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2 COUNTY OF MAUI, STATE OF HAWAII
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7 CHARTER COMMISSION
8 REGULAR MEETING
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14 Held at the Planning Department Conference Room,
15 250 South High Street, Wailuku, Maui, Hawaii, commencing
16 at 10:03 a.m., on Monday, May 21, 2012.
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19
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1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Joshua A. Stone, Chair
4 Wayne N. Hedani, Vice-Chair
5 Stephanie S. Crivello, Member
6 Frank R. De Rego, Jr., Member
7 Clifford P. Hashimoto, Member
8 Susan A. Moikeha, Member
9 Linda Kay Okamoto, Member
10 Yuki Lei Sugimura, Member
11 Flo V. Wiger, Member
12
13 EXCUSED:
14 David P. DeLeon, Member
15 Artemio C. Baxa, Member
16
17 STAFF PRESENT:
18 Edward S. Kushi, Jr., First Deputy Corporation Counsel
19 Lisa Kahuhu, Supervising Law Technician
20
21 ADMINISTRATION PRESENT:
22 Michael Molina, Executive Assistant to the Mayor
23
24
25

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1 (Monday, May 21, 2012, 10:03 a.m.)
2 * * *
3 CHAIR STONE: First, I would like to say aloha
4 to everyone for attending this public meeting of the
5 Charter Commission. My name is Josh Stone, I am the
6 Chairman of the Commission.
7 If you need, there are copies of our agenda of
8 today's meeting available with Lisa Kahuhu. Lisa, raise
9 your hand just in case. Thank you.
10 As per our rules, all discussions today shall
11 be pertaining to these agenda items only which are
12 primarily on our draft -- Lisa, what is this called
13 again?
14 MS. KAHUHU: I believe it's a draft response
15 to --
16 CHAIR STONE: Yes, their draft response,
17 Council recommendations. Thank you.
18 COMMISSIONER WIGER: Chair?
19 CHAIR STONE: Yes.
20 COMMISSIONER WIGER: The one that was --
21 CHAIR STONE: One second. Let me call the
22 meeting to order. Before beginning public testimony, we
23 have a few items of business to address. Firstly, I
24 would like to call this meeting to order as of 10:00
25 a.m.

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1 Go ahead, Flo.
2 COMMISSIONER WIGER: Okay. Maybe I am the
3 only one, what I have, the agenda is for Monday, May
4 7th.
5 MS. KAHUHU: Oh, that's just -- it was
6 properly filed.
7 CHAIR STONE: I have the May 21st that I
8 printed.
9 COMMISSIONER WIGER: This one --
10 MS. KAHUHU: I'll run up and get -- sorry.
11 COMMISSIONER WIGER: This one is the 7th and
12 this one is the 7th.
13 CHAIR STONE: Oops.
14 MS. KAHUHU: That was just -- the girl printed
15 out the wrong one. Sorry.
16 COMMISSIONER WIGER: Oh, okay. So we don't
17 have the one for the 21st?
18 MS. KAHUHU: We do. I'll have someone bring
19 it right now. No packets were mailed out, that's why.
20 CHAIR STONE: So we have -- somebody was using
21 decaf this morning?
22 MS. KAHUHU: I emailed you guys the 21st.
23 CHAIR STONE: Here we go. Here's an extra
24 21st. And Lisa will get the remainder.
25 Lisa, before you leave, I would like to call

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<p>1 roll quickly. Do we have any excused Commissioners 2 today? 3 MS. KAHUHU: Yes. Dave DeLeon is excused. 4 CHAIR STONE: Okay. Thank you very much. All 5 right. So missing Yuki, Artemio, Stacy. Okay. 6 Also, I would like to present our staff. We 7 have Ed Kushi, Jr., Deputy Corporation Counsel. Ed, 8 thank you for being here. Lisa Kahuhu, again, 9 Supervising Law Technician. Tonya McDade, our court 10 reporter. Thank you, Tonya. Also, we have, from the 11 Mayor's Office, EA Mike Molina. 12 MR. MOLINA: Good morning, Chairman. 13 CHAIR STONE: Thank you, Mike, for being here. 14 Also, Sherry Broder is not with us today. She is, I 15 believe, on vacation. 16 I would like at this time to approve the 17 minutes from our last meeting. 18 VICE-CHAIR HEDANI: So moved. 19 COMMISSIONER DE REGO: Second. 20 CHAIR STONE: It's been moved and seconded to 21 approve our minutes. Any discussion? 22 (No Response.) 23 CHAIR STONE: Okay. All in favor of approving 24 our minutes, please raise your hand and say "aye." 25 (Response.)</p>	<p>1 Yes, go ahead, Wayne. 2 VICE-CHAIR HEDANI: Mr. Chair, I suggest that 3 we require anybody that's in the audience to testify 4 today. 5 (Laughter.) 6 CHAIR STONE: Very good. Tonya, would you 7 like to be first? Okay. Thank you. That is a great 8 suggestion. 9 COMMISSIONER DE REGO: Are you lonely, Wayne? 10 CHAIR STONE: You with the camera, we're going 11 to have to subpoena you to the front of the room. 12 (Laughter.) 13 CHAIR STONE: Okay. Thank you. If there are 14 no objections, I will close oral testimony at this time. 15 Wayne, you okay with that? 16 VICE-CHAIR HEDANI: Yeah. 17 CHAIR STONE: Okay, good. 18 (Laughter.) 19 CHAIR STONE: Also, without objection, the 20 Chair will accept and file all public communications for 21 the record. All right, so to start off, you guys 22 received from Lisa, this morning, in our packets, this 23 draft of our response to the Council recommendations and 24 proposed alternatives that we received on April 27th, 25 2012. Now, it's 20 pages and we have not had time to</p>
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<p>1 CHAIR STONE: All opposed? 2 (No Response.) 3 CHAIR STONE: Very good. Motion passes, 4 minutes are approved. 5 And we'll move on to oral testimony. Mike, do 6 you notice if anybody is signed up for oral testimony 7 today? 8 MR. MOLINA: Mr. Chairman, no, we don't have 9 anyone signed at this point. 10 CHAIR STONE: Very good. 11 MR. MOLINA: However, I would just suggest to 12 leave the -- leave it open until the Secretary returns, 13 just to ensure, in case someone walks in. 14 CHAIR STONE: Very good. And with her return, 15 seamlessly -- 16 MS. KAHUHU: Sorry. 17 CHAIR STONE: -- on cue. Lisa, do we have 18 anybody signed up to testify? 19 MS. KAHUHU: Chair, no one has signed up to 20 testify. 21 CHAIR STONE: Okay. Thank you very much. 22 I'll put out there to any member of the public that if 23 you would like to come forward at this time to testify, 24 please do so. Going once, going twice, sold. Okay. 25 Very good.</p>	<p>1 review. So I am going to take a recess now so that we 2 can review this packet. All right? So, with that said, 3 after this long duration of our meeting, I will give us 4 a half hour to review this packet. And that means we 5 will discuss -- come back to the meeting as of 10 -- 6 let's say -- 40. All right. So thank you very much. 7 Without objection, the meeting is temporarily on hold. 8 (Recess, 10:08 a.m. to 10:41 a.m.) 9 CHAIR STONE: I would like to call this 10 meeting back to order as of 10:40. And let us dive in 11 to this draft of our response to the Council 12 recommendations and proposed alternatives. 13 So I noticed, first off, there were a couple 14 of items on the front -- first page that Lisa said were 15 going to be done administrative. Lisa, you just want to 16 fill us in so we'll know? 17 MS. KAHUHU: Chair, I would just only 18 recommend technical changes in the beginning. You know, 19 for instance, referring to the Charter Commission, after 20 the initial referral, as Commission. Same for the 21 Council. And that it's -- this is not a Final Report; 22 it's a response to the Council's recommendations as in 23 the subject line. So just technical changes like that. 24 CHAIR STONE: Okay. So we'll call that Lisa's 25 technical changes. Very good.</p>

