fire Department, and fairness in that. And,  
 13 also, to be real clear and define about what  
 14 qualifications and what degrees. Because anybody can  
 15 show up with a bachelor's degree that has nothing to do  
 16 with our profession.  
 17 As far as abolishing the -- the Fire  
 18 Commission or the appointment by the Fire Commission, I  
 19 think that would be a negative thing. And my reason is,  
 20 has it been bought up with other departments, especially  
 21 the four, Department of Personnel Services, Police  
 22 Department, Fire Department, and Liquor Commission.  
 23 The reason for having a commission is to avoid  
 24 corruption. And those are very powerful departments.  
 25 If either done right or done wrong, either way, it can

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1 be powerful. It's up to you what the outcome is, but my  
 2 opinion, that would be a negative impact on the  
 3 community.  
 4 CHAIR STONE: Commissioner Moikeha.  
 5 MEMBER MOIKEHA: I would agree with you on  
 6 that. You know, I listened to the Mayor and his  
 7 reasoning for wanting the position to come back directly  
 8 under him. And it dealt with a lot of personalities or  
 9 getting along with people and, you know, other things of  
 10 that nature. I believe that the commission as it stands  
 11 is something that is a venue of transparency. It's made  
 12 up of community members that live, work here, raising  
 13 their families. I think it's a better process. And  
 14 until someone can specifically tell me, other than I  
 15 just don't know if I can get along with that person in  
 16 the future -- I mean, the other side of that could be  
 17 said, if the Mayor has control over this, would it be a  
 18 political position, would he hire his friend, you know.  
 19 I mean, you can go both sides. And I really don't want  
 20 to get into that, you know, tit for tat.  
 21 From what I have seen and heard thus far from  
 22 all testimony, from everyone, this Commission seems to  
 23 be working very effectively. And for me, again, I think  
 24 a commission that is transparent, that represents the  
 25 general community, that has a very clear defined

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1 function and powers -- and if anything that needs to be  
 2 done -- and this would even -- for the Mayor, any  
 3 Mayor -- then strengthen those so that you feel like you  
 4 have at least more being in the loop. You don't have to  
 5 have total control, but if you feel that you're not  
 6 being involved in the commission and what they're doing  
 7 with the Fire Department and who they select and who  
 8 they fire, then strengthen -- strengthen powers, duties  
 9 and functions. I mean, to me, that is a more reasonable  
 10 way to go.  
 11 I think as far as setting standards and  
 12 criteria, you had mentioned earlier that you are going  
 13 through a national accreditation. I'm going to  
 14 assume -- I won't -- I'll ask you directly, that there  
 15 must be some standard of qualifications for the Fire  
 16 Chief and other positions.  
 17 CHIEF MURRAY: The accreditation process will  
 18 not do that.  
 19 MEMBER MOIKEHA: They will not?  
 20 CHIEF MURRAY: They will not do that. The  
 21 accreditation process will take care of everybody within  
 22 the Fire Department. The commission will set the goals  
 23 for the choice of a new Fire Chief or the selection  
 24 process for qualifications.  
 25 MEMBER MOIKEHA: Okay. But there is printed

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1 information on what standards may be for other  
 2 municipalities throughout the nation?  
 3 CHIEF MURRAY: You know how it is in Hawaii,  
 4 is all the four counties have it very similar. And I'll  
 5 talk a little bit about them when we get to the next  
 6 sections, but that's how this commission came about, by  
 7 the other commissions' rules, basically, of governing  
 8 that.  
 9 MEMBER MOIKEHA: Okay.  
 10 CHIEF MURRAY: And there's anything -- you  
 11 know, it runs the gamut across the nation. There's no  
 12 specific standards for that. But they can be something  
 13 developed by the commission. I don't see anything wrong  
 14 with that.  
 15 MEMBER MOIKEHA: Okay. Thank you.  
 16 CHAIR STONE: Thank you.  
 17 Commissioners, any further questions  
 18 concerning this topic? Commissioner DeLeon.  
 19 MEMBER DELEON: It almost feels like we're  
 20 having a debate through the Fire Chief.  
 21 CHAIR STONE: We are.  
 22 MEMBER DELEON: Okay.  
 23 CHAIR STONE: Basically, he's here, we're  
 24 getting his opinion. It's not determining our -- it's  
 25 -- we're getting information from the Fire Chief and his

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1 opinion, but it doesn't determine our votes.  
 2 MEMBER DELEON: Reviewing this list, I don't  
 3 see the proposal I made, which was supposed to be on the  
 4 list. And that is the proposal where the -- where the  
 5 commission nominates and the Mayor does the final  
 6 appointment.  
 7 CHAIR STONE: Are you sure that's not Number  
 8 8.7.2?  
 9 MEMBER DELEON: I went right by it. You're  
 10 right.  
 11 (Laughter.)  
 12 CHAIR STONE: You mean the next one on the  
 13 list?  
 14 MEMBER DELEON: Yeah. That's why I missed it.  
 15 So, Chief, this scenario, you're clear what  
 16 that's proposed, yeah?  
 17 CHIEF MURRAY: Yes, I do.  
 18 MEMBER DELEON: The commission will do  
 19 everything it does now in terms of recruiting and  
 20 vetting and doing qualifications review and then would  
 21 make that -- make a nomination as opposed to an  
 22 appointment. And the Mayor would have final authority  
 23 over whether to appoint or not. What do you say -- what  
 24 do you see as issues with that?  
 25 CHIEF MURRAY: I see the same issues.

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1 MEMBER DELEON: Which is?  
 2 CHIEF MURRAY: Which is political or  
 3 corruption or what-have-you.  
 4 MEMBER DELEON: This is after we've had the  
 5 transparency of a commission doing the whole review.  
 6 CHIEF MURRAY: Well, it's similar to the  
 7 Council having to review directors that are appointed by  
 8 the Mayor. It just goes through a different layer.  
 9 I don't think more layers will make things  
 10 worse, but you would have to have real clear parameters  
 11 on how that works.  
 12 MEMBER DELEON: Could you give me one of  
 13 those?  
 14 CHIEF MURRAY: I don't know.  
 15 MEMBER DELEON: So --  
 16 CHIEF MURRAY: Based on qualifications. So  
 17 if -- based on the recruitment process, the interview  
 18 process, and then the selection process by the  
 19 commission, is there any ability for the Mayor to say  
 20 no? That would be the same difference, I think.  
 21 MEMBER DELEON: Yeah, I guess it would be. If  
 22 he did feel like the chief the commission picked was  
 23 inadequate in his view.  
 24 CHIEF MURRAY: So -- but if that person passed  
 25 the recruitment process of whatever the parameters are,

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1 pass the interview, and the commission felt that was the  
 2 best person to lead this department --  
 3 MEMBER DELEON: Uh-huh.  
 4 CHIEF MURRAY: -- you know, it would be  
 5 unfortunate that they selected the person, they sent it  
 6 to the Mayor, and the Mayor said no. And now this  
 7 person, who would have come from our department, would  
 8 have to go back to work, wherever that position is,  
 9 knowing that the Mayor didn't want that person. I don't  
 10 know. I'm just saying.  
 11 MEMBER DELEON: Well, that would be  
 12 something -- that would be something that individual  
 13 would have had to have acknowledged going into the  
 14 process --  
 15 CHIEF MURRAY: Right.  
 16 MEMBER DELEON: -- realizing that the Mayor  
 17 would be the final authority.  
 18 CHIEF MURRAY: And even in this --  
 19 MEMBER DELEON: The purpose of that exercise,  
 20 Chief, is to allow the Mayor to have some authority in  
 21 the department.  
 22 CHIEF MURRAY: Well, the Mayor has a lot of  
 23 authority. You know, we try to meet on a regular basis  
 24 and go over our things. We have difference in opinions  
 25 in certain areas, but that's good dialogue. But I still

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1 believe that the position needs -- needs to be  
 2 semiautonomous, at least.  
 3 MEMBER DELEON: So who has the final say if  
 4 you guys have disagreements about the department?  
 5 CHIEF MURRAY: Well, it should be based on  
 6 what is best for the community ultimately.  
 7 MEMBER DELEON: Well, somebody has got to make  
 8 a decision. Again --  
 9 CHIEF MURRAY: Yeah, that's true. But,  
 10 usually, if -- if a decision is made, it's going to come  
 11 down to the Fire Chief.  
 12 MEMBER DELEON: Okay. Thank you.  
 13 CHAIR STONE: Commissioner Hedani.  
 14 VICE-CHAIR HEDANI: My only comment was, I'm  
 15 not sure what we're doing right now.  
 16 (Laughter.)  
 17 MEMBER DE REGO: That's what I'm thinking.  
 18 VICE-CHAIR HEDANI: You know, whether we're  
 19 considering active, nonactive, deferral, or just getting  
 20 testimony or input from the chief on his perspectives on  
 21 each of these things. I don't think we should be  
 22 debating with him --  
 23 MEMBER DE REGO: Exactly.  
 24 VICE-CHAIR HEDANI: -- to try to change his  
 25 opinion one way or another. I think --

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1 MEMBER DE REGO: Exactly.  
 2 VICE-CHAIR HEDANI: -- the debate --  
 3 CHAIR STONE: I think the debate should be  
 4 amongst the other Commissioners. So, actually, what we  
 5 are trying to accomplish is, with input from Chief  
 6 Murray, we are trying to go through our Active List and  
 7 determine if we're coming up with draft Charter  
 8 amendments, if we're going to move any of these forward.  
 9 So that's what we are trying to accomplish. Because to  
 10 bring Chief Murray back again and again and again is  
 11 going to not be possible. So --  
 12 Commissioner Moikeha, did you have something  
 13 to say?  
 14 MEMBER MOIKEHA: So at what point will you  
 15 entertain a motion?  
 16 CHAIR STONE: Whenever you're ready.  
 17 MEMBER MOIKEHA: I'm ready.  
 18 CHAIR STONE: Go ahead.  
 19 MEMBER MOIKEHA: My motion is to leave the  
 20 commission -- Fire and Public Safety Commission in and  
 21 not to change that. Otherwise, I'm opposing any of  
 22 these proposals --  
 23 CHAIR STONE: Okay.  
 24 MEMBER MOIKEHA: -- taking that out of the  
 25 commission and giving that to the Mayor.

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1 CHAIR STONE: Okay. We have a proposal on the  
 2 table to, I'm going to say, leave the Fire Commission as  
 3 is.  
 4 MEMBER MOIKEHA: This is in the current  
 5 Charter, as it's defined there.  
 6 CHAIR STONE: Okay. Now, I do want to point  
 7 out that we do have a discussion upcoming about  
 8 standardizing our commission language.  
 9 MEMBER MOIKEHA: And that can be open for  
 10 amendment. My concern here is only to leave the current  
 11 structure, which is the commission and their current  
 12 functions and duties, which --  
 13 CHAIR STONE: Okay. Very good.  
 14 MEMBER MOIKEHA: -- one of them is to include  
 15 the Fire Chief.  
 16 MEMBER CRIVELLO: Second.  
 17 CHAIR STONE: Okay. Proposal, it's been  
 18 seconded by Commissioner Crivello. Discussion, please.  
 19 MEMBER BAXA: I just want to clarify one  
 20 thing. There is a motion there. Let us say that the  
 21 motion is approved. Does that mean that these matters,  
 22 if the motion goes through, will not be alive anymore?  
 23 CHAIR STONE: It will not be moving forward to  
 24 our -- to a draft proposal. So, in other words --  
 25 MEMBER BAXA: It will be dead?

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1 CHAIR STONE: In essence, yes.  
 2 Discussion? Commissioner Sugimura.  
 3 MEMBER SUGIMURA: So, basically, by this  
 4 motion, we are then going to take away -- or it will  
 5 delete, I guess, 8.7.1, 8.7.2? And the next one's  
 6 regarding the title of the department. It will be the  
 7 first two, right?  
 8 MEMBER DELEON: Yeah.  
 9 MEMBER SUGIMURA: The first two would become  
 10 inactive?  
 11 CHAIR STONE: Uh-huh.  
 12 MEMBER MOIKEHA: Clarification, Chair?  
 13 CHAIR STONE: Yes.  
 14 MEMBER MOIKEHA: I mean, if the body wants to  
 15 set minimum qualifications, that could be removed, but  
 16 my main concern here is that we leave Fire and Public  
 17 Safety Commission intact as it is currently described in  
 18 the Charter.  
 19 CHAIR STONE: Understood.  
 20 Commissioner Okamoto.  
 21 MEMBER OKAMOTO: Question. Then are we still  
 22 going to discuss like adding in the Ocean Safety as a  
 23 separate --  
 24 CHAIR STONE: Yes.  
 25 MEMBER OKAMOTO: -- issue?

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1 CHAIR STONE: That comes -- that will come up  
 2 in a further discussion.  
 3 MEMBER OKAMOTO: Thank you.  
 4 CHAIR STONE: So, in essence, what we're  
 5 discussing now is Section Number 8.7.1 and Section  
 6 Number 8.7.2. And -- oh, yeah, that's right, we have  
 7 the other pages, too. To delete Section 8.7.12,  
 8 eliminate Fire and Public Safety Commission. Well,  
 9 obviously -- as well as Section Number 8.7.2, which is  
 10 on the following --  
 11 MEMBER DELEON: It's on the back page.  
 12 MEMBER DE REGO: On the back page.  
 13 CHAIR STONE: On the back page.  
 14 MEMBER SUGIMURA: 8.7.2?  
 15 CHAIR STONE: 12. 8.7.12.  
 16 MEMBER DE REGO: Page 8.  
 17 CHAIR STONE: Discussion?  
 18 VICE-CHAIR HEDANI: Call for the question.  
 19 CHAIR STONE: Yes, Commissioner.  
 20 MEMBER DELEON: (Inaudible) deferring to  
 21 Susan.  
 22 CHAIR STONE: Commissioner DeLeon.  
 23 MEMBER DELEON: I honestly think we have a  
 24 structural problem, and with the Fire Department in  
 25 particular, but, also, with Personnel, and, to some

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1 degree, with Police. We can't do anything about Liquor  
 2 because Liquor is set up under state law. But with not  
 3 having these departments reporting back to the Mayor as  
 4 they're responsible, the public has no place to go. If  
 5 you think these commissions are doing it, then think  
 6 again. Find out how many people actually show up at the  
 7 meetings. But as somebody who used to answer the phone  
 8 in the Mayor's Office, I know the public's upset when  
 9 they find out there is no connection to the authority.  
 10 The reason -- the reason why we have this  
 11 authority in Fire is because somebody made a commission  
 12 20 years ago, and the commission pestered and pestered  
 13 and pestered until, finally, they got the authority to  
 14 -- to appoint. There wasn't any real need to appoint.  
 15 But my proposal was -- it's kind of going both  
 16 ways, you get both. You get -- you get the review, you  
 17 get the transparency, you get the -- it would be real  
 18 hard for our Mayor to reject somebody because he doesn't  
 19 like them or he doesn't think he -- you would have to be  
 20 really somebody who is not competent or not capable, but  
 21 makes the connection to the political structure. And it  
 22 is a political connection. We don't have that now.  
 23 And, I'm sorry, I don't think it works.  
 24 I think the Chief's correct, I think all four  
 25 departments should be under the Mayor. But they're not.

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1 And the -- and Liquor is not going to be because of  
 2 State law. And Police Department and Department of  
 3 Personnel are politically more -- I never saw the  
 4 rationale for having a Fire Commission determining who  
 5 the Fire Chief is. I still don't.  
 6 CHAIR STONE: Commissioner Okamoto.  
 7 MEMBER OKAMOTO: I don't -- I don't see, if  
 8 you've got a commission that goes through and they  
 9 interview people and they say here's our choice, that,  
 10 to me, then sending that one choice to the Mayor --  
 11 that's just kind of -- it's flowery. It doesn't mean  
 12 anything. Because if he says no, then he's saying, wow,  
 13 this commission is worthless. And many of those people  
 14 have been appointed by the Mayor. I just don't think  
 15 it's -- I think the whole point with Fire and Police is  
 16 to keep it out of being, every four years, we appoint  
 17 somebody new because it's a new administration.  
 18 So I'm speaking for the motion.  
 19 CHAIR STONE: Thank you.  
 20 Chief Murray, you had --  
 21 CHIEF MURRAY: May I interject something?  
 22 CHAIR STONE: Please.  
 23 CHIEF MURRAY: That's a really good point,  
 24 Commissioner, about having the turnover. And all you'll  
 25 be building is status quo, you know.

