

Page 1

COUNTY OF MAUI, STATE OF HAWAII

APPROVED 2/27/2012

CHARTER COMMISSION  
PUBLIC HEARING

Held at Mayor Hannibal Tavares Community Center, 91  
Pukalani Street, Pukalani, Maui, Hawaii, commencing at  
6:30 p.m., on Wednesday, January 25, 2012.

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

Page 2

ATTENDANCE

BOARD MEMBERS PRESENT:  
Joshua A. Stone, Chair  
Wayne N. Hedani, Vice-Chair  
Artemio C. Baxa, Member  
Stephanie S. Crivello, Member  
David P. DeLeon, Member  
Frank R. De Rego, Jr., Member  
Clifford P. Hashimoto, Member  
Susan A. Moikeha, Member  
Linda Kay Okamoto, Member

STAFF PRESENT:  
Edward S. Kushi, Jr., First Deputy Corporation Counsel  
Lisa Kahuhu, Supervising Law Technician

ADMINISTRATION PRESENT:  
Michael Molina, Executive Assistant to the Mayor

OTHERS PRESENT:  
Alan Kaufman  
Councilmember Gladys C. Baisa  
Warren Watanabe  
Glenn Kosaka

Page 3

(Wednesday, January 25, 2012, 6:30 p.m.)  
\*\*\*

CHAIR STONE: Hello, everybody. My name's  
Josh Stone, I'm the Chairman of the Charter Commission.  
And I would like to welcome everybody here tonight.  
Thank you so much for coming down.

If you need, there are copies of the Maui  
County Charter Amendments available with Lisa Kahuhu,  
who is sitting over there.

As per our rules, all discussions tonight  
shall be pertaining to the Maui County Charter.

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

Firstly, if you would like to testify, please  
be sure to see Lisa Kahuhu and sign in.

I would like to call this meeting to order as  
of 6:30 p.m., right on time. And I would like to  
introduce our Commissioners that are present. So let's  
quickly go down the table, and, Commissioners, if you  
could please state your name and where you're from.

COMMISSIONER CRIVELLO: Aloha.

COMMISSIONER DELEON: You're on.

COMMISSIONER CRIVELLO: Thank you, Dave.

Stacy Crivello, from Molokai.

COMMISSIONER OKAMOTO: Kay Okamoto, from

Page 4

Lanai.

COMMISSIONER DELEON: Dave DeLeon, Haiku.

CHAIR STONE: Josh Stone, from Paia.

COMMISSIONER HASHIMOTO: Clifford Hashimoto,  
from Hana.

COMMISSIONER BAXA: Artemio Baxa, Makawao.

COMMISSIONER DE REGO: Frank De Rego, Kahului.

CHAIR STONE: Great. Thank you very much,  
Commissioners.

I would also like to take this time to present  
our staff. We have with us Ed Kushi, Jr., who is Deputy  
Corporation Counsel. Ed, thanks for being here. As  
well as, again, our illustrious Lisa Kahuhu, Supervising  
Law Technician. Tonya McDade, our tireless court  
reporter. And, also, we would like to say hello to Mike  
Molina, our Executive Assistant to the Mayor. Thanks so  
much for being here tonight.

And, of course, I must point out that we have  
Councilwoman Gladys Baisa joining us this evening.  
Thank you so much Councilwoman. So much appreciated for  
you being here.

This meeting is primarily to get the public's  
input on the Proposed Charter Amendments that the  
Charter Commission are actively working on, some of  
which will most likely be put forward to the voters in

Page 5	Page 7
<p>1 the November election. We're also here to receive new  2 Charter amendment proposals, if any.  3 We have copies of the draft proposals and  4 draft proposal questions in the agenda this evening.  5 And, again, the agenda is available with Lisa Kahuhu.  6 I would like to begin with oral testimony.  7 And before I begin, I would like to go over our oral  8 testimony rules.  9 Without objection, I'm going to suspend the  10 time limits on the oral testimony, unless somebody gets  11 absolutely lengthy and just out of control.  12 We're watching you, Councilwoman.  13 COUNCILMEMBER BAISA: Oh, okay. I promise I  14 will be good.  15 CHAIR STONE: And we'll be calling up the  16 testifiers in the order that they testified. So, Lisa.  17 COMMISSIONER DE REGO: Point of order,  18 Mr. Chair.  19 CHAIR STONE: Yes, please.  20 COMMISSIONER DE REGO: Could you remind them  21 about Number 14 that's on the list is an error?  22 CHAIR STONE: Oh, yes.  23 COMMISSIONER DE REGO: Before we get questions  24 about that.  25 CHAIR STONE: Thank you very much,</p>	<p>1 dining room table. And I hope that that will work out  2 well for everybody.  3 My name's Alan Kaufman, I'm a veterinarian. I  4 live Upcountry.  5 And there was an old cowboy by the name of  6 Merit Holloway who taught me that you never want to kick  7 a dead horse. And there's a lot of truth to that. But  8 as a veterinarian, I've learned that sometimes animals  9 can be pretty near dead and you can bring them back.  10 Maybe not because of what we do, but despite what we do.  11 I'll say it -- and you probably already know  12 what I'm about to say -- I have never testified in favor  13 of district voting, not one time. This is either the  14 third or fourth time I've testified, but I never said I  15 support district voting. The reason is, I don't know if  16 I do or if I don't. But I do know that district voting  17 is a very important concept. And I know you know that,  18 too, by the amount of testimony and time that's been  19 spent on it.  20 I have some firm ideas about things that I  21 hope we'll see on the ballot, such as, you know, should  22 elections be partisan or not. Absolutely, they should  23 not be. I feel very strongly about that. But I also  24 feel that that needs to be on the ballot. Because no  25 matter how strong my personal feelings are, it's the</p>
Page 6	Page 8
<p>1 Commissioner De Rego.  2 We would like to point out to the members of  3 our public that the proposal -- Draft Proposal Item  4 Number 14 in your agenda is incorrect. It should not be  5 there. So please remove that from your agenda. So if  6 you came here tonight to specifically discuss Item 14,  7 you can go home and watch TV. Okay.  8 Thank you very much, Commissioner De Rego.  9 Lisa, you can call up our first testifier,  10 please.  11 MS. KAHUHU: Alan Kaufman.  12 CHAIR STONE: Mr. Kaufman, thank you for  13 coming this evening.  14 MR. KAUFMAN: Always a pleasure. And if  15 you'll forgive me, I'm just going to sit down.  16 CHAIR STONE: Please.  17 MR. KAUFMAN: Because I'm starting to feel  18 like I'm surrounded by a group of friends sitting around  19 the dining room table rather than giving testimony,  20 especially knowing that I don't have a time limit.  21 CHAIR STONE: Huh-oh.  22 MR. KAUFMAN: Typically, I would prepare my  23 remarks, and I get the full three minutes, and it's  24 right there. And I didn't do that tonight. And I'm  25 just going to talk to you like we are sitting around the</p>	<p>1 electorate that needs to make that decision. It's not  2 about me and my feelings; it's about what the voters  3 want.  4 Anyone over there who ever made a mistake?  5 Not any, yeah? I know I have. And more than I like to  6 admit to.  7 I respect every one of you. And I have some  8 idea of what it takes to keep coming to meetings, have  9 people who you don't respect disagree with you, call you  10 terrible things behind your back. Well, that's not me.  11 I may disagree with you about some things, but I  12 absolutely respect every one of you sitting there and  13 what you've been doing for -- it seems like eternity by  14 now, doesn't it?  15 I want to continue to respect each and every  16 one of you. And that's why I'm kicking a dead horse  17 tonight. And I'd really respectfully request you bring  18 district voting back. Not because it's right and not  19 because it's wrong, but because it shouldn't be only  20 your domain to decide whether the voters should vote on  21 it. If you personally feel that district voting is a  22 bad idea, I would hope you would have the confidence in  23 the voters to let them agree with you.  24 Hey. Late again, are ya?  25 I know you've had a lot of passion, pro and</p>