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1 Also, I noted there's a number of typos. Ed,
 2 is it comfortable to take care of that administrative or
 3 shall we go through everything?
 4 MR. KUSHI: Yes, Mr. Chair. Some background.
 5 We just received this, this weekend. Sherry did the
 6 draft, Sherry Broder. Unfortunately, she's not here. I
 7 got to look at it this morning.
 8 CHAIR STONE: Okay.
 9 MR. KUSHI: But, again, it's just a draft.
 10 And I have some comments. And, again, this is for your
 11 review, although we are facing a deadline.
 12 MS. KAHUHU: The 25th. Well, the 24th.
 13 MR. KUSHI: Couple days, I guess. So, again,
 14 what I would suggest is that the Commission look at it.
 15 And if the Commission could take action on it, we'll
 16 clean it up. And --
 17 CHAIR STONE: So your suggestion is take --
 18 after we go through and make sure we're okay, take
 19 action with the technical and grammatical improvements?
 20 MR. KUSHI: Yes.
 21 CHAIR STONE: Approved with that?
 22 MR. KUSHI: There are some substantive issues
 23 that I would like to discuss.
 24 CHAIR STONE: As we go into it, then please
 25 chime in when you're ready, anytime. Okay? All right.

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1 So just looking at the first page, before we
 2 get to -- first and second page before Proposal One, is
 3 there any comments? Go ahead, Susan.
 4 COMMISSIONER MOIKEHA: I noted that there was
 5 no comments regarding the restriction that we were under
 6 as to not be able to make any changes, per Ed Kushi's
 7 stated opinion, legal opinion to us. So I would like
 8 that included in the first introduction, that we were
 9 not able to make any changes. We were not able to
 10 incorporate any alternative language, in part from the
 11 Council's suggestions. And so that, basically, tied our
 12 hands to work with only what we sent them. And I think
 13 that needs to be cleared and stated up front.
 14 COMMISSIONER OKAMOTO: I agree.
 15 CHAIR STONE: Thank you.
 16 MR. KUSHI: We can put in a paragraph.
 17 CHAIR STONE: Very good.
 18 MR. KUSHI: I am not wavering as far as what I
 19 said.
 20 CHAIR STONE: Nobody is arguing with you, Ed.
 21 COMMISSIONER MOIKEHA: No, not at all. I just
 22 want to make sure they understood that because nowhere
 23 in here does it say that.
 24 CHAIR STONE: I agree with Susan because I
 25 think they had a bit of a misconception themselves. So

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1 I think it's good to have it just clarified as a
 2 paragraph. Do you have any suggestion where you see it
 3 in the body?
 4 COMMISSIONER MOIKEHA: I would put it in the
 5 introduction, prior to -- probably after the second
 6 paragraph -- or first paragraph, before you get into we
 7 accepted your deleted Proposal Six. I mean, state it
 8 right there, under what restrictions we worked in the
 9 review.
 10 COMMISSIONER DE REGO: So what you're saying,
 11 in between where the Charter Commission appreciates the
 12 work of the Council, and there should be a paragraph
 13 there?
 14 COMMISSIONER MOIKEHA: Yeah. I mean, it could
 15 be there, too. I mean, I think it needs to be stated
 16 prior to getting into saying what we agreed to --
 17 COMMISSIONER DE REGO: Exactly.
 18 COMMISSIONER MOIKEHA: -- recommend.
 19 CHAIR STONE: Susan, are you comfortable with
 20 me working with these guys to place it?
 21 COMMISSIONER MOIKEHA: Sure.
 22 CHAIR STONE: I think I would like to start --
 23 because I would like to say, you know, the Charter
 24 Commission appreciates the work of the Council first and
 25 then -- and then go into that. Have them understand

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1 what restraints we were under.
 2 COMMISSIONER MOIKEHA: Okay. Yeah.
 3 CHAIR STONE: Okay. Good. Any other
 4 discussion on that?
 5 MR. KUSHI: Yeah. Mr. Chair, I would probably
 6 just write -- without writing it out right now, I would
 7 just put in the procedural guidelines that we worked
 8 with.
 9 CHAIR STONE: Okay.
 10 MR. KUSHI: And based on what we submitted to
 11 the Council and what they submitted back to us
 12 referenced Chapter 50, HRS, that we cannot make any
 13 changes --
 14 CHAIR STONE: Very good.
 15 MR. KUSHI: -- substantive changes.
 16 CHAIR STONE: Very good.
 17 MR. KUSHI: Now, we can do housekeeping
 18 changes, as we had discussed between yourself and your
 19 Analyst.
 20 CHAIR STONE: Which we can -- actually, why
 21 don't you discuss that now?
 22 MR. KUSHI: Right. After discussing this with
 23 Sherry and research, we are of the opinion that we can
 24 revise some of our proposals as long as it does not
 25 affect the intent of the initial proposal submitted to

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1 the Council. Council had made some housekeeping
 2 recommendations. It did not affect the intent of our
 3 proposal, the Commission's proposal. We would go along
 4 with it. And there are some examples that I can go over
 5 with you.
 6 CHAIR STONE: Why don't you point out the best
 7 example so we understand?
 8 MR. KUSHI: Best example would be, first,
 9 Proposal Number One, term limits. Instead of a
 10 three-part ballot question, just one paragraph with the
 11 same identical issues.
 12 CHAIR STONE: Now, do we need to go back and
 13 modify the proposals or can we just do that as
 14 housekeeping on this?
 15 MR. KUSHI: I say just do it housekeeping.
 16 CHAIR STONE: That's an official --
 17 MR. KUSHI: Right. In any event, Mr. Chair,
 18 and Members, you are not to submit this back to the
 19 Council for them to review because that starts the
 20 30-day clock again.
 21 CHAIR STONE: So we don't -- we don't have a
 22 -- my concern, obviously, is being challenged. So, in
 23 your opinion, in your official opinion, we won't be
 24 challenged with some housekeeping issues?
 25 MR. KUSHI: Yes. Minor grammatical changes,

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1 sentence structure.
 2 CHAIR STONE: Okay.
 3 COMMISSIONER OKAMOTO: Mr. Chair?
 4 CHAIR STONE: Yes. Go ahead, Kay.
 5 COMMISSIONER OKAMOTO: Does that mean that, in
 6 that paragraph we're going to put in saying we can't
 7 make changes, you will mention that except for
 8 housekeeping type things?
 9 MR. KUSHI: Yes.
 10 COMMISSIONER OKAMOTO: Okay. Thank you.
 11 COMMISSIONER DE REGO: Mr. Chair? And then --
 12 CHAIR STONE: Go ahead, Frank.
 13 COMMISSIONER DE REGO: And you said you will
 14 mention 50 HRS?
 15 MR. KUSHI: Yes.
 16 COMMISSIONER DE REGO: Okay.
 17 CHAIR STONE: So the procedure guidelines will
 18 reference, right? Okay. All right. Good.
 19 Any further discussion?
 20 Thanks for the clarification, Ed.
 21 MR. KUSHI: Yes. Mr. Chair, first page -- are
 22 you going to go page by page?
 23 CHAIR STONE: Yeah.
 24 MR. KUSHI: The first paragraph, where it
 25 starts, "the Charter Commission hereby submits," I would