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1 What the commission asked for when they  
 2 appointed me was for some longevity and actually  
 3 carrying out the plans that they set forth. And you  
 4 need time with that in county government, or any type of  
 5 government.  
 6 You know, personally, for me, if it was any  
 7 other way, I wouldn't apply because you're -- it's not,  
 8 basically, my way or the highway, it's the right way and  
 9 what is best for the people. Because when something  
 10 hits the fan in this community, it's my responsibility  
 11 for that area that I take care of. And the reason being  
 12 is I have the 27 years of experience there. Not the  
 13 Mayor. And we can all agree to disagree and we can all  
 14 talk about different policies, but I think open  
 15 communication goes both ways, if that's an issue. You  
 16 know, I communicate very well, in my opinion.  
 17 CHAIR STONE: I think, in hearing the Mayor's  
 18 remarks and your remarks -- and I respect both very  
 19 much -- I think the situation is what happens when you  
 20 -- when you have a Mayor and a Fire Chief that do not  
 21 communicate well. I think that's the concern that was  
 22 brought up, is what happens when there's a Mayor that's  
 23 being held responsible, let's say, for -- this is  
 24 totally not what is going on, but let's say that there's  
 25 a scenario where Fire Chief is getting a lot of



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1 complaints throughout the community and they're going --  
 2 people are going to the Mayor, saying, you've got to do  
 3 something about this chief, but the Mayor has no power  
 4 at all, really, to effect change with the chief. Would  
 5 it be -- and this is just a question to you, it's -- in  
 6 your opinion, would it be plausible that the Mayor has  
 7 the ability to request to the commission the removal of  
 8 the chief in a -- in a serious case?  
 9 CHIEF MURRAY: He can do that right now, I  
 10 believe. I mean, that's part of being, you know,  
 11 stewards of the community. I think everybody should be  
 12 able to communicate.  
 13 I don't think we have an issue. I think  
 14 regardless of what the chief feels, you know -- for  
 15 instance, we presented our budget in January to him, and  
 16 he actually supported everything that we put through.  
 17 It's not him that makes the final decision for that.  
 18 But in the past, we had fire chiefs that were asked to  
 19 keep everything flat for about eight years, eight years  
 20 when the County had money. And guess what? The chief  
 21 said "yes" because he didn't have an opinion on what the  
 22 Mayor was actually asking him to do or not to do, yeah.  
 23 In the past -- I mean, I'm not talking about  
 24 just this -- our administration, but the administration  
 25 prior to this, we had fire chiefs that actually got new

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1 vehicles that actually worked, that are not broke down,  
 2 spend more time in the mechanic shop. Those are small  
 3 issues to some people, but they are large people --  
 4 large issues to the people that we serve. If our  
 5 equipment doesn't work, that's just a small point, you  
 6 know, that actually affects them.  
 7 But all of the leadership within that and  
 8 having a plan and all of those things need to be in  
 9 place and need to be executed. And I feel that it's  
 10 accountable because I want to be accountable to myself  
 11 as well. And not everybody feels that way. I cannot  
 12 speak for that, but, you know, I think the -- the  
 13 Commission -- the Fire Commission does see value in the  
 14 questioning, the process, the history, you know, work  
 15 ethic. I don't know what the best answer is.  
 16 CHAIR STONE: Thank you, Chief Murray.  
 17 Commissioner Crivello.  
 18 MEMBER CRIVELLO: I guess this is in response  
 19 to Commissioner DeLeon. I believe the commission being  
 20 in place strengthens transparency. And, also, there's a  
 21 Department of Personnel that also gives the commission  
 22 the qualifications, so-called, that they need to go  
 23 through as far as recruitment or eventual hiring. There  
 24 may be some need to strengthen the -- the functions of  
 25 the commission as well as maybe having a stronger

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1 emphasis on the Strategic Plan, accreditation -- I'm  
 2 just throwing out those kind of things -- or allowing  
 3 more collaboration.  
 4 And, also, in response to you, if the Mayor is  
 5 getting all these complaints, it should be taken to the  
 6 commission. The public really has the opportunity to  
 7 present themselves to the commission. And if that  
 8 doesn't work, then maybe the Mayor has got to consider  
 9 who he's appointing to the commission as well.  
 10 CHAIR STONE: Thank you.  
 11 Commissioner Hedani.  
 12 VICE-CHAIR HEDANI: Okay. Speaking for the  
 13 motion -- well, first from a procedural standpoint, I  
 14 don't think we should ask the chief to debate the motion  
 15 that's on the floor with us as the tenth commissioner  
 16 or --  
 17 CHIEF MURRAY: Thank you.  
 18 VICE-CHAIR HEDANI: -- twelfth commissioner.  
 19 CHIEF MURRAY: Thank you. I don't want to be.  
 20 VICE-CHAIR HEDANI: But speaking for the  
 21 motion, I think there's two things in the existing  
 22 Charter under the powers and duties and functions of the  
 23 Mayor. It says, under Number 1, exercise supervision  
 24 directly or through the Managing Director over all  
 25 departments enumerated in Article 8 of this Charter and

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1 other agencies as provided by law. That includes the  
 2 Fire Department and the Police Department. And on  
 3 Number 15 of the Powers and Duties of the Mayor, it says  
 4 have a voice, but no vote in the proceedings of all  
 5 boards and commissions, which means -- prior mayors have  
 6 had 11 different executive assistants. You can assign  
 7 an executive assistant to every board and commission,  
 8 participate in every meeting that they have and have a  
 9 voice on the floor of every discussion that they have if  
 10 there's a problem. So I think essentially it's covered.  
 11 CHAIR STONE: Thank you, Commissioner.  
 12 Commissioner DeLeon.  
 13 MEMBER DELEON: I want to make something  
 14 clear. I didn't mean to imply there's a problem with  
 15 the current Fire Department. That was never an  
 16 implication, from the start.  
 17 In reference to the Mayor's appointments and  
 18 who the Mayor can control as commissioners, they are  
 19 five-year terms. A Mayor is discarded, a board is  
 20 appointed by somebody else, so he doesn't really have  
 21 that kind of control.  
 22 Then as far as all the powers and duties that  
 23 you mentioned, Commissioner, they would all stay in  
 24 place except for the final one where the Mayor has a  
 25 final say over who gets the appointment.

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<p>1 CHAIR STONE: Thank you. Commissioners,                  2 further discussion?                  3 MEMBER CRIVELLO: Call for the vote.                  4 VICE-CHAIR HEDANI: Call for the question.                  5 CHAIR STONE: Call for the vote. Roll call,                  6 please, Lisa.                  7 MS. KAHUHU: Commissioner Baxa.                  8 MEMBER SUGIMURA: What is the question again?                  9 Keep the commission as it is, right?                  10 MEMBER DELEON: Right.                  11 CHAIR STONE: That after lunch slowdown                  12 period. Sorry.                  13 MEMBER SUGIMURA: Run down.                  14 CHAIR STONE: To keep the commission structure                  15 as is.                  16 MEMBER BAXA: I'm going to vote no, simply                  17 because I wanted to make it alive.                  18 MS. KAHUHU: Commissioner Crivello.                  19 MEMBER CRIVELLO: Yes.                  20 MS. KAHUHU: Commissioner DeLeon.                  21 MEMBER DELEON: No.                  22 MS. KAHUHU: Commissioner De Rego.                  23 MEMBER DE REGO: Yes.                  24 MS. KAHUHU: Commissioner Hashimoto.                  25 MEMBER HASHIMOTO: No.</p>	<p>1 CHAIR STONE: No longer active.                  2 Moving on to Proposal Number 8.7.3, proposal                  3 to amend Chapter 7, Department of Fire and Public                  4 Safety, to change the name of the Department of Fire and                  5 Public Safety and delete the term "Public Safety" in                  6 order to more accurately reflect the duties of the Fire                  7 Department, and to conform other provisions of the                  8 Charter to reflect the new name. Suggested new name,                  9 Fire Protection and Prevention and Rescue.                  10 MEMBER SUGIMURA: (Inaudible.)                  11 CHAIR STONE: You have to request it.                  12 MEMBER SUGIMURA: Oh. So I want to hear what                  13 you have to say. I mean, this is like a name change,                  14 but, also, we're also putting in the Ocean Safety in                  15 there, correct?                  16 CHAIR STONE: No, not at this stage.                  17 MEMBER DE REGO: Not at this stage.                  18 MEMBER SUGIMURA: I'm sorry.                  19 CHIEF MURRAY: You know, my opinion would be                  20 that you could name it whatever you want, really.                  21 Honestly, I think it should be named Maui Fire                  22 Department, the same as the Maui Police Department,                  23 because, basically, that's the County that we serve.                  24 And it's your choice.                  25 Department of Fire and Public Safety, we</p>
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<p>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, excused.                  10 Chair Stone.                  11 CHAIR STONE: No, for the same reason, to keep                  12 it alive. But no.                  13 MS. KAHUHU: Six "yes." Motion passes.                  14 CHAIR STONE: Thank you.                  15 MEMBER MOIKEHA: Can I have clarity, please?                  16 CHAIR STONE: Yes, Commissioner Moikeha.                  17 MEMBER MOIKEHA: What are we keeping it alive                  18 for?                  19 CHAIR STONE: No. The motion passed, so I                  20 don't need clarification at this stage.                  21 So Proposal Number 8.7.1 and Proposal 8.7.2                  22 are removed from our Active List, and 8.7.12 removed                  23 from the Active List. That is on Page 8.                  24 MEMBER SUGIMURA: So these are not active,                  25 right?</p>	<p>1 weren't really thrilled about that back then, when it                  2 changed, because it opened the door on the overall                  3 scheme of public safety. But now that we are already at                  4 that juncture, I still believe it should be Maui Fire                  5 Department. Because it's -- the department -- when they                  6 did it the first time -- excuse me -- is they allow us                  7 to run under the Maui Fire Department as well. Yeah, so                  8 to minimize confusion.                  9 CHAIR STONE: Yes, Commissioner DeLeon.                  10 MEMBER DELEON: Move to propose Maui Fire                  11 Department.                  12 MEMBER CRIVELLO: I would like to add Maui                  13 "County."                  14 MEMBER DELEON: Maui County Fire Department.                  15 MEMBER SUGIMURA: Second.                  16 CHAIR STONE: There's a motion to change the                  17 name of the Department of Fire and Public Safety to the                  18 Maui County Fire Department, it's been seconded.                  19 Discussion.                  20 MEMBER OKAMOTO: Question.                  21 CHAIR STONE: Uh-huh.                  22 MEMBER OKAMOTO: Can I ask?                  23 CHAIR STONE: Yes, please.                  24 MEMBER OKAMOTO: Okay. If you change your                  25 name, what does that require on vehicles and signs and</p>

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1 uniforms? Is there a change of all this stuff that has  
 2 to happen?  
 3 CHIEF MURRAY: There would be some added cost  
 4 to this. As far as our vehicles, we would leave it the  
 5 way it is right now because we have some with Maui  
 6 County on it and we have some with Maui Fire on it. As  
 7 far as uniforms, I think that would be -- you know, we  
 8 would be just fine. Maybe our shirts, our duty shirts,  
 9 things like that would come into effect.  
 10 MEMBER OKAMOTO: So there would be some cost,  
 11 but not a tremendous amount?  
 12 CHIEF MURRAY: No, not a tremendous amount.  
 13 MEMBER OKAMOTO: Thank you.  
 14 MEMBER DELEON: Mr. Chair, can I speak to my  
 15 motion?  
 16 CHAIR STONE: Yes, please.  
 17 MEMBER DELEON: I kind of believe in  
 18 simplicity in names, like Public Works Department as  
 19 opposed to Public Works and Environmental Management or  
 20 sustainable environmental management, those other stuff.  
 21 I think you cut to the chase and you can call it, like  
 22 the chief said -- Police Department is the Police  
 23 Department, Fire Department is the Fire Department.  
 24 Don't need all the add-ons in name.  
 25 CHAIR STONE: Thank you, Commissioner.

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1 Just a quick question. What if -- what if the  
 2 proposal, for example, to move Ocean Safety and Rescue  
 3 to --  
 4 MEMBER DELEON: They do ocean safety and  
 5 rescue now in the Fire Department.  
 6 CHAIR STONE: Very good.  
 7 Further discussion? Commissioner Moikeha.  
 8 MEMBER MOIKEHA: There's nothing in what we're  
 9 proposing that says there's a start and end date as to  
 10 when that has -- the names have to be transferred to the  
 11 Maui -- if it gets adopted -- Maui County Fire  
 12 Department, is that correct? And I'm asking the  
 13 Analyst. Do we need to address that or can we just  
 14 allow that to be done by the department itself?  
 15 MS. BRODER: Well, I think if the Charter  
 16 amendment -- if you were to propose the Charter  
 17 amendment to change the name, and if it were to pass, it  
 18 would become effective on the date of passage. It would  
 19 be the new name of the department.  
 20 MEMBER MOIKEHA: Could we put something in  
 21 there that would allow the department to determine the  
 22 transition?  
 23 MS. BRODER: Yes. I mean, you could.  
 24 MEMBER MOIKEHA: In my opinion, when things  
 25 are broken and run out and you buy something new, then

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1 you change, then you correct the name. I mean,  
 2 everybody's going to know. And as he's already said,  
 3 there's equipment that has Maui County Fire Department  
 4 on it. So I'll wait until it gets to the point, if it  
 5 passes.  
 6 CHAIR STONE: Thank you.  
 7 Commissioners?  
 8 (No Response.)  
 9 CHAIR STONE: No. Let's vote. We're taking a  
 10 vote now.  
 11 MEMBER OKAMOTO: Repeat the --  
 12 CHAIR STONE: Very simple. The proposal that  
 13 is on the table, on the floor, is to change the name of  
 14 Department of Fire and Public Safety to simply Maui  
 15 County Fire Department. Roll call, please.  
 16 MS. KAHUHU: Chair, is this for draft language  
 17 or --  
 18 CHAIR STONE: This is to take it to a draft  
 19 Charter amendment.  
 20 MS. KAHUHU: Okay.  
 21 MR. KUSHI: Mr. Chair?  
 22 CHAIR STONE: Yes.  
 23 MR. KUSHI: Do you also want to change the  
 24 commission's name, too?  
 25 MEMBER DE REGO: Yes.

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1 CHAIR STONE: Very good input. Thank you very  
 2 much, Ed. Man of few words, but when he says  
 3 something --  
 4 (Laughter.)  
 5 CHAIR STONE: Would you like to amend the --  
 6 amend the --  
 7 MEMBER DELEON: So moved.  
 8 CHAIR STONE: Thank you.  
 9 MS. BRODER: Second?  
 10 CHAIR STONE: We need a second.  
 11 MEMBER CRIVELLO: Second.  
 12 CHAIR STONE: Seconded. So the proposal now  
 13 on the floor is to change both the Department of Fire  
 14 and Public Safety and, also, the -- what is the name of  
 15 the commission, Stacy? Sorry.  
 16 MS. BRODER: Fire and Public Safety.  
 17 CHAIR STONE: Fire and Public Safety  
 18 Commission to be -- firstly, Maui County Fire  
 19 Department, and Maui County Fire Commission. There we  
 20 go. Okay. Roll call, please.  
 21 MS. KAHUHU: Commissioner Wiger, excused.  
 22 Commissioner Sugimura.  
 23 MEMBER SUGIMURA: Yes.  
 24 MS. KAHUHU: Commissioner Okamoto.  
 25 MEMBER OKAMOTO: Yes.

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Page 173	<p>1 MS. KAHUHU: Commissioner Moikeha.</p> <p>2 MEMBER MOIKEHA: Yes.</p> <p>3 MS. KAHUHU: Commissioner Hashimoto.</p> <p>4 MEMBER HASHIMOTO: Yes.</p> <p>5 MS. KAHUHU: Commissioner Hedani.</p> <p>6 VICE-CHAIR HEDANI: No.</p> <p>7 MS. KAHUHU: Commissioner DeLeon.</p> <p>8 MEMBER DELEON: Yes.</p> <p>9 MS. KAHUHU: Commissioner De Rego.</p> <p>10 MEMBER DE REGO: Yes.</p> <p>11 MS. KAHUHU: Commissioner Crivello.</p> <p>12 MEMBER CRIVELLO: Yes.</p> <p>13 MS. KAHUHU: Commissioner Baxa.</p> <p>14 MEMBER BAXA: No.</p> <p>15 MS. KAHUHU: Chair Stone.</p> <p>16 CHAIR STONE: Yes.</p> <p>17 MS. KAHUHU: Eight "yes." Motion passes.</p> <p>18 CHAIR STONE: Motion passes.</p> <p>19 MEMBER MOIKEHA: Chair?</p> <p>20 CHAIR STONE: Yes.</p> <p>21 MEMBER MOIKEHA: Could I ask that the Analyst</p> <p>22 include some kind of language that gives the department</p> <p>23 authority to make the transition?</p> <p>24 MS. BRODER: If that's the will of the</p> <p>25 Commission.</p>	Page 175	<p>1 MEMBER MOIKEHA: And that's why I posed the</p> <p>2 question to the Analyst. And with her statement that</p> <p>3 would take effect January 1st, you know, I don't know</p> <p>4 how that's interpreted. So I'm just trying to make it</p> <p>5 clear. I don't want them to think that they have to go</p> <p>6 out there and change everything as of January 1st, if</p> <p>7 it's not --</p> <p>8 CHAIR STONE: Very good.</p> <p>9 MEMBER MOIKEHA: -- needed, then I won't --</p> <p>10 CHAIR STONE: Fire Chief?</p> <p>11 CHIEF MURRAY: If I may make a suggestion.</p> <p>12 Just put a sunset on it that would allow us some time to</p> <p>13 work through what we have, we notify our members, our</p> <p>14 vendors and what-have-you to get that done.</p> <p>15 CHAIR STONE: Very good.</p> <p>16 CHIEF MURRAY: That would also allow us to be</p> <p>17 cost-effective. Thank you.</p> <p>18 CHAIR STONE: Thank you. I don't think we</p> <p>19 have too many -- Commissioner DeLeon.</p> <p>20 MEMBER DELEON: This is a Charter amendment,</p> <p>21 now. This is not necessarily like an ordinance where</p> <p>22 you write every nuance into it. So, I mean, I don't</p> <p>23 know where would we put it in the Charter that they got</p> <p>24 time to change the uniform.</p> <p>25 CHAIR STONE: That's a very good point.</p>
Page 174	<p>1 MEMBER MOIKEHA: Shall I propose that as a</p> <p>2 motion, Chair?</p> <p>3 CHAIR STONE: I think -- I think that -- why</p> <p>4 don't we propose that just to make it official, please?</p> <p>5 MEMBER MOIKEHA: Okay. So that's my motion.</p> <p>6 CHAIR STONE: So the motion on the table, to</p> <p>7 give some leeway to the Fire -- Maui County Fire</p> <p>8 Department to initiate the name change, and that would</p> <p>9 be worked out with -- through the draft proposal. Do I</p> <p>10 have a second on that motion?</p> <p>11 MEMBER OKAMOTO: Second.</p> <p>12 CHAIR STONE: Second. Any discussion?</p> <p>13 (No Response.)</p> <p>14 CHAIR STONE: No discussion. Commissioner</p> <p>15 DeLeon.</p> <p>16 MEMBER DELEON: I'm not certain this is</p> <p>17 necessary. I think the department has that discretion,</p> <p>18 anyway. They're going to work it slowly, you know,</p> <p>19 they're gonna change the letterhead eventually and move</p> <p>20 along. I mean, I don't know if you have to change the</p> <p>21 name on the uniforms, the logo on the uniform like</p> <p>22 overnight. I mean, you can do it in time. This is,</p> <p>23 after all, Maui County.</p> <p>24 CHAIR STONE: Thank you, Commissioner.</p> <p>25 Commissioner Moikeha.</p>	Page 176	<p>1 Sherry, what do you think about that?</p> <p>2 MS. BRODER: Well, I mean, it could be done by</p> <p>3 ordinance. You know, you can change the name whenever</p> <p>4 you want. I mean, maybe -- you know, I'm a lawyer, so,</p> <p>5 to me, if the Charter amendment becomes effective, then</p> <p>6 the name on the department is changed as of the date the</p> <p>7 Charter amendment becomes effective. So --</p> <p>8 MEMBER DELEON: Well, we keep (inaudible).</p> <p>9 MS. BRODER: Well, it can be done -- I mean,</p> <p>10 obviously, it can be done by Charter amendment as well.</p> <p>11 It can be done by Charter amendment. But the name will</p> <p>12 have changed if you -- if you propose a Charter</p> <p>13 amendment to the people, and the people pass the Charter</p> <p>14 amendment, then it's no longer the Maui Fire and Public</p> <p>15 Safety Department. It's not the name anymore.</p> <p>16 CHAIR STONE: Commissioner Hedani.</p> <p>17 VICE-CHAIR HEDANI: I just think that we need</p> <p>18 to move along. And, you know, there's 12 different</p> <p>19 proposals on the Fire Department for this Commission to</p> <p>20 consider. And the reason I voted "no" on 8.7.3 was I</p> <p>21 thought that there was more important things for us to</p> <p>22 consider than just the name of the department. So I</p> <p>23 think we just need to move along.</p> <p>24 CHAIR STONE: Commissioner.</p> <p>25 MEMBER OKAMOTO: Can we just take a quick vote</p>