<p style="text-align: right;">Page 9</p> <p>1 con. And I'm sure everybody has those strong feelings.  2 But it is an important issue, whether you agree with it  3 or disagree with it.  4 I'm still trying to make up my mind. And what  5 I hope is that the conversation can take place. I would  6 love to see letters to the editor, I would love to see  7 it appear at the community association panel meeting  8 discussions, so that everybody can be as informed as  9 possible and every voter could make the determination.  10 If it's a bad idea, the voters will defeat it; if it's a  11 good idea, they'll support it.  12 The one thing that I agree with is, God, it's  13 confusing. You got thrown so many different flavors of  14 district voting, how can you choose one? To me, that's  15 a no-brainer. Just go with the plain vanilla blend,  16 which is, you know, one man, one vote, nine districts,  17 one vote each. And if it's a bad idea, the voters will  18 vote it down, but at least let the discussion take  19 place.  20 Thank you for giving that your full  21 consideration. And I think I probably took more than  22 three minutes. My apology.  23 CHAIR STONE: Thank you, Alan. Very eloquent  24 testimony, as always. I'm sure we're going to have  25 questions from our Commissioners for you. And you would</p>	<p style="text-align: right;">Page 11</p> <p>1 clarification?  2 COMMISSIONER DELEON: For the record,  3 Mr. Chair, I'm glad I'm not the only one with a  4 short-term memory problem.  5 CHAIR STONE: I think there's many of us who  6 have that issue.  7 Thank you so much, Mr. Kaufman. Oh, sorry,  8 there is another question. Please, Commissioner Baxa.  9 COMMISSIONER BAXA: Mr. Chair. Thank you,  10 Mr. Kaufman. If I get you, you're saying that you do  11 not feel one way or the other as to the points that you  12 suggested, but what you're passionate about is that it  13 should be the voters to decide.  14 MR. KAUFMAN: Absolutely correct. Yes.  15 COMMISSIONER BAXA: Okay. Yeah. I get your  16 point. Thank you.  17 MR. KAUFMAN: Thank you.  18 CHAIR STONE: Thank you. Commissioners,  19 further clarification?  20 One more question, please. We like just  21 watching you stand up and sit down.  22 Commissioner Moikeha.  23 COMMISSIONER MOIKEHA: Thank you, Alan, for  24 your testimony. I'm sorry I just came in at the tail  25 end. To me, this issue of district voting, I've seen,</p>
<p style="text-align: right;">Page 10</p> <p>1 have had five minutes, but you could have had a half  2 hour.  3 Anyways, Commissioners, clarification or  4 questions for Alan?  5 (No Response.)  6 CHAIR STONE: No. Alan, the Chair --  7 MR. KAUFMAN: Hey, hey.  8 CHAIR STONE: Oh, sorry. Commissioner DeLeon.  9 MR. KAUFMAN: I don't want to take your  10 question. Just joking.  11 COMMISSIONER DELEON: Did the Kula Community  12 Association have a survey on this topic, on the district  13 voting topic?  14 MR. KAUFMAN: Short-term memory is an issue.  15 Our president is here, why don't we -- how is your  16 memory doing?  17 COMMISSIONER DELEON: We'll wait for her to  18 get up, then, if that's the case.  19 MR. KAUFMAN: There was a survey on it. Let  20 me do my best to bring back what the percentages were  21 with regard to the district voting issue. My  22 recollection is that there was very strong support to --  23 for some flavor of district voting. I don't really  24 recall which one.  25 CHAIR STONE: Commissioners, further</p>	<p style="text-align: right;">Page 12</p> <p>1 from the beginning, as being a very complex issue. And  2 as you've shared with your testimony today, there were  3 many flavors or many different proposals out there. I  4 think my issue with it was that there was never a  5 specific model for the public to vote on. And if we  6 didn't have the resources or the time to vet that  7 properly, then we didn't have a specific model to put  8 out there. And that's kind of where my position was.  9 Unfortunately, I wasn't at the November  10 meeting, the last meeting, where this was finally looked  11 at, at a particular model. And, obviously, it was not  12 put forth to go on to the public.  13 I guess what I'm asking you, then, don't you  14 think that we need more time to look at this issue and  15 really look at other resources to get to some specific  16 model that the public could vote on? Because, right  17 now, in proposing a question like "do you want district  18 voting," to me, is a survey question. And I don't  19 believe that's a proposal that's for amendments on the  20 Charter. And that's what I struggled with.  21 In fact, I will go so far to tell you, I would  22 have supported putting it out to the public in our  23 outreach, a hybrid proposal that Tony Ramil came forward  24 with. And it, basically, was three districts -- three  25 areas to one district. And I think the total was six</p>

<p style="text-align: right;">Page 13</p> <p>1 districts altogether, or something like that. And it  2 was equal population.  3 COMMISSIONER DELEON: Nine.  4 COMMISSIONER MOIKEHA: Nine, okay. And I  5 would have liked to see how the people would have  6 reacted to that and had the opportunity to have input  7 from the outreach process.  8 To me, I saw it as a hybrid and a compromise  9 of when you're taking what we presently now have to  10 moving it to not quite a pure district voting, but a  11 step in that direction. And I guess what made me really  12 think about that more was something that our Analyst had  13 written in documentation that we received, that the way  14 our present system is today, it was based on not equal  15 population. But what has changed is that Maui County  16 has grown. And for the most part, we've been in the  17 same system of how we -- the process we've elected for a  18 long time, for many, many, many years. And maybe it's  19 time to now look at, yes, the population has grown and  20 maybe we do need to take a step through a hybrid or  21 compromise to the next level, and then see where we go.  22 I just have trouble with saying to the public,  23 and having them vote on, "Do you want district voting."  24 So I don't know if you can help clarify or give your  25 opinion as to, you know, do we need to vet this better,</p>	<p style="text-align: right;">Page 15</p> <p>1 government, as well as models that already exist on our  2 other -- within our other counties, that it wouldn't be  3 hard if -- it wouldn't be that hard if someone was  4 really determined to put the package together so that  5 the voters could decide whether it's good, bad or  6 indifferent. But even if the package was -- you know,  7 whichever one was chosen, the discussion simply won't  8 happen if it's deferred into the future, until we're  9 better prepared. It won't ever happen. And that would  10 be where my disappointment would be.  11 COMMISSIONER MOIKEHA: Thank you.  12 MR. KAUFMAN: Thank you.  13 CHAIR STONE: Thank you. Commissioners,  14 further clarifications or questions?  15 (No Response.)  16 CHAIR STONE: No. Thanks again, Alan, so much  17 for being here.  18 MR. KAUFMAN: Anytime. I'm used to showing  19 up.  20 CHAIR STONE: Very good.  21 Lisa, next testifier, please.  22 MS. KAHUHU: Gladys Baisa.  23 CHAIR STONE: Councilwoman Baisa, thank you  24 for coming.  25 COUNCILMEMBER BAISA: Thank you very much for</p>
<p style="text-align: right;">Page 14</p> <p>1 or --  2 MR. KAUFMAN: Susan, I think those are  3 excellent points. And I would love to have more time to  4 think about it and have discussion. But we're sitting  5 around the dining room table right now, so I'll just do  6 top of mind response.  7 One of the unfortunate things is that -- maybe  8 it's a fortunate thing -- we only go through this  9 exercise every 10 years. And the unfortunate thing is I  10 don't think we can ask the Council to impartially place  11 this on the ballot. They've deferred to this group of  12 ladies and gentlemen. And it's a very important issue,  13 how we elect our Council.  14 I would be happy to see some form of it. I'm  15 not married to the, you know, nine districts, one vote  16 each. The three-three is another interesting way of  17 going about it. And I don't think that one or the other  18 has to be on the ballot. I would love to see one and  19 leave it to the wisdom of the voters to make that  20 decision.  21 I can't help but think -- I know how slowly  22 government moves. But I would think, with the resources  23 available to you -- and maybe I don't know the  24 limitations of the resources available to you -- but I  25 would think that the resources you've got in County</p>	<p style="text-align: right;">Page 16</p> <p>1 the opportunity.  2 And before I begin, I would like to thank all  3 of you for the yeoman's job that you've been doing. I  4 know how hard it is to do what you've been doing. I  5 know the difficulty of sitting for hours, listening to  6 testimony, and then having to make hard decisions. So I  7 respect you and thank you. I think we did a good job in  8 choosing and supporting all of you.  9 You know, it was a really interesting thing  10 when you came to be -- when you were nominated and to be  11 confirmed. And I think we all on the Council felt very  12 comfortable with all of you and felt that you were the  13 right people. And I think you've done an excellent job.  14 So I want to thank you before I get into my  15 comments on the recommendations.  16 I won't be commenting on all of them, so  17 relax, but there are some of them that I did want to say  18 something about. As you know, I've tried to follow  19 closely what you've been doing. And while I have not  20 been able to attend all of your meetings, I promise you  21 that I've seen almost every single one of them on Akaku.  22 And that's another organization I extend my  23 sincere thanks to. Thank God we have Akaku. I don't  24 know how we would get along in this community without  25 them, because that's the only way we can see what's</p>

