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COUNTY OF MAUI, STATE OF HAWAII

APPROVED 2/27/2012

CHARTER COMMISSION  
PUBLIC HEARING

Held at the Lanai Community Center, Eight Street  
and Lanai Avenue, Lanai City, Lanai, Hawaii, commencing  
at 6:30 p.m., on January 11, 2012.

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ATTENDANCE

BOARD MEMBERS PRESENT:

Joshua A. Stone, Chair

Wayne N. Hedani, Vice-Chair

Artemio C. Baxa, Member

Stephanie S. Crivello, Member

David P. DeLeon, Member

Frank R. DeRego, Jr., Member

Clifford P. Hashimoto, Member

Wayne N. Hedani, Member

Susan A. Moikeha, Member

Linda Kay Okamoto, Member

Yuki Lei Sugimura, Member

STAFF PRESENT:

Edward S. Kushi, Jr., First Deputy Corporation Counsel

Lisa Kahuhu, Supervising Law Technician

OTHERS PRESENT:

Ron McOmber

Winifred Basques

Councilmember Riki Hokama

Fairfax Reilly

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(Wednesday, January 11, 2012, 6:30 p.m.)

\* \* \*

CHAIR STONE: Good evening, everybody. Thank you for being here. Aloha. And thank you again for attending this public meeting of the Charter Commission. My name is Josh Stone, and I'm the Chairman of the Commission.

If you need, there are copies of the Maui County Charter and amendments available here with Lisa Kahuhu. Lisa? As well as copies of this evening's agenda. As per our rules, discussions tonight should be pertaining to the Maui County Charter.

Before beginning public testimony, we have a few items of business to address.

The first thing, I would like to call this meeting to order as of 6:30 p.m., and introduce our Commissioners that are present. So let's quickly go down the table, starting with Commissioner De Rego, please state your name and where you're from.

COMMISSIONER DE REGO: Frank De Rego. Frank De Rego, Kahului.

COMMISSIONER SUGIMURA: Yuki Lei Sugimura, from Kula.

COMMISSIONER HASHIMOTO: Clifford Hashimoto, Hana.

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COMMISSIONER CRIVELLO: Stacy Crivello, Molokai.

CHAIR STONE: Josh Stone from Paia.

VICE-CHAIR HEDANI: Wayne Hedani from Wailuku.

COMMISSIONER OKAMOTO: Kay Okamoto, from here.

COMMISSIONER BAXA: Artemio Baxa, from Makawao.

CHAIR STONE: Thank you very much, Commissioners.

Also, I would like to introduce our staff who is with us tonight. We have Ed Kushi Jr., Deputy Corporation Counsel. Again, Lisa Kahuhu, Supervising Law Technician. As well as our court reporter, Tonya McDade. Thank you very much for being here.

I'd also like to recognize Councilman Hokama. Thanks so much for joining us tonight, Councilman.

This meeting is primarily to get the public's input on the proposed Charter amendments that the Charter Commission are actively are working on, some of which will most likely be put forward to the voters in the November elections. We're also here to receive new Charter amendment proposals, if any.

We have copies of the draft proposals on our agenda tonight. So if you want to take a look at those copies of the draft proposals, please grab one of the

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1 agendas. Thank you.  
 2 Also, anybody who would like to give oral  
 3 testimony, we ask that you go to Lisa Kahuhu and sign  
 4 in.  
 5 I would like to begin with oral testimony,  
 6 but, before we begin, I would like to go over our oral  
 7 testimony rules. We'll call up each public testifier in  
 8 the order that they registered to testify. And each  
 9 person will have five minutes to testify concerning any  
 10 of the matters in the Maui County Charter. Following  
 11 testimony, I'll ask the Commissioners if they need  
 12 clarification or have questions for the testifier.  
 13 Lisa, first testifier, please.  
 14 MS. KAHUHU: Ron McOmber.  
 15 CHAIR STONE: Ron, thank you very much for  
 16 coming this evening.  
 17 MR. McOMBER: Thank you. Aloha. Welcome to  
 18 Lanai.  
 19 CHAIR STONE: Aloha.  
 20 MR. McOMBER: Thanks for all your hard work,  
 21 guys. I know you've -- I've watched some of this on TV.  
 22 You take a heck of a battering from everybody.  
 23 I was pleased as I read through the Charter  
 24 stuff. It's all the things that we were really  
 25 concerned -- I was concerned about, anyway.

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1 The Liquor Adjudication Board and the Liquor  
 2 Commission stay as they are. I think they're very  
 3 valuable, especially with the newspaper article the  
 4 other day where they busted four stores. And all the  
 5 proprietors have to do is say, "Are you 21," and they  
 6 have to answer that. And they don't do it. I was with  
 7 them for 11 years. And it's shameful to me that people  
 8 just throw their licenses out the window and keep doing  
 9 it. So I'm glad you kept that commission intact. You  
 10 didn't mess with it.  
 11 Just a couple side notes.  
 12 The one thing I really appreciate in here is  
 13 you've changed it from 90 days to a one-year residency  
 14 in the area when you apply for a County Council seat.  
 15 That would eliminate that problem we have on Lanai with  
 16 somebody coming in and saying they've been here, they've  
 17 lived here, and they've lived here for -- and they  
 18 wasn't here. So that will help. And we'll know in a  
 19 year's time if that person's lived here for a year or if  
 20 they're skating. That will help some of that.  
 21 I don't know if it's in your purview to do  
 22 this, but I am a firm believer that the outside islands  
 23 need representation on a lot of boards and commissions,  
 24 like the Liquor -- like the Liquor Commission,  
 25 Adjudication Board, and the Fire -- Fire Commission and

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1 the Police Commission. And right now, Lanai has none of  
 2 those. And if it's within your power to put that in the  
 3 Charter, that they should do that, I think it's  
 4 important.  
 5 And the reason it's important is that people  
 6 of Lanai and Molokai can talk to the people of Maui and  
 7 tell them what's going on, on their island. It's the  
 8 best way to communicate with the people that live here  
 9 instead of listening to other people or the politicians.  
 10 It's really important. And we'd like, if it's some way  
 11 in your power to do that, put that in there. That would  
 12 be really important for us.  
 13 I went through the whole thing. It looks  
 14 really good. I have really -- I was -- first thing I  
 15 was going to say is you can't do this in three minutes.  
 16 And you just screwed that whole thing up by telling me  
 17 five minutes. Ah, shucks.  
 18 Again, thank you for all your hard work and --  
 19 and all your diligent -- it's -- it's not easy to do  
 20 this. And we can't go over there and badger you, but  
 21 this is -- this is a good piece of work, and we  
 22 appreciate what you guys have done. Thank you very  
 23 much. That's all I got to say.  
 24 CHAIR STONE: Thank you very much for that  
 25 testimony.

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1 Commissioners, clarification or questions for  
 2 our testifier? Commissioner De Rego.  
 3 COMMISSIONER DE REGO: Yeah. Excuse me.  
 4 Thank you, Ron, for your testimony this evening.  
 5 One of the Charter proposals that made it to  
 6 the draft stage was the requirement for interactive  
 7 communications access for the public to all County  
 8 Council -- the Council -- County Council meetings. A  
 9 lot of the problems -- or challenges, not problems, of  
 10 being, you know, present at meetings, especially on  
 11 boards and commissions, is oftentimes just a hassle of  
 12 getting to Maui where most of the meetings are held. Do  
 13 you think this kind of proposal would actually help that  
 14 where if it's in the public base, where there's  
 15 interactive communication involved, where a  
 16 councilmember could be offsite where the meeting occurs,  
 17 but it would still fulfill the requirements of the  
 18 Sunshine Law, which requires that the person be --  
 19 MR. McOMBER: Well, we have a couple problems  
 20 on Lanai. There's several places that we hold meetings.  
 21 And this is one of them. It doesn't have the best sound  
 22 effects. I mean, we got a couple places on Lanai, Hale  
 23 Kupuna and now we have just finished the new senior  
 24 center. The school cafeteria and sometimes in this  
 25 place here, they can't pick up the sound. I've listened