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1 on this, since it is on the table, and move it on?  
 2 CHAIR STONE: Yes. I'm --  
 3 MEMBER CRIVELLO: Does it have a second?  
 4 CHAIR STONE: It was seconded, yes. I'm  
 5 partial -- I'm against this proposal simply because I  
 6 think that it's a bit confusing. I think that when we  
 7 -- when and if this proposal were to be enacted by the  
 8 voters, they become the Maui County Fire Department, and  
 9 how they transfer and the amount of time it takes to  
 10 change the name is gonna be a natural thing. I don't  
 11 think we need to set any deadlines on -- I think it's  
 12 just going to naturally occur.  
 13 Commissioner Moikeha.  
 14 MEMBER MOIKEHA: I have no problem removing  
 15 it. And this just wasn't because of this issue, either.  
 16 You know, maybe that's my bigger question, is, you know,  
 17 when we -- when we put these proposals out there and the  
 18 way they're adopted, what's the transition plan, you  
 19 know? Where is that addressed, you know? And this will  
 20 affect some bigger issues, like the next issue, which is  
 21 moving the Public Safety -- the --  
 22 MEMBER SUGIMURA: Ocean Safety.  
 23 MEMBER MOIKEHA: -- Ocean Safety over. It's  
 24 like, where is all these things addressed.  
 25 CHAIR STONE: Agreed. I think, though, that

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1 some issues are -- it's much more pertinent to set a  
 2 time schedule on some issues and other issues simply are  
 3 just going to naturally happen.  
 4 MEMBER MOIKEHA: So maybe, at some point, the  
 5 Analyst can review for me in my mind, once we've adopted  
 6 these things, what is the transition plan and what is  
 7 the impact of that and how does this all have to be done  
 8 and is there a timeframe.  
 9 CHAIR STONE: I think that will be worked out  
 10 in the draft Charter language.  
 11 MEMBER MOIKEHA: Great. I can take it off.  
 12 CHAIR STONE: So we're removing the motion?  
 13 MEMBER MOIKEHA: Yeah, just so we can move  
 14 along.  
 15 CHAIR STONE: Very good.  
 16 MEMBER DE REGO: There's an Article 15, called  
 17 Transition.  
 18 MS. BRODER: There's a whole section in the  
 19 Charter on transition.  
 20 MEMBER MOIKEHA: On transition, okay.  
 21 MS. BRODER: It's the last article, 15. So if  
 22 you were to do something like that, you could put it  
 23 back in the Transition section.  
 24 MEMBER MOIKEHA: Okay. Yeah. Then I'll  
 25 remove it.

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1 CHAIR STONE: So the motion's being removed.  
 2 Who seconded the motion?  
 3 MEMBER OKAMOTO: I think maybe I did.  
 4 (Laughter.)  
 5 CHAIR STONE: Okay.  
 6 MEMBER OKAMOTO: I remove my second.  
 7 CHAIR STONE: Okay. We're moving on.  
 8 Need a coffee or something.  
 9 Moving on, Proposal Number 8.7.5, proposal to  
 10 amend Chapter 7, Department of Fire and Public Safety,  
 11 Section 8-7.2, Fire and Public Safety Commission, to  
 12 delete the current language and to add new language on a  
 13 statement of policy as follows. It is --  
 14 MS. BRODER: Actually, this one has been  
 15 corrected.  
 16 CHAIR STONE: Just a note -- why don't you  
 17 point that out, Sherry, please?  
 18 MS. BRODER: This one was corrected down  
 19 below. If you look on the next page, it says, "8.7.5  
 20 Corrected." And this was Mr. Jenkins' proposal. And he  
 21 requested I make certain changes, which I did do. So  
 22 it's in the -- it's in the -- I think you should take a  
 23 look on Page 6.  
 24 MEMBER CRIVELLO: So what's on the floor, the  
 25 actual policy statement that has been proposed?

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1 MS. BRODER: Right.  
 2 CHAIR STONE: Commissioners, you understand  
 3 that, correct? The actual proposal is the one that says  
 4 Number "8.7.5 Corrected," which starts halfway down Page  
 5 6.  
 6 MEMBER DELEON: Mr. Chair, can we ask the  
 7 Chief's opinion of this?  
 8 CHAIR STONE: If the Chief has had the time to  
 9 read it.  
 10 CHIEF MURRAY: Yeah. I believe nothing has  
 11 changed since October 3rd's Matrix. Yeah?  
 12 CHAIR STONE: Except that the proposal was  
 13 corrected.  
 14 CHIEF MURRAY: Okay. I think I have that  
 15 corrected one in there as well.  
 16 CHAIR STONE: Uh-huh.  
 17 CHIEF MURRAY: I think it would be a tough one  
 18 for the voters to actually see the difference. It's  
 19 kind of lengthy.  
 20 I also want to know that -- is there a reason  
 21 why it's specifically written this way, is it not being  
 22 done already, or is it not just spelled out? Because I  
 23 believe it's spelled out in the Department of Personnel  
 24 Services' rules.  
 25 MEMBER CRIVELLO: But is it in the Charter

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1 under the Fire Department? I'm sorry.  
 2 CHIEF MURRAY: I don't believe so.  
 3 CHAIR STONE: Please, Commissioner Crivello.  
 4 CHIEF MURRAY: I don't believe so.  
 5 MEMBER CRIVELLO: Okay. So do you find, in  
 6 your mind, that it strengthens and defines the existence  
 7 of the department and the firefighters? Because it's my  
 8 understanding that the other counties have this in their  
 9 Charter.  
 10 CHIEF MURRAY: I cannot say if I saw it in  
 11 other counties. I believe what I saw in the other  
 12 counties was very similar to what we already have now.  
 13 This could be additions. I don't know.  
 14 MEMBER CRIVELLO: So --  
 15 CHAIR STONE: Yes, please, Commissioner.  
 16 MEMBER CRIVELLO: So, Chief, in your mind,  
 17 your concern is the length for the voters and -- or you  
 18 don't see it necessary on your point for the  
 19 strengthening of the policies under the Chapter 7?  
 20 CHIEF MURRAY: Yeah. I don't believe it  
 21 should be a Charter amendment. I believe that this is  
 22 already being conducted through DPS for this specific  
 23 purpose on all -- all the standards that are governed by  
 24 them. Because they would have to be included on  
 25 something like this because -- to see it, on how it

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1 would affect them and if it would affect them.  
 2 You know, as we all know, we have voted in the  
 3 past, and sometimes those things that come down just are  
 4 a little confusing. And how -- how do we educate? I  
 5 don't see that much of a difference of what is already  
 6 being done, you know, really.  
 7 MEMBER CRIVELLO: So in your -- so we have  
 8 this under the Department of Personnel, this sort of  
 9 statement of policy?  
 10 CHIEF MURRAY: I've seen it before, yes. I  
 11 don't know if it's in their Charter, but I know it's in  
 12 their rules for promotions.  
 13 MEMBER DE REGO: Chair?  
 14 CHAIR STONE: Commissioner Moikeha.  
 15 MEMBER DE REGO: Oh, I'm sorry. Go ahead.  
 16 MEMBER MOIKEHA: You know, this is like a  
 17 mission statement. And -- and I think it's great. I  
 18 don't think it belongs in the Charter. When I'm looking  
 19 at other departments, I don't see anything similar to  
 20 it. You have organization, you have what the powers and  
 21 duties are, and functions, but you really don't have  
 22 mission statements. And I just think it's more  
 23 appropriate maybe within the department itself,  
 24 somewhere stated in the rules or -- you know, I just  
 25 don't see it. Because then I would want to be

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1 consistent and make sure everybody had a mission  
 2 statement or a direction. I don't think it's the  
 3 appropriate place right now.  
 4 CHAIR STONE: Thank you.  
 5 Commissioner Hedani.  
 6 VICE-CHAIR HEDANI: I agree with Susan on this  
 7 one. If you take a look at the current section, 8.7.2,  
 8 there's seven items that are listed, including, you  
 9 know, adopt rules, review the budget, review the  
 10 operations of the department, receive and investigate  
 11 charges, and all of the other things that the commission  
 12 does. And I think if you're going to -- if you're going  
 13 to remove that completely and submit a mission statement  
 14 for it, it doesn't tell the commission what they need to  
 15 do.  
 16 CHAIR STONE: Thank you.  
 17 Commissioner DeLeon.  
 18 MEMBER DELEON: I don't find the personnel  
 19 issues here to be pertinent and to be appropriate in the  
 20 Charter, promotions and other personnel actions. I  
 21 don't think that's Charter-related. It has to do with  
 22 contract, it has to do with civil service law. I just  
 23 don't find it to be appropriate in this location.  
 24 CHAIR STONE: Thank you.  
 25 Commissioners?

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1 MEMBER OKAMOTO: I make a motion to remove  
 2 this particular portion from the Active List.  
 3 CHAIR STONE: There's a motion on the table.  
 4 Is it seconded?  
 5 MEMBER SUGIMURA: Second.  
 6 CHAIR STONE: Seconded by Commissioner  
 7 Sugimura. Discussion?  
 8 MEMBER DE REGO: I just wanted to make a point  
 9 of information, that there is actually a statement of  
 10 policy like this in the Honolulu Charter. I just  
 11 brought it up here. So it does exist in other charters.  
 12 And I guess it's up to us whether we feel it's necessary  
 13 or not to have mission statements.  
 14 But I would agree with Commissioner Moikeha  
 15 that if we're going to have a statement of policy for  
 16 the Fire Department, then we'll be looking at statements  
 17 of policy for the Police Department, for every, you  
 18 know, department, or every department that has a  
 19 commission that -- that hires and fires its own  
 20 department head at this point.  
 21 CHAIR STONE: Frank, since you're playing  
 22 around on the internet, could you check to see maybe if  
 23 the other departments of that same county have mission  
 24 statements built in, as a consistency?  
 25 MEMBER DE REGO: I'm not playing; I'm working.

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<p>1 Let's change the word.                  2 MEMBER CRIVELLO: While he's doing that,                  3 though, the department does have a mission statement.                  4 This is like a statement of policy.                  5 MEMBER DE REGO: Yeah.                  6 MEMBER CRIVELLO: And there's a difference                  7 with mission statement and statement of policies.                  8 MEMBER DE REGO: Right.                  9 MEMBER CRIVELLO: So I will be not voting with                  10 Kay's motion on the basis that I would like to still see                  11 this alive and do some -- get a little bit more                  12 information how -- why the other -- I think Big Island                  13 is the other Charter that may have it.                  14 MEMBER DE REGO: Yeah. Let me check here.                  15 MEMBER OKAMOTO: Mr. Chair?                  16 CHAIR STONE: Yes.                  17 MEMBER OKAMOTO: I don't think there's a                  18 second.                  19 CHAIR STONE: There is a second. Commissioner                  20 Sugimura seconded it.                  21 MEMBER OKAMOTO: Thank you.                  22 MEMBER DELEON: No bailing out.                  23 (Laughter.)                  24 CHAIR STONE: Motion is still on the table.                  25 Further discussion while Frank continues playing with</p>	<p>1 commissions? At that stage, that would be something to                  2 discuss?                  3 MEMBER DELEON: It's much broader than that.                  4 We're talking about the departments. Some departments,                  5 like Finance, don't have an overseeing board. Public                  6 Works doesn't have an overseeing board. Planning                  7 doesn't have an overseeing board.                  8 CHAIR STONE: Okay.                  9 MEMBER DE REGO: Yeah. I can't find it right                  10 now, but --                  11 CHAIR STONE: That's for the Police                  12 Department. So, in a sense, that statement of policy is                  13 for all the departments?                  14 MS. BRODER: That's what it looks like,                  15 superficially.                  16 CHAIR STONE: That's what it appears to be,                  17 superficially.                  18 MEMBER BAXA: Mr. Chair?                  19 CHAIR STONE: Yes.                  20 MEMBER BAXA: This type of language, the only                  21 question that I have is that we are singling a                  22 particular department. I think the language here                  23 applies to all the departments of the County. Qualified                  24 professional leadership, attract the best. Why should                  25 that be? Attracting the best in every department.</p>
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<p>1 his computer?                  2 MEMBER DE REGO: It's not playing.                  3 CHAIR STONE: Okay.                  4 MEMBER DE REGO: I know, everybody is picking                  5 on me.                  6 CHAIR STONE: While Frank is looking up                  7 pertinent information and working --                  8 MEMBER DE REGO: I know, it's past my                  9 birthday.                  10 CHAIR STONE: -- we --                  11 MEMBER DELEON: I think it's a problem. Like                  12 we would have to go back to each of these departments'                  13 statement to be consistent. Otherwise, we're going to                  14 be -- we're going to have one -- because of a very                  15 ambitious and capable firefighter, we'll have one well                  16 developed Fire Department set of language and all the                  17 other departments will be very different.                  18 CHAIR STONE: Do you think --                  19 MEMBER DELEON: It's kind of important for it                  20 to be one, unless we do them all.                  21 CHAIR STONE: Right. Do you think that                  22 maybe --                  23 MEMBER DELEON: (Inaudible.)                  24 CHAIR STONE: -- this discussion should fall                  25 under when we go to consistency amongst boards and</p>	<p>1 MEMBER DELEON: Mr. Chair?                  2 CHAIR STONE: Yes.                  3 MEMBER DELEON: Why would we say that in every                  4 department? Why don't we say it in the Preamble or                  5 something?                  6 MEMBER DE REGO: It's interesting.                  7 MEMBER DELEON: Rather than having this                  8 repeated the whole way through the Charter in each                  9 department.                  10 CHAIR STONE: Good. Commissioner De Rego.                  11 MEMBER DE REGO: The language is also in the                  12 Hawaii Fire Department. And it seems to be the only                  13 department, actually, that has a statement of policy.                  14 Because the Police Department doesn't have a statement                  15 of policy.                  16 CHAIR STONE: I think I just read the Hawaii                  17 Police Department statement of policy.                  18 MEMBER DELEON: (Inaudible.)                  19 CHAIR STONE: No. Sorry.                  20 MEMBER DE REGO: No, it doesn't.                  21 CHAIR STONE: Okay. So we have a motion on                  22 the --                  23 MEMBER DE REGO: Motion on --                  24 CHAIR STONE: -- floor.                  25 MEMBER DE REGO: -- the floor.</p>

