

<p style="text-align: right;">Page 1</p> <p>1</p> <p>2 COUNTY OF MAUI, STATE OF HAWAII</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 CHARTER COMMISSION</p> <p>8 REGULAR MEETING</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 Held at the Planning Department Conference Room,</p> <p>15 250 South High Street, Wailuku, Maui, Hawaii, commencing</p> <p>16 at 10:03 a.m., on February 27, 2012.</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Reported by: Tonya McDade, CSR, CRR</p> <p>21 Certified Shorthand Reporters Maui</p> <p>22 Wells Street Professional Center</p> <p>23 2145 Wells Street, Suite 302</p> <p>24 Wailuku, Hawaii 96793</p> <p>25 (808)244-3376</p> <p>reporters@csrmaui.com</p>	<p style="text-align: right;">Page 3</p> <p>1 (Monday, February 27, 2012, 10:03 a.m.)</p> <p>2 * * *</p> <p>3 ACTING CHAIR HEDANI: Okay. Will the meeting</p> <p>4 of the Charter Commission please come to order for</p> <p>5 Monday, February 27th?</p> <p>6 Good morning, everyone. My name is Wayne</p> <p>7 Hedani. I am the Vice-Chairman of the Commission. And</p> <p>8 I would like to welcome you all to the Charter</p> <p>9 Commission.</p> <p>10 At this time, we would like to call</p> <p>11 attendance. Lisa.</p> <p>12 MS. KAHUHU: Thank you, Chair. We have three</p> <p>13 Members excused; Chair Stone, Member Baxa and Member</p> <p>14 Moikeha. I am assuming Member Okamoto is on her way.</p> <p>15 ACTING CHAIR HEDANI: Okay. Make a note that</p> <p>16 they're in charge of refreshments for the next meeting.</p> <p>17 (Laughter.)</p> <p>18 ACTING CHAIR HEDANI: The minutes of the</p> <p>19 meetings of January 9, the 11th, the 18th, the 19th, the</p> <p>20 25th of January, and February 13th have been circulated</p> <p>21 to all of the Members of the Commission. Are there any</p> <p>22 additions, corrections, deletions to the minutes? If</p> <p>23 not, is there a motion to approve the minutes as</p> <p>24 circulated?</p> <p>25 COMMISSIONER SUGIMURA: I move.</p>
<p style="text-align: right;">Page 2</p> <p>1 ATTENDANCE</p> <p>2 COMMISSIONERS PRESENT:</p> <p>3 Wayne N. Hedani, Acting Chair</p> <p>4 Stephanie S. Crivello, Member</p> <p>5 David P. DeLeon, Member</p> <p>6 Frank R. De Rego, Jr., Member</p> <p>7 Clifford P. Hashimoto, Member</p> <p>8 Linda Kay Okamoto, Member</p> <p>9 Yuki Lei Sugimura, Member</p> <p>10 Flo V. Wiger, Member</p> <p>11 COMMISSIONERS EXCUSED:</p> <p>12 Joshua Stone, Chair</p> <p>13 Artemio C. Baxa, Member</p> <p>14 Susan Moikeha, Member</p> <p>15</p> <p>16 STAFF PRESENT:</p> <p>17 Sherry Broder, Commission Analyst</p> <p>18 Edward S. Kushi, Jr., First Deputy Corporation Counsel</p> <p>19 Lisa Kahuhu, Supervising Law Technician</p> <p>20 ADMINISTRATION PRESENT:</p> <p>21 Michael Molina, Executive Assistant to the Mayor</p> <p>22</p> <p>23 OTHERS PRESENT:</p> <p>24 Jeffrey Murray, Fire Chief, Department of Fire &amp; Public</p> <p>25 Safety</p> <p>William "Butch" Soares, Member, Fire &amp; Public Safety</p> <p>Commission</p> <p>Mark Vaught, Chair, Fire &amp; Public Safety Commission</p> <p>Jacob Verkerke, Division Head, MIS Division</p> <p>Ken Fukuoka, Director, Office of Council Services</p>	<p style="text-align: right;">Page 4</p> <p>1 COMMISSIONER CRIVELLO: I second.</p> <p>2 ACTING CHAIR HEDANI: Moved by Yuki, seconded</p> <p>3 by Stacy. Any discussion?</p> <p>4 (No Response.)</p> <p>5 ACTING CHAIR HEDANI: All those in favor,</p> <p>6 signify by saying "aye."</p> <p>7 (Ayes.)</p> <p>8 ACTING CHAIR HEDANI: Opposed, "nay."</p> <p>9 (No Response.)</p> <p>10 ACTING CHAIR HEDANI: Carried. Thank you.</p> <p>11 Moving on, we would like to open it up for</p> <p>12 public testimony at this time. All items of discussion</p> <p>13 would be referencing to Charter of the County of Maui.</p> <p>14 Lisa, can you call the first testifier,</p> <p>15 please?</p> <p>16 MS. KAHUHU: Jim Smith.</p> <p>17 ACTING CHAIR HEDANI: Good morning, Jim.</p> <p>18 ...BEGIN PUBLIC TESTIMONY...</p> <p>19 MR. SMITH: Good morning, Chair, Members of</p> <p>20 the Charter Commission.</p> <p>21 I submitted something for your consideration</p> <p>22 related to my testimony. It is a copy of the Mission</p> <p>23 Statement for the Fire Department. I did make a</p> <p>24 reference to that in my testimony last -- last time.</p> <p>25 Let me just begin with the word "study" that</p>

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1 appears in Article 14-3.  
 2 ACTING CHAIR HEDANI: Hold on. I'm sorry.  
 3 Lisa, is the microphone on?  
 4 MS. KAHUHU: Yes, it is.  
 5 ACTING CHAIR HEDANI: It is?  
 6 MR. SMITH: Can't hear me? I get to start  
 7 over?  
 8 COMMISSIONER DELEON: Why not?  
 9 ACTING CHAIR HEDANI: We get to start the  
 10 clock again, so you get all five minutes.  
 11 COMMISSIONER DELEON: I knew that would make  
 12 you happy, Jim.  
 13 MR. SMITH: My pleasures are very small, but  
 14 intense.  
 15 MS. KAHUHU: Can you try talking into the mic,  
 16 please?  
 17 MR. SMITH: Hello. Hello. Testing one, two.  
 18 Testing.  
 19 ACTING CHAIR HEDANI: Nice and clear. Go  
 20 ahead, Jim.  
 21 MR. SMITH: Thank you, Members of the Maui  
 22 County Charter Commission, for your commitment. I am  
 23 going to try to be brief.  
 24 The word "study" comes to mind when one thinks  
 25 about this Charter Commission. And because it's in your

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1 provision at 14-3. And this is relating to Item Number  
 2 1, (B)(1). Okay. So why is that word "study"  
 3 important? To me, it is important because that -- that  
 4 says that a proposal is driven by good judgment, not  
 5 opinion. So that there is a specific knowledge material  
 6 to the question that drives the question to me. It's  
 7 not an opinion.  
 8 There seems to be a conflict in this mission  
 9 regarding that. And I think it should be resolved by,  
 10 if you want, repeal the word "study" from our Charter.  
 11 And that would simplify my life a little bit because I  
 12 expect more than simply going out to the public because  
 13 15 people have come to you. I expect a discrimination  
 14 of fact and acting only upon something that -- that is a  
 15 real problem and that the solution is real.  
 16 And that doesn't seem, to me, to be there on  
 17 this four limit/two limit issue. I can't see any fact  
 18 that says that members of the Council are corrupt after  
 19 12 years. I haven't seen any corruption filed in the  
 20 many years I've been here about a member of Council or a  
 21 Mayor. So without that fact, to me, there is no  
 22 judgment involved, there is only the engine of opinion.  
 23 And to me, that discredits the work.  
 24 The second is Declaration of Policy. And  
 25 those items are 10 and 13. And if you'll look at the

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1 submittal I gave you, okay, now, this is a conflict  
 2 that's been going on since the sixties when they had  
 3 executive, legislative branches created in a Charter.  
 4 That is the individual power mitigated by the community  
 5 power. And that strikes at the core of our humanity.  
 6 And that's always going to have a tension.  
 7 And our Charter is going to keep that tension good.  
 8 Okay. Now, to me, it's an executive function  
 9 to administer your departments. The morale and all of  
 10 those things are executive. And we have a Mission  
 11 Statement by the Fire Department that spells out in  
 12 detail how they should be treated, how they will treat  
 13 others, and what they will do.  
 14 Now, who is implementing that? Who's managing  
 15 that? Because that's where the problem is. Not in a  
 16 declaration of policy.  
 17 We have two declarations of policy in our  
 18 Charter. And that's the Cost of Government and the  
 19 Ethics. And that all has to do with community. It has  
 20 nothing to do with the Executive Branch, unless you want  
 21 to do away with the Executive Branch, which I hope you  
 22 will not do. That's what that denotes.  
 23 The second, this notion of Department of  
 24 Energy [sic] having sustainability. (Inaudible.) When  
 25 you use the word "policy" in an executive branch

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1 department, you've confused me because legislative  
 2 branches do policy. Executive administers function. So  
 3 if you put those two together, you've made a mistake.  
 4 If you want to put it in the Charter, either  
 5 put it under executive as the Mayor or under  
 6 legislative. But, please, don't confuse me any more  
 7 than I am. And that's exactly what that does. Okay.  
 8 There is -- last, I made a comment regarding  
 9 the Office of Corporation Counsel. I'll incorporate  
 10 indemnity in that issue. When you look at the Honolulu  
 11 Charter, there is a section, 5-23, which is Corporation  
 12 Counsel. And that says specifically, "Except as  
 13 otherwise provided, whether a matter relates to official  
 14 duties or not shall be the Corporation Counsel's  
 15 determination." Okay. Not the Council, the Maui County  
 16 Council or the Council of Honolulu.  
 17 But -- now, that answers the question. You  
 18 don't have to go to a broad sweep of indemnification  
 19 which is unnecessary, but feel good. You've got -- if  
 20 you want to make that decision not a Council decision,  
 21 make it Corporation Counsel decision.  
 22 With -- related to that, I had made a comment  
 23 related to Corporation Counsel's ability, and submitted  
 24 to you last time three examples of conflict. And,  
 25 one -- I don't have to go over that. But you can amend

<p style="text-align: right;">Page 9</p> <p>1 Corporation Counsel to say, in effect, okay, in advice  2 related to general law, opinions shall, okay, explain  3 the principle of equal dignity as it relates to the  4 action. So that, in an opinion, you're going to have  5 the issue that is set forth in our Charter addressed on  6 every general law. General law is -- is subdivision,  7 affect all people equally. So there should be no -- no  8 discrimination there. Okay. So -- but if you want to  9 set up for Molokai, or you want to set up for Kihei, a  10 special little provision of the law, well, maybe you  11 need to look at the general law and a specific law and  12 that difference. And it should be the Corporation  13 Counsel --  14 MS. KAHUHU: Time.  15 MR. SMITH: -- as unbiased.  16 Thank you very much.  17 ACTING CHAIR HEDANI: Thank you very much,  18 Jim.  19 MR. SMITH: You're welcome.  20 ACTING CHAIR HEDANI: Questions from the  21 Commission?  22 MR. SMITH: Yes.  23 ACTING CHAIR HEDANI: Commissioner Sugimura.  24 COMMISSIONER SUGIMURA: Just clarification,  25 Jim. So you said that -- oh, the mic. Basically,</p>	<p style="text-align: right;">Page 11</p> <p>1 determined as a matter of law on first strike by  2 Corporation Counsel, not the Maui County Council. And  3 that would, I think, sustain the separation of powers as  4 it relates to justice. Okay. Because that's one of the  5 ambiguities in our Charter, is Corporation Counsel.  6 So I would say that, and, also, this notion  7 of -- opinions related to legislation, the notion of  8 equal dignity should be addressed. It should be  9 addressed. And that's the only place I can see that it  10 will be brought forward in an official manner to a body  11 or even to the mind of Corporation Counsel.  12 You had asked -- excuse me. I was asked if I  13 had -- at that last testimony, if I did have any  14 thoughts about wording. And I had to follow through on  15 that one.  16 ACTING CHAIR HEDANI: Thank you, Jim.  17 MR. SMITH: You're welcome.  18 ACTING CHAIR HEDANI: Any further questions  19 from the Commission?  20 COMMISSIONER DE REGO: I still --  21 ACTING CHAIR HEDANI: Commissioner De Rego.  22 COMMISSIONER DE REGO: -- have a question.  23 How does this --  24 ACTING CHAIR HEDANI: Commissioner De Rego, go  25 ahead.</p>
<p style="text-align: right;">Page 10</p> <p>1 you're saying that on the indemnification of board and  2 commission members that is already there, the Corp  3 Counsel --  4 MR. SMITH: Well, I read the opinion, which I  5 thought was very good and was very well done. Okay. I  6 was involved with a lot of the stuff referenced there as  7 a -- as a citizen. And what was striking about that  8 opinion was no names were mentioned. That, to me, was  9 at a level that you guys deserve.  10 But my -- it's not necessary, which is what  11 that opinion said, but there is a concern that if an  12 elected body didn't like someone who then was charged  13 with a -- an act that may or may not have been  14 individual or officially motivated, okay, may or may  15 not. But suppose it was an individual that was a  16 political figure, a Mayor, for example. Okay. Well,  17 then, there might be some concern that the Council,  18 coming up, and they may be a majority of a party,  19 opposite party, going after this person, which would  20 just destroy a lot of things.  21 But if you went as the -- as the -- as the  22 Honolulu Charter has, and you said, well, you know, this  23 question -- this particular question related to public  24 offices -- which is defined -- a member of a commission  25 is a public officer -- okay -- this question is</p>	<p style="text-align: right;">Page 12</p> <p>1 COMMISSIONER DE REGO: Excuse me. I'm sorry.  2 I am headlong into this. Okay.  3 The question still remains for me, since the  4 Council is the one who pays the Corporation Counsel's  5 bills, okay, and there's a need to hire counsel outside,  6 okay, but there's nothing in there that ties the  7 Council's hands in terms of providing for  8 indemnification of -- and there's been, from what I  9 hear, a past case where two councilmembers disagreed  10 with a practical decision that commissioners made and  11 had nothing to do with the facts of the case because  12 they were being sued, but just basically disagreed with  13 the decision that was made, and voted against, I guess,  14 putting out funds for the -- the commissioners, for  15 their defense, if you want to put it that way. How do  16 you deal with that issue with your wording?  17 MR. SMITH: Easy. Easily. I mean, it's not  18 mine, anyhow.  19 COMMISSIONER DE REGO: Yeah.  20 MR. SMITH: It's Honolulu. But let's look at  21 your question. First of all, it's the Finance Director  22 who pays. So there is a request for funding. And that  23 came out in the report, related to the lawsuit that went  24 to the Supreme Court involved a similar question. Not  25 exactly, but a similar question. So -- but the question</p>

<p style="text-align: right;">Page 13</p> <p>1 is -- which is brought up in the secondary way, the main  2 question is whether or not a person acts in his official  3 or individual capacity. Not the funding of a defense.  4 That's the main question.  5 The Council doesn't control that decision,  6 ultimately. The Council is given, okay, a legal opinion  7 related to those acts. So they don't act independent of  8 Corporation Counsel. Okay. They don't do that.  9 The question, of course, is, what was the vote  10 on the payment, okay, and was it supported by  11 Corporation Counsel? Okay. Now, if you change our  12 Charter to put in there that states that the Corporation  13 Counsel determines official, okay, then it's just a  14 question of how much that the Council, which, through  15 its power, needs to have. It needs to have that. Okay.  16 But I don't believe that -- that a single member -- it's  17 always a refined judgment of nine people. Whether  18 they're for or against, I don't believe that they're  19 operating under -- you know, under evil intent, no  20 matter what position they have, they believe, for  21 whatever reason. But the ultimate decision is the  22 decision whether you pay them. And if that was denied,  23 based upon this, okay, then that's a malfunction.  24 That's not something that can be created by a change of  25 the Charter. They'll find some other way to do that, if</p>	<p style="text-align: right;">Page 15</p> <p>1 refer and -- and bring back questions and such to the  2 Council. Corporation Counsel may change his mind, but  3 you've got the knock right there. And to -- to me,  4 that's -- that's the significant protection in a system  5 in which we have a legislative and an executive. That's  6 the key, is to keep the system intact. And we're losing  7 it, we really are, if we don't stand up like some  8 people.  9 Thank you.  10 ACTING CHAIR HEDANI: Additional questions  11 from the Commission?  12 (No Response.)  13 ACTING CHAIR HEDANI: Seeing none, thank you  14 very much.  15 MR. SMITH: You're welcome.  16 ACTING CHAIR HEDANI: Lisa, next testifier.  17 MS. KAHUHU: Chief Jeff Murray.  18 ACTING CHAIR HEDANI: Welcome, Chief. Thank  19 you for joining.  20 CHIEF MURRAY: Thank you. Aloha. Good  21 morning, everyone.  22 I am here to testify on Proposals 1 -- 2 and  23 10. So Proposal 2 has to do with Ocean Safety coming  24 over to our department.  25 ACTING CHAIR HEDANI: Pull the mic down a</p>
<p style="text-align: right;">Page 14</p> <p>1 you're as intensely opposed as -- as suggested.  2 But the decision, okay, on the legal question,  3 given the facts, is best made by Corporation Counsel  4 because that's their game, is distinguishing a real fact  5 from a half real fact and -- and all of these. And they  6 -- they take an oath of office.  7 In fact, one of the -- one of the things I  8 would ask you to consider is the Preamble, the Rules of  9 the Supreme Court Preamble. Now, it may have been  10 removed since we've had a number of years since I got  11 this, but it says, the continued existence of a free and  12 democratic society depends upon recognition of the  13 concept that justice is based upon the rule of law,  14 grounded in respect for the dignity of the individual  15 and his capacity through reason for enlightened  16 self-government. Now, that's the rules of the Supreme  17 Court. Okay. And that's what we have to have trust  18 that Corporation Counsel is driven by. Because that's  19 his profession. And he probably gets better with age.  20 But not a councilmember, we know that.  21 (Laughter.)  22 MR. SMITH: But in any event, I wouldn't be  23 worried at all about that. And if so, then it seems to  24 me that the best thing to do is put the decision in the  25 hands of Corporation Counsel. And then let the Council</p>	<p style="text-align: right;">Page 16</p> <p>1 little bit.  2 CHIEF MURRAY: Sorry. Proposal 2 has to do  3 with Ocean Safety coming over to the Fire Department. I  4 have a question. Are there any provisions made on this  5 proposal that would allow our Department to have final  6 oversight of this type of transition?  7 COMMISSIONER CRIVELLO: I think we have that  8 -- Mr. Chair?  9 ACTING CHAIR HEDANI: Stacy.  10 COMMISSIONER CRIVELLO: I think we have that  11 noted.  12 ACTING CHAIR HEDANI: Into the mic.  13 COMMISSIONER CRIVELLO: Oh, I'm sorry. I  14 think we have that noted. Sorry. I don't have my --  15 COMMISSIONER DELEON: Mr. Chair, I think it's  16 going to go beyond testimony. Maybe we need to call the  17 Chief back after we're done with testimony and do an  18 actual -- you know, go through like we did with other  19 departments.  20 ACTING CHAIR HEDANI: I'm sorry, Dave. Hold  21 on.  22 Finish your thought.  23 COMMISSIONER CRIVELLO: Right. I believe it's  24 noted, but I am not sure if it's an actual --  25 ACTING CHAIR HEDANI: Lisa, I think the</p>

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1 microphones aren't picking up.  
 2 MS. KAHUHU: They're on, Wayne. That's about  
 3 all I can do.  
 4 COMMISSIONER CRIVELLO: I don't know if -- if  
 5 it's part of the Charter or part of the transitional,  
 6 you know, verbiage that needs to be included in there.  
 7 I don't know. Maybe Sherry can explain that to us, but  
 8 I, for one, would like to see that (inaudible) as far as  
 9 if there will be the Ocean Safety change on the ballot.  
 10 ACTING CHAIR HEDANI: I'm sorry, Chief. We  
 11 usually don't have public testimony that just asks  
 12 questions of the Commissioners.  
 13 (Laughter.)  
 14 CHIEF MURRAY: I understand that. I am just  
 15 trying to be efficient.  
 16 ACTING CHAIR HEDANI: Did you have testimony  
 17 that you wanted to offer?  
 18 CHIEF MURRAY: Actually, yeah, on that -- on  
 19 that item, yes. We're not opposed to the idea of that,  
 20 but, as I stated in the past, that we don't have the  
 21 resources to deal with that at this time. And our  
 22 accreditation is foremost on our Strategic Plan that I  
 23 did explain previously. That I just want to reiterate  
 24 that at this moment.  
 25 And then if we can go to Proposal 10. In

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1 Proposal 10, I see everything that is underscored is new  
 2 language. I just want to make that clear. I believe a  
 3 lot of those items are already being done, but it's not  
 4 written. So I don't see any issues with that moving  
 5 forward.  
 6 But I do see an issue on the next page, Item  
 7 Number 7. When it asks -- Item 7, it says, review  
 8 personnel actions within the department for conformance  
 9 with the Declaration of Policy for the Department of  
 10 Fire -- Fire and Public Safety of this Charter, would  
 11 that open -- and this is a question. Would that open  
 12 any issues with confidentiality and dealing with the  
 13 union? Because I act on behalf of the County as the  
 14 department director to deal with those issues. I am  
 15 just asking, would that cloud matters by having a  
 16 commission member sit on that or having to review that?  
 17 Because I think they already review public complaints.  
 18 How would that affect that?  
 19 COMMISSIONER SUGIMURA: Junior.  
 20 ACTING CHAIR HEDANI: Noted. Your question is  
 21 noted.  
 22 CHIEF MURRAY: All right. Thank you. Thank  
 23 you for your time. That's all I have.  
 24 ACTING CHAIR HEDANI: Any questions from the  
 25 Commission for the Chief on any of the items that he's

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1 talked about or any of the proposals that we have before  
 2 us that deal with the Fire Department? Yuki.  
 3 COMMISSIONER SUGIMURA: So I have a question.  
 4 The last Charter Commission meeting, we had Archie  
 5 Kalepa here with Ocean Safety.  
 6 CHIEF MURRAY: Yes.  
 7 COMMISSIONER SUGIMURA: And this is -- maybe  
 8 this is a process question, Junior or Sherry, but the  
 9 thing that was confusing for me is that he stood before  
 10 us and he, basically, said that he's already talking  
 11 budget with the Mayor -- or the Mayor and -- or he with  
 12 the Fire Department. So it sounds like something is  
 13 already happening. And so my question to him was, if  
 14 something is already happening, then why is this before  
 15 the Charter, to put in the Charter, if it's already --  
 16 the Mayor is already doing it. It sounds like he  
 17 already has the authority and -- and is taking this past  
 18 an idea to present to the community. So I am just  
 19 wondering what's --  
 20 CHIEF MURRAY: Well, I don't think there's  
 21 anything that has moved forward. I have set meetings  
 22 with the Parks and Recreation Department, and we -- we  
 23 tried to set a committee, and we wanted a committee to  
 24 be validated from the Mayor's Office, on -- on that  
 25 movement to, basically, lay out the plans of this

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1 transition. And we're still in the process of doing  
 2 that. I don't see anything in the near future that has  
 3 transpired, because I attend all of the meetings. So I  
 4 don't -- I don't understand that -- that point. I did  
 5 see some of that on Akaku. And -- and I really don't  
 6 understand that, because we haven't been notified. It's  
 7 not part of our budget.  
 8 ACTING CHAIR HEDANI: Commissioner Wiger.  
 9 COMMISSIONER WIGER: Yes. Question, Chief, on  
 10 the Proposal Number 2, about the actual transfer.  
 11 CHIEF MURRAY: Yes.  
 12 COMMISSIONER WIGER: You spoke at -- the last  
 13 time you appeared before us, you spoke about going  
 14 through the accreditation process. And the question  
 15 that I have is have -- I am assuming that there are  
 16 other -- well, we know that there are other locales in  
 17 the country where it has been transferred to the Fire  
 18 Department.  
 19 CHIEF MURRAY: Yes.  
 20 COMMISSIONER WIGER: Ocean Safety. So my  
 21 question is, have you had discussions or has someone in  
 22 your purview had discussions vis-a-vis the accrediting  
 23 people, who would probably be able to give good advice  
 24 and counsel in terms of it having been done in other  
 25 places, to be able to say, well, this is how it happened

Page 21	<p>1 there, this is what they did, and here's what you could                  2 look at doing? I am just wondering if those                  3 conversations have gone on.                  4 CHIEF MURRAY: Yes, there have, conversations                  5 in Hawaii and on the U.S. mainland in departments. But                  6 I cannot speak to say if certain departments were                  7 accredited. The accreditation agency asked us, that it                  8 would be more successful if we did it after.                  9 COMMISSIONER WIGER: After the accreditation?                  10 CHIEF MURRAY: After our department's                  11 accreditation, we would have the tools to move forward                  12 and set terms and training and skills and all of those                  13 things for Ocean Safety so that they could come on and                  14 have their own accreditation along with us.                  15 COMMISSIONER WIGER: So the accreditation --                  16 the national accreditation standards board --                  17 CHIEF MURRAY: Yes.                  18 COMMISSIONER WIGER: -- gave you that                  19 recommendation or that --                  20 CHIEF MURRAY: Yes.                  21 COMMISSIONER WIGER: When do you anticipate                  22 going forward for final accreditation? When do you see                  23 that happening?                  24 CHIEF MURRAY: Well, we have -- we have                  25 applied as a applicant, so now we're on all of -- all of</p>	Page 23	<p>1 articulated this concern to the Mayor?                  2 CHIEF MURRAY: Yes, I have.                  3 COMMISSIONER DELEON: And did you get a                  4 positive response, like we can wait until you're pau?                  5 CHIEF MURRAY: No, that wasn't the answer.                  6 What he did was move it back from this July. And we --                  7 he did approve some positions that we're asking Council                  8 to do, to help this transition move forward. But that                  9 would be all determined based on our budget.                  10 COMMISSIONER DELEON: Okay. Thank you.                  11 ACTING CHAIR HEDANI: Commissioner De Rego.                  12 COMMISSIONER DE REGO: I am just rereading the                  13 minutes from our last meeting. And I can say that I am                  14 more than a little confused at this point. First of                  15 all, I think Mr. Kalepa had said that there is a                  16 schedule out there to have this done by July 2012. My                  17 first question to you would be -- and if I could have a                  18 follow-up after this -- is, are you aware of that                  19 deadline?                  20 CHIEF MURRAY: It was a verbal deadline that                  21 was set by the Mayor's Office. He has since not set a                  22 date. So I don't believe that it's July 2012.                  23 COMMISSIONER DE REGO: Follow-up, Mr. Chair?                  24 ACTING CHAIR HEDANI: Go ahead.                  25 COMMISSIONER DE REGO: Is it your</p>
Page 22	<p>1 the websites and what-have-you that we -- we have a                  2 three-year window to actually start the accreditation                  3 process. But we have held that up because we are not                  4 knowing what we are doing in the next six months. So I                  5 don't want to fail at two items, whether it be Ocean                  6 Safety and the Fire Department. So we're holding back                  7 to find out where this is going.                  8 And we're ready to roll as far as                  9 accreditation, yeah. We front-loaded everything that we                  10 can and we're ready to go through the exercise. The                  11 soonest we would be able to get accredited would be a                  12 year and-a-half. And the deadline -- from -- from the                  13 start. Whatever the start time is, a year and-a-half                  14 would be the quickest. And the timetable would be three                  15 years, because they would give you six-month increments                  16 to move forward, and up to three years. After three                  17 years, if you haven't achieved their accreditation,                  18 you'd have to start over with the process.                  19 COMMISSIONER WIGER: Okay. Got it. Thank                  20 you.                  21 ACTING CHAIR HEDANI: Additional questions?                  22 COMMISSIONER WIGER: That's helpful.                  23 ACTING CHAIR HEDANI: Additional questions for                  24 the Chief? Commissioner DeLeon.                  25 COMMISSIONER DELEON: Chief, have you</p>	Page 24	<p>1 understanding that the Mayor could do -- and the Council                  2 could do this administratively? In other words, outside                  3 of the Charter, could they actually create the positions                  4 within the Fire Department and move this division of                  5 Ocean Safety from Parks to the Fire Department, by                  6 action of the Council and with cooperation of the Mayor,                  7 outside of the -- the Fire Commission?                  8 CHIEF MURRAY: Yes. We have reviewed that on                  9 several occasions. And Corporation Counsel has made a                  10 determination that the Mayor has the authority to make                  11 that move. But, again, you did bring up a good point                  12 about Council having to finalize the organizational                  13 change and the budget change. So in my conversations                  14 with some councilmembers, that is not, say, on the radar                  15 at this -- at this juncture.                  16 COMMISSIONER DE REGO: If I could beg the                  17 indulgence of the Chair, just one more question?                  18 ACTING CHAIR HEDANI: Are there any other                  19 questions from other Members of the Commission? Go                  20 ahead.                  21 COMMISSIONER DE REGO: Okay. Then, Chief, in                  22 a sense, maybe just getting down to brass tacks, what                  23 would you be asking the Commission to do? Because it                  24 sounds to me like, in terms of the transitional                  25 provisions within the Charter -- which, I guess, this</p>

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1 would lie if we put it into the Charter. What would you  
 2 be asking the Charter Commissioners to do? Would you  
 3 give us like a timeline, or how you would be looking at  
 4 how this goes about from your -- comes about from your  
 5 perspective?  
 6 CHIEF MURRAY: Thank you for that question.  
 7 That's an excellent question. I was going allude to  
 8 that at some point in time.  
 9 I would like the Department to have the final  
 10 say in acceptance, because our Department would be doing  
 11 the accepting of this decision. So having everything  
 12 aligned, having the MOUs signed off between Parks and  
 13 Fire for access, and all of those different things, and  
 14 having the positions and the resources that would be --  
 15 have to be funded by Council and approved by the Mayor,  
 16 I would like to see all of those things in place.  
 17 Because one of the issues for me -- and if I  
 18 was a Ocean Safety person -- is that I would want to  
 19 know exactly what it would be like during the -- when  
 20 the transition happens. Not after the fact. I would  
 21 want to know ahead of time.  
 22 And some of the letters that have been sent by  
 23 HGEA to the Mayor's Office has been that they want a  
 24 plan and they want to see all of those things up front  
 25 before we move forward.

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1 And I believe the Council feels the same way,  
 2 in the conversations that I have had with them, that  
 3 they want to see a plan devised so that it would be very  
 4 successful upon the transition. Because I think the  
 5 employees need to know that, being County employees.  
 6 And the Department, as management, would need to know  
 7 how that would affect their budget and -- and their  
 8 daily operation, to me.  
 9 So I think that question was very good. I  
 10 think the Department should have final oversight. I  
 11 think that would be the best decision made. Because as  
 12 long as I am the Chief, I would want to make sure  
 13 everything is perfect for the community, bottom line. I  
 14 mean, that's what we're trying to do now within our  
 15 Department, with the control that we have now.  
 16 I hope that answers your question.  
 17 ACTING CHAIR HEDANI: Additional questions for  
 18 the Chief? Commissioner Sugimura.  
 19 COMMISSIONER SUGIMURA: So, Chief, based upon  
 20 what you just said, the last two answers, the  
 21 accreditation timing, which you put on hold to activate  
 22 because of this one issue with Ocean Safety. So what  
 23 years are we looking at? Because you're waiting a year  
 24 and-a-half to three years -- what did you say again for  
 25 that?

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1 CHIEF MURRAY: 18 months is the fastest you  
 2 can be accredited.  
 3 COMMISSIONER SUGIMURA: Okay.  
 4 CHIEF MURRAY: They give you six-month --  
 5 COMMISSIONER SUGIMURA: Increments.  
 6 CHIEF MURRAY: -- increments up to three  
 7 years. And if you don't make it within the three years,  
 8 then you have to do the process all over. So you have  
 9 to pay again, start the process, and move forward again.  
 10 And my reason for being apprehensive about  
 11 this is that I don't have full control of what's  
 12 happening there now, and we need three to five years of  
 13 all records and all the documentation from that division  
 14 to move forward with the accreditation process as it  
 15 stands now.  
 16 So my suggestion would be for us to accomplish  
 17 the accreditation process for the Fire Department. And  
 18 by then, we would already know what we need to lay out  
 19 because we'll be working with Ocean Safety up until that  
 20 point. We'll know -- we can identify the positions and  
 21 everything that is needed, so we can front-load those  
 22 things as well.  
 23 ACTING CHAIR HEDANI: Commissioner DeLeon.  
 24 COMMISSIONER DELEON: Sorry. Sorry for  
 25 breaking chain. When you say the Department shall have

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1 final control, do you mean the Commission?  
 2 CHIEF MURRAY: Commission and/or Department,  
 3 because we both work together.  
 4 COMMISSIONER DELEON: Who has the authority?  
 5 CHIEF MURRAY: To take the transition?  
 6 COMMISSIONER DELEON: Yeah. I mean, is it the  
 7 Commission has the authority or does the Department have  
 8 the authority without necessarily going to the  
 9 Commission?  
 10 CHIEF MURRAY: I don't know. I look at both  
 11 of those as one.  
 12 COMMISSIONER DELEON: Okay. Thank you.  
 13 ACTING CHAIR HEDANI: Commissioner Sugimura.  
 14 COMMISSIONER SUGIMURA: So I think the  
 15 important piece of information that is now making more  
 16 sense to me, so I am glad that you're here, is -- at  
 17 first, I was looking at this like just Ocean Safety, you  
 18 know, just the actual people that came to testify before  
 19 us at our community meetings, the lifeguards and people  
 20 like Archie and his -- but you're talking -- you've  
 21 brought in another important element, which is the  
 22 administrative support that you would need to do this  
 23 successfully. And so that it sounds like you're  
 24 cautiously moving forward because you want your  
 25 Department to be successful. And there's not only just

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1 the lifeguards.  
 2 So I want to thank you for that clarification.  
 3 In my mind, it makes a lot more comprehensive sense.  
 4 And I can understand, then, why you have -- are taking  
 5 this position and understand how it would affect the  
 6 certification.  
 7 CHIEF MURRAY: Absolutely. Thank you.  
 8 ACTING CHAIR HEDANI: Any additional questions  
 9 from the Commission? Cliff, you had a question?  
 10 COMMISSIONER HASHIMOTO: No. No. Go ahead.  
 11 ACTING CHAIR HEDANI: Go ahead.  
 12 COMMISSIONER WIGER: I want to ask this as  
 13 tactfully as I can, but I am just going to be real -- I  
 14 am going to put it out there.  
 15 CHIEF MURRAY: Okay.  
 16 COMMISSIONER WIGER: Okay. If everything  
 17 falls in place in terms of the accreditation --  
 18 CHIEF MURRAY: Yes.  
 19 COMMISSIONER WIGER: -- for the Fire  
 20 Department, the way that it should go, do you have a  
 21 particular position yourself as to whether or not you  
 22 would want Ocean Safety moved under the auspices of the  
 23 Fire Department? And, I mean, I am just being real  
 24 candid about that.  
 25 CHIEF MURRAY: Okay.