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1 change that to read -- and I'll touch base with Sherry,
 2 also -- instead of that paragraph, a new paragraph,
 3 "Pursuant to Section 50-9, HRS, the Charter Commission
 4 herein responds to the Maui County Council's proposed
 5 alternatives and recommendations received by the
 6 Commission on April 27th, 2012. So that, basically,
 7 follows the guidelines, responding to their
 8 recommendations.
 9 COMMISSIONER DE REGO: I would agree.
 10 CHAIR STONE: Without objection, we'll just
 11 incorporate that, please. Anything further, Ed, from
 12 your side?
 13 MR. KUSHI: Not on Page 1.
 14 CHAIR STONE: Okay. Commissioners?
 15 (No Response.)
 16 CHAIR STONE: Okay. Moving to Page 2, top of
 17 Page 2, first two paragraphs. Ed?
 18 MR. KUSHI: No.
 19 CHAIR STONE: Commissioners?
 20 (No Response.)
 21 CHAIR STONE: Okay. Very good. Moving on to
 22 Proposal One, the response on Proposal One, concerning
 23 County Council term limits. I'll open that up first to
 24 Ed. Did you have suggestion?
 25 MR. KUSHI: Yes. At the bottom of Page 3,

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1 where it recites the ballot question, I would take the
 2 Council's consideration as far as one paragraph instead
 3 of a three-part question. And I'd take the language
 4 from the 2002 Charter question, which is basically
 5 identical, and I would change that, instead of a
 6 three-part -- it's not a three-part question, but a
 7 three-bullet-point question, the one paragraph to read:
 8 Should the terms of the Council -- of Council Members be
 9 lengthened from two to four years, with term limits of
 10 three consecutive terms, whether such terms are two or
 11 four years, beginning on January 2nd, 2015, with terms
 12 to be staggered.
 13 CHAIR STONE: That slightly changed it.
 14 Discussing -- there's this terminology, "no more than
 15 three consecutive terms." And that wording "no more
 16 than" work?
 17 MR. KUSHI: Well, I think the language of
 18 "with term limits of three consecutive terms," in
 19 essence --
 20 CHAIR STONE: Again, I just ask because they
 21 don't want to change the --
 22 MR. KUSHI: It's not substantive because the
 23 Ramseyered format, right before, the change to Section
 24 3-2(5) doesn't say "no more." It just says -- it says,
 25 "three consecutive terms." So I don't think that

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<p>1 changes the substance.</p> <p>2 CHAIR STONE: Okay. Is there any objection?</p> <p>3 COMMISSIONER DE REGO: (Inaudible.)</p> <p>4 COMMISSIONER MOIKEHA: Question.</p> <p>5 CHAIR STONE: Sure, go ahead, Susan, while</p> <p>6 Frank's thinking.</p> <p>7 COMMISSIONER MOIKEHA: So if we were to put in</p> <p>8 there "full term," then that would be a substantive</p> <p>9 change?</p> <p>10 MR. KUSHI: Well, then we get into a</p> <p>11 definition of what is full.</p> <p>12 COMMISSIONER MOIKEHA: Okay.</p> <p>13 MR. KUSHI: But I think, with the ballot</p> <p>14 question "whether such terms are two or four years"</p> <p>15 clarified that.</p> <p>16 COMMISSIONER MOIKEHA: Okay.</p> <p>17 MR. KUSHI: Understand that is the</p> <p>18 Commission's proposal. Council submitted its own</p> <p>19 alternative.</p> <p>20 COMMISSIONER MOIKEHA: Right.</p> <p>21 MR. KUSHI: And their definition of full terms</p> <p>22 is different.</p> <p>23 CHAIR STONE: Okay. Very good. Frank, go</p> <p>24 ahead.</p> <p>25 COMMISSIONER DE REGO: So what you're saying,</p>	<p>1 COMMISSIONER HASHIMOTO: I would just like to</p> <p>2 make this point. You know, sitting in this room, we've</p> <p>3 had this discussion numerous times, right, and we</p> <p>4 rechewed this thing over and over and over again. So we</p> <p>5 keep trying to refine it. And if we were to look at</p> <p>6 this again, we're gonna try and refine it again even</p> <p>7 more. And the more we try to refine it, the more</p> <p>8 difficult we make for another person who gets to read</p> <p>9 this one time. We make it even more difficult for that</p> <p>10 person. Anytime we try to refine something to make it</p> <p>11 more clear, we make it worse.</p> <p>12 CHAIR STONE: So, Cliff --</p> <p>13 COMMISSIONER HASHIMOTO: So my point is, you</p> <p>14 know, the refinement of something in this room is</p> <p>15 wonderful for -- for us, but it isn't wonderful for the</p> <p>16 person who gets to read it the first time and one time</p> <p>17 only. So it has to be kept at its most simple terms.</p> <p>18 That's the point I would like to make.</p> <p>19 CHAIR STONE: It's an excellent point.</p> <p>20 COMMISSIONER HASHIMOTO: I've said this often.</p> <p>21 CHAIR STONE: Excellent point. I think I</p> <p>22 agree with you.</p> <p>23 COMMISSIONER DE REGO: So can I ask Cliff a</p> <p>24 question? So which would you prefer, a full sentence or</p> <p>25 it broken up into pieces?</p>
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<p>1 that the term "no more than" is unnecessary, Ed, on the</p> <p>2 three ballot questions?</p> <p>3 MR. KUSHI: Well, the question that I just</p> <p>4 read, the one paragraph --</p> <p>5 CHAIR STONE: Reread it, please, Ed. Thank</p> <p>6 you.</p> <p>7 MR. KUSHI: "Should the terms of the Council</p> <p>8 Members be lengthened from two to four years, with term</p> <p>9 limits of three consecutive terms, whether such terms</p> <p>10 are two or four years, beginning on January 2nd, 2015,</p> <p>11 with terms to be staggered."</p> <p>12 CHAIR STONE: Okay. No objection?</p> <p>13 COMMISSIONER HASHIMOTO: Before we try to</p> <p>14 clarify --</p> <p>15 CHAIR STONE: Yeah.</p> <p>16 COMMISSIONER DE REGO: I think the reason why</p> <p>17 breaking it up was giving people sort of the steps</p> <p>18 involved. I think there was an inability to kind of take</p> <p>19 each piece and then add it on. This was the reason to</p> <p>20 break it up. I think that was the reason why to do it.</p> <p>21 But, you know, if people feel that -- I am still -- I</p> <p>22 relinquish the floor. I am still considering whether or</p> <p>23 not it's better broken up or --</p> <p>24 CHAIR STONE: Very good. Take your time.</p> <p>25 Go ahead.</p>	<p>1 CHAIR STONE: In your microphone.</p> <p>2 COMMISSIONER HASHIMOTO: A full sentence</p> <p>3 probably would be better. When you break -- break</p> <p>4 something up, you know, you break the train of thought.</p> <p>5 But the more we try to refine this by language, the</p> <p>6 worse it becomes, the more difficult it becomes for the</p> <p>7 person who gets to read it for the first time and only</p> <p>8 time. That's the point I am trying to make. So -- so</p> <p>9 we should read this thing and say, okay, is this -- is</p> <p>10 this clear without -- without trying to make it, you</p> <p>11 know, so refined that we -- we lose step with it</p> <p>12 ourself. Because I think we do that too often, you</p> <p>13 know, we're trying to refine it and then, pretty soon,</p> <p>14 we're all confused.</p> <p>15 CHAIR STONE: Thanks, Cliff.</p> <p>16 COMMISSIONER OKAMOTO: Mr. Chair?</p> <p>17 CHAIR STONE: With that said -- yeah, go</p> <p>18 ahead.</p> <p>19 COMMISSIONER OKAMOTO: I like the full</p> <p>20 sentence better because, if I were reading this, you</p> <p>21 know, first time, as Cliff said, if I look at A, B and</p> <p>22 C, and say, well, I like A and not B and C, so how do I</p> <p>23 vote. But if it's in a full sentence, it's either yes</p> <p>24 or no.</p> <p>25 CHAIR STONE: Okay. Very good.</p>

