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2 COUNTY OF MAUI, STATE OF HAWAII

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7 CHARTER COMMISSION

8 REGULAR MEETING

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14 Held at the Lahaina Civic Center, 1840 Honoapiilani

15 Highway, Lahaina, Maui, Hawaii, commencing at 6:35 p.m.,

16 on Monday, December 12, 2011.

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21 Reported by:

22 Tonya McDade, CSR, CRR

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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 Linda Kay Okamoto, Member

11 Yuki Lei Sugimura, Member

12 Flo V. Wiger, Member

13 STAFF PRESENT:

14 Mr. Edward Kushi, Jr., First Deputy Corporation Counsel

15 Lisa Kahuhu, Supervising Law Technician

16 ADMINISTRATION PRESENT:

17 Zeke Kalua, Executive Assistant to the Mayor

18

19 OTHERS PRESENT:

20 Julian Gaytan

21 Tamara Paltin

22 Leonard Nakoa

23 Elle Cochran, Councilmember

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1 (Monday, December 12, 2011, 6:35 p.m.)

2 \* \* \*

3 VICE-CHAIR HEDANI: Okay. Good evening,

4 everyone. We would like to go ahead and call tonight's

5 public hearing to order. My name is Wayne Hedani, I'm

6 the Vice-Chair of the Charter Commission, starting the

7 meeting in Josh's absence.

8 We're going to give Josh two demerits for

9 today. He's going to have to bring refreshments two

10 times for being late.

11 (Laughter.)

12 VICE-CHAIR HEDANI: Okay. We have Lisa Kahuhu

13 here, our Supervising Law Technician; Ed Kushi, Jr.,

14 from the Corp Counsel's Office. And all of our

15 Commissioners have name tags, so we can identify

16 ourselves and we know who we are.

17 We thank you for coming to tonight's public

18 hearing. And we would like to proceed immediately into

19 the business of receiving public testimony. We have two

20 ears and one mouth, so we will listen twice as much as

21 we will speak tonight. Okay?

22 Lisa, do you have the sign-up?

23 MS. KAHUHU: Yes, Chair. The first testifier

24 is Julian Gaytan. He stepped away from --

25 VICE-CHAIR HEDANI: What is the procedure,

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1 Lisa? Do they -- oh, come up to the podium. Julian,

2 are you here?

3 MS. KAHUHU: His stuff is here, but he stepped

4 out, I guess. So --

5 VICE-CHAIR HEDANI: Okay. Why don't we come

6 back to him? Move to the next person.

7 MS. KAHUHU: Tamara Paltin.

8 VICE-CHAIR HEDANI: Welcome, Tamara.

9 MS. PALTIN: Thank you.

10 VICE-CHAIR HEDANI: I'm sorry. The rules of

11 the Commission provide for testimony for a period of

12 five minutes. After which, the Commissioners will not

13 debate with you, but they may ask you clarifying

14 questions.

15 Please proceed.

16 MS. PALTIN: Okay. Hi. My name's Tamara

17 Paltin. Thank you for listening to my testimony. I was

18 just looking over the Charter amendments.

19 I'm supportive of the first amendment, part A

20 and B.