Page 17

1 going on.  
 2 So, anyway, like I said, I watched most of it.  
 3 And when I was able to attend, I kind of kept my mouth  
 4 shut for a reason. I felt that when you came to -- when  
 5 the Council selected you, that we said, "Okay, we trust  
 6 you, you go out and do your job." And I didn't want to  
 7 influence your work. I felt it was important to let you  
 8 folks do your own work and listen to testimony and  
 9 discuss and then make recommendations.  
 10 And I felt that this is the appropriate time  
 11 for the councilmembers to weigh in. Because,  
 12 eventually, this will come to us.  
 13 So I did want to comment. And, please, you  
 14 know, nothing intended as criticism, just how I feel,  
 15 how I feel.  
 16 I want to thank you very much for suggesting  
 17 the Council terms be extended from two to four years.  
 18 I've been an advocate of this for -- ever since I got  
 19 involved. In fact, before. Because I used to get very  
 20 involved in elections, long before I ever ran for  
 21 office, and it seemed like it's an ongoing thing. We  
 22 just recover from one election -- and it really is  
 23 recovery because, you know, the whole community gets  
 24 involved. It's expensive. It's time-consuming. And I  
 25 went through, myself, as a new councilmember, and I'm

Page 18

1 watching again the new councilmembers, and their  
 2 surprise that they're having to mount campaigns again.  
 3 You know, they've been -- barely gotten on the job, are  
 4 comfortable now and, you know, running their committees,  
 5 doing their job. And here we are, "Oh, my God, when do  
 6 I have to fundraiser and how many sign holders do I have  
 7 to have, and, you know, where can I raise money." And I  
 8 just think it's distracting. I do not think it's a good  
 9 thing for our community.  
 10 So I am really excited. And I thank you very  
 11 much for the recommendation. I hope it passes.  
 12 I also support your idea of three four-year  
 13 terms. I have no problem with a limit on terms.  
 14 Because I think that, at the end of 12 years -- I think  
 15 I'll be okay at the end of 10 years, but 12, you know,  
 16 more than enough. It's a very difficult thing to do.  
 17 It requires -- it's pretty consuming. You know, it  
 18 takes up all of your time, all of your life, and you're  
 19 very focused on your job. It doesn't matter whether  
 20 you're at work or in the supermarket or at a party or on  
 21 the street, you know, people will discuss your job with  
 22 you. And so I think, after 12 years, you're pretty,  
 23 "Oh, God, I need a little break here." Although some  
 24 people would want to continue and -- but I can agree  
 25 with that. I think it's fine. It gives other people an

Page 19

1 opportunity. And for those who are seasoned, there are  
 2 other opportunities. You know, if you want to do  
 3 something else, there's more things to do, if you want  
 4 to still serve the community. So I don't have a problem  
 5 with the three four-year terms.  
 6 The other thing that I did want to comment on  
 7 was the nonpartisan and partisan elections. I feel very  
 8 strongly that we need to stay with nonpartisan  
 9 elections, particularly here at the County level. You  
 10 know, the matters that we deal with in our County  
 11 government, and the things we're working on, are not  
 12 partisan issues. You know, whether or not we should dig  
 13 a well or whether or not we should fix a road or whether  
 14 or not we should support a program that helps seniors,  
 15 those are not partisan issues. They are issues that  
 16 affect all of the people in our community and all the  
 17 people who live in our County. So I don't see it being  
 18 important. In fact, I think it would be more  
 19 destructive.  
 20 You know, I have never seen us -- and now I'm  
 21 in my third year -- third term on the Council, starting  
 22 my sixth year. I can't believe it. It seems like  
 23 yesterday. But, you know, I've never seen us look at an  
 24 issue and say, "Oh, well, us democrats have to vote this  
 25 way," and the republicans are supposed to vote another

Page 20

1 way. We don't divide that way. And I'm sure those  
 2 people watch us can see that. And particularly with the  
 3 current Council, it's very interesting, we do not have  
 4 voting blocs. Sometime we vote three of us, and  
 5 sometimes we vote four of us, sometimes all nine of us,  
 6 it depends on what it is. And so I don't think that  
 7 it's necessary. I think it will be more divisive than  
 8 it's worth. So I would not be in favor of partisan  
 9 elections coming back.  
 10 The other thing I wanted to comment on was the  
 11 biennial budget. I like the idea. In fact, I suggested  
 12 it many, many times. I think that it's better planning.  
 13 And, yes, it will have to be modified in the second  
 14 year, if, you know, revenues don't show up or there's  
 15 something that happens, but at least it gives you a  
 16 basis to begin with. And I think it's better for  
 17 planning. I don't think that this year-to-year thing is  
 18 a good idea.  
 19 Not only that, we spend an inordinate amount  
 20 of time on the budget. I find it really sad that we  
 21 start at the end of March and really don't resume our  
 22 work until mid-June, regular work. That's a huge chunk  
 23 of time out of the year spent on budget. And maybe, if  
 24 we had a biennial budget and we had a template to go  
 25 with for the second year, it wouldn't take so long. So

Page 21

1 I would like us to give it a try, you know.  
 2 If it turns out that it's a bad idea, then we  
 3 can always change it. The Council can propose an  
 4 amendment and change it again. But, you know, if you  
 5 never try, you never go, you never know, right. So you  
 6 have to try.  
 7 The Independent Office of the County Auditor,  
 8 I'd like to have a County Auditor. We did before. And  
 9 I think it might be helpful.  
 10 I watch our State Auditor. And I admire her a  
 11 great deal. I've never seen a woman who is so fearless  
 12 and so on it, you know, and totally unintimidated by  
 13 people who say, "Well, how can you even talk about  
 14 that." But, you know, she stands strong and she makes  
 15 good sense. I would like us to have somebody like that.  
 16 My concern is who the person should be  
 17 appointed by and subject to removal by. You know, it's  
 18 this story of the fox in the henhouse. But it really is  
 19 difficult because if the Council appoints and removes,  
 20 then, you know, that person is our person. If the Mayor  
 21 appoints and removes, with the Cost of Government  
 22 Commission, then people feel that Admin might have an  
 23 advantage. Because even though the Mayor only appoints,  
 24 you know, he suggests the appointment of the members,  
 25 and we confirm, still, it gets political.