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<p>1 CHAIR STONE: So any further discussion on                  2 this motion to remove the corrected Number 8.7.5 from                  3 the Active List?                  4 (No Response.)                  5 CHAIR STONE: No further discussion. Lisa,                  6 roll call, please.                  7 MS. KAHUHU: Commissioner Baxa.                  8 MEMBER BAXA: I was going to make a motion,                  9 but, anyway. Can I still say something? To amend the                  10 motion to say that we should put some language in the                  11 Charter to encompass this for all the departments                  12 instead of just deleting it completely.                  13 CHAIR STONE: There's a --                  14 MEMBER DELEON: There's a motion. Well, we're                  15 in a roll call.                  16 CHAIR STONE: We're in roll call.                  17 MEMBER BAXA: Yeah.                  18 CHAIR STONE: I think you can put a proposal                  19 forward after.                  20 MEMBER BAXA: Okay.                  21 CHAIR STONE: A formal proposal.                  22 MEMBER BAXA: Oh.                  23 CHAIR STONE: Roll call, please.                  24 MS. KAHUHU: Commissioner Baxa.                  25 MEMBER BAXA: In that sense, I will vote no.</p>	<p>1 MS. KAHUHU: Commissioner Sugimura.                  2 MEMBER SUGIMURA: Yes.                  3 MS. KAHUHU: Commissioner Wiger, excused.                  4 Chair Stone.                  5 CHAIR STONE: No.                  6 MS. KAHUHU: It's a tie, five-five.                  7 MEMBER DELEON: Motion fails, it stays alive.                  8 MEMBER CRIVELLO: It stays alive?                  9 MEMBER OKAMOTO: Yes.                  10 CHAIR STONE: A rare outburst from                  11 Commissioner Crivello.                  12 (Laughter.)                  13 CHAIR STONE: How are you going to put that                  14 one in there?                  15 MEMBER DE REGO: Maui News.                  16 CHAIR STONE: At this time, I would like to                  17 take a break for our court reporter, who is still trying                  18 to figure out how to put that outburst into the minutes.                  19 We'll take a very quick 10-minute recess, we'll return                  20 here at 3:45. Thank you. Sorry. 2:45.                  21 (Recess, 2:26 p.m. to 2:47 p.m.)                  22 CHAIR STONE: I would like to call this                  23 meeting back to order as of 2:48.                  24 MEMBER SUGIMURA: You like that?                  25 CHAIR STONE: Oh, my gosh. That's the best.</p>
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<p>1 MS. KAHUHU: Commissioner Crivello.                  2 MEMBER CRIVELLO: If I vote "no," I'm keeping                  3 it alive, right?                  4 CHAIR STONE: No.                  5 MEMBER CRIVELLO: What?                  6 CHAIR STONE: Yes.                  7 MEMBER CRIVELLO: Removing it?                  8 CHAIR STONE: Let me reread the motion.                  9 Sorry. The motion is to remove Corrected Proposal                  10 Number 8.7.5 from the Active List. So if you vote "no,"                  11 it stays active.                  12 MEMBER CRIVELLO: Oh, "no" stays active.                  13 Okay. No.                  14 MS. KAHUHU: Commissioner DeLeon.                  15 MEMBER DELEON: Yes.                  16 MS. KAHUHU: Commissioner De Rego.                  17 MEMBER DE REGO: No.                  18 MS. KAHUHU: Commissioner Hashimoto.                  19 MEMBER HASHIMOTO: No.                  20 MS. KAHUHU: Commissioner Hedani.                  21 VICE-CHAIR HEDANI: Yes.                  22 MS. KAHUHU: Commissioner Moikeha.                  23 MEMBER MOIKEHA: Yes.                  24 MS. KAHUHU: Commissioner Okamoto.                  25 MEMBER OKAMOTO: Yes.</p>	<p>1 MEMBER DE REGO: You're just enjoying that too                  2 much.                  3 CHAIR STONE: So, Commissioners, we have a                  4 request from our illustrious court reporter, Tonya, that                  5 we are losing control and all speaking out of turn. So                  6 for Tonya's sake, we'll try to make it a little more                  7 uniform.                  8 Moving on to Proposal Number 8.7.6, proposal                  9 to amend Section 8-7.2, Fire and Public Safety                  10 Commission, to have one member from each Council                  11 district to expand the powers of the commission to                  12 appoint such staff as it needs and to engage consultants                  13 as necessary for the performance of its duties, and to                  14 add that the commission members be appointed by the                  15 Mayor and confirmed by the Council in the manner                  16 prescribed in Section 13-2.                  17 MEMBER DELEON: Mr. Chair?                  18 CHAIR STONE: Yes.                  19 MEMBER DELEON: Move to put this in the Boards                  20 and Commissions section.                  21 CHAIR STONE: We have a motion to move this                  22 proposal to the Boards and Commissions section.                  23 MEMBER CRIVELLO: I second.                  24 CHAIR STONE: It has been seconded by                  25 Commissioner Crivello. Discussion?</p>



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1 (No Response.)  
 2 CHAIR STONE: No discussion. I'm just going  
 3 to do, all in favor, raise your hands, please. Good.  
 4 All opposed. Cliff, you have to vote.  
 5 MEMBER HASHIMOTO: Oh.  
 6 CHAIR STONE: In favor or opposed? You can't  
 7 abstain.  
 8 MEMBER HASHIMOTO: Yes.  
 9 CHAIR STONE: Okay, it's unanimous. So  
 10 Proposal Number 8.7.6 -- this is for you, Sherry -- is  
 11 going to move to -- under the discussion of boards and  
 12 commissions. Thank you.  
 13 Moving on to Proposal Number 8.7.7, proposal  
 14 to amend Section 8-7.2, Fire and Public Safety  
 15 Commission, to expand and clarify the powers, duties and  
 16 functions of the commission to do one or more of the  
 17 following: Expand the authority of the commission to  
 18 review rules for the administration of the department.  
 19 Add to Subsection 4, publish a summary of the charges  
 20 filed against members and officers and the disposition  
 21 of each charge to be included in the annual report of  
 22 the commission. Review personnel actions within the  
 23 department for conformance with the policies under the  
 24 statement of policy. Review and recommend on the  
 25 Strategic Plan for the Fire Department or other similar

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1 type of plans. Add to Subsection 5 regarding the annual  
 2 evaluation of the Fire Chief that the commission shall,  
 3 at least annually, compare the actual achievements in  
 4 the strategic or other similar types of plans or latest  
 5 update submitted by the Fire Chief. And, finally,  
 6 submit an annual report to the Mayor and the Council on  
 7 its activities.  
 8 MEMBER CRIVELLO: Mr. Chair?  
 9 CHAIR STONE: Yes, Commissioner Crivello.  
 10 MEMBER CRIVELLO: I move to keep Article 8.7.7  
 11 onto the Active List, and all the below.  
 12 CHAIR STONE: I'm sorry. We would be moving  
 13 it to proposal stage. Or -- it's on active.  
 14 MEMBER CRIVELLO: Keep it active. Keep it  
 15 alive.  
 16 MEMBER SUGIMURA: We're doing amendments.  
 17 CHAIR STONE: Actually, it's what we -- what  
 18 we need to do, Commissioner Crivello, is to either move  
 19 them to draft proposal --  
 20 MEMBER CRIVELLO: Oh, I'm sorry. Then move to  
 21 draft proposal.  
 22 CHAIR STONE: Okay. Thank you. Yeah. Don't  
 23 worry. I get confused on that all the time.  
 24 So we have a motion from Commissioner Crivello  
 25 to move Number 8.7.7 to draft proposal. Do I have a

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1 second? Okay. So we -- the motion -- yes. Sorry.  
 2 MEMBER MOIKEHA: I have a question.  
 3 CHAIR STONE: Sure.  
 4 MEMBER MOIKEHA: I'm reading this, and some of  
 5 it is already there. So I'm not sure what we're trying  
 6 to achieve here. Couple of things, a little bit more.  
 7 MEMBER DELEON: Mr. Chair, we have a motion  
 8 with no second.  
 9 CHAIR STONE: We have no second.  
 10 MEMBER DELEON: We don't need to have  
 11 discussion until we have a second.  
 12 MEMBER MOIKEHA: Second.  
 13 CHAIR STONE: Okay. It's been seconded.  
 14 Thank you. Okay. So, go ahead, Susan.  
 15 MEMBER MOIKEHA: I have a question. Who can  
 16 answer this? I mean --  
 17 MEMBER SUGIMURA: Let Chief --  
 18 MEMBER DELEON: Mr. Chair?  
 19 CHAIR STONE: Yes.  
 20 MEMBER DELEON: We have the author of this  
 21 document here. Can he approach the mic and maybe  
 22 explain what he's talking to?  
 23 CHAIR STONE: Commissioners? I just want to  
 24 put to the Commissioners, are you guys okay with --  
 25 MEMBER OKAMOTO: I just have a point of

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1 clarification.  
 2 CHAIR STONE: Yes.  
 3 MEMBER OKAMOTO: I thought the last one we  
 4 just did kept it on the Active List. And I think that  
 5 we are keeping some on the Active List.  
 6 CHAIR STONE: That one broke unanimous, so it  
 7 stays on the Active List. It hasn't moved forward, nor  
 8 has it moved back.  
 9 MEMBER OKAMOTO: Right. But you just told  
 10 Stacy that you either had to move it off the Active List  
 11 or go to an amendment.  
 12 CHAIR STONE: If this were -- if we took a  
 13 vote to proposal, and it was tied, it would stay on the  
 14 Active List and we would have to come back to it. But,  
 15 again, we don't have time to keep coming back.  
 16 MEMBER OKAMOTO: Okay. Okay. Understood.  
 17 Thank you.  
 18 CHAIR STONE: We need to -- so go ahead,  
 19 Commissioner Crivello. You're the maker of the motion.  
 20 MEMBER CRIVELLO: I think, for me, as one who  
 21 served on the commission, and because there seems to be  
 22 questions as to why to keep the commission, I think this  
 23 more or less strengthens the role of the commission as  
 24 far as having the oversight over the department or --  
 25 well, the Fire Chief. And some of these we already have

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1 it listed, like submit an annual report to the Mayor. I  
 2 think to -- I guess it is to expand on the -- on the  
 3 functions of the commission, which is why I wanted to  
 4 keep it alive, to have more discussion on how much meat  
 5 we can add to the commission in the Charter.  
 6 CHAIR STONE: Very good. And take note that  
 7 the wording of this proposal is to expand and clarify.  
 8 Expand and clarify; not replace. Right?  
 9 Commissioner De Rego.  
 10 MEMBER DE REGO: I just want to point out, on  
 11 the third subsection in this 8.7.7, it talks about  
 12 personnel actions in conformance under the statement of  
 13 policy. We've kept the statement of policy on the  
 14 Active List, we haven't really moved it to the proposal  
 15 stage, but we would be moving this to the proposal stage  
 16 without having a statement of policy. So it would be, I  
 17 think, a little bit of a logical consistency problem  
 18 with that.  
 19 CHAIR STONE: Uh-huh. Thank you.  
 20 Commissioner Hedani.  
 21 VICE-CHAIR HEDANI: I'll be voting against the  
 22 motion only because, if you look at the language in the  
 23 existing Charter, it enumerates seven functions of the  
 24 Fire and Public Safety Commission or the Fire  
 25 Commission. And it's very clear and concise as to what

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1 they have to do; adopt rules, review the budget, review  
 2 the operations, receive and investigate charges,  
 3 evaluate. And those are essentially being repeated here  
 4 in revised language. So you're going to be saying the  
 5 same thing twice, if you just attach this. You're  
 6 giving staff a difficult job to do if they have to take  
 7 this information, merge it against what you already  
 8 have, and come up with a statement that makes sense, I  
 9 think.  
 10 CHAIR STONE: Thank you, Commissioner.  
 11 Further discussion?  
 12 MEMBER BAXA: Mr. Chair?  
 13 CHAIR STONE: Commissioner Baxa.  
 14 MEMBER BAXA: I just -- there was a lot of  
 15 discussion before, I forgot what was said, but I think  
 16 the author of this proposal is here.  
 17 CHAIR STONE: Uh-huh.  
 18 MEMBER BAXA: I wonder if he can elaborate  
 19 more. Is that Mr. Jenkins? Mr. Chair, I have -- well,  
 20 I am asking your permission, I'm not asking Mr. Jenkins.  
 21 CHAIR STONE: Without -- let me check with  
 22 Corp Counsel. Is that all right, if we call Mr. Jenkins  
 23 up?  
 24 MR. KUSHI: At your pleasure, Mr. Chair. But  
 25 before you do that, I need to say something.

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1 CHAIR STONE: Please.  
 2 MR. KUSHI: As much as I don't want to. But  
 3 under the proposal, under the second subsection, where  
 4 it says add a Subsection 4, publish a summary of charges  
 5 filed against members and officers and disposition of  
 6 each charge to be included in the annual report of the  
 7 commission, I would caution this group that this may  
 8 involve some privacy issues, some personnel matters,  
 9 collective bargaining issues. And before any  
 10 proposition like this becomes -- comes on the ballot, I  
 11 would urge you to check with Department of Personnel  
 12 Services, because you are making public possible  
 13 disciplinary actions. If proven false, then probably  
 14 disparaging a member.  
 15 CHAIR STONE: Very good. Thank you, Ed,  
 16 again.  
 17 Without objection from the Commissioners, I  
 18 would call Greg Jenkins up for clarification on the  
 19 language. Is there any objection?  
 20 (No Response.)  
 21 CHAIR STONE: Okay. Greg, could you please  
 22 come forward? Thank you.  
 23 Greg, generally, you know, you've been through  
 24 this before in testimony, but, to clarify the intent of  
 25 the language, when hearing the concerns of the

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1 Commission.  
 2 MR. JENKINS: Thank you, Chair, Commissioners.  
 3 Also, thank you, Chief, for your comments. I  
 4 may not agree with you, but I have respect for your  
 5 opinion.  
 6 The most important thing I can anchor this in  
 7 is that in the report I submitted to you, it does  
 8 outline the details of language that I submitted with --  
 9 with background and justification, pro and con. And I  
 10 understand you guys have a lot of information in front  
 11 of you. So I can see the purpose, again, for the  
 12 Matrix, in having expediency in moving things along.  
 13 With confirmation from -- from Sherry, if it's possible,  
 14 I did make the statement earlier that -- that this is --  
 15 the Matrix serves as a summary at times and is not the  
 16 final ballot proposal language. So my caution was that  
 17 before matters be moved forward by the Commission that  
 18 you could consider the details of what was proposed and  
 19 their intent.  
 20 Specifically to the statement of policy, I  
 21 believe your discussion, now it is a -- it is currently  
 22 still alive, was adequate. It was pointed out that the  
 23 County of Hawaii, County of -- City and County of  
 24 Honolulu, both Police and Fire, have statements of  
 25 policy. I believe it defines a goal in existence for

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1 the organization. That organization is made up of a  
 2 fire commission, a fire chief and necessary staff. So  
 3 it's that collection of units that make it whole. But  
 4 what defines the direction of that organization? It's  
 5 the charter and the statement of policy.  
 6 I want to read a section, 6.3, of our County  
 7 Charter, for Maui County. And it specifically  
 8 enumerates the powers, duties and functions of  
 9 administrative heads of all departments. It says, under  
 10 Section 1, pursuant to law, the administrative heads of  
 11 departments shall have the power to take all personnel  
 12 actions. Under Hawaii Revised Statutes, that includes  
 13 the Fire Chief as the appointing authority. That means  
 14 that our Fire Chief has an enumerated power, duty and  
 15 function under the Charter. If we're saying that the  
 16 commission is the check and balance to hold that Fire  
 17 Chief accountable to that particular power, duty or  
 18 function, then it would be such that the commission has  
 19 the ability to review if those are pono or not. That's  
 20 my concern. It's not to micromanage the chief. As you  
 21 can see in the statement of policy, it clearly states  
 22 that applicable to any -- any laws.  
 23 You say that may be something already  
 24 repeated, for example, under the County Charter. Well,  
 25 my concern is that when -- that -- in going down the

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1 list of details, it's important, it's fixing it. So  
 2 there are countless times where the Charter language  
 3 that exists is ineffective in achieving its goal.  
 4 Investigations is an example. So -- and  
 5 Mr. Kushi is here today, so he could clarify on this.  
 6 Many times, there's a section of our existing Charter  
 7 language that -- that identifies that the action taking  
 8 place is somehow interfering with the administrative  
 9 affairs of the department. So let's say it forms an  
 10 investigation. Well, if an investigation is going to  
 11 take place, there needs to be proper facts and such  
 12 brought forward to be looked at by the commission if  
 13 those charges are brought forth. The commission's  
 14 review and recommendations then are forwarded to the  
 15 chief for his or her disposition. Right now, there's --  
 16 there's examples of how -- because that -- the details  
 17 of the process as such is clearly stated that the  
 18 commission could have information withheld from them to  
 19 make that effective decision. Those are -- that's just  
 20 one example. And so it goes back to the practicality  
 21 and the effectualness of language. And I'm not  
 22 complaining against Corporation Counsel's decision; I'm  
 23 merely identifying that it's a good point.  
 24 So in this section, it is clear, 8.7 -- 8.7-7,  
 25 that these are additions, as Commissioner Moikeha also

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1 stated, to existing language. It could be very well  
 2 confusing if we're overrunning language, I understand  
 3 that, so -- but specific details are within my report.  
 4 But each one of these sections has a -- has a purpose  
 5 that ties somehow into the rest of the proposed language  
 6 in my report for our Charter.  
 7 CHAIR STONE: Thank you.  
 8 Commissioners, any questions?  
 9 (No Response.)  
 10 CHAIR STONE: No. Thank you, Greg.  
 11 MEMBER DELEON: Mr. Chair?  
 12 MR. JENKINS: I'm sorry. Go ahead.  
 13 MEMBER DELEON: Greg, if we're going to make a  
 14 proposal to the public, they're going to look at this  
 15 language and they're going to ask why. What are we  
 16 going to say? What's the why? Why are we doing this?  
 17 Why are we asking them to vote on this? It's very  
 18 specific kind of language and kind of, you know, boiling  
 19 down to a very tight kind of parameters. And we're  
 20 having a hard time comprehending it. Again, I don't  
 21 know how the voters are going to get it. So why are we  
 22 going here? Unless we're going to do this for every  
 23 department, why are we doing it in this particular  
 24 department?  
 25 MR. JENKINS: It's not my place, Commissioner