<p style="text-align: right;">Page 9</p> <p>1 to some of the testimonies in some of our public  2 testimonies -- in some of our public hearings. And you  3 can't make out what they're saying.  4 It's really stupid to go through this whole  5 process, pay this young man to do this, from Akaku, and  6 then you can't hear what they're saying. I mean, if  7 you're going to do that, and you're going to put it out  8 there and show what Castle &amp; Cooke is doing on this  9 island, or the rest of us, people need to understand  10 what the heck is being said. And it's very poor. It's  11 not because of the audio system; it's the feedback from  12 these buildings. This is like in a tent in here. A  13 tent would probably be better.  14 But Hale Kupuna -- and we can work that out  15 logically, now that we have the senior center, but I  16 firmly believe that we need all, you know, public -- or  17 even all the Planning Commission meetings -- and that's  18 something else that really bothers -- Planning  19 Commission has completely forgot about us over here. I  20 mean, for some reason, we haven't had a Planning  21 Commission meeting in two or three months. This is  22 insane. Especially with all the stuff that's going on  23 in Lanai right now; the windmills and everything else,  24 and the old man selling the place. How in the hell are  25 we supposed to let everybody else know what's going on?</p>	<p style="text-align: right;">Page 11</p> <p>1 COMMISSIONER BAXA: And if I understand you  2 correctly, there should be more representation from  3 Lanai and maybe even Molokai, and not most of them  4 should be --  5 MR. McOMBER: Right.  6 COMMISSIONER BAXA: -- from Maui? Do I get it  7 right, sir?  8 MR. McOMBER: Right.  9 COMMISSIONER BAXA: So you are saying that  10 even if the subject matter does not particularly affect  11 Lanai or Molokai, you should have a say in the operation  12 of the County government as a whole?  13 MR. McOMBER: Oh, yes. That's true. And when  14 there are items on the Planning Commission agenda, we do  15 address them. But there's other things that are going  16 along as we go through the process that we would like  17 answers. Like from the water department has decided not  18 to talk to us. And the only way that we can get them to  19 come would be to have them come to the Planning  20 Commission meeting and tell us what's going on with  21 their wells.  22 COMMISSIONER BAXA: Okay.  23 MR. McOMBER: And so these are -- these are  24 tools that we need to do this. And --  25 COMMISSIONER BAXA: Okay.</p>
<p style="text-align: right;">Page 10</p> <p>1 We just can't because they're not holding the meetings.  2 And it's really not in your purview to make  3 the Planning Commission hold their meetings over here,  4 but they seem to delay it because they don't have  5 anything to talk about. We got lots to talk about,  6 folks. And now we got people that are quitting the  7 Planning Commission because they don't hold any  8 meetings. This is not right.  9 And we're going to lose that Planning  10 Commission. And we fought so hard for that in the early  11 stages. Molokai was first. And if Molokai could have  12 it, then Lanai is saying we want ours, too. And that's  13 the only reason we got it, because Molokai was first.  14 And now that we've got it, we sure as hell don't want to  15 lose it.  16 So you're right, communications, and on the  17 air and anyway you can enhance that, it would be great  18 for us.  19 CHAIR STONE: Thank you, Ron.  20 Commissioners, further clarification?  21 Commissioner Baxa.  22 COMMISSIONER BAXA: Mr. Chair. Sir, if I  23 understand correctly, one of the points you have made is  24 that most of the members of commissions come from Maui?  25 MR. McOMBER: Right.</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. McOMBER: -- they have ignored it. And so  2 when the company does that and when people in power do  3 that, the citizens -- I mean, Castle &amp; Cooke loves it  4 when they -- when they cancel the meeting because they  5 don't have to answer any questions.  6 COMMISSIONER BAXA: Okay. So if I get it  7 correct from you, what affects Maui affects Lanai as  8 well?  9 MR. McOMBER: Oh, yes, absolutely, it does.  10 COMMISSIONER BAXA: Thank you very much, sir.  11 MR. McOMBER: See, when we went through the --  12 when we went through the General Plan, there was many  13 items on the General Plan that we sat on that we  14 deferred for the Community Plan on Lanai.  15 That's something else maybe the Charter should  16 look at. If you're going to do a planning -- I mean,  17 the Community Plan, I understand that we're not going to  18 see it until the middle of this year sometime. What is  19 going on here, folks? There should be specific language  20 in this that if you're going to start the Charter stuff,  21 that you start it at a date and you go through with it.  22 Don't keep delaying it because this or that or this or  23 that. I understand they got, what, 24 people on the  24 Planning -- on the whatever it was. Lanai only has nine  25 -- nine people, I believe, on it.</p>

<p style="text-align: right;">Page 13</p> <p>1 We would like to start our Community Plan  2 because we have so many things that are affecting us  3 right now; the windmills and -- and the old man selling  4 the place. We need to have some voice of Lanai people  5 in that decision. And it should not be just Castle &amp;  6 Cooke's decision; it should be the Lanai residents'  7 decision.  8 So if you can put that in -- you know, maybe  9 you can fit that in there somewhere. But it's -- it's  10 important to us. It's important to Molokai. It's  11 important to Hana. Any of the outlying areas.  12 Okay. I've rambled on long enough.  13 CHAIR STONE: Thank you.  14 MR. McOMBER: I'm in trouble already.  15 CHAIR STONE: Commissioners, any further  16 clarification questions?  17 (No Response.)  18 CHAIR STONE: Ron, thanks so much for your  19 testimony this evening. Much appreciated.  20 Lisa, next testifier, please.  21 MS. KAHUHU: Winifred Basques. Winnie.  22 CHAIR STONE: Winnie, good to see you back  23 here.  24 MS. BASQUES: Coming. Coming.  25 CHAIR STONE: Thank you for testifying.</p>	<p style="text-align: right;">Page 15</p> <p>1 hard for them to make the hard decisions in that  2 two-year span. So that's where this -- this came from.  3 MS. BASQUES: I can see you folks' point.  4 See, because I've been on different kine panels, I go to  5 convention. And the thing is that when you look at this  6 kine situation here, like you say, two years is not  7 enough to go on, because when the other new members come  8 in, they got to start from the bottom because they don't  9 know what is going on. They just come in, they learn  10 and they leave. The next one come in, they're there two  11 years and they leave. So how can they complete their  12 project? Or the members on the panel, how can you  13 complete your project for the councilmembers?  14 I can see the point because it's very crucial  15 that they should know. Because when the new one coming  16 in, the former councilmembers should, you know, relay  17 the message to them what it's all about, but they sit  18 inside the chair and they say, what am I doing here,  19 what is all about, you know, big question marks. Okay.  20 Number 4, will you explain to me what is  21 nonpartisan and partisan?  22 CHAIR STONE: Chair will take that again.  23 MS. BASQUES: Good.  24 CHAIR STONE: Okay. Very simple. We had a  25 very -- we had some input from the public concerning</p>
<p style="text-align: right;">Page 14</p> <p>1 MS. BASQUES: Good evening. Good evening.  2 CHAIR STONE: Aloha.  3 MS. BASQUES: How are you?  4 CHAIR STONE: Very good. Thank you.  5 MS. BASQUES: Oh, you're welcome.  6 I got three items over here.  7 Can you explain to me about Number 1, Section  8 3-2, about the councilmembers from two years to four  9 years and the second one is the limit of councilmembers  10 consecutive two-year term to three to four-year term?  11 Any one of you?  12 CHAIR STONE: I guess, as the Chair, I'll take  13 that question.  14 In our outreach meetings, in our public  15 outreach meetings, previously, and, also, in our normal  16 meetings where we had input, there was -- there was  17 overwhelming amount of testimony that wanted to see  18 maximum term limits for elected councilmembers. So,  19 also, there was a lot of testimony about duration of  20 term limits, because a lot of people felt that, in a  21 two-year term, there was lack of efficiency because,  22 once people were elected, basically, they were already  23 rerunning for election. Plus, there were a lot of items  24 that the Council would see that -- that they didn't have  25 enough time to work on in a two-year span, so it was</p>	<p style="text-align: right;">Page 16</p> <p>1 changing Maui elections back to partisan elections. It  2 was -- it's a very controversial down-the-middle topic.  3 And we had a very, very close vote to bring it back to  4 the voters, to the public, to see what their input would  5 be on this topic. So, presently, we have a nonpartisan  6 voting system. And the proposal, if it moves forward --  7 MS. BASQUES: Right.  8 CHAIR STONE: -- would be to change it back to  9 a partisan election system. So far, in the other public  10 outreach meetings, we've seen some negativity on this.  11 So --  12 MS. BASQUES: It's kind of confusing, yeah.  13 Okay. Number 16, Section 3-3, increasing the  14 requirements of a residency to run for the -- each  15 island, has to be a resident from that island,  16 stipulated here, it says, one year. Okay. When I went  17 for the Maui County Council for the island of Lanai,  18 there were five of us. It did not say anything about  19 how long you stayed on the island. But if and when I do  20 go apply for the job again, just to let you folks know,  21 I came here February 28, 1963. And it's going to be 49  22 years next month. So I just saying that if you -- and I  23 have had two good jobs. I worked for State of Hawaii  24 with Department of Education for four years. Then I  25 went on furlough, because it was a furlough. When I got</p>