Page 22

1 I always laugh when people say, "Oh, it won't  
 2 be political." Come on, everything is political, you  
 3 know. If you dig deep enough, politics is into  
 4 everything. That's just the way it is.  
 5 So I don't know the answer to that. I would  
 6 like to have an auditor, but I'm not sure how we would  
 7 go about that other than how we used to. I think the  
 8 County Auditor used to be elected, if I remember  
 9 correctly, when I was a kid, going to all these County  
 10 elections and Manuela Rodrigues was running to become  
 11 the auditor. Right?  
 12 COMMISSIONER DE REGO: Right.  
 13 COUNCILMEMBER BAISA: And I remember having  
 14 these cards. In the old days, politicians had very  
 15 simple campaigns, they handed out cards. And as  
 16 children, we used to try to collect as many as we could.  
 17 I remember collecting Manuela Rodrigues' card. So, you  
 18 know, if that's what it takes, going back to an elected  
 19 auditor, that's fine with me. We'll get somebody people  
 20 want.  
 21 The other thing that I wanted to comment on  
 22 was the removing the authority of the Council to propose  
 23 Charter amendments during any general or special  
 24 election during which the Charter Commission is  
 25 conducting its mandatory review. I understand the

Page 23

1 intent of it, I understand that there is a Charter  
 2 Commission working at that time, but is it really a big  
 3 deal that the County -- the County Council might want to  
 4 propose something? I don't think it is. So I don't  
 5 know if we need to change that. I'm kind of comfortable  
 6 with the way it is.  
 7 I definitely like Number 15. I think it's  
 8 really important to indemnify board and commission  
 9 members. Because, you know, these folks, like you, are  
 10 volunteering. And we certainly should stand with you  
 11 and behind you and help you if you're doing your job  
 12 well and somebody decides that they're going to sue you.  
 13 I don't think that's fair. We should be willing to  
 14 indemnify you and take care of you.  
 15 Oh, there's a whole lot of housekeeping stuff  
 16 in here.  
 17 There's also the question about the lifeguards  
 18 going into the Fire Department. I think that's good.  
 19 I've talked to a number of lifeguards. And they have  
 20 all -- every one I've talked to so far -- and there may  
 21 be others who differ -- but folks who have taken the  
 22 time to talk to me are in support. They kind of feel  
 23 like their work is definitely related to safety and it  
 24 really doesn't belong in the Parks Department. So I  
 25 think that's -- that's a good suggestion. And we ought

Page 24

1 to put it on the ballot and see what people think.  
 2 The last thing I wanted to talk to you about,  
 3 of course -- I don't know how much more I can say than  
 4 the eloquent Mr. Kaufman, but I, of course, had wanted  
 5 to talk and hope that there would be a discussion about  
 6 alternatives to the way we elect our councilmembers.  
 7 And I don't know if that's district voting, I don't know  
 8 if that's three districts, nine districts, or -- you  
 9 know, all of the proposals that you got. And I  
 10 understand how difficult it was for you, in the time  
 11 that you had, to come up with a model. And I kept  
 12 anxiously watching to see as ideas came up.  
 13 We suggested something from the Kula Community  
 14 Association. I think Mr. Mayer had a proposal. And  
 15 then, of course, I was aware that Tony Ramil came up  
 16 with a proposal. You know, as you listened and heard  
 17 the questions about the models, I understand why you  
 18 would be reluctant to recommend a model at this point.  
 19 But I, too, would like to see the discussion  
 20 continued because, obviously, there was a huge survey  
 21 done, and the survey showed that people wanted some  
 22 change. They wanted it fixed. And until we actually  
 23 study it and do something about it, there's, obviously,  
 24 some concern. And how strong that is, I don't really  
 25 know, but I would have liked to see, you know, more talk

Page 25

1 in the community, more boards, more community  
 2 associations or whatever, people giving input.  
 3 And I realize you were not ready to go to the  
 4 -- you know, to the ballot with a proposal. And, you  
 5 know, to ask the question, should we do district voting,  
 6 I don't think that that would have solved it. You would  
 7 have had to have more detail. Because after hearing all  
 8 the discussion about the various models, people like  
 9 one, they didn't like the other, they were afraid, how  
 10 is this going to affect our community. And we didn't  
 11 have enough meat. We would have had to put meat on the  
 12 ballot is what I am trying to say. Otherwise, I don't  
 13 think it would work. But I do feel that there is a lot  
 14 of, you know, interest in changing it.  
 15 And how we get that done, I don't really know.  
 16 But I do want to tell you that I agree with whoever  
 17 said, "I don't think the Council should be doing this."  
 18 Can you imagine Council trying to deal with a subject  
 19 like how we should be elected? I mean, it would be so  
 20 -- so conflicted that I don't think it would be worth  
 21 anything.  
 22 In fact, ethically, I don't know if I'd even  
 23 want to talk about it. How do I get elected? Of  
 24 course, I want it done to my advantage, you know. So,  
 25 you know, it really belongs in an independent body.

Page 26

1 And I want to thank you for the time you gave  
 2 it. And thank you for trying. I still feel that, you  
 3 know, it's an issue that needs to be looked at.  
 4 And those are my comments, Mr. Stone. So I'm  
 5 open to any questions anyone might have.  
 6 CHAIR STONE: Councilwoman Baisa, excellent  
 7 input. Thank you so much. We really do appreciate it.  
 8 Commissioners, I want to open up the floor.  
 9 Commissioner Okamoto.  
 10 COMMISSIONER OKAMOTO: Thank you. On the --  
 11 going to four-year terms.  
 12 COUNCILMEMBER BAISA: Yes.  
 13 COMMISSIONER OKAMOTO: There's also a proposal  
 14 in there to have those terms staggered. What is your  
 15 feeling on that? Half the Council would be every two  
 16 years, how do you feel about that part?  
 17 COUNCILMEMBER BAISA: I think we're going to  
 18 have to do something like that in order to implement it.  
 19 You've got to have some holdover, and, you know, you  
 20 cannot have all new. And where do you cut? I'm not  
 21 sure.  
 22 What did you guys talk about? I'm sorry, I  
 23 don't know that.  
 24 COMMISSIONER OKAMOTO: I think we just had the  
 25 idea of staggered, but, with two-year terms, you,

Page 27

1 theoretically, could have all new people one year. So  
 2 we just -- the discussion has been, you know, will  
 3 that -- if you've got some people being elected every  
 4 two years, is that, you know, breaking the idea of  
 5 people still having to campaign every two years.  
 6 COUNCILMEMBER BAISA: Well, you know, I look  
 7 at myself. Okay. If I am elected this year, in 2012,  
 8 and this is on the ballot, I will be entering my fourth  
 9 term. So I have -- I'm able to have one more after  
 10 that. So if it changes in 2014, then what? So I think  
 11 there's a -- there's a lot of "now whats" that's  
 12 involved here. So we might want to flesh that out  
 13 before we do this, have some suggestion as to how it  
 14 would be implemented, which would be very helpful. And  
 15 I'm sorry, I don't know the answer, but maybe there's  
 16 people, you know, like Clerk's Office, or wherever, that  
 17 might have better ideas.  
 18 COMMISSIONER OKAMOTO: Thank you.  
 19 CHAIR STONE: Very good. I'm sure, in our  
 20 deliberations upcoming, that will be one of the topics  
 21 we touch base on. Again, Council gets to see our  
 22 proposals before they go out. And then they come back.  
 23 COUNCILMEMBER BAISA: Correct.  
 24 CHAIR STONE: So that will be a good time for  
 25 Council to review.