21 But the real reason that I came here tonight

22 was on Proposed Amendment 5, the Charter be amended to

23 change the name of -- oh, wait. Sorry. Number 6,

24 "Shall Section 8-7.4 of the Charter be amended to

25 include ocean rescue and safety to the powers, duties

<p style="text-align: right;">Page 5</p> <p>1 and functions of the Fire Chief of the Department of  2 Fire and Public Safety." I don't want to say like vote  3 yes or no on this; I just wanted to say that it's kind  4 of a scary thing just to say that and not give any kind  5 of details of what that means.  6       Like if you consider that you're a person  7 under the ocean rescue and safety, and you've been doing  8 that for your whole career, 10, 15, 20 years or  9 whatever, and, all of a sudden, they tell you, okay, now  10 you're going to move to this other department, and you  11 consult with your union and ask what this means, and  12 there isn't any really answers, it's -- it's a really  13 scary thing. And maybe even if you're in the pan, you  14 don't want to jump into the fire.  15       One of the things that we do know is that  16 their union doesn't want us. So if we do move from  17 Parks and Recreation to the Fire Department, we're still  18 going to be in the same union. So like with the  19 previous contract, where we had furloughs and pay cuts  20 and whatnot, we're still going to have that, whereas the  21 Fire Department's previous contract they didn't have any  22 furloughs, they didn't have any pay cuts, they still got  23 their raises and things like that. So one thing we do  24 know for sure is we're going to be working alongside  25 these guys with a different contract. And, most likely,</p>	<p style="text-align: right;">Page 7</p> <p>1 with leather couches, television, like that, and you're  2 not -- and you can sleep while you work, versus like  3 remaining vigilant for eight hours or 12 hours. It's a  4 total different story.  5       And I don't even know if our certifying  6 agency, the United States Lifeguarding Association,  7 would sanction like a 12-hour shift.  8       We asked about like the grooming policy, if we  9 would have to cut our hair like how the Fire Department,  10 and things like that. And pretty much, through our  11 consultation with the union, so many of our questions  12 were like, well, after we make the change, it will be  13 decided. And it's like -- to me, that's a little bit  14 scary. Like I would like to know what it is before I  15 have 10 years of my career into this one profession and,  16 all of a sudden, the rules change.  17       Another thing I noticed, in the Fire  18 Department, they have like specific guys that their job  19 is to drive the truck. In the lifeguards, we have a lot  20 of guys that drive the jet ski. And it helps out  21 because there's no extra pay for driving the jet ski.  22 So it's like a shared responsibility. And then -- so my  23 question would be, would they have a specific person  24 that that's their job to drive the jet ski? And, if so,  25 how are they gonna choose that person out of like the</p>
<p style="text-align: right;">Page 6</p> <p>1 it's going to be an inferior contract, which is a little  2 bit disturbing.  3       Working under Parks and Recreation, when we  4 had the furloughs, because we were combined with the  5 pool department, we were able to pull trained lifeguards  6 that went through the training course to cover us during  7 the furloughs because they were able to close the pools.  8 But if we're no longer with Parks and Recreation, I  9 don't know if that will be allowed to continue because  10 now the pools will be under Parks and Recreation and  11 we'll be under the Fire Department. And if they pull  12 guys from the Fire Department, to me, that, a little  13 bit, jeopardizes our job safety, where they can ice out  14 the lifeguards and just have everybody be firemen and  15 lifeguards, or all firemen be lifeguards. So that's  16 kind of a scary thing.  17       We asked -- there was rumors about moving to  18 12-hour workdays. And I have a young child in day care  19 and another one coming. So day care, you drop them off  20 at 7:30 and pick 'em at 4:00. So, I mean, not even  21 knowing before it happens if we're going to have to work  22 a 12-hour workday and how that will work is kind of  23 scary as well.  24       Also, even for them to propose it, it's easy  25 to say that when you work in a air-conditioned building</p>	<p style="text-align: right;">Page 8</p> <p>1 five people at a beach that do that?  2 MS. KAHUHU: Time.  3 MS. PALTIN: That's all, I guess.  4 CHAIR STONE: Thank you very much. Aloha,  5 everybody. My name is Josh Stone, I'm the Chairman, and  6 clearly late.  7 (Laughter.)  8 CHAIR STONE: Thank you.  9 Commissioners, any clarification on the  10 testimony? Please.  11 Yes, I'm indebted again to the Commission.  12 This is my second time today being late. So -- yes,  13 Commissioner Sugimura.  14 MEMBER SUGIMURA: Tamara, thank you very much  15 for coming before us. And I just want to tell you that  16 it's good to hear your input because we've only heard  17 from management level about this. We never heard really  18 how it really affects the people who are front line. So  19 I appreciate your honesty. And that's -- I have really  20 no question; I just want to thank you for coming.  21 MS. PALTIN: That was kind of the reason I  22 came, because I know the management likes it, but  23 they're representing themselves. So that's why I wanted  24 to represent myself. Thank you.  25 CHAIR STONE: Thank you. Commissioners,</p>