<p style="text-align: right;">Page 17</p> <p>1 through with that, I worked for the Department of  2 Health, Lanai Community Hospital, for 22 years. I  3 retired from that.</p> <p>4 Now, instead of staying home -- you know, you  5 don't want to stay home and do nothing. I have to say,  6 because, you know, you going downhill move fast, right.  7 Excuse. But the thing is that when you still up there,  8 your mind as well as your body can work. Do your part.</p> <p>9 I been on this commission meetings, I can tell  10 you I been on 12 already. And not on Lanai; it's off  11 island. I have to fly to Honolulu. And I stay there  12 maybe a couple days, maybe a week or so. But the thing  13 is that when you think of all this kine stuff, you still  14 represent the island of Lanai.</p> <p>15 Thank you very much.</p> <p>16 Any question?</p> <p>17 CHAIR STONE: Thank you, Winnie.</p> <p>18 Commissioners, clarification questions for  19 Winnie?</p> <p>20 (No Response.)</p> <p>21 CHAIR STONE: No. Very much appreciated.</p> <p>22 Thank you for your testimony.</p> <p>23 MS. BASQUES: Mahalo.</p> <p>24 CHAIR STONE: Aloha.</p> <p>25 Lisa, next testifier, please.</p>	<p style="text-align: right;">Page 19</p> <p>1 community. And they get to make the choice whether or  2 not they would like to retain the service I would like  3 to continue to volunteer and give or to replace me with  4 someone else of their choosing. I think that is fair.</p> <p>5 And I'm going to tell you that, for smaller  6 communities, what I would say that you need to consider  7 at this point is that the importance of maintaining  8 institutional and historical information and decisions  9 is critical to the County fulfilling and making sure  10 that those that have make those compliant conditions  11 fulfill and perform what is required.</p> <p>12 There's many times the Planning Department,  13 who is in charge of compliance of conditions of zoning,  14 does not catch it. Because it's up to the applicant or  15 the landlord or the person who received the entitlement  16 is required to do the report. The Department does not  17 go and do a complete compliance report for Council and  18 says, okay, this guy's did it good, this guy's up to  19 performance, this guy's performed zero. Okay. And that  20 is why today the County is still owed, in my estimation,  21 thousands of affordable housing units that were given by  22 entitlement, conditioned by zoning and we have yet to  23 collect. Because you need people to remember and follow  24 through and go and get what is deserving to the  25 communities.</p>
<p style="text-align: right;">Page 18</p> <p>1 MS. KAHUHU: Councilman Riki Hokama.</p> <p>2 CHAIR STONE: Councilman Hokama, thank you so  3 much for coming here to testify.</p> <p>4 MR. HOKAMA: It's always interesting to be on  5 the other side of the table.</p> <p>6 (Laughter.)</p> <p>7 CHAIR STONE: We remember our hearings.</p> <p>8 MR. HOKAMA: And I hope it was a good  9 experience.</p> <p>10 (Laughter.)</p> <p>11 MR. HOKAMA: Chairman Stone, Commissioners,  12 thank you for being here this evening.</p> <p>13 And, first, let me just tell you thank you for  14 your hard work. Volunteering is difficult enough. And  15 listening to, you know, various opinions of possible  16 contentious proposals is not an easy job. So I thank  17 you for your patience and perseverance through this  18 process.</p> <p>19 I'd like to give some comment on some of your  20 considerations that you are asking, possibly, the  21 electorate to make decisions on.</p> <p>22 With Number 1, two to four years, possibly  23 three-term maximum, I view that, every election, I have  24 a term limit. And my current term limit is two years.  25 And then I face the electorate, the public, I face my</p>	<p style="text-align: right;">Page 20</p> <p>1 You know, other than that, again -- you know,  2 it's a hard question. I don't mind facing my community  3 every two years and ask them to send me back or not to  4 send me back. I think that's fair. For some, of  5 course, it's the cost of campaigning. But that's where  6 I would say you need to look at some of your proposals  7 in the greater picture.</p> <p>8 If you want to go back partisanship as part of  9 this consideration, then have someone come up with some  10 fiscal or financial analysis. Maybe if we go back to  11 closed primaries, because you're only going to campaign  12 for those that are within your partisanship party of  13 choice, that's what you're going to campaign for, that  14 specific group of registered people in that closed  15 primary. And you could possibly save some campaign  16 expense, campaign fund-raising, other things, in  17 preparation for the general. Right now, you campaign  18 the whole electorate for the primary. So, yes, it costs  19 us more money. Yes, we got to raise more fund-raising  20 events. It is part of how the process is currently set  21 up.</p> <p>22 So I would say if you guys are serious in  23 looking at some tinkering, then make sure you look at  24 the other components and see that you really make sense  25 what you're going to propose to the public.</p>

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1 So that's 1 and 2.  
 2 Number 3, from annual to two-year budgets.  
 3 The State cannot even do a biennial budget well. Okay.  
 4 It's hard for us for now because, every month or so,  
 5 Council continues to change forecasts. So even for the  
 6 Council to do a one-year budget is difficult. And I can  
 7 tell you, soon as we pass it, Administration already  
 8 sends us budget amendments. How are we supposed to  
 9 forecast for two years when we get a hard enough time  
 10 forecasting estimates for one year, people, you know.  
 11 It's not going to work. Yeah, we can come up with fake  
 12 numbers, but we're going to end up, all the time,  
 13 revising the original document to fit the situation,  
 14 whether we have more revenue, less revenue, whatever,  
 15 you know, you folks decide, what budget cycle.  
 16 Me, I prefer the one year. It's easier for us  
 17 to forecast. It's easier for us to adjust and make the  
 18 revisions.  
 19 Independent Office of the County Auditor. In  
 20 1978, when we were at the Con Con considering this type  
 21 of legislation and constitutional proposal, the study  
 22 came back that if you want the Administration to  
 23 consider some form of review, that would be in the  
 24 pre-audit process. Once the money is spent, it is your  
 25 Legislative Branch's responsibility for oversight and

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1 accountability. It does not go back to administrative  
 2 agency. It is part of your Legislative Branch's  
 3 responsibility of checks and balances to the  
 4 Administration who spends the money. You cannot have  
 5 the auditor report back to an administrative component  
 6 of the Administration. It does not work.  
 7 Your ocean lifeguards from Parks to Fire. You  
 8 know, for -- for us, it is still a matter of -- I would  
 9 consider it more of a collective bargaining, right now,  
 10 issue. I would like to have Administration and the  
 11 unions to have the opportunity to see what they would  
 12 like to propose to the Council and the community. So I  
 13 would say this is premature for us to make the  
 14 structural changes unless you have some additional  
 15 collective bargaining information that the Council does  
 16 not have, that you can make these type of informed  
 17 decisions of how to change structure of departments.  
 18 Sustainability to Department of Environmental  
 19 Management. I can tell you, people, Department of  
 20 Environmental Management is swamped. They have a lot of  
 21 work to do. They're trying to keep us out of trouble  
 22 with Federal EPA, State Department of Health. It is a  
 23 department that is working very hard.  
 24 If anything, in the Charter, you might want to  
 25 consider is how to assist them in getting the capital to

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1 do their job. Whether or not we're going to continue to  
 2 have trust funds or special type of funding to make  
 3 these agencies be able to do their job. Uncle Sam does  
 4 not have the money for us to replace the system to have  
 5 the County build. And that is fact. So you might want  
 6 to consider more of a financial side than adding more  
 7 work or changing names of departments is to do --  
 8 CHAIR STONE: Excuse me, Councilman Hokama.  
 9 MR. HOKAMA: Yes.  
 10 CHAIR STONE: Just because we get to say it,  
 11 "Time."  
 12 MR. HOKAMA: No. I appreciate that.  
 13 CHAIR STONE: No. And I would like to --  
 14 MR. HOKAMA: Let me close.  
 15 COMMISSIONER SUGIMURA: Suspend the rules.  
 16 CHAIR STONE: -- suspend the rules, yes. But,  
 17 of course, it's always fun to tell Councilman Hokama  
 18 "time."  
 19 COMMISSIONER DE REGO: You enjoyed that too  
 20 much. No. I move -- I move to suspend the rules.  
 21 COMMISSIONER SUGIMURA: I second.  
 22 CHAIR STONE: Okay. Without objection we're  
 23 suspending the rules. Thank you. Okay. Continue,  
 24 Councilman.  
 25 MR. HOKAMA: And thank you, Commissioners.

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1 You know, I'm one to be happy to follow what all my  
 2 other neighbors is going to be required to follow. But  
 3 quickly --  
 4 COMMISSIONER DE REGO: They get a chance, too.  
 5 MR. HOKAMA: You know, I think Corp Counsel --  
 6 I think Corp Counsel can help. Okay, in the past, the  
 7 Charter, I believe, had two-year residency. And I think  
 8 even for State offices, you need a two-year residency to  
 9 run for State Senate or State House.  
 10 There is some judicial things that happened  
 11 that took it out of the State and the County documents.  
 12 And so maybe Corp Counsel can give you why those  
 13 previous minimum residency requirements were removed  
 14 from the Charter as well as from State election  
 15 requirements. Okay.  
 16 And, of course, the Feds and State and County  
 17 have different. The Feds, you don't even have to live  
 18 in the district to represent a district. The State, you  
 19 just have to be in the district on the day that you're  
 20 elected. Only the Council, you must be in the district  
 21 before you run. But Federal and State, you don't even  
 22 have to be in the district to file and run for the  
 23 office.  
 24 So, of course, there's inconsistency, yeah. I  
 25 don't have a problem what you guys proposing. I just