Page 28

1 Commissioners? Commissioner De Rego, down  
 2 there.  
 3 COMMISSIONER DE REGO: Thank you very much,  
 4 Councilmember Baisa, for your testimony. I'm going to  
 5 ask you a question about something you did not comment  
 6 on.  
 7 COUNCILMEMBER BAISA: Sure.  
 8 COMMISSIONER DE REGO: But --  
 9 COUNCILMEMBER BAISA: If I can, I will.  
 10 COMMISSIONER DE REGO: I'd like to get your  
 11 ideas on this. On Number 16, there's a proposal to  
 12 increase the time period for the residency requirements  
 13 from 90 days to one year before a candidate for Council  
 14 files nomination papers. What are your thoughts on  
 15 that?  
 16 COUNCILMEMBER BAISA: Okay. This is an  
 17 interesting one for me personally. I understand why it  
 18 would be advantageous to have somebody who has residency  
 19 in the county for a year, and from the area which the  
 20 person seeks to be elected. I can understand that.  
 21 But, you know, across the board -- let me give you my  
 22 own example. I ran in Kula. And I moved into Kula --  
 23 oh, when did I move into Kula -- maybe in April, and the  
 24 election was in -- well, the primary would have been in  
 25 September. Even though I'm an area Upcountry resident

<p style="text-align: right;">Page 29</p> <p>1 my entire life, my family's been here for three                  2 generations, I mean, it's not I'm a stranger to                  3 Upcountry, but to Kula itself, I would not have been                  4 able to do that until I had been in Kula for a year. So                  5 that's something to think about. So how you word this,                  6 I think, is really important.                  7 I can see a person coming from Tennessee, and                  8 moving to Maui, and, 90 days later, running for office.                  9 It's that what we're worried about, that they don't                  10 really understand Maui and, you know, all the issues and                  11 whatever. So it can be complicated.                  12 So that's where I'm at.                  13 COMMISSIONER DE REGO: Thank you.                  14 COUNCILMEMBER BAISA: I don't think it would                  15 have mattered whether I waited a year or 90 days.                  16 COMMISSIONER DE REGO: Yeah.                  17 CHAIR STONE: Thank you. Commissioners --                  18 Commissioner Baxa, I saw you raising your hand. Thank                  19 you.                  20 COMMISSIONER BAXA: Thank you, Mr. Chair.                  21 I just wanted to make comment about the                  22 district voting aspect. And I do agree with the                  23 testifiers that there should be further discussion on                  24 this. Perhaps we do not have all the information, but,                  25 aside from all the faults that they get from the</p>	<p style="text-align: right;">Page 31</p> <p>1 because of the five-year term, there was discussion of                  2 actually extending the life of the Charter Commission                  3 more than a year. That would, you know -- not five                  4 years, but more than a year, so they would actually have                  5 more time to be able to vet these kinds of issues.                  6 COUNCILMEMBER BAISA: Can you put it back?                  7 COMMISSIONER DE REGO: You know, something                  8 like 18 months or something like that.                  9 COUNCILMEMBER BAISA: Yeah. Yeah.                  10 COMMISSIONER DE REGO: You know, simply                  11 because we did run up against a bind. And now we've got                  12 21, besides, you know. 22 would have been, you know --                  13 like you said, a lot of these are housekeeping issues.                  14 So what do you think about that proposal in general, you                  15 know, not the one that was incorrect here?                  16 COUNCILMEMBER BAISA: Well, I think that's an                  17 excellent idea, because maybe it would give you guys                  18 more time, you know, to delve into things.                  19 I've been on things where you have a timeline.                  20 I mean, I'm dealing with it right now with the General                  21 Plan. Well, fortunately, we can forgive ourselves and                  22 give another two or three months, or four months, or                  23 whatever. You can't do that. But you are always racing                  24 against the clock. And it's difficult when you have to                  25 meet a clock. And you don't know how much testimony</p>
<p style="text-align: right;">Page 30</p> <p>1 community, there are -- this is a very complicated                  2 issue.                  3 COUNCILMEMBER BAISA: I understand.                  4 COMMISSIONER BAXA: Because herein, although                  5 it's easy to say one man, one vote, we have to consider                  6 the geographical situation of the County, the islands                  7 within the County. And constitutional issues come here.                  8 So it is not easy to just say, "Here, we do this, we do                  9 this, we do that." And if we have a suggestion, we have                  10 to see to it that that one conforms with the                  11 constitutional mandate. So that is why we are in hard                  12 bind to try to see which one's the most important to                  13 propose to the public for voting.                  14 COUNCILMEMBER BAISA: I understand,                  15 Commissioner Baxa. And that's why, you know, I respect                  16 what you guys did, because I understand how difficult it                  17 is. But I think the conversation should continue so                  18 that if there is another opportunity, that we will have                  19 done the research and we will know the answers. We                  20 don't now.                  21 COMMISSIONER BAXA: Thank you.                  22 CHAIR STONE: Thank you. Commissioner De                  23 Rego.                  24 COMMISSIONER DE REGO: Just as a follow-up,                  25 even though it's been excised because of the error,</p>	<p style="text-align: right;">Page 32</p> <p>1 you're going to get, how the members feel, how much                  2 discussion there is, how much research you have to do.                  3 So I understand.                  4 I think it would be better to have what you --                  5 some extension here.                  6 The other thing I wanted to comment on -- and                  7 I forgot -- was the 21 issues that are on the -- on your                  8 recommendation. I think I've heard you folks say that                  9 you're planning to whittle this a little bit. And the                  10 reason I want to say that is, you know, I have seen so                  11 many times that people go into the ballot on a                  12 constitutional convention thing where they have all                  13 these recommendations, and they don't know them and they                  14 don't understand them, and they just want to vote and                  15 get out, and so they vote for their favorite people and                  16 they don't vote on anything else. Or they vote "no" or                  17 "yes" or whatever, but they're not paying much attention                  18 because there's so many. So maybe, if we can whittle                  19 some of this down, and the more housekeeping type things                  20 can be handled elsewhere, that might help.                  21 COMMISSIONER CRIVELLO: Chair?                  22 CHAIR STONE: Very good.                  23 Yes, Commissioner Crivello.                  24 COMMISSIONER CRIVELLO: Aloha --                  25 COUNCILMEMBER BAISA: Aloha.</p>



Page 33

1 COMMISSIONER CRIVELLO: -- Councilwoman.  
 2 Thank you for being here with us tonight.  
 3 I know you did not mention anything about  
 4 article -- or Proposal 19.  
 5 COUNCILMEMBER BAISA: 19.  
 6 COMMISSIONER CRIVELLO: And perhaps that is  
 7 something you're okay with. But what it simply is  
 8 saying is that there's a recommendation to have -- to  
 9 integrate the sustainable -- a sustainable department  
 10 with the Department of Environmental Management. Do you  
 11 see that as being under the Environmental? We've had  
 12 comments that they're just overwhelmed already, they  
 13 can't handle what they're doing. And we're thinking of  
 14 proposing another division within that department.  
 15 COUNCILMEMBER BAISA: I'm not that familiar  
 16 with the workload. I don't know if people have too much  
 17 to do already there or whatever. I'm concerned about  
 18 adding another department. You know, we're in these  
 19 austere times here, we're talking about attrition and  
 20 reduction and putting things together. And so it kind  
 21 of doesn't feel good for me to add something, even  
 22 though I am a big supporter of sustainability and I  
 23 think it's very important. I'm wondering if it can be  
 24 incorporated in what exists, but I don't know that. So  
 25 it's hard for me to comment.