<p style="text-align: right;">Page 21</p> <p>1 COMMISSIONER OKAMOTO: For the electorate, 2 that might be clearer. 3 CHAIR STONE: Very good. All right. So, 4 without objection, I suggest that we accept Ed's single 5 sentence. No objection? 6 (No Response.) 7 CHAIR STONE: Okay. Good. Okay. So, 8 Commissioners, I'll ask you guys, looking at Proposal 9 One, Page 2 and Page 3, any recommendations on the 10 verbiage? 11 (No Response.) 12 CHAIR STONE: I was happy with it. Okay. 13 Good. 14 So now we are moving to Page 4, Proposal Two. 15 Go ahead, Susan. 16 COMMISSIONER MOIKEHA: In the third paragraph, 17 it says, "In addition, the Fire Chief did not specify 18 that he was opposed to the transfer of functions to his 19 department." 20 COMMISSIONER DE REGO: I marked that one, too. 21 Yes. 22 COMMISSIONER MOIKEHA: I think we have to make 23 it real clear, the Fire Chief supported it through 24 written and testimony. I mean, he appeared here, it's 25 in the minutes, he totally supported it. So I want that</p>	<p style="text-align: right;">Page 23</p> <p>1 testimony. 2 COMMISSIONER MOIKEHA: Yeah. Because there 3 was a representation at your February 27th meeting, I 4 think. 5 COMMISSIONER DE REGO: Yeah. 6 CHAIR STONE: Okay. So you're proposing, 7 "Despite many Charter Commission meetings on this 8 subject," strike "this chairperson never submitted such 9 testimony to the Charter Commission." One second. 10 (Reading.) Seems like those two sentences -- 11 COMMISSIONER DE REGO: Are contradictory. 12 COMMISSIONER OKAMOTO: I would strike that 13 whole paragraph, and then do a paragraph saying who 14 supported it, in its place. 15 CHAIR STONE: Agreed. I would list that -- I 16 would list the -- what I recall is the Fire Chief 17 supported it, the Ocean Safety supported it, the 18 Director of Parks and Recreation supported it. No, 19 Frank? 20 COMMISSIONER DE REGO: I think the Fire 21 Chief's reaction was a little bit more nuanced than 22 that's in here. We asked him, personally, what do you 23 think, and then he said no. And then he said, but if the 24 institutions involved said yes, then he would make every 25 effort to comply with that. Then the next day, when he</p>
<p style="text-align: right;">Page 22</p> <p>1 to be straight out what he said, what he supported. 2 It would also -- I would also recommend not 3 only him, but Parks Director Correa also supported it, 4 and those that he polled in the Department of Ocean 5 Safety. And I think it's safe to say that Ocean Safety 6 supported it as well. 7 To name all three of those, to give it greater 8 strength. 9 And that was documented the last time on March 10 27th minutes, if we need to get specifically what was 11 said. Yeah, I just -- I think we need to make that much 12 stronger. 13 I don't know if it's accurate to say that we 14 never received any testimony from the chair, because 15 didn't the chair appear on February 27th, or vice 16 chair -- 17 COMMISSIONER OKAMOTO: I think it was the vice 18 Chair. 19 COMMISSIONER MOIKEHA: -- and give testimony? 20 So I wouldn't go that far to say that. 21 CHAIR STONE: Where are you at? 22 COMMISSIONER MOIKEHA: Well, I think there's 23 some reference in here about the chair -- never received 24 any -- 25 CHAIR STONE: The chair never submitted such</p>	<p style="text-align: right;">Page 24</p> <p>1 came back, he said pretty much categorically that he 2 was, you know, with the change. So, you know, depending 3 on which minutes you're going to look at, it was a much 4 more nuanced sort of position being taken by the Fire 5 Chief. So to make a categorical statement that he did 6 not specify that he was opposed to it, he did make some 7 distinctions, either personally and as versus him being 8 institutionally the Fire Chief. I mean, it would be 9 easy to go back -- I mean, not easy, but, you know, we 10 could dig that up from the minutes. But I have a 11 distinct recollection he was asked the direct question, 12 well, personally, you know, if you had your druthers, 13 you know, and he -- and it was a categorical no. And 14 then the next day, he came back and said yes. And I 15 was, you know, a bit shocked by the whole thing. 16 So, you know, I think there's a lot more going 17 on here than we're privy to at this point. That's my 18 feeling, but, you know, we may have to take him at his 19 word on the second time around. And I agree with 20 Commissioner Moikeha that the -- include the appropriate 21 sections in the minutes that would quote the Fire Chief 22 or as being in favor of the proposal. So -- 23 CHAIR STONE: Okay. Thank you, Frank. 24 Susan, go ahead. 25 COMMISSIONER MOIKEHA: And I think that's</p>

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1 probably where all the confusion came in. That was at
 2 the February 27th meeting, and I wasn't here. So then
 3 we had the March 9th meeting, which is the last meeting
 4 of record of testimony from him. And I specifically --
 5 you can quote me in the minutes. My specific question
 6 was, "Do you support this move?" And he said, "Yes."
 7 COMMISSIONER DE REGO: Yes, exactly.
 8 COMMISSIONER MOIKEHA: So he made a clear
 9 statement on the record at our very last meeting of
 10 testimony from him. I have not seen anything opposing
 11 that from him in the -- even at the Council. So I feel
 12 safe to say that he supports it along with the others
 13 mentioned, Parks Director Correa, who did -- who did a
 14 survey and revealed to us those numbers of at least 70
 15 percent of Ocean Safety employees supported the move.
 16 COMMISSIONER DE REGO: And so did Archie.
 17 COMMISSIONER MOIKEHA: And Mr. Kalepa has also
 18 been an adamant supporter all along.
 19 CHAIR STONE: Very good. I just want to point
 20 something out. In our response, you notice, as with the
 21 response coming from the Council, it's slightly vague.
 22 And that's probably because you could list an infinite
 23 number of supporting details. What I would like to do
 24 is, if we're going to strike Paragraph 3 and replace it,
 25 I would like to work on a --

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1 COMMISSIONER DE REGO: More generic.
 2 CHAIR STONE: A Paragraph 3 that makes sense.
 3 But I remind you, let's not get too detailed on this
 4 because that is not the point. If somebody wants to
 5 challenge it, we can go back to the minutes and the
 6 record.
 7 COMMISSIONER DE REGO: Yeah.
 8 CHAIR STONE: Okay. Go ahead, Wayne.
 9 VICE-CHAIR HEDANI: On Paragraph 3, I kind of
 10 like the way it's written now only because the Chief was
 11 taking a position personally where he was supporting
 12 this particular move, in contradiction to what his
 13 commission, who can can his ass, was saying they were
 14 opposed to. And I wouldn't want him strung out to dry
 15 on this particular paragraph --
 16 COMMISSIONER DE REGO: I agree.
 17 VICE-CHAIR HEDANI: -- only for the purpose of
 18 making a point to Council.
 19 CHAIR STONE: Yeah. What I -- what I would
 20 suggest is, on Paragraph 3, we list the -- the support,
 21 the actual support as per the record in the minutes, if
 22 -- to me, if the Fire Chief says, "Yes, I support this,"
 23 it's on the last -- the minutes of the last meeting that
 24 he was involved in. To, me he says, I support it. So
 25 there's no argument, is there? So I think that what we