<p style="text-align: right;">Page 25</p> <p>1 say you need to ask the question why the minimum  2 requirement in the past, that we all thought was a good  3 thing, was removed. There must be some kind of  4 reasoning why it was kicked out. And maybe Corp Counsel  5 can assist you with that.</p> <p>6       Quickly. Members, what you want to do for the  7 Council, you want to do for the Mayor, you know, that's  8 fine, consistency.</p> <p>9       Requiring Fire Commission to review Fire  10 Chief's personnel actions. We have one Department of  11 Personnel Services. And we don't need more mini  12 departments within departments, people. That's one of  13 the problems we had through the transitioning of the  14 Department of Water from semiautonomous to fall under  15 administrative, under the Mayor and the Council, or vice  16 versa. It creates problems when you have duplication of  17 services, with payroll, with vacation, with whatever.  18 It is one of the problems we have that, for me, is  19 wasting money. So I would hope you folks would allow --  20 the departments tasked with those responsibilities, hold  21 them accountable, make them report, give the Charter  22 reports every so many years or whatever, but make them  23 perform. Don't create more, as I would say,  24 bureaucratic jobs for non-bureaucratic people.  25       Commission vacancy. I can go with this, but</p>	<p style="text-align: right;">Page 27</p> <p>1 the Council responsible to make sure the commissions can  2 perform with adequate staffing and adequate funding to  3 do your responsibilities best as you possibly can.</p> <p>4       Political party -- I don't have a problem with  5 political parties, yeah. Nonpartisan doesn't mean  6 there's no political party. It just doesn't mean you  7 (inaudible), but we still political. We're not an  8 apolitical entity. We're not -- this country is not  9 apolitical.</p> <p>10       So I don't have a problem with people stating  11 a preference, if they choose. And if they choose not  12 to, that's fine, too, you know. I leave it up to the  13 individual to make those decisions.</p> <p>14       With 14, I don't really have strong feelings,  15 Commissioners, regarding consistency in the oversight of  16 the Fire Commission, Civil Service, Liquor, Police. I  17 have yet to see major issues from those commissions. I  18 think all those commissioners, like you, take their jobs  19 very serious and responsibly. And they perform for the  20 community well.</p> <p>21       Let's see. The qualified leadership standards  22 of recruitment and fairness, I agree fairness is the key  23 component in this consideration. And, again, the County  24 should be as transparent as possible in the actions we  25 do. So I don't have a problem with that, either.</p>
<p style="text-align: right;">Page 26</p> <p>1 just to know that the longer key commissions and boards  2 do not have quorum that it impacts the ability of the  3 County to perform, in certain areas like Board of  4 Variance and Appeals, yeah. There's business -- there's  5 people waiting for an important decision.</p> <p>6       Police Commission, Civil Service, that have  7 authority to fire and hire, fire the commission. You  8 know, again, the longer you let -- allow vacancies to  9 exist, it does impact them.</p> <p>10       I would agree with Mr. McOmber, Commissioners,  11 wherever possible, I think it's in the current Charter,  12 wherever possible, we try and give nine-member  13 commissions geographical balance. We would -- you know,  14 we should have somebody from Molokai --</p> <p>15       CHAIR STONE: Sorry. Excuse me, Councilman.  16 You just have to keep the mic up, for consistency.</p> <p>17       MR. HOKAMA: Yeah. I'm sorry.</p> <p>18       So whenever possible, yeah, I would say that  19 it's good to have geographical balance in all  20 nine-member boards and commissions.</p> <p>21       Financing the ability of the Commissioners to  22 travel, that's the Council's problem, yeah. And the  23 Council should provide enough resources to allow the  24 commissions to function. Okay. So I will make that  25 very clear, that the Council is responsible. And hold</p>	<p style="text-align: right;">Page 28</p> <p>1       Remove the County Council authority to propose  2 Charter amendments when the Charter Commission is in  3 session. You know, my thing is I think we should  4 maximize the ability of the community to address either  5 the commission or the Council, whichever venue they  6 feel. And the more venues you have, I think, serves the  7 community better.</p> <p>8       And I'll give you like at-large. While, Lanai  9 people contact me a lot, I can tell you, you wouldn't  10 believe how many contacts I get from the other districts  11 regarding their district things. And for some, it's  12 just because it's old family relationships. Whatever it  13 be, I think the more opportunity community individuals  14 and businesses have to address their government, whether  15 it be the Charter Commission or Council, it's to  16 everybody's benefit. So I would hope you guys would  17 consider keeping it as open as possible.</p> <p>18       Republish Charter. I would say if we do  19 something major, we should. If it's minor editing on  20 that, you know, I don't see it.</p> <p>21       Charter Commissioners for five-year terms --  22       COMMISSIONER SUGIMURA: That's a mistake.  23 That was a mistake.</p> <p>24       MR. HOKAMA: Okay. Okay.</p> <p>25       CHAIR STONE: Excuse me. Some of these --</p>

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1 yes. That was a mistake. Thank you very much, Yuki.  
 2 MR. HOKAMA: Requiring the County to indemnify  
 3 commissioners for acts within the course, I believe that  
 4 already exists, and I believe Mr. Kushi can verify that,  
 5 by State law. The County as an entity is the one held  
 6 responsible, and not -- and that the volunteer is not  
 7 necessarily the one. You know, we indemnify -- when you  
 8 do in your performance of your duties, Council has  
 9 always indemnified and defended those that give service.  
 10 The one that I can tell you I cannot agree  
 11 with is allowing the prosecuting attorney to appoint  
 12 investigators with police powers. For me, I feel  
 13 strongly. We have a process. We have a Police  
 14 Department that goes through a vetment (sic) program,  
 15 whether it be physical, written tests, as well as  
 16 psychological exams, to ensure the qualifications and  
 17 quality of our personnel that provides safety and  
 18 protections. So I would not like to expose the County  
 19 to any more liability than necessary. And I, for one,  
 20 am not able to support this proposal at this time.  
 21 And other than that, thank you very much,  
 22 Commissioners, for allowing me to speak longer than the  
 23 five minutes. I thank you for the privilege. And I  
 24 thank you for being here this evening.  
 25 CHAIR STONE: Thank you very much, Councilman

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1 Hokama. It's very much appreciated. And, of course,  
 2 your wisdom and knowledge on a lot of these topics is  
 3 much appreciated. We've been very lucky at the majority  
 4 of our second round of public hearings to have, I  
 5 believe, a councilmember at every single one.  
 6 COMMISSIONER DE REGO: Yeah.  
 7 CHAIR STONE: So it seems --  
 8 COMMISSIONER DE REGO: It's interesting.  
 9 CHAIR STONE: -- we've hit a nerve.  
 10 MR. HOKAMA: Thank you.  
 11 CHAIR STONE: And I'm sure there will, most  
 12 likely, be questions --  
 13 COMMISSIONER DE REGO: Questions.  
 14 MR. HOKAMA: Sure.  
 15 CHAIR STONE: -- from the Commissioners for  
 16 clarification.  
 17 Commissioners, I would like to put that out to  
 18 you. Commissioner Baxa, please, you can begin.  
 19 COMMISSIONER BAXA: Sir, thank you for coming  
 20 today. As you know, it is always good for us Members of  
 21 the Commission to hear people who have experience from  
 22 the Executive Branch, or even any branch of the  
 23 government. And from what I hear from you, and I know  
 24 you are talking from experience, in my case, probably, I  
 25 am mostly talking from the academic point of view, and

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1 there is a great difference in the world with what  
 2 actually happens in the real world and what we think is  
 3 right. Like, for example, you said that, in the  
 4 biennial budget, there was a proposal, which looks like  
 5 it's going to be submitted unless there is some strong  
 6 voice from the public, that you would rather favor the  
 7 annual --  
 8 MR. HOKAMA: The current.  
 9 COMMISSIONER BAXA: -- budgeting process  
 10 rather than the biennial?  
 11 MR. HOKAMA: Yes.  
 12 COMMISSIONER BAXA: And at first, I was  
 13 inclined to go to the other side, but, although I'm not  
 14 yet convinced, if your point, in my mind, is very  
 15 convincing that it is easier to go through the process  
 16 rather than the other one. And more effective, in a  
 17 way.  
 18 The second thing is, I don't know if you  
 19 touched on this, about the auditor. There is a current  
 20 (inaudible) right now --  
 21 MR. HOKAMA: Yes.  
 22 COMMISSIONER BAXA: -- the establishment of  
 23 the Office of County Auditor. Which, under the -- as of  
 24 now, it would be appointed by the Cost of Government  
 25 Commission and subject to the -- answerable to the Cost

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1 of Government Commission. I know that in other counties  
 2 of the State there are other offices like that. In  
 3 Honolulu, there is an office of the County Auditor, but  
 4 it is under the supervision, or, rather, say,  
 5 directorship of the City Council.  
 6 As a member of the Council, what is your take  
 7 on that? I would like to know.  
 8 MR. HOKAMA: Judge Baxa, you know, thank you  
 9 for that question. I did give some earlier comments.  
 10 And for me, Judge, again, as I stated, a lot of large  
 11 entities, private corporations, have their own internal  
 12 auditors that check on their procedures internally prior  
 13 to the actual expenditures. And like for the State, we  
 14 go to procurement law process before we spend the funds.  
 15 So for the County of Maui, it is the Finance Director  
 16 for the Administration and it is the Council Chairman  
 17 for the Legislative Branch that are our chief  
 18 procurement officers for the County.  
 19 It is in my experience and view, Judge, that  
 20 when it comes to auditing and ability of holding public  
 21 funds accountable, it has always been, from our founding  
 22 fathers, the Legislative Branch's responsibility to be  
 23 holding the Executive Branch that spends the money  
 24 accountable for their actions. For me, to place it  
 25 within another Cost of Government which is attached to



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1 the Mayor's Office, it's hard for me, as a legislator,  
 2 to let the audit be run by the office that is  
 3 authorizing the expenditures. You need someone else.  
 4 And, normally, what like the State Auditor  
 5 does, is they do their own audits once the Senate and  
 6 the House makes their specific requirements of the  
 7 legislative auditor. Whether it be Mrs. Higa,  
 8 currently, Marion Higa, the process works well,  
 9 especially in post expenditures, you know. That's where  
 10 your Legislative Branch will hire the appropriate  
 11 accountants.  
 12 A lot of time, we go outside for third party.  
 13 The Charter requires the Council to go outside for a  
 14 third-party professional to conduct our annual financial  
 15 audit that the Council chairs, our chief procurement  
 16 officer has a responsibility to fulfill on behalf of the  
 17 people. And that is to view all public expenditures of  
 18 County funds.  
 19 It works, to me. And I can tell you that, you  
 20 know, we have yet to have departments that were hesitant  
 21 in complying or sharing information.  
 22 So, you know, for me, Commissioners, the  
 23 Council is still going to fulfill its responsibility of  
 24 holding Administration accountable. Okay. We currently  
 25 do it. We do financial audits and we also do

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1 performance audits of departments. And it is not a  
 2 requirement, but the Council has chosen to spot-check  
 3 and do audits of various departments to ensure that the  
 4 processing, one, works, two, we're looking for  
 5 efficiencies, reducing the cost of business for the  
 6 taxpayer. But the key thing is to also be able to tell  
 7 the community the things that the County is doing very  
 8 well, and that they are getting their value in taxation  
 9 paid for services being presented to the community.  
 10 Because the audit for us is both a report card of what  
 11 we do well as well as what we should do better. But I  
 12 think, lot of times, you know, we don't get to tell the  
 13 community what we're doing very well.  
 14 I can tell you, nationwide, Maui County has  
 15 got to be one of the top counties of overall service  
 16 providers in our country. I can tell you that.  
 17 COMMISSIONER BAXA: Can I add something to  
 18 that?  
 19 MR. HOKAMA: Yes, Judge.  
 20 CHAIR STONE: Please.  
 21 COMMISSIONER BAXA: In other words, my  
 22 understanding is that the Council itself, being the  
 23 holder of the purse, and once the monies are spent, it  
 24 should be the best body to see to it that the money was  
 25 properly spent?