Page 34

1 COMMISSIONER CRIVELLO: Thank you.  
 2 CHAIR STONE: Thank you.  
 3 Commissioners? Commissioner DeLeon.  
 4 COMMISSIONER DELEON: Gladys, thank you for  
 5 coming tonight. I think it's been very cool that we've  
 6 had so many councilmembers come and bring their extreme  
 7 knowledge and experience with the government to these  
 8 events. It's been really valuable. So thank you for  
 9 coming.  
 10 I'm going to ask you a hard one.  
 11 COUNCILMEMBER BAISA: That's okay.  
 12 COMMISSIONER DELEON: What do we do with the  
 13 -- so if we talk about a lifetime term limit, what do we  
 14 do with incumbents as exist now? What thoughts do you  
 15 have on that topic?  
 16 COUNCILMEMBER BAISA: Well, you know, the  
 17 incumbents we have now, we don't have that many that  
 18 have more than 12 years. The majority -- I think  
 19 Mr. Victorino and I are -- Joe's turning out. What  
 20 about the guys that turn out? They're just finished,  
 21 it's over. Okay. So let's take somebody like Member  
 22 Hokama who has been on the Council before and has  
 23 returned, has two years now, and is probably going to  
 24 run for another two. I don't know that answer, but I  
 25 think you almost have to give them the benefit of

Page 35

1 starting under a new regime. You know what I mean?  
 2 Because it's kind of like renegeing on a promise. So I  
 3 would be willing to give these guys that are partway 12  
 4 years more, you know, and that's it. That would be my  
 5 suggestion. You know, when they got back into this,  
 6 that's what they got in under that impression, let them  
 7 finish. I don't know. Maybe it's oversimplistic. I'm  
 8 not a lawyer.  
 9 CHAIR STONE: Thank you.  
 10 Commissioners, further clarification or  
 11 questions?  
 12 (No Response.)  
 13 CHAIR STONE: No. Very good. We have the  
 14 Councilwoman here, going once, going twice. Gladys,  
 15 thank you again so much for coming.  
 16 COUNCILMEMBER BAISA: You're very welcome.  
 17 And, again, thank you for the opportunity and thank you  
 18 for all your hard work.  
 19 CHAIR STONE: Thank you.  
 20 Lisa, next testifier, please.  
 21 MS. KAHUHU: Warren Watanabe.  
 22 CHAIR STONE: Warren, thank you for coming  
 23 this evening.  
 24 COUNCILMEMBER BAISA: You can have the hot  
 25 seat. It's nice and hot. I warmed it up.

Page 36

1 MR. WATANABE: Good evening, Chair Stone and  
 2 Members of the Commission. My name is Warren Watanabe.  
 3 I'm the Executive Director of the Maui County Farm  
 4 Bureau. And it's interesting because the amendment I  
 5 wanted to talk about is Item 19, Number 19.  
 6 You know, representing the agricultural  
 7 industry on Maui, we do represent our commercial farmers  
 8 and ranchers, we work closely with what we call the ag  
 9 coordinator or ag specialist in Office of Economic  
 10 Development. And this is where we feel the description,  
 11 you know, in Amendment 19 is where it should be. I  
 12 mean, it's an existing position right now. And,  
 13 actually, Farm Bureau was the -- we lobbied hard to get  
 14 this position.  
 15 And, actually, it's been -- we've had very  
 16 good success with it. That the City and County of  
 17 Honolulu also just recently appointed, some of you may  
 18 know her, she's (inaudible). She has been appointed to  
 19 that position on Oahu. So, you know, it was (inaudible)  
 20 Maui position. So we feel that, you know, this is where  
 21 it should be.  
 22 When you talk about local food, even energy, I  
 23 think the trend right now is, you know, renewable  
 24 energy. You get biofuels, even wind energy. Most of  
 25 that gonna occur on ag lands. So we feel that, you

Page 37

1 know, this is where it should be.  
 2 And that's about it for my comments.  
 3 CHAIR STONE: Thank you, Warren, very much.  
 4 It's, actually, a very good comment because we've been  
 5 looking into this question. Commissioners --  
 6 Commissioner DeLeon, do you have something?  
 7 Commissioner De Rego. Sorry, Frank, I can't see you  
 8 over there. I apologize. Commissioner De Rego.  
 9 COMMISSIONER DE REGO: Thank you very much,  
 10 Warren, for your testimony tonight.  
 11 Are you concerned that the fact that it's the  
 12 Mayor that creates the Ag Coordinator within the Office  
 13 of Economic Development, that because there's no  
 14 provision in the Charter for that at present, that the  
 15 following Mayor might decide, well, we don't need an Ag  
 16 Coordinator because this is not a priority in my  
 17 administration at this point?  
 18 MR. WATANABE: Well, I think the trend -- I  
 19 mean, not only in Maui County, but, you know, in the  
 20 State of Hawaii, and across the nation, you know, you  
 21 talk about agriculture, I think agriculture is on the  
 22 rise again. A lot of people are concerned about, you  
 23 know, where your foods are coming from. You look at  
 24 these food safety issues, you know, everybody wants to  
 25 support local. So I don't think that's a real concern

Page 38

1 right now. I think, you know, everybody has to eat,  
 2 right? You know, so --  
 3 COMMISSIONER DE REGO: Let me follow up,  
 4 Chair.  
 5 CHAIR STONE: Please, go ahead.  
 6 COMMISSIONER DE REGO: I guess what I'm  
 7 getting at, would you feel more comfortable if the  
 8 Charter spelled out something like this, no matter where  
 9 it's put, that would create a basis for continuing a  
 10 position like that, or would you rather have the status  
 11 quo in terms of how it's organized now?  
 12 MR. WATANABE: Well, if the -- if the public  
 13 wants it, we certainly would support it. I think it  
 14 would strengthen -- because the Maui County Farm Bureau  
 15 and the Office of Economic Development did develop a  
 16 Maui Agricultural Development Plan, which has been cited  
 17 as a reference or part of the document for the Maui  
 18 Island Plan. So I think that would solidify that, you  
 19 know, position or solidify the document and how  
 20 agriculture will grow and, you know, prosper in the  
 21 future.  
 22 COMMISSIONER DE REGO: Thank you.  
 23 CHAIR STONE: Thank you.  
 24 Commissioner DeLeon.  
 25 COMMISSIONER DELEON: Warren, you're talking a

Page 39

1 lot, you're talking more than usual.  
 2 MR. WATANABE: Limit me to three minutes,  
 3 how's that?  
 4 COMMISSIONER DELEON: Okay. I just want to  
 5 get a little clarity. So you're supporting the proposal  
 6 as is proposed here on the page?  
 7 MR. WATANABE: No.  
 8 COMMISSIONER DELEON: Okay. You're opposing  
 9 it?  
 10 MR. WATANABE: Right. Correct.  
 11 COMMISSIONER DELEON: You prefer it to be in  
 12 Economic Development?  
 13 MR. WATANABE: Right. Correct.  
 14 COMMISSIONER DELEON: Okay. Now I understand.  
 15 That is in reference to the Farm -- if -- okay. So all  
 16 sustainability issues, you think, should be better in  
 17 Economic Development?  
 18 MR. WATANABE: When it's specific to  
 19 agriculture, yes.  
 20 COMMISSIONER DELEON: When it's specific to  
 21 agriculture, okay. What about environmental protections  
 22 and stuff like that?  
 23 MR. WATANABE: Well, you know, when you talk  
 24 about sustainability, I mean, we've -- the agriculture  
 25 industry has always felt that, you know, we're

Page 40

1 sustainable, you know. And for us, you know, we get  
 2 uncomfortable when you use that definition, where  
 3 everybody has their own definition. And that's where it  
 4 gets difficult. But we feel, as an industry, we are  
 5 sustainable.  
 6 COMMISSIONER DELEON: Could I ask you this  
 7 last question? Who should be responsible -- in Maui  
 8 County government, who should be responsible for axis  
 9 deer problems, in your mind?  
 10 MR. WATANABE: I think it's a combination on  
 11 that one because, you know -- you know, I have been  
 12 taking an active role in the working group that, you  
 13 know, is in existence. And, you know, it's really  
 14 hitting hard the agricultural community. I mean, Sumner  
 15 Erdman has said that he has like 2,500 of them on his  
 16 ranch. You know, it's totally wiping them out. There's  
 17 farmers, I talked to my friend last week, they're  
 18 getting wiped out again. We had a little break, but  
 19 they're coming back. And so it's a coordinated effort.  
 20 And really, you know, the County has a role, but, on  
 21 that issue, I think it's the State that's the lead  
 22 organization, DLNR.  
 23 COMMISSIONER DELEON: Okay. Mahalo.  
 24 CHAIR STONE: Thank you.  
 25 Commissioner Crivello.