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1 want to do here is just give a list of why. This is
 2 what we're responding to, why did we -- why did we
 3 reject your suggestion. And the reason why we rejected,
 4 or one of the reasons, is, well, we had support from the
 5 Fire Chief, we had support from the Director of Parks
 6 and Recreation and we had support from Ocean Safety and
 7 the vast majority of the Ocean Safety personnel. Does
 8 that make sense? Is it simple?
 9 COMMISSIONER DE REGO: Simple.
 10 CHAIR STONE: With that, should we -- Ed, do
 11 we need to take a shot at the exact language of the
 12 paragraph or can we --
 13 MR. KUSHI: Well, I mean, if you want to draft
 14 something up. My comment is, why do you have to even
 15 justify yourself? You all were here, you have minutes,
 16 you're responding to the Council recommendation that you
 17 drop it. Why don't you just stand by what you voted on?
 18 COMMISSIONER MOIKEHA: Chair?
 19 CHAIR STONE: Yes, go ahead, Susan.
 20 COMMISSIONER MOIKEHA: Unfortunately, we did
 21 that the first time. We gave no explanation, and what
 22 we got back was a lot of misunderstanding of where this
 23 Commission was coming from. And I am not prepared to do
 24 that again. And you're also responding, if you look
 25 at -- you are responding to the rationale of why they --

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1 I mean, we've done it through this entire document thus
 2 far. And so you want them to understand, hey, there is
 3 another view to this, this is where we stand today and
 4 -- you know, so I do feel the need. I mean, they cited
 5 specifically support of the chairs of the Fire
 6 Commission as one of the reasons for accepting it.
 7 Really? They didn't show up on the scene until the
 8 February 27th meeting. And I went back and looked at
 9 their agendas, and they've been talking about this since
 10 last year, Ocean Safety move. It's on every one of
 11 their agendas. And on the 27th, they show up?
 12 And I am not trying to discredit anybody's
 13 testimony or their views or where they stand. This is a
 14 public process. But I really believe what Frank said,
 15 there's lot of stuff that we don't know that's going on
 16 behind the scenes.
 17 And, you know, for me, in supporting this
 18 proposal, to begin with, let's just get it done. You
 19 guys work it out and get it done.
 20 But I do feel like we have to justify our
 21 position because it was gravely misunderstood the first
 22 time around.
 23 CHAIR STONE: Okay. Here's a suggestion. Why
 24 don't -- Paragraph 3 will be a list of support by chiefs
 25 and directors at our public meetings, and I will work --

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<p>1 if you guys are comfortable with the Chair just</p> <p>2 approving the paragraph, we can go that way.</p> <p>3 Go ahead.</p> <p>4 COMMISSIONER OKAMOTO: Well, if you look back</p> <p>5 at Paragraph 2, it already says that we received</p> <p>6 testimony from, you know, people actively involved. And</p> <p>7 maybe it's -- you just -- we change that to we received</p> <p>8 positive testimony or something there.</p> <p>9 The thing I didn't like about Paragraph 3 was</p> <p>10 that first part about the Chair of the Fire and Public</p> <p>11 Safety not coming to ours when he sent, obviously, his</p> <p>12 Vice Chair. But in Paragraph 2, you might just be able</p> <p>13 to insert a very short -- because that's what Paragraph</p> <p>14 2 is saying; we received all the testimony, and, from</p> <p>15 that, made this decision.</p> <p>16 CHAIR STONE: The Charter Commission received</p> <p>17 additional supportive testimony on this issue from many</p> <p>18 County officials and commissioners actively involved in</p> <p>19 this function such as -- duties such as the Fire Chief,</p> <p>20 the Director of Parks and Recreation -- and what is</p> <p>21 Archie's exact -- what is Archie's title in Ocean</p> <p>22 Safety?</p> <p>23 COMMISSIONER OKAMOTO: (Inaudible) Ocean</p> <p>24 Safety?</p> <p>25 CHAIR STONE: I am not sure.</p>	<p>1 MS. KAHUHU: Technical.</p> <p>2 CHAIR STONE: -- corrected.</p> <p>3 MS. KAHUHU: Technical changes.</p> <p>4 CHAIR STONE: That will be technical changes.</p> <p>5 So good. So we have that -- we've amended the Paragraph</p> <p>6 2. And that resolves our -- okay. Very good.</p> <p>7 Any further discussion on Page 4 here?</p> <p>8 (No Response.)</p> <p>9 CHAIR STONE: No. Good. Starting at the top</p> <p>10 of Page 5.</p> <p>11 (No Response.)</p> <p>12 CHAIR STONE: No, no further discussion? Ed,</p> <p>13 do you have to chime in on this one? Ed? Very good.</p> <p>14 Moving on to Proposal Three, which is in</p> <p>15 reference to County Auditor, Office of the County</p> <p>16 Auditor. As Susan had pointed out, Paragraph 3 was</p> <p>17 incomplete; however, Wayne had a suggestion already how</p> <p>18 to resolve that because it seems like he's discovered</p> <p>19 where that error came from.</p> <p>20 Wayne, do you want to chime in?</p> <p>21 VICE-CHAIR HEDANI: If you delete the last</p> <p>22 sentence on Paragraph 3, it's repeated in the first</p> <p>23 sentence in Paragraph 4. So I think it's -- it's merely</p> <p>24 a editing error.</p> <p>25 CHAIR STONE: Okay. So Wayne is suggesting</p>
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<p>1 COMMISSIONER WIGER: Whatever it is.</p> <p>2 CHAIR STONE: Mike, do you know?</p> <p>3 MR. MOLINA: Mr. Chairman, I believe he's</p> <p>4 titled Chief of Ocean Safety. I will go back and</p> <p>5 confirm that for you.</p> <p>6 CHAIR STONE: Okay. So how's about this as a</p> <p>7 suggestion, guys? That's a good suggestion, keep it as</p> <p>8 simple. We strike Paragraph 3 altogether, we fix up</p> <p>9 and -- Lisa, I'm sorry, can you take this down for us,</p> <p>10 just because -- the Charter Commission received --</p> <p>11 adding the word "supportive" -- testimony on this issue</p> <p>12 from many Maui County officials and commissioners</p> <p>13 actively involved in these functions and duties such as</p> <p>14 the Chief of Fire, the Director of Parks and Recreation,</p> <p>15 and the Chief of Ocean Safety, if that is what --</p> <p>16 Archie's thing. Okay. And then continue on with the</p> <p>17 sentence. Is that clear?</p> <p>18 MS. KAHUHU: Yeah.</p> <p>19 CHAIR STONE: Okay. Any objection to that?</p> <p>20 Go ahead, Kay.</p> <p>21 COMMISSIONER OKAMOTO: No objection, just</p> <p>22 brought up another question. Some places, there was</p> <p>23 someplace where Maui County, the C was changed to small</p> <p>24 and some it's large. Are we being consistent?</p> <p>25 CHAIR STONE: That's going to be --</p>	<p>1 delete "Thus, the Charter Commission decided that." All</p> <p>2 right. So the paragraph would now read, "The Charter</p> <p>3 Commission did consider many different ways in which to</p> <p>4 have the County Auditor appointed and managed. The</p> <p>5 Charter Commission gave priority to independence and to</p> <p>6 a system of checks and balances. The Charter Commission</p> <p>7 concluded that it would be of utmost importance for the</p> <p>8 powers and duties of the auditor to be spelled out in</p> <p>9 the Maui County Charter..."</p> <p>10 Okay. Go ahead, Kay.</p> <p>11 COMMISSIONER OKAMOTO: Later in that</p> <p>12 paragraph, the last --</p> <p>13 CHAIR STONE: Just one second, is there any</p> <p>14 objection against that change?</p> <p>15 (No Response.)</p> <p>16 CHAIR STONE: Okay. Good. Very good. Go</p> <p>17 ahead, Kay.</p> <p>18 COMMISSIONER OKAMOTO: In the same paragraph,</p> <p>19 last sentence, just -- I don't know if there's some</p> <p>20 words missing. "Moreover, since the auditor would have</p> <p>21 the power and duty to audit the Council, the Charter</p> <p>22 Commission did not want to leave these issues in any way</p> <p>23 to protect the auditor," something -- something's</p> <p>24 missing or maybe extra words there.</p> <p>25 CHAIR STONE: Okay. I see what you're saying.</p>