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1 MR. HOKAMA: Plus, it would also -- it also  
 2 helps us -- as well as for those of you that do audits,  
 3 you know that there's a management letter normally  
 4 attached to an audit. It helps the Council make -- you  
 5 know, helps the Council make important decisions on the  
 6 next or the upcoming budget requests because we're going  
 7 to look at whether they performed, whether they hit  
 8 their marks, whether -- you know, what was presented to  
 9 Council is what the department actually performed and  
 10 did or -- or -- you know, for us, what the Council's  
 11 currently interested in is the amount of, say, projects  
 12 that got lapsed as of December 31st, and how much,  
 13 particularly in the water department. Since we all know  
 14 that water's been coming up for Council quite a bit, we  
 15 are interested to see how many millions of dollars that  
 16 lapsed of projects that will not be done.  
 17 CHAIR STONE: Thank you, Commissioner De Rego.  
 18 COMMISSIONER DE REGO: I just have a couple of  
 19 questions.  
 20 MR. HOKAMA: Sure, Commissioner.  
 21 COMMISSIONER DE REGO: I want to explore  
 22 something very interesting that you said earlier, but I  
 23 just have one short question.  
 24 MR. HOKAMA: Sure.  
 25 COMMISSIONER DE REGO: Who conducts the audits

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1 for the Council at the present moment, since you're  
 2 saying that you guys are doing spot performance audits?  
 3 MR. HOKAMA: Well, the Council -- once the  
 4 Council makes a determination, Commissioner, to audit a  
 5 department, the Council will pass an authorization to  
 6 the Council Chair. The Council Chair will then go  
 7 through a procurement process. Especially if, let's  
 8 say, for example, Planning Department, we're going to go  
 9 for an auditor that understands planning processes, the  
 10 role and jobs of planners, so that what comes from the  
 11 audit makes sense, and the Planning Department can use  
 12 it as a constructive document to implement certain  
 13 things.  
 14 The County, you know, really has to screw up  
 15 big time to fail a financial audit.  
 16 COMMISSIONER DE REGO: Uh-huh. But you're  
 17 looking mostly at performance?  
 18 MR. HOKAMA: We're looking more at performance  
 19 audits on whether or not the procedures, the operations  
 20 and whatnot is still meeting the task that is assigned  
 21 to the department by the Charter regarding the  
 22 responsibility of the Charter and as well as by the  
 23 ordinances.  
 24 COMMISSIONER DE REGO: Thank you. One more  
 25 question.

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1 CHAIR STONE: Please, go ahead.  
 2 COMMISSIONER DE REGO: I want to explore with  
 3 you a little bit about this fiscal financial audit  
 4 related to the closed primaries. I found that  
 5 fascinating. Are you saying that, in a sense, it would  
 6 be easier for candidates to come forward and in the  
 7 sense, since it's a closed -- more of a focused group,  
 8 easier for people to campaign and -- as versus the  
 9 present system where you're, basically, almost forced,  
 10 if you're living on Lanai, to, you know, at-large  
 11 districts?  
 12 MR. HOKAMA: I bring it up, Commissioner,  
 13 because I think it's something that -- you know, you  
 14 folks, obviously, have these components of it. And  
 15 that's why you have some of your proposals up.  
 16 COMMISSIONER DE REGO: Uh-huh.  
 17 MR. HOKAMA: But I think that these are some  
 18 of the things that, you know, you can ask the democratic  
 19 party officials or republican party officials or tea  
 20 party officials what they think about going back to a  
 21 closed primary and how it may or may not help candidates  
 22 coming from -- from political parties, and how we --  
 23 and, again, because, you know, what comes to us a lot is  
 24 the cost of campaigning. And anytime you have to go  
 25 county-wide, full community, it's always going to cost

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1 you the most, compared to closed primaries where you're  
 2 just working off -- I have no idea. I'm going to --  
 3 let's say you have 5,000 democratic closed primary  
 4 versus a 30,000 general at-large voter registration  
 5 list. Okay. So if I got to campaign for 30,000 votes,  
 6 obviously, I'm going to spend a hell of a lot more than  
 7 if I'm just going after that 5,000 democratic voters in  
 8 the primary.  
 9 So it's things you can consider. It's things  
 10 that people in the past have considered about why to  
 11 retain or not, you know -- or change it from -- to the  
 12 current system. But it has increased the cost of  
 13 fund-raising and the cost of campaigns.  
 14 COMMISSIONER DE REGO: Thank you very much.  
 15 CHAIR STONE: Thank you.  
 16 Commissioner.  
 17 COMMISSIONER CRIVELLO: Aloha, Councilman  
 18 Hokama. Mahalo for being here.  
 19 To your last comments on partisan and  
 20 nonpartisan, some of the arguments that were presented  
 21 to us regarding district voting, their concerns were  
 22 what you just said, about the cost of going for the  
 23 30,000 votes as opposed to a closed primary and going  
 24 for maybe just the 5,000. How do you see that coming  
 25 forth with that particular issue that we had that was

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1 pretty much a hot issue?  
 2 MR. HOKAMA: You know, that's -- you know,  
 3 that issue, I must say, Commissioners, you know, has --  
 4 evokes strong sentiment, yeah, from proponents of either  
 5 side of the issue. You know, I can tell you that for  
 6 me, I knew fully well what I was getting into before I  
 7 got into it, obviously, through my family's previous  
 8 involvement.  
 9 But the reason why I can tell you this  
 10 evening -- if you want to look at helping cost of  
 11 campaign, I would say look at closed primary versus  
 12 district voting. The advantage of at-large voting,  
 13 especially for a sitting member like myself from Lanai,  
 14 is that I get to understand the dynamics of Maui, what  
 15 it means to Lanai, especially the subsidy that Maui  
 16 provides Lanai for our services. It helps to understand  
 17 where it's coming from, from what area of Maui Island.  
 18 And while in -- you hear currently is South Maui and  
 19 West Maui says they're not getting their fair share of  
 20 revenues. In the sixties, don't forget who subsidized  
 21 those districts, it was Central. When Baldwin Packers  
 22 left Lahaina, when there was no Wailea, no Makena, who  
 23 took care of those services and costs? Central Maui.  
 24 Okay.  
 25 So, again, if you understand the history, you

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1 understand how the money's being generated, you  
 2 understand how the money's being divvied up and why  
 3 certain land use applications are going and what it  
 4 means only for that particular community region, but to  
 5 the whole island, and then how it then comes to be a  
 6 benefit for Lanai, it helps people like me make better  
 7 informed decisions. You know, right now, I hope the  
 8 Commission, you, the Commissioners, would look at how to  
 9 help the community broaden its view and look at the  
 10 bigger picture.  
 11 You know, lot of things that we gotta deal  
 12 with in Council is because we've become so into that I  
 13 generation and it's only about me, we tend to forget  
 14 what is better for the total community, the total  
 15 County. And I hope some of the things you folks do will  
 16 focus back on bringing back the bigger perspective of  
 17 what is good for the County and not just the particular  
 18 region of the County.  
 19 And I think while keeping the members  
 20 at-large, you assist the Legislative Branch by keeping  
 21 the openmindedness and understanding. Because our  
 22 County is so unique. We got -- I mean, Oahu, you can do  
 23 single district members, I would say, on one contiguous  
 24 piece of land. But when you have our County with our  
 25 multiple islands, and we are so unique communities, we

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1 view the same thing differently, you know, it's to our  
 2 benefit to maintain this big picture and get away from a  
 3 very narrow (inaudible), because it doesn't serve the  
 4 County and it doesn't eventually help the smaller  
 5 communities. Because the big communities can just  
 6 control. And, you know, I mean, for us, then Lanai is  
 7 going to have to agree we're going to have to develop  
 8 like hell to get one population so that we can get  
 9 things back to what we call -- I would say, have the  
 10 Lanai voice brought back to the Council.  
 11 CHAIR STONE: Thank you. Yuki, go ahead.  
 12 COMMISSIONER SUGIMURA: Thank you, Riki. It's  
 13 really interesting just to hear your perspective. And I  
 14 know you have a lot of years of service and probably was  
 15 raised with a lot of this, on your kitchen table, you  
 16 heard from your dad. So very valuable.  
 17 I wanted to just ask you about the  
 18 sustainability thing, because your perspective tonight  
 19 was very interesting. We also heard when we went to  
 20 Molokai, one of the employees from the department said  
 21 that they are just inundated and they do not need, you  
 22 know, a whole 'nother set of work. But what your  
 23 comment tonight -- what it left me thinking was that --  
 24 well, the reason why we thought that the sustainability  
 25 would be important is so that we could plan our future