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1 COMMISSIONER WIGER: Because I am trying to  
 2 sort my way through. I am hearing a lot of stuff from  
 3 various people, but there's an undercurrent that's going  
 4 on that I am sort of picking up. And I just want to  
 5 know what that is, because that's going to influence how  
 6 I feel about what could possibly happen.  
 7 CHIEF MURRAY: Personally?  
 8 COMMISSIONER WIGER: Yes, please.  
 9 CHIEF MURRAY: No.  
 10 COMMISSIONER WIGER: You don't?  
 11 CHIEF MURRAY: I wouldn't want the transfer of  
 12 that.  
 13 COMMISSIONER WIGER: You wouldn't want them?  
 14 Okay.  
 15 CHIEF MURRAY: I wouldn't want it. As looking  
 16 at -- as the community as a team --  
 17 COMMISSIONER WIGER: Right.  
 18 CHIEF MURRAY: -- and understanding public  
 19 safety, public safety -- because I don't make decisions  
 20 for the community and the Department based on my  
 21 personal --  
 22 COMMISSIONER WIGER: That's good.  
 23 CHIEF MURRAY: I think it can be done.  
 24 COMMISSIONER WIGER: Okay.  
 25 CHIEF MURRAY: And I think it should have a

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1 professional plan that is laid out for everyone so that  
 2 everyone understands and everyone accepts that.  
 3 COMMISSIONER WIGER: Okay.  
 4 CHIEF MURRAY: That's what I would like to  
 5 see. Regardless of which direction it goes, that's what  
 6 I want to see.  
 7 COMMISSIONER WIGER: That's a very candid  
 8 answer. And I thank you for that.  
 9 CHIEF MURRAY: You're welcome.  
 10 ACTING CHAIR HEDANI: Commissioner Crivello.  
 11 COMMISSIONER CRIVELLO: So you mentioning  
 12 about having a professional plan in place, so what part  
 13 of the transitioning plan -- have you received anything  
 14 from Parks and Recreation/Ocean Safety as far as their  
 15 existing inventory, their plans as to the budget and --  
 16 well, a professional plan. Do you have --  
 17 CHIEF MURRAY: We have had the meetings that  
 18 we've sat down and gone over those items. Their  
 19 inventory and all of those things haven't been completed  
 20 yet. We do -- we do have the numbers for their budget.  
 21 And we also see some shortfalls where we don't have  
 22 information. And they're not able to answer those  
 23 questions. And we understand, somewhat, but that's  
 24 something that we need to know ahead of time because, if  
 25 not, I won't be able to move money from one program to

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1 the next to cover them to finish off, you know. So it's  
 2 real key to have that information up front for everyone,  
 3 at least a year in advance. Because then we'll know  
 4 what we need to ask for ahead of time, you know. That  
 5 -- I just don't want to shortchange anybody.  
 6 Right now, they're complaining about having a  
 7 jet ski versus a lawnmower. Then it's going to be a  
 8 fire truck versus a jet ski.  
 9 The issue is, not being able to have that  
 10 information ahead of time, sending in a replacement  
 11 policy, all of those things need to be set forth ahead  
 12 of time so that we have a definite direction on which  
 13 division and the Departments together moving forward.  
 14 Because that's ultimately what -- how it's going to  
 15 affect the community. So, you know, I appreciate that  
 16 question. Yes.  
 17 COMMISSIONER CRIVELLO: Thank you, Chief.  
 18 ACTING CHAIR HEDANI: Thank you very much.  
 19 Any additional questions for the Chief?  
 20 COMMISSIONER HASHIMOTO: Well --  
 21 ACTING CHAIR HEDANI: Commissioner --  
 22 COMMISSIONER HASHIMOTO: Chair?  
 23 ACTING CHAIR HEDANI: Commissioner Hashimoto.  
 24 COMMISSIONER HASHIMOTO: I only want to make a  
 25 comment here. It sounds like we're getting involved in



<p style="text-align: right;">Page 33</p> <p>1 -- we're getting involved, in some of the questions --  2 seems like there are many questions that we have, we're  3 asking, it's like we're trying to predict something.  4 First of all is, we don't write any rules for the Fire  5 Department at all, or any department, for that matter.  6 It's the establishment of the organization that we're  7 concerned with and how it serves the County; not the  8 little details. The details are left up to the  9 departments. So we're asking a lot of questions that --  10 that are sticking way out there somewhere where the  11 Chief can't possibly answer.  12       He keeps saying, I need to know what the  13 budget is going to be if this happens. And I can  14 understand why he is saying that and why -- why he's  15 concerned about that. So -- but we keep plugging away  16 at him, we're asking questions that are really  17 administrative questions that -- that we don't need to  18 know what the answers are.  19       So, in a way, we're spending a lot of time --  20 wasted time here.  21       ACTING CHAIR HEDANI: Okay. Additional  22 questions from the Commission? Kay.  23       COMMISSIONER OKAMOTO: Mine was the same.  24       ACTING CHAIR HEDANI: Ditto from Kay.  25       Commissioner De Rego.</p>	<p style="text-align: right;">Page 35</p> <p>1 So that is a hindrance at some point in time. But if  2 the individuals could be -- you know, at least two key  3 individuals for a year ahead of time, to help set up the  4 plan, and then the rest of them come in about six  5 months, I think we could get everything done. But I  6 cannot tell you what time period. Even based on all the  7 information that I have now, which is not that much, I  8 wouldn't be able to say three years, four years, five  9 years. That's why I am asking for the oversight by the  10 Department or the Fire Commission, whoever. Because  11 that department, this department, and that Commission,  12 is the accepting body, I believe that they should have  13 final say.  14       I know if they looked at it and there was a  15 plan in place and everybody was comfortable with moving  16 forward, everything was set forth, the training for both  17 sides, I think we would be able to put a great product  18 together. But as far as saying a year, a timeframe, I  19 really don't know. Because I believe, once this  20 Charter, everything takes effect the 2nd or the 1st of  21 2013. So moving from that point, I can't really say.  22       But if we were to go ahead with our  23 accreditation, you know, next month, we might be able to  24 give you better answers at some point in time, this time  25 next year.</p>
<p style="text-align: right;">Page 34</p> <p>1       COMMISSIONER DE REGO: So let me be even more  2 blunt. If we were to put this into the Charter, okay,  3 which gives no timeline -- and this gets to what  4 Clifford is saying, right, we don't get into the  5 details -- but that means it could happen tomorrow.  6 Right? I mean -- I mean, once it's passed, it could  7 happen the next day. Right? Okay. How long are you  8 talking about? Are you talking 18 months, are you  9 talking three years before you believe that the Fire  10 Department would be ready to act on this if we're  11 dealing with transitional -- because I know what you're  12 asking us, okay, but I am trying to get a definite  13 timeline in terms of what you think would be workable  14 considering you think accreditation would be on the line  15 if this transition occurs now.  16       CHIEF MURRAY: It will definitely be on the  17 line. With an educated guess, I don't think I could  18 give you an amount of time, because it's all -- it's all  19 co-dependent on moving forward with the accreditation  20 and getting the resources in place. I believe if all  21 the resources were there, at least a year or six months  22 out, in position now. So -- so say the County Council  23 granted us positions, it takes us anywhere from three to  24 six months to fill those positions based on the  25 criteria, the testing, all of those different things.</p>	<p style="text-align: right;">Page 36</p> <p>1       ACTING CHAIR HEDANI: Thank you very much.  2 Any additional questions from the Commission?  3 (No Response.)  4       ACTING CHAIR HEDANI: Seeing none, thank you  5 very much for your testimony.  6       CHIEF MURRAY: Thank you for your time.  7       ACTING CHAIR HEDANI: And thank you for --  8       CHIEF MURRAY: I appreciate all your efforts  9 and your volunteerism. I really, really appreciate it.  10 I know it's a hard seat, so thank you very much.  11       ACTING CHAIR HEDANI: Thank you. Lisa, next  12 testifier.  13       MS. KAHUHU: William Soares.  14       MR. SOARES: Good morning, Ladies and  15 Gentlemen.  16       ACTING CHAIR HEDANI: Good morning, Butch. If  17 you could pull the microphone down for me, please.  18 Thank you.  19       MR. SOARES: Good morning. Is that better?  20       ACTING CHAIR HEDANI: Yeah. Good.  21       MR. SOARES: I am a member of the Fire  22 Commission. And my comments are relative to your agenda  23 on B-2. And our Commission Chair will speak after me.  24 And I believe that both of us are pretty much on the  25 same page.</p>

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1 Having said that, my feeling on this merger is  
 2 something that the Commission is not in favor of. And  
 3 maybe I should put a little caveat to that, at this  
 4 time. And as my testimony goes further, I think you'll  
 5 understand what "at this time" relates to. But let me  
 6 go forth with the reasons that I feel I would have a  
 7 hard time supporting the merger.

8 Right now, there is no plan in place for any  
 9 -- for anyone to know how this merger will come about.

10 Secondly, as the Chief had mentioned, there's  
 11 no support staff in place to be able to support this  
 12 merger and oversee the merger.

13 My understanding, in discussions, is that the  
 14 Hawaii and Kauai County Fire Departments were not in  
 15 favor of the merger on their island; however, it did  
 16 transpire. And my understanding is there's continuing  
 17 challenges, even though it's been in place for quite a  
 18 few years.

19 I was on the Fire Commission seven years ago.  
 20 And at that time we had the opportunity to select a Fire  
 21 Chief. And one of the things that the Commission felt  
 22 was the Department at that time was somewhat lax in  
 23 updating the Strategic Plan. And they were also  
 24 noncommittal and nonperforming as far as getting the  
 25 accreditation process started or completed, even though

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1 they had sent people up to the mainland to get trained.  
 2 When we had the opportunity to select the  
 3 Chief, one of the Commission mandates to the incoming  
 4 Chief was that he was to maintain and update the  
 5 Strategic Plan according to what was expected, both  
 6 nationally and in the County side.

7 As far as the Strategic Plan is concerned,  
 8 since Chief Murray has been there, there have been  
 9 updates every three months. It's never happened before.  
 10 So we see a progress as far as administering the  
 11 Strategic Plan.

12 Within the Strategic Plan was the  
 13 accreditation process. And we emphasized that, within  
 14 the Strategic Plan, we were expecting the Chief to get  
 15 the accreditation process in process or get it moved  
 16 forward. And, you know, he has done well. He has done  
 17 the best he can. And I think as far as the Commission  
 18 is concerned, we're very comfortable with his efforts.

19 One of the things that -- you know, we've had  
 20 two meetings with the Mayor. We've had other meetings  
 21 in discussing this Ocean Safety. And the biggest  
 22 challenge that I have personally is I don't know why  
 23 this merger is really being proposed. The Mayor had  
 24 stated that the ocean -- the Ocean Safety department is  
 25 very well run, very efficient with the supervision of

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1 the Parks Department. If that is the case, I find that  
 2 why move something somewhere that will be -- will have  
 3 certain challenges and why not leave well enough alone?  
 4 Personal opinion.

5 MS. KAHUHU: Time.

6 MR. SOARES: Can I have one more minute? And  
 7 I'll talk faster.

8 ACTING CHAIR HEDANI: Any objections from the  
 9 Commission?

10 MR. SOARES: Okay. Number one, there's a  
 11 letter from the HGEA that did not support the move  
 12 because of the lack of information that they have.

13 The other point that the Chief had mentioned  
 14 was we had expected or had proposed that a committee  
 15 be -- a fact-finding committee between the members of  
 16 the Fire and the Parks Department, with one of the  
 17 Commission Members being there, to oversee the pros and  
 18 the cons of this merger. In our first discussion with  
 19 the Mayor, the Mayor had said, "If you guys tell me the  
 20 pros and the cons and the majority is con, then we won't  
 21 discuss this any further." Unfortunately, that has not  
 22 really transpired.

23 The other thing is, we need to know the  
 24 Council's position on funding for the staff and other  
 25 equipment funding.

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1 Finally -- and this reverts to my first  
 2 statement -- should the Charter Review Commission  
 3 proceed with the ballot proposal for this merger, there  
 4 is a need to spell out the conditions for this merger.  
 5 And the most important for me, the three most important,  
 6 is funding, manpower, and an adequate timetable for this  
 7 merger.

8 ACTING CHAIR HEDANI: Thank you very much,  
 9 Butch. I think you did it within 60 seconds.

10 Any questions from the Commission? See, you  
 11 answered all the questions.

12 (Laughter.)

13 ACTING CHAIR HEDANI: Thank you very much,  
 14 Butch.

15 Next testifier, Lisa.

16 MS. KAHUHU: Mark Vaught.

17 MR. VAUGHT: Good morning, Chair Hedani and  
 18 Commission Members. Thank you for having me this  
 19 morning. I am going to be speaking on some of the same  
 20 things that my fellow Commissioner, Mr. Soares, spoke to  
 21 you about. And just as the Commission Chair, I just  
 22 thought it was important to come and voice the opinion  
 23 of the entire Commission. We all share Commissioner  
 24 Soares' sentiments there.

25 I do want to thank you for all of the time

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<p>1 that you guys have put into going over this Ocean Safety                  2 merger. It's not easy. And we really do appreciate                  3 your diligence on this.                  4 As they both stated, both the Chief and                  5 Commissioner Soares, our Strategic Plan does outline the                  6 Department goals. And the priority seems to be, within                  7 the Department, accreditation, as I think you've heard                  8 time and time again.                  9 That said, the Ocean Safety merger, if                  10 implemented now, would severely impede the progress that                  11 has already been made as far as fact-finding,                  12 information gathering, the data that the Department                  13 needs, to present to the accreditation team.                  14 We've spoken with the Mayor. And he agrees                  15 that a transition plan should be in place. We're just                  16 awaiting official word from him that we can go ahead                  17 with the fact-finding committee representing -- with                  18 representatives from the Parks Department and the Fire                  19 Department.                  20 We've also asked the County Council for                  21 additional positions as part of the plan. And if those                  22 positions are granted, will enable our department's                  23 Accreditation Committee to continue their course while                  24 this plan for the merger is taking place.                  25 I think once the plan is established and fully</p>	<p>1 ACTING CHAIR HEDANI: Commissioner DeLeon.                  2 COMMISSIONER DELEON: So the personnel you got                  3 working on the accreditation does that 24/7? I mean,                  4 that's their job, is just accreditation?                  5 MR. VAUGHT: No. Part of their job is to be                  6 within the Fire Department, to act as Fire Department                  7 personnel.                  8 COMMISSIONER DELEON: Okay.                  9 MR. VAUGHT: And, additionally, they're --                  10 COMMISSIONER DELEON: I got it. Okay. Thank                  11 you.                  12 ACTING CHAIR HEDANI: Additional questions for                  13 the testifier? Seeing none, thank you very much.                  14 MR. VAUGHT: Thank you.                  15 ACTING CHAIR HEDANI: Lisa, next testifier.                  16 MS. KAHUHU: No one else has signed up.                  17 ACTING CHAIR HEDANI: Okay. Are there any                  18 other members of the public that would like to offer                  19 testimony at this time? Seeing none, public testimony                  20 is closed.                  21 ...END OF PUBLIC TESTIMONY...                  22 ACTING CHAIR HEDANI: And we'll go ahead and                  23 -- we don't have any communications to file, so we'll go                  24 ahead and skip that, too.                  25 We have several members of the public that are</p>
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<p>1 meets the Department's terms, fully meets the                  2 Department's terms, as the Mayor -- as the Chief had                  3 already pointed out, I think only then can we, as a                  4 commission, support this transition. And that's just                  5 the opinion of the entire commission.                  6 I didn't want to take up anybody else's time;                  7 just give you guys that. I don't know if you have any                  8 questions.                  9 ACTING CHAIR HEDANI: Questions from the                  10 Commission? Commissioner DeLeon.                  11 COMMISSIONER DELEON: Yeah. I should have                  12 asked the Chief this, but this is really kind of                  13 (inaudible) in my head. What do we need the staff for?                  14 MR. VAUGHT: Pardon me?                  15 COMMISSIONER DELEON: What's the staff for?                  16 Butch, the Chief and yourself have all mentioned the                  17 need to have extra staff in order to be able to do this                  18 merger. What is the extra staff for?                  19 MR. VAUGHT: Currently, all of the Fire                  20 Department staff that is working towards accreditation                  21 would have to halt that process to start working on this                  22 plan. And the extra staff is to help implement the                  23 plan. Also, to oversee when that transition takes                  24 place.                  25 COMMISSIONER DELEON: Follow-up?</p>	<p>1 here that were requested to be present by this                  2 Commission in discussing our proposed Charter                  3 Amendments. I'm sorry. On Agenda Item Number III,                  4 Proposed Charter Amendments Matrix, no new proposals                  5 were received as of February 13, 2012 meeting.                  6 Therefore, the current Matrix remains the same, and                  7 updated as of October 17, 2011.                  8 So what you have under Section IV are all of                  9 the Proposed Charter Amendments that are currently on                  10 the Active List. This includes all of the items that we                  11 discussed and decided to move forward, or decided not to                  12 drop, at the last meeting as well as those that we                  13 hadn't finished up at the last meeting. I think we left                  14 off on Item Number 14 on the old agenda. And I am not                  15 sure what that number is on the new agenda. Lisa, do                  16 you know?                  17 COMMISSIONER SUGIMURA: 6.                  18 ACTING CHAIR HEDANI: 6 on the new agenda.                  19 But we do have resource people that are here from the                  20 Management Information Services Department. And I                  21 understand they are available to answer questions from                  22 the Commission that you might have relative to the                  23 proposals. So what I would like to do is go ahead and                  24 review Item IV-A, which would be the first item of                  25 discussion, which involves the question relative to</p>

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1 interactive communications for Council items.  
 2 Before we move into that, however, our court  
 3 reporter, Tonya McDade, would like to have a short  
 4 recess just for a break for her fingers because we've  
 5 had very eloquent, but long, testimony this morning. So  
 6 with no objection, we'll go ahead and take a 10-minute  
 7 recess at this time. And we'll reconvene at 11:10.  
 8 Thank you.  
 9 (Recess, 10:59 a.m. to 11:16 a.m.)  
 10 ACTING CHAIR HEDANI: We would like to go  
 11 ahead and call the meeting back to order again.  
 12 Where we are is on Item Number 4, Proposed  
 13 Charter Amendment Active Proposal List, Item (a), open  
 14 discussion with resource people from the County of  
 15 Maui's Division of Management and Information Services.  
 16 We have Jacob Verkerke -- is that pronounced  
 17 correctly -- who is the administrator with MIS. And we  
 18 also have Mr. Ken Fukuoka, who is the Director of  
 19 Council Services, in regards to Proposal Number 4,  
 20 below, regarding interactive communications access for  
 21 the public to all Council -- County Council and County  
 22 Council Committee Meetings.  
 23 So welcome, Jacob and Ken.  
 24 I told both Jacob and Ken that we are in  
 25 charge of creating chaos and pain and suffering for

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1 their department. So with that premise, if you have  
 2 questions for MIS or Council Services regarding  
 3 interactive communications, now is the time to ask.  
 4 Commissioners?  
 5 You folks have any statements you want to open  
 6 up, Jacob or Ken? No.  
 7 MR. VERKERKE: No.  
 8 ACTING CHAIR HEDANI: So we're going to  
 9 proceed with Item Number 4, which was tabled at our last  
 10 meeting, Article 13, General Provisions, Section 13-2,  
 11 Boards and Commissions, Subsection 17, "Require  
 12 interactive communications access for the public to all  
 13 County Council and County Council Committee meetings.  
 14 Shall Article 13 of the Charter be amended to add a  
 15 provision which would require the Council to provide for  
 16 interactive communications access for all Council  
 17 meetings for residents of Hana, Lanai, Molokai, and  
 18 other geographic areas as the Council deems appropriate  
 19 and reasonable?"  
 20 That's the question that's being proposed at  
 21 this point. Commissioner DeLeon.  
 22 COMMISSIONER DELEON: Thank you, Mr. Chair.  
 23 The thing that jumps out at me is this does  
 24 not belong in Article 13. Article 13 is Boards and  
 25 Commissions. We're talking about the County Council

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1 here, so we're going to have to go find a new home for  
 2 it, probably in Article 3, or some other location in the  
 3 Charter. But I think 13 is particularly to Boards and  
 4 Commissions. And we're not talking about Boards and  
 5 Commissions.  
 6 ACTING CHAIR HEDANI: Good point.  
 7 Commissioner Wiger.  
 8 COMMISSIONER WIGER: Okay. Yes. I was -- I  
 9 was one of the ones who really wanted someone to come  
 10 and speak to us today. In terms of making or hoping  
 11 that there could come to be interactive communication in  
 12 terms of Council meetings and various other meetings for  
 13 the County, one of the things that always comes up, of  
 14 course, is the funding and what kinds of options are  
 15 available now. And the options, it seems, are fairly  
 16 limited in terms of being able to get out there to  
 17 various geographical locations. Clearly, Akaku, you  
 18 know, tapes our meetings and those go out, but in terms  
 19 of an interactive kind of process. And the experience  
 20 that I had was coming out of MCC where we were able to  
 21 really move into interactive communication with our  
 22 classes and so forth by using a Polycom kind of a  
 23 process. And so I guess the question that I have for  
 24 you all is any -- is this even feasible? If it is, is  
 25 it hugely expensive? Have you given thought to stuff

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1 like this? Just sort of what are your thoughts on this  
 2 whole process?  
 3 ACTING CHAIR HEDANI: Don't both jump for the  
 4 mic at once.  
 5 Jacob?  
 6 MR. VERKERKE: I'll go first.  
 7 ACTING CHAIR HEDANI: You got to pull the mic  
 8 up real close.  
 9 MR. VERKERKE: I am the Division Head for the  
 10 Management Information Systems Division. We provide  
 11 infrastructure support to the operations of the County  
 12 Council. The County Council has control over the  
 13 meetings and the technology used for the meetings.  
 14 ACTING CHAIR HEDANI: Jacob, you're going to  
 15 have to pull the mic a little closer. Thank you.  
 16 MR. VERKERKE: Is this better?  
 17 ACTING CHAIR HEDANI: Yeah. There you go.  
 18 MR. VERKERKE: Is it on now? Do I need to  
 19 repeat my earlier comment?  
 20 COMMISSIONERS: No.  
 21 MR. VAUGHT: So I can talk about the  
 22 infrastructure. And -- and in order to be able to  
 23 address that, after reading the language of the Proposed  
 24 Charter Amendment, I am not really sure how to answer  
 25 that, because the language is open to a couple of

<p style="text-align: right;">Page 49</p> <p>1 interpretations. Specifically, the clause where it  2 says, "as the Council deems appropriate and reasonable."  3 From reading that statement I can't tell if that applies  4 to all geographic areas listed, Hana, Lanai, Molokai,  5 and other geographic areas, or if that qualifier is just  6 for other geographic areas. And it will have an impact  7 on how we approach this.</p> <p>8 The infrastructure that would be -- would have  9 to be used for this is not ready to support the  10 technology. Technically speaking, it can be done in --  11 on a conceptual level. The reality on the ground is  12 that especially Lanai and Molokai offer tremendous  13 challenges to provide enough bandwidth to support  14 interactive videoconferencing. The example of MCC is  15 appropriate, the technology exists to do that, but MCC  16 had the benefit of having sufficient capacity on the  17 infrastructure of technology to most of its locations  18 that we don't have in place yet.</p> <p>19 The situation is -- is developing such that I  20 think, in a few years, Molokai will be first, hopefully  21 sometime this year, Lanai, we're hoping in a year or so,  22 to have made improvements to the infrastructure to  23 support this technology. And that's happening whether  24 the Charter gets amended and this clause gets added or  25 not. So perhaps this is not really necessary to include</p>	<p style="text-align: right;">Page 51</p> <p>1 technologies are used. Some of the issues depend upon  2 whether we're talking about testimonies being submitted,  3 whether we're talking about resource people who are  4 participating in the meeting, or whether we're talking  5 about the actual discussion between the members.</p> <p>6 Currently, there are occasions where, in a  7 Council meeting or Committee meeting, we have conference  8 calls, telephone calls, and that's audio only, with  9 people. For example, there might be attorneys that are  10 retained as special counsel that cannot make it to the  11 island at the time when their presence is desired.</p> <p>12 On a resource person level, we face the fewest  13 constraints, and so those have happened. When we start  14 talking about testifiers, then there's another level of  15 difficulty in the sense of having to have notice and  16 having to have the process supported at the other end,  17 wherever that happens to be. And that creates a  18 complication or an additional burden because the  19 reliability of that system, at the other end, has to be  20 established and maintained.</p> <p>21 Videoconferencing introduces another element  22 where -- where you have to -- you are able to -- to have  23 members, actually, you know -- even, for example, the  24 Charter Commission Members -- communicate with each  25 other from distant locations, but, as you might imagine,</p>
<p style="text-align: right;">Page 50</p> <p>1 in the Charter.</p> <p>2 I am always nervous about legislating  3 technology solutions because they will change faster  4 than the legislative body can adapt to it.</p> <p>5 I've been with the County for quite a while  6 now, and this has been something that's been talked  7 about, but the constraints of budget and technology have  8 not allowed us to make it happen. But the intent and  9 the desire to make this happen, not just for Council  10 meetings, but, also, for regular operational meetings,  11 like staff -- if you can imagine the challenge that the  12 Department of Parks and Recreation or Public Works has  13 getting everybody -- you know, a district supervisor  14 would have to get together for a meeting. So the desire  15 and the intent on our part to create the infrastructure  16 that makes it possible exists and -- and we're actively  17 working on that.</p> <p>18 As far as the conduct of meetings, perhaps Ken  19 can talk to that better than I can.</p> <p>20 MR. FUKUOKA: Yes. That's absolutely true.  21 There is a present and continuing desire on the part of  22 most -- most elected officials to have as much of this  23 interactive type of communication in formal meetings as  24 is feasible.</p> <p>25 There are issues in terms of what sort of</p>	<p style="text-align: right;">Page 52</p> <p>1 there are legal requirements, Sunshine Law requirements,  2 that have to be carefully observed. And there are  3 consequences, you know, major consequences for failures  4 of system.</p> <p>5 Throughout the time that we have been pursuing  6 this sort of thing, maybe from the mid-nineties, you  7 know, the Sunshine Law itself has changed. And part of  8 what's happening is that, as time goes on, the law finds  9 that a particular configuration of constraints is -- is  10 an unreasonable restraint on the possibility of doing  11 these things.</p> <p>12 So, for example, there's a time when -- there  13 was a time when, if you -- if a connection is cut, where  14 you have a meeting going on at one place and then you're  15 connected with another meeting on another island and the  16 connection is cut, then that forces the cancellation of  17 the entire meeting regardless of the fact that a  18 majority might be at one location and might otherwise be  19 able to continue.</p> <p>20 There are other issues that come up. For  21 example, you know, is -- when we talk about participants  22 in a meeting, are we talking about just the members  23 themselves, those are the essential people? The other  24 way of looking at it is that the testifiers are also  25 essential. So that the law might require that it's not</p>

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1 -- that a meeting has to be cut if they can no longer  
 2 communicate.  
 3 I think in -- just a few years ago, I think it  
 4 was about 2006, 2007, or so, it was found that -- it was  
 5 thought that trying to -- well, requiring that meeting  
 6 be cut was too much of a constraint. And so I think  
 7 they modified it somewhat to say that if you continue to  
 8 have audio communication and reasonable materials could  
 9 be provided to the distant location, then the meeting  
 10 could continue. But, you know, that's just an example  
 11 of the sorts of things that happen when you try to  
 12 legislate these technologies.  
 13 Yeah, we do have the same concern about  
 14 particular phrasing of this provision, whether the "as  
 15 appropriate" qualification applies to the -- to Molokai,  
 16 Lanai and Hana, or whether it applies to the other  
 17 locations clause.  
 18 I don't know if I really responded to the  
 19 question, but maybe I should stop for now.  
 20 ACTING CHAIR HEDANI: Further questions from  
 21 the Commission? Commissioner Wiger.  
 22 COMMISSIONER WIGER: Yes. Thank you very  
 23 much. That was -- it was most informative.  
 24 And I did some -- I did some sort of poking  
 25 around on my own, because of knowing a little bit about,

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1 you know, technology kinds of things coming out of the  
 2 college.  
 3 And your comment about bandwidth, the  
 4 conversation that I had with the gentleman that I've  
 5 always looked at sort of -- well, Mike Albert, you know  
 6 Mike. And I am talking with Mike about this. And Mike  
 7 said, "Well," he said, "you know, if they can solve the  
 8 bandwidth problem, we're good to go." And he said that  
 9 was the issue for us for a long, long time, was  
 10 bandwidth. And then he said, you know, just a couple  
 11 years ago, UH upgraded all their systems. And he said  
 12 now we have virtually no problems with cutting out or --  
 13 you know, he said it's just -- it's always good. But  
 14 it's because of bandwidth in many cases that they're  
 15 able to do what they're able to do. And he had real  
 16 questions as to whether, you know, the outlying sites  
 17 would have the kind of necessary system.  
 18 But that -- that's very helpful. And thank  
 19 you very much. You offered a really good explanation.  
 20 Thank you.  
 21 ACTING CHAIR HEDANI: Commissioner Hashimoto.  
 22 MR. VERKERKE: Excuse me. If I may follow up  
 23 on -- on Commissioner --  
 24 ACTING CHAIR HEDANI: Go ahead, Jacob.  
 25 MR. VERKERKE: -- Wiger's comments. If you

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1 still have any kind of pull at the UH system, they've  
 2 been granted some serious federal money to upgrade their  
 3 bandwidth. So --  
 4 COMMISSIONER WIGER: Yeah, they have.  
 5 MR. VERKERKE: -- we would be more than happy  
 6 to participate or at least take advantage of that. It's  
 7 not clear at this point that government will be able to.  
 8 So that could solve this problem and others for us.  
 9 COMMISSIONER WIGER: When I have lunch with  
 10 Mike shortly, I'll bring that up.  
 11 ACTING CHAIR HEDANI: Commissioner Hashimoto.  
 12 COMMISSIONER HASHIMOTO: Yes. My question was  
 13 going to be a ballpark figure of what the County would  
 14 be required to have to be able to access Lanai, Molokai  
 15 and Hana with a system that would be relatively equal to  
 16 that of the UH? Just a ballpark.  
 17 ACTING CHAIR HEDANI: It will take a million  
 18 dollars.  
 19 MR. VERKERKE: The federal grant that UH  
 20 received is \$30 million. But I'll be honest with you,  
 21 it won't take that much. There's, actually, an effort  
 22 underway presently with the Maui Police Department to  
 23 upgrade their infrastructure for the replacement of  
 24 their LMR radios. And we have a good working  
 25 relationship between the radio people at the Police

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1 Department and ourselves. So we will be able to  
 2 leverage that infrastructure to increase the bandwidth  
 3 to Maui -- Molokai and Lanai and other places. It's not  
 4 going to be at the level that the federal grant will  
 5 provide, but I think they will be able to provide some  
 6 communications to those locations.  
 7 The other geographic areas is a little bit  
 8 disconcerting to me because I am not really sure if  
 9 that's within the network that the radio people at the  
 10 Police Department building sought. So we will have to  
 11 look at how that overlays with potential other sites.  
 12 Now, the quality is going to be varying  
 13 locally. And I am strictly talking at the technical  
 14 level; not, you know, the kind of the meetings themselves  
 15 as far as how that's going to work. Because we will not  
 16 have the same generous bandwidth in all locations that  
 17 we may have. So that will have an impact on the  
 18 experience of the remote participants.  
 19 ACTING CHAIR HEDANI: Additional questions?  
 20 Commissioner DeLeon.  
 21 COMMISSIONER DELEON: Ken, could you tell the  
 22 Commission, for their information, where you have  
 23 outlying offices?  
 24 MR. FUKUOKA: Sure. We have one in Molokai,  
 25 one in Lanai, and one in Hana.

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1 There is a county, you know, Hawaii County,  
 2 that does have a fairly elaborate and, in my mind,  
 3 successful videoconferencing capability. It's an  
 4 expensive one, but they've built it in connection with a  
 5 major renovation that they did of their facility in  
 6 Hilo. And in their case, they actually created a second  
 7 larger Council Chamber on -- on the west side, Kona  
 8 side. And it -- I've been trying to find out how much  
 9 something like that would cost, but it's a very  
 10 elaborate system. They were able to do it.

11 One of the things, though, is that it involves  
 12 a matter of staffing. You essentially have two sets of  
 13 staff having to manage. Then there's only two  
 14 locations. They do talk about some small stations in  
 15 Waimea and one other place, but those are only for  
 16 testifiers to come in at. In other words, the members  
 17 won't actually stay there.

18 You know, the thing about government  
 19 operations, government board meetings, like -- like you  
 20 folks, is it's different from the classroom type setting  
 21 or private board type setting because it has to be very,  
 22 very reliable. You know, the SkyBridge program, which  
 23 has been in place for -- well, actually started a long,  
 24 long, time ago. Like decades, right?

25 COMMISSIONER WIGER: Yeah. Back in the

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1 sixties, they started that.

2 MR. FUKUOKA: Right. I mean, that was a major  
 3 strategic investment on the part of MCC at that time.  
 4 And they built on that. It was marketed, I guess, it  
 5 was justified, may be the better way to put it, as a way  
 6 to connect the three islands, three major populated  
 7 islands, and to maybe leverage resources from Honolulu.  
 8 And, you know, it was successful, but it was a major  
 9 strategic element of their plan. And they invested a  
 10 lot of money in it. And even with that, you know, when  
 11 you have a system that has a problem, they're able to  
 12 manage it a lot easier if you're doing it for a  
 13 classroom or a class than it is for, you know, something  
 14 that you folks, where you have to -- you have to worry  
 15 about is this not getting done and people expecting to  
 16 testify on particular issues, things of that nature.

17 So, anyway, thanks.

18 ACTING CHAIR HEDANI: Additional questions?  
 19 Commissioner DeLeon.

20 COMMISSIONER DELEON: Just for your  
 21 information, I think I was the maker of the motion on  
 22 this thing. The thought process I had was for  
 23 testifiers; it wasn't for, you know, councilmembers  
 24 being in remote areas. And the concept was due to what  
 25 we were hearing, you've heard it as well as I've heard

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1 it, the sense of isolation you have in certain  
 2 communities. And I was only thinking of those places  
 3 where we had outlying satellite offices. I think some  
 4 of the -- somebody got really generous and decided that  
 5 we're talking about, you know, Kanaio or Kahakuloa, but  
 6 I wasn't doing that. I was thinking of the three,  
 7 basically, outlying districts we have offices. So just  
 8 for the record, I just wanted to make it clear what the  
 9 original thought on my part was.