<p style="text-align: right;">Page 9</p> <p>1 further clarification? No. Thanks so much. Oh,                  2 Commissioner Baxa.                  3 MEMBER BAXA: Yeah, yeah. Again, thank you,                  4 also.                  5 So if I understand correctly from your point                  6 of view, you are not really rejecting the idea of going                  7 to the other side, but that you would want to see that                  8 what you will be doing there, what rights and                  9 (inaudible) you will be having there will first be                  10 defined so that you will not be in a position where you                  11 would be losing something which you had before, and                  12 which you may not enjoy there later on.                  13 MS. PALTIN: Yeah. Yeah. There's -- I mean,                  14 that was just the tip of the iceberg on questions. Like                  15 we have so many policies and procedures that they -- we                  16 asked if we were going to keep, like days off selection,                  17 training and lunch procedures, and things like that.                  18 And there was like, well, after we make the switch,                  19 we'll sort it out. So that's why it's -- I mean, do you                  20 want to jump from the frying pan into the fire?                  21 Right now, we know what the situation is. And                  22 then we're going to be going to a situation that's kind                  23 of unknown. And I can kind of see how people would look                  24 at it as a good thing. But if it's a good thing, won't                  25 it still be a good thing if you iron out the details</p>	<p style="text-align: right;">Page 11</p> <p>1 The one I like grumble about is Number 10,                  2 Article 13, whatever, the one that's like add the                  3 provision which would require the Council to provide for                  4 interactive communications access for all the Council                  5 meetings for residents of Hana, Lanai, Molokai, and, I                  6 guess, other geographical areas as the Council deems                  7 appropriate. I like make sure you guys put Lahaina                  8 inside there 'cause, you know what I mean, four minutes                  9 for all the way the other side, for drive over, plus,                  10 you got to go fight parking, and then sit down over                  11 there. And then, you know, for me they're already                  12 kicking me off the podium, you know what I mean. Us                  13 guys pay them, you know, they -- they get paid for                  14 listening to us.                  15 And I think -- like you guys giving us five                  16 minutes, you guys don't even get paid, you know what I                  17 mean. You guys don't even get paid, you guys giving us                  18 five minutes.                  19 Five minutes, plus two-minute extension would                  20 be better, you know what I mean. Make it work it. I                  21 mean, sorry, you know what I mean. Because a couple of                  22 the Council people are, pau, yeah, but we might here all                  23 day. Too bad, you know what I mean. We vote you guys                  24 in there.                  25 So that's one of da kine, you know what I</p>
<p style="text-align: right;">Page 10</p> <p>1 beforehand?                  2 MEMBER BAXA: Thank you very much.                  3 CHAIR STONE: Thank you. Commissioners,                  4 further clarification?                  5 (No Response.)                  6 CHAIR STONE: No. Thanks so much for your                  7 testimony. Thank you.                  8 Lisa, next testifier, please?                  9 MS. KAHUHU: Julian Gaytan.                  10 MR. GAYTAN: I thought I was just signing.                  11 CHAIR STONE: Julian, thank you.                  12 MS. KAHUHU: You are not --                  13 MR. GAYTAN: Sorry. No, I'm not testifying.                  14 MS. KAHUHU: Okay.                  15 CHAIR STONE: Are you sure?                  16 The next testifier, Lisa?                  17 MS. KAHUHU: Leonard Nakoa.                  18 CHAIR STONE: Leonard, thank you for being                  19 here tonight.                  20 MR. NAKOA: First thing I like say is plenty                  21 mahalo for you guys coming to Lahaina, seriously.                  22 That's why I came over here, because I been watching                  23 Monday Night Football. But you guys made it all the way                  24 over here for come this side. I mean, from the heart,                  25 from us guys from Lahaina, mahalos.</p>	<p style="text-align: right;">Page 12</p> <p>1 mean. Hard times we go that side, serious. It's not                  2 like you can just go down there, and then you sit down                  3 in a meeting and then talk for four minutes. And                  4 then -- you know what I mean, I like when everybody ask                  5 me questions, because I like talk plenty, yeah.                  6 But, I mean, serious, make sure that other                  7 geographical areas, like Lahaina, you know, even like --                  8 I don't know, wherever -- if the guy from Kihei -- you                  9 guys go there, maybe they gonna tell you the same thing.                  10 You know, I just here for us here. But I say mahalo for                  11 coming this side.                  12 CHAIR STONE: Thank you very much. One                  13 second. Commissioners, clarification?                  14 (No Response.)                  15 CHAIR STONE: No. Very good. Thank you so                  16 much for your testimony.                  17 MR. NAKOA: You're welcome.                  18 CHAIR STONE: Very good input.                  19 Lisa, next testifier, please.                  20 MS. KAHUHU: Chair, no one else is signed up.                  21 CHAIR STONE: Very good. At this time, I                  22 would like to invite anybody in the public who has not                  23 testified to come forward.                  24 (No Response.)                  25 CHAIR STONE: Okay. Very good. No further</p>