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1 Did you have something to say, Frank?
 2 COMMISSIONER DE REGO: No, not on this
 3 particular issue. It's a different issue. I'm sorry.
 4 CHAIR STONE: Go ahead, Wayne.
 5 VICE-CHAIR HEDANI: I think perhaps there's a
 6 word missing, like "leave these issues unresolved in any
 7 way."
 8 COMMISSIONER OKAMOTO: Okay. That probably
 9 would do it. Unresolved.
 10 COMMISSIONER WIGER: Ah.
 11 CHAIR STONE: This is like a fun puzzle.
 12 COMMISSIONER OKAMOTO: Yes, it is. Okay.
 13 Does that sound right to you guys?
 14 Lisa, did you get that? After the word --
 15 MS. KAHUHU: Yes, Chair. Yes.
 16 CHAIR STONE: Okay. Without objection, go
 17 ahead and make that change. Good. Okay.
 18 Go ahead, Frank.
 19 COMMISSIONER DE REGO: This is a question for
 20 Ed. And I am reading through their response to us at
 21 this point. The alternative proposal simplifies
 22 Proposal Three by removing such details as
 23 qualifications, subpoena powers, restrictions and
 24 definitions in reading these specifics to be fixed by
 25 ordinance. I think -- and then they sent us the

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1 examples from the State Auditor's Office, which is
 2 interesting they didn't send us any examples from the
 3 County Auditor's Office of the three counties, which
 4 exactly mirrors our proposal, which are in operation now
 5 in the other three counties, which actually include
 6 these powers and defines county employee as including
 7 the Council itself.
 8 I wonder if it would not strengthen our
 9 response. And it's not to be confrontational, but
 10 saying that we're looking at this is a different model,
 11 you know, we're actually taking the model from the other
 12 three counties which actually includes the Council, its
 13 offices, et cetera. That's 3.12 in the Kauai Charter.
 14 3-502, I think, in the Honolulu Charter. And I forget
 15 what it is in the Hawaii Charter, right off the top of
 16 my head. But I think it would strengthen the document
 17 considerably.
 18 And I would consider this a home --
 19 housekeeping addition, myself. That as they submitted
 20 to us the County auditors -- I mean, the auditor of the
 21 State of Hawaii's documents as part of their, you know,
 22 examples, I think we, in return, should supply them with
 23 the county auditor's examples in the other counties
 24 which are very, very specific about, you know, who is
 25 able to be investigated and what powers the auditor has

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1 under those respects. So --
 2 CHAIR STONE: Okay. Thank you, Frank.
 3 Commissioners, any discussion on that?
 4 COMMISSIONER DE REGO: And I don't think it
 5 actually -- I'm sorry. Mr. Chair?
 6 CHAIR STONE: Go ahead, Frank.
 7 COMMISSIONER DE REGO: I apologize.
 8 CHAIR STONE: You better.
 9 COMMISSIONER DE REGO: Before Wayne looks at
 10 me with a dirty look.
 11 I don't think it changes the -- the nature of
 12 our proposal. What it does is just presents
 13 substantiating material for -- for us in regards to
 14 that.
 15 CHAIR STONE: Thank you, Frank. And I
 16 appreciate you recognizing my heavy sitting to my left.
 17 COMMISSIONER DE REGO: Exactly. He's the one
 18 that always gives me dirty looks for interjecting, but
 19 rightfully so.
 20 CHAIR STONE: BA Hedani, stands for Bad
 21 Attitude Hedani. Woop, he has something to say. Go
 22 ahead, Wayne.
 23 COMMISSIONER OKAMOTO: Better listen.
 24 VICE-CHAIR HEDANI: Actually -- no. As Ed has
 25 already pointed out, I think what we had before us is 20

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1 pages of explanation for the County Council, just so
 2 they understood where we're coming from. The decision's
 3 already been made, they've made that decision,
 4 regardless of what they do. So what we're offering to
 5 them is rationale, but not necessarily -- you know, we
 6 don't have to please them at this point.
 7 CHAIR STONE: Frank, maybe --
 8 COMMISSIONER DE REGO: I --
 9 CHAIR STONE: Maybe a sentence suggesting or
 10 pointing towards the rationale would be better.
 11 COMMISSIONER DE REGO: It's interesting in one
 12 of the other -- I am trying to look for it now. We
 13 actually do quote the Kauai Charter in one of our
 14 responses on this. I am trying to look for it now.
 15 Actually, quote the Kauai Charter. I didn't circle
 16 that. So it's not like it's not already in one of our
 17 responses to them that we're quoting somebody else's
 18 charter to make our case. That's my only point.
 19 CHAIR STONE: What I am comfortable with is --
 20 is adding that particular rationale in a general way.
 21 So, for example, if the rationale is that part of the
 22 Charter Commission's decision-making on this was that it
 23 is reflected in other counties of Hawaii, the charters
 24 of other counties of Hawaii, that seems like a good
 25 rationale because it's something very simple. I don't