10 MR. FUKUOKA: Yeah. If I may just follow up  
 11 just with a comment, you know. In this term,  
 12 Councilmember Carroll had made the inquiry. I mean,  
 13 every term or every other term, we get an inquiry on  
 14 something like this. And it is our intent -- it has  
 15 been our intent to try it first as a testimony only kind  
 16 of thing. It's just that as -- as you go through the  
 17 year, it becomes very difficult to set aside the time  
 18 and the resources to set it up. But I understand what  
 19 you're saying, that it was intended as a testimony  
 20 matter.

21 ACTING CHAIR HEDANI: Commissioner Sugimura.  
 22 COMMISSIONER SUGIMURA: I want to ask Ken a  
 23 question regarding our next item, since he's here.

24 ACTING CHAIR HEDANI: Okay.

25 COMMISSIONER SUGIMURA: But maybe Cliff wants

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1 to ask him regarding this.

2 ACTING CHAIR HEDANI: Any questions on the --  
 3 on the item that we're discussing right now, which is  
 4 Number 4? Go ahead, Cliff.

5 COMMISSIONER HASHIMOTO: Since you're  
 6 discussing Council Services, and we -- I understand we  
 7 have a person in Hana that fills that capacity, isn't  
 8 that right? I just wonder, what is the -- what is the  
 9 capability of the Council Services there? Is it just to  
 10 open a room or -- or what do they do? I have a personal  
 11 interest in it because I live in Hana.

12 MR. FUKUOKA: Actually, the Office of Council  
 13 Services operations does not really include the district  
 14 offices. The district offices are organized under the  
 15 Council Chair. They report directly to the Council  
 16 Chair. And with major, major input from the resident  
 17 member, member from the district. Council Services, our  
 18 office, actually performs a support role in that  
 19 situation.

20 Now, if we were to implement something like  
 21 interactive communication, we would -- we would have to  
 22 try to figure out a way to provide redundancy out there,  
 23 try to determine how to provide the necessary training,  
 24 make sure we have personnel there that are willing and  
 25 able to handle the work. But it wouldn't be -- it

<p style="text-align: right;">Page 61</p> <p>1 wouldn't be interactive -- it would be something that we                  2 would have to negotiate or work with Council Chair on.                  3 The district offices have never really been directly                  4 under the authority of our office.                  5 COMMISSIONER HASHIMOTO: Thank you.                  6 ACTING CHAIR HEDANI: Okay. Commissioner                  7 DeLeon.                  8 COMMISSIONER DELEON: On the same subject, I                  9 can remember this topic going back to the nineties, Sol                  10 Kaho`ohalahala and Councilmember English, from outer                  11 districts, bringing this and trying to push this. It                  12 seems like it always kind of falls off the agenda, it                  13 never really kind of proceeds. Would putting this --                  14 making this a Charter Amendment saying that thou shall                  15 have a communications capacity to allow testimony to                  16 happen in the outer districts draw enough of a line                  17 under it to force it across the finish line?                  18 MR. FUKUOKA: Well, clearly, if you make                  19 something mandatory, it would be mandatory. We would                  20 have to devote more resources to it. I am not sure --                  21 what happens is an effort is made when a member brings                  22 it up. And at that moment, it faces whatever                  23 constraints there are in terms of infrastructure and                  24 technology and capabilities and staff support, et                  25 cetera, et cetera.</p>	<p style="text-align: right;">Page 63</p> <p>1 some other locations beyond Lanai, Molokai and Hana that                  2 might also need this. I was only thinking of the three                  3 districts and only in terms of testimony.                  4 MR. FUKUOKA: Okay. Well, then, if it's                  5 there, we would have to provide it. I am not really                  6 sure how and at what level.                  7 I mean, interactive can mean back and forth on                  8 a telephone call, conference call, which we already do                  9 with resource people. So you'll only introduce an                  10 additional element of having testifiers doing it on a                  11 regular basis. So, I mean, I suppose there is a                  12 question on whether or not this is something that ought                  13 to be in the Charter.                  14 ACTING CHAIR HEDANI: Jacob, did you have                  15 something to add?                  16 MR. VERKERKE: Yes. Thank you, Chair. As to                  17 the point of the necessity for legislative action to                  18 encourage a little bit more strongly the implementation                  19 of technology, the Commissioners are probably aware, but                  20 there are two bills working their way through the State                  21 Legislature right now, two companion bills, in the                  22 House, House Bill 2475 and then Senate 2737, that are                  23 both addressing this opportunity to encourage                  24 participation in these boards and commissions through                  25 the application of technology. And they're dealing with</p>
<p style="text-align: right;">Page 62</p> <p>1 It does bring up an interesting question about                  2 what more needs to be done beyond particular members                  3 bringing it up from time to time. I think my position,                  4 basically, is that, you know, there is an effort to --                  5 to relook at the issue, to implement a system every time                  6 somebody brings it up. The question is, can it be done                  7 in a way that's -- that's feasible, that's reasonably                  8 economical, and that doesn't divert resources away from                  9 other legislative functions that are considered more                  10 core for a majority of the Members.                  11 But your -- your point does kind of relate to                  12 the point that Jacob was talking about, which is, is it                  13 mandatory, when we look at this, when it says, "as                  14 appropriate," does that refer only to other geographic                  15 areas?                  16 COMMISSIONER DELEON: No.                  17 MR. FUKUOKA: Oh. So, in other words, it is                  18 mandatory was the intent. I mean, that was the intent.                  19 And if it was mandatory, then, you know, resources would                  20 have to be devoted to it.                  21 ACTING CHAIR HEDANI: Dave.                  22 COMMISSIONER DELEON: Yeah, could I ask -- the                  23 way I understood it is the "as appropriate" was to the                  24 locations. And it was the, I think, generosity on the                  25 part of some Commissioners thinking that there might be</p>	<p style="text-align: right;">Page 64</p> <p>1 some of the logistics of handling these meetings as far                  2 as sharing of testimony between various locations. And                  3 what happens if -- if communication falls away, to some                  4 degree. So there may not be need to also go through                  5 this exercise with the Charter because at the State                  6 statute level, at some point, the language may be there.                  7 As written, these bills offer, for me as a                  8 technology practitioner, more questions than they                  9 provide answer because it talks about -- and I am                  10 bringing this point up to illustrate how difficult it is                  11 to legislate technology, because it talks about the                  12 ability to at least continue the meeting when audio is                  13 still available as long as within 20 minutes or 15                  14 minutes, I don't know the exact number, testimony to be                  15 submitted, written testimony can be shared with other                  16 locations. To me, if we have a failure of                  17 communications of the video, in all likelihood, all                  18 communications will be failing. So does this mean that                  19 the law is now going to tell me that I have to create                  20 redundant infrastructure so that I have to have a second                  21 path to these locations?                  22 And then again, the clause of what's                  23 reasonable and feasible comes into play because, all of                  24 a sudden, it complicates things tremendously, especially                  25 for remote locations you're talking about. I'll be</p>



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1 happy to have one reliable infrastructure in place. If  
 2 I have to have redundant ones, the cost of the, you  
 3 know, additional utility of that may be such that it  
 4 becomes, you know, a discussion, again, are we still  
 5 talking about reasonable and feasible. But --  
 6       So I am just bringing this up. The State is  
 7 working on it. They know it's not an easy task because  
 8 they've amended the bill as drafted for an effective  
 9 date of somewhere in 2059, just so that they can talk  
 10 about this some more. But it's a complex matter. And  
 11 that's a trick they use to not be forced into something,  
 12 you know, too short of a term.  
 13       But, again, it makes me very nervous when,  
 14 even with the best of intents, legislature tries to  
 15 manage technology. It gets pretty messy sometimes.  
 16       ACTING CHAIR HEDANI: Very good. Additional  
 17 questions from the Commission?  
 18       Ed?  
 19       MR. KUSHI: Yes, Mr. Chair, if I may, since  
 20 Ken and Jacob are here, the people responsible. I had  
 21 passed out to the Commission Members today a memo with  
 22 two attachments. One is the copy of Section 92-3.5,  
 23 HRS, regarding meeting by video conference, notice,  
 24 quorum, and then an excerpt from the Office of  
 25 Information Practices, OIP, in the way they interpret

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1 the statute.  
 2       And I need to kind of correct my discussions  
 3 with you from the last meeting. Again, it may be a  
 4 failure to communicate the body visually, in this  
 5 instance, in that this videoconferencing ability, as  
 6 interpreted by OIP, only applies to board members; not  
 7 public testifiers. So in the case of a board or the  
 8 Council, if one of the Council people from Lanai or  
 9 Molokai decides to stay home and wants to be present  
 10 during that meeting, then you would have this. You have  
 11 to have it visually and audio. It's not -- it doesn't  
 12 apply to public testifiers.  
 13       Right now, anybody wanting to testify at any  
 14 Council meeting may be able to, if arrangements are made  
 15 in advance, to call in their testimony, or Council  
 16 Services may set -- post an agenda in Molokai, at their  
 17 Molokai office, saying we'll have the meeting available  
 18 to call in. But that applies only to public testifiers.  
 19       So, again, as interpreted by OIP, this applies  
 20 only to councilmembers or members of boards and  
 21 commissions.  
 22       Again, the other issues that I would have is  
 23 that Chapter 92 itself is a sunshine law, it's a law of  
 24 general application, and it should apply statewide. And  
 25 the law states right now, a board "may" provide

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1 videoconferencing; it doesn't say "shall." If you  
 2 change that by ordinance or by Charter, you may be  
 3 violating a general state law, that may in itself  
 4 produce a challenge. You're making it stricter.  
 5       And, lastly, I am not sure -- Mr. Fukuoka can  
 6 clarify, but I am not sure if the internal Council rules  
 7 allow members not to be physically present at meetings.  
 8       ACTING CHAIR HEDANI: Ken?  
 9       MR. KUSHI: I've never seen Members outside  
 10 videoconferencing. If something like this happens, you  
 11 need to change the rules.  
 12       MR. FUKUOKA: Right. I shouldn't really  
 13 indicate anything on that because I haven't had really a  
 14 chance to study it. But, yeah, I think generally --  
 15       ACTING CHAIR HEDANI: I'm sorry. Ken, can you  
 16 speak a little louder?  
 17       MR. FUKUOKA: I think generally there probably  
 18 ought to be a change in the rules if that's what the  
 19 direction is, yeah, but I cannot really cite the  
 20 sections involved.  
 21       I do think, though, that -- you know, you  
 22 talked about participants being the board members and  
 23 not the testifiers. That's -- that's interesting  
 24 because -- and I agree with that. I mean, that is the  
 25 OIP's current interpretation of this very vague law.

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1       Now, one of the pieces of legislation that's  
 2 going through Legislature right now has some words in it  
 3 that may call it into question because they talk about  
 4 testifiers participating. Participating. Now, that may  
 5 result in thinking that, well, the participants now  
 6 include testifiers, and so you have other constraints  
 7 that apply. You know, right now, we are assuming that a  
 8 testifier can testify from a distant location and it's  
 9 not regulated as a participant. But this is the kind of  
 10 stuff that comes up, you know, I mean, trying to  
 11 reconcile different views of the law and the laws as  
 12 they change and the technology as it changes.  
 13       ACTING CHAIR HEDANI: Additional discussion?  
 14 Commissioner DeLeon.  
 15       COMMISSIONER DELEON: Question to Corporation  
 16 Counsel. You just mentioned that it might be a -- might  
 17 be legally indefensible for the County to apply a more  
 18 stricter requirement than the State? If that's the  
 19 case, maybe we need an opinion from you so we'll quit  
 20 chasing this if we can't do it.  
 21       MR. KUSHI: Well, you need an opinion from the  
 22 State AG's Office; not from my office.  
 23       COMMISSIONER DELEON: Okay. Can I -- I don't  
 24 want to get into a debate; I just want to ask some more  
 25 questions.

<p style="text-align: right;">Page 69</p> <p>1 So, you know, in land use, Maui County has a  2 stricter requirement for agricultural properties, for  3 instance, than the state law. State law is one acre;  4 we're two acres. So it seems to me that we can draw  5 stricter requirements in certain instances. Does that  6 not apply in this case?  7 MR. KUSHI: No. It applies on a case-by-case  8 basis, Dave. You know, the (inaudible) case is the Maui  9 County case, HGEA v., I believe it was Lingle, Hokama,  10 et cetera. And they, basically, said laws of general  11 application statewide cannot be usurped by county  12 ordinances or charters. But laws, county laws,  13 ordinances regarding internal procedures, such as maybe  14 land use ordinances, zoning, et cetera, can override  15 general state laws.  16 COMMISSIONER DELEON: Thank you for the legal  17 lesson. Appreciate it.  18 ACTING CHAIR HEDANI: Okay. Any additional  19 questions for Ken or Jacob at this point? Yuki.  20 COMMISSIONER SUGIMURA: So mine is on the  21 next -- it's not on the same subject, but, since Ken is  22 here, the next item talks about republishing the County  23 Charter when there are changes made to it. I don't  24 know. Maybe this is more of a Jeff Kuwada question,  25 but, since you're here, and this is exactly what you</p>	<p style="text-align: right;">Page 71</p> <p>1 COMMISSIONER DELEON: On the same topic, in  2 reference to your kuleana, you're the keeper of the  3 County Code?  4 MR. FUKUOKA: Me?  5 COMMISSIONER DELEON: Yeah. Or is that  6 Corporation Counsel?  7 MR. FUKUOKA: Well --  8 COMMISSIONER DELEON: Let me follow that. So  9 when there's an amendment or a new law adopted, the  10 County Code is updated at some point. At what point  11 does that happen? I mean, is it there like an annual  12 thing that happens or is it systematically, there's like  13 a regular staff things that goes and this gets plugged  14 into the website and then eventually into the -- into  15 the hard text?  16 MR. FUKUOKA: You know, my -- my recollection  17 may not be absolutely current. Generally, the business  18 of files, of laws and -- and the updating of the County  19 Code, is something that's within the County Clerk's --  20 COMMISSIONER DELEON: Okay.  21 MR. FUKUOKA: -- jurisdiction. This business  22 of actually getting it onto the website is something we  23 may be involved in. At one point, I know we were -- we  24 were appropriating the money and handling it. Mostly,  25 because it wasn't, at that point, an essential part of</p>
<p style="text-align: right;">Page 70</p> <p>1 deal with, I was wondering if you had a comment on that,  2 which would be, now, if this was passed by the Charter,  3 it would require the County to republish the Charter  4 every time there is a change to it, and not have these  5 loose pages of amendments.  6 MR. FUKUOKA: It is a Jeff Kuwada question.  7 (Laughter.)  8 MR. FUKUOKA: And, you know, I have to say,  9 I'm sorry, but I really shouldn't speak. The Office of  10 Council Services makes every effort not to be involved  11 in policy decisions and discussions. In fact, this one  12 was something we had to think long and hard about,  13 whether or not -- and I -- and I had to speak with the  14 Council Chair. You know, whenever we get involved in  15 making these statements in a formal setting, we run the  16 risk of being in conflict with councilmembers who have  17 all different points of view, as they should. And so if  18 it's not really essential for me to speak to an issue,  19 at least in public, I really ought not to.  20 Thank you.  21 ACTING CHAIR HEDANI: Well punted.  22 (Laughter.)  23 ACTING CHAIR HEDANI: Additional questions?  24 COMMISSIONER DELEON: On the same topic --  25 ACTING CHAIR HEDANI: Commissioner DeLeon.</p>	<p style="text-align: right;">Page 72</p> <p>1 the record keeping. It may have shifted already. I  2 know there was a move to shift it the last few years.  3 COMMISSIONER DELEON: So that's a Jeff  4 question? Okay.  5 ACTING CHAIR HEDANI: Any further questions  6 for MIS or Council Services?  7 MR. FUKUOKA: I'm sorry. Could I just say one  8 further thing? My understanding is the Code itself is  9 updated quarterly.  10 COMMISSIONER DELEON: Quarterly?  11 MR. FUKUOKA: Right.  12 ACTING CHAIR HEDANI: Thank you. Additional  13 questions? Seeing none, thank you.  14 MR. FUKUOKA: Thank you.  15 ACTING CHAIR HEDANI: Thank you very much.  16 Members, what is your pleasure on Item Number  17 4? Kay.  18 COMMISSIONER OKAMOTO: Do we have any other  19 representatives coming to speak to us today?  20 ACTING CHAIR HEDANI: Lisa?  21 MS. KAHUHU: No, no one else is scheduled.  22 COMMISSIONER OKAMOTO: Thank you.  23 ACTING CHAIR HEDANI: So it's a minute to 12.  24 Do you want to dwell on this over lunch or do you want  25 to go ahead and do something? What's your pleasure?</p>

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1 We've actually taken testimony and we're on the first  
 2 item of our agenda as far as decision-making. What do  
 3 you want to do?  
 4 COMMISSIONER HASHIMOTO: Let's do it now. Can  
 5 we do this -- are we going to act on Item 4?  
 6 ACTING CHAIR HEDANI: I'm sorry. Cliff?  
 7 COMMISSIONER HASHIMOTO: Are you asking if we  
 8 should be acting on Item 4 before we go to lunch or  
 9 something?  
 10 ACTING CHAIR HEDANI: Right.  
 11 COMMISSIONER HASHIMOTO: I would rather handle  
 12 it before we go to lunch. It's fresh in my mind.  
 13 COMMISSIONER WIGER: I agree.  
 14 ACTING CHAIR HEDANI: Okay.  
 15 COMMISSIONER OKAMOTO: I move -- woops.  
 16 COMMISSIONER HASHIMOTO: No. Go ahead.  
 17 COMMISSIONER OKAMOTO: I move that we remove  
 18 this one from our --  
 19 COMMISSIONER SUGIMURA: Second.  
 20 COMMISSIONER OKAMOTO: -- potential Charter  
 21 Amendments.  
 22 COMMISSIONER SUGIMURA: Second.  
 23 ACTING CHAIR HEDANI: Moved by Commissioner  
 24 Okamoto, seconded by Commissioner Sugimura to remove  
 25 Item 4 from our proposals, Active List. Discussion?

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1 Have we beaten it to hell or -- Cliff?  
 2 COMMISSIONER HASHIMOTO: Somebody seconded?  
 3 ACTING CHAIR HEDANI: Yes.  
 4 COMMISSIONER HASHIMOTO: Oh. Excuse me.  
 5 ACTING CHAIR HEDANI: Discussion? Kay, you  
 6 want to --  
 7 COMMISSIONER HASHIMOTO: I would -- because I  
 8 happen --  
 9 COMMISSIONER OKAMOTO: Use your microphone.  
 10 COMMISSIONER HASHIMOTO: Because I happen to  
 11 be -- live in one of those areas of concern, I would  
 12 like to see it stay on, perhaps reworded in some way,  
 13 whereby we can -- you know, we can keep it flagged until  
 14 it happens. And possibly the best way to do that is to  
 15 get it into the Charter. And after it happens, then  
 16 they can -- maybe we can just leave it there. But I  
 17 would like to see it in some form.  
 18 As -- as was explained by Corp Counsel, he  
 19 says that the -- taking testimony does not require video  
 20 connection. So even with just voice alone, testimony  
 21 from remote areas, I think, would be a real benefit for  
 22 us who live there, without having to drive in, just to  
 23 be able to speak for three minutes.  
 24 ACTING CHAIR HEDANI: Commissioner Okamoto.  
 25 COMMISSIONER OKAMOTO: If we could rework it

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1 to something that is acceptable. The idea, yes, is  
 2 there. If we mandate something, that money's going to  
 3 come from something else, and I just don't feel  
 4 comfortable doing that. But if we could rework it to  
 5 somehow more of a policy that there would be efforts to  
 6 include all the areas, whether it be interactive -- I am  
 7 not sure that's -- interactive, I think, is part of the  
 8 -- the problem. You think of it being more ongoing  
 9 throughout meetings. So I would -- I would still like  
 10 to drop it as-is, but maybe if it can be reworked into  
 11 something. I am not sure.  
 12 ACTING CHAIR HEDANI: Commissioner Sugimura.  
 13 COMMISSIONER SUGIMURA: The reason why that I  
 14 -- I think that we should leave it alone is, after  
 15 hearing both from Jacob and Ken, it's something that is  
 16 not like it's something that is not being thought of or  
 17 worked on or -- you know. And -- and at its pace, I  
 18 mean, if UH Maui campus is getting \$30 million to do  
 19 what they're doing for upgrades, you know, can you  
 20 imagine what it would cost us? And we don't have that  
 21 kind of federal support. So I think at the expense of  
 22 making sure that we take care of core -- core issues and  
 23 things that are important instead of us mandating or  
 24 trying to mandate this, that you let it take its course  
 25 on its own. So I will be voting to delete this item.

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1 ACTING CHAIR HEDANI: Further discussion?  
 2 Commissioner Wiger.  
 3 COMMISSIONER WIGER: I want to be clear. I  
 4 don't think that -- that University of Hawaii Maui  
 5 College is going to get 30. I think it may be UH is --  
 6 is getting 30. I don't want that going out and, you  
 7 know, somebody saying, "Oh, really, that's what we're  
 8 getting?" And that's -- that's for a whole variety of  
 9 things; it's just not -- it's just not for this.  
 10 My concern, and I think it was sort of  
 11 verified by Ken, when he said, well, when it comes up,  
 12 people talk about it and they think about it and then it  
 13 sort of goes away again, or -- and then it will come up  
 14 again and people will talk about it. I am -- I don't  
 15 think that interactive means that it has to be Polycom  
 16 or Skype. I think interactive could be telephone  
 17 service. I mean, that's interactive, if that, in fact,  
 18 is how one frames it. And I think that -- I think that  
 19 there are ways to upgrade or even get a basic Polycom  
 20 system which are not that onerously expensive, although  
 21 that would be things that I -- I think that MIS and  
 22 Ken's people would have to be the ones to really look at  
 23 what that costs.  
 24 I did get some costs from Mike Albert, but I  
 25 am not going to say what those were. And they were not

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1 outrageous, from my perspective.  
 2 I would not be -- I would not be opposed to  
 3 having some language done, but I really support the idea  
 4 of keeping it there because I think, if we don't, and  
 5 maybe if -- if we can figure out something with the  
 6 language, and we can keep it there, maybe we can give  
 7 MIS and Ken's people some help in terms of being able to  
 8 get this thing finally on somebody's agenda to make it  
 9 -- really make it happen.  
 10 ACTING CHAIR HEDANI: Additional discussion?  
 11 Commissioner DeLeon.  
 12 COMMISSIONER DELEON: I am going to vote  
 13 against the motion. Interactive in this case was meant  
 14 to be -- somebody gives testimony in the Council could  
 15 speak back and forth to the testifier. That's an  
 16 interactive conversation. That could be done by  
 17 telephone. The point of the exercise is to draw a line  
 18 underneath the requirement to do this. 20 years this  
 19 has been discussed. Actively -- we've had  
 20 councilmembers actively pursue this. It's usually  
 21 Lanai, Molokai and Hana councilmembers who are pursuing  
 22 because they know that their people have to drive or fly  
 23 godawful long, all day long to give three minutes worth  
 24 of testimony. If they could do that at home, then we've  
 25 made a major benefit to those communities. And I don't

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1 think the costs are anywhere near what people are  
 2 talking about. Our technology advances by the day.  
 3 Just get off it and do it.  
 4 Thank you.  
 5 ACTING CHAIR HEDANI: Additional discussion?  
 6 Commissioner Crivello.  
 7 COMMISSIONER CRIVELLO: I am realistic. I  
 8 think the first thing we have to recognize -- and maybe  
 9 MIS has to do that -- is how we will increase the  
 10 bandwidth on our island, like Molokai. Number one,  
 11 that's the problem that we have. And then because he  
 12 mentioned the legislation cannot -- they cannot keep up  
 13 with it, with the technology, I think it helps us to  
 14 move more -- help them to -- inoculate them to move  
 15 forward in trying to find the technology. And if it's  
 16 bandwidth, you know, there is rural telecommunications  
 17 grants out there that maybe County can also seek or --  
 18 or some funding. Because it's costly. It's costly to  
 19 fly from Molokai to Maui.  
 20 And I would have to say, our island people  
 21 take a complete interest in participating in the  
 22 process. So if there's some means, and maybe the  
 23 wording will have to be tweaked or what-have-you, but to  
 24 get them going to really take a look at it, as to how we  
 25 can have the provisions for our remote areas to -- to

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1 participate in the process that they so value.  
 2 ACTING CHAIR HEDANI: Further discussion?  
 3 Commissioner Okamoto.  
 4 COMMISSIONER OKAMOTO: My problem is, I think  
 5 -- I mean, I like the idea that, yes, we want to push  
 6 forward, but I view this as a Charter and what goes in  
 7 the Charter becomes law. And if this is not going to  
 8 work with the Sunshine Law, if it's taking funds from  
 9 other places, then I am very worried about it. As it  
 10 is, I can't -- I can't vote to keep it in.  
 11 I certainly, as I said, am amenable to a  
 12 rewording of it. But, again, my belief of the Charter  
 13 is that it's -- it's a pretty firm law and it's not just  
 14 pushing people to go the right direction.  
 15 ACTING CHAIR HEDANI: Additional discussion?  
 16 (No Response.)  
 17 ACTING CHAIR HEDANI: Okay. Ready for the  
 18 question? The question on the table is to remove Item  
 19 Number 4, which we tabled previously, on Article 13,  
 20 General Provisions, Section 3-2 [sic], Boards and  
 21 Commissions, Subsection 17, "Require interactive  
 22 communications access for the public to all County  
 23 Council and County Council Committee meetings." And you  
 24 can read the rest of that paragraph.  
 25 All those -- you want to do a show of hands or

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1 do you want to do a roll call? Let's go show of hands  
 2 first. All those in favor of removing this from the  
 3 Active List, please signify by raising your hand.  
 4 Opposed, same sign. One, two, three, four,  
 5 five.  
 6 Five to three. The proposal remains on the  
 7 Active List, five to three. We have Members absent,  
 8 three Members absent.  
 9 Okay. Congratulations. We've covered one  
 10 item.  
 11 (Laughter.)  
 12 COMMISSIONER WIGER: Moving on.  
 13 COMMISSIONER DELEON: Mr. Chair?  
 14 ACTING CHAIR HEDANI: Commissioner DeLeon.  
 15 COMMISSIONER DELEON: I think it's pretty well  
 16 articulated, though. We need to go back and clean up  
 17 the language on something we can all agree on.  
 18 ACTING CHAIR HEDANI: Right. So the  
 19 instructions to our staff at this point would be to take  
 20 a look at Item Number 4, perhaps look towards public  
 21 testimony, perhaps look towards audio communications as  
 22 a possibility, and with the consideration of the  
 23 discussion relative to changing technology and not  
 24 bringing everything to a grinding halt every time  
 25 somebody gets cut off.

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<p>1 COMMISSIONER OKAMOTO: Mr. Chair?                  2 ACTING CHAIR HEDANI: Kay.                  3 COMMISSIONER OKAMOTO: Also, and I know that                  4 Dave brought it up, it's been mentioned that Article 13                  5 is not where it belongs.                  6 COMMISSIONER DELEON: That's true.                  7 COMMISSIONER OKAMOTO: We need to correct                  8 that.                  9 ACTING CHAIR HEDANI: That would be correct as                  10 well. And Ed will keep us out of court somehow.                  11 COMMISSIONER OKAMOTO: Somehow.                  12 ACTING CHAIR HEDANI: Okay. You want to go                  13 ahead and take a break for lunch at this point?                  14 COMMISSIONER HASHIMOTO: Let's take a break.                  15 ACTING CHAIR HEDANI: Cliff?                  16 COMMISSIONER HASHIMOTO: Take a break.                  17 (Laughter.)                  18 ACTING CHAIR HEDANI: Okay. We'll go ahead                  19 and take a break for lunch. It's 10 past 12:00. So                  20 we'll reconvene -- we'll reconvene at 1:00? Okay. So                  21 we'll reconvene at 1:00. So this meeting is in recess.                  22 (Recess, 12:11 p.m. to 1:06 p.m.)                  23 ACTING CHAIR HEDANI: We will reconvene the                  24 meeting of February 27th.                  25 I was just corrected. In my Alzheimer's</p>	<p>1 consecutive years, whichever shall be longer, beginning                  2 in January 2015, with terms to be staggered."                  3 Discussion?                  4 COMMISSIONER DELEON: Is this the document                  5 we're working from?                  6 MS. BRODER: Yes.                  7 ACTING CHAIR HEDANI: Right.                  8 COMMISSIONER DELEON: Okay. I do have an                  9 issue.                  10 ACTING CHAIR HEDANI: Commissioner DeLeon.                  11 COMMISSIONER DELEON: The motion was to change                  12 our current system to four-year terms, three consecutive                  13 terms, after which there has to be a break. This says                  14 three consecutive terms whether such terms be two or                  15 four years. The motion was only on four years. And                  16 then if, if, that motion fails, then we go with -- we                  17 stay where we're at, so we get five terms of two. So --                  18 COMMISSIONER OKAMOTO: You're right.                  19 COMMISSIONER DELEON: So this is not an                  20 accurate reflection of that.                  21 MS. BRODER: This would only apply -- this                  22 would only apply if it passes. So that is to cover --                  23 remember the first go-around, if it passes, five people                  24 will get four-year terms and four people will get                  25 two-year terms.</p>
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<p>1 situation, I had thought that we were on the old Number                  2 14 and the current Number 6. But be that as it may, we                  3 actually moved through all 21 proposals in the last 10                  4 minutes of the last meeting.                  5 (Laughter.)                  6 ACTING CHAIR HEDANI: So what we'll do, unless                  7 there's an objection, is we'll go back to follow our                  8 agenda. We finished Number 4. We'll go back to Number                  9 1 and see if there's additional consideration that you                  10 want to give to each of these proposals --                  11 COMMISSIONER SUGIMURA: And then --                  12 ACTING CHAIR HEDANI: -- in greater depth.                  13 COMMISSIONER SUGIMURA: Do we want to --                  14 ACTING CHAIR HEDANI: And for all of these                  15 proposals, what we now have is the draft of the actual                  16 Proposed Charter Amendment as well as notations that are                  17 done in red. Pay attention to whatever you see in red                  18 because those are decision points that they need or                  19 considerations that need to be considered before we take                  20 any further action.                  21 That being said, let's start with Number 1 --                  22 I'm sorry -- Number 1, Article 3, Council Term Limits.                  23 "Shall Section 3-2 of the Charter be amended to lengthen                  24 the term of office of councilmembers from two to four                  25 years, with term limits of three consecutive terms or 12</p>	<p>1 COMMISSIONER DELEON: Oh.                  2 COMMISSIONER DE REGO: You have to transition                  3 once you start staggering.                  4 COMMISSIONER DELEON: Got it. Okay.                  5 MS. BRODER: So I think the question would                  6 be --                  7 COMMISSIONER DELEON: Yeah. I was reading                  8 totality.                  9 MS. BRODER: Okay.                  10 ACTING CHAIR HEDANI: Hold on.                  11 MS. BRODER: So I think if you could just                  12 doublecheck that. It's either supposed to be three                  13 four-year terms of 12 years, whichever is longer.                  14 COMMISSIONER OKAMOTO: Yes.                  15 MS. BRODER: Okay.                  16 COMMISSIONER WIGER: Yeah. Yeah.                  17 MS. BRODER: So that's why it says that.                  18 COMMISSIONER DELEON: Mr. Chair?                  19 ACTING CHAIR HEDANI: Commissioner DeLeon.                  20 COMMISSIONER DELEON: I stand corrected.                  21 (Laughter.)                  22 ACTING CHAIR HEDANI: Further discussion?                  23 Commissioner Okamoto.                  24 COMMISSIONER OKAMOTO: Well, I was talking to                  25 just a member of our community who went through a lot of</p>

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1 the information. And her comment -- she's very pointed  
 2 when she makes comments -- was that she saw that a lot  
 3 of the things she thought were just, you know, almost  
 4 petty, but that this particular issue has been voted  
 5 down three times in a row and why are we bringing it up,  
 6 you know. And --  
 7 ACTING CHAIR HEDANI: That's the point.  
 8 COMMISSIONER OKAMOTO: -- I got to thinking,  
 9 you know, I feel a little uncomfortable with that. But  
 10 I just am reporting what I was told by a community  
 11 member who studies things very carefully.  
 12 ACTING CHAIR HEDANI: Okay. How do you want  
 13 to proceed from here? Do we want to affirm that we're  
 14 going to move ahead with these proposed Charter  
 15 Amendments and try to finalize some draft language at  
 16 this point?  
 17 COMMISSIONER DELEON: Mr. Chair?  
 18 ACTING CHAIR HEDANI: Commissioner DeLeon.  
 19 COMMISSIONER DELEON: I believe we've already  
 20 decided we were moving ahead with this. That was the  
 21 point of the exercise in the last meeting.  
 22 ACTING CHAIR HEDANI: Right.  
 23 COMMISSIONER DELEON: So we are working for  
 24 draft language at this point.  
 25 ACTING CHAIR HEDANI: Right. Commissioner

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1 Okamoto.  
 2 COMMISSIONER OKAMOTO: Question, then. Does  
 3 that mean everybody agrees all 12 of these are going to  
 4 go forward? That was not my -- I mean, I thought --  
 5 ACTING CHAIR HEDANI: Yeah. I think --  
 6 COMMISSIONER OKAMOTO: -- weeding them down  
 7 and maybe weeding them again. But if that's the case,  
 8 then all 12 -- 12, is that how many we have?  
 9 COMMISSIONER DE REGO: 13.  
 10 COMMISSIONER OKAMOTO: 13 are going to be on  
 11 the ballot?  
 12 ACTING CHAIR HEDANI: My understanding was  
 13 that we'll have -- we would have a second whack at it.  
 14 And that the first go-around was just a quick rough and  
 15 dirty first go-around to cull from the first list that  
 16 we had. So at this point what we should do is get  
 17 serious about the language and see if there's problems  
 18 with the language, or if we are happy with it and move  
 19 forward with it to the next stage, I guess, draft the  
 20 proposed ballot question and the --  
 21 COMMISSIONER OKAMOTO: So your understanding  
 22 was we could be culling some more?  
 23 ACTING CHAIR HEDANI: That was my  
 24 understanding. Especially since -- especially since we  
 25 covered six in 10 minutes, at the last 10 minutes of the

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1 meeting.  
 2 COMMISSIONER CRIVELLO: Mr. Chair?  
 3 ACTING CHAIR HEDANI: Commissioner Crivello.  
 4 COMMISSIONER CRIVELLO: Does it mean that --  
 5 well, clarification. Can we motion to remove it  
 6 completely still, or that's -- it's a done deal already?  
 7 ACTING CHAIR HEDANI: Whatever is your  
 8 pleasure at this point. I think we take each one in  
 9 sequence and we decide -- we decide whether or not we  
 10 want to revise it, whether or not we want to move  
 11 forward with it as it stands, or whether or not we  
 12 change our mind.  
 13 Commissioner DeLeon.  
 14 COMMISSIONER DELEON: Considering we're  
 15 missing three Members, I am kind of reluctant to do an  
 16 up or down vote at this point to support that concept at  
 17 this point. I think if the majority of the Members in  
 18 this room were to say, "okay, let's remove," and we have  
 19 a quorum that says, "let's remove," like six, then,  
 20 okay, then I could buy that. But if it's going to be  
 21 majority of this group, no. I think, anyway, by Code,  
 22 we have to have -- we have to have a majority of the  
 23 body. So there has to be six votes to remove.  
 24 ACTING CHAIR HEDANI: That's a good question.  
 25 Ed, do you have that answer? I was -- I was kind of

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1 wondering that myself when we took the vote that ended  
 2 up in five-three whether or not we needed six, you know,  
 3 to confirm.  
 4 MR. KUSHI: You need six.  
 5 ACTING CHAIR HEDANI: Six. So six out of the  
 6 11. Six votes out of the eleven to carry the vote --  
 7 COMMISSIONER SUGIMURA: So, then, that's  
 8 deleted?  
 9 COMMISSIONER DELEON: No.  
 10 ACTING CHAIR HEDANI: -- one way or another.  
 11 Commissioner Okamoto.  
 12 COMMISSIONER DELEON: You didn't have  
 13 majority, let alone six.  
 14 COMMISSIONER SUGIMURA: Five-three.  
 15 ACTING CHAIR HEDANI: Commissioner Okamoto.  
 16 COMMISSIONER OKAMOTO: I am going to -- I have  
 17 to -- sometimes we get a little testy with each other,  
 18 and I wish we would stop that. But -- so as long -- I  
 19 don't care if we vote today, but as long as we're all in  
 20 agreement we still can cull some things. That's my --  
 21 ACTING CHAIR HEDANI: That's my understanding.  
 22 COMMISSIONER OKAMOTO: Thank you.  
 23 COMMISSIONER SUGIMURA: So I have a question,  
 24 then.  
 25 ACTING CHAIR HEDANI: Commissioner Sugimura.