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1 DeLeon, to suggest that this language applies to every  
 2 department. That would be remiss of me. I understand  
 3 the intent of the Commission in discussing that, and it  
 4 very well may be your decision that it does apply to all  
 5 departments, but I don't believe that's for me to say.  
 6 That would be very presumptuous of me. I do believe  
 7 that this language, in the most simple -- simple way I  
 8 can say, one plus one equals two. If we're going to  
 9 enumerate anything in this Charter, it's got to have a  
 10 purpose. It can't just be language that's loose and  
 11 open for interpretation, that takes the wind out of the  
 12 sails as far as effecting an actual intent of this  
 13 Charter. And so if there's -- if there is a duty, power  
 14 or function that rests in the department head, if  
 15 there's a duty, power and function that rests for a  
 16 department, it has to be clearly stated and effectual.  
 17 It has to be able to be accomplished. And these are  
 18 powers, duties and functions that make our department,  
 19 as well as could make other departments, work  
 20 effectively.  
 21 Again, I don't want to go into details of  
 22 existing or past wrongdoings that happen within our  
 23 organization. That is -- that would not -- doesn't  
 24 solve anything. But these are -- these focus -- instead  
 25 of focusing on the Mayor's executive role, instead of

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<p style="text-align: right;">Page 205</p> <p>1 focusing on the Fire Chief's executive role, instead of  2 focusing on the commissioners' actions, it focuses on  3 the process. And that process, clearly defined, is the  4 guidebook or the rule book for everybody in doing the  5 things that -- that the people decide they want the Fire  6 Department to do. I'm saying that this language enables  7 that to an important degree.  8 MEMBER DELEON: May I follow?  9 CHAIR STONE: Go ahead, Commissioner DeLeon.  10 MEMBER DELEON: And this add Subsection 4  11 part, the part that Corporation Counsel has pointed out  12 to be -- have issues in privacy, do we really need to  13 get down to this kind of detail in the Charter, I mean,  14 to make it work?  15 MR. JENKINS: Well, Commissioner DeLeon, it's  16 a good point. First, I respect your question and, also,  17 Corporation Counsel Kushi's statement.  18 I never defined exactly what information needs  19 to be released. Of course, I said in my testimony, with  20 regards to the -- my report, that that would need to be  21 something compliant with our County policies and law.  22 I'm not suggesting that we take personnel jackets and  23 expose those to the public. I'm not suggesting that.  24 What I am saying is if an activity of the commission is  25 to perform an investigation, the people of this County</p>	<p style="text-align: right;">Page 207</p> <p>1 MEMBER DELEON: All right. Never mind.  2 MR. JENKINS: -- I don't want to say that.  3 CHAIR STONE: Thank you.  4 Commissioner Moikeha.  5 MEMBER MOIKEHA: I think the problem here is  6 we're looking at it as a total recommendation and not  7 looking at each individual one. When I go through each  8 one of these, I look at submit an annual report to the  9 Mayor and the Council on it's activities, it's already  10 there in those exact words. So we wouldn't be expanding  11 anything, we're just duplicating. So I would cross that  12 one off.  13 In answer to Subsection 4, if anything, to me,  14 that is published regarding charges, I think it can step  15 over a line of privacy. And when I look at Number 4 in  16 the current Charter, you want this to be published to  17 the public. So I'm going to assume by what's written in  18 4 now that it only goes to the Fire Chief and nowhere  19 else. Is that correct? Any investigations? Any  20 charges that are brought forth by the public against the  21 conduct of the Department of Fire and Public Safety or  22 any of its members, and submit a written report of its  23 findings and recommendations to the Fire Chief for  24 disposition. So does that information only stay within  25 the department, or those that have brought the charges</p>
<p style="text-align: right;">Page 206</p> <p>1 have a right to know the disposition of the  2 investigation.  3 This is not a Fire Department that is a rogue  4 entity that is independent of public accountability.  5 And so if there is an investigation that takes place,  6 then it says that the commission is required to -- to  7 perform that investigation, and they review and  8 recommend based on that, they give it to the chief for  9 disposition, there's a report of that, that action. The  10 chief may disagree with the commission, the chief may  11 agree with the commission. And then that goes into a  12 report to the Mayor. And the Mayor has a right to know.  13 If we're talking about mayoral accountability  14 that somehow, we believe, currently exists, does the  15 Mayor not have a right to officially know these  16 activities are going on within the department?  17 So I believe that this is a layer of  18 accountability. If we want to keep this commission and  19 we want to see this commission's effective, then these  20 are the ways that we do such.  21 MEMBER DELEON: Okay. One final question.  22 That is, do you have a lot of investigations in the  23 department, to your knowledge?  24 MR. JENKINS: I'm not here in the capacity of  25 representing the department, so --</p>	<p style="text-align: right;">Page 208</p> <p>1 have a right to know what happens? Is that the issue?  2 MR. JENKINS: Well, two parts to your  3 question. Thank you for it, Commissioner Moikeha. The  4 first part is the -- well, let me see how I can address  5 it. The charges as filed do stay with the commission  6 currently. The process of those investigations is  7 currently up to the commission to adopt those rules. I  8 don't know of any policies in place, the details of  9 those. However, what this is specifically saying is  10 that the results of any of the commission's activities  11 are accountable and go back to the Mayor for -- for  12 communication, as with the -- because it's an activity  13 of the commission. If the commission conducts an  14 investigation, that's an activity. And so the  15 activities of the commission are reported to the -- to  16 the Mayor.  17 MEMBER MOIKEHA: Okay. So --  18 MR. JENKINS: The issue of duplicity of  19 language, which was the first part, is -- again, I want  20 to make it very clear -- is something that is actually  21 becoming more and more of a concern for me, is that,  22 again, this -- this Matrix is -- is what you guys are  23 going off of. And I -- and I see it's a -- it's an  24 expeditious tool, but it is not the details of language.  25 You're absolutely correct that there is duplicat [sic]</p>

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1 language here because it's a -- it's including a summary  
 2 of -- of the proposals, those that currently exist and  
 3 how this language fits in. And I applaud Sherry for  
 4 that. That's a very important thing. But it's not  
 5 exactly the language I put in. That -- that language  
 6 was -- was melded together. And not -- and the pieces  
 7 are not duplicat [sic]. But that's only found inside my  
 8 report.  
 9 MEMBER MOIKEHA: Okay. So -- then, that's my  
 10 problem. See, there are issues here that are not coming  
 11 clear in whatever is written here. However, I did look  
 12 at your September 28th memo to Sherry, which I think  
 13 this is where she got all these exact wordings from. It  
 14 looked pretty exact to me. I think the problem here is  
 15 a bigger question like, okay, what needs to be done more  
 16 effectively.  
 17 Now, I can understand the reason why you want  
 18 this to be in the annual -- all of this information in  
 19 Subsection 4 to be out there publicly is because -- and  
 20 in an annual report is because that's the link that goes  
 21 to the Mayor, so he's aware of it. So I guess I don't  
 22 understand the process of what is going on right now in  
 23 the commission. When an investigation starts as a  
 24 charge from the public, where does it go, how is it  
 25 treated, who gets to know about it, and is it something

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1 of privacy, is it done in Executive Session, and so you  
 2 wouldn't want to put that in an annual report, even to  
 3 the Mayor. There's so many other questions, I --  
 4 MR. JENKINS: I think, also, Commissioner,  
 5 that any document can be redacted for the purposes of  
 6 privacy. And, again, it goes back to those are just the  
 7 details of things.  
 8 But this language exists in other county  
 9 charters. And so what my question is there -- and I  
 10 submitted that statement earlier -- I'm not as creative  
 11 as people give me credit for -- 99.19 percent of this  
 12 language was -- was extracted from other charters. So  
 13 the purpose at the City and County of Honolulu to have  
 14 this type of language, the purpose for the County of  
 15 Hawaii to have this language is something I wouldn't  
 16 want to speak for their government entities. It existed  
 17 for a particular purpose and makes sense for  
 18 transparency and accountability. That's why I included  
 19 it.  
 20 CHAIR STONE: Commissioner, any further  
 21 questions?  
 22 Commissioner Okamoto.  
 23 MEMBER OKAMOTO: On your addition to the  
 24 Subsection 4, are you -- you're just saying that you  
 25 want a summary of charges, not the individual people.

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1 So the report might say there were four charges against  
 2 firemen who didn't, you know, follow through on  
 3 something and here's how it was resolved, not anything  
 4 specific that would involve going over personnel, am I  
 5 correct?  
 6 MR. JENKINS: Correct. So I'll give you an  
 7 example. I made Complaint A to the commission as a  
 8 member of the public, and the commission takes action.  
 9 I consider that action good or bad. That -- that is an  
 10 activity of the commission. And it isn't exclusive to  
 11 the commission and the department head only knowing  
 12 about it, it is transmitted forward. So if I'm  
 13 unsatisfied, or the public's unsatisfied with the result  
 14 of that, that they're able to take it through -- through  
 15 the chain of command, up the chain.  
 16 And the actions of this commission, last time  
 17 I checked -- I mean, I'm of the impression that this is  
 18 public. And the privacy side, correct, whatever needs  
 19 to be redacted to comply with whatever privacy action  
 20 you need to, I'm not suggesting any particular details,  
 21 just that that activity is accounted for. And if it  
 22 needs to be addressed in the future, it can be.  
 23 MEMBER OKAMOTO: Thank you.  
 24 CHAIR STONE: Thank you.  
 25 Commissioners, I want to point your attention

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1 now, Sherry has Greg's testimony that he shared with us,  
 2 which is quite in depth. And out of context, the  
 3 language isn't quite the same.  
 4 Right now, we have a motion on the floor. And  
 5 as I said, why don't we -- I would like to put out there  
 6 that, if requested by a Commissioner, they could put a  
 7 motion to defer the active issue to a later date. Would  
 8 you like to amend your motion to --  
 9 MEMBER CRIVELLO: Yeah.  
 10 CHAIR STONE: I think, at this stage, we need  
 11 to go back and read this and understand it. So the  
 12 motion now is to keep this on the Active List, defer it  
 13 to the next meeting.  
 14 MEMBER OKAMOTO: Second.  
 15 CHAIR STONE: It's been seconded.  
 16 Commissioner Hedani.  
 17 VICE-CHAIR HEDANI: Okay. This is the  
 18 Whac-A-Mole comment.  
 19 (Laughter.)  
 20 MEMBER DE REGO: Thank you, Wayne.  
 21 VICE-CHAIR HEDANI: I kind of feel like stuff  
 22 is coming before us over and over and over again. And  
 23 I'd like to see us get from Point A to Point B and be  
 24 done with it.  
 25 MEMBER DE REGO: Exactly.

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1 VICE-CHAIR HEDANI: So my perspective, on each  
2 one of these items, unless there's an applicant that  
3 says I move that we move to the amendment stage, draft  
4 language for this particular change, you know, we don't  
5 discuss it and just move forward.  
6 CHAIR STONE: Okay. Very good.  
7 MEMBER SUGIMURA: I agree.  
8 CHAIR STONE: Commissioners, there's a motion  
9 on the table. Any further discussion?  
10 (No Response.)  
11 CHAIR STONE: All right. So by a show of  
12 hands --  
13 MEMBER CRIVELLO: What's the motion?  
14 CHAIR STONE: The motion is your motion,  
15 Commissioner Crivello, to defer this, this proposal, as  
16 well as 8.7.8 and 8.7.9. And, again, there can be a  
17 motion put forward after this call. Let's do a very  
18 quick roll call on that one, please.  
19 MS. KAHUHU: Commissioner Wiger, excused.  
20 Commissioner Sugimura.  
21 MEMBER SUGIMURA: No.  
22 MS. KAHUHU: Commissioner Okamoto.  
23 MEMBER OKAMOTO: Yes.  
24 MS. KAHUHU: Commissioner Moikeha.  
25 MEMBER MOIKEHA: Yes.

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1 MS. KAHUHU: Commissioner Hashimoto.  
2 MEMBER HASHIMOTO: Yes.  
3 MS. KAHUHU: Commissioner Hedani.  
4 VICE-CHAIR HEDANI: No.  
5 MS. KAHUHU: Commissioner DeLeon.  
6 MEMBER DELEON: Yes.  
7 MS. KAHUHU: Commissioner De Rego.  
8 MEMBER DE REGO: Yes.  
9 MS. KAHUHU: Commissioner Crivello.  
10 MEMBER CRIVELLO: Yes.  
11 MS. KAHUHU: Commissioner Baxa.  
12 MEMBER BAXA: The motion is to defer, to keep  
13 it alive?  
14 CHAIR STONE: Yes.  
15 MEMBER BAXA: Yes.  
16 MS. KAHUHU: Chair Stone.  
17 CHAIR STONE: No.  
18 MS. KAHUHU: Seven "yes." Motion passes.  
19 CHAIR STONE: And, again, just to clarify,  
20 that wasn't a motion to keep it alive, it was a motion  
21 to defer.  
22 MEMBER BAXA: Yeah. I just want to clarify.  
23 To defer means we could take it later on?  
24 CHAIR STONE: Yes. Yes.  
25 MEMBER BAXA: So, yes.

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1 CHAIR STONE: Okay. Very good.  
2 MEMBER DELEON: Mr. Chair?  
3 CHAIR STONE: Yes.  
4 MEMBER DELEON: Someone needs to take  
5 leadership on this, somebody who wants to take  
6 leadership, should go back and study Greg's stuff and  
7 come back with a determination. I'm sorry, I don't have  
8 the energy for it, but anybody else that wants to take  
9 it. Otherwise, I think we're not going anywhere with  
10 it.  
11 MEMBER CRIVELLO: I will.  
12 CHAIR STONE: Commissioner Crivello, thank you  
13 very much. Why don't you take the whole report and give  
14 us a detailed understanding? Because we have to move  
15 forward. All right. So --  
16 MEMBER OKAMOTO: Mr. Chair?  
17 CHAIR STONE: Yes.  
18 MEMBER OKAMOTO: 8.7.8 would seem to be in  
19 that same -- it's almost a duplicate of part of the one  
20 we just --  
21 CHAIR STONE: As well as, I believe, 8.7.9. I  
22 did mention that.  
23 MEMBER OKAMOTO: So those --  
24 CHAIR STONE: So those three are moving --  
25 deferred. Got that?

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1 MS. BRODER: Got it.  
2 CHAIR STONE: Moving forward. Proposal Number  
3 8.7.10, proposal to amend Section 8-7.4(4), powers,  
4 duties and functions, to add and assign Ocean Safety and  
5 Rescue to the Department of Fire and Public Safety. And  
6 we have two people here today to discuss that, Chief  
7 Murray as well as Archie Kalepa.  
8 So, Chief Murray, why don't you give us your  
9 opinion, please?  
10 CHIEF MURRAY: Can I be invited back to that  
11 deferral that just happened?  
12 (Laughter.)  
13 CHAIR STONE: You know, Chief Murray, we just  
14 like seeing you, so we're going to just keep deferring.  
15 Yes, of course.  
16 CHIEF MURRAY: Thank you. All right. So  
17 what's the next question?  
18 CHAIR STONE: The question -- the proposal is  
19 to assign Ocean Safety and Rescue to Department of Fire  
20 and Public Safety.  
21 CHIEF MURRAY: Item number? Oh, I see it.  
22 CHAIR STONE: 8.7.10.  
23 CHIEF MURRAY: 8.7.10. Okay. Sorry about  
24 that. Thank you. Okay. My only opinion on that is I  
25 think it's a great idea. And like I spoke to you

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1 previously, that I would want a very detailed plan. And  
 2 the timing of that plan needs to work with the budget.  
 3 I believe I also will need more personnel for us to deal  
 4 with that. And I think now that the Mayor has an  
 5 attrition policy, I don't know how that would move  
 6 forward.  
 7 And the other concern that I have is, as we  
 8 move towards accreditation, the amount of manpower that  
 9 I need to get that process through is -- you know, I  
 10 don't have it on a chart as of yet, but I know, speaking  
 11 to other departments throughout the nation, that have  
 12 taken on this endeavor, have felt the pain as far as the  
 13 work hours that is taken away from the every day as well  
 14 as after hours, and the sacrifice of all these people  
 15 that we actually move forward.  
 16 But the ultimate benefit would be a great  
 17 thing. And I think with a plan involving all the  
 18 unions, involving all the personnel, you know, both --  
 19 both departments, and having a lot of feedback from  
 20 them, I think we could come up with a great team. You  
 21 know, I think it functions well right now. I think we  
 22 function as best as it can. And I would put our guys  
 23 and their guys up against anybody in the state. But  
 24 without a plan, personally, I don't want to move  
 25 forward.