<p style="text-align: right;">Page 37</p> <p>1 think we need to get into a debate because we've made 2 the decision. 3 Is that okay, Frank? 4 COMMISSIONER DE REGO: Well, since this is a 5 public document, it would be awful nice, if the public 6 read it, if they knew what our thinking was about. See, 7 I am not just thinking about sending it to them. I am 8 thinking this is actually going to be -- serve the basis 9 for when we start going out and talking about, you know, 10 our proposals, that this serves like a script almost, 11 you know, for us. So it would be nice to have some of 12 the facts involved already -- 13 CHAIR STONE: Can you -- can you offer me some 14 specific language? 15 COMMISSIONER DE REGO: Let me -- I am trying 16 to find that other thing, but that's all right. Where 17 are we here? Let's see. 18 COMMISSIONER WIGER: Mr. Chair? 19 CHAIR STONE: Yes. Go ahead, Flo. 20 COMMISSIONER WIGER: Could you -- could you 21 restate what you just said about quoting? I mean, I 22 think that if -- if it were to be said in such a way 23 that it -- it reflects that this model is utilized by 24 other counties in the state of Hawaii, or something to 25 that effect. I mean, I think rather than it going -- I</p>	<p style="text-align: right;">Page 39</p> <p>1 simple enough because if somebody really wants to say 2 that we're full of it, then that's the point where you 3 go, well, yeah, here's the other counties. 4 COMMISSIONER DE REGO: Okay. I am just -- I 5 am just saying that there should be some other 6 reference. 7 CHAIR STONE: Okay. 8 COMMISSIONER DE REGO: If you want to just 9 make it a simple sentence, that's fine, without quoting, 10 you know, specific portions of the Charter. I am fine 11 with that. 12 CHAIR STONE: Okay. So I see it fitting 13 fairly well, Paragraph 1, 2, 3, because we strike that 14 third one. So at the end of Paragraph 3, "Moreover, 15 since the auditor would have the power and duty to audit 16 the Council, the Charter Commission did not want to 17 leave these issues unresolved in any way to protect the 18 auditor from politics and possibly even retaliation in 19 the event of a negative audit." Similar to -- I mean, I 20 am thinking after that -- after that paragraph, sentence 21 which says the -- the commission, in review of other 22 counties' auditors, or mirrored other counties' 23 auditors. 24 Frank, do you want to help me with that? 25 COMMISSIONER DE REGO: Well, I don't think we</p>
<p style="text-align: right;">Page 38</p> <p>1 think if we just say that, that it's reflected by the 2 utilization of other counties in the state of Hawaii, 3 then it sort of puts us right into their -- 4 CHAIR STONE: I found -- I think I also found 5 a good place for it. So -- 6 COMMISSIONER DE REGO: Well, can -- 7 CHAIR STONE: Go ahead. 8 COMMISSIONER DE REGO: Since you asked me the 9 question, I mean, can we just find those particular 10 section and quote them? I mean, we're quoting HRS 50 to 11 make our case for one of the other things. You know, as 12 reflected in the charters of the County of Kauai, Hawaii 13 and Honolulu, and something dash this, something dash 14 that, something dash that. You know, we believe that, 15 you know, our model is in -- you know, along those same 16 lines. I don't know what, but it seems to me one 17 sentence saying that, you know, we've done our homework 18 on this, you know, it wasn't just something that kind of 19 got spilled out. 20 And, actually, if you want to get into the 21 weeds on this, was that we actually took a 22 recommendation from a councilmember, right, that, 23 basically, mirrored the other counties in terms of -- 24 CHAIR STONE: But, Frank, can't we just say 25 that we mirrored the other counties? I think that's</p>	<p style="text-align: right;">Page 40</p> <p>1 need to craft the language now. I think what we should 2 do is say that -- you know, I trust you and Ed, and 3 whoever else is, that, you know, we need to craft 4 language that's very specific to include -- I mean, was 5 this -- is this legal to be able to do that, to give 6 direction to somebody, when we vote on this, that we're 7 including specific language related to -- or do we have 8 to have the exact language now, Ed? 9 CHAIR STONE: Sorry. Ed was -- okay. One 10 second, Ed. We are doing this for other areas, Frank, 11 we've just said, let's leave it to our specialist to add 12 the language. So I am sure we can do that here. I 13 would just like to kind of have an idea where you want 14 to place it. 15 COMMISSIONER DE REGO: Okay. 16 CHAIR STONE: Go ahead, Susan. 17 COMMISSIONER MOIKEHA: I don't know where you 18 were reading, but there's reference to other counties 19 already have a county auditor in the second paragraph. 20 CHAIR STONE: Okay. Good. 21 COMMISSIONER MOIKEHA: So that -- but this 22 whole paragraph I need to ask, because it doesn't -- 23 seems confusing to me. So it begins with that it's 24 absolutely critical to have a County Auditor so there 25 can be accountability for the operation, is that broad</p>

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<p>1 enough to include not only -- I am not only thinking 2 about operation in the sense of financial, but, also, 3 management, because audits will address both of those. 4 And if that word is sufficient, then I am good with it. 5 Then it says of both the Mayor's office -- 6 CHAIR STONE: Sorry, Susan, you lost me. 7 Where are you? 8 COMMISSIONER MOIKEHA: Okay. Second 9 paragraph, Page 6. 10 CHAIR STONE: Yeah, yeah. Yeah. 11 COMMISSIONER MOIKEHA: So where it says, "It 12 is absolutely critical to have a County Auditor so that 13 there can be accountability for the operation of both 14 the Mayor's Office and the County Council," if, by using 15 the word "operation" means including financial as well 16 as management, then I am fine with that, if that's how 17 everybody is seeing that. 18 CHAIR STONE: Again, this is -- remember, this 19 language is not like the specific language. Right? 20 This is just us -- 21 COMMISSIONER MOIKEHA: I understand that. 22 CHAIR STONE: So I don't want to get too 23 buried in the detail. 24 COMMISSIONER MOIKEHA: Okay. Well, let me say 25 this, then: While I agree with Wayne that a decision</p>	<p>1 me. But it's important enough to discuss. 2 So I think what Frank has raised, too, some of 3 these areas we get very specific and we're quoting 4 actual things from other things to prove our point. 5 CHAIR STONE: Okay. Well, Susan, go ahead and 6 give us a suggestion. 7 COMMISSIONER MOIKEHA: I just did. 8 CHAIR STONE: Not specific. You just said 9 what you would like it to say. Give me something 10 specific to work with. 11 COMMISSIONER MOIKEHA: First of all, I asked 12 for input, is it just me, the way I'm reading this, or 13 is it clear to everybody else. Because if it's clear to 14 everybody else, then I am all right. But I am asking a 15 question. That was the first thing I did. 16 CHAIR STONE: Go ahead. 17 COMMISSIONER MOIKEHA: So "operation," does 18 that define that it's both financial and management? If 19 it is, it's fine. If the Mayor's Office is enough of 20 what the County Auditor's objection or mission is when 21 it comes to audits, then fine. 22 Another way might be better to say it is, of 23 both the administrative and the legislative body of this 24 County. That covers everyone. 25 CHAIR STONE: Go ahead, Stacy.</p>
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<p>1 has been made on our first review, there's still another 2 opportunity for another decision to be made by the 3 Council. And depending how we justify, rationalize, 4 answer why we did what we did, there's a good 5 opportunity that they'll do a recall and get those two 6 off the ballot. Because, otherwise, if they're not 7 convinced, you've got two more confusing ballots -- 8 proposals from them directly conflicting with our two. 9 So my vision here is, yeah, I don't want to 10 get real detailed, but I want to understand what this 11 is. Because when I first read it, I go, okay, what 12 about financial management, that's the purpose of the 13 audit. And is it the Mayor's Office, only the Mayor's 14 Office? Are you looking at every department under him? 15 I would prefer to say "administrative and legislative 16 body." Just it doesn't have to be real detailed, but it 17 should say what it means, you know. 18 And we can be very sloppy about this and we 19 can say, okay, fine, you know, they understand, but they 20 don't. And I am not going to go through this again. I 21 am not going to feel like I wasted a year and-a-half 22 sitting here in this process to have no explanation of 23 what we did. I am not going to do that. 24 So I am here today. I am going to throw out 25 my suggestions. You want it or not, that's fine with</p>	<p>1 COMMISSIONER MOIKEHA: The whole reason we 2 support -- 3 CHAIR STONE: One second, Susan. 4 Go ahead, Stacy. 5 COMMISSIONER CRIVELLO: Okay. I agree with 6 you, with Commissioner Moikeha, that we should sort of 7 clarify that part, because "operation" can be so 8 general. And it doesn't really have to include 9 management. So I like the thought of adding the 10 administrative as well as the legislative body so the 11 auditor is held responsible for both. 12 COMMISSIONER DE REGO: Mr. Chair? 13 CHAIR STONE: Yeah. Thank you. Go ahead, 14 Frank. 15 COMMISSIONER DE REGO: It also should be made 16 clear that these are not only financial audits, these 17 are performance audits as well. I mean, there's been a 18 constant sort of, from what I hear, not conflict, but 19 sort of discussion between the Council and the 20 Administration between legislative policy and the 21 ability of the Mayor's Office to enforce whatever policy 22 is developed by the Council. So, you know, the 23 performance audits, actually, juxtaposition of those two 24 would be helpful by the auditor. 25 I refer to you Page 14 of the draft which is</p>