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<p>1 oral testimony.</p> <p>2 Well, without objection, I'd like to close</p> <p>3 oral testimony at this time. And without objection,</p> <p>4 also, I'd like to take our new communication to the</p> <p>5 record, put it into the record, please. Thank you very</p> <p>6 much.</p> <p>7 And let me get myself in order here.</p> <p>8 Come on, Lahaina. I drove all the way over,</p> <p>9 nobody wants to testify.</p> <p>10 (Laughter.)</p> <p>11 MR. NAKOA: Monday Night Football.</p> <p>12 CHAIR STONE: That's why. You know what, good</p> <p>13 point. Who did the scheduling? Who scheduled on Monday</p> <p>14 Night Football?</p> <p>15 (Laughter.)</p> <p>16 CHAIR STONE: That's our dive. That's how we</p> <p>17 duck under.</p> <p>18 (Laughter.)</p> <p>19 CHAIR STONE: Oh, classic. Okay. Very good.</p> <p>20 Also, I just was informed that we forgot to</p> <p>21 introduce Zeke Kalua over there, the Executive Assistant</p> <p>22 to the Mayor. Thank you, Zeke, for being here tonight.</p> <p>23 Much appreciated.</p> <p>24 We'll move on to discussion on the public</p> <p>25 testimony received.</p>	<p>1 because you were last.</p> <p>2 CHAIR STONE: That's right. That's the second</p> <p>3 time today, by the way. This isn't the first time.</p> <p>4 I've got a lot of doughnut bills going.</p> <p>5 (Laughter.)</p> <p>6 CHAIR STONE: Yeah, that's coming. Don't</p> <p>7 worry.</p> <p>8 So do we have any further discussion,</p> <p>9 Commissioners? No? No? Cliff, are you sure, buddy?</p> <p>10 Nothing.</p> <p>11 (No Response.)</p> <p>12 CHAIR STONE: Okay. Well, then I am going to,</p> <p>13 without objection, call adjournment to this meeting as</p> <p>14 of -- what time is it? Does anybody have the time,</p> <p>15 please?</p> <p>16 MS. KAHUHU: 6:51.</p> <p>17 CHAIR STONE: 6:51. Yes, very good.</p> <p>18 Our next meeting is going to be tomorrow</p> <p>19 evening, at 6:30 p.m. And that is going to be in Kihei,</p> <p>20 yeah. And it's at the Kihei Community Center. Correct?</p> <p>21 Okay, very good. So that is our next meeting. And we</p> <p>22 look forward to seeing the public there. So now I will</p> <p>23 -- Cliff, do you have --</p> <p>24 MEMBER HASHIMOTO: Before you close.</p> <p>25 CHAIR STONE: Sure.</p>
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<p>1 And, also, our Vice-Chair forgot to recognize</p> <p>2 that Elle Cochran from -- our Councilwoman from Lahaina</p> <p>3 is here. Elle, thank you so much for being here.</p> <p>4 (Applause.)</p> <p>5 CHAIR STONE: Very nice to have you. Thank</p> <p>6 you for coming out and supporting us.</p> <p>7 So I'm going to open it up to discussion</p> <p>8 amongst our Commissioners? We haven't seen each other</p> <p>9 since noon today. It's good to see you all again. So</p> <p>10 is there any discussion amongst the Commissioners on any</p> <p>11 of the discussion tonight?</p> <p>12 MR. KALUA: Chair, if I may, prior to your</p> <p>13 arrival, that envelope in that brown pamphlet that's in</p> <p>14 front of you, I was asked to give that to you from Mike</p> <p>15 Molina from our office. And there wasn't enough</p> <p>16 brochures, I was assuming, to hand out to the entire</p> <p>17 Commission. So I already handed them out. I don't know</p> <p>18 if that was something that you had on tonight's agenda</p> <p>19 for discussion or not, but just so you know it's from</p> <p>20 him, too.</p> <p>21 CHAIR STONE: Very good. Thanks so much.</p> <p>22 Thanks, Zeke. And I was wondering -- I thought that was</p> <p>23 a Christmas present.</p> <p>24 MEMBER DELEON: It is.</p> <p>25 MR. KALUA: It's a bill for the doughnuts</p>	<p>1 MEMBER HASHIMOTO: -- I noticed the gentleman</p> <p>2 sitting there, making a lot of notes when we came in.</p> <p>3 So he may have some questions on what we have here. So</p> <p>4 you might ask him if he has questions.</p> <p>5 MR. GAYTAN: Yes, I do have some questions.</p> <p>6 CHAIR STONE: Okay. We did close oral</p> <p>7 testimony, Cliff.</p> <p>8 MEMBER HASHIMOTO: He's not testifying; he</p> <p>9 just has some questions.</p> <p>10 CHAIR STONE: Well, how about I do this? I'll</p> <p>11 tell you what we'll do. I'm sure some of the</p> <p>12 Commissioners will be interested, but I think -- I think</p> <p>13 we have to stick with our process. We'll close this,</p> <p>14 and I'll sit here and listen to what he has to ask, no</p> <p>15 problem. All right? Okay.</p> <p>16 Commissioner Hedani.</p> <p>17 VICE-CHAIR HEDANI: Chairman, I would like to</p> <p>18 move to suspend the rules so we can take questions from</p> <p>19 this particular testifier since we do have the time.</p> <p>20 CHAIR STONE: Very good. I think we need to</p> <p>21 take action on that.</p> <p>22 MEMBER DE REGO: I second the motion.</p> <p>23 CHAIR STONE: Very good. We're going to</p> <p>24 suspend our rules to go back to reopen oral testimony.</p> <p>25 All in favor, please raise your hand. Sorry, I didn't</p>