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1 COMMISSIONER SUGIMURA: This item, which is  
 2 Item Number 6 here, I thought that we deleted that. To  
 3 conform the terms of appointment of Charter Commission  
 4 to the terms of other County, I thought that got  
 5 deleted, like we've been trying to delete it the whole  
 6 time we've been -- yeah?

7 COMMISSIONER DELEON: No. That was --  
 8 ACTING CHAIR HEDANI: Lisa?

9 MS. KAHUHU: You guys agreed that it was  
 10 inaccurate, the information, but Frank brought up at the  
 11 last meeting that it was meant to be the appointment as  
 12 opposed to the full --

13 COMMISSIONER SUGIMURA: Term.  
 14 COMMISSIONER DE REGO: Yeah. We -- I --  
 15 Mr. Chair, can I make a clarification?

16 ACTING CHAIR HEDANI: Commissioner De Rego.  
 17 COMMISSIONER DE REGO: I think when we had  
 18 this discussion that we agreed that we wanted -- we had  
 19 -- we agreed what was here was not what the actual  
 20 intention of the Commission was at this point, that the  
 21 five-year terms was not what was intended. But we were  
 22 looking, I think it was off of Commissioner Okamoto's  
 23 suggestion, that the present term of the Commission  
 24 wasn't long enough to really deliberate, you know, large  
 25 issues in regards to the Charter. So we were looking at

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1 18 months or, I think, you know, something -- you know,  
 2 numbers started getting, you know, suggested. But we  
 3 were preserving the concept, but not necessarily what  
 4 was worded here. But that was my understanding of how  
 5 this ended up.

6 ACTING CHAIR HEDANI: Thank you.  
 7 Getting back to Number 1, Article 3, Council  
 8 Term Limits, what is your pleasure?

9 COMMISSIONER DELEON: Is this -- Mr. Chair?  
 10 ACTING CHAIR HEDANI: First of all, Sherry, do  
 11 you have any items that need decision-making on this  
 12 item?

13 MS. BRODER: Well, I think the language in the  
 14 Ramseyer format has been revised somewhat since the last  
 15 meeting because of the actual vote that was taken and  
 16 the discussion that was had. And, actually, Ed and I  
 17 went back a little bit between each other about this  
 18 exact language. So I think it would be good if you  
 19 could take a look at it and make sure that you believe  
 20 that it accurately reflects how you want it to read.

21 ACTING CHAIR HEDANI: Okay. Why don't we take  
 22 60 seconds and everybody go through this proposal as  
 23 it's stated?

24 Okay. Anybody need more time? Discussion on  
 25 the motion? Commissioner DeLeon.

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1 COMMISSIONER DELEON: I am having second  
 2 thoughts about the second half of this, about the  
 3 staggering. I think I saw language from Honolulu, in  
 4 their Charter, that does it in a different manner. So  
 5 if the Mayor's election ends with a number that's odd,  
 6 then all the odd districts are four years, and the even  
 7 numbers are two. And -- and it's almost like roulette  
 8 in a way, but the point of it is, we can have contests  
 9 where the fact that someone has competition means you're  
 10 going to get less votes. And we're going to get --  
 11 we're going to get -- we have, regularly, competitions  
 12 where there is no competition, no -- no balance on the  
 13 other side. So a popular councilmember with no  
 14 competition gets a gazillion votes, and not because  
 15 they're better than the other guy, it's just because  
 16 they don't have competition. So the Honolulu method is  
 17 more random. It doesn't speak to the quality of the  
 18 councilmember or the service they're providing, but it's  
 19 -- it's -- it's without -- without judgment and it's  
 20 just a luck of the draw. You know, if the Mayor end up  
 21 with two -- an odd number at the end of his vote total,  
 22 or an even. And, I mean, that's the way it is in  
 23 Honolulu, that's the way it's written.

24 COMMISSIONER SUGIMURA: Interesting.  
 25 ACTING CHAIR HEDANI: Okay. Let me offer a

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1 suggestion. Because we don't have any motion on the  
 2 floor right now, what I would prefer is a motion to  
 3 accept the language. And then, at that point, if you  
 4 want to change it or make an amendment, you make a  
 5 motion for an amendment or change, then we vote up or  
 6 down on the amendment. Does that work for you?

7 COMMISSIONER DELEON: Well, except that you  
 8 don't have conversation ahead of time so you don't know.  
 9 Okay. Try it.

10 ACTING CHAIR HEDANI: Yeah. So who wants --  
 11 COMMISSIONER DE REGO: I would like to make a  
 12 motion that we accept --

13 ACTING CHAIR HEDANI: Who wants to move this  
 14 particular item for the fourth time?

15 COMMISSIONER DE REGO: Yes. I will make a  
 16 motion to move it --

17 ACTING CHAIR HEDANI: Commissioner De Rego.  
 18 COMMISSIONER DE REGO: -- for the fourth time.  
 19 COMMISSIONER DELEON: Point of order. Is this  
 20 on the item or is it on the language?

21 COMMISSIONER DE REGO: Language.  
 22 ACTING CHAIR HEDANI: On the -- on the --  
 23 COMMISSIONER DE REGO: Language.  
 24 ACTING CHAIR HEDANI: On the item and the  
 25 language in the item.

Page 93	<p>1 COMMISSIONER OKAMOTO: As written here?</p> <p>2 ACTING CHAIR HEDANI: Right. Commissioner De</p> <p>3 Rego.</p> <p>4 COMMISSIONER DE REGO: Okay. So correct me if</p> <p>5 I am wrong, Mr. Chair. I would like to make a motion to</p> <p>6 move Item 1 from the agenda forward in consideration for</p> <p>7 its language. That's it.</p> <p>8 ACTING CHAIR HEDANI: Is there a second?</p> <p>9 COMMISSIONER WIGER: Second.</p> <p>10 ACTING CHAIR HEDANI: Moved by Commissioner De</p> <p>11 Rego, seconded by Commissioner Wiger, to move Item</p> <p>12 Number 1, which would be Article 3, Council Term Limits,</p> <p>13 forward as proposed. Discussion?</p> <p>14 COMMISSIONER CRIVELLO: I'm just --</p> <p>15 ACTING CHAIR HEDANI: Commissioner Crivello.</p> <p>16 COMMISSIONER CRIVELLO: -- asking for</p> <p>17 clarification on our process. I was with the</p> <p>18 understanding that you would have to have six. So it</p> <p>19 would take six votes to get this through, or do you need</p> <p>20 all 11 Members?</p> <p>21 ACTING CHAIR HEDANI: You need six votes to</p> <p>22 get it through. We do have a quorum so the meeting is</p> <p>23 convened with a quorum.</p> <p>24 COMMISSIONER DE REGO: But to --</p> <p>25 COMMISSIONER SUGIMURA: You still need six.</p>
Page 94	<p>1 -- whether a councilmember gets four or two-year terms.</p> <p>2 Don't ask me to repeat that.</p> <p>3 ACTING CHAIR HEDANI: Everybody got it? Is</p> <p>4 there a second?</p> <p>5 COMMISSIONER DE REGO: I second the motion.</p> <p>6 ACTING CHAIR HEDANI: Seconded by Commissioner</p> <p>7 -- moved by Commissioner DeLeon, seconded by</p> <p>8 Commissioner De Rego, to amend Proposal Number 1 to</p> <p>9 include staggering similar to that adopted in Honolulu.</p> <p>10 Is that pretty much the gist of it? Discussion on the</p> <p>11 amendment? Commissioner Okamoto.</p> <p>12 COMMISSIONER OKAMOTO: Question. This is --</p> <p>13 only pertains to the very first time that we're going to</p> <p>14 four-year, correct?</p> <p>15 ACTING CHAIR HEDANI: That's for establishing</p> <p>16 the staggering. If you look at the proposal, the</p> <p>17 proposal, under Item (c), says, "Have the terms be</p> <p>18 staggered?" So we need to decide if the terms are going</p> <p>19 to be staggered or not at some point probably. But the</p> <p>20 amendment on the floor is to change the system, assuming</p> <p>21 that it's staggered.</p> <p>22 Discussion?</p> <p>23 (No Response.)</p> <p>24 ACTING CHAIR HEDANI: Ready for the question.</p> <p>25 All those in favor of the amendment to change the system</p>
Page 95	<p>1 ACTING CHAIR HEDANI: Commissioner DeLeon.</p> <p>2 COMMISSIONER DELEON: So how it works is if</p> <p>3 the mayor gets an odd number of votes, then the council</p> <p>4 victors in council races 1, 3, 5, 7, 9 get four-year</p> <p>5 terms.</p> <p>6 COMMISSIONER OKAMOTO: Okay.</p> <p>7 COMMISSIONER DELEON: The councilmembers in</p> <p>8 the even numbered districts, 2, 4, et cetera --</p> <p>9 COMMISSIONER OKAMOTO: Okay.</p> <p>10 COMMISSIONER DELEON: -- get the two-year</p> <p>11 terms.</p> <p>12 COMMISSIONER OKAMOTO: Okay. Thank you.</p> <p>13 Thank you. That makes sense now.</p> <p>14 ACTING CHAIR HEDANI: Okay. We have a motion</p> <p>15 on the floor. The floor is open for discussion. We</p> <p>16 have no amendments being proposed at this time unless</p> <p>17 you're making an amendment.</p> <p>18 COMMISSIONER DELEON: I'll make a motion.</p> <p>19 ACTING CHAIR HEDANI: Motion to amend. Can</p> <p>20 you restate your amendment?</p> <p>21 COMMISSIONER DELEON: I read this once, and I</p> <p>22 hope I got it right. It's from, I believe, the Honolulu</p> <p>23 Charter, in which it allows for the staggering to be</p> <p>24 based on the number of -- the final number in the</p> <p>25 mayor's election total, be it odd or even, to effect the</p>
Page 96	<p>1 -- whether a councilmember gets four or two-year terms.</p> <p>2 Don't ask me to repeat that.</p> <p>3 ACTING CHAIR HEDANI: Everybody got it? Is</p> <p>4 there a second?</p> <p>5 COMMISSIONER DE REGO: I second the motion.</p> <p>6 ACTING CHAIR HEDANI: Seconded by Commissioner</p> <p>7 -- moved by Commissioner DeLeon, seconded by</p> <p>8 Commissioner De Rego, to amend Proposal Number 1 to</p> <p>9 include staggering similar to that adopted in Honolulu.</p> <p>10 Is that pretty much the gist of it? Discussion on the</p> <p>11 amendment? Commissioner Okamoto.</p> <p>12 COMMISSIONER OKAMOTO: Question. This is --</p> <p>13 only pertains to the very first time that we're going to</p> <p>14 four-year, correct?</p> <p>15 ACTING CHAIR HEDANI: That's for establishing</p> <p>16 the staggering. If you look at the proposal, the</p> <p>17 proposal, under Item (c), says, "Have the terms be</p> <p>18 staggered?" So we need to decide if the terms are going</p> <p>19 to be staggered or not at some point probably. But the</p> <p>20 amendment on the floor is to change the system, assuming</p> <p>21 that it's staggered.</p> <p>22 Discussion?</p> <p>23 (No Response.)</p> <p>24 ACTING CHAIR HEDANI: Ready for the question.</p> <p>25 All those in favor of the amendment to change the system</p>



Page 97	<p>1 of staggering to that similar to Honolulu, where it's</p> <p>2 odd and even numbered districts determining the four and</p> <p>3 the two-year terms, signify by raising your hand. One,</p> <p>4 two, three, four, five, six.</p> <p>5 Opposed, same sign. One.</p> <p>6 Who is not voting?</p> <p>7 COMMISSIONER DELEON: Cliff, were you up or</p> <p>8 down?</p> <p>9 ACTING CHAIR HEDANI: Opposed, two.</p> <p>10 COMMISSIONER DELEON: We fail.</p> <p>11 ACTING CHAIR HEDANI: Six to two, so the</p> <p>12 amendment passes.</p> <p>13 COMMISSIONER DE REGO: Passes.</p> <p>14 ACTING CHAIR HEDANI: One --</p> <p>15 COMMISSIONER DELEON: Seven guys --</p> <p>16 (Multiple speakers.)</p> <p>17 ACTING CHAIR HEDANI: -- two, three, four,</p> <p>18 five, six.</p> <p>19 COMMISSIONER CRIVELLO: You don't know how to</p> <p>20 act when something passes.</p> <p>21 COMMISSIONER DELEON: No. Let's do roll call.</p> <p>22 ACTING CHAIR HEDANI: Okay. There's some</p> <p>23 confusion. Let's go to a roll call vote. Lisa.</p> <p>24 COMMISSIONER OKAMOTO: Just for the amendment?</p> <p>25 ACTING CHAIR HEDANI: Just for the amendment.</p>
Page 99	<p>1 prevail, staggered terms versus everybody out at once.</p> <p>2 Any further questions on Proposal Number 1?</p> <p>3 MR. KUSHI: Yes, Mr. Chair. Point of</p> <p>4 information.</p> <p>5 ACTING CHAIR HEDANI: Mr. Kushi.</p> <p>6 MR. KUSHI: As I read the staggering</p> <p>7 amendment, which is contained in Jeff Kuwada's letter to</p> <p>8 you, dated today, at the bottom, it has a footnote. He</p> <p>9 references Council Districts 1 through 9. How are you</p> <p>10 going to set up your residency -- residency areas?</p> <p>11 Which ones are you going to say are four years, which</p> <p>12 ones are you going to say are two years? You have nine</p> <p>13 residency areas right now. I think you need to</p> <p>14 determine that.</p> <p>15 MS. BRODER: I think what they decided is</p> <p>16 that, if the Mayor gets an odd number of votes, so the</p> <p>17 Mayor wins by three votes, then the odd districts get</p> <p>18 the four-year terms.</p> <p>19 MR. KUSHI: If it's -- if the Mayor has an odd</p> <p>20 number, then Districts 1, 3, 4, 5, 7 and 9 get four</p> <p>21 years, but now you have various residency districts. So</p> <p>22 which ones are going to be the four years? Lahaina,</p> <p>23 Wailuku, Molokai, Lanai? You need to determine.</p> <p>24 ACTING CHAIR HEDANI: Discussion?</p> <p>25 COMMISSIONER DELEON: Mr. Chair?</p>
Page 98	<p>1 MS. KAHUHU: One second.</p> <p>2 Commissioner Baxa, excused.</p> <p>3 Commissioner Crivello.</p> <p>4 COMMISSIONER CRIVELLO: For the amendment,</p> <p>5 yes.</p> <p>6 MS. KAHUHU: Commissioner DeLeon.</p> <p>7 COMMISSIONER DELEON: Yes.</p> <p>8 MS. KAHUHU: Commissioner De Rego.</p> <p>9 COMMISSIONER DE REGO: Yes.</p> <p>10 MS. KAHUHU: Commissioner Hashimoto.</p> <p>11 COMMISSIONER HASHIMOTO: No.</p> <p>12 MS. KAHUHU: Chair Hedani.</p> <p>13 ACTING CHAIR HEDANI: No.</p> <p>14 MS. KAHUHU: Commissioner Moikeha, excused.</p> <p>15 Commissioner Okamoto.</p> <p>16 COMMISSIONER OKAMOTO: Yes.</p> <p>17 MS. KAHUHU: Commissioner Sugimura.</p> <p>18 COMMISSIONER SUGIMURA: Yes.</p> <p>19 MS. KAHUHU: Commissioner Wiger.</p> <p>20 COMMISSIONER WIGER: Yes.</p> <p>21 MS. KAHUHU: And Chair Stone, excused.</p> <p>22 So six-two. Six in favor, "yes;" two "no."</p> <p>23 ACTING CHAIR HEDANI: Okay. So does that</p> <p>24 answer the question, have the terms staggered? Assuming</p> <p>25 that the six prevail, this assumes that staggering will</p>
Page 100	<p>1 ACTING CHAIR HEDANI: Commissioner DeLeon.</p> <p>2 COMMISSIONER DELEON: So, Ed, are you saying</p> <p>3 we just have to assign numbers to the districts instead</p> <p>4 of using names for the districts?</p> <p>5 MR. KUSHI: Well, somehow, you got to</p> <p>6 determine which districts would get --</p> <p>7 COMMISSIONER DELEON: So that's where we get</p> <p>8 the odd and even, so we have to have numbers. So we</p> <p>9 have to start naming --</p> <p>10 MR. KUSHI: Right. Otherwise, it's --</p> <p>11 COMMISSIONER DELEON: So Hana becomes District</p> <p>12 Number 1, et cetera.</p> <p>13 MR. KUSHI: Right.</p> <p>14 COMMISSIONER DELEON: Or whatever, whichever</p> <p>15 way you want to go.</p> <p>16 COMMISSIONER HASHIMOTO: That's why I voted</p> <p>17 "no."</p> <p>18 ACTING CHAIR HEDANI: Okay. Further</p> <p>19 discussion?</p> <p>20 COMMISSIONER CRIVELLO: I have a question.</p> <p>21 ACTING CHAIR HEDANI: Commissioner Okamoto.</p> <p>22 COMMISSIONER OKAMOTO: Well, just a question.</p> <p>23 Okay. Let's say that we vote on this whole thing now,</p> <p>24 and there are not six votes to keep it on, but, because</p> <p>25 we don't have everybody here, we just bring it up again</p>

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1 at the next time? Let's say there's six to keep it on,  
 2 then we're okay. But if there -- if it's five-four, it  
 3 would come up again because we don't have six either  
 4 way, is that correct?  
 5 COMMISSIONER WIGER: We lack three.  
 6 COMMISSIONER OKAMOTO: Yeah. I mean --  
 7 ACTING CHAIR HEDANI: Ed, do you have a read  
 8 on that?  
 9 MR. KUSHI: Again? I didn't hear the  
 10 question.  
 11 COMMISSIONER OKAMOTO: Because we only have  
 12 eight people here. If the vote to keep this particular  
 13 proposal on the table comes out to be four-four or  
 14 five-three, would it then -- it wouldn't pass, but,  
 15 because we don't have six, it wouldn't fail, either, so  
 16 it would just come up at our next meeting? I am just  
 17 asking procedurally, how is that going to work?  
 18 MR. KUSHI: You had a motion, you had a motion  
 19 to amend, and you passed it.  
 20 COMMISSIONER OKAMOTO: Right.  
 21 MR. KUSHI: So that's -- you passed it.  
 22 COMMISSIONER OKAMOTO: The amendment, yes.  
 23 MR. KUSHI: So now my issue is, how do you  
 24 clarify which districts are Number 1, 2, 3, 4, 5?  
 25 ACTING CHAIR HEDANI: Right.

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1 MR. KUSHI: And in Maui's case, it's not  
 2 districts; it's residency areas. In the Charter, you  
 3 have seven residency areas, you also have, in the  
 4 Preamble, Molokai and Lanai. So now which one -- is  
 5 Molokai going to be Number 8 or Number 9, Lanai is going  
 6 to be 8 or 9.  
 7 ACTING CHAIR HEDANI: And the seven districts  
 8 are described geographically.  
 9 MR. KUSHI: Described by geographical  
 10 boundaries.  
 11 COMMISSIONER SUGIMURA: Oh, my gosh.  
 12 COMMISSIONER DELEON: It seems easy enough to  
 13 me.  
 14 ACTING CHAIR HEDANI: This is where you dot  
 15 the "I"s and cross the "T"s.  
 16 Commissioner Sugimura.  
 17 COMMISSIONER SUGIMURA: So do you have to  
 18 change the Charter to assign those numbers, or is it a  
 19 matter of you, as Corp Counsel, can say you're going to  
 20 be 1, 2 --  
 21 MR. KUSHI: No.  
 22 COMMISSIONER DE REGO: Oh, no. He's not going  
 23 to do that.  
 24 COMMISSIONER SUGIMURA: Or somebody else.  
 25 Somebody else.

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1 COMMISSIONER DE REGO: No, no.  
 2 MR. KUSHI: I mean, to be crystal clear, when  
 3 you -- in the language of staggering, you should say the  
 4 following districts will be four years if the odd number  
 5 comes up.  
 6 COMMISSIONER DE REGO: Right.  
 7 COMMISSIONER SUGIMURA: Oh, okay.  
 8 MR. KUSHI: Following residency areas.  
 9 COMMISSIONER DELEON: Oh, okay.  
 10 ACTING CHAIR HEDANI: So we won't know who has  
 11 the four-year terms until we count the number of votes  
 12 on the Mayor's race. Is that how this works?  
 13 MR. KUSHI: That's what City and County of  
 14 Honolulu did. They did an independent vote; not Council  
 15 vote.  
 16 COMMISSIONER CRIVELLO: Well, if you don't  
 17 have a Mayor's race, what? Because if -- that's not --  
 18 ACTING CHAIR HEDANI: Right.  
 19 COMMISSIONER SUGIMURA: Every four years.  
 20 COMMISSIONER CRIVELLO: That's every four  
 21 years?  
 22 COMMISSIONER SUGIMURA: Only the first time,  
 23 right?  
 24 MR. KUSHI: Right.  
 25 ACTING CHAIR HEDANI: Commissioner Okamoto.

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1 COMMISSIONER OKAMOTO: As a member that was in  
 2 the prevailing side, can I ask to bring it back up, the  
 3 amendment, for a revote? I was on the prevailing side  
 4 of the vote, and I ask to reconsider. Can I make a  
 5 motion to reconsider?  
 6 ACTING CHAIR HEDANI: Yes.  
 7 COMMISSIONER OKAMOTO: Okay. I would like to  
 8 make a motion to reconsider the amendment.  
 9 COMMISSIONER CRIVELLO: I second.  
 10 ACTING CHAIR HEDANI: Okay. There's a motion  
 11 to reconsider the amendment moved by Commissioner  
 12 Okamoto, seconded by Commissioner Crivello. Discussion?  
 13 Kay.  
 14 COMMISSIONER OKAMOTO: I think we need --  
 15 things have come up to make us look at it again, so I  
 16 would like to revote on that.  
 17 ACTING CHAIR HEDANI: Okay. Further  
 18 discussion? Commissioner DeLeon.  
 19 COMMISSIONER DELEON: It's not rocket science.  
 20 You just say what districts are which and be -- be done  
 21 with it. I mean, you could either use numbers or you  
 22 can just name them out, you know. It's -- it's really  
 23 not rocket science.  
 24 ACTING CHAIR HEDANI: Further discussion?  
 25 Commissioner Crivello.

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<p>1 COMMISSIONER CRIVELLO: Does it mean that we                  2 have to do Charter changes to the residency --                  3 COMMISSIONER DE REGO: No.                  4 COMMISSIONER CRIVELLO: -- geographies if we                  5 change it that way? Because what it states in the                  6 Charter is how you define your actual districts.                  7 ACTING CHAIR HEDANI: What we're proposing is                  8 to make changes in the Charter based on what we're                  9 recommending if it passes the vote.                  10 MR. KUSHI: To the terms and staggering of the                  11 terms. You don't need to change set -- change the                  12 residency areas.                  13 COMMISSIONER SUGIMURA: You have to assign                  14 numbers.                  15 COMMISSIONER DE REGO: Mr. Chair?                  16 ACTING CHAIR HEDANI: Sorry. One at a time.                  17 Commissioner De Rego.                  18 COMMISSIONER DE REGO: Yeah. My understanding                  19 of what Ed is saying is that within the terms of the                  20 language of the Charter Amendment itself, we can assign                  21 numbers to the residency districts, correct? Or we                  22 could say, in a sense, that the following districts will                  23 be, you know, the ones who will have the four-year                  24 terms.                  25 MR. KUSHI: If an odd number comes up.</p>	<p>1 discussion?                  2 (No Response.)                  3 ACTING CHAIR HEDANI: Ready for the question.                  4 The question is to reconsider. All those in favor of                  5 the motion to reconsider, signify by saying -- by                  6 raising your hand. One, two, three, four.                  7 Opposed, same sign. One, two, three.                  8 The vote is four to three.                  9 MR. KUSHI: Somebody didn't vote.                  10 MS. KAHUHU: Somebody didn't vote.                  11 COMMISSIONER HASHIMOTO: I didn't vote. I                  12 didn't vote. And the reason I didn't vote is --                  13 ACTING CHAIR HEDANI: One abstention.                  14 COMMISSIONER HASHIMOTO: Reconsider, what the                  15 heck are we voting on?                  16 ACTING CHAIR HEDANI: The motion -- the motion                  17 to reconsider --                  18 COMMISSIONER HASHIMOTO: I mean, there's                  19 nothing positive there for me to say yes or no.                  20 ACTING CHAIR HEDANI: Yeah. The motion to                  21 reconsider is to take another look at the amendment, to                  22 revoke on the amendment. Okay. So we have four to                  23 three, one abstention, yeah. Do you want to do a roll                  24 call vote? Cliff, do you want to change your mind or                  25 you want to abstain?</p>
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<p>1 COMMISSIONER DE REGO: If an odd number comes                  2 up. And if -- now, even if there's not a mayoral                  3 election -- this is another question for Mr. Kushi --                  4 could we do it on the last mayoral election?                  5 MR. KUSHI: You're betting on something that                  6 happened already.                  7 COMMISSIONER DE REGO: Yeah. So, in other                  8 words --                  9 COMMISSIONER DELEON: No.                  10 COMMISSIONER SUGIMURA: No.                  11 MR. KUSHI: Put it this way: These changes                  12 will take effect 2014 election.                  13 COMMISSIONER DE REGO: Okay.                  14 MR. KUSHI: If you pass the 2012 election to                  15 change the method, it will take effect in the 2014                  16 election, which --                  17 COMMISSIONER DE REGO: Okay.                  18 MR. KUSHI: -- you will have a mayoral --                  19 COMMISSIONER DE REGO: Mayoral --                  20 MR. KUSHI: -- election.                  21 COMMISSIONER DE REGO: -- election. Okay.                  22 Good. That's what I was wondering.                  23 ACTING CHAIR HEDANI: Everybody -- everybody                  24 got that? Okay. The motion on the floor is for                  25 reconsideration to the amendment. Any further</p>	<p>1 COMMISSIONER DE REGO: Which is a positive                  2 vote.                  3 COMMISSIONER WIGER: Yeah.                  4 COMMISSIONER HASHIMOTO: I think that, by                  5 doing so, it's going to be so confusing for the -- for                  6 the voter that -- that, you know, we're just making                  7 something worse than it is. So either we stick with                  8 what we have, I mean, what has been proposed here, and                  9 not amend it, just leave it alone. I can understand                  10 what Commissioner DeLeon is trying to do, but we're                  11 citing more language and more confusing.                  12 ACTING CHAIR HEDANI: Okay.                  13 COMMISSIONER HASHIMOTO: It's hard enough to                  14 figure it out now. We know because we're sitting here                  15 discussing it, but the voter doesn't have that choice of                  16 doing that.                  17 ACTING CHAIR HEDANI: Right.                  18 Ed, at this particular point, we have                  19 four-three, one abstention. What do you recommend?                  20 MR. KUSHI: If you take a roll call, an                  21 abstention --                  22 COMMISSIONER DE REGO: Which is an "aye" vote.                  23 ACTING CHAIR HEDANI: Abstain.                  24 MR. KUSHI: -- abstains is considered a "yes."                  25 So it will be either five-three or four-four. Either</p>

<p style="text-align: right;">Page 109</p> <p>1 way, the motion to reconsider fails.</p> <p>2 ACTING CHAIR HEDANI: So in order for the</p> <p>3 motion to reconsider to prevail, it has to still have</p> <p>4 six votes?</p> <p>5 MR. KUSHI: Six, correct.</p> <p>6 ACTING CHAIR HEDANI: Okay. So the vote is</p> <p>7 four-three, one abstention. Motion fails. Okay. So</p> <p>8 the motion for reconsideration fails.</p> <p>9 We have an amendment to the main motion, which</p> <p>10 is for Proposal Number 1, adjusted to Honolulu system.</p> <p>11 And the question that needs to be answered, basically,</p> <p>12 is how do we number the districts.</p> <p>13 MR. KUSHI: Mr. Chair?</p> <p>14 ACTING CHAIR HEDANI: Commissioner --</p> <p>15 Commissioner Kushi.</p> <p>16 MR. KUSHI: I wasn't there -- I wasn't here in</p> <p>17 2001, maybe Sherry was. Apparently, what the City and</p> <p>18 County of Honolulu did is they just -- you know, if it's</p> <p>19 an odd number, they were in 1, 3, 5, 7, 9, even</p> <p>20 numbered, they were in Districts 2, 4, 6, 8. So they</p> <p>21 just did odd and even. Now, what you have here in Maui</p> <p>22 is a little different. You have numbers, you have seven</p> <p>23 distinct residency areas, but you're still missing out</p> <p>24 Molokai and Lanai. So whether Molokai or Lanai becomes</p> <p>25 8 or 9 is up to you. And then you can go 2, 4, 6, 8,</p>	<p style="text-align: right;">Page 111</p> <p>1 a problem with that. It just became something else.</p> <p>2 This just became something else and not what we talked</p> <p>3 about.</p> <p>4 COMMISSIONER CRIVELLO: Chair?</p> <p>5 ACTING CHAIR HEDANI: Further discussion?</p> <p>6 Commissioner Crivello.</p> <p>7 COMMISSIONER CRIVELLO: In line with Yuki Lei,</p> <p>8 it is confusing, but this is just to amend the staggered</p> <p>9 language. Right? So we haven't voted on keeping the</p> <p>10 four-year and two-year term yet?</p> <p>11 COMMISSIONER DELEON: We did last time.</p> <p>12 ACTING CHAIR HEDANI: The main motion is the</p> <p>13 proposal. The main motion is the proposal. What we've</p> <p>14 done is we made an amendment and we voted on the</p> <p>15 amendment, we made a motion to reconsider the amendment,</p> <p>16 that failed, so the amendment stays.</p> <p>17 COMMISSIONER CRIVELLO: Amendment to the</p> <p>18 language of the staggering?</p> <p>19 ACTING CHAIR HEDANI: Right. So rather than</p> <p>20 staggering based on highest number of votes, lowest</p> <p>21 number of votes, we are staggering by geographical</p> <p>22 districts, which we haven't identified. Further</p> <p>23 discussion?</p> <p>24 (No Response.)</p> <p>25 ACTING CHAIR HEDANI: Are you ready for the</p>
<p style="text-align: right;">Page 110</p> <p>1 whatever you want.</p> <p>2 ACTING CHAIR HEDANI: Commissioner Sugimura.</p> <p>3 COMMISSIONER SUGIMURA: I have a -- just this</p> <p>4 exercise, I can imagine somebody will say, well, how</p> <p>5 come I am 1 and not, whatever, you know. How are you</p> <p>6 going to determine Lanai and Molokai, what number it is,</p> <p>7 and Kahului, Wailuku. I can just -- I can just see the</p> <p>8 discussion just like when we were trying to talk about</p> <p>9 the district voting and how to determine, you know, what</p> <p>10 that would be. It got very confusing. So I see a big</p> <p>11 problem with this because we don't have distinct</p> <p>12 districts already. So for us to -- you know, I think</p> <p>13 Cliff's point is well-taken. We're having a discussion</p> <p>14 here, but if you've got to take it to the voters, the</p> <p>15 more complicated it gets, you might as well not put it</p> <p>16 on the ballot because we just got to be able to capture</p> <p>17 their attention when they're in the ballot booth voting</p> <p>18 and not have to get a Ph.D to figure this out. So I</p> <p>19 have a problem with this in general.</p> <p>20 ACTING CHAIR HEDANI: What does "this" mean,</p> <p>21 Yuki?</p> <p>22 COMMISSIONER SUGIMURA: The whole concept. I</p> <p>23 mean, with -- with Junior's information of now we have</p> <p>24 to have numerical, you know, 1 through 9, districts, and</p> <p>25 now we have to figure out who's going to be what, I have</p>	<p style="text-align: right;">Page 112</p> <p>1 main motion, question on the main motion? Main motion</p> <p>2 is to move forward with Proposal Number 1, Council Term</p> <p>3 Limits, as amended. Is there any further discussion?</p> <p>4 COMMISSIONER SUGIMURA: And the amendment is?</p> <p>5 (Laughter.)</p> <p>6 ACTING CHAIR HEDANI: You're going to make me</p> <p>7 do that, yeah?</p> <p>8 COMMISSIONER SUGIMURA: Yeah.</p> <p>9 ACTING CHAIR HEDANI: The amendment is to</p> <p>10 create staggering based on the Honolulu system which</p> <p>11 identifies odd and even districts or determining who</p> <p>12 gets the four-year terms and who gets the two-year</p> <p>13 terms, which we haven't identified. Okay? Are we</p> <p>14 clear? Are we ready to move forward on something that</p> <p>15 we haven't clarified?</p> <p>16 Mr. Kushi.</p> <p>17 MR. KUSHI: Mr. Chair, for your information,</p> <p>18 maybe to put it succinctly, what you're taking up, on</p> <p>19 districts, you have seven districts spelled out in your</p> <p>20 Charter right now. Again, I reference you should have</p> <p>21 nine, but then Molokai and Lanai are not identified. So</p> <p>22 Molokai becomes 8, Lanai becomes 9. They won't be on</p> <p>23 the same two-year/four-year. One is going to be</p> <p>24 two-year, one will be four. So that's fair, either way.</p> <p>25 If you want to go odd, so the odd -- people -- odd is</p>