Page 41

1 COMMISSIONER BAXA: Mr. Chair?  
 2 COMMISSIONER CRIVELLO: Hi. Thank you for  
 3 being here. So with your experience with your working  
 4 with the ag land, your involvement in agriculture, have  
 5 you ever saw -- you know, personally, I see  
 6 sustainability and ag, you know, basically, merged  
 7 together. So do you see yourself going to the  
 8 Department of Environmental Management for any kind of  
 9 assist in relations to your --  
 10 MR. WATANABE: Well, for us, there would be a  
 11 tie-in. Because I think, again, when you talk about  
 12 invasive species, that part of it is Environmental  
 13 Management. You know, we -- I don't know if you've ever  
 14 driven up Pulehu Road. Just last week, I mean, the  
 15 tumbleweeds are over on the road. I've noticed it in  
 16 Maui Lani. It is spreading. And, you know, those kind  
 17 of issues, I think, again, it takes a partnership, maybe  
 18 with Office of Economic Development and the  
 19 Environmental, you know, division. Probably even, you  
 20 know, Public Works. It's got to be a integrated  
 21 program.  
 22 COMMISSIONER CRIVELLO: So, actually, you  
 23 don't support, I guess, we establishing something like a  
 24 separate division to handle sustainability, but,  
 25 basically, to have it part of the Economic Development

Page 42

1 Department?  
 2 MR. WATANABE: Correct.  
 3 COMMISSIONER CRIVELLO: Thank you.  
 4 CHAIR STONE: Thank you.  
 5 Commissioner Baxa.  
 6 COMMISSIONER BAXA: Mr. Chair, thank you.  
 7 Mr. Watanabe, thank you. If I get you  
 8 correctly, you are saying that you would rather prefer  
 9 that sustainability be a part of Economic Development  
 10 the way it is now? And if I get, also, correctly from  
 11 you, you think that kind of program will always be  
 12 there, especially now, because we are careful about the  
 13 kind of things that we intake. And from that, I want to  
 14 just say that perhaps one of the reasons why people want  
 15 the sustainability aspect being a part of the Department  
 16 of Management and Environment is that that department  
 17 is, more or less, permanent in nature right now because  
 18 it is a part of the -- it is now, more or less, a  
 19 permanent part of the -- one of the departments of the  
 20 County, while Economic Development is only a program  
 21 under the Mayor's Office. So that if the Mayor does not  
 22 get elected, and the next Mayor comes in and he does not  
 23 want to have that, then that portion of the program will  
 24 be out. So -- but I can understand your position that,  
 25 no matter who will be Mayor, there will always be one

Page 43

1 economic development part of the County programs.  
 2 MR. WATANABE: Well, I think, you know, again,  
 3 you know, being part of the Mayor's Office is -- you  
 4 know, as long as -- well, I don't foresee it changing,  
 5 but, however, right now, it's just one person. So, you  
 6 know, what needs to be done is the resources need to be  
 7 put behind it, whether it's funding, positions. One  
 8 person cannot do it all, I guess what I'm saying. So it  
 9 needs to be expanded.  
 10 I think Office of Economic Development as a  
 11 whole needs to be expanded. Because, you know, it is  
 12 probably one of the -- again, under the Mayor, but it is  
 13 where a lot of your economic activity will occur, you  
 14 know, whether it's something new, I mean, again, like  
 15 bioenergy or whatever. That's where we feel it should  
 16 be placed. And I think if you provide enough resources  
 17 behind it, that -- to me, that's what lacking -- is  
 18 lacking right now.  
 19 COMMISSIONER BAXA: Thank you.  
 20 CHAIR STONE: Thank you.  
 21 Commissioners, further questions or  
 22 clarification?  
 23 (No Response.)  
 24 CHAIR STONE: No. Warren, thank you so much  
 25 for being here.

Page 44

1 MR. WATANABE: Thank you.  
 2 CHAIR STONE: Appreciate it.  
 3 Lisa? Ed?  
 4 MR. KUSHI: Glenn Kosaka is next.  
 5 CHAIR STONE: Lisa, next testifier, please.  
 6 MS. KAHUHU: Chair, there is no one else  
 7 signed up.  
 8 CHAIR STONE: I'd like to offer to members of  
 9 the public, if you would like to come up and testify,  
 10 you are welcome to do so at this time.  
 11 MR. KOSAKA: I just want to ask questions.  
 12 CHAIR STONE: That is fine. Actually, if you  
 13 want to come up and ask questions, we're great with  
 14 that. In fact, in Hana, that was the primary testimony,  
 15 was question asking. And since we have the time and  
 16 we're here, we're happy to assist.  
 17 So if you could just please state your name  
 18 for the record.  
 19 MR. KOSAKA: Glenn Kosaka, Pukalani resident.  
 20 CHAIR STONE: Thank you for being here this  
 21 evening.  
 22 MR. KOSAKA: I have questions regarding the  
 23 first four proposals. In all of these, I'd like to know  
 24 what the source -- first of all, what the source of the  
 25 proposal was, whether it's the public, the department,

Page 45

1 or maybe the Commission itself.  
 2 On the term limit proposal, who is the source?  
 3 CHAIR STONE: Okay. So I guess, as Chair,  
 4 I'll do my best. And scold me if I'm wrong here.  
 5 COMMISSIONER DELEON: I don't know whether you  
 6 want to go through a whole detailed thing.  
 7 CHAIR STONE: Well, I'll give a brief overview  
 8 of how we ended up coming up with our proposals.  
 9 So, initially, what we did, when we first  
 10 started the Commission, was we went out to the public,  
 11 we did our first round of public outreach meetings. And  
 12 we listened to what everyone in the community had to  
 13 say. We took that back. We then brought in specialists  
 14 to our meetings to look into the validity of the -- or  
 15 the request and the proposals that were brought by the  
 16 public. And then we debated the proposals that we saw.  
 17 The proposals that the Commission felt were potentially  
 18 valuable to the Charter, to amending the Charter, we now  
 19 put forth and are bringing back to the public to see  
 20 what their input is on the proposals.  
 21 Referring to Proposal Number 1, that proposal  
 22 -- and, again, you know, we had so much testimony, it's  
 23 incredible, but that proposal -- a number of proposals  
 24 on this topic came forward, a number of them. And so  
 25 the Commission had to take that information, go through

Page 46

1 our Analyst and our specialists and determine what would  
 2 be the best combined proposal to bring back to the  
 3 public.  
 4 So there's -- I could not reference, as the  
 5 documentation is massive, talking stacks and stacks of  
 6 input.  
 7 MR. KOSAKA: Okay. Thank you, Mr. Chairman.  
 8 Are you saying that, in all of these, the  
 9 proposals were first suggested by the public?  
 10 CHAIR STONE: I would say, you know, some of  
 11 the proposals came forward from --  
 12 MR. KOSAKA: This is why I'm asking: Number  
 13 1, where did the proposal come from?  
 14 MR. KUSHI: He just said.  
 15 CHAIR STONE: Yeah. I have to be cautious  
 16 about this because I don't want to misstate. But Number  
 17 1, I would say that the proposals came from the public.  
 18 Number 1 came from the public.  
 19 MR. KOSAKA: That's good. That's good.  
 20 CHAIR STONE: Number 2 --  
 21 MR. KOSAKA: I have a question about Number 1.  
 22 CHAIR STONE: Sure.  
 23 MR. KOSAKA: What was the thought behind the  
 24 term limitations?  
 25 CHAIR STONE: That was -- Commissioners, if