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1 and so that we can ensure that we're not so fossil fuel  
 2 dependent. So that was our thinking. We weren't  
 3 looking at it from your perspective. I think you're  
 4 actually looking at it from what they're doing today and  
 5 you're looking, you know, what is the truth, I think.  
 6 MR. HOKAMA: I think we count the beans a  
 7 little bit more, more regularly, Commissioner.  
 8 COMMISSIONER SUGIMURA: Can you comment on  
 9 that?  
 10 MR. HOKAMA: You know, Commissioner, right  
 11 now, I think, in general, the general direction that you  
 12 folks bring up with this subject proposal is good. But  
 13 for our County, I think, right now, you know, I would  
 14 ask you to allow the Administration, allow the Mayor's  
 15 Office to work on something that you can eventually then  
 16 consider, if it's appropriate for the Charter, for the  
 17 Charter, if it's by ordinance, by ordinance.  
 18 Because this thing about sustainability is  
 19 still yet pretty broad. And I can tell you that lot of  
 20 times if I talk to 10 people individually, I'm going to  
 21 get 10 different sustainability definitions. Okay.  
 22 So, again, some of our residents gonna have  
 23 (inaudible) with alternative energy and big wind. If  
 24 sustainability means get off diesel fuel at whatever the  
 25 cost, then that's what we should tell the people. You

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1 going to pay more, but doesn't matter because we'll get  
 2 off fossil fuel. Be honest. Be honest, yeah.  
 3 And I think that's part of the issue right now  
 4 with the utility, HEI, the State government, the County,  
 5 the communities that have been impacted with proposals  
 6 for energy, is what is sustainability. You know,  
 7 because if it's going to cost me more, I'm going to  
 8 think twice. But if the mentality is whatever it costs,  
 9 just get off fossil fuel, then be honest and tell the  
 10 people this is what we consider sustainable. You may  
 11 not afford it, but it's sustainable. Okay. Be honest.  
 12 And that's why I said, I don't think we ready  
 13 for it yet. I think we need to keep working so that  
 14 it's something we can all put our hands around and  
 15 embrace.  
 16 COMMISSIONER SUGIMURA: Thank you.  
 17 CHAIR STONE: Thank you. Commissioners,  
 18 further clarification for the councilman?  
 19 (No Response.)  
 20 CHAIR STONE: No. Thanks very much.  
 21 MR. HOKAMA: Commissioners, thank you for your  
 22 time.  
 23 CHAIR STONE: Have a great evening. Thank  
 24 you.  
 25 Lisa, next testifier, please.

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1 MS. KAHUHU: Fairfax Reilly.  
 2 CHAIR STONE: Fairfax, was it?  
 3 MR. REILLY: Pat.  
 4 CHAIR STONE: Pat, thank you.  
 5 MR. REILLY: Unfortunately, my legal name --  
 6 CHAIR STONE: Pat. Thank you very much, Pat.  
 7 MR. REILLY: Aloha. I want to thank all of  
 8 you for all your work. And I have read some minutes of  
 9 your meetings. And I am so confused, after reading your  
 10 minutes, I don't know how the heck you guys do it. I  
 11 thought I had opinions; after reading the minutes, I  
 12 think, man, I don't have any opinions. So thank you  
 13 very much for your work.  
 14 I'm a retiree. I have sat on the Planning  
 15 Commission. I have sat on the GPAC. And the point I'm  
 16 trying to make is that much of the -- many of the  
 17 proposals have budgetary impacts. And I don't see much  
 18 discussion about that aspect.  
 19 And the second thing I'll say is the advantage  
 20 of coming to this meeting is listening to Riki, with his  
 21 experience and depth of angles and reflections. So I  
 22 look at some of my testimony, I'm rethinking them as I  
 23 listen to him. But it's very educational.  
 24 And you can cut me off in five. I kind of  
 25 have --

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1 COMMISSIONER DE REGO: We suspended the rules.  
 2 Go ahead.  
 3 MR. REILLY: Well, no. I also respect the  
 4 other residents.  
 5 CHAIR STONE: Thank you, Chair De Rego.  
 6 COMMISSIONER DE REGO: We suspended the rules.  
 7 MR. REILLY: No. The other residents, you  
 8 know, also have -- I'm sure they want to go home and go  
 9 to bed at some point. I'm willing to come back, if that  
 10 makes any sense.  
 11 I just went by the numbers.  
 12 Number 1: And I come here to offend nobody;  
 13 just to think out loud. I know there's some issues  
 14 related to retirement and benefits of retirement that  
 15 may have not come up in thinking about terms and length  
 16 of service for the County or for the State. Now,  
 17 whether that should be considered or not, I just bring  
 18 it to your attention. My support would be for two  
 19 four-year terms with a break in service of one four-year  
 20 term. I think the voters should decide. Leave it to  
 21 the voters, the registered voters, to decide who they  
 22 place in office.  
 23 Number 2: Little confused about the lack of  
 24 congruence between State and -- County ordinance and  
 25 State law. Somebody has to struggle. And I think they

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1 should be congruent. That's all I'm saying, is I don't  
 2 understand why they wouldn't be congruent.  
 3 Number 3: It seemed in this section -- and  
 4 this would be a budgetary issue -- to me, that you're  
 5 creating another law enforcement facility, like a  
 6 sheriff, associated with prosecutor's office or  
 7 something like that. Which is reasonable, I would  
 8 guess, if the law enforcement or the police cannot  
 9 handle the function. But it would be a huge budgetary  
 10 effect, to me.  
 11 Number 4: Transparency, I think, in terms of  
 12 party affiliation, particularly when you're running for  
 13 office, is really important. I know the nonpartisan,  
 14 but kind of everybody knew what party they were part of.  
 15 And it has to do with funding and where -- the campaign  
 16 money. If somebody wants to run as an independent,  
 17 that's -- just say I'm running as an independent and let  
 18 the voters decide. I know there are campaigns costs and  
 19 the whole process of running for office.  
 20 I'm not sure about 5, about changing the name.  
 21 I'm not sure if it changes function. Probably have to  
 22 repaint a lot of signs. If there's a reason to change  
 23 the name, which has to do with the function, then that  
 24 should be taken into consideration.  
 25 I would say the same with 6, it has to do with

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1 function. Is there a design by which the County could  
 2 cooperate with other agencies? Certainly, when it comes  
 3 to Ocean Safety, and that -- I mean, we need it. Who  
 4 does it now? Are we not getting the services? And is  
 5 it maybe a combined service of the Coast Guard, the  
 6 State and the County? Again, it would be a big  
 7 budgetary, because you would have to buy equipment and  
 8 personnel.  
 9 The biennial calendar: After listening to  
 10 Riki, I'm in favor of a biennial calendar. As I  
 11 understand the State, you have a supplemental calendar  
 12 in the second year. And, yes, you have to -- as the  
 13 State has to wait for the Council revenues to see what  
 14 your revenues are, and then you make your best guess as  
 15 to designing the first year of your biennial budget and  
 16 come back in the second year and make adjustments. But  
 17 at least you know the programs that you want to put in  
 18 place for two years.  
 19 To me, there is a planning function there.  
 20 And meeting every year, I -- I come to the budget  
 21 hearings. And then there doesn't seem to be a  
 22 continuity, a long-range planning process.  
 23 The auditor: Having sat on State boards and  
 24 gone through an audit -- an audit is not an evaluation.  
 25 I make is distinction between audit and evaluation.

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1 Evaluation is very targeted and is designed to evaluate  
 2 personnel and programs.  
 3 Audits: There are many different kind of  
 4 audits, financial audits, programmatic audits. I agree  
 5 that it's a legislative function, but independent, the  
 6 auditors should be independent and professional in the  
 7 area wherever the audit is being targeted. If they have  
 8 no experience in that area, you shouldn't hire them to  
 9 do that. But it should be an independent auditor.  
 10 And I'm not sure the State Auditor is a good  
 11 example. You could be overwhelmed by the number of  
 12 audits requested by the County. So, again, that's a --  
 13 I think, a financial issue.  
 14 Let's see. I'll go to Number 10 here,  
 15 Interactive Communications: I guess some of these I'm  
 16 not sure really belong in the Charter. There are some  
 17 -- my own view of a charter, like the Constitution, is  
 18 stick to the basic structure and only put those things  
 19 in a Charter that really belong in a Charter. I'm not  
 20 -- I think it's an excellent goal. It will take lots of  
 21 money.  
 22 And, hopefully, the broadband, the State  
 23 broadband initiative -- I've been harping on this for  
 24 years -- the school's supposed to get it, the libraries  
 25 are supposed to get it, but it has to be a combined

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1 process of getting broadband services to all islands to  
 2 all communities. That's the only -- and that will save  
 3 us economically and politically.

4 For Number 11, I think 30 days is short. I  
 5 understand about the lack of a quorum. Certainly,  
 6 somebody could be appointed quicker than that, you don't  
 7 have to wait for 45 days. But to me, I can understand  
 8 why, if you don't have anybody on the role and nobody  
 9 wants to apply. And we've seen it here, again for the  
 10 Planning Commission.

11 Let me just also say, some of us sat on the  
 12 General Plan Advisory Council. And related to the  
 13 sustainability issue, you have them in the General Plan,  
 14 and you have all these good ideas, you have these  
 15 ideals. Does that belong in a Charter? I'm not sure.  
 16 To me, it's part of your General Plan, your community  
 17 plans, your island plans.