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<p>1 going to be five odd districts. So East Maui District                  2 will be Number 1; Number 3 will be Wailuku-Waihee;                  3 Number 5 will be South Maui; Number 7 will be Upcountry;                  4 and Number 9 is Hana. And the even ones will be West                  5 Maui, Number 2; Kahului, Number 4; Makawao-Haiku-Paia,                  6 Number 6; and Lanai, Number 8.                  7 ACTING CHAIR HEDANI: Wow, I am impressed.                  8 MR. KUSHI: So now you got to look at the                  9 grouping. And, again, I remind that it's just for first                  10 year. Thereafter, everybody is on a four-year basis.                  11 ACTING CHAIR HEDANI: Okay. Do we all                  12 understand what Ed just stated? He just identified the                  13 districts for us, odd and even. So is everybody good                  14 with that?                  15 COMMISSIONER DELEON: May I respond to that?                  16 ACTING CHAIR HEDANI: Commissioner DeLeon.                  17 COMMISSIONER DELEON: How do you respond to                  18 that? I am fine with it. What I said earlier, it's not                  19 rocket science.                  20 ACTING CHAIR HEDANI: Cliff, do you have a                  21 question?                  22 COMMISSIONER HASHIMOTO: Yeah. Would this                  23 require any redistricting?                  24 MR. KUSHI: Pardon me?                  25 COMMISSIONER HASHIMOTO: Do we have to</p>	<p>1 COMMISSIONER OKAMOTO: So do we need to do                  2 something to affirm that, or -- I will say up front I am                  3 voting against the entire portion for two reasons:                  4 Because it's the exact wording that was on last time,                  5 but we are -- we're all so confused, we just confuse --                  6 and, you know, I know Dave says it's not rocket science.                  7 And I find that offensive. I do. I mean, if we are                  8 having a difficult time understanding, and we're talking                  9 about a document that is law, you know, we can't say,                  10 well, we can do it, you know, it's law. We've got to be                  11 really careful. So, yes, I am voting against the entire                  12 amendment.                  13 ACTING CHAIR HEDANI: Commissioner Wiger.                  14 COMMISSIONER WIGER: I want to go back to                  15 Kay's comment that was made earlier about people being                  16 respectful of each other's view. And I think that's                  17 correct. And I think we need to do that.                  18 I think we're really struggling with this. I                  19 am not willing to say that I think that this is                  20 confusing for everyone. I think it is -- I think it's                  21 understandable. I think that there are ways of doing                  22 it.                  23 I appreciate the comments of Corp Counsel,                  24 because as soon as Ed said, well, if you do this, here's                  25 a way of making it happen, and, all of a sudden, the</p>
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<p>1 redistrict to do what you're saying?                  2 MR. KUSHI: No.                  3 ACTING CHAIR HEDANI: He's just identifying                  4 which ones are odd, which ones are even. We just pulled                  5 it out of the listing of geographical districts,                  6 basically, as they're listed in the current Charter.                  7 MR. KUSHI: Except for Lanai and Molokai.                  8 ACTING CHAIR HEDANI: Except for Lanai and                  9 Molokai, and identified them 1 through 9.                  10 COMMISSIONER SUGIMURA: Lanai is 8.                  11 ACTING CHAIR HEDANI: Commissioner Okamoto.                  12 COMMISSIONER OKAMOTO: Okay. As far as the                  13 overall amendment, that's what we're voting on right                  14 now? I mean, the overall proposal, proposal?                  15 ACTING CHAIR HEDANI: Well, to make it clear,                  16 maybe what we should do is affirm -- affirm the                  17 recommendation for Mr. Kushi for identifying nine                  18 districts odd or even.                  19 COMMISSIONER DELEON: So moved.                  20 MR. KUSHI: All you need to do is advise us                  21 which one you want to assign to Molokai and Lanai.                  22 Right now, there's seven. So which one is going to be                  23 Number 8 and which one is going to be 9?                  24 ACTING CHAIR HEDANI: We can let Kay and Stacy                  25 do that.</p>	<p>1 light bulb went on and it made sense to me. Because I                  2 thought, okay, I can get that. Not -- not -- you know,                  3 I get it.                  4 Now, that doesn't mean that other people have                  5 to agree with that. I guess I am concerned because I                  6 don't want people under the impression that if people --                  7 if people would vote for this or against this, it's only                  8 because it's a confusing issue. In my mind, there are                  9 people who will support this for reasons that they will                  10 support it and there are people who will not support it                  11 for reasons that they will not support it. It doesn't                  12 mean that it's necessarily confusing. And that's -- I                  13 just don't want that information put out there. That                  14 that's the reason for it.                  15 ACTING CHAIR HEDANI: Okay. Any additional                  16 discussion?                  17 (No Response.)                  18 ACTING CHAIR HEDANI: Where are we?                  19 MS. BRODER: Vote on the amended motion.                  20 ACTING CHAIR HEDANI: Okay.                  21 COMMISSIONER OKAMOTO: No. We voted.                  22 MS. BRODER: You voted on the amendment, but                  23 not the amended motion, the motion, as amended.                  24 ACTING CHAIR HEDANI: The question on the                  25 floor is the main motion as amended. Can I accept that</p>

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1 that main motion, as amended, includes the  
 2 recommendation of Corp Counsel Kushi relative to the  
 3 identification of geographical areas?  
 4 COMMISSIONER DELEON: Yes.  
 5 ACTING CHAIR HEDANI: Can we agree that  
 6 Molokai and Lanai, alphabetically Molokai comes first,  
 7 so --  
 8 COMMISSIONER DELEON: Alphabetically, it  
 9 doesn't.  
 10 ACTING CHAIR HEDANI: I'm sorry.  
 11 (Laughter.)  
 12 ACTING CHAIR HEDANI: L comes before M.  
 13 (Laughter.)  
 14 COMMISSIONER DE REGO: There we go.  
 15 ACTING CHAIR HEDANI: This is rocket science.  
 16 Lanai would be 8 and Molokai would be 9.  
 17 COMMISSIONER OKAMOTO: Yes. That's fine.  
 18 ACTING CHAIR HEDANI: Okay. So if we're  
 19 clear, the motion on the floor is to move forward with  
 20 Proposal Number 1, as amended, which would modify the  
 21 staggering to include the system identified by Honolulu  
 22 which includes odd and even numbered districts with the  
 23 districts numbered as recommended by Counsel Kushi.  
 24 Everybody clear on that? You have a confused look on  
 25 your face. We're moving on the main motion. If we

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1 don't get six votes affirmative, then I guess we punt  
 2 and wait for the rest of the troops.  
 3 COMMISSIONER DE REGO: Yeah.  
 4 ACTING CHAIR HEDANI: Okay. Roll call vote,  
 5 Lisa.  
 6 COMMISSIONER HASHIMOTO: Why would you act on  
 7 it today if that's what we're going to end up doing,  
 8 anyway?  
 9 ACTING CHAIR HEDANI: I'm sorry. Additional  
 10 discussion, Cliff? Into the mic.  
 11 COMMISSIONER HASHIMOTO: Mr. Chair, if we're  
 12 going to take a vote on this proposal as -- as amended,  
 13 and, if it doesn't pass, you're saying, then -- then  
 14 this proposal, then, will go to the full Commission to  
 15 be voted upon again? Is that what I understood you to  
 16 say?  
 17 ACTING CHAIR HEDANI: Yes.  
 18 COMMISSIONER HASHIMOTO: Then why vote on it  
 19 today?  
 20 ACTING CHAIR HEDANI: Good point.  
 21 COMMISSIONER WIGER: You want to table it?  
 22 COMMISSIONER HASHIMOTO: If it was my choice,  
 23 I would table it.  
 24 COMMISSIONER DELEON: Second.  
 25 ACTING CHAIR HEDANI: Is that a motion to

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1 table?  
 2 COMMISSIONER HASHIMOTO: Then I make that  
 3 motion, yes.  
 4 COMMISSIONER DELEON: Second.  
 5 ACTING CHAIR HEDANI: Moved to table, seconded  
 6 -- move to table by Commissioner Hashimoto, seconded by  
 7 Commissioner DeLeon. Discussion?  
 8 COMMISSIONER DELEON: Mr. Chair?  
 9 ACTING CHAIR HEDANI: Commissioner DeLeon.  
 10 COMMISSIONER DELEON: I don't think we're  
 11 ready. I think we're bouncing around here. We need to  
 12 have the other Members present to be able to have a full  
 13 discussion.  
 14 ACTING CHAIR HEDANI: Further discussion?  
 15 COMMISSIONER WIGER: Call the question.  
 16 ACTING CHAIR HEDANI: The question has been  
 17 called for. Is there any further discussion?  
 18 (No Response.)  
 19 ACTING CHAIR HEDANI: Okay.  
 20 COMMISSIONER WIGER: Table it.  
 21 ACTING CHAIR HEDANI: The motion on the floor  
 22 is to table it. All those in favor of -- I'm sorry.  
 23 Roll call vote on tabling the motion, Lisa.  
 24 MS. KAHUHU: Commissioner Wiger.  
 25 COMMISSIONER WIGER: Aye.

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1 MS. KAHUHU: Commissioner Sugimura.  
 2 COMMISSIONER SUGIMURA: Table.  
 3 COMMISSIONER DELEON: That's an "aye."  
 4 MS. KAHUHU: Commissioner Okamoto.  
 5 COMMISSIONER OKAMOTO: Yes.  
 6 MS. KAHUHU: Commissioner Moikeha, excused.  
 7 Commissioner Hashimoto.  
 8 COMMISSIONER HASHIMOTO: Aye.  
 9 MS. KAHUHU: Chair Hedani.  
 10 ACTING CHAIR HEDANI: Aye.  
 11 MS. KAHUHU: Commissioner DeLeon.  
 12 COMMISSIONER DELEON: Yes.  
 13 MS. KAHUHU: Commissioner De Rego.  
 14 COMMISSIONER DE REGO: Yes.  
 15 MS. KAHUHU: Commissioner Crivello.  
 16 COMMISSIONER CRIVELLO: Yes.  
 17 MS. KAHUHU: Commissioner Baxa, excused.  
 18 Chair Stone, excused.  
 19 So one, two, three, four, five, six, seven,  
 20 eight "yes."  
 21 ACTING CHAIR HEDANI: So it's unanimous vote  
 22 to table this motion.  
 23 COMMISSIONER DELEON: Moving right along.  
 24 (Laughter.)  
 25 COMMISSIONER WIGER: Going to the next one.

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<p>1 ACTING CHAIR HEDANI: Counsel Kushi.</p> <p>2 MR. KUSHI: Mr. Chair, since you're tabling</p> <p>3 Proposal Number 1, just for the Commissioners'</p> <p>4 information, staff and I, on the first paragraph, we</p> <p>5 inserted, you know, in terms of maximum term limits, we</p> <p>6 added the phrase from any residency area, meaning that,</p> <p>7 you know, someone runs from Kihei two terms and Wailuku</p> <p>8 for one term, that is considered three consecutive</p> <p>9 terms. So you don't get to jump.</p> <p>10 COMMISSIONER SUGIMURA: If they move?</p> <p>11 MR. KUSHI: And also, three consecutive terms</p> <p>12 whether such terms are three years or four years so that</p> <p>13 -- let's say you're on the bad end of the draw on the</p> <p>14 first election, you can only serve 10 years or if you're</p> <p>15 on a better end, you can serve 12 years, whichever time</p> <p>16 is longer.</p> <p>17 COMMISSIONER DELEON: Mr. Chair?</p> <p>18 COMMISSIONER SUGIMURA: Whichever time is</p> <p>19 longer.</p> <p>20 ACTING CHAIR HEDANI: Any further questions on</p> <p>21 Proposal Number 11.</p> <p>22 COMMISSIONER DELEON: Mr. Chair, on</p> <p>23 Mr. Kushi's comment?</p> <p>24 ACTING CHAIR HEDANI: Commissioner DeLeon.</p> <p>25 COMMISSIONER DELEON: I believe it's</p>	<p>1 12 years for the candidates is moving forward from this</p> <p>2 point forward or if they -- if they already have eight</p> <p>3 years or 10 years of service, does the slate wipe clean</p> <p>4 and they start from zero or 10?</p> <p>5 MR. KUSHI: Pursuant to your meeting last</p> <p>6 time, I believe you said wipe the slate clean, start all</p> <p>7 over.</p> <p>8 COMMISSIONER WIGER: Yeah.</p> <p>9 ACTING CHAIR HEDANI: So it would start from</p> <p>10 zero, everybody would start with clean, that's the</p> <p>11 presumption?</p> <p>12 COMMISSIONER WIGER: Uh-huh.</p> <p>13 MR. KUSHI: Correct.</p> <p>14 MS. BRODER: I think Ed's correct, that's what</p> <p>15 you decided last time.</p> <p>16 COMMISSIONER DE REGO: Last time.</p> <p>17 ACTING CHAIR HEDANI: Very good.</p> <p>18 MR. KUSHI: Now, Mr. Chair, to address</p> <p>19 DeLeon's comment, there is a proposal about changing</p> <p>20 from one year to 90 days to one year. But assuming that</p> <p>21 doesn't pass, the language right now does permit</p> <p>22 somebody to jump districts as long as he's a resident at</p> <p>23 the time of filing his nomination papers.</p> <p>24 ACTING CHAIR HEDANI: So they can jump from</p> <p>25 one district to the next?</p>
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<p>1 impossible for a councilmember to jump from one district</p> <p>2 to the next and still be in his district. So if</p> <p>3 somebody is sitting in his district that he's elected</p> <p>4 and without break, there is no way to jump to the next</p> <p>5 district without having stepped down from his previous</p> <p>6 office. So say you're the Lanai councilmember right now</p> <p>7 you want to be the Makawao councilmember, you have to</p> <p>8 sit out -- you have to resign at some point. And if we</p> <p>9 change it to a year's residency, then it's going to be a</p> <p>10 year before they can actually run in that seat. They'll</p> <p>11 have to move to Makawao, which means they're no longer</p> <p>12 officially in Lanai. So I don't know whether we really</p> <p>13 need to have that extra language in reference to moving</p> <p>14 from district to district. I know -- I know there's</p> <p>15 been councilmembers that have had this, I mean, they've</p> <p>16 bumped into it. A current sitting member has actually</p> <p>17 thought about moving district but cannot because they</p> <p>18 would have to step out of office in order to be able to</p> <p>19 move district.</p> <p>20 ACTING CHAIR HEDANI: Okay. Any further</p> <p>21 discussion on Proposal Number 1? Any further questions</p> <p>22 that need to be considered, Ed, or Sherry?</p> <p>23 COMMISSIONER DE REGO: Can I ask a question?</p> <p>24 ACTING CHAIR HEDANI: I had a -- I had a</p> <p>25 question on Proposal Number 1. Does this mean that the</p>	<p>1 MR. KUSHI: Assuming that your proposal does</p> <p>2 not pass.</p> <p>3 ACTING CHAIR HEDANI: Correct.</p> <p>4 MR. KUSHI: I see no problem with leaving it</p> <p>5 in.</p> <p>6 COMMISSIONER DE REGO: I just have --</p> <p>7 ACTING CHAIR HEDANI: Commissioner De Rego.</p> <p>8 COMMISSIONER DE REGO: -- one more question.</p> <p>9 Just as a way of preparing for the next time we do this,</p> <p>10 can somebody do some research on the Honolulu version?</p> <p>11 MS. BRODER: It's right here in this letter --</p> <p>12 COMMISSIONER DE REGO: Oh, okay.</p> <p>13 MS. BRODER: -- that you have today from --</p> <p>14 COMMISSIONER DELEON: From the County Clerk.</p> <p>15 MS. BRODER: -- County Clerk. Number one is</p> <p>16 the Honolulu version.</p> <p>17 COMMISSIONER DE REGO: Okay. Is that in the</p> <p>18 footnotes?</p> <p>19 MS. BRODER: No. Number 1.</p> <p>20 COMMISSIONER CRIVELLO: Jeff Kuwada.</p> <p>21 COMMISSIONER WIGER: Page 1.</p> <p>22 COMMISSIONER DE REGO: Okay. I read the</p> <p>23 letter, but could we get some language or something so</p> <p>24 we know exactly what we're voting on the next time or</p> <p>25 what we're discussing?</p>

<p style="text-align: right;">Page 125</p> <p>1 COMMISSIONER HASHIMOTO: Are we still on the  2 same --  3 COMMISSIONER DE REGO: Yeah. I am just  4 asking. I am just asking a question.  5 COMMISSIONER HASHIMOTO: No, no. I just  6 wondered because I thought we put that to rest for the  7 day.  8 COMMISSIONER DE REGO: No. I am asking our --  9 ACTING CHAIR HEDANI: No.  10 COMMISSIONER HASHIMOTO: The only reason I am  11 saying that, if I may, is -- is to keep that for -- for  12 the rest of the people that come here that -- for the  13 people missing. Otherwise, we go through this whole  14 thing again.  15 COMMISSIONER DE REGO: Well, that's -- that's  16 my -- the sense of my contribution here is if we could  17 see some language from our Analyst, or whatever, that  18 would actually put that as a suggestion. So --  19 COMMISSIONER DELEON: All right.  20 ACTING CHAIR HEDANI: Okay. Moving on --  21 COMMISSIONER DE REGO: Moving on.  22 ACTING CHAIR HEDANI: -- to Item Number 2.  23 COMMISSIONER HASHIMOTO: I would vote it down.  24 ACTING CHAIR HEDANI: Article 8, Section 7,  25 Department of Fire and Public Safety, "Assign Ocean</p>	<p style="text-align: right;">Page 127</p> <p>1 Department saying they are willing to do it. And we  2 have a Mayor who is saying he wants to do it. I don't  3 think it's our business to get in the middle of that. I  4 think our business is to say what works better. I think  5 everybody -- when the water safety guys came in here,  6 everybody was thinking, yeah, they do belong in Fire,  7 they are public safety. And they're not -- they're not  8 pushing lawnmowers; they're out there have savings  9 lives. That's what the Fire Department does, it's a  10 public safety function. Therefore, I think it's an  11 appropriate shift. The timing and the gives and takes  12 and whether HGEA is happy or not is not this body's  13 concern.  14 COMMISSIONER CRIVELLO: Chair?  15 ACTING CHAIR HEDANI: Additional discussion?  16 Commissioner Crivello.  17 COMMISSIONER CRIVELLO: I understand what  18 you're saying, that it's all a matter of safety --  19 public safety and rescue. I think we have to take into  20 consideration what protects the accepting department as  21 far as timetable. If it's something that our Mayor  22 wants, I am sure he can make that call. But, you know,  23 I am sure you will agree that some plan has to be in  24 place to our budget, our finances, as well as for the  25 receiving department and the department that's</p>
<p style="text-align: right;">Page 126</p> <p>1 Safety and Rescue to Department of Fire and Public  2 Safety. Shall Section 8-7.4 of the Charter be amended  3 to include Ocean Rescue and Safety to the powers, duties  4 and functions of the Fire Chief of the Department of  5 Fire and Public Safety?" Any discussion?  6 COMMISSIONER DELEON: Move to approve.  7 ACTING CHAIR HEDANI: Motion to approve as  8 proposed. Is there a second?  9 COMMISSIONER WIGER: Second.  10 ACTING CHAIR HEDANI: Moved by Commissioner  11 DeLeon, seconded by Commissioner Wiger to approve.  12 Discussion?  13 COMMISSIONER DELEON: Mr. Chair?  14 ACTING CHAIR HEDANI: Is it 4:00 already?  15 Commissioner DeLeon.  16 COMMISSIONER DELEON: No, not yet.  17 I believe the Fire Chief brought some  18 interesting and important facts to us today, but,  19 however, what we're talking about is a shift in the  20 structure of the government and how it works  21 administratively after -- after it's been proposed is a  22 Charter change. It's not instantaneous, people aren't  23 going to move over immediately. And if they need more  24 time to digest it, they can, with all due realization  25 they have to do it. Right now, I don't see the Fire</p>	<p style="text-align: right;">Page 128</p> <p>1 transitioning over. So if -- if the Commission feels  2 that this should be on the ballot, I would like to know  3 how we can be assured that the Fire Department will make  4 the call as far as the timeframe or it will be at their  5 timetable for the acceptance of this transfer. And  6 maybe Sherry can explain that and how that's possible.  7 ACTING CHAIR HEDANI: Sherry.  8 MS. BRODER: Well, we have the transition  9 section, so I guess it really -- you know, there's a  10 transition section that's in the draft proposal which  11 says that the Maui County Fire Department shall provide  12 the timetable. So, I mean, I guess it's something for  13 you to consider is that how you want to do it or do you  14 want to do it that the time -- you set a date for the  15 timetable, or do you want the Mayor to set the timetable  16 rather than the Fire Department.  17 COMMISSIONER CRIVELLO: Well, I don't think  18 it's something that -- I think we have to take into  19 consideration what the accepting department expresses.  20 That's -- that's my personal feel.  21 You know, it's budget time. Who knows? And  22 if it comes to July 2012, I mean, who is prepared for  23 that? Is Council prepared for it, you know? I think  24 it's a matter of -- it's not just a matter of, okay, you  25 guys, go over there. I think we recognize that they</p>



<p style="text-align: right;">Page 129</p> <p>1 probably don't belong with Parks and Rec, but we need to  2 do this with some due diligence. That's all I am  3 saying. So if it means that we have to have a  4 transitional clause in there, I would like us to  5 consider that transitional clause, if we decide to put  6 this for a vote in the Charter.  7 MS. BRODER: Well, the way that the draft is  8 written, and there is this transitional section, at the  9 bottom, and, you know, it would be added to -- to that.  10 ACTING CHAIR HEDANI: Why don't we all take 60  11 seconds and review the proposal again? It's Proposal  12 Number 2. It's identified as 022712 from the second  13 page. And the language Sherry is talking about is  14 underscored on the bottom.  15 MS. BRODER: Do you want to have, you know, a  16 timetable for the transition, but do you want to put an  17 outside time limit on it, you know, within one year,  18 but, in no event, no later than one year after passage  19 of this amendment.  20 COMMISSIONER CRIVELLO: I would like just what  21 it says here.  22 MS. BRODER: Okay.  23 COMMISSIONER CRIVELLO: That's my personal.  24 ACTING CHAIR HEDANI: Okay. So the motion on  25 the floor is to -- motion on the floor was to approve</p>	<p style="text-align: right;">Page 131</p> <p>1 Charter Amendment if it is approved by the voters.  2 ACTING CHAIR HEDANI: Okay. So the motion is  3 to add -- okay, if I could restate that. The motion is  4 to amend the last sentence of Proposal Number 2 to  5 include a maximum timeframe of three years.  6 COMMISSIONER DELEON: To implement.  7 ACTING CHAIR HEDANI: To implement. Is there  8 a second?  9 COMMISSIONER WIGER: Second.  10 ACTING CHAIR HEDANI: Moved by Commissioner  11 DeLeon, seconded by Commissioner Wiger, to amend the  12 last time of Proposal Number 2 to include a three-year  13 timeframe for implementation maximum. Discussion?  14 COMMISSIONER DELEON: Mr. Chair?  15 ACTING CHAIR HEDANI: Commissioner DeLeon.  16 COMMISSIONER DELEON: I feel what we're  17 looking at here is the structural problem we talked  18 about earlier in here about we have a department free  19 and independent of the Mayor that operates as if it's  20 its own entity, it's own fief or its own operation. And  21 the Fire Chief will accept something from the Mayor or  22 not. We have the same thing with the Police Department.  23 We get the same thing with the Liquor Department. We  24 get the same thing with the Personnel Department because  25 they're all under boards and commissions that are</p>
<p style="text-align: right;">Page 130</p> <p>1 Proposal Number 2 as proposed.  2 COMMISSIONER WIGER: With the --  3 ACTING CHAIR HEDANI: As proposed with the  4 language as you see it before you.  5 COMMISSIONER CRIVELLO: Does that include --  6 ACTING CHAIR HEDANI: Commissioner Crivello.  7 COMMISSIONER CRIVELLO: I'm sorry. Does that  8 include the section of the transitional wording that's  9 here?  10 ACTING CHAIR HEDANI: Yes.  11 COMMISSIONER CRIVELLO: Okay.  12 ACTING CHAIR HEDANI: Further discussion?  13 Commissioner DeLeon.  14 COMMISSIONER DELEON: You know, I was thinking  15 of this, the action of moving it. I wasn't thinking  16 of -- this line back here is essentially a veto power.  17 I mean, the Department can choose never to do it. And  18 that's why I think I would like to amend that to three  19 years, that they have three years to do it in. So  20 that's my motion.  21 ACTING CHAIR HEDANI: Restate your motion,  22 please.  23 COMMISSIONER DELEON: I am amending this  24 language to say that the Fire Department has three years  25 within which to implement this amendment -- I mean, this</p>	<p style="text-align: right;">Page 132</p> <p>1 independent of the Mayor. This is a structure we have.  2 This is a problem that I was trying to relate to earlier  3 in thinking that there needs to be some kind of  4 connection of power from the Mayor to the Fire Chief and  5 the Police Chief, because there is no connection.  6 When you see that situation going on, on Kauai  7 right now, where you have a board going one direction  8 and a mayor going in another, it's a mess. This is not  9 anywhere that severe, but still an indication of that  10 type of powerplay that happens when there's not a clear  11 line of authority. And I think we elect the Mayor for  12 reason, he's supposed to run our departments.  13 So the simple motion is to allow the  14 Department the time it says it needs to be able to make  15 this transition if the voters so choose to put this  16 function under that department. It's not to dictate to  17 the Department, but just to draw a line saying, at some  18 point, they have to do it.  19 ACTING CHAIR HEDANI: Additional discussion?  20 Commissioner Crivello.  21 COMMISSIONER CRIVELLO: Yes, I would just like  22 to comment on Commissioner DeLeon's comments about the  23 commissions. It is a fact we do have commissions, we  24 have the Police Commission, we have the Charter  25 Commission, we -- we have the Fire Commission. It's --</p>

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1 it's part of our governance. And it's real. If we  
 2 wanted to change that, then we should have worked on  
 3 changing it. But I think it's unfair for us to use that  
 4 as our rationale as to why the accepting department -- I  
 5 mean, we've heard two sides. Actually, we've heard just  
 6 really one side. We have not heard directly from our  
 7 honorable Mayor as well as from the Parks and Recreation  
 8 Department as to what is in place. And they've talked  
 9 about this for the last couple years, so if that's not  
 10 in place yet, it's unfair for us to not allow the due  
 11 diligence to -- to work. I think we have a little bit  
 12 more confidence in the Commissioners as well as the Fire  
 13 Department that this is not something they will just tag  
 14 along with and -- and play around with, it's something  
 15 serious. And I think we need to take into effect what  
 16 will affect their budget and their manpower. And that's  
 17 the kind of consideration we have to take into play.  
 18 ACTING CHAIR HEDANI: Okay. Any additional  
 19 discussion? Motion on the floor is --  
 20 COMMISSIONER WIGER: Question. Question.  
 21 Additional discussion?  
 22 ACTING CHAIR HEDANI: Motion on the floor is  
 23 to amend --  
 24 COMMISSIONER WIGER: Right.  
 25 ACTING CHAIR HEDANI: -- to include a

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1 three-year timeframe for implementation.  
 2 Commissioner Wiger.  
 3 COMMISSIONER WIGER: Yeah. Thank you.  
 4 So the question that I would have, then, is in  
 5 hearing everything from both groups and the timetable is  
 6 -- is part of the concern that the timetable might not  
 7 be long enough. And if three years isn't long enough,  
 8 what's long enough? I mean, if -- because I guess the  
 9 question that I would go to is I personally believe the  
 10 public safety -- or Ocean Safety belongs in the Fire  
 11 Department. I really believe that. I think it belongs  
 12 there for all kinds of reasons.  
 13 Now, I also think, bearing in mind the  
 14 commentary about the Fire Department being ready to take  
 15 it in, is there -- is there an allocated amount of time  
 16 that would make more sense than three years, if people  
 17 think that's too short, or is it just the idea that  
 18 people just don't want it there, which -- which is fine,  
 19 too. I just don't want to play around with the number  
 20 of years if that's not the real issue. That's all I am  
 21 saying.  
 22 ACTING CHAIR HEDANI: Additional discussion?  
 23 (No Response.)  
 24 ACTING CHAIR HEDANI: I have a question,  
 25 Sherry. And this is a procedural question. When we

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1 propose an amendment like this, how much of this gets  
 2 included in the ballot? Do Items 1 through 8 list on  
 3 the ballot?  
 4 MS. BRODER: Okay. The ballot question will  
 5 be the question up top, shall the Section 8-7.4,  
 6 Subsection 4, be amended to assign Ocean Rescue and  
 7 Safety to the Department of Fire and Public Safety.  
 8 This is just a transitional section. And so that won't  
 9 be on the ballot itself, but --  
 10 ACTING CHAIR HEDANI: Okay. So the ballot  
 11 itself will just be the first sentence?  
 12 MS. BRODER: Yeah. Because the ballot's going  
 13 to be short enough to be voted on. But there will be a  
 14 pamphlet or something that can accompany the ballot that  
 15 will give the full complete language. So, you know,  
 16 what you are voting on will be circulated and  
 17 distributed to the public so that they will understand  
 18 the -- every detail of your Charter Proposed Charter  
 19 Amendments.  
 20 ACTING CHAIR HEDANI: And everybody got a copy  
 21 of what was circulated the last time, which I -- Cliff.  
 22 COMMISSIONER HASHIMOTO: Yeah, Mr. Chair, I  
 23 wondered -- you know, all along, I've always wondered  
 24 whether there was an advantage to the County by having  
 25 this take place, moving Ocean Safety to Public Safety --

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1 or under the Fire Department, whether there was an  
 2 advantage to the County, to the people of Maui. And for  
 3 the love of me, I can't figure out how. So as far as I  
 4 am concerned, personally, it doesn't matter whether they  
 5 go to the Fire Department or not.  
 6 Now, if the advantage is this, that they're  
 7 going to save more lives on the beaches because they  
 8 move over to the Fire Department, no one's ever  
 9 mentioned anything about how good they're going to do  
 10 that. That -- that is part of the problem that I have  
 11 with this movement. It isn't so much the money. Of  
 12 course, it's going to cost money, but -- but I just see  
 13 -- I don't see any advantage for them to move over and  
 14 -- and making it safer. That's all.  
 15 COMMISSIONER DELEON: Chair?  
 16 ACTING CHAIR HEDANI: Additional discussion?  
 17 Commissioner Okamoto.  
 18 COMMISSIONER OKAMOTO: Well, sort of to answer  
 19 Flo's question, I think anytime you have to force  
 20 somebody to do something within a period of time. And  
 21 unless, as Cliff's saying, there is a gigantic reason to  
 22 do it, I am not so much on the time, although, by having  
 23 to force a time tells me there's a problem. I think  
 24 that if the groups, including the Mayor, can work it  
 25 out, they can do it without a Charter Amendment. I

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1 think we're just ahead of where they're ready right now.  
 2 So I am going to be voting no because of that.  
 3 ACTING CHAIR HEDANI: Additional discussion?  
 4 Commissioner De Rego.  
 5 COMMISSIONER DE REGO: Yeah. I've been going  
 6 back and forth on this. And it almost seems like we're  
 7 getting into the weeds on this in terms of almost  
 8 micromanaging a change. I've heard the back and forth  
 9 going on in terms of the people from Ocean Rescue, from  
 10 the Fire Department. It seems to me that if this change  
 11 is going to be beneficial, perhaps the Mayor and the  
 12 Council could work something out that the Mayor would  
 13 propose, you know, the movement take place and occur  
 14 administratively and that the Council vote the money and  
 15 the -- the personnel that would make it happen. And  
 16 that way, the Mayor and the Council are working together  
 17 to achieve the change without us having to do a Charter  
 18 Amendment for this. Because, as we've been told, that  
 19 is another way of going about this change, that would be  
 20 effective through the Mayor exercising his  
 21 administrative capacity. It would be just getting the  
 22 Council to also buy into the change.  
 23 So I am -- I am torn on this, but, you know, I  
 24 am leaning in a direction that would tell me that this  
 25 -- this -- we're getting into the weeds on this and that

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1 perhaps this is something that's better worked out  
 2 between the Mayor and the Council.  
 3 ACTING CHAIR HEDANI: Any further discussion?  
 4 Commissioner DeLeon.  
 5 COMMISSIONER DELEON: To answer Kay's point  
 6 about this being an indication of a problem, yeah, it is  
 7 a structural problem. We do have departments outside of  
 8 the power of the Mayor. And that's being demonstrated  
 9 clearly here.  
 10 And in reference to what Cliff said about -- I  
 11 don't know, when I was listening to the Ocean Safety  
 12 guys, they were saying there is this synergy in being in  
 13 the Fire Department, they're the bodies of the rescue  
 14 business, that's what they do, that's what the Fire  
 15 Department does. The Fire Department has boats that  
 16 goes out in the water to rescue people. So there's more  
 17 of a synergy there than there is with the Parks  
 18 Department. I mean, they're not cutting the grass;  
 19 they're out there actually saving lives.  
 20 So, I mean -- yeah, I mean, I don't see where  
 21 the difficulty is. But the motion actually right now is  
 22 whether the Fire Department should have a veto over this  
 23 activity or not. And, basically, the line in here right  
 24 now gives them veto power. That's why I am trying to  
 25 draw a line this time.