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1 And I think it takes time to do a plan. I  
 2 don't think we can do that overnight. And I think  
 3 allowing the process of accreditation to move forward,  
 4 and we build the skill level there, and then we can  
 5 impose that on any divisions that are added in the  
 6 future, I think would be only beneficial for our  
 7 community.  
 8 And that's my thoughts.  
 9 CHAIR STONE: Thank you very much.  
 10 Archie, if you don't mind, some input and your  
 11 opinion.  
 12 MR. KALEPA: Regarding 8-7.10, I would concur  
 13 with Chief Murray, but, at the same time, I think the  
 14 plan needs to come from the Ocean Safety section and the  
 15 Fire Department. And we have not done anything to move  
 16 forward as far as coming up with a plan.  
 17 All I have heard is how it won't work because  
 18 of accreditation. And I know that that's a big thing  
 19 that the Fire Department wants to accomplish. And, you  
 20 know, Ocean Safety is already an accredited agency. And  
 21 if there is accreditation process and they're going  
 22 through the process, then now is the time to make the  
 23 move to include Ocean Safety as part of that  
 24 accreditation. Because what happens -- what -- I don't  
 25 know, but what could happen, let's say that they do an

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1 accreditation, then we start discussing about when Ocean  
 2 Safety moves over, and they do move over, and that  
 3 somehow affects their accreditation and have to go  
 4 through the process all over again. So that's something  
 5 that might have to be considered at this time.  
 6 And Jeff's right. We do -- right now, we do  
 7 work very well together, as well as we possibly could.  
 8 And we've gone through a lot of growing pains, as Chief  
 9 Murray can tell you. I think it was 2002, we were put  
 10 on 911, we co-respond. And up until that time, there  
 11 was -- there was a lot of tension in regards to who  
 12 responds. And, you know, we were kind of looked at as  
 13 ambulance chasers. But the benefit today, in working  
 14 through the issues and to be able to cohesively respond  
 15 to -- to emergencies, as far as on the front line, there  
 16 is -- there's very minimum problems, but a greater  
 17 service to the public that we provide.  
 18 CHAIR STONE: Thank you, Archie.  
 19 Archie, I have a question. What are the  
 20 direct benefits for Ocean Safety moving under the Fire  
 21 Department? Compared -- for example, the other  
 22 counties, Ocean Safety is already under Fire and out of  
 23 Parks. What are the direct benefits and why the push to  
 24 move under?  
 25 MR. KALEPA: Okay. The benefit is -- I'm

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1 going to try and analyze this the best I can for you  
 2 guys. We're a football team that has a basketball coach  
 3 that's never played football in his life.  
 4 (Laughter.)  
 5 MR. KALEPA: That's the best way I can explain  
 6 it to you guys. And the thing is, is that what we do is  
 7 more in line with what the Fire Department already does.  
 8 So, again, when it comes -- and I provided testimony  
 9 from the ER doctor from Kauai for all of you. At some  
 10 point in time, you'll get it. And they'll actually talk  
 11 -- he actually talks about the benefits that they, as a  
 12 county, have received since Ocean Safety has moved in  
 13 that direction.  
 14 You know, again, I said this the last time I  
 15 presented my case to the Commission, was that we're --  
 16 when it comes budget time, you know, we're fighting with  
 17 weed-eaters and lawnmowers, trying to keep jet skis  
 18 alive to respond to rescues.  
 19 What people don't understand is Maui County  
 20 Ocean Safety is part of 911. We have to respond when  
 21 the call comes in. We cannot say, well, we don't have a  
 22 jet ski today, we cannot respond, because then the  
 23 County is liable for a lawsuit because of that. And  
 24 that was made very clear to me when I approached Maui  
 25 County to try and get us on 911.

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1 When we got on 911, I called City and County  
 2 of Honolulu, I called every county, and they all told  
 3 me, good luck, when you figure out how to get on 911,  
 4 let us know. I called LA County, and they said you got  
 5 to put guys on 24 hours, and that will never happen.  
 6 Thank God we have a really good Police Department that  
 7 recognized the need to put Ocean Safety as 911  
 8 responders.  
 9 And if I was to relate this to cost savings,  
 10 when you talk about the jet skis, the rescues that we  
 11 make on our beaches -- if we're making rescues on our  
 12 guarded beaches, we're not doing our job. The guards do  
 13 a good job of making -- warning the public on the  
 14 guarded beaches. It's our unguarded beaches that we're  
 15 making rescues to. And it's because of our -- our  
 16 response time, which is geographical location, our skis  
 17 are already on the beach. When the call comes into 911,  
 18 within three minutes, that ski is already on the water  
 19 responding. And Jeff knows this. Chief Murray knows  
 20 this. And that's the benefit of what we do.  
 21 So when we respond to a call, we co-respond,  
 22 when the lifeguards get there, eight out of 10 times,  
 23 they're the first on scene. So what they do is they  
 24 provide information or minimize sending more resources,  
 25 because they're already there. They make the rescue,

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1 they bring the person in, fire gets there, check the  
 2 person over, cancel everybody, or, if need be,  
 3 additional resources are sent because now this has  
 4 turned into a search and rescue or search and recovery.  
 5 It's -- it all has to do with time.  
 6 When you talk about saving lives, you have  
 7 five minutes before a person goes brain dead. We've  
 8 actually come up with response times for every district.  
 9 From flat water, rough water, to choppy water, we've  
 10 come up with response time from Point A to Point B that  
 11 circles this whole island, that gives us calculated  
 12 times for any condition. You know, that's what we've  
 13 done to provide a better service to this community.  
 14 And I can only say that this has been a battle  
 15 going on for 10 years. The last time it came and talked  
 16 to the commission was 10 years ago because it's the only  
 17 time you're able to make changes to the Charter, is  
 18 every 10 years. The last time we came was we said we  
 19 need to be the Department of Public Safety. Fire came  
 20 and they -- that's when they made the change for them to  
 21 be Department of -- Fire Department/Public Safety.  
 22 Somehow, at some point in time, I hope it's  
 23 not 20 years from now, that they decide to move Ocean  
 24 Safety where they belong, to provide not only the best  
 25 resources to the public, but the best resources to the

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1 guys that are doing the job. And those are the  
 2 lifeguards that are saving lives every day.  
 3 The unfortunate part is we sit in a lifeguard  
 4 tower, and, believe it or not, people watch what we do.  
 5 We don't watch them. They watch what the lifeguard  
 6 does. You could go and make a rescue, five minutes  
 7 later, somebody else show up, they go, oh, you got a  
 8 good job, you just sit down all day. But they never saw  
 9 what happened five minutes ago, they just showed up,  
 10 they made a dramatic rescue. It happens day in and day  
 11 out of.  
 12 And Jeff's right, we can pit our guys against  
 13 anybody in the nation as far as lifeguard services, what  
 14 they do in Hawaii. When it comes to Hawaii lifeguards,  
 15 we are the role models for the world. Everybody looks  
 16 at what Hawaii is doing. It's unfortunate that Hawaii's  
 17 the last to be recognized as public safety. That's what  
 18 I'm saying. We need to move in that direction.  
 19 CHAIR STONE: Thank you, Archie.  
 20 Commissioner Crivello, you had a question?  
 21 MEMBER CRIVELLO: Uh-huh, a couple of  
 22 questions.  
 23 In regards to being on 911 call, is Ocean  
 24 Safety 24/7 to respond or does that, after a certain  
 25 time, revert to the rescue department, the Fire

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1 Department?  
 2 MR. KALEPA: Lifeguards -- Ocean Safety  
 3 lifeguard services are from 8:00 to 4:30. At 4:30, we  
 4 go on dispatch and we let them know that our JSU units  
 5 are out of service. And, technically, under the CAD  
 6 system, which is the emergency radio communications, the  
 7 JS -- the jet ski units actually fall under the Fire  
 8 Department. So Lahaina, for instance, or Rescue 10, the  
 9 jet ski in this -- in Kahului area is also called JS10.  
 10 It collaborates with the fire responding unit. So it's  
 11 all intertwined.  
 12 MEMBER CRIVELLO: Thank you.  
 13 The other -- I agree and value that Ocean  
 14 Safety deserves to be under the Fire Department and the  
 15 Fire Department deserves to have Ocean Safety. My  
 16 concern is the transitional plan. And you've mentioned  
 17 that nobody really talking about it, except there's  
 18 been, I guess, offline discussions. So how long do you  
 19 think we need to have this -- like anything else, we  
 20 need to have a plan in place. And that includes the  
 21 cost, that includes -- we are governed, also, by our  
 22 unions. I believe that -- so in your mind, how much  
 23 time do we need to put a plan in place, or do we just go  
 24 ahead and make this proposal to the public without  
 25 having something in place, or does -- is there -- I'm



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1 understanding that there really isn't.

2 MR. KALEPA: Well, I will say this: When our

3 current Mayor came into office, he -- the second week of

4 him being the Mayor, he did have a meeting with both

5 departments, the Department of Parks and Recreation and

6 the Fire Department, and said that this merger is going

7 to take place starting July 1st. Chief Murray and

8 myself had talked and said, eh, you know what, that's

9 impossible. We did sit down with the Mayor and

10 discussed extending it for a year. And at that point in

11 time, he said, I will give you guys a year to sit down

12 and plan on how this merger will take place so that you

13 guys that do the job can come up with a formula that

14 will best serve both -- you know, serve the Fire

15 Department and Public Safety. We really haven't made

16 any ground in that regard.

17 So, you know, to answer your question, I think

18 we need to set up a committee that will meet and look at

19 the pros, the cons, turn over every stone. I mean,

20 we're not reinventing the wheel. It's been done. It's

21 just a matter of how we want to do it as a County.

22 MEMBER CRIVELLO: The only reason I ask that,

23 too, because your letter, which is -- you know,

24 mentioned about the transitional plan, the experience,

25 some growing pains, if you want to say.

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1 MR. KALEPA: Uh-huh.

2 MEMBER CRIVELLO: So I think we can learn.

3 MR. KALEPA: Yes.

4 MEMBER CRIVELLO: And if we don't have

5 something in place, is it fair for us to put this before

6 the public?

7 MR. KALEPA: Well, you know, that -- for me,

8 that's a double-edged sword. So, you know, really, to

9 best answer that question, again, I'm going to go back

10 to what is best for the community, what do we -- what is

11 the best service that we can provide for the community.

12 So to answer that question, I would say, yes, we need to

13 put it on the ballot. Because, to be honest, 75 percent

14 of the public already thinks we're in a public safety

15 entity, you know. So --

16 CHAIR STONE: Very good.

17 Commissioner Sugimura.

18 MEMBER SUGIMURA: So I have a question. I

19 know that you're from the Parks and Recreation

20 Department, right?

21 MR. KALEPA: Correct.

22 MEMBER SUGIMURA: So what does Parks and

23 Recreation have to say? Or like you're standing here,

24 and not Glen Correa. So I'm wondering what is Parks and

25 Recreation Department doing about this, to try to move

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1 it forward or what is -- you know, what is that --

2 MR. KALEPA: I know the director has been

3 assigned to meet with the Fire Department and -- and

4 talk about the move. I know they've had one meeting.

5 And according to Glen, you know, he really didn't give

6 me a report on what progress has been made to -- to

7 start the merger. And because there's a lot of concerns

8 on both sides. But until we sit down and write that

9 down on paper, and figure out solutions, not dead ends,

10 to those problems, we cannot move forward.

11 CHAIR STONE: Thank you.

12 Commissioners, I want to point out, in the

13 present Charter, there is Article 15, Transitional

14 Provisions. Obviously, when big moves happen or are

15 voted into play, there has to be those provisions -- the

16 transitional provisions built in. I think that the

17 concept of moving Ocean Safety under Department of Fire

18 and Public Safety, obviously there's going to need that

19 transitional period, which will be built in, in this

20 section. I don't think that has to be such a big

21 concern of ours as it has to be built into Charter

22 before it can be done.

23 I think the question to Archie and to Chief

24 Murray is how much time, for example. I mean, what

25 would the transitional period look like so that the

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1 transitional provision would work with this Charter

2 amendment?

3 MEMBER OKAMOTO: I'm not sure which of you

4 could answer my question. If you go under the Fire

5 Department, how will you -- will you be forced to serve

6 the outlying areas, Lanai, Hana? We do not have --

7 MR. KALEPA: Well, I will say this. We have

8 responded to Lanai numerous times, Kahoolawe numerous

9 times. We haven't had to respond to Molokai because

10 they have a jet ski on Molokai. So we have responded to

11 the other islands, which is part of Maui County.

12 MEMBER OKAMOTO: So it would probably -- there

13 would --

14 MR. KALEPA: Eventually, yes.

15 MEMBER OKAMOTO: -- be more service to those

16 outlying --

17 MR. KALEPA: Yeah, more manpower, manpower

18 units.

19 CHAIR STONE: Commissioner Hashimoto.

20 MEMBER HASHIMOTO: Yeah, Mr. Chair. I don't

21 think we need to hear all these details because --

22 because we're certainly not going to write it into the

23 proposal. I mean, if we choose -- we choose -- we agree

24 it needs to be done, you know, to add this to our

25 Charter, we can just go ahead and do that. We don't

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1 need all of this.

2 CHAIR STONE: Okay. Okay. Thank you.

3 MEMBER HASHIMOTO: You know, like how much we

4 pay you.

5 CHAIR STONE: Commissioner Hedani.

6 VICE-CHAIR HEDANI: I move to move Proposal

7 8.7.10 to the amendment stage.

8 MEMBER DE REGO: I second the motion.

9 CHAIR STONE: The motion to move Proposal

10 Number 8.7.10 to the draft proposal stage is on the

11 floor. Discussion? Commissioner Moikeha. I'm sorry.

12 Let me go first with the maker of the motion.

13 Commissioner Hedani.

14 VICE-CHAIR HEDANI: I asked Archie during a

15 break how many people he rescued during the course of

16 his career. And he said, well, probably several

17 hundred. I have a very high degree of respect for

18 anybody that saved several hundred lives in the course

19 of his job. I have two sons, each one saved one person,

20 and I was quite proud of that. And I respect your

21 opinion very much.

22 From my perspective --

23 MR. KALEPA: Thank you.

24 VICE-CHAIR HEDANI: -- each one of those

25 several hundred lives that you saved was a lawsuit that

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1 the County avoided. Several hundred million dollars, in

2 my book. And from that perspective, I don't think jet

3 skis should be competing with lawnmowers, you know, for

4 public safety.

5 MR. KALEPA: Thank you. Thank you.

6 MEMBER BAXA: Mr. Chair?

7 CHAIR STONE: Very good. Commissioner

8 Moikeha.

9 MEMBER MOIKEHA: I don't think it's a question

10 for me whether this should be moved or not. I think,

11 yes, it should. And it makes absolute sense. My

12 question has to do with transition. And I wanted to

13 propose a question. On these transitional provisions

14 under Article 15, are they also voted on by the public

15 if it connects to a -- they are?

16 MS. BRODER: Yes. I mean, you can't change

17 the Charter unless the public votes on it.

18 MEMBER MOIKEHA: Okay. That's what I --

19 MS. BRODER: So, you know, you would put it in

20 the transitional section. But --

21 MEMBER MOIKEHA: It would be connected to a

22 proposal.

23 MS. BRODER: It would be connected to the

24 proposal.

25 MEMBER MOIKEHA: What kind of latitude do we

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1 have? Can we say it will take effect in three years, a

2 plan will be developed? I mean, how much leeway do we

3 have with that?

4 MS. BRODER: You can say that if you wanted

5 to.

6 MEMBER MOIKEHA: Okay. So we have a broad --

7 MS. BRODER: You have a broad -- you have a

8 broad leeway to determine what an appropriate transition

9 period would be.

10 MEMBER MOIKEHA: Okay. And then I had a

11 question for Chief Murray as to where he is at with the

12 accreditation process and when they expect to be

13 completed with that.

14 CHIEF MURRAY: Thank you for that question.

15 We are working towards the process of actually

16 submitting. One of the problems for us is getting our

17 rules and regulations, as well as our standard operating

18 guidelines, which we call best practices guidelines.

19 And those affect everything that we do in the

20 department, you know. We've -- we've asked for all of

21 those things from Parks. We haven't received anything.

22 You know, we need to see where that section is at and

23 how much work will be entailed just getting that done as

24 well.

25 MEMBER MOIKEHA: So if I had to ask you, give

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1 me a timeline of when the accreditation could be

2 submitted, and then I don't know how long it takes to

3 get approved --

4 CHIEF MURRAY: It takes anywhere from the --

5 the start point, anywhere from 18 months to three years.

6 MEMBER MOIKEHA: And we're about halfway

7 through that right now?

8 CHIEF MURRAY: No.

9 MEMBER MOIKEHA: We're at the beginning

10 because you are just submitting?

11 CHIEF MURRAY: We're at the beginning stage.

12 MEMBER MOIKEHA: Okay. Thank you.

13 MEMBER BAXA: Mr. Chair?

14 CHAIR STONE: Yeah. Actually, Commissioner

15 Baxa had his hand up first. Sorry, Frank.

16 Commissioner Baxa.

17 MEMBER DE REGO: Mine was up first, but that's

18 all right.