18 The question is, do you have the money and the  
 19 willpower at the Legislative and Administrative Branches  
 20 to make it happen. And I think that's where the  
 21 struggle really comes. I'm not sure that those belong  
 22 in the Charter.

23 13, publish. Yeah, publish it, put it online.  
 24 I think always put the Charter online.

25 This conflict about -- I'll talk about you

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1 guys, and I hope I don't offend you, on the -- seems  
 2 like five years --

3 COMMISSIONER SUGIMURA: It's a mistake.  
 4 COMMISSIONER DE REGO: That's a mistake.

5 MR. REILLY: Oh, I wasn't sure. I heard  
 6 somebody say there was a mistake, but I couldn't tell  
 7 which one it was.

8 CHAIR STONE: Just so all the testifiers can  
 9 mark this off their list, sorry about that, we're  
 10 talking about topic Number 14. That was erroneously put  
 11 on the --

12 MR. REILLY: All right. I misheard you.

13 15: I'm shocked that volunteers on boards are  
 14 not indemnified. I just happened to be going through a  
 15 study of this for another board. And state law and  
 16 federal law, in certain circumstances, allow  
 17 organizations to indemnify their volunteers. I don't  
 18 know about paid employees, but volunteers. And the  
 19 issue is how do you get -- how do you get volunteers to  
 20 volunteer if their personal assets are subject to loss.  
 21 So there -- I mean, and the rules are quite there. If  
 22 you do something absolutely off the wall, you're not  
 23 indemnified. But if you follow due diligence and your  
 24 fiduciary responsibilities, you should be protected.  
 25 Otherwise, I don't think you'll get too many volunteers.

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1 The area about residency: I can live with  
 2 90 -- a 90-day residency if the candidate or nominee is  
 3 a registered voter in the area and casts a ballot. Now,  
 4 whether by absentee ballot or by in-person ballot at a  
 5 poly, that may affect the 90 days. But if the person  
 6 never, in the course of an electoral area, never cast a  
 7 ballot in the area for which they're registered and  
 8 they're running for office, something is not right  
 9 there.

10 So if you have to extend it to a year to  
 11 ensure that they cast the ballot, then I would favor  
 12 extended it to a year. But casting that ballot in the  
 13 area of your residency that you intend to represent --  
 14 and it -- and it -- I can see it would be very difficult  
 15 to have one rule for all of Maui County, because of our  
 16 unique situation of islands. As you can tell from  
 17 Riki's experience, I mean, Lanai is quite unique. But I  
 18 also agree that understanding how the County functions,  
 19 where the revenues come, and how that all works, helps  
 20 us and helps our elected officials provide us with our  
 21 needs that are unique to Lanai.

22 I'll quit at that point and thank you for your  
 23 indulgence.

24 CHAIR STONE: Thank you so much for your  
 25 testimony. It was very much appreciated.

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1 Commissioners, clarification on testimony from  
 2 Pat here?

3 (No Response.)

4 CHAIR STONE: No. Thanks so much for your --  
 5 oh, we do have a question from Commissioner Hedani.

6 VICE-CHAIR HEDANI: Actually, it's not a  
 7 question for Pat; it's just an observation that if we  
 8 suspend the rules, we should suspend the rules for all  
 9 the testifiers. And --

10 COMMISSIONER DE REGO: That was my point.

11 VICE-CHAIR HEDANI: -- people that testified  
 12 earlier, if they didn't have a chance to finish up their  
 13 thoughts, you give them the opportunity to come back.

14 COMMISSIONER DE REGO: I would agree with  
 15 that.

16 CHAIR STONE: I think that's a very fair idea.  
 17 Thank you, our two chairs. Appreciate it. Thank you  
 18 very much --

19 COMMISSIONER OKAMOTO: I do have one.

20 CHAIR STONE: -- Chair Hedani and Chair De  
 21 Rego.

22 Commissioner Okamoto.

23 COMMISSIONER OKAMOTO: This really isn't is a  
 24 question for Pat, but it does tell how we, on Lanai,  
 25 don't understand what Ocean Safety is because we don't

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1 have anybody that does ocean safety. But in Maui, they  
 2 come under the Parks Department. And that's where it's  
 3 all come from, is merging the Parks Department  
 4 lifeguards and so forth with the Fire Department. And I  
 5 think people were surprised when I said, "No, we don't  
 6 have those." So I just pointed that out. Thank you.  
 7 CHAIR STONE: Very good. Before our next  
 8 testifier, I think our court reporter -- you don't need  
 9 a break? Okay, very good.  
 10 Lisa, our next testifier, please.  
 11 MS. KAHUHU: Steve Bumbar.  
 12 CHAIR STONE: Steve, thank you very much for  
 13 coming this evening. Yeah, you don't look like the same  
 14 Steve I knew before. One second.  
 15 MR. McOMBER: He's not Bumbar.  
 16 CHAIR STONE: Nice try, buddy. Nice try.  
 17 MR. McOMBER: Nice try.  
 18 CHAIR STONE: If you can turn it on and state  
 19 your name for the record.  
 20 MR. MASUDA: Mr. Bumbar had to leave, so he  
 21 asked me to present his testimony. My name is Ralph  
 22 Masuda, I'm Vice President of Planning for Castle &  
 23 Cooke Resorts.  
 24 Mr. Bumbar's testimony starts off with  
 25 Mr. Chairperson and Members of the Maui County Charter

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1 Commission: My name is Stephen Bumbar, President of  
 2 Castle & Cooke Resorts, Lanai Operations. My testimony  
 3 today is to present to you Castle & Cooke Resorts Lanai  
 4 Operations' comments on proposed Charter Amendment  
 5 Number 8 on the matter of establishing an independent  
 6 office of the County Auditor and that the County Auditor  
 7 be appointed by the Cost of Government Commission.  
 8 It appears that there are already provisions  
 9 in the County's Charter that allows the Cost of  
 10 Government Commission, under Section 8-16-2 to -- to  
 11 study and investigate the organizations and methods of  
 12 operation of all departments, commissions, boards,  
 13 offices and other instrumentality of all branches of the  
 14 County government and determine what changes, if any,  
 15 may be desirable to accomplish the policies set forth  
 16 therein.  
 17 With this provision already in place, why is  
 18 there a need for a Charter amendment to create a County  
 19 Auditor position to be appointed and removed by the Cost  
 20 of Government Commission, when, in a report resulting  
 21 from this (inaudible) and the report that is reviewed by  
 22 the Mayor and the County Council, there is also a  
 23 provision in the County Charter, under Section 3-63,  
 24 powers of the -- of Council that states to conduct  
 25 investigations, the operation of any department or

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1 function of the County, and, B, any subject upon which  
 2 the Council may (inaudible). And Section 3-65, to  
 3 require periodic and special reports from all County  
 4 departments concerning the functions and operation.  
 5 Such reports shall be requested and submitted through  
 6 the Mayor. It appears that appointed County Auditor  
 7 position should be a function of the County Council who  
 8 are elected by the voters of Maui County and not  
 9 appointed.  
 10 There is another matter that is not on your  
 11 list of preliminary proposed amendment, that is the  
 12 matter of district voting for the County Council. There  
 13 should not be an amendment that -- any change to the way  
 14 the councilmembers are elected. The most important  
 15 thing is that the councilmembers are residents of the  
 16 district they represent. Nothing is broken on this  
 17 matter, so why fix it?  
 18 Thank you for allowing me this opportunity to  
 19 voice our opinion.  
 20 I'd like to also speak on behalf of my brother  
 21 who is 85 years old. And he told me that, with 21  
 22 proposed amendments to the Charter, he's going to fall  
 23 asleep in the voting booth trying to read all of it. So  
 24 he is saying that -- he asked me to ask, if he doesn't  
 25 vote either yes or no on the Charter amendments, how

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1 would that affect the votes? Would that be a yes vote  
 2 or a no vote or no vote at all?  
 3 CHAIR STONE: I'm going to hand that off to  
 4 Corp Counsel so that I don't say something incorrect.  
 5 Ed.  
 6 MR. KUSHI: I knew the answer once, but I have  
 7 to get back. I think a blank vote is a no vote.  
 8 CHAIR STONE: That was our understanding, was  
 9 a blank vote is a no vote.  
 10 MR. MASUDA: A no vote?  
 11 CHAIR STONE: Uh-huh.  
 12 MR. MASUDA: Okay. Thank you.  
 13 MR. KUSHI: I'll have to get back to you,  
 14 Mr. Chair.  
 15 CHAIR STONE: Okay. Thank you very much.  
 16 Also, just to be clear, these proposal items,  
 17 these draft proposals that we're bringing to the public,  
 18 not all of these items will get onto the ballot.  
 19 MR. MASUDA: That's what I told him.  
 20 CHAIR STONE: 21 would be --  
 21 MR. MASUDA: He says 21, forget it.  
 22 CHAIR STONE: I would fall asleep myself.  
 23 Any questions for Ralph for Steve?  
 24 (No Response.)  
 25 CHAIR STONE: No, no clarification or

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1 questions. Thank you very much for coming here tonight.  
 2 Much appreciated.  
 3 MR. McOMBER: Nice going, Steve.  
 4 CHAIR STONE: Lisa, just for a matter of  
 5 understanding, how many more testifiers are registered?  
 6 MS. KAHUHU: Two more, Chair.  
 7 CHAIR STONE: Two more. Okay. Next  
 8 testifier, please.  
 9 MS. KAHUHU: Steven West.  
 10 CHAIR STONE: Steven, thank you for being  
 11 here.  
 12 MR. WEST: Thank you, Charter Members. I just  
 13 want to make this short and sweet.  
 14 CHAIR STONE: Sorry, Steven. Can you please  
 15 turn it on?  
 16 MR. WEST: Oh, I'm sorry. There we go.  
 17 Sorry. I forgot to turn that on.  
 18 I want to make this fairly short and sweet.  
 19 Like the last testifier stated, there is quite a few  
 20 amendments here. I'm sure you're going to be whittling  
 21 them down. One that we, as an organization,  
 22 International Longshore and Warehouse Union, do  
 23 support -- I'm sorry. My name is Steven west, I'm here  
 24 on behalf of the International Longshore Warehouse Union  
 25 members.