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1 ACTING CHAIR HEDANI: Okay. Here's a  
 2 suggestion, everybody, so nobody gets their feathers  
 3 ruffled. Direct all of your comments to me, okay.  
 4 COMMISSIONER OKAMOTO: That's a good idea.  
 5 ACTING CHAIR HEDANI: Commissioner Okamoto.  
 6 COMMISSIONER OKAMOTO: Well, one other thought  
 7 that came to me is that if this goes on the ballot and  
 8 is voted down, it will make it much more difficult for  
 9 the Mayor to then proceed with it. If it's not there,  
 10 it's much easier for the Mayor and the Parks Department  
 11 and the Fire Department to work through it. But if it  
 12 goes on the ballot and gets voted down, then, to me,  
 13 that would seem to say to the Mayor, "You better put a  
 14 stop to trying do this."  
 15 ACTING CHAIR HEDANI: Additional discussion?  
 16 Commissioner DeLeon.  
 17 COMMISSIONER DELEON: To Kay's point, I think  
 18 the Mayor did make this proposal. This is the Mayor's  
 19 proposal. And she's right, if the voters vote it down,  
 20 I guess it shouldn't happen.  
 21 ACTING CHAIR HEDANI: Thank you. Additional  
 22 discussion?  
 23 (No Response.)  
 24 ACTING CHAIR HEDANI: The motion on the floor  
 25 is to amend to include a three-year maximum timeframe

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1 for implementation. Ready for the question? Roll call,  
 2 Lisa.  
 3 MS. KAHUHU: Commissioner Baxa, excused.  
 4 Commissioner Crivello.  
 5 COMMISSIONER CRIVELLO: No.  
 6 MS. KAHUHU: Commissioner DeLeon.  
 7 COMMISSIONER DELEON: Yes.  
 8 MS. KAHUHU: Commissioner De Rego.  
 9 COMMISSIONER DE REGO: No.  
 10 MS. KAHUHU: Commissioner Hashimoto.  
 11 COMMISSIONER HASHIMOTO: No.  
 12 MS. KAHUHU: Chair Hedani.  
 13 ACTING CHAIR HEDANI: No.  
 14 MS. KAHUHU: Commissioner Moikeha, excused.  
 15 Commissioner Okamoto.  
 16 COMMISSIONER OKAMOTO: No.  
 17 MS. KAHUHU: Commissioner Sugimura.  
 18 COMMISSIONER SUGIMURA: No.  
 19 MS. KAHUHU: Commissioner Wiger.  
 20 COMMISSIONER WIGER: Yes.  
 21 MS. KAHUHU: Chair Stone, excused.  
 22 So one, two, three, four, five, six "no;" two  
 23 "yes."  
 24 ACTING CHAIR HEDANI: Okay. Any further  
 25 discussion on the main motion, which is to approve as

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1 proposed?  
2 COMMISSIONER HASHIMOTO: Second. Oh, excuse  
3 me. I'm sorry. There's no motion. I'm sorry. So  
4 moved.  
5 COMMISSIONER DELEON: Real good.  
6 ACTING CHAIR HEDANI: Okay. The main motion  
7 is --  
8 COMMISSIONER WIGER: This.  
9 ACTING CHAIR HEDANI: The amendment -- the  
10 amendment lost. Okay. So we're back to the main  
11 motion, which is to approve proposed Number 2, as  
12 proposed, as you see it. Any further discussion?  
13 (No Response.)  
14 ACTING CHAIR HEDANI: Okay. Ready for the  
15 question?  
16 (No Response.)  
17 ACTING CHAIR HEDANI: You folks don't want to  
18 get pregnant, huh?  
19 (Laughter.)  
20 ACTING CHAIR HEDANI: Lisa, roll call.  
21 MS. KAHUHU: Commissioner Wiger.  
22 COMMISSIONER WIGER: Yes.  
23 MS. KAHUHU: Commissioner Sugimura.  
24 COMMISSIONER SUGIMURA: No.  
25 MS. KAHUHU: Commissioner Okamoto.

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1 COMMISSIONER OKAMOTO: No.  
2 MS. KAHUHU: Commissioner Moikeha, excused.  
3 Commissioner Hashimoto.  
4 COMMISSIONER HASHIMOTO: No.  
5 MS. KAHUHU: Chair Hedani.  
6 ACTING CHAIR HEDANI: Yes.  
7 MS. KAHUHU: Commissioner DeLeon.  
8 COMMISSIONER DELEON: Yes.  
9 MS. KAHUHU: Commissioner De Rego.  
10 COMMISSIONER DE REGO: No.  
11 MS. KAHUHU: Commissioner Crivello.  
12 COMMISSIONER CRIVELLO: No.  
13 MS. KAHUHU: Commissioner Baxa, excused.  
14 Chair Stone, excused.  
15 Five "no;" three "yes."  
16 COMMISSIONER CRIVELLO: It comes up again.  
17 ACTING CHAIR HEDANI: The motion is lost.  
18 COMMISSIONER OKAMOTO: Is that officially  
19 tabled or --  
20 ACTING CHAIR HEDANI: Yeah, basically. At  
21 this point, it's not moving forward and it's not --  
22 COMMISSIONER CRIVELLO: It's not removed.  
23 ACTING CHAIR HEDANI: It's not dead. It's  
24 still on the active list. This feels like reincarnation  
25 of the dead all the time.

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1 COMMISSIONER OKAMOTO: It is.  
2 ACTING CHAIR HEDANI: Do you need a break?  
3 Okay.  
4 MR. KUSHI: Mr. Chair, it's tabled, this  
5 proposal is tabled.  
6 ACTING CHAIR HEDANI: Right.  
7 Commissioner Okamoto.  
8 COMMISSIONER OKAMOTO: A suggestion in moving  
9 forward, if we come up to one that we feel we know is  
10 going to not make it, let's table it immediately and  
11 move on. Because, otherwise, we're spending a lot of  
12 time and really not making any headway. And there may  
13 be a few that are going to be -- yeah, we all kind of  
14 agree, there may be a few.  
15 COMMISSIONER DELEON: Hopefully.  
16 ACTING CHAIR HEDANI: Good point. Okay. Why  
17 don't we go ahead and take a 15-minute break for our  
18 court reporter? 10-minute break. We'll reconvene at  
19 2:30.  
20 (Recess, 2:19 p.m. to 2:32 p.m.)  
21 ACTING CHAIR HEDANI: Our meeting is back in  
22 order.  
23 Item Number 3, Article 8, Chapter 16, Cost of  
24 Government Commission, "Create an Office of the County  
25 Auditor, with the Cost of Government Commission as part

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1 of the organization of that office. Shall the Charter  
2 be amended to establish an independent office of the  
3 County Auditor, to provide for the appointment and  
4 removal of an Independent County Auditor by the County  
5 Council, to define the County Auditor's duties and  
6 powers in order to increase accountability and  
7 efficiency of County operations, to attach the Cost of  
8 Government Commission as an advisory board to the County  
9 Auditor, and to make other clarifying, conforming,  
10 transitional, and related amendments?"  
11 COMMISSIONER HASHIMOTO: Move --  
12 ACTING CHAIR HEDANI: Commissioner Hashimoto.  
13 COMMISSIONER HASHIMOTO: Move that this  
14 article -- proposed article be approved.  
15 ACTING CHAIR HEDANI: Motion by Commissioner  
16 Hashimoto for approval. Is there a second?  
17 COMMISSIONER WIGER: Second.  
18 COMMISSIONER OKAMOTO: Second.  
19 ACTING CHAIR HEDANI: Seconded by Commissioner  
20 Okamoto.  
21 (Laughter.)  
22 ACTING CHAIR HEDANI: Discussion?  
23 COMMISSIONER DE REGO: The maker of the motion  
24 gets first dibs. Want to say anything, Cliff?  
25 ACTING CHAIR HEDANI: Discussion? Ready for

<p style="text-align: right;">Page 145</p> <p>1 the question?</p> <p>2 COMMISSIONER OKAMOTO: Of course not. That</p> <p>3 would be too easy.</p> <p>4 ACTING CHAIR HEDANI: Sherry, do you have any</p> <p>5 comments?</p> <p>6 MS. BRODER: Okay. Yes. I discussed this</p> <p>7 with Commissioner DeLeon during the break, too.</p> <p>8 COMMISSIONER DE REGO: De Rego. Excuse me.</p> <p>9 COMMISSIONER WIGER: They're both "D"s.</p> <p>10 MS. BRODER: I'm sorry. To review the four</p> <p>11 questions in red. Okay. And I think we sort of worked</p> <p>12 out what seemed to be appropriate.</p> <p>13 Number 2. Okay. We -- we left it with the</p> <p>14 two-thirds, which is the way the other county charters</p> <p>15 do it. And the reason for that is that it's very</p> <p>16 controversial being County Auditor. And that's the kind</p> <p>17 of County Auditor you want. You want one that's going</p> <p>18 to, you know, make criticism and may need the</p> <p>19 protections of the two-thirds vote in order to get</p> <p>20 fired. And that seemed to be across the board, anyway.</p> <p>21 So rather than conforming it to the language you</p> <p>22 developed for the Fire Chief, the Police Chief, the</p> <p>23 Director of Planning, I left it with the two-thirds.</p> <p>24 Okay. Just reminding you, like the State</p> <p>25 Auditor, what the powers and duties would be. I made</p>	<p style="text-align: right;">Page 147</p> <p>1 take out the section -- the word "biennial" in Section</p> <p>2 3-4.</p> <p>3 ACTING CHAIR HEDANI: What page are you on,</p> <p>4 Sherry?</p> <p>5 MS. BRODER: I am on Page 3. Okay. And take</p> <p>6 out 8-15.3. And, otherwise, what I am telling you is</p> <p>7 what was actually done. So that's the only changes from</p> <p>8 what you see before you.</p> <p>9 COMMISSIONER DE REGO: I would make a motion</p> <p>10 to amend the proposal as outlined.</p> <p>11 COMMISSIONER WIGER: Second.</p> <p>12 COMMISSIONER DE REGO: Oh, excuse me. There</p> <p>13 was one more amendment, actually. It's prepare and</p> <p>14 submit to the auditor a request for an appropriation for</p> <p>15 the operation of the commission.</p> <p>16 MS. BRODER: All in that same section.</p> <p>17 COMMISSIONER DE REGO: Yeah, all in that same</p> <p>18 section, Section 1.</p> <p>19 ACTING CHAIR HEDANI: I'm sorry. Can you</p> <p>20 repeat that?</p> <p>21 COMMISSIONER DE REGO: On Section 3-4, Cost of</p> <p>22 Government Commission, Point Number 1 would be prepare</p> <p>23 and submit to the auditor a request for an appropriation</p> <p>24 for the operation of the Commission.</p> <p>25 COMMISSIONER DELEON: Your amendment is?</p>
<p style="text-align: right;">Page 146</p> <p>1 certain changes so that -- in the draft that you see</p> <p>2 here so that the County -- the Cost of Government</p> <p>3 Commission would be this -- have the same terms as other</p> <p>4 boards and commissions. So I took out the word</p> <p>5 "biennial" and I took out the language that's contained</p> <p>6 in here right now. So that would -- that would make it</p> <p>7 more the way it is now. And I took all of that out so</p> <p>8 it will automatically conform to other boards and</p> <p>9 commissions, because it is a commission.</p> <p>10 And in section -- on Page 3, Section 3-4, I</p> <p>11 said, "The commission shall have the power and duty to,"</p> <p>12 because there was some questions asked about whether or</p> <p>13 not the commission has enough powers. So I gave them</p> <p>14 not just the duty, but, also, the powers. So there's a</p> <p>15 slight change in the language that's in the Charter</p> <p>16 right now.</p> <p>17 So that's it.</p> <p>18 ACTING CHAIR HEDANI: Okay. Any questions for</p> <p>19 Sherry?</p> <p>20 MS. BRODER: So do you need -- I think you</p> <p>21 need to move to accept it as amended, as I just</p> <p>22 described.</p> <p>23 COMMISSIONER SUGIMURA: In summary.</p> <p>24 MS. BRODER: Okay. In summary, again, okay,</p> <p>25 as you see before you, and then the changes are the --</p>	<p style="text-align: right;">Page 148</p> <p>1 COMMISSIONER DE REGO: Well, it says mayor</p> <p>2 right now. Did you say you changed that already?</p> <p>3 MS. BRODER: I said it earlier.</p> <p>4 COMMISSIONER DE REGO: Oh, I'm sorry.</p> <p>5 MS. BRODER: No, I didn't say it again. So --</p> <p>6 COMMISSIONER DE REGO: Okay.</p> <p>7 MS. BRODER: Yeah.</p> <p>8 COMMISSIONER DE REGO: Yeah. So I make a</p> <p>9 motion.</p> <p>10 ACTING CHAIR HEDANI: Commissioner Sugimura.</p> <p>11 COMMISSIONER SUGIMURA: He needs a second.</p> <p>12 ACTING CHAIR HEDANI: I'm sorry. Were you</p> <p>13 seconding?</p> <p>14 COMMISSIONER SUGIMURA: No. I have a</p> <p>15 discussion. So --</p> <p>16 ACTING CHAIR HEDANI: There's a motion by</p> <p>17 Commissioner De Rego to amend Proposal Number 3 as</p> <p>18 stated.</p> <p>19 COMMISSIONER OKAMOTO: Second.</p> <p>20 ACTING CHAIR HEDANI: Is there a second?</p> <p>21 Motion by Commissioner De Rego, seconded by Commissioner</p> <p>22 Okamoto, to amend Proposal Number 3 as was stated.</p> <p>23 Discussion? Kay.</p> <p>24 COMMISSIONER OKAMOTO: Well, just maybe I</p> <p>25 wasn't listening carefully enough. I can't imagine</p>

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1 that, but must be.  
 2 ACTING CHAIR HEDANI: This is a long proposal.  
 3 COMMISSIONER OKAMOTO: On the term of the  
 4 commission, she said, 8-15.3, take out that.  
 5 MS. BRODER: Take out. So then it will be the  
 6 same as other boards and commissions.  
 7 COMMISSIONER OKAMOTO: It won't have to say  
 8 that it's the --  
 9 MS. BRODER: It doesn't have to say it because  
 10 it's a commission.  
 11 COMMISSIONER OKAMOTO: Thank you.  
 12 ACTING CHAIR HEDANI: Commissioner DeLeon.  
 13 COMMISSIONER DELEON: I'd just like to ask for  
 14 information. I'm lost in what we're doing. I am not  
 15 sure what the amendment is. I don't get it.  
 16 MS. BRODER: Let me --  
 17 ACTING CHAIR HEDANI: Maybe Sherry can restate  
 18 it one more time.  
 19 MS. BRODER: So the only changes to what you  
 20 see before you, which are the amendment, are on Page 3  
 21 of this proposal, Section 3-4.  
 22 COMMISSIONER DELEON: Now I get it. Okay. So  
 23 he's amending, as you spoke earlier?  
 24 MS. BRODER: Right. Exactly. He's amending  
 25 what you see exactly --

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1 COMMISSIONER WIGER: Yes. Yes.  
 2 MS. BRODER: -- before you. That's all. So  
 3 it's a tweaking of the language.  
 4 COMMISSIONER DELEON: I got it. Okay. Now I  
 5 get it. Because you spoke before he amended, I was  
 6 confused what he --  
 7 ACTING CHAIR HEDANI: The amendment --  
 8 COMMISSIONER DE REGO: Yeah. She can't make a  
 9 motion to amend.  
 10 MS. BRODER: I can't do it.  
 11 COMMISSIONER DE REGO: I can.  
 12 ACTING CHAIR HEDANI: The amendment -- and you  
 13 can correct me if I am wrong, Sherry -- is to change --  
 14 delete the reference to biennial appointment of the Cost  
 15 of Government Commission, correct?  
 16 MS. BRODER: Right.  
 17 ACTING CHAIR HEDANI: Change Page 3, Item  
 18 Number 1, under Section 3.4, to auditor, prepare and  
 19 submit to the auditor, request for an appropriation.  
 20 MS. BRODER: And then --  
 21 ACTING CHAIR HEDANI: And change the staggered  
 22 terms of two years on 15.3?  
 23 MS. BRODER: Take that out altogether.  
 24 ACTING CHAIR HEDANI: Take out 15-3 -- 8-15.3  
 25 altogether. And that was the provision that --

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1 COMMISSIONER SUGIMURA: Take it out.  
 2 ACTING CHAIR HEDANI: -- creates two-year  
 3 terms for the Cost of Government Commission.  
 4 MS. BRODER: So then they will be governed by  
 5 the regular Boards and Commissions provisions of the  
 6 Charter.  
 7 ACTING CHAIR HEDANI: So they will be governed  
 8 by the regular Boards and Commissions provisions of the  
 9 Charter which automatically makes that a five-year --  
 10 COMMISSIONER DE REGO: Term.  
 11 ACTING CHAIR HEDANI: -- term for the Cost of  
 12 Government Commission.  
 13 COMMISSIONER WIGER: Mr. Chair?  
 14 ACTING CHAIR HEDANI: Commissioner Wiger.  
 15 COMMISSIONER WIGER: Actually, it's Wiger.  
 16 (Laughter.)  
 17 COMMISSIONER OKAMOTO: Here, I was thinking --  
 18 COMMISSIONER WIGER: No. And those --  
 19 ACTING CHAIR HEDANI: It's only been 11  
 20 months.  
 21 (Laughter.)  
 22 COMMISSIONER WIGER: That's all right. So  
 23 that gets covered, then, what we just talked about in  
 24 terms of the term of Commission, that's in the red on  
 25 that first page of the change?

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1 MS. BRODER: Yes.  
 2 COMMISSIONER WIGER: Very good. Very good.  
 3 Okay.  
 4 ACTING CHAIR HEDANI: Any further discussion?  
 5 COMMISSIONER SUGIMURA: I have discussion.  
 6 ACTING CHAIR HEDANI: Commissioner Sugimura.  
 7 COMMISSIONER SUGIMURA: I am not sure this is  
 8 the right time to ask this question, but on this -- on  
 9 this whole section, I have a real problem with it in  
 10 that I think, yeah, we need to have an Office of the  
 11 Auditor, but, do we need to have the Cost of Government,  
 12 also? Because I think the Cost of Government has  
 13 fulfilled, you know, a role in terms of being the eyes  
 14 and whatever, it has been valuable, but now that they  
 15 have an auditor -- and let's hope we get a Marion Higa  
 16 type, we don't need Cost of Government. And I still  
 17 remember you said, the Cost of Government said, for  
 18 every commissioner, it costs the County about \$75,000  
 19 for a commissioner. And so because it's a valuable  
 20 role, this Office of Auditor, do we then need to have  
 21 this Cost of Government? So -- he's my friend, so --  
 22 (Laughter.)  
 23 COMMISSIONER DELEON: No. I am just thinking  
 24 something else.  
 25 ACTING CHAIR HEDANI: Any further discussion?

<p style="text-align: right;">Page 153</p> <p>1 COMMISSIONER SUGIMURA: That's just my  2 question. I mean, I don't know -- when this thing came  3 up in the very beginning, when we voted on like months  4 ago, before we went to Round 2, I said, wait a minute,  5 let's talk about this Cost of Government. And it was  6 like too late, it included it. So now is my chance that  7 I want to ask this question. And I think that -- yeah,  8 I think Mike White was the one who brought up we need to  9 have this, you know, office or this auditor, and I  10 understand that, but I am still not -- I am not clear,  11 and maybe somebody else can explain to me, why it's  12 structured like this, was another question that came up  13 through discussion, as far as legislative and  14 administrative, and who reports to who and just how  15 government is structured. And I think, when this  16 discussion came up initially, Judge Baxa, who is,  17 unfortunately, not here, said, wait, are we creating  18 like a third branch of government, you know, by creating  19 this office of the -- the Cost of Government that has  20 jurisdiction over this, you know, Office of the Auditor.  21 So I still have those questions. It hasn't  22 been answered in my mind. And maybe, you know, Sherry  23 or, you know, Junior can -- can answer those things  24 better, unless there's somebody else knows.  25 ACTING CHAIR HEDANI: Anybody? Ed.</p>	<p style="text-align: right;">Page 155</p> <p>1 section in the existing Charter needs to be deleted.  2 COMMISSIONER SUGIMURA: Will automatically be  3 deleted.  4 COMMISSIONER DE REGO: No. That --  5 MS. BRODER: It's in the proposal, on Page  6 5 --  7 MR. KUSHI: Yes.  8 MS. BRODER: -- to delete it as it is now and  9 redo it as part of the County Auditor. So the proposal  10 takes away the independent Cost of Government Commission  11 as no longer being -- it's going to be advisory to the  12 County Auditor.  13 COMMISSIONER WIGER: County Auditor. Got it.  14 MS. BRODER: But I think, as Mr. Kushi was  15 saying, it's really a policy decision, do you want to  16 continue the Cost of Government Commission as advisory  17 to the Auditor or do you not. So I think that's really  18 policy for you folks to decide what you think is best.  19 MR. KUSHI: With all due respect to Mr. De  20 Rego.  21 Mr. Chair, getting back to the technical  22 portion, under Page 3, on the Cost of Government  23 functions, I will work it out with staff. In the first  24 paragraph, which states, "For the purpose of carrying  25 out the policy," I will reference the appointment of the</p>
<p style="text-align: right;">Page 154</p> <p>1 MR. KUSHI: Well, in some ways, I agree with  2 you. Getting to the point is that I think the Cost of  3 Government Commission, its main function right now is to  4 submit a report to the Council and the Mayor, which  5 report is based on the investigations of the County,  6 various County functions. That may be a little  7 different from the County Auditor's function. So  8 whether or not -- whether or not there's still a need  9 for that report, I guess, is your call, it's a policy  10 issue.  11 Again, even Councilmember Mike White's  12 proposal did continue to keep on the Cost of Government.  13 COMMISSIONER SUGIMURA: In this role?  14 MR. KUSHI: Maybe a little different. I  15 forget what exactly it reads. Again, it is a Charter  16 provision. And if this proposal passes, that Charter  17 provision is to be deleted, because the Cost of  18 Government is contained in the current Charter as a  19 Charter article.  20 COMMISSIONER SUGIMURA: Say that again, what  21 you just said.  22 MR. KUSHI: The Charter Commission is  23 established by the Charter -- I mean, the Cost of  24 Government Commission is established by the Charter. So  25 now you're putting it under the County Auditor, that</p>	<p style="text-align: right;">Page 156</p> <p>1 members pursuant to Section 13-2 of the Charter, which  2 is the five-year, nominated by the Mayor, approved by  3 the Council.  4 On Number 4, I will amend that, also, saying,  5 submit an annual report on a date certain, not 11 months  6 from appointment, because that's always a question.  7 Whether it's end of the fiscal year or two months before  8 the fiscal year, et cetera, we can work that out in the  9 proposal.  10 ACTING CHAIR HEDANI: Any objections to those  11 changes?  12 (No Response.)  13 ACTING CHAIR HEDANI: Hearing none. Okay.  14 We'll go ahead and incorporate those.  15 Any further discussion?  16 COMMISSIONER DE REGO: I would like to hear  17 the other Commissioners. I mean, this was a suggestion  18 made by Danny Mateo at our meeting in Molokai, that he  19 did not see the need for a Cost of Government Commission  20 once the auditor was in place. There is some argument  21 for that. At the same time, having a commission as a  22 part of the Auditor's Office may give the auditor a  23 broader view, especially with citizens on the  24 commission. So I think this is, like I said -- and I am  25 glad Yuki Lei has brought it up -- I mean, this is</p>

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1 something that the Commission has to look at. We have  
 2 been looking at trying to reduce boards and commissions.  
 3 It's always a difficult thing. But, you know, at this  
 4 point, you know, I have -- it would be interesting to  
 5 hear what other people's views about that are at this  
 6 point.  
 7 ACTING CHAIR HEDANI: Further discussion?  
 8 Commissioner Wiger.  
 9 COMMISSIONER WIGER: Thank you. Thank you,  
 10 Chair.  
 11 I like the idea of keeping the Cost of  
 12 Government Commission. And the reason that I do is that  
 13 if we move to an Independent County Auditor, that --  
 14 that's going to be a significant change. I want -- I  
 15 want to actually give the County Auditor -- I am going  
 16 to be real clear about this. I want to give the County  
 17 Auditor some cover. And the way that I think the County  
 18 Auditor gets some cover is if there is this cost -- this  
 19 commission that, made up of citizens, can put things on  
 20 the table and comes at it from a different perspective.  
 21 I think sometimes -- I think sometimes that we  
 22 get so -- we get so insulated in terms of governmental  
 23 structures and activities, and I think that the -- the  
 24 Cost of Government Commission -- and while there are  
 25 some of the commissions that, you know, Commissioner De

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1 Rego has reported on, saying, well, we're going to try  
 2 and, you know, eliminate this one, eliminate this one,  
 3 eliminate this one. And I was going, what, why would  
 4 you get rid of that, why would you get rid of that one,  
 5 why would you get rid of that one. But what it is, is  
 6 the voice, I think, of people that are not necessarily  
 7 bound to anything other than looking at something in  
 8 almost a very neutral kind of way, if that's -- if  
 9 that's possible. And I see that as being helpful for  
 10 the Auditor's position in terms of being able to put  
 11 things on the table.  
 12 That's why I would support keeping it.  
 13 ACTING CHAIR HEDANI: Any further discussion?  
 14 Commissioner Okamoto.  
 15 COMMISSIONER OKAMOTO: Well, I am kind of  
 16 torn. When Yuki was talking about doing away with it,  
 17 yes, it would save money. I think, though, I am -- at  
 18 least to start with, I think the auditor may need  
 19 someone to bounce things off of. Maybe, in the next  
 20 go-around, the auditor is, you know, operating and  
 21 things are going right along, and maybe then at that  
 22 time we would say, hey, it's a redundant committee. But  
 23 I think maybe at this time, getting started, it still  
 24 might be beneficial to have that Cost of Government  
 25 Committee.

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1 ACTING CHAIR HEDANI: Commissioner Crivello.  
 2 COMMISSIONER CRIVELLO: Well, I like to think  
 3 that Frank will not be a permanent structure with Cost  
 4 of Government.  
 5 (Laughter.)  
 6 COMMISSIONER CRIVELLO: So --  
 7 COMMISSIONER DE REGO: I can assure you not.  
 8 I got a two-year term, and I am out of there.  
 9 (Laughter.)  
 10 MR. KUSHI: Police Commission.  
 11 (Laughter.)  
 12 COMMISSIONER CRIVELLO: That being said, I  
 13 don't know. I would think that the hiring body, which  
 14 would probably be the Council, would come up with its  
 15 policies -- I mean, job description. It can't be any  
 16 way that the auditor will jump into this, you know,  
 17 whole pond of ice and not know what is expected. And if  
 18 we talk redundancy, I mean, the auditor can choose not  
 19 to listen to Cost of Government and be completely  
 20 independent of that.  
 21 So, for me, I question why we're going to  
 22 continue to need that because we'll be having hired  
 23 personnel to audit what the -- what their job  
 24 description will so define.  
 25 ACTING CHAIR HEDANI: Any further discussion?

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1 Commissioner DeLeon.  
 2 COMMISSIONER DELEON: I promised myself to  
 3 keep my mouth shut, but, because Frank asked --  
 4 (Laughter.)  
 5 COMMISSIONER DE REGO: Did I ask? I didn't  
 6 ask you.  
 7 COMMISSIONER DELEON: When I served in the  
 8 Mayor's Office for boards, commissions appointments, I  
 9 would steer my friends away from this commission because  
 10 it seemed like almost like a futile function, especially  
 11 in the two-year form. I mean, you got 12 -- you had 24  
 12 meetings before you are off the panel. And you're  
 13 trying -- as a citizen body, you're trying to study  
 14 something that is open to everybody to review.  
 15 And Frank's commission has done the best job  
 16 I've seen. I mean, there's been a really stellar job,  
 17 unusually good job. In the 20 some years I was  
 18 following this, it was like kind of a meaningless. For  
 19 the longest time, it was show and tell. It was that you  
 20 go on the Cost of Government Commission to learn how the  
 21 government works. I mean, that's what its purpose was.  
 22 It's gotten better. I think a five-year term definitely  
 23 would improve that.  
 24 I don't see here its purpose in its  
 25 relationship to the auditor, though. I mean, is it



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<p>1 advising the auditor or does the auditor check with the                  2 commission? Do they -- how do they -- what's the                  3 symbiotic relationship between the two? And there                  4 should be a symbiotic relationship if they're going to                  5 exist in doing the same kind of function. The                  6 commission operates as a citizen body, free and                  7 independent of the Council.                  8 And I am a little nervous with the structure                  9 because the auditor itself won't be free and independent                  10 of the Council. And I've had experience in the past                  11 where I saw those kind of powers abused. I am not                  12 saying this Council or future councils would do that,                  13 but it's happened.                  14 So I am fine with this as it is, but I think                  15 the auditor's position -- I mean, the Cost of                  16 Government's relationship to the Auditor should be more                  17 finely defined than it is here.                  18 ACTING CHAIR HEDANI: Any further discussion?                  19 COMMISSIONER OKAMOTO: So is somebody going to                  20 make an amendment or are we going to just --                  21 ACTING CHAIR HEDANI: We have a motion on the                  22 floor --                  23 COMMISSIONER OKAMOTO: -- as is?                  24 ACTING CHAIR HEDANI: -- to amend.                  25 COMMISSIONER OKAMOTO: But that was --</p>	<p>1 COMMISSIONER HASHIMOTO: Yes.                  2 MS. KAHUHU: Chair Hedani.                  3 ACTING CHAIR HEDANI: Yes.                  4 MS. KAHUHU: Member Moikeha, excused.                  5 Member Okamoto.                  6 COMMISSIONER OKAMOTO: Yes.                  7 MS. KAHUHU: Member Sugimura.                  8 COMMISSIONER SUGIMURA: No.                  9 MS. KAHUHU: Member Wiger.                  10 COMMISSIONER WIGER: Yes.                  11 MS. KAHUHU: Chair Stone, excused.                  12 Seven "yes;" one "no."                  13 ACTING CHAIR HEDANI: Okay. The amendment                  14 passes.                  15 Any further discussion on the main motion?                  16 Commissioner Okamoto.                  17 COMMISSIONER OKAMOTO: Okay. We voted on                  18 things that did include the Cost of Government, but, at                  19 this point, would it be appropriate if someone wanted to                  20 remove the Cost of Government, they could make a new                  21 amendment?                  22 ACTING CHAIR HEDANI: Sure.                  23 COMMISSIONER OKAMOTO: Just a question.                  24 COMMISSIONER DE REGO: Sure.                  25 COMMISSIONER OKAMOTO: Okay.</p>
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<p>1 COMMISSIONER SUGIMURA: That's for this.                  2 COMMISSIONER DELEON: That's the language.                  3 COMMISSIONER OKAMOTO: -- sort of the                  4 technical ones.                  5 COMMISSIONER WIGER: Right.                  6 COMMISSIONER DELEON: That's what is on the                  7 floor right now.                  8 COMMISSIONER OKAMOTO: Yes. Yes.                  9 COMMISSIONER DELEON: I support that language.                  10 ACTING CHAIR HEDANI: Okay. Can we go ahead                  11 and vote on the amendment at this point?                  12 COMMISSIONER OKAMOTO: Yes.                  13 ACTING CHAIR HEDANI: Any further discussion?                  14 (No Response.)                  15 ACTING CHAIR HEDANI: All those in favor of                  16 amending as was stated, we'll just leave it at that.                  17 Roll call, please.                  18 MS. KAHUHU: Member Baxa, excused.                  19 Member Crivello.                  20 COMMISSIONER CRIVELLO: Yes.                  21 MS. KAHUHU: Member DeLeon.                  22 COMMISSIONER DELEON: Yes.                  23 MS. KAHUHU: Member De Rego.                  24 COMMISSIONER DE REGO: Yes.                  25 MS. KAHUHU: Member Hashimoto.</p>	<p>1 COMMISSIONER DELEON: Chair?                  2 ACTING CHAIR HEDANI: Commissioner DeLeon.                  3 COMMISSIONER DELEON: Again, in my previous                  4 life as a boards and commissions appointment guy, I have                  5 no idea where they come up with the 75 -- wasn't it                  6 \$750,000 or whatever?                  7 COMMISSIONER SUGIMURA: \$75,000.                  8 COMMISSIONER DELEON: I just don't get that                  9 number. I mean, it was like almost no cost. I mean, if                  10 I had been doing that work or not doing that work, it                  11 still wouldn't have made any difference on the cost.                  12 There's no real dollars. I mean, there's a lot bigger                  13 cost in bringing people from Lanai and Molokai to                  14 participate in the meetings, a lot bigger. If you want                  15 to go out to dollars, then you will have to look at that                  16 kind of number and try to relate that back. For -- for                  17 actual appointments, I just don't see it. I don't have                  18 any -- any conceivable way of getting to that number.                  19 ACTING CHAIR HEDANI: Any further discussion?                  20 Kay.                  21 COMMISSIONER OKAMOTO: Well, I would just                  22 think the number would come from the hours that Corp                  23 Counsel has to spend on a commission, that staff has to                  24 spend on a commission, the mailings, that all sorts of                  25 things go into. I don't know about that number, but I</p>

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<p>1 am sure that the cost of a commission includes all this                  2 those items.                  3 COMMISSIONER DELEON: Chair?                  4 ACTING CHAIR HEDANI: Commissioner DeLeon.                  5 COMMISSIONER DELEON: The number is supposed                  6 to be the recruitment cost. That's what was                  7 articulated, that's a recruitment cost; not the function                  8 of commission.                  9 ACTING CHAIR HEDANI: Any further discussion?                  10 (No Response.)                  11 ACTING CHAIR HEDANI: Okay. The main motion                  12 on the floor is to approve Proposal Number 3, as                  13 amended. Any further discussion?                  14 COMMISSIONER SUGIMURA: As amended what?                  15 ACTING CHAIR HEDANI: As amended, to include                  16 all of those changes that Sherry listed, changing it to                  17 delete "biennial," to delete references to the term of                  18 the Cost of Government Commission, et cetera. Those are                  19 the amendments. Are we clear? Any further discussion?                  20 (No Response.)                  21 ACTING CHAIR HEDANI: Okay. Ready for the                  22 question?                  23 COMMISSIONER OKAMOTO: Yes.                  24 ACTING CHAIR HEDANI: All those in favor of                  25 the main motion, which is to approve the proposal, as</p>	<p>1 Is everybody just getting tired or --                  2 COMMISSIONER DE REGO: It's not 3:30.                  3 COMMISSIONER SUGIMURA: That's when we blasted                  4 through.                  5 ACTING CHAIR HEDANI: So the Hawaiian word of                  6 the day is kuikahi, which means agreement. So we                  7 actually got agreement on one of the 13 proposals.                  8 Okay, Number 4. Did we cover Number 4? We                  9 covered -- we covered Number 4 before lunch, didn't we?                  10 COMMISSIONER SUGIMURA: Five-to-three vote.                  11 ACTING CHAIR HEDANI: By a five-to-three vote.                  12 So it was --                  13 COMMISSIONER WIGER: Tabled.                  14 ACTING CHAIR HEDANI: -- tabled for a second                  15 time. Okay.                  16 COMMISSIONER WIGER: Yes.                  17 COMMISSIONER HASHIMOTO: I think it was going                  18 to be reworked before we take it up again.                  19 ACTING CHAIR HEDANI: Okay. Any further                  20 comment on Number 4 before we pass on that?                  21 COMMISSIONER OKAMOTO: Just a question. That                  22 is going to be reworked and come back to us?                  23 ACTING CHAIR HEDANI: Sherry?                  24 MS. BRODER: Yes. Well, I am going to talk to                  25 Mr. Kushi about that. He's the expert on interactive</p>
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<p>1 amended. Roll call, Lisa.                  2 MS. KAHUHU: Member Wiger.                  3 COMMISSIONER WIGER: Yes.                  4 MS. KAHUHU: Member Sugimura.                  5 COMMISSIONER SUGIMURA: No.                  6 MS. KAHUHU: Member Okamoto.                  7 COMMISSIONER OKAMOTO: Yes.                  8 MS. KAHUHU: Member Moikeha, excused.                  9 Member Hashimoto.                  10 COMMISSIONER HASHIMOTO: Aye.                  11 MS. KAHUHU: Chair Hedani.                  12 ACTING CHAIR HEDANI: Yes.                  13 MS. KAHUHU: Member DeLeon.                  14 COMMISSIONER DELEON: Yes.                  15 MS. KAHUHU: Member De Rego.                  16 COMMISSIONER DE REGO: Yes.                  17 MS. KAHUHU: Member Crivello.                  18 COMMISSIONER CRIVELLO: Yes.                  19 MS. KAHUHU: Member Baxa, excused.                  20 Chair Stone, excused.                  21 Seven "yes;" and one "no."                  22 ACTING CHAIR HEDANI: Okay. So there was a                  23 motion to approve, as amended. So we'll get the                  24 amendments, actually, in a future meeting in relatively                  25 final form.</p>	<p>1 communications.                  2 MR. KUSHI: Mr. Chair, point of information,                  3 reword to provide for audio public testimony, is that                  4 what it is?                  5 ACTING CHAIR HEDANI: Correct.                  6 MR. KUSHI: Not videoconferencing?                  7 ACTING CHAIR HEDANI: Right. I think that was                  8 the gist of it, was to take baby steps at this point.                  9 COMMISSIONER WIGER: Yeah.                  10 COMMISSIONER CRIVELLO: Unless the technology                  11 provides.                  12 ACTING CHAIR HEDANI: Commissioner DeLeon.                  13 COMMISSIONER DELEON: How about electronic?                  14 That includes all forms.                  15 COMMISSIONER WIGER: That's true.                  16 COMMISSIONER CRIVELLO: Well, you can do that                  17 today, can't you?                  18 MR. KUSHI: You can do it now.                  19 COMMISSIONER DELEON: It's supposed to be                  20 interactive electronic.                  21 ACTING CHAIR HEDANI: So is telephone                  22 electronic?                  23 COMMISSIONER WIGER: Yeah, that is.                  24 COMMISSIONER HASHIMOTO: That's good.                  25 COMMISSIONER WIGER: Yeah.</p>