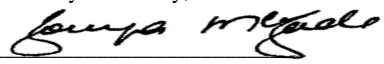
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1 see down on that side of the table. All opposed? Okay.  
 2 Very good. So oral testimony has been reopened so this  
 3 gentleman can discuss.  
 4 MR. GAYTAN: Yes. My name is Julian Gaytan.  
 5 And my questions here, actually, are on Moku`ula. And  
 6 that's one of the reasons why I came up to this location  
 7 here. But it doesn't seem like you folks were touching  
 8 base on that, so I backed off. I don't know if this is  
 9 appropriate, or not, to bring this up here right now.  
 10 MEMBER DELEON: No.  
 11 MEMBER SUGIMURA: It's Mike White's Committee,  
 12 it's a Council --  
 13 MR. GAYTAN: Oh.  
 14 CHAIR STONE: That's a Council item, right?  
 15 MR. GAYTAN: Yeah, yeah.  
 16 MEMBER SUGIMURA: They just took it up  
 17 December 1st.  
 18 MR. GAYTAN: Okay. Okay. So the next time  
 19 you -- you have this come up, you have an idea?  
 20 MEMBER SUGIMURA: Wrong body.  
 21 CHAIR STONE: This is -- yeah, we're -- we're  
 22 Charter, which is just focused on the body of the Maui  
 23 County Charter language.  
 24 MR. GAYTAN: Oh, okay. Oh, okay. Thank you  
 25 so much.

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1 CHAIR STONE: Sure. Of course.  
 2 MEMBER SUGIMURA: Thank you.  
 3 CHAIR STONE: Thank you. Okay. Very good.  
 4 I'm going to reclose oral testimony at this time without  
 5 objection. Any objections, Wayne? No. Okay.  
 6 And is there any further discussion,  
 7 Commissioners?  
 8 (No Response.)  
 9 CHAIR STONE: No. Very good. Okay. Without  
 10 objection, I will adjourn this meeting. Thank you,  
 11 Ladies and Gentlemen, for being here this evening. And,  
 12 Akaku, thank you very much for being here.  
 13 Have a great evening. And happy holidays.  
 14 (Meeting adjourned at 6:54 p.m.)  
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Page 19

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  
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 8 of computer-aided transcription; and that the foregoing  
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 10 accurate transcript of the proceedings had in the  
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 12 I further certify that I am not an attorney  
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