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1 We do support Number 1, but we do not support  
 2 number -- Number 1A. Number 1B, we do not support,  
 3 which was the -- the consecutive or not, the item,  
 4 service of the councilmembers, five consecutive two-year  
 5 terms, would return to four, but then you wouldn't let  
 6 them come back. So that's my understanding.  
 7 You can correct me if I'm wrong, but we do  
 8 believe we need to keep good people in government, such  
 9 as Riki that's here tonight, and has a wealth of  
 10 knowledge. And we really do believe that if you limit  
 11 people coming back into government, those people have  
 12 done a very good job in the past, be like losing an  
 13 asset. We -- it's hard enough to find people to -- such  
 14 as yourselves to come out late nights and serve and --  
 15 and listen to long hours of testimony, and then put that  
 16 all together and -- and -- and so just to make it short  
 17 and sweet, we believe that we should be able to -- you  
 18 know, we support the four-year terms, and change that to  
 19 three four-year terms, and then there would be a break  
 20 of four years and they can come back and run again.  
 21 Aside from that, I'm going to end my testimony  
 22 and thank you very much for your time.  
 23 CHAIR STONE: Thank you, Steven, very much.  
 24 Commissioners, clarification questions from the  
 25 testimony? Commissioner Okamoto.

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1 COMMISSIONER OKAMOTO: Thank you for coming.  
 2 I am a little confused. Okay. On the term limits,  
 3 you're okay with a limit as long as they are allowed to  
 4 come back?  
 5 MR. WEST: Yes.  
 6 COMMISSIONER OKAMOTO: Would you prefer to  
 7 have no limit?  
 8 MR. WEST: No term limits?  
 9 COMMISSIONER OKAMOTO: Your organization?  
 10 MR. WEST: Yeah. I mean, you know, again,  
 11 like I said in my testimony, it's hard to find good  
 12 people in government. But if this is what's going to be  
 13 there, we would -- we would prefer, you know, they would  
 14 be able to come back.  
 15 COMMISSIONER OKAMOTO: Okay. Thank you.  
 16 CHAIR STONE: Thank you. Commissioners,  
 17 further clarification?  
 18 (No Response.)  
 19 CHAIR STONE: No. Thanks so much for your  
 20 testimony. Have a good evening.  
 21 Lisa, next testifier, please.  
 22 MS. KAHUHU: Joseph Felipe.  
 23 CHAIR STONE: Joseph, thank you for being here  
 24 this evening.  
 25 MR. FELIPE: Thank you for all you coming

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1 again. I know there's a lot of work that you have been  
 2 doing. And, hopefully, you will take into consideration  
 3 all the inputs that the Lanai people makes. And, again,  
 4 I'm Joseph Felipe. I'm testifying as a resident,  
 5 old-time resident. And, also, I am the union chairman  
 6 for the ILWU.  
 7 Again, my first -- you know, most of the items  
 8 that I have questions have been addressed. And I thank  
 9 Riki and all the other testifiers that came before me  
 10 that covered almost everything. However, I would like  
 11 to emphasize and reiterate Item Number 1, because I  
 12 introduced that at your first meeting, to change the  
 13 years of service from two to four-year term. And,  
 14 however, the limitations I have here is not what I had  
 15 hoped for.  
 16 Really, when we look at Lanai, we don't have  
 17 all the resources that you have elsewhere, but we have a  
 18 lot of good people. And for someone like Riki -- I  
 19 looked through the provisions of applying to run for  
 20 Council, there's no age limitation. And a young man  
 21 like Riki, if he started like at age of 30 to run for  
 22 office and got elected three consecutive years, he put  
 23 in 12 years, he would be 42. He hasn't reached his  
 24 prime yet. There's a lot of horsepower. And we gonna  
 25 tell him, "Sorry, Riki, it's time for you to go out to

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1 pastures." We are losing, you know, so much potential  
 2 and talents that we have instilled in someone. And then  
 3 we give him no opportunity to -- to continue to serve  
 4 the people. And I believe that this will hurt the  
 5 County in general if you limit -- put limitations as  
 6 things for people who want to serve, okay, and who have  
 7 gained the confidence of the residents themself.  
 8       So I would like to, if I may, again, revise or  
 9 advise the Council -- committee here to reconsider the  
 10 limitation. You can maybe put a cut there of four or  
 11 two terms, eight maximum, I would say, and then allow  
 12 those who wish to pursue, you know, service in Council  
 13 to have that opportunity.  
 14       If we say there's a limit of two more terms,  
 15 at 42, that would make Riki 50, then he can run again.  
 16 A lot of horsepower behind that, yeah. Okay.  
 17       So, again, I ask the Committee to reconsider  
 18 this particular -- well, recommendation.  
 19       The other recommendation -- oh, the other  
 20 question I have is, again, in filing for candidacy from  
 21 90 days to one-year residency, I have looked and tried  
 22 to find the definition of residency in the Charter, what  
 23 constitute residency, and I have not been able to find  
 24 that. I would like the Committee to extend it to, you  
 25 know, layman's language, what constitutes residency.

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1       Give me a second. I scratched out a whole lot  
 2 of things.  
 3       On the filling a vacancies on commissions and  
 4 committees and boards, we have some limitations here  
 5 that vacancies should be filled from 30 days to 45 days  
 6 by the Mayor for any board or commission. I feel that,  
 7 you know, that's too much time. We need to -- I  
 8 believe, Lanai, we -- we don't have representation on  
 9 many commissions and boards. And I feel that Lanai  
 10 people are being neglected and, you know, not -- why are  
 11 we not being given that opportunity to -- to represent  
 12 ourselves?  
 13       I honestly feel that with the nine districts  
 14 we have, it's important that all nine districts are  
 15 represented, all nine districts participate in all the  
 16 meetings that we have, because each district have unique  
 17 problems, each district have unique strengths, each  
 18 district have unique needs. And, again, by -- by the --  
 19 by dialogue and interchanging of information, each  
 20 district can gain and use whatever their district needs.  
 21       However, I want to emphasize that, in  
 22 decision-making, we must look at the particular district  
 23 that has a problem. And that the majority that -- oh,  
 24 the majority vote for any particular business or  
 25 recommendation be recognized. It's not who yells the

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1 loudest; it's not who gets numbers from another district  
 2 to join them in their yell, it's not the input that  
 3 comes from other support that should be considered when  
 4 decision-making affects like, for instance, Lanai or  
 5 Molokai or Hana or Lahaina. Look at the majority votes  
 6 of that particular district to influence your votes when  
 7 it comes to making decisions for Lanai.  
 8       Thank you.  
 9       CHAIR STONE: Thank you, Joseph, very much for  
 10 your testimony. Commissioners, clarification question  
 11 for Joseph?  
 12       (No Response.)  
 13       CHAIR STONE: Very good. Thank you. Thanks  
 14 very much for your testimony. Much appreciated.  
 15       Lisa, any other testifiers?  
 16       MS. KAHUHU: No, Chair, no one has signed up.  
 17       CHAIR STONE: Thank you. I would like to take  
 18 this time to put one final notification to the public  
 19 that you are welcome to come forward if you have not  
 20 testified and would so like to testify.  
 21       (No Response.)  
 22       CHAIR STONE: Very good. If there are no  
 23 objections, I'll close oral testimony at this time. And  
 24 without objection, we will accept and file the public  
 25 communications for the record.

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1       Commissioners, is there any discussion on  
 2 tonight's testimony? Commissioner De Rego.  
 3       COMMISSIONER DE REGO: I don't have a  
 4 discussion; I have a comment. I'd like to commend the  
 5 people of Lanai for coming out tonight. You guys are  
 6 the largest contingent, so far, because we still have a  
 7 few more hearings --  
 8       (Applause.)  
 9       COMMISSIONER DE REGO: -- again. And I am  
 10 gratified the discussion and the contributions have been  
 11 enlightening, interesting from everyone. And I just  
 12 want to say that I'm gratified for the -- the attendance  
 13 tonight and for the participation here. And I'd like to  
 14 thank the people of Lanai for that.  
 15       CHAIR STONE: Very good. Thank you,  
 16 Commissioner De Rego.  
 17       Commissioners, any further discussion?  
 18       (No Response.)  
 19       CHAIR STONE: No. Thank you very much.  
 20 Without objection, I'll adjourn this meeting as of 7:55  
 21 p.m. And people of Lanai, thank you so much for coming  
 22 and thank you so much for your attendance. Aloha, thank  
 23 you. Aloha thank you very much. Aloha.  
 24       (Meeting adjourned, 7:54 p.m.)  
 25



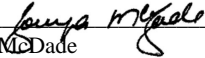
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I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the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

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

DATED this 10th day of February, 2012.

  
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