19 MEMBER BAXA: Mr. Chair.

20 MEMBER DE REGO: You weren't looking.

21 MEMBER DELEON: Too busy playing.

22 MEMBER DE REGO: I know.

23 MEMBER BAXA: I think that this proposal is

24 worth it, even just by the name itself. Now, you have

25 the Department of Parks and Recreation, and you have the

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Page 233	<p>1 title Ocean Safety and Rescue. I firmly believe that it  2 should properly belong to the department where the  3 description fits together.  4 Second: There is an argument about -- if I  5 gather correctly, there seems not to be too much  6 opposition from one department to the other, except that  7 there is no movement. The only movement that -- the  8 only thing that will move this -- to move, is for us to  9 act. We're not going to wait for another 10 years.  10 That's all that I have to say.  11 CHAIR STONE: Thank you, Commissioner Baxa.  12 Commissioner De Rego.  13 MEMBER DE REGO: So to move this along, can we  14 just put in a transitional position, and give the  15 legislative analyst maybe three years, and just put that  16 in there as a friendly amendment to the motion?  17 CHAIR STONE: What about this? Why don't we,  18 within the proposal coming forward, that we agree that  19 there will be a transitional period? I think the  20 discussion should be with the department head, the  21 Chief, Fire and whoever, and Ocean Safety, that need to  22 really sit down and say what time period does that look  23 like. So --  24 MEMBER DE REGO: Okay.  25 CHAIR STONE: -- let's just agree that in the</p>	Page 235	<p>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, excused.  10 Chair Stone.  11 CHAIR STONE: Yes.  12 MS. KAHUHU: Unanimous. Motion passes.  13 CHAIR STONE: Motion passes, Proposal 8.7.10  14 will move to the draft proposal stage. Thank you.  15 Thanks very much.  16 Moving on to Proposal Number 8.7.11, proposal  17 to amend Section 8-7.4(4), powers, duties and functions,  18 to clarify that reserve firefighters and emergency  19 rescue personnel can be trained and utilized when  20 needed.  21 Commissioner Okamoto.  22 MEMBER OKAMOTO: Question for the Chief. Can  23 they -- can that happen now?  24 CHIEF MURRAY: Yes.  25 MEMBER OKAMOTO: Thank you.</p>
Page 234	<p>1 motion to move this to draft proposal that there will be  2 a transitional --  3 MEMBER DE REGO: Okay. So I would add that as  4 a friendly amendment. I would call for the question at  5 this point.  6 CHAIR STONE: Very good. Any further  7 discussion?  8 (No Response.)  9 CHAIR STONE: No.  10 MEMBER CRIVELLO: Does he need a second.  11 CHAIR STONE: Yes. We had a friendly  12 amendment to the motion.  13 VICE-CHAIR HEDANI: No objection.  14 CHAIR STONE: No objections. Okay, very good.  15 So, Lisa, let's take roll call.  16 MS. KAHUHU: Commissioner Baxa.  17 MEMBER BAXA: Yes.  18 MS. KAHUHU: Commissioner Crivello.  19 MEMBER CRIVELLO: Yes.  20 MS. KAHUHU: Commissioner DeLeon.  21 MEMBER DELEON: Yes.  22 MS. KAHUHU: Commissioner De Rego.  23 MEMBER DE REGO: Yes.  24 MS. KAHUHU: Commissioner Hashimoto.  25 MEMBER HASHIMOTO: Yes.</p>	Page 236	<p>1 CHAIR STONE: Another question for the Chief.  2 Is that functional? Is it helpful?  3 CHIEF MURRAY: Well, if you -- if you look at  4 the amount of resources that have to be dedicated to  5 just getting that and staying on top of that, we need a  6 whole 'nother training bureau and then some to deal with  7 that issue. Because I think, great idea, it works in a  8 lot of different municipalities, for different reasons,  9 they got different funding sources for certain  10 equipment, all of those things need to be looked at, if  11 you got to go on a large-scale type of firefighting  12 operation. But then you also have to look at the huge  13 liability and the huge cost factor for us to actually  14 pay for the training and conduct it either within or  15 without. Either way, it's going to cost us money. And  16 then the liability issues for physically -- for  17 physicals, physical liability for those individuals who  18 are volunteering, and all of the resources that go along  19 in managing that.  20 CHAIR STONE: How do you guys consider -- like  21 the Mayor had brought forward that Goodfellow Brothers  22 and some of these -- some of the other big companies  23 help out with firefighting at this stage. And he -- to  24 me, it seemed like he was saying that that is your  25 reserve firefighting force.</p>

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1 CHIEF MURRAY: Well, they help us in a whole  
 2 different area of -- for instance, bulldozers, we don't  
 3 own any, except for Parks and Rec, but -- I mean, not  
 4 Parks and Rec, I'm sorry, but Public Works. And we have  
 5 since trained those individuals. So when we contact the  
 6 supervisors of either company, whether it be locally or  
 7 what-have-you, they send out the trained personnel to  
 8 us. Because we've been working with each other for over  
 9 20 years, and they've been doing it as a voluntary thing  
 10 up until last year.  
 11 CHAIR STONE: Very good. So that -- sorry.  
 12 I'll defer.  
 13 Go ahead, Commissioner De Rego.  
 14 MEMBER DE REGO: I just have one comment about  
 15 this. We're asking them to put in Ocean Safety, they're  
 16 still in the process of accreditation at this point, and  
 17 now you're asking them to create a whole new bureau. I,  
 18 for one, would make an amendment right now to take this  
 19 off the Active List.  
 20 CHAIR STONE: Motion, you mean.  
 21 MEMBER MOIKEHA: Second.  
 22 MEMBER SUGIMURA: Second.  
 23 VICE-CHAIR HEDANI: Second.  
 24 CHAIR STONE: So we have a motion to remove  
 25 from the Active List Proposal 8.7.11. It has been

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1 seconded by Commissioner Moikeha. Discussion?  
 2 Commissioner Moikeha.  
 3 MEMBER MOIKEHA: I agree with that. And the  
 4 other thing here is I think this also can be done  
 5 administratively. It doesn't need a Charter amendment.  
 6 The police reserve was, at one time, established, and I  
 7 didn't see anything in reference to the Charter to that.  
 8 And it was taken away because of budget constraints.  
 9 And for the very reasons he stated, it's a whole 'nother  
 10 issue of training and cost. And, you know, I think it's  
 11 something that can be done administratively, and doesn't  
 12 necessarily have to be a Charter amendment. So I  
 13 support the motion.  
 14 MEMBER DE REGO: I call for the question.  
 15 MEMBER OKAMOTO: Yes.  
 16 CHAIR STONE: Roll call, please.  
 17 MS. KAHUHU: Commissioner Wiger, excused.  
 18 Commissioner Sugimura.  
 19 MEMBER SUGIMURA: We're voting --  
 20 CHAIR STONE: We're voting to remove this from  
 21 the Active List.  
 22 MEMBER SUGIMURA: Yes.  
 23 CHAIR STONE: Commissioner Okamoto.  
 24 MEMBER OKAMOTO: Yes.  
 25 MS. KAHUHU: Commissioner Moikeha.

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1 MEMBER MOIKEHA: Yes.  
 2 MS. KAHUHU: Commissioner Hashimoto.  
 3 MEMBER HASHIMOTO: Yes.  
 4 MS. KAHUHU: Commissioner Hedani.  
 5 VICE-CHAIR HEDANI: Yes.  
 6 MS. KAHUHU: Commissioner DeLeon.  
 7 MEMBER DELEON: Yes.  
 8 MS. KAHUHU: Commissioner De Rego.  
 9 member der: Yes.  
 10 MS. KAHUHU: Commissioner Crivello.  
 11 MEMBER CRIVELLO: Yes.  
 12 MS. KAHUHU: Commissioner Baxa.  
 13 MEMBER BAXA: Yes.  
 14 MS. KAHUHU: Chair Stone.  
 15 CHAIR STONE: Yes.  
 16 MS. KAHUHU: Motion passes. Unanimous.  
 17 CHAIR STONE: Proposed 8.7.11 is removed from  
 18 the Active List.  
 19 MEMBER OKAMOTO: I make a motion to remove  
 20 8.7.12 from the Active --  
 21 CHAIR STONE: I think it's already been  
 22 removed.  
 23 MEMBER OKAMOTO: Oh, it's done. Okay.  
 24 CHAIR STONE: Thank you, though.  
 25 Okay. Moving on. Subject Matter,

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1 Housekeeping, Chapter 9, Department of Personnel  
 2 Services.  
 3 MEMBER SUGIMURA: Fire's done.  
 4 CHAIR STONE: Oh, Chief Murray. Thank you  
 5 very much.  
 6 CHIEF MURRAY: Thank you very much for this  
 7 opportunity.  
 8 CHAIR STONE: Much appreciated. Are you sure  
 9 you don't want to hang out and talk about Personnel  
 10 Services?  
 11 CHIEF MURRAY: Oh, absolutely not.  
 12 MEMBER DE REGO: Mr. Chair, point of order.  
 13 CHAIR STONE: Yes, Commissioner De Rego.  
 14 MEMBER DE REGO: We did Personnel Services, I  
 15 think.  
 16 CHAIR STONE: Oh, sorry. Yes.  
 17 MEMBER DE REGO: And another point of order,  
 18 Mr. Chair. There are several things that we're not  
 19 going to get to today that I think we could move on very  
 20 quickly into the amendment stage.  
 21 CHAIR STONE: Uh-huh.  
 22 MEMBER DE REGO: I don't know if it would mean  
 23 calling to suspend the rules at this point, but I think  
 24 there's two issues, the biennial budget and the creation  
 25 of the Auditor's Office, including the movement of the

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1 Cost of Government Commission under there, under the  
 2 Auditor's Office, that I would suggest that we get to  
 3 immediately, pass to the amendment stage and move things  
 4 on.  
 5 CHAIR STONE: Very good.  
 6 MEMBER DE REGO: So I would like to make a  
 7 motion.  
 8 MEMBER MOIKEHA: Second.  
 9 CHAIR STONE: Okay. First of all, one second.  
 10 Let's not go out of order here. Let's -- let's --  
 11 Frank, you --  
 12 MEMBER DE REGO: I would make a motion to  
 13 suspend the rules.  
 14 MEMBER OKAMOTO: Second.  
 15 MEMBER CRIVELLO: I second.  
 16 CHAIR STONE: I don't think we need to suspend  
 17 the rules. We can move forward anywhere we want on the  
 18 list. So --  
 19 MEMBER OKAMOTO: Okay.  
 20 MEMBER DE REGO: Okay.  
 21 MEMBER DELEON: Come on, let's --  
 22 CHAIR STONE: Okay. So could you get -- could  
 23 you be specific so I can --  
 24 MEMBER DE REGO: Okay. It would be -- oh, I'm  
 25 sorry.

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1 CHAIR STONE: Sorry.  
 2 MEMBER DE REGO: I would say that we would  
 3 move immediately to subject matter Article 9, Financial  
 4 Procedures, on Page 11.  
 5 CHAIR STONE: Okay. Without objection, we are  
 6 going to move to Subject Matter, Article 9, Financial  
 7 Procedures. Frank, continue.  
 8 MEMBER DE REGO: And I would make an amendment  
 9 to -- to push to the amendment stage the creation of  
 10 amendment based on 9.1, for the preparation and  
 11 submission of a budget and capital program to change  
 12 from --  
 13 MEMBER HASHIMOTO: Excuse me, Chair.  
 14 MEMBER DE REGO: -- an annual budget to a  
 15 biennial budget to commence in a nonelection year.  
 16 CHAIR STONE: Okay. One second. There's a  
 17 motion on the floor. Commissioner Hashimoto.  
 18 MEMBER OKAMOTO: I think we found it.  
 19 CHAIR STONE: Oh, I'm sorry. So -- we'll wait  
 20 until Cliff finds it, but there is a motion on the floor  
 21 to move --  
 22 MEMBER HASHIMOTO: Where are we?  
 23 CHAIR STONE: Number 9.1, Page 11. There's a  
 24 motion on the floor to move --  
 25 MEMBER HASHIMOTO: Mine's on 15.

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1 MEMBER DELEON: It's a different set. You're  
 2 on a different set.  
 3 MEMBER OKAMOTO: You got too many sets.  
 4 MEMBER DELEON: It's okay. It's the same  
 5 thing.  
 6 CHAIR STONE: All right. Well, let me  
 7 continue. There's a motion -- don't make me use my  
 8 gavel, guys. There's a motion to move Proposal Number  
 9 9.1 to draft proposal stage, proposal to amend Article  
 10 9, Financial Procedures, Section 9-2, preparation and  
 11 submission of budget and capital program to change from  
 12 an annual budget to a biennial budget to commence in a  
 13 nonelection year. Proposal, do I have a second on that  
 14 motion?  
 15 MEMBER SUGIMURA: Second.  
 16 CHAIR STONE: Seconded by Commissioner  
 17 Sugimura. Discussion?  
 18 MEMBER CRIVELLO: Call for the question.  
 19 MEMBER DE REGO: Just a clarification. If we  
 20 do move to four-year terms, then there may -- well, I  
 21 guess if they're staggered, there will also be an  
 22 election year. So, no. I call for the question.  
 23 CHAIR STONE: Very good. Oh, wait. We have a  
 24 -- we have a question. Discussion. Commissioner --  
 25 MEMBER OKAMOTO: Well, I have a --

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1 CHAIR STONE: -- Okamoto.  
 2 MEMBER OKAMOTO: -- question because I'm  
 3 looking at 9.2. So you're saying 9.1 is the one you  
 4 want to go with?  
 5 CHAIR STONE: At this point.  
 6 MEMBER DE REGO: Yes. Yeah.  
 7 CHAIR STONE: Okay. Let's take roll call.  
 8 MS. KAHUHU: Commissioner Baxa.  
 9 MEMBER BAXA: Oh, yes.  
 10 MS. KAHUHU: Commissioner Crivello.  
 11 MEMBER CRIVELLO: Yes.  
 12 MS. KAHUHU: Commissioner DeLeon.  
 13 MEMBER DELEON: Yes.  
 14 MS. KAHUHU: Commissioner De Rego.  
 15 MEMBER DE REGO: Yes.  
 16 MS. KAHUHU: Commissioner Hashimoto.  
 17 MEMBER HASHIMOTO: Yes.  
 18 MS. KAHUHU: Commissioner Hedani.  
 19 VICE-CHAIR HEDANI: Yes.  
 20 MS. KAHUHU: Commissioner Moikeha.  
 21 MEMBER MOIKEHA: Yes.  
 22 MS. KAHUHU: Commissioner Okamoto.  
 23 MEMBER OKAMOTO: Yes.  
 24 MS. KAHUHU: Commissioner Sugimura.  
 25 MEMBER SUGIMURA: Yes.

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Page 245	<p>1 MS. KAHUHU: Commissioner Wiger, excused.  2 Chair Stone.  3 CHAIR STONE: Yes.  4 MS. KAHUHU: Motion passes. Unanimous.  5 CHAIR STONE: Motion passes. Proposal 9.1  6 moves to the draft proposal stage.  7 Frank, the next one was Number 9.2 you want to  8 discuss?  9 MEMBER DE REGO: Actually, I wanted to move to  10 Page 15, to Number 8.16.8. It's the last page on the --  11 oh. I'm on the Active Proposals for Substantive Changes  12 to the Maui County Charter, October 17th, 2011.  13 MEMBER OKAMOTO: Question --  14 CHAIR STONE: Yes.  15 MEMBER OKAMOTO: -- of Mr. De Rego.  16 MEMBER DE REGO: Yes.  17 MEMBER OKAMOTO: So you're not going to cover  18 9.2 at all?  19 MEMBER DE REGO: I would say that we've  20 already --  21 MEMBER OKAMOTO: Okay. That's --  22 MEMBER DE REGO: Yeah.  23 MEMBER OKAMOTO: I just want to be sure we're  24 on the same page.  25 MEMBER DE REGO: Yeah. There's -- on this,</p>	Page 247	<p>1 Auditor.  2 VICE-CHAIR HEDANI: Second.  3 CHAIR STONE: Seconded by Commissioner Hedani.  4 Discussion?  5 (No Response.)  6 CHAIR STONE: No discussion. Let's take this  7 to -- Commissioner Baxa.  8 MEMBER BAXA: I think the intent of the  9 proposal is -- is good, but I have a question here. We  10 have been talking so much about the powers of  11 commissions, too many commission having so much power.  12 And now we are going to say the commission here is going  13 to have the power to hire and to fire the County  14 Auditor? Are we the county of government commissions or  15 this is County government, County government by the  16 Mayor and the Council? That's the question that I have.  17 CHAIR STONE: Commissioner Moikeha.  18 Thank you, Commissioner Baxa.  19 MEMBER MOIKEHA: I'm going to support this  20 proposal only because I believe that there should be an  21 independent auditor. And to be independent, that person  22 has to come from someone not related to the Mayor or to  23 the Council. And I don't see any other venue at this  24 point as to how we would select an independent auditor  25 other than using a commission. So unless there is some</p>
Page 246	<p>1 the copy I have, there was an addition of -- it's called  2 a proposal to establish an independent Office of County  3 Auditor, to have the Commission on the Cost of  4 Government to be attached to the Office of County  5 Auditor, and to have the Commission on the Cost of  6 Government to have the power to hire and fire the County  7 Auditor. But --  8 MEMBER SUGIMURA: Oh. Oh, I see what  9 you're --  10 CHAIR STONE: Without -- without objection,  11 we're going to move to Proposal Number 8.16.8. Go  12 ahead. Do you have a motion? Are you putting a motion  13 forward?  14 MEMBER DE REGO: I put a motion that we -- I  15 -- I hope all of you have that motion. I make a motion  16 to move to the amendment stage --  17 CHAIR STONE: No. The proposal --  18 MEMBER DE REGO: Draft --  19 CHAIR STONE: Draft proposal.  20 MEMBER DE REGO: Draft proposal stage of  21 8.16.8, which is a proposal to establish an independent  22 Office of County Auditor, to have the Commission on the  23 Cost of Government be attached to the Office of County  24 Auditor, and to have the Commission on the Cost of  25 Government have the power to hire and fire the County</p>	Page 248	<p>1 other, you know, venue offered up to even do that, I'm  2 going to support the motion.  3 CHAIR STONE: Thank you.  4 Commissioner Hedani.  5 VICE-CHAIR HEDANI: Yeah. I'm supporting this  6 particular motion because I think it's an important  7 thing to have a County Auditor. There's generally,  8 hopefully, some savings in terms of operational budgets.  9 And in reference to Commissioner Baxa's  10 question, I think a government that's based on  11 commissions would be a government that's based on the  12 power of the people.  13 CHAIR STONE: Thank you.  14 Commissioner De Rego.  15 MEMBER DE REGO: I --  16 CHAIR STONE: I'm sorry. Commissioner DeLeon.  17 MEMBER DE REGO: Commissioner DeLeon.  18 MEMBER DELEON: It is late.  19 I've been arguing off and on throughout this  20 Commission about too much power going to commissions,  21 but this is the one place where I think it needs to be.  22 We need to have an independent setting for this, if this  23 is going to work; otherwise, it becomes a political  24 tool. So we need to have independence. And this is the  25 only way I know. I think it's a pretty creative idea.</p>