Page 47

1 anybody has direct input on that? I want to open up to  
 2 the rest of the Commission for direct input.  
 3 Commissioner DeLeon.  
 4 COMMISSIONER DELEON: The general thought is  
 5 the idea of not having professional politicians in the  
 6 Council. That this is a citizen function, and that the  
 7 folks will serve for 12 years and go away. I personally  
 8 supported the proposal because we have an election  
 9 system that allows the politicians to continue  
 10 indefinitely, particularly, without competition, on  
 11 Molokai or Lanai. And we've had a history of neither of  
 12 those positions ever having an incumbent unseated in 60  
 13 years. And so my own personal reason on that is that's  
 14 a safeguard so that we don't have the continuation of a  
 15 situation where we have one politician continue for 40  
 16 years. And the general concept, though, is not to have  
 17 professional politicians in the Council.  
 18 MR. KOSAKA: Well, I don't want to debate the  
 19 matter, but a member of Congress can run forever, right?  
 20 COMMISSIONER DELEON: This isn't Congress.  
 21 MR. KOSAKA: So what? It's still a  
 22 legislative body. And I think that there was a member  
 23 from Lanai who served admirably well, might have been  
 24 like 44 years, Mr. Hokama. I don't see the problem with  
 25 that. The people can always throw them out.

Page 48

1 The -- so I suppose that's the same reasoning  
 2 for having three four-year terms, whether consecutive or  
 3 not. I mean, it's like if a guy comes in, he has four  
 4 years, he's out, he comes back in two years, he gets  
 5 another four, he gets out, another two, four. 12 years,  
 6 right?  
 7 COMMISSIONER DELEON: Right.  
 8 MR. KOSAKA: And it's the same reason? I can  
 9 tell you I'm not going to vote for this, but, okay,  
 10 fine.  
 11 Number 2: I find that -- it's not clear to me  
 12 exactly how the rules will be adopted. When you say,  
 13 "Authorize the director and the commission to adopt  
 14 rules," it seems to me that the adopting power would  
 15 probably be the commission only. I don't know, you  
 16 know, how you see it.  
 17 CHAIR STONE: Sorry, sir. We just need to  
 18 interrupt for one second --  
 19 MR. KOSAKA: Okay.  
 20 CHAIR STONE: -- to take a very brief recess,  
 21 as Akaku has to change their film. And we'll come right  
 22 back to that question. All right?  
 23 MR. KOSAKA: Thank you.  
 24 CHAIR STONE: So we'll take a very brief  
 25 recess, five minutes here, and we'll come back. So I

Page 49	Page 51
<p>1 will see you guys back here at 7:35. Thank you so much.                  2 Thank you, sir. You're still on in five minutes.                  3 (Recess, 7:30 p.m. to 7:36 p.m.)                  4 CHAIR STONE: I would like to call this                  5 meeting back to order as of 7:36 p.m.                  6 I'd just like to point out to Commissioner                  7 Moikeha, she does not have the authority to fire me.                  8 And I would like to say that while we were on                  9 break, our last testifier, Glenn, decided that he had to                  10 get going. So, unfortunately, we don't have any more                  11 testimony coming from that direction.                  12 Lisa, any more testifiers?                  13 MS. KAHUHU: No, Chair, no one else has signed                  14 up.                  15 CHAIR STONE: All right. Well, I want to say                  16 thank you so much to the public for testifying and --                  17 you've got to be kidding me.                  18 (Laughter.)                  19 CHAIR STONE: Commissioner Sugimura. Let's                  20 give her a hand, she showed up. This is timing, Ladies                  21 and Gentlemen. Decided to show up.                  22 COMMISSIONER SUGIMURA: I was at his meeting.                  23 CHAIR STONE: Just in time for us to close                  24 public testimony, if there are no objections.                  25 Also, without objection, I will accept public</p>	<p>1 to scold you because you're not using your microphone.                  2 COMMISSIONER DE REGO: Okay. There we go.                  3 Thank you very much, Mr. Chair. Not for the scolding,                  4 but for the recognition.                  5 I have a question about our Legislative                  6 Analyst. I know it's been sort of a sad question                  7 because of the passing of her husband, but do we know if                  8 the Legislative Analyst will be back on board with us at                  9 our regular meeting in February?                  10 CHAIR STONE: I'm going to pass that question                  11 on to Lisa or Ed.                  12 MR. KUSHI: Yes. She'll be back at next                  13 meeting. We've been in contact with her for the last                  14 week or so.                  15 COMMISSIONER DE REGO: Okay.                  16 CHAIR STONE: Very good. Thank you very much.                  17 COMMISSIONER DE REGO: Any further discussion                  18 before I -- okay. Without objection, I'll adjourn this                  19 -- Vice-Chair Hedani.                  20 VICE-CHAIR HEDANI: Yeah. I know you folks                  21 probably reviewed and approved the minutes. I came into                  22 the meeting late.                  23 COMMISSIONER DELEON: No.                  24 CHAIR STONE: It's not --                  25 VICE-CHAIR HEDANI: Oh, it wasn't on the</p>
Page 50	Page 52
<p>1 communication into the record at this time.                  2 And I would like to put it to the Commission,                  3 is there any discussion on the public testimony received                  4 this evening? Commissioners? Yes, Commissioner                  5 Hashimoto.                  6 COMMISSIONER HASHIMOTO: Quick question.                  7 Question, Chair. Is this our last outreach meeting?                  8 CHAIR STONE: Yes.                  9 COUNCILMEMBER BAISA: Yes. Yes.                  10 COMMISSIONER DELEON: Let's do it again.                  11 COMMISSIONER HASHIMOTO: You can always come                  12 back to Hana.                  13 CHAIR STONE: Yes, Commissioner Hashimoto,                  14 this is our last public outreach meeting for the Charter                  15 Commission. It has been a very fun and interesting                  16 public outreach period. And I think we have received                  17 great input. And it's going to help us a lot in what we                  18 need to do next, which is get these proposals completed.                  19 So without objection --                  20 COMMISSIONER DE REGO: I have a question,                  21 point of order.                  22 CHAIR STONE: And, of course, it's                  23 Commissioner De Rego.                  24 (Laughter.)                  25 CHAIR STONE: Commissioner De Rego, I'm going</p>	<p>1 agenda for tonight?                  2 CHAIR STONE: Not for this evening.                  3 VICE-CHAIR HEDANI: So that would be for our                  4 next meeting. Okay. Not that -- I don't have any                  5 corrections.                  6 CHAIR STONE: That's why we should all show up                  7 on time.                  8 (Laughter.)                  9 COMMISSIONER DE REGO: Ouch.                  10 CHAIR STONE: Just kidding. (Inaudible).                  11 Commissioner Hedani.                  12 VICE-CHAIR HEDANI: I'd like the Chair to know                  13 that I showed exactly on time at the Kihei Community                  14 Center. And I stayed with him to (inaudible).                  15 CHAIR STONE: The Chair does not (inaudible)                  16 Commissioner Hedani's punctuality.                  17 So without further objection, I will adjourn                  18 this meeting as of 7:40 p.m. Everybody, thank you so                  19 much for being here, members of the public.                  20 Akaku, again, thank you for televising this.                  21 It really does help out.                  22 Thanks so much and aloha.                  23 (Meeting adjourned, 7:41 p.m.)                  24                  25</p>

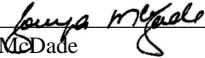
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

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

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

DATED this 22nd day of February, 2012.

  
\_\_\_\_\_  
Tonya McDade  
Certified Shorthand Reporter #447  
Registered Professional Reporter  
Certified Realtime Reporter  
Certified Broadcast Reporter