<p style="text-align: right;">Page 45</p> <p>1 essentially the first paragraph. It says, "The Charter 2 Commission notes," and this is on -- referring to the 3 residency requirements for the Mayor -- it's interesting 4 there's this paragraph, "The Charter Commission notes 5 that in other jurisdictions, there may be a longer 6 residency requirement for the mayor, the office of the 7 mayor or governor, not a shorter one. The Kauai Charter 8 provides that a candidate for the council." and it goes 9 into it. Right, I mean, even quotes Article 3, Section 10 6 of the Hawaii State Constitution. So we do have a 11 precedent here of where we've actually got into the 12 weeds, right, and quoted, you know, another charter and, 13 also, the Hawaii State Constitution to make a point. 14 I think for something as important as the 15 County Auditor, my feeling is that, you know, to leave 16 it general, you know, as versus specific. And I would 17 agree with Commissioner Moikeha on this point, you know, 18 would -- wouldn't do us any service. I mean, they sent 19 us very something specific. They sent us the whole, you 20 know -- I got the whole thing here from the State 21 Auditor. Right? They sent us several pages. Right? 22 And, you know, what we're attempting to do is 23 we're responding. We're responding to them and saying, 24 okay, you've sent us this, now we're going to send you 25 some information back and saying this is in line with</p>	<p style="text-align: right;">Page 47</p> <p>1 or do you want me to -- you got that? 2 MS. KAHUHU: No, Chair. I got it. Thank you. 3 CHAIR STONE: All right. Now discussing -- 4 going to Frank's point. Frank, I don't think we have 5 any trouble with that. All I am saying is that I would 6 like to find a place in this language to reference a 7 specific response quoting other jurisdictions on the 8 matter, just to give them a starting point. So I do 9 trust Ed, Sherry and Lisa to do it, but let's just give 10 them the point. All right? 11 COMMISSIONER OKAMOTO: Mr. Chair? 12 CHAIR STONE: Go ahead, Kay. 13 COMMISSIONER OKAMOTO: How about after the 14 first sentence in the third paragraph? 15 CHAIR STONE: The new third paragraph? 16 COMMISSIONER OKAMOTO: No. The old third 17 paragraph. We only took one sentence out of it. 18 CHAIR STONE: Sorry. Go ahead. 19 COMMISSIONER DE REGO: So right after, "The 20 Charter Commission gave priority to independence to" -- 21 COMMISSIONER OKAMOTO: No. No, the third. 22 CHAIR STONE: She means -- "The Charter 23 Commission did consider many different ways on which to 24 have the County Auditor appointed and managed," and 25 reference -- reference other jurisdictions --</p>
<p style="text-align: right;">Page 46</p> <p>1 what other county jurisdictions have done and how they 2 look at the -- it does say here independent, right? But 3 I think it would be worth quoting, right, what other 4 jurisdictions are doing in their charters and saying 5 that, you know, we should be in line with those. So I 6 just think it makes our case stronger. 7 CHAIR STONE: Okay. One second. 8 COMMISSIONER DE REGO: Not that they're going 9 to approve it or disapprove it, but this is a public 10 document. Right? 11 CHAIR STONE: Okay. Thank you, Frank. 12 So let's take this in two parts. All right? 13 Susan first suggested that we make -- we clarify 14 Paragraph 2, so -- at an attempt of some clarifying 15 language to give at least Lisa and Ed and Sherry a 16 basis. It is the opinion of the Charter Commission that 17 it is absolutely critical to have a County Auditor so 18 that there can be financial and performance -- there can 19 be accountability of financial -- sorry. There can be 20 financial and performance accountability for both the 21 administrative and legislative branches. 22 COMMISSIONER MOIKEHA: That's fine. 23 CHAIR STONE: Is that okay? 24 COMMISSIONER DE REGO: That's okay. 25 CHAIR STONE: Good. Lisa, did you get that,</p>	<p style="text-align: right;">Page 48</p> <p>1 COMMISSIONER DE REGO: Right. 2 CHAIR STONE: -- as a source. 3 COMMISSIONER DE REGO: Right. 4 CHAIR STONE: Okay. So reference other 5 jurisdictions of the source at this point. 6 COMMISSIONER DE REGO: Okay. 7 CHAIR STONE: Then continue forward. 8 COMMISSIONER DE REGO: Okay. 9 CHAIR STONE: Okay? 10 COMMISSIONER DE REGO: I would agree with 11 that. 12 CHAIR STONE: Very good. Susan. 13 COMMISSIONER MOIKEHA: So you're inserting 14 that on the third paragraph? 15 CHAIR STONE: Third paragraph, it will be 16 inserted following the third sentence. 17 COMMISSIONER MOIKEHA: Okay. So then do you 18 really need the last sentence of the second paragraph, 19 "All other counties already have a county auditor?" 20 Wouldn't that be an introduction to what we're trying to 21 say as far as examples or not? I don't know. Throwing 22 it out there. 23 CHAIR STONE: One second. One second. Let me 24 keep my notes, please. 25 Okay, Susan. Sorry. I apologize. Where were</p>

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1 you?

2 COMMISSIONER MOIKEHA: At the second

3 paragraph, where we cleaned up the first sentence. And

4 what I am reading from this paragraph is that -- the

5 importance of independence. I don't really see a need

6 for the next sentence, the Charter Commission disagrees

7 with the Council that the County Auditor's Office should

8 be assigned to it, I don't even understand that. We're

9 not -- the only authority they have was to hire. I

10 mean, if that's being assigned to them, I guess. And

11 then keep, the County Auditor should be independent of

12 all else. And I don't really see how the last sentence

13 is in consistency with that.

14 CHAIR STONE: I feel comfortable striking the

15 last sentence because we're going to reference other

16 jurisdictions.

17 COMMISSIONER MOIKEHA: Okay.

18 COMMISSIONER DE REGO: Yeah.

19 CHAIR STONE: Okay. So without objection,

20 we'll remove that last sentence of the second paragraph.

21 Okay. And then looking at your other issue, you have

22 issue with the Charter Commission disagrees with the

23 Council that the County Auditor's Office should be

24 assigned to it?

25 COMMISSIONER MOIKEHA: That's not what we're

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1 doing, necessarily, by this proposal, are we? We're

2 only giving them the authority to -- or is that what

3 their intent was --

4 COMMISSIONER OKAMOTO: That's what their --

5 COMMISSIONER MOIKEHA: -- that it be totally

6 under their control.

7 COMMISSIONER OKAMOTO: Yeah.

8 COMMISSIONER MOIKEHA: Okay. That's fine.

9 CHAIR STONE: Okay. Go ahead, Wayne.

10 VICE-CHAIR HEDANI: I think -- I think the

11 statement that says "all other counties already have a

12 county auditor" is important, too. It's fact. And

13 perhaps you can just attach to that, all other counties

14 already have a county auditor, and the Commission's

15 proposal mirrors the provisions of all other counties.

16 CHAIR STONE: So you would recommend moving

17 that reference to other jurisdictions following the

18 sentence "all other counties already have a county

19 auditor?" Are you guys comfortable with that? In other

20 words, we're changing --

21 MR. KUSHI: Mr. Chair? They all have county

22 auditors by charter; not all of them have this Cost of

23 Government --

24 COMMISSIONER DE REGO: Yeah.

25 MR. KUSHI: -- entity attached to it.

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1 COMMISSIONER DE REGO: Right.

2 CHAIR STONE: But it doesn't say that. It

3 says all other counties already have a county auditor.

4 No reference to cost of the government.

5 MR. KUSHI: By Charter. I don't want to say

6 it's identical or mirrors because they don't have cost

7 of governments.

8 CHAIR STONE: By Charter -- what we're saying

9 is that -- we're referencing other jurisdictions

10 following that. Okay. So just to