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Page 249	<p>1 CHAIR STONE: Thank you.</p> <p>2 Commissioner De Rego.</p> <p>3 MEMBER DE REGO: So I would call for the</p> <p>4 question.</p> <p>5 CHAIR STONE: Very good. Roll call, please,</p> <p>6 Lisa.</p> <p>7 MS. KAHUHU: Commissioner Wiger, excused.</p> <p>8 Commissioner Sugimura.</p> <p>9 MEMBER SUGIMURA: Yes.</p> <p>10 MS. KAHUHU: Commissioner Okamoto.</p> <p>11 MEMBER OKAMOTO: Yes.</p> <p>12 MS. KAHUHU: Commissioner Moikeha.</p> <p>13 MEMBER MOIKEHA: Yes.</p> <p>14 MS. KAHUHU: Commissioner Hashimoto.</p> <p>15 MEMBER HASHIMOTO: Yes.</p> <p>16 MS. KAHUHU: Commissioner Hedani.</p> <p>17 VICE-CHAIR HEDANI: Yes.</p> <p>18 MS. KAHUHU: Commissioner DeLeon.</p> <p>19 MEMBER DELEON: Yes.</p> <p>20 MS. KAHUHU: Commissioner De Rego.</p> <p>21 MEMBER DE REGO: Yes.</p> <p>22 MS. KAHUHU: Commissioner Crivello.</p> <p>23 MEMBER CRIVELLO: Yes.</p> <p>24 MS. KAHUHU: Commissioner Baxa.</p> <p>25 MEMBER BAXA: No.</p>	Page 251	<p>1 CHAIR STONE: So we did get it as a proposal.</p> <p>2 Okay. Very good. I think this is our version of that</p> <p>3 proposal.</p> <p>4 MEMBER SUGIMURA: Okay. Because it will</p> <p>5 encompass what Mike White's --</p> <p>6 CHAIR STONE: I think it has a lot to do with</p> <p>7 it. But it's -- in content, I think it's different.</p> <p>8 Correct?</p> <p>9 MEMBER SUGIMURA: Only the hiring part and --</p> <p>10 MEMBER DE REGO: In --</p> <p>11 MEMBER SUGIMURA: The --</p> <p>12 MEMBER DE REGO: In essence, it would be the</p> <p>13 same. The only difference would be moving the Cost of</p> <p>14 Government Commission out of the Mayor's Office, into</p> <p>15 the Office of the County Auditor, and giving them the</p> <p>16 power to hire and fire the auditor.</p> <p>17 MEMBER SUGIMURA: This is like two things in</p> <p>18 one, then. Because we're talking about a commission and</p> <p>19 its duties, where it's going to move to, as well as this</p> <p>20 whole new department called Office of the Auditor. So</p> <p>21 looks like it's two separate things.</p> <p>22 MEMBER DELEON: They're married.</p> <p>23 CHAIR STONE: They're married.</p> <p>24 MEMBER DE REGO: They're married.</p> <p>25 CHAIR STONE: I think they work hand-in-hand.</p>
Page 250	<p>1 MS. KAHUHU: Chair Stone.</p> <p>2 CHAIR STONE: Yes.</p> <p>3 MS. KAHUHU: Nine "yes." Motion passes.</p> <p>4 CHAIR STONE: Very good.</p> <p>5 MEMBER SUGIMURA: Can I ask a question?</p> <p>6 CHAIR STONE: Just a second. I got to get</p> <p>7 organized. Very good.</p> <p>8 Commissioner Sugimura, you had a question?</p> <p>9 MEMBER SUGIMURA: So based on the motion that</p> <p>10 was carried, we're going to take into consideration</p> <p>11 Councilmember White's proposal which is to create the</p> <p>12 Office of the County Auditor, and just, in addition to</p> <p>13 that now, we have that the Cost of Government, which is</p> <p>14 Frank, will do the hiring and firing. I mean, that's</p> <p>15 what you represent.</p> <p>16 MEMBER DE REGO: Yeah.</p> <p>17 MEMBER SUGIMURA: Is that correct? So we're</p> <p>18 actually -- actually, Councilmember White's proposal to</p> <p>19 us is active?</p> <p>20 CHAIR STONE: He, actually, did not formally</p> <p>21 give us a proposal, did he?</p> <p>22 MEMBER DELEON: Yeah, he did.</p> <p>23 MEMBER SUGIMURA: He did.</p> <p>24 MEMBER DELEON: The early ones. Remember when</p> <p>25 we had a couple of them that came in just --</p>	Page 252	<p>1 MEMBER SUGIMURA: Engaged.</p> <p>2 CHAIR STONE: After that spurt of success,</p> <p>3 let's continue.</p> <p>4 Commissioner Okamoto.</p> <p>5 MEMBER OKAMOTO: So in the part that she is</p> <p>6 writing up, creating for us, will it be a little more</p> <p>7 than just say we're creating the auditor, it's going to</p> <p>8 have things like duties and powers and all that?</p> <p>9 CHAIR STONE: It will be a full proposal.</p> <p>10 Okay. At this point, I would like to move</p> <p>11 back to our agenda.</p> <p>12 MR. MOLINA: Mr. Chair?</p> <p>13 CHAIR STONE: Yes, please. Commissioner</p> <p>14 Molina.</p> <p>15 MR. MOLINA: Thank you.</p> <p>16 CHAIR STONE: I'm sorry. EA Molina.</p> <p>17 MR. MOLINA: Just to add to the discussion</p> <p>18 regarding Councilmember White's proposal, I'm sure he</p> <p>19 possibly has that proposal in the Council's Policy</p> <p>20 Committee as well. I need to check. So I don't know if</p> <p>21 it's something that they may -- depending on what you do</p> <p>22 with drafting the Charter amendment, it might be</p> <p>23 advisable to consult with either the Council Chair or</p> <p>24 the Policy Committee Chair, which is Councilmember</p> <p>25 Hokama, as well as Councilmember White (inaudible).</p>

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<p style="text-align: right;">Page 253</p> <p>1 CHAIR STONE: Very good. Mr. Molina, at what  2 stage shall we take it to them? When we have a draft  3 proposal?  4 MR. MOLINA: Yes.  5 CHAIR STONE: Or shall we start --  6 MR. MOLINA: Possibly sooner.  7 CHAIR STONE: Okay.  8 MR. MOLINA: Sooner the better. Thank you.  9 CHAIR STONE: So Chair will take that on.  10 All right. So as we are moving on to 4:00 and  11 we've had a very long day --  12 MEMBER DE REGO: I know. He doesn't want to  13 look at me.  14 CHAIR STONE: I would like to put our -- I  15 would like to put our Active Proposal List away, and  16 just note where we had left off before we did the Frank  17 jump. We left off at --  18 MEMBER SUGIMURA: 8.7.15.  19 CHAIR STONE: Yeah. What number? Sherry, do  20 you remember?  21 MS. BRODER: We left off at Page 9, 8.15.1.  22 Okay. And that was already deferred to this meeting.  23 CHAIR STONE: That will be the beginning --  24 that will be the beginning point on that.  25 MS. BRODER: Yeah.</p>	<p style="text-align: right;">Page 255</p> <p>1 requirements. Can you give us a overview on this  2 please, Sherry?  3 MS. BRODER: Well, there was a lot of  4 discussion at the last meeting about residency  5 requirements and what did it mean. And so I went ahead  6 and reviewed the case. Really, it's the Kaho`ohalahala  7 case. And I tried to explain a little bit what  8 happened, but I think the bottom line just is that the  9 Hawaii Supreme Court has dealt extensively with  10 residency. And in that particular case, the Court was  11 very influenced by the fact that he had gone and  12 registered to vote in Lahaina. And so I think that that  13 was -- made it very difficult for him to maintain his  14 position that he was still a resident of Lanai. But the  15 court only decided on what does it mean to be a resident  16 to vote, and not really residency with regard to  17 candidacy. But I would imagine that it's going to be  18 the same definition.  19 CHAIR STONE: Very good. Thank you.  20 Does that answer everybody's questions?  21 MEMBER DE REGO: Uh-huh.  22 CHAIR STONE: Good. Moving on, Point 4 of the  23 letter, significance of recent Hawaii County decision  24 regarding voting registration in the district 90 days in  25 advance of the primary election. Sherry, can you give</p>
<p style="text-align: right;">Page 254</p> <p>1 CHAIR STONE: Okay. Thank you.  2 MEMBER CRIVELLO: I'm sorry. Can you repeat  3 that again?  4 CHAIR STONE: So we will be -- when we come  5 back next meeting, depending, again, if we have, you  6 know, specialists here to discuss other active  7 proposals, we'll be starting with Number 8.15.1.  8 MEMBER SUGIMURA: Is that Stacy's homework?  9 Is that Stacy's homework?  10 CHAIR STONE: Add the function of  11 sustainability. This is the discussion on the division  12 on sustainability. We had some very good insight today  13 on that. All right. Great.  14 So putting the Active List away right now.  15 Very good job, Commissioners.  16 Yes. At this stage, we need to go back to  17 Sherry's letter. And Point 2 on Page 2 of Sherry's  18 letter is draft Charter amendments attached, staff is  19 drafting language for consideration of possible Charter  20 amendments. I think we could possibly defer this at  21 this stage, have this discussion later. Everybody can  22 review. I think we have a lot on our plates right now.  23 I would like to say thank you to Sherry for  24 getting those drafts together.  25 Point 3, query regarding residency</p>	<p style="text-align: right;">Page 256</p> <p>1 us a summary, please?  2 MS. BRODER: That case is, actually, on appeal  3 to the Hawaii Supreme Court. But, basically, somebody  4 who had lived in the County of Hawaii for a couple of  5 years before took out candidacy papers, but hadn't lived  6 in the district for the requisite length of time. And  7 the Court found that additional requirement of living in  8 the district for a particular length of time was an  9 undue burden, that particular kind of residency  10 requirement. The person had lived in the County for,  11 you know, a couple of years already. So -- so I think  12 that's one further detail, but doesn't really affect  13 anything that you were discussing doing.  14 CHAIR STONE: Thank you.  15 Moving on to Point 5 in the letter, query  16 regarding video conferencing for public meetings.  17 Summary.  18 MS. BRODER: Okay. The law already allows for  19 video conferencing for public meetings. And so you  20 could be having a meeting with people in attendance here  21 and, let's say, people in attendance in Lanai. The only  22 thing is you have to have equipment that works. And,  23 also, you know, it has to be that people on both ends of  24 the equipment, people here and people in Lanai, have to  25 be able to fully participate. So you just have to have</p>



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<p style="text-align: right;">Page 257</p> <p>1 good equipment. But it seems that the Sunshine Law is  2 clear that as long as the equipment allows full  3 participation, people don't actually have to be  4 physically present.  5 MEMBER DELEON: Mr. Chair?  6 CHAIR STONE: Yes.  7 MEMBER DELEON: I think that was an  8 interesting point made in our public hearing this  9 morning about the fact that we were saying that all  10 public meetings will be, you know, televised throughout  11 the County. I think that's a good point, at least  12 logistically.  13 CHAIR STONE: Uh-huh.  14 MEMBER DELEON: It doesn't mean it has to be  15 (inaudible). Maybe just stick with County Council or  16 some other kind of really necessary kind of meetings,  17 and not everything.  18 CHAIR STONE: Makes sense. All right. Thank  19 you.  20 Moving on to Point 6, query whether the 26th  21 Amendment that guarantees the right to vote to 18  22 year-olds also guarantees their right to be candidates  23 for office. Summary.  24 MS. BRODER: Okay. Well, this question came  25 up with regard to residency, if you were to make -- you</p>	<p style="text-align: right;">Page 259</p> <p>1 CHAIR STONE: Okay.  2 MEMBER DELEON: So it's here, if anybody wants  3 to look at it.  4 CHAIR STONE: Can you give us just a very  5 brief overview? Brief, please.  6 MEMBER DELEON: Very brief.  7 CHAIR STONE: Uh-huh.  8 MEMBER DELEON: Basically, 1,285 email  9 addresses were actively sent this survey, 327 replied.  10 That's 25 percent. For this kind of survey, that's a  11 good response. It's an internet survey done through  12 Zoomerang, which is what our association uses all the  13 time. Support for single-member districts over at-large  14 was 89 percent. Support for four-year terms was 78  15 percent. The report for term limits was 82 percent.  16 And 96 percent agreed that the Commission shall allow  17 this matter to get on the ballot.  18 CHAIR STONE: Very good. Any discussion?  19 Commissioner Moikeha.  20 MEMBER MOIKEHA: I know Dave introduced his  21 survey results as he was requested. And concerning what  22 was sent out, it appears that they thought I -- I don't  23 know if it's I, it said "a commissioner." I did ask  24 Dave if he would reveal if he thought -- identify that  25 person. And he deferred to Bob Lightbourn. If it is</p>
<p style="text-align: right;">Page 258</p> <p>1 know, you have to be -- or register to vote -- you have  2 to register to vote in order to be a candidate for  3 office. The courts have been clear that although the  4 amendment, the 26th Amendment, guarantees an 18-year-old  5 the right to vote, it doesn't guarantee an 18-year-old  6 the right to run for office. For instance, to run for  7 President of the United States of America, you have to  8 be 36 years old, or something like that. And even to  9 run for Governor, in Hawaii, there's an age  10 qualification.  11 CHAIR STONE: Very good. Thank you.  12 Okay. Moving on, review of draft amendment  13 language, Article 3, County Council terms, review of the  14 draft amendment language, Article 8. You know, let's --  15 I think I'm going to defer these items at this time. So  16 we're deferring 1B, C, D and E. Without objection?  17 (No response.)  18 CHAIR STONE: And Old Business, we have none.  19 So New Business, discussion on communication  20 items. Is there any discussion?  21 MEMBER DELEON: Chair?  22 CHAIR STONE: Yes, Commissioner DeLeon.  23 MEMBER DELEON: I just want to point out that  24 the Realtors Association of Maui was asked to do a  25 survey, so we did a survey.</p>	<p style="text-align: right;">Page 260</p> <p>1 me, I did not request them to do a survey. I questioned  2 whether or not -- what the process was on how they came  3 to their conclusion of their position, given that they  4 are a membership-based organization. So if that was me  5 that initiated that, that is their interpretation. I  6 did not request a survey to be done.  7 CHAIR STONE: Very good.  8 Commissioner DeLeon, do you have a response?  9 No, okay. Thank you.  10 MEMBER DELEON: Never mind. (Inaudible.)  11 CHAIR STONE: Commissioner Sugimura.  12 MEMBER SUGIMURA: So just kind of interesting,  13 the -- from the last testimony in my notes, the Realtors  14 Association of Maui has 14,000 members. So does it  15 mean, then, that the --  16 MEMBER DELEON: We have some associated  17 members. We have other members who have asked not to  18 participate in surveys, so they have been removed from  19 the list. So that's the folks who want to participate  20 or have not signaled to be removed from the list. And  21 more like 1,300. That's a moving -- it's a moving  22 target.  23 CHAIR STONE: Thank you, Commissioner DeLeon,  24 for providing that.  25 Any further discussion on communications?</p>

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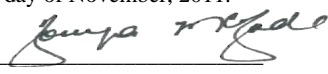
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1 (No Response.)  
 2 CHAIR STONE: No. Very good.  
 3 Why did I lose my agenda at the very end?  
 4 MEMBER OKAMOTO: It says, "Adjournment."  
 5 CHAIR STONE: Yeah. But I get to read it.  
 6 MEMBER DE REGO: Mr. Chair, point of order. I  
 7 will not be here for November 14th.  
 8 CHAIR STONE: Guilty. Guilty.  
 9 MEMBER DE REGO: So --  
 10 CHAIR STONE: What's your --  
 11 MEMBER DE REGO: I will be on a trip.  
 12 CHAIR STONE: -- excuse, Commissioner DeLeon?  
 13 MEMBER DE REGO: I will be on my --  
 14 CHAIR STONE: I'm sorry. Commissioner De  
 15 Rego. Where are you going to be?  
 16 MEMBER DE REGO: I will be in Northern  
 17 California, Yosemite.  
 18 CHAIR STONE: Business or pleasure?  
 19 MEMBER DE REGO: Pardon?  
 20 CHAIR STONE: Business or pleasure?  
 21 MEMBER DE REGO: This is both, actually.  
 22 CHAIR STONE: Very good.  
 23 Okay. Next meeting date and discussion.  
 24 Okay. Well, next meeting date is Monday, November 14th,  
 25 2011, 10:00 a.m., here at the Planning Conference Room,

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1 Kalana Pakui Building.  
 2 And without objection, I'm going to adjourn  
 3 this meeting. Are you sure? Are you sure nobody  
 4 wants -- the gavel is going to fall. Going once --  
 5 MEMBER OKAMOTO: Hit that gavel.  
 6 CHAIR STONE: -- going twice. Meeting  
 7 adjourned at 4:08. ...(gavel)...  
 8 (Meeting adjourned at 4:08 p.m.)  
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1 CERTIFICATE  
 2  
 3  
 4 I, TONYA MCDADE, Certified Court Reporter of  
 5 the State of Hawaii, do hereby certify that the  
 6 proceedings contained herein were taken by me in machine  
 7 shorthand and thereafter was reduced to print by means  
 8 of computer-aided transcription; and that the foregoing  
 9 represents, to the best of my ability, a true and  
 10 accurate transcript of the proceedings had in the  
 11 foregoing matter.  
 12 I further certify that I am not an attorney  
 13 nor an employee of any of the parties hereto, nor in any  
 14 way concerned with the cause.  
 15 DATED this 8th day of November, 2011.  
 16  
 17   
 18 \_\_\_\_\_  
 19 Tonya McDade  
 20 Certified Shorthand Reporter #447  
 21 Registered Professional Reporter  
 22 Certified Realtime Reporter  
 23 Certified Broadcast Reporter  
 24  
 25