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1 COMMISSIONER HASHIMOTO: He didn't say  
 2 specifically what.  
 3 ACTING CHAIR HEDANI: Okay. We'll come back  
 4 -- we'll come back to Item Number 4 with revised  
 5 language. Is that -- is that okay, Ed? Okay.  
 6 Moving on, Item Number 5.  
 7 Well, first of all, you folks want to press  
 8 forward as far as we can go today?  
 9 COMMISSIONER DE REGO: Yeah.  
 10 ACTING CHAIR HEDANI: Okay. Number 5:  
 11 Article 14, "Add a new section to require that the  
 12 Charter be revised and published to include all new  
 13 significant amendments adopted. Shall Article 14 of the  
 14 Charter be amended to add a new provision requiring that  
 15 the Charter of the County of Maui be republished in its  
 16 entirety following any adopted revisions or amendments."  
 17 COMMISSIONER DELEON: Move to approve.  
 18 ACTING CHAIR HEDANI: There's a motion by  
 19 Commissioner DeLeon to approve. Is there a second?  
 20 COMMISSIONER HASHIMOTO: Second.  
 21 ACTING CHAIR HEDANI: Seconded by Commissioner  
 22 Hashimoto. Discussion? Commissioner DeLeon.  
 23 COMMISSIONER DELEON: I see an argument from  
 24 the County Clerk opposing this. I don't know. I mean,  
 25 if the County Council can adjust the County Code by

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1 quarter, and we're talking about numerous laws, we're  
 2 not talking one or two, you know, a handful of  
 3 amendments every two years, at most, then what's the  
 4 problem? I mean, out of the courtesy to the public,  
 5 this is our foundational laws. It's not like HRS where  
 6 you have so many -- such a volume of changes that you  
 7 can't possibly do it. I mean, again, I think if you put  
 8 -- assign a clerk to it and that should be done in a  
 9 week.  
 10 And as the Clerk pointed out in his letter,  
 11 the demand for hard copies has reduced to the point  
 12 where it's not really a significant amount. So -- I  
 13 mean, so run off a couple hundred and you're done. I  
 14 mean, I just don't get what the issue is, why this is  
 15 too difficult. But I think we've all run across the  
 16 problem --  
 17 COMMISSIONER OKAMOTO: Yes.  
 18 COMMISSIONER DELEON: -- of trying to  
 19 understand which amendment's where. And rather than  
 20 just finding the whole text in one place, we got these  
 21 supplements floating around. I think that's just an  
 22 artifact of attorneys being attorneys and that's what  
 23 they do.  
 24 (Laughter.)  
 25 ACTING CHAIR HEDANI: Is there a veto from the

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1 Corp Counsel?  
 2 MR. KUSHI: No comment.  
 3 ACTING CHAIR HEDANI: Commissioner Hashimoto.  
 4 COMMISSIONER HASHIMOTO: Well, I don't know  
 5 whether this can be done or not, but I would like to  
 6 suggest that perhaps the County could authorize somebody  
 7 to do this, whoever wants to do it. In other words, I  
 8 could -- I could send in a proposal to the County saying  
 9 that I will do the updates whenever it comes along. And  
 10 -- and that if I -- I would sell the copies of it, then,  
 11 you know, 50 cents or whatever, to cover the cost,  
 12 plus -- right? I could do that. Because in a lot of  
 13 government papers, this is done. It doesn't necessarily  
 14 have to be done by some government office; it can be  
 15 done by someone who is authorized to do it for that.  
 16 ACTING CHAIR HEDANI: Good point. It could be  
 17 contracted out.  
 18 COMMISSIONER HASHIMOTO: Yeah, with no cost,  
 19 really, to the County, anyway.  
 20 ACTING CHAIR HEDANI: Any further discussion?  
 21 COMMISSIONER WIGER: Just --  
 22 ACTING CHAIR HEDANI: Commissioner Wiger.  
 23 COMMISSIONER WIGER: A question that -- you  
 24 know, we didn't quite get to it today because we didn't  
 25 want to open the door, I got the sense, for more of a

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1 discussion, for all kinds of reasons. But, I mean,  
 2 they're already -- aren't they already making updates?  
 3 Don't they have paper updates where they just list  
 4 everything? So you have this, plus you have a flock of  
 5 papers that you get. So I am just thinking, I don't  
 6 know -- I don't know that there would be a -- the cost  
 7 issue, it seems to me, wouldn't be a cost issue just in  
 8 terms of the paper because you're going to have the  
 9 paper there or you're going to have it integrated into  
 10 this. So I would think it would come out sort of the  
 11 same way.  
 12 And I'm sorry, but asking, you know, once --  
 13 whatever Charter Amendments get approved, it's not going  
 14 to take long to go online and put those in, I mean, as  
 15 Cliff says, you know, this -- it won't take long. So I  
 16 was just wondering if there was something about the  
 17 money I was missing.  
 18 ACTING CHAIR HEDANI: Any further discussion?  
 19 Commissioner De Rego.  
 20 COMMISSIONER DE REGO: It would seem to me,  
 21 even with the online version, that these kinds of  
 22 things, now with the way files are stored, that it would  
 23 be relatively easy to incorporate changes, even online,  
 24 instead of, you know, having these as addendums to the  
 25 (inaudible) published Charter, you know, with Word and

<p style="text-align: right;">Page 173</p> <p>1 whatever other kinds of -- Publisher or whatever you  2 want to do, it would be relatively easy to do it online.  3 So, at the very least.  4 But in terms of hard copies, I could see the  5 problem in terms of, you know, maybe generating those,  6 you know, because of the cost. But at least, at the  7 very least, online, it didn't seem to me like a big  8 issue to incorporate changes like this within the flow  9 of the text. I'm sorry.  10 COMMISSIONER CRIVELLO: Chair?  11 ACTING CHAIR HEDANI: Commissioner Crivello.  12 COMMISSIONER CRIVELLO: I think our County  13 Clerk, Jeffrey Kuwada, he talks about that, where the  14 Charter, 2003 edition and the 2006, 2010, are available  15 online in searchable --  16 COMMISSIONER DE REGO: Yeah.  17 COMMISSIONER CRIVELLO: -- PDF format.  18 COMMISSIONER DE REGO: Yeah, but they're not  19 incorporated -- oh, I'm sorry.  20 COMMISSIONER CRIVELLO: But most -- then it  21 says most individuals requesting a copy of the Charter  22 would inform office availability online. You know, if  23 they want a copy, they will receive the request.  24 COMMISSIONER DE REGO: Mr. Chair?  25 ACTING CHAIR HEDANI: Commissioner De Rego.</p>	<p style="text-align: right;">Page 175</p> <p>1 serving on the Charter Commission and I would be serving  2 on the Planning Commission, which takes office on April  3 1st of 2012. And he noted that, in the minutes, the  4 footnotes to the minutes of the Charter Commission, of  5 1967, that they had noted that a commissioner can go  6 from one commission to the next, another commission, but  7 cannot move into two commissions at the same time.  8 Which prompted me to consider resigning from one or not  9 accepting the other by April 1st of this year.  10 Subsequent to that, in reviewing the  11 documents, I noted that there was an amendment that,  12 apparently, was made along the lines that said that  13 officers can serve on commissions of the County of Maui,  14 which meant elected people as well as other employees of  15 the County can serve on a commission, which was the  16 opposite of the situation where he said you cannot serve  17 in the commission -- on two different commissions.  18 That brought to my mind a question about  19 Frank, because Frank is on the Cost of Government  20 Commission as well as the Charter Commission. But from  21 my perspective, because of the amendment, it was  22 permitted based on an officer being able to serve on a  23 commission, essentially meaning you're serving on two  24 commissions at that point, contrary to the footnote of  25 1967.</p>
<p style="text-align: right;">Page 174</p> <p>1 COMMISSIONER DE REGO: Yeah. I think the  2 point I am making is the fact that it becomes as two  3 separate documents. There's got to be a way with what  4 we have available, in terms of technology today, of  5 putting Section 4-3 into the document within a  6 reasonable amount of time, you know. It would seem, to  7 me, 30 days would be a reasonable amount of time, you  8 know. It's -- it's -- with today's technology, it's not  9 that difficult, you know, to set up a document and then,  10 you know, insert pieces in and let the document flow the  11 way it's supposed to, instead of adding, as it says  12 here, the available amendments are available online.  13 That means they're separate documents outside of the  14 published document. And that's what I find difficult.  15 ACTING CHAIR HEDANI: Okay. Contrary to  16 normal procedure, I am going to offer a comment. One of  17 the people I respect a lot, Jim Smith, that comes and  18 talks to us, when you read the -- when you read his  19 comments in our minutes, makes a tremendous amount of  20 sense.  21 He asked me a question the other day about  22 noticing that I had applied for a position on the  23 Planning Commission, which, from his perspective, would  24 make me an officer of the County applying for two  25 different commissions at the same time. I would be</p>	<p style="text-align: right;">Page 176</p> <p>1 Which goes to show just how convoluted  2 amendments to the document can be if they're not all in  3 one place.  4 COMMISSIONER WIGER: Yes. Yes.  5 COMMISSIONER DELEON: (Inaudible).  6 (Laughter.)  7 COMMISSIONER DE REGO: I knew where he was  8 going.  9 ACTING CHAIR HEDANI: Which prompted me not to  10 submit my resignation to this group.  11 COMMISSIONER CRIVELLO: You'll miss all the  12 fun.  13 ACTING CHAIR HEDANI: With that said, is there  14 any further discussion? The question has been called  15 for. Any further discussion?  16 (No Response.)  17 ACTING CHAIR HEDANI: Lisa, roll call. Motion  18 on the floor is to approve Proposal Number 5.  19 MS. KAHUHU: Member Baxa, excused.  20 Member Crivello.  21 COMMISSIONER CRIVELLO: Yes.  22 MS. KAHUHU: Member DeLeon.  23 COMMISSIONER DELEON: Yes.  24 MS. KAHUHU: Member De Rego.  25 COMMISSIONER DE REGO: Yes.</p>

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1 MS. KAHUHU: Member Hashimoto.  
 2 COMMISSIONER HASHIMOTO: Yes.  
 3 MS. KAHUHU: Chair Hedani.  
 4 ACTING CHAIR HEDANI: Yes.  
 5 MS. KAHUHU: Member Moikeha, excused.  
 6 Member Okamoto.  
 7 COMMISSIONER OKAMOTO: Yes.  
 8 MS. KAHUHU: Member Sugimura.  
 9 COMMISSIONER SUGIMURA: Yes.  
 10 MS. KAHUHU: Member Wiger.  
 11 COMMISSIONER WIGER: Yes.  
 12 MS. KAHUHU: Chair Stone, excused.  
 13 Eight "yes."  
 14 COMMISSIONER DELEON: Getting close to 4:00.  
 15 COMMISSIONER HASHIMOTO: Maybe we should stop  
 16 right here.  
 17 COMMISSIONER WIGER: While we're ahead.  
 18 COMMISSIONER OKAMOTO: I agree.  
 19 ACTING CHAIR HEDANI: Okay. Article --  
 20 anybody need a break? No. Article 14 -- Number 6,  
 21 Article 14, Section 14-3, "Mandatory Review, to conform  
 22 the term of appointment of Charter Commissioners to the  
 23 terms of other Maui County Boards and Commissions.  
 24 Shall 14-3 of the Charter be amended to provide that,  
 25 beginning on December 1st, 2017, members of the Maui

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1 County Charter Commission be appointed for five-year  
 2 terms?" This is Proposal Number 6.  
 3 Sherry, were there any changes that were noted  
 4 in the proposal?  
 5 MS. BRODER: I think it's pretty  
 6 straightforward. It just -- okay. I guess this one --  
 7 I thought my understanding, from what the Commission  
 8 wanted to do, was to conform the terms to the other  
 9 Charter Commission -- to the other commissions. But,  
 10 actually, based on discussions that had been had since  
 11 it was drafted, it seems that this really isn't what the  
 12 Charter Commissioners had in mind, because they're going  
 13 to serve for five years. That might not --  
 14 (Laughter.)  
 15 COMMISSIONER DELEON: That's not what we had  
 16 in mind.  
 17 MS. BRODER: Well, I know you're having a  
 18 really good time and enjoying it all and everything. I  
 19 don't know if you're going to need Corporation Counsel  
 20 for five years every two weeks. But in any event, I  
 21 think, yeah, you need to say what it is, how long you  
 22 want to be appointed for. And what -- what the problem  
 23 was in terms of your appointment this go-around that led  
 24 you to think that you needed to change the Charter to  
 25 clarify what the Charter Commissioners should be

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1 doing -- serving.  
 2 ACTING CHAIR HEDANI: Okay. I think the  
 3 discussion originally on this was due to the timing  
 4 differential on the appointment of the Members of the  
 5 Charter Commission differing from other Boards and  
 6 Commissions and whether or not that process could be  
 7 delayed open-ended was one of the questions, yeah. So  
 8 what is your pleasure? Commissioner DeLeon?  
 9 COMMISSIONER DELEON: I think I was the cause  
 10 of this. What I was aiming at was the fact that, under  
 11 14-3, this is an open-ended process where the Council  
 12 doesn't have any period where it has to appoint. And it  
 13 could start -- the Mayor could bring the names to the  
 14 Council and -- and, essentially, the Council could sit  
 15 on it for six months or as long as they wanted to.  
 16 There is no end date when they have to do the  
 17 appointment. That's probably unlikely to happen. And I  
 18 would like to at this point remove this item as a means  
 19 toward efficiency in cutting down the items in front of  
 20 us.  
 21 COMMISSIONER OKAMOTO: I second that.  
 22 ACTING CHAIR HEDANI: Okay. There's a motion  
 23 to remove Item Number 6, Proposal Number 6, by  
 24 Commissioner DeLeon, seconded by Commissioner Okamoto.  
 25 Discussion? Commissioner Okamoto.

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1 COMMISSIONER OKAMOTO: Well, I was one that  
 2 brought up that we needed more time, but I think that  
 3 the way it worked out, yeah, it got into too big of an  
 4 issue. You know, maybe we could say you appoint a  
 5 little earlier, but I think, at this point, it's not  
 6 something that we need to keep on the table.  
 7 ACTING CHAIR HEDANI: Further discussion?  
 8 Commissioner DeLeon.  
 9 COMMISSIONER DELEON: I think some of the  
 10 whole topic of about needing a commission that's going  
 11 to chew on the structure of the government a little bit  
 12 longer and harder would be something that we -- I would  
 13 hope to have a Final Report by the commission that would  
 14 include that kind of language. And we could just take  
 15 care of it that way, and not have to have a Charter  
 16 Amendment to achieve that.  
 17 ACTING CHAIR HEDANI: Additional discussion?  
 18 Commissioner Wiger.  
 19 COMMISSIONER WIGER: I'll direct it to you  
 20 with the answer having to come from Commissioner DeLeon.  
 21 Is that something that we could anticipate as a reality  
 22 in the Final Report? I say that only because I don't  
 23 think that we have enough time to do the work we really  
 24 needed to do. And there were things that people wanted  
 25 to talk about as we were going along. And people kept

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<p>1 saying, well, we've only got so much time and we've                  2 really got to deal with the important stuff, and so we                  3 can't get to that. And I -- I just want someplace for                  4 those of us with those concerns to have a voice to be                  5 able to say, "Somebody pay attention to this because we                  6 don't have enough time." And this year was a good                  7 example because we saw a month, a month, where the                  8 Council did not take up the appointments of the Charter                  9 Commission. An entire month went by between handing the                  10 names off and it being taken up, for all kinds of                  11 reasons. And I am not casting aspersions on anyone. I                  12 am just saying that was the reality of it. So we lost a                  13 month that could have -- could have really been used.                  14 And so I just want to be assured that, in some manner,                  15 shape or form, we can say to the powers that be, "Pay                  16 attention to giving the people on the commission a                  17 little more time to do their work."                  18 That's all.                  19 ACTING CHAIR HEDANI: Okay. Lisa, can you                  20 help me with this? I know timing-wise for this                  21 particular Commission -- and this was a question I asked                  22 you earlier about, you know, my situation with the                  23 Planning Commission and April 1st -- this particular                  24 Commission has eight more meetings, is it?                  25 MS. KAHUHU: Eight more meetings.</p>	<p>1 Page 1 to Page 51, and as well as have read original                  2 foundational documents that went into the creation of                  3 the Charter back in 1966, so we understand the logic                  4 behind why they set it up the way they set it up, just                  5 for informational perspective and just to be able to see                  6 that we haven't missed something along the way that                  7 hasn't been brought up by the public. And that's my own                  8 personal perspective on it.                  9 Any further discussion on the item before us,                  10 which is the removal of Item Number 6?                  11 (No Response.)                  12 ACTING CHAIR HEDANI: Ready for the question?                  13 Lisa?                  14 MS. KAHUHU: Member Wiger.                  15 COMMISSIONER WIGER: Aye.                  16 MS. KAHUHU: Member Sugimura.                  17 COMMISSIONER SUGIMURA: Yes.                  18 MS. KAHUHU: Member Okamoto.                  19 COMMISSIONER OKAMOTO: Yes.                  20 MS. KAHUHU: Member Moikeha, excused.                  21 Member Hashimoto.                  22 COMMISSIONER HASHIMOTO: Aye.                  23 MS. KAHUHU: Chair Hedani.                  24 ACTING CHAIR HEDANI: Aye.                  25 MS. KAHUHU: Member DeLeon.</p>
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<p>1 ACTING CHAIR HEDANI: Until June, at which                  2 point we should have concluded our primary work in terms                  3 of getting something printable for the ballots to be                  4 presented.                  5 MS. KAHUHU: That portion of your question                  6 would be for Ed, dear. But I can confirm that we                  7 currently have eight more scheduled meetings.                  8 ACTING CHAIR HEDANI: Up through the end of --                  9 MS. KAHUHU: The last -- well, the meeting                  10 that's scheduled last as of right now is June 25th.                  11 ACTING CHAIR HEDANI: June 25th. Okay.                  12 Because I was mistaken, I thought the bulk of our stuff                  13 had to be to the Council by April 1st. But that's not                  14 the case, right?                  15 COMMISSIONER DELEON: Yes.                  16 COMMISSIONER WIGER: It is.                  17 MR. KUSHI: You have an agenda item to address                  18 this. If you want to talk about it now, I'll talk about                  19 it.                  20 ACTING CHAIR HEDANI: Why don't we talk about                  21 it later, then, when it comes up?                  22 So, anyway, there is still time to discuss the                  23 items, you know, that -- that we may have not covered.                  24 One of the items personally that I would like to see is                  25 to make sure that everyone has read the Charter from</p>	<p>1 COMMISSIONER DELEON: Yes.                  2 MS. KAHUHU: Member De Rego.                  3 COMMISSIONER DE REGO: Yes.                  4 MS. KAHUHU: Member Crivello.                  5 COMMISSIONER CRIVELLO: Yes.                  6 MS. KAHUHU: Member Baxa, excused.                  7 Chair Stone, excused.                  8 Eight "yes."                  9 ACTING CHAIR HEDANI: Thank you.                  10 Item Number 7, Article 13, "General                  11 Provisions, Section 13-2, Boards and Commissions,                  12 Subsection 17, require the County of Maui to fund the                  13 defense of members of all County of Maui boards and                  14 commissions and to indemnify said members. Shall                  15 Article 13 of the Charter be amended to require that the                  16 County defend and indemnify board and commission members                  17 in civil actions when board and commission members have                  18 performed their official duties in a good faith and                  19 lawful manner?" This is Proposal Number 7.                  20 Sherry or Ed, do you folks any comments on                  21 this?                  22 MS. BRODER: Well, this is the one where we                  23 gave our long opinion. I think this is one -- I know                  24 the intent is a good one by the Commissioners, to                  25 protect people who serve, you know, basically pro bono</p>

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1 from getting sued. But, in fact, you know, State law  
 2 already provides such protections. And, also, Ed maybe  
 3 can explain more what the County Corporation Counsel's  
 4 procedures are for defending people. I mean, there's a  
 5 very fine line here because public monies can only be  
 6 used to defend and/or pay for things that have a public  
 7 purpose. So if a person was -- and then I think that's  
 8 kind of the standard that Corporation Counsel is using,  
 9 anyways, in deciding whether to defend when it's  
 10 appropriate. So, you know, seemed like some people  
 11 thought there was a problem, but I think that we had  
 12 some concerns about not crossing over the line to  
 13 provide more than what is really legitimately allowed.  
 14 So maybe Ed could explain to you how they process these  
 15 cases in Corporation Counsel's -- in your office.  
 16 ACTING CHAIR HEDANI: Ed.  
 17 MS. BRODER: Because I am not -- I think maybe  
 18 there were problems before, but the State amended the  
 19 law, anyways. And so --  
 20 MR. KUSHI: Right. Mr. Chair, I'll give it a  
 21 try. I am not in charge of defending people in my  
 22 office, but I know the process. Sherry's -- Sherry  
 23 attached like a four or five-page memo, which is very  
 24 clear, concise, and states the present status of the  
 25 law. There's a State law covering this. There's

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1 various cases covering this. Again, I think both staff  
 2 and I picked up it's maybe redundant to put it in the  
 3 Charter.  
 4 This is how it works: Our office is in charge  
 5 of representing the County, all departments, boards and  
 6 commission members. If something hits the fan and  
 7 there's a lawsuit against any County officer in its  
 8 official capacity, any board, commission, commission  
 9 itself, any department, we automatically defend that  
 10 lawsuit and answer the complaint. The problem comes in  
 11 when they're named in their individual capacities. Then  
 12 we have to go to Council to explain the situation,  
 13 review the case, review the allegations, and then  
 14 request for indemnification.  
 15 Generally, if they're acting in their capacity  
 16 as a board member or as a County official, Council  
 17 usually passes a resolution. Our office defends it.  
 18 Sometimes there's some problems where they present a  
 19 conflict of interest where a board member, or even a  
 20 department head, is sued in their individual capacities.  
 21 And the complaint is so grievous that it may backfire on  
 22 the County. That may create a conflict with our  
 23 office's representation of that member -- of that person  
 24 in his official capacity and individual capacity.  
 25 That being the case, we ask the Council for a

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1 special counsel so that person can go out and hire his  
 2 own attorney because it may present a conflict of  
 3 interest at trial.  
 4 So that's how generally it works.  
 5 Now, in any lawsuit, there's some allegations  
 6 we think are frivolous, but, at the end of the day, we  
 7 have to evaluate whether the actions of any person, a  
 8 County official, a board member, was within the scope of  
 9 his powers.  
 10 Example, this Commission, during recess, one  
 11 of you goes out and runs over somebody. It's not within  
 12 your capacity or scope of your duties. And you get  
 13 sued. The Commission gets sued and you get sued  
 14 individually. Of course, we're not going to recommend  
 15 defense and indemnification, even if you were on per  
 16 diem on County time.  
 17 So, I mean, those are the kind of examples.  
 18 But, at the end of the day, we always go to Council  
 19 if -- in case there's a question, in every case where  
 20 they get sued in their individual capacities.  
 21 Aside from that, you know, you're covered.  
 22 MS. BRODER: So take a look at Page 4.  
 23 There's a case to the Maui County Council v. Thompson.  
 24 And what happened in that case was Mayor Lingle was sued  
 25 in her individual capacity. And the Corporation Counsel

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1 did recommend that the mayor retain private counsel and  
 2 that that be paid for by the County. But what happened  
 3 in that case was rather than, actually, go to Council  
 4 and get the financial authorization, the Mayor hired her  
 5 own counsel and then subsequently submitted the bills.  
 6 So in that case, actually, the County Council sued the  
 7 Mayor for, you know, not following the proper procedure  
 8 in terms of hiring private counsel. So I think that's  
 9 kind of a unique situation in the terms of the way that  
 10 -- the way that it was handled.  
 11 So, actually, Jon Van Dyke and I, we  
 12 represented the County Council in that case. So --  
 13 ACTING CHAIR HEDANI: Okay.  
 14 MS. BRODER: In any event, I think that's a  
 15 little different. I think, you know, if the procedure  
 16 is followed, as Ed describes it, then you go to County  
 17 Council and you would get authorization for something  
 18 like this.  
 19 ACTING CHAIR HEDANI: Okay. So there are  
 20 circumstances, basically, where you wouldn't be covered,  
 21 anyway, to some degree?  
 22 MS. BRODER: Well, the way it's written, the  
 23 way I drafted it, it doesn't cover -- you know, it only  
 24 covered -- it would only cover acts, you know, where  
 25 you're in the bona fide and good faith discharge of your

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1 official duties and lawful performance of your duties.  
 2 Because you're not going to cover somebody -- you can't  
 3 use public money to cover somebody who is not engaged in  
 4 lawful activities, lawful performance of their duties,  
 5 anyway. So you wouldn't -- you wouldn't cover somebody  
 6 like that.  
 7 ACTING CHAIR HEDANI: What if the person I ran  
 8 over deserved to be run over?  
 9 (Laughter.)  
 10 COMMISSIONER WIGER: Well, then --  
 11 MR. KUSHI: You may have a good case, then.  
 12 ACTING CHAIR HEDANI: Commissioner Hashimoto.  
 13 COMMISSIONER HASHIMOTO: I am just going to  
 14 use this as an example, Chair. So if in the course of  
 15 traveling to and from the official duty of coming here  
 16 to a meeting, scheduled meeting, then, in that case, it  
 17 will more than likely be covered because it's in --  
 18 because your travel is -- is in the course of doing your  
 19 assigned duty, right?  
 20 MS. BRODER: I am going to have to refer to  
 21 Mr. Kushi on that one.  
 22 (Laughter.)  
 23 ACTING CHAIR HEDANI: That's a real question.  
 24 MR. KUSHI: I guess it would depend on the  
 25 situation. If you were flying over to Maui to attend

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1 this meeting specifically and the plane crashes --  
 2 COMMISSIONER CRIVELLO: Woah.  
 3 MR. KUSHI: Or whatever happens, and it wasn't  
 4 any part of your fault, I don't think the County would  
 5 be involved, or if you got into an accident coming over.  
 6 It would depend on the situation.  
 7 COMMISSIONER HASHIMOTO: In other words,  
 8 there's always the chance for -- for an accident to  
 9 occur on an island. It's kind of hard to say that you  
 10 won't have one.  
 11 ACTING CHAIR HEDANI: Yeah.  
 12 COMMISSIONER HASHIMOTO: There's a good chance  
 13 of it.  
 14 ACTING CHAIR HEDANI: It would just depend on  
 15 whether or not you intentionally ran that person over.  
 16 COMMISSIONER HASHIMOTO: Yeah.  
 17 (Laughter.)  
 18 COMMISSIONER HASHIMOTO: In order to defend  
 19 against it, go for it, right? Excuse me.  
 20 ACTING CHAIR HEDANI: Commissioner DeLeon.  
 21 COMMISSIONER DELEON: Two thoughts on this.  
 22 One is, (inaudible), but the first point is in reference  
 23 to the comments from Mr. Smith this morning, where he  
 24 was suggesting that Corporation -- Corporation Counsel  
 25 be the arbitrator of whether -- whether somebody is,

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1 actually, given protection rather than the County  
 2 Council, that depoliticizes the situation.  
 3 The other -- second point is the person with  
 4 the most hard feelings about this, Commissioner Moikeha,  
 5 is not present. I think maybe this topic ought to be  
 6 tabled until we have the conversation when she's in the  
 7 room because she has pretty strong opinions about it.  
 8 ACTING CHAIR HEDANI: Is there a motion to  
 9 table?  
 10 COMMISSIONER DELEON: I would like to hear the  
 11 first -- first response first, if possible.  
 12 ACTING CHAIR HEDANI: From?  
 13 COMMISSIONER DELEON: From Mr. Kushi.  
 14 ACTING CHAIR HEDANI: Ed.  
 15 MR. KUSHI: I don't -- I don't know the facts  
 16 surrounding Commissioner Moikeha's case.  
 17 COMMISSIONER DELEON: No. I am talking about  
 18 Jim Smith's proposal.  
 19 MR. KUSHI: If Mr. Smith is implying that our  
 20 office make the determination rather than the Council, I  
 21 would seriously decline.  
 22 COMMISSIONER DELEON: Okay.  
 23 MR. KUSHI: That's a policy question.  
 24 COMMISSIONER DELEON: So motion to table.  
 25 ACTING CHAIR HEDANI: Motion to table. Is

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1 there a second?  
 2 COMMISSIONER DE REGO: Second.  
 3 COMMISSIONER WIGER: Second.  
 4 ACTING CHAIR HEDANI: Moved by Commissioner  
 5 DeLeon, seconded by Commissioner Wiger. Discussion?  
 6 (No Response.)  
 7 ACTING CHAIR HEDANI: Roll call, Lisa.  
 8 MS. KAHUHU: Member Baxa, excused.  
 9 Member Crivello.  
 10 COMMISSIONER CRIVELLO: Yes.  
 11 MS. KAHUHU: Member DeLeon.  
 12 COMMISSIONER DELEON: Yes.  
 13 MS. KAHUHU: Member De Rego.  
 14 COMMISSIONER DE REGO: Yes.  
 15 MS. KAHUHU: Member Hashimoto.  
 16 COMMISSIONER HASHIMOTO: Oh, table, yes.  
 17 MS. KAHUHU: Chair Hedani.  
 18 ACTING CHAIR HEDANI: Aye.  
 19 MS. KAHUHU: Member Moikeha, excused.  
 20 Member Okamoto.  
 21 COMMISSIONER OKAMOTO: Yes.  
 22 MS. KAHUHU: Member Sugimura.  
 23 COMMISSIONER SUGIMURA: Yes.  
 24 MS. KAHUHU: Member Wiger.  
 25 COMMISSIONER WIGER: Yes.



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<p>1 MS. KAHUHU: Chair Stone, excused.                  2 Eight "yes."                  3 ACTING CHAIR HEDANI: So that proposal is                  4 tabled.                  5 COMMISSIONER WIGER: Stop.                  6 COMMISSIONER OKAMOTO: We should stop while                  7 we're ahead.                  8 ACTING CHAIR HEDANI: Article 3, Section 3-3,                  9 "Qualifications, Require Council candidates to be a                  10 resident of the County for a period of one year, and a                  11 resident of the area for the period of one year. Shall                  12 Section 3-3 of the Charter be amended to increase the                  13 time period for residency requirements in the County of                  14 Maui, and from the area which the person seeks to be                  15 elected, from 90 days to one year before a candidate for                  16 Council files nomination papers?"                  17 COMMISSIONER OKAMOTO: I move to move this                  18 proposal forward.                  19 COMMISSIONER DELEON: Second.                  20 ACTING CHAIR HEDANI: Motion by Commissioner                  21 Okamoto, seconded by Commissioner DeLeon, to move this                  22 proposal forward. Motion to approve as proposed?                  23 COMMISSIONER OKAMOTO: As proposed.                  24 ACTING CHAIR HEDANI: Discussion? Kay.                  25 Commissioner Wiger.</p>	<p>1 MS. KAHUHU: Member DeLeon.                  2 COMMISSIONER DELEON: Yes.                  3 MS. KAHUHU: Member De Rego.                  4 COMMISSIONER DE REGO: Yes.                  5 MS. KAHUHU: Member Crivello.                  6 COMMISSIONER CRIVELLO: Yes.                  7 MS. KAHUHU: Member Baxa, excused.                  8 Chair Stone, excused.                  9 Eight "yes."                  10 ACTING CHAIR HEDANI: Okay. Number 9, Article                  11 7, "Require candidates for Mayor to be a resident of the                  12 County for a period of one year. Shall Section 7-3 of                  13 the Charter be amended to increase the time period for                  14 residency requirements in the County of Maui from 90                  15 days to one year before a candidate for Mayor files                  16 nomination papers?"                  17 COMMISSIONER DE REGO: I make the motion to                  18 move this forward.                  19 COMMISSIONER DELEON: Second.                  20 COMMISSIONER DE REGO: Mr. Chair?                  21 ACTING CHAIR HEDANI: Motion by Commissioner                  22 De Rego, seconded by Commissioner DeLeon, to approve                  23 Proposal Number --                  24 COMMISSIONER DE REGO: 9.                  25 ACTING CHAIR HEDANI: -- 9. Discussion?</p>
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<p>1 COMMISSIONER WIGER: No.                  2 ACTING CHAIR HEDANI: No?                  3 COMMISSIONER WIGER: No, no. I am just                  4 sitting here.                  5 ACTING CHAIR HEDANI: Oh, you're voting                  6 already.                  7 (Laughter.)                  8 COMMISSIONER DE REGO: It's 3:30.                  9 (Laughter.)                  10 ACTING CHAIR HEDANI: Any discussion?                  11 (No Response.)                  12 ACTING CHAIR HEDANI: Ready for the question?                  13 Okay. All those in favor of approving Proposal Number 8                  14 as proposed? Role call, Lisa.                  15 MS. KAHUHU: Member Wiger.                  16 COMMISSIONER WIGER: Yes.                  17 MS. KAHUHU: Member Sugimura.                  18 COMMISSIONER SUGIMURA: Yes.                  19 MS. KAHUHU: Member Okamoto.                  20 COMMISSIONER OKAMOTO: Yes.                  21 MS. KAHUHU: Member Moikeha, excused.                  22 Member Hashimoto.                  23 COMMISSIONER HASHIMOTO: Yes.                  24 MS. KAHUHU: Chair Hedani.                  25 ACTING CHAIR HEDANI: Yes.</p>	<p>1 MR. KUSHI: Mr. Chair? Mr. Chair?                  2 ACTING CHAIR HEDANI: Corp Counsel.                  3 MR. KUSHI: If I may, clarification. You                  4 know, I get to read those things over and over. In                  5 looking at the Ramseyered format, Section 8-3, the third                  6 line down, the second sentence, it says, "Upon removal                  7 of the Mayor's residence from the County." What does                  8 that mean? If the Mayor is from Molokai, then Molokai                  9 is removed from the County? It just kind of --                  10 COMMISSIONER DELEON: Chair?                  11 MR. KUSHI: -- perplexes me. The Mayor moves                  12 residence, I can see, but remove the residence from the                  13 County. I mean, you know, with your okay, I would                  14 suggest staff and I reword that --                  15 ACTING CHAIR HEDANI: Okay.                  16 MR. KUSHI: -- to make it consistent with the                  17 previous.                  18 ACTING CHAIR HEDANI: Any objection from the                  19 Commission?                  20 COMMISSIONER DELEON: No.                  21 ACTING CHAIR HEDANI: No? Is everybody dozing                  22 off here? Okay. Are you ready for the question?                  23 COMMISSIONER OKAMOTO: Yes.                  24 ACTING CHAIR HEDANI: Motion on the floor is                  25 to approve Proposal Number 9, subject to adjustment by</p>

<p style="text-align: right;">Page 197</p> <p>1 the staff. Discussion?  2 (No Response.)  3 ACTING CHAIR HEDANI: Okay. Roll call, Lisa.  4 MS. KAHUHU: Member Baxa, excused.  5 Member Crivello.  6 COMMISSIONER CRIVELLO: Yes.  7 MS. KAHUHU: Member DeLeon.  8 COMMISSIONER DELEON: Yes.  9 MS. KAHUHU: Member De Rego.  10 COMMISSIONER DE REGO: Yes.  11 MS. KAHUHU: Member Hashimoto.  12 COMMISSIONER HASHIMOTO: Yes.  13 MS. KAHUHU: Chair Hedani.  14 ACTING CHAIR HEDANI: Yes.  15 MS. KAHUHU: Member Moikeha, excused.  16 Member Okamoto.  17 COMMISSIONER OKAMOTO: Yes.  18 MS. KAHUHU: Member Sugimura.  19 COMMISSIONER SUGIMURA: Yes.  20 MS. KAHUHU: Member Wiger.  21 COMMISSIONER WIGER: Yes.  22 MS. KAHUHU: Chair Stone, excused.  23 Eight "yes."  24 ACTING CHAIR HEDANI: Thank you. Proposal  25 Number 9 is approved.</p>	<p style="text-align: right;">Page 199</p> <p>1 believe, in my mind, that particular policy is like  2 declaring truth and justice in the world. It's not like  3 we're not doing this already. But, again, it's  4 redundant, but it doesn't hurt. But I think that the  5 second section, 8-7.2, Number 7, as the Chief testified  6 this morning, review personnel actions by the Fire  7 Commission within the department for conformance with  8 the declaration and policy. The question becomes what  9 if the Commission reviews personnel actions and  10 disagrees with what the Chief does? What happens then,  11 even if what Chief did, will be doing, is consistent  12 with is the policies of the Personnel Department?  13 MS. BRODER: I think, too, we've never  14 received any analysis as to how this would comport with  15 union contracts. So I am not -- I just -- and I am not  16 able to say because I am not -- I am not even familiar  17 with what the contracts for the Fire Department look  18 like. So I think there was some concern expressed and  19 there's reason to be concerned about -- about what, if  20 any, applicability or conflict this might have with --  21 with union contracts.  22 ACTING CHAIR HEDANI: Commissioner Sugimura.  23 COMMISSIONER SUGIMURA: So do you think, then,  24 that we should ask Personnel to talk about this, its  25 implications and ramifications, so we're not guessing on</p>
<p style="text-align: right;">Page 198</p> <p>1 Proposal Number 10, Article 8, Chapter 7, "New  2 Section, Department of Fire and Public Safety. Create a  3 Declaration of Policy; Article 8, Chapter 7, Section  4 8-7.2, Fire and Public Safety Commission, To add review  5 personnel actions with the Department for conformance  6 with the policies under Article 8, Chapter 7. Shall  7 Chapter 7, Article 8 of the Charter be amended as  8 follows: (a), to add a new section entitled Declaration  9 of Policy for the Department of Fire and Public Safety,  10 which section would include statements concerning  11 qualified and professional leadership, standards of  12 recruitment, fair and appropriate personnel actions, and  13 appropriate training opportunities? (b), To add a new  14 section to the Powers, Duties and Functions of the Fire  15 and Public Safety Commission to authorize the commission  16 to review personnel actions within the Department for  17 conformance with the policies set forth in "a" above?"  18 Sherry or Ed, any comments on that?  19 MS. BRODER: No. This has been discussed, I  20 think, in many meetings. So this was what was brought  21 forward by people. And I think you voted on having this  22 policy before. So I guess the question is do you want  23 this as the policy.  24 MR. KUSHI: Yeah, Mr. Chair. As I recall,  25 it's been discussed with this Commission before. I</p>	<p style="text-align: right;">Page 200</p> <p>1 something so important?  2 MR. KUSHI: It may be a good idea.  3 COMMISSIONER SUGIMURA: Okay.  4 MR. KUSHI: Department of Personnel Services.  5 COMMISSIONER SUGIMURA: So can we defer or  6 table this to the next meeting instead to get more  7 information?  8 ACTING CHAIR HEDANI: Is that a motion to  9 table?  10 COMMISSIONER CRIVELLO: I second.  11 ACTING CHAIR HEDANI: Moved by Commissioner  12 Sugimura to table, seconded by Commissioner Wiger.  13 Discussion? I'm sorry. Commissioner Crivello.  14 COMMISSIONER WIGER: Yeah.  15 ACTING CHAIR HEDANI: Sorry. I heard it come  16 from that way.  17 COMMISSIONER WIGER: That's right.  18 ACTING CHAIR HEDANI: This ear is deaf. This  19 one was closest to the DC-9 engine.  20 Discussion on tabling? Commissioner  21 Hashimoto.  22 COMMISSIONER HASHIMOTO: Yeah. Chair, I would  23 like to apply that -- what you just said should apply to  24 all the rest of these. We should table the rest of them  25 because I think we're going to have fairly long</p>

<p style="text-align: right;">Page 201</p> <p>1 discussion.</p> <p>2 ACTING CHAIR HEDANI: Do the makers of the</p> <p>3 motion want to amend to include Proposals 10, 11, 12 and</p> <p>4 13?</p> <p>5 COMMISSIONER SUGIMURA: Sure. I see 10, 12,</p> <p>6 13, to be related.</p> <p>7 ACTING CHAIR HEDANI: 10, 12 and 13. What</p> <p>8 about 11?</p> <p>9 COMMISSIONER DE REGO: 11 is going to be a</p> <p>10 long discussion.</p> <p>11 COMMISSIONER OKAMOTO: Yeah, long discussion.</p> <p>12 ACTING CHAIR HEDANI: We should have everybody</p> <p>13 here for that one?</p> <p>14 COMMISSIONER OKAMOTO: Yes. Yes.</p> <p>15 ACTING CHAIR HEDANI: Okay. So the maker of</p> <p>16 the motion was Yuki, and was seconded by --</p> <p>17 COMMISSIONER SUGIMURA: Stacy.</p> <p>18 ACTING CHAIR HEDANI: -- Stacy. No objection</p> <p>19 to amending that to 10 through 13?</p> <p>20 COMMISSIONER CRIVELLO: No.</p> <p>21 ACTING CHAIR HEDANI: She wants to catch that</p> <p>22 flight.</p> <p>23 COMMISSIONER CRIVELLO: It doesn't leave that</p> <p>24 early.</p> <p>25 ACTING CHAIR HEDANI: Any further discussion?</p>	<p style="text-align: right;">Page 203</p> <p>1 ACTING CHAIR HEDANI: Ed, do you want to talk</p> <p>2 about this?</p> <p>3 MR. KUSHI: Yes, Mr. Chair. It was brought to</p> <p>4 our attention at the last meeting that we may have been</p> <p>5 mistaken in terms of when your report to the County</p> <p>6 Council is due. We had always worked on a date of April</p> <p>7 9th.</p> <p>8 ACTING CHAIR HEDANI: I'm sorry. April what?</p> <p>9 MR. KUSHI: April 9th, 2012. And we arrived</p> <p>10 at that date working backwards from the date of final</p> <p>11 submission to the County Clerk on the ballot questions.</p> <p>12 But it was brought to our attention that HRS 50-8, I</p> <p>13 believe, calls for the report to the Legislative Branch</p> <p>14 within one year of your appointment, which would then be</p> <p>15 April 1st. April 1st falls on a weekend, so April 2nd.</p> <p>16 It won't be April Fools' Day. So I will confirm that,</p> <p>17 that date.</p> <p>18 I have some concerns about the applicability</p> <p>19 of Chapter 50 in its entirety because the Charter --</p> <p>20 this Commission is created by the Maui County Code.</p> <p>21 But, again, I would suggest April 1st, April 2nd be your</p> <p>22 deadline, for your draft report to the County Council.</p> <p>23 Once they get it, then they have 30 days to</p> <p>24 review it and make comments and send it back to you.</p> <p>25 Once you get it back, then you have another 10 days, or</p>
<p style="text-align: right;">Page 202</p> <p>1 COMMISSIONER DE REGO: Hers does.</p> <p>2 COMMISSIONER HASHIMOTO: We can have</p> <p>3 discussion about it now, but I --</p> <p>4 ACTING CHAIR HEDANI: I'm sorry?</p> <p>5 COMMISSIONER HASHIMOTO: -- hope that --</p> <p>6 because this is going to be long and dragged out, I</p> <p>7 think.</p> <p>8 ACTING CHAIR HEDANI: We'll study the proposal</p> <p>9 intently between now and then.</p> <p>10 COMMISSIONER HASHIMOTO: Yeah, as long as</p> <p>11 we're together.</p> <p>12 ACTING CHAIR HEDANI: Okay. All those in</p> <p>13 favor of tabling, signify by saying "aye."</p> <p>14 (Ayes.)</p> <p>15 ACTING CHAIR HEDANI: Opposed, "nay."</p> <p>16 (No Response.)</p> <p>17 ACTING CHAIR HEDANI: Carried, thank you.</p> <p>18 Unanimous.</p> <p>19 Okay. We've covered all 13 as in our prior</p> <p>20 meeting in the last 10 minutes.</p> <p>21 COMMISSIONER DELEON: Yeah, true.</p> <p>22 ACTING CHAIR HEDANI: Old Business, Item 5,</p> <p>23 discussion on Final Report timeline.</p> <p>24 COMMISSIONER SUGIMURA: Okay. That was</p> <p>25 Junior's.</p>	<p style="text-align: right;">Page 204</p> <p>1 whatever, you know, we went through that.</p> <p>2 There's three deadlines to meet: One, one</p> <p>3 year from your appointment, you report to the County</p> <p>4 Council; according to the County Charter, within 16</p> <p>5 months of your appointment, your Final Report with the</p> <p>6 questions to the County Clerk, ballot questions; and</p> <p>7 then as an aside -- not as an aside, but as a</p> <p>8 requirement, the State Elections Office sent a memo to</p> <p>9 the Maui County Clerk saying that the final deadline for</p> <p>10 ballot questions in its entirety is August 23rd, 2012.</p> <p>11 So those are the three deadlines you're working with.</p> <p>12 And in addition, not only the Final Report, but a</p> <p>13 translation to the County.</p> <p>14 And when Commissioner Baxa returns, we should</p> <p>15 have that discussion. I believe he did it the last</p> <p>16 time.</p> <p>17 That being said, Mr. Chair, I believe Lisa</p> <p>18 handed out to you this calendar, color-coded.</p> <p>19 MS. KAHUHU: Not this time, no.</p> <p>20 COMMISSIONER OKAMOTO: Okay.</p> <p>21 MS. KAHUHU: Previously, it was given to you.</p> <p>22 MR. KUSHI: Before April 2nd, you have two</p> <p>23 regularly scheduled meetings, but you also set aside</p> <p>24 additional proposed meetings. Seeing what you've done</p> <p>25 today and at the rate you're going, I would suggest that</p>

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1 you schedule your additional meetings. But, again,  
 2 that's your prerogative.  
 3 ACTING CHAIR HEDANI: What's your pleasure,  
 4 Commissioners? Commissioner Okamoto.  
 5 COMMISSIONER OKAMOTO: Right now, we're  
 6 scheduled for next week Monday. That's the next one,  
 7 correct?  
 8 MS. KAHUHU: Yes.  
 9 COMMISSIONER OKAMOTO: And then there would be  
 10 one more in mid-March. Those are the two that we're  
 11 talking about?  
 12 ACTING CHAIR HEDANI: Lisa, what's our  
 13 schedule?  
 14 MS. KAHUHU: March 5th and March 19th.  
 15 ACTING CHAIR HEDANI: So that would be the  
 16 first and the third Mondays?  
 17 MS. KAHUHU: Yes.  
 18 ACTING CHAIR HEDANI: What's your pleasure?  
 19 COMMISSIONER OKAMOTO: I think we can finish  
 20 it in two. That's just me. I mean, we -- I think we  
 21 made a lot of progress today.  
 22 ACTING CHAIR HEDANI: Drafting the Final  
 23 Report --  
 24 COMMISSIONER OKAMOTO: But that -- excuse me.  
 25 The Final Report doesn't have to be by April 2nd, right?

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1 It's what goes -- the proposals like this that go to the  
 2 Council, is that what has to be finished by April 2nd?  
 3 ACTING CHAIR HEDANI: Ed.  
 4 MR. KUSHI: It's a draft of the Final Report.  
 5 It needs to go to the Council with the questions in the  
 6 Ramseyered format for each of these questions.  
 7 ACTING CHAIR HEDANI: Is there a narrative  
 8 Final Report that has to accompany that?  
 9 MR. KUSHI: There can be a draft narrative.  
 10 MS. BRODER: Here's the Final Report from last  
 11 time, 2002. And I notice that it's got pros and cons on  
 12 it. So --  
 13 MR. KUSHI: But that's the Final Report.  
 14 MS. BRODER: This is the Final Report. But I  
 15 don't think the -- it doesn't have to have pros and cons  
 16 on it, even the Final Report. There is nothing that  
 17 says that you have to do that. So --  
 18 ACTING CHAIR HEDANI: Okay. So backing up a  
 19 little bit. From my perspective, the final -- in this  
 20 particular case, if we -- if we end up with -- well, we  
 21 ended up with something less than 13 proposals today.  
 22 And if we end up at, you know, seven or eight proposals,  
 23 the Final Report would include not only the seven or  
 24 eight proposals, but everything that we did prior to  
 25 reaching that conclusion, or is it up to us?

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1 MS. BRODER: No.  
 2 MR. KUSHI: It's really up to you. If you  
 3 want to recite the whole -- from day one, it will take a  
 4 while.  
 5 MS. BRODER: I don't think that's necessary.  
 6 This report is the reports on the number of -- you know,  
 7 exactly when the meetings were, but it doesn't discuss  
 8 what you discussed at the meetings. If somebody wants  
 9 to see what you discussed at the meetings, they can go  
 10 online and look at the agendas.  
 11 COMMISSIONER CRIVELLO: And the minutes.  
 12 COMMISSIONER DE REGO: And the minutes.  
 13 MS. BRODER: And the minutes, right. So we  
 14 could refer them to that.  
 15 MR. KUSHI: The Draft Final Report, which  
 16 we're saying is April 2nd, to the Council, is for the  
 17 Council to receive and review and analyze and comment on  
 18 your proposals.  
 19 ACTING CHAIR HEDANI: Okay.  
 20 MR. KUSHI: And they have -- then the clock  
 21 starts for their review to return to this Commission.  
 22 ACTING CHAIR HEDANI: So from our perspective,  
 23 what we need to give them is in final form those that we  
 24 are moving forward to the ballot, basically?  
 25 MR. KUSHI: Right. Your recommendations for

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1 that, right. You may, upon receiving their comments,  
 2 amend your proposals.  
 3 ACTING CHAIR HEDANI: Okay. Kay.  
 4 COMMISSIONER OKAMOTO: Since I am the problem  
 5 child. Every time we have a meeting, we spend the first  
 6 maybe hour with testimony and so forth. Is it more  
 7 productive -- I believe we did this earlier -- is to  
 8 meet until 6:00 instead of stopping at 4:00? And that  
 9 way, you do save an hour or so, if you have a separate  
 10 meeting. I don't know how others feel about that.  
 11 ACTING CHAIR HEDANI: Other Commissioners,  
 12 discussion? Cliff.  
 13 COMMISSIONER HASHIMOTO: I guess this  
 14 question, Chair, is for the Corp Counsel. Do we have to  
 15 -- does this Commission have to have public testimony at  
 16 every one of our meetings?  
 17 COMMISSIONER CRIVELLO: Uh-huh.  
 18 COMMISSIONER HASHIMOTO: Why is that?  
 19 ACTING CHAIR HEDANI: It's an open meeting.  
 20 COMMISSIONER DELEON: State law.  
 21 COMMISSIONER HASHIMOTO: We can still have an  
 22 open meeting without testimony.  
 23 ACTING CHAIR HEDANI: I don't think we have a  
 24 choice on that.  
 25 Ed.

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1 MR. KUSHI: What other boards and commissions  
 2 have done is you recess this meeting to a time certain  
 3 within five days, and you don't adjourn the meeting,  
 4 because you've posted notice. But, again, that's just  
 5 an alternative.  
 6 ACTING CHAIR HEDANI: Okay. My  
 7 recommendation, just so we make sure that all the "I"s  
 8 are dotted, "T"s crossed is to try to schedule more than  
 9 two meetings for the month of March in order to complete  
 10 all of our work. And then we can evaluate after the  
 11 first date whether or not you want to adjust that  
 12 schedule. So that would be just a suggestion. Any  
 13 discussion? Yuki.  
 14 COMMISSIONER SUGIMURA: So is March the 26th a  
 15 holiday, Prince Kuhio Day?  
 16 COMMISSIONER DE REGO: Yeah, that's a holiday.  
 17 COMMISSIONER SUGIMURA: So then the only date  
 18 that would be available, I would guess, would be to  
 19 schedule March 12th, if that would be -- so 5th, 12th,  
 20 and 19th.  
 21 COMMISSIONER DE REGO: Well, we have to get  
 22 this room, first. Right?  
 23 MS. KAHUHU: This room is not available on the  
 24 12th, that's why.  
 25 COMMISSIONER SUGIMURA: Oh. So that's why the

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1 extended hours makes sense.  
 2 COMMISSIONER CRIVELLO: Kay, maybe this is --  
 3 so is there a possibility that we have it scheduled for  
 4 the 5th, or whatever, can have it up until about 4:00,  
 5 take a break, recess and come back and like have a  
 6 marathon?  
 7 ACTING CHAIR HEDANI: Lisa, when is this room  
 8 available?  
 9 MS. KAHUHU: It depends, Wayne. Right now,  
 10 Monday, the 12th is not available.  
 11 ACTING CHAIR HEDANI: Okay.  
 12 MS. KAHUHU: That's why we're normally the  
 13 second and fourth. But for whatever reasons, including  
 14 the holiday on the fourth Monday, we did the first and  
 15 third this week. And there is something scheduled with  
 16 Planning, whether it be just a staff meeting or  
 17 something, that makes this room not available on the  
 18 12th.  
 19 ACTING CHAIR HEDANI: So what dates are  
 20 available?  
 21 MS. KAHUHU: I don't -- I don't have that  
 22 handy right here. I provided that to you guys before.  
 23 And I didn't -- you know, I didn't realize you were  
 24 going to go to this discussion, so I didn't prepare to  
 25 find out exactly what days are available in March. I

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1 apologize.  
 2 ACTING CHAIR HEDANI: Commissioners, what do  
 3 you want to do?  
 4 COMMISSIONER SUGIMURA: Extend. I vote to  
 5 extend.  
 6 ACTING CHAIR HEDANI: You want to extend?  
 7 COMMISSIONER OKAMOTO: Next week.  
 8 ACTING CHAIR HEDANI: Until what time?  
 9 COMMISSIONER OKAMOTO: We're talking about the  
 10 next meeting, the next week.  
 11 COMMISSIONER DE REGO: So to what time?  
 12 COMMISSIONER SUGIMURA: 8:00.  
 13 ACTING CHAIR HEDANI: Until like 6:00? Until  
 14 whenever the cows come home? Until we're done?  
 15 MR. KUSHI: Mr. Chair, Molokai, Lanai, Hana  
 16 people, they should make arrangements to stay over.  
 17 ACTING CHAIR HEDANI: Is that a problem?  
 18 COMMISSIONER OKAMOTO: That's not a problem  
 19 for the 5th. I am leaving after that, though.  
 20 ACTING CHAIR HEDANI: Okay.  
 21 COMMISSIONER CRIVELLO: If we decide to go  
 22 that way, I need to know.  
 23 ACTING CHAIR HEDANI: Okay. So we'll kind of  
 24 count on staying over, extending the meeting on the 5th,  
 25 and then take it from there. Lisa can check the

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1 schedule to see if there's any other areas where we can  
 2 meet, if we have to.  
 3 MS. KAHUHU: Yes.  
 4 ACTING CHAIR HEDANI: Okay. Does that work  
 5 for everybody?  
 6 COMMISSIONER DE REGO: Yes.  
 7 ACTING CHAIR HEDANI: Okay. Any other  
 8 comments on our Final Report timeline?  
 9 The Final Report is drafted by the Chair with  
 10 the help of the Commission Analyst and Corp Counsel's  
 11 Office?  
 12 MS. BRODER: And the Vice-Chair.  
 13 (Laughter.)  
 14 COMMISSIONER DE REGO: Polish off the  
 15 dictionary, Wayne.  
 16 ACTING CHAIR HEDANI: Vice-Chair in the  
 17 Chair's absence.  
 18 (Laughter.)  
 19 COMMISSIONER DE REGO: I already had my shot  
 20 this year.  
 21 ACTING CHAIR HEDANI: Any discussion on  
 22 communication items? We haven't had any communication  
 23 items.  
 24 Next meeting date and discussion on next  
 25 meeting agenda items. Lisa?

<p style="text-align: right;">Page 213</p> <p>1 MS. KAHUHU: Yes. I do have to file the  2 agenda tomorrow, so I guess if I could just clarify  3 maybe with Sherry, for Proposal Number 1, from what I  4 understand, you guys are going to have two proposals,  5 one draft language for the Honolulu Charter one and then  6 leave --  7 MS. BRODER: I am going to do it as one  8 proposal and then, at the bottom, I'll have the two  9 choices.  10 MS. KAHUHU: Oh, okay.  11 MS. BRODER: Okay. So it will just be one,  12 because it's just one proposal. It's just a question of  13 picking which one they want to do.  14 MS. KAHUHU: Okay. So I am good, then, Chair.  15 Thank you.  16 ACTING CHAIR HEDANI: So you're all set on the  17 agenda?  18 MS. KAHUHU: Yes.  19 COMMISSIONER SUGIMURA: I have a question. So  20 once, then, the report goes to the Council, they have 30  21 days. Then what do we do in those 30 days, take a  22 break?  23 COMMISSIONER CRIVELLO: No, no, no.  24 COMMISSIONER HASHIMOTO: We can have a  25 meeting. We can have a meeting and argue about</p>	<p style="text-align: right;">Page 215</p> <p>1 ACTING CHAIR HEDANI: Do you folks have a need  2 to meet in that interim between the time we submit to  3 the Council and have comments back?  4 MR. KUSHI: I would recommend one, at least  5 one meeting to go over your establishing publication, to  6 publish.  7 COMMISSIONER DE REGO: Yeah, that's right.  8 MR. KUSHI: To at least get that down.  9 ACTING CHAIR HEDANI: So that would be a  10 public relations outreach communication.  11 MR. KUSHI: Right. You need to publish in the  12 paper and maybe you want to do it in a separate  13 publication.  14 ACTING CHAIR HEDANI: Okay. Cliff.  15 COMMISSIONER HASHIMOTO: Yes. Chair, it seems  16 like this was what -- a lot of people were engaged with  17 this thing.  18 ACTING CHAIR HEDANI: Right.  19 COMMISSIONER HASHIMOTO: Is there any chance  20 we're going to redo this? I think that the public -- it  21 would be helpful for the public to understand prior to  22 them walking to the ballot box -- not the ballot box,  23 but the -- the voting booth, if they have a chance to at  24 least chance to read this thing, read something before  25 they go.</p>
<p style="text-align: right;">Page 214</p> <p>1 anything.  2 COMMISSIONER DELEON: Mr. Chair? On that same  3 line, Ed, I think I missed a date, you had April 2nd and  4 then there was another one in between, and then the  5 final one, August 23rd. Or there was no in between?  6 MR. KUSHI: Well, April 2nd, your report to  7 the Council.  8 COMMISSIONER DELEON: Right.  9 MR. KUSHI: Within 16 months of your  10 appointment, which is --  11 COMMISSIONER CRIVELLO: August.  12 COMMISSIONER SUGIMURA: August 23rd.  13 MR. KUSHI: June. 16 months, your questions,  14 ballot questions to the County Clerk.  15 COMMISSIONER DELEON: And we don't know  16 exactly what that date is yet?  17 MR. KUSHI: 16 months from April 1st. August  18 1.  19 COMMISSIONER DELEON: August 1st.  20 MR. KUSHI: Then the final deadline for the  21 Clerk's Office statewide is August 23.  22 MS. BRODER: Well, in 2002, it looks like what  23 happened was, once the report went to the Mayor and the  24 County Council, there were no meetings again until their  25 remarks came back, and then there was one final meeting.</p>	<p style="text-align: right;">Page 216</p> <p>1 ACTING CHAIR HEDANI: Right.  2 COMMISSIONER HASHIMOTO: One of my thoughts  3 was to -- to -- because I have a small place, only a few  4 people, but was to be there early in the morning when  5 the polls open and be prepared to answer any questions  6 for anybody that comes down there.  7 COMMISSIONER CRIVELLO: I don't think you can.  8 COMMISSIONER HASHIMOTO: Not to -- not to  9 drive -- you know, do any of that, but, if they have any  10 questions about it, to explain what something means for  11 them. That was my thought. But -- and I wanted to  12 bring it up here because I don't know whether this is  13 kosher or not. Perhaps the Corporate Counsel can answer  14 that.  15 ACTING CHAIR HEDANI: Ed.  16 MR. KUSHI: Sherry and I would have to look  17 into it, but, offhand, I would think that's campaigning  18 at an election hall, which is definitely prohibited.  19 That's for political candidates; I am not sure about  20 ballot questions. But we'll look into it.  21 COMMISSIONER HASHIMOTO: But, again, the  22 question, are we going to do this?  23 ACTING CHAIR HEDANI: I think that's what Ed  24 is suggesting in terms of publishing --  25 COMMISSIONER HASHIMOTO: Oh.</p>

<p style="text-align: right;">Page 217</p> <p>1 ACTING CHAIR HEDANI: -- you know, the results  2 of the proposals, pros and cons, essentially.  3 MR. KUSHI: You have a budget for that, too.  4 ACTING CHAIR HEDANI: Right. Pros and cons.  5 Any comments? Has everybody had a chance to take a look  6 at that? Commissioner DeLeon?  7 COMMISSIONER DELEON: Ed, is there -- do you  8 know the PR firm or the people that handled that the  9 last time?  10 MS. KAHUHU: That person has already contacted  11 us. And I've given Chair Stone the information. And he  12 just wanted me to remind him, as you guys get closer, to  13 contact the gentleman.  14 COMMISSIONER DELEON: So that's set up  15 already?  16 MS. KAHUHU: No, we don't have it set up. I  17 don't know. We have the person's name and he has made  18 initial contact with us. And Chair Stone is aware of  19 who it is.  20 COMMISSIONER DELEON: And --  21 MR. KUSHI: You may have to go to procurement  22 and --  23 MS. BRODER: What's the timetable with  24 procurement?  25 MR. KUSHI: Depending on the amount.</p>	<p style="text-align: right;">Page 219</p> <p>1 what the process is supposed to be for us. Because I --  2 ACTING CHAIR HEDANI: Okay. My only comment  3 on the document itself that was published is that --  4 well, first of all, I think the amendments that were  5 proposed were really long, really complicated, multiple  6 issues. And I don't know how the voters could figure  7 out which way to vote based on that. Because any one  8 portion of it that you disagreed with could be a  9 problem.  10 And the other problem that I had was that it  11 only had pros and cons for the Commission amendments and  12 that the amendments that came from the Council just had  13 the proposal with -- with no commentary, no pros, no  14 cons. And maybe that's how their proposals always get  15 80 percent approval.  16 COMMISSIONER HASHIMOTO: Yeah, so let's not do  17 that.  18 (Laughter.)  19 ACTING CHAIR HEDANI: Let's not do that.  20 Let's not go there.  21 My only other comment was that negative -- the  22 negative perspective was somewhat shorter than the  23 positive perspective. So I don't know that it was  24 totally balanced.  25 Kay.</p>
<p style="text-align: right;">Page 218</p> <p>1 MS. BRODER: Probably have to go through  2 procurement.  3 COMMISSIONER DELEON: Mr. Chair?  4 ACTING CHAIR HEDANI: Commissioner DeLeon.  5 COMMISSIONER DELEON: I think it's a good time  6 to start making telephone calls and finding out whether  7 we're in the ballpark or whether we have (inaudible).  8 But that layout is really basic. It's not like a big  9 deal, but it's well done, clear. And you got somebody  10 there who already knows the game. So I imagine 15  11 people out there that can do the work, but, I mean,  12 you've got somebody that's already doing it well, so do  13 that if we can by law.  14 But it would be good to start doing the  15 telephone calls now and making sure that they're in  16 line, they haven't moved off island, they haven't  17 changed their residency out of the County.  18 ACTING CHAIR HEDANI: Any other comments?  19 Commissioner De Rego.  20 COMMISSIONER DE REGO: Yeah. Just in regards  21 to this, I think it would be nice for us to be clear  22 about the process of whether or not we're going to have  23 to do the three bids and everything else that we went  24 through when we did the Legislative Analyst and whatever  25 else. So, you know, by next meeting, if we could know</p>	<p style="text-align: right;">Page 220</p> <p>1 COMMISSIONER OKAMOTO: Well, I don't like the  2 title of it, either. I don't think we're telling them  3 how to vote; it's knowing about the proposals, something  4 similar.  5 ACTING CHAIR HEDANI: Uniform.  6 COMMISSIONER WIGER: Maybe not how to vote;  7 know what you're voting for, something like that, yeah.  8 That's --  9 COMMISSIONER OKAMOTO: Yeah.  10 COMMISSIONER WIGER: Something like that.  11 ACTING CHAIR HEDANI: Okay. Lisa, are we  12 good? We're all covered on agenda, calendaring?  13 Anybody have any other items they wanted to a  14 add to the agenda? Cliff, did you have something that  15 you wanted to add?  16 COMMISSIONER HASHIMOTO: On the agenda?  17 ACTING CHAIR HEDANI: For discussion on our  18 agenda, next meeting?  19 COMMISSIONER HASHIMOTO: No. I turned it in  20 to Lisa.  21 MS. KAHUHU: I have it.  22 ACTING CHAIR HEDANI: Okay. That's a  23 communication item, we'll bring that up with everybody.  24 Our next regular meeting is Monday, March 5th,  25 2012. 10:00 a.m. work for everybody?</p>

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1 Ed.  
 2 MR. KUSHI: Did Commissioner Sugimura want to  
 3 have the Department of Personnel Services attend with  
 4 regard to the Fire Department?  
 5 ACTING CHAIR HEDANI: Right. So could we make  
 6 that request? Mike.  
 7 MR. MOLINA: One of your Commissioners during  
 8 the break made a request to have, I guess, the Parks  
 9 Director to speak about the Proposed Charter Amendment  
 10 issue related to Ocean Safety going to the Fire  
 11 Department. I don't know if the Commissioners would  
 12 also want to have a representative from the Mayor's  
 13 Office as well to -- maybe the Mayor, possibly, to come  
 14 down.  
 15 ACTING CHAIR HEDANI: Commissioners, what's  
 16 your pleasure?  
 17 COMMISSIONER DELEON: Yes.  
 18 COMMISSIONER SUGIMURA: Yes.  
 19 MR. MOLINA: So both the Mayor and the Parks  
 20 Director?  
 21 COMMISSIONER DELEON: If possible, or somebody  
 22 who can speak for the Mayor.  
 23 MR. MOLINA: Will do.  
 24 ACTING CHAIR HEDANI: Any objection?  
 25 COMMISSIONER OKAMOTO: As long as they have a

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1 time limit.  
 2 COMMISSIONER WIGER: Yes.  
 3 COMMISSIONER DE REGO: Yeah, my concern is  
 4 that --  
 5 COMMISSIONER OKAMOTO: We're going to spend --  
 6 COMMISSIONER DE REGO: -- we're going to spend  
 7 two hours on this and we're not going to get to what we  
 8 need to do for our Final Report. So that's my only  
 9 comment about that.  
 10 COMMISSIONER WIGER: Mr. Chair?  
 11 ACTING CHAIR HEDANI: Commissioner Wiger.  
 12 COMMISSIONER WIGER: I think that it is  
 13 incumbent on us, then, to figure out the questions that  
 14 we want to ask and do it in a way where we will elicit  
 15 the largest volume of information in the shortest amount  
 16 of time. That would be my suggestion.  
 17 COMMISSIONER DE REGO: Is that possible?  
 18 COMMISSIONER WIGER: Yes, it is possible.  
 19 ACTING CHAIR HEDANI: With that said, thank  
 20 you all for coming. Next meeting is at 10:00, on March  
 21 5th, here, at the Planning Department Conference Room.  
 22 Thank you all for your participation today and for your  
 23 thoughtfulness. And this meeting is adjourned. Thank  
 24 you.  
 25 (Meeting adjourned, 4:06 p.m.)

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CERTIFICATE

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 3  
 4 I, TONYA MCDADE, Certified Court Reporter of  
 5 the State of Hawaii, do hereby certify that the  
 6 proceedings contained herein were taken by me in machine  
 7 shorthand and thereafter was reduced to print by means  
 8 of computer-aided transcription; and that the foregoing  
 9 represents, to the best of my ability, a true and  
 10 accurate transcript of the proceedings had in the  
 11 foregoing matter.  
 12 I further certify that I am not an attorney  
 13 nor an employee of any of the parties hereto, nor in any  
 14 way concerned with the cause.  
 15 DATED this 15th day of March, 2012.  
 16  
 17  
 18  
 19 Tonya Mcdade  
 20 Certified Shorthand Reporter #447  
 21 Registered Professional Reporter  
 22 Certified Realtime Reporter  
 23 Certified Broadcast Reporter  
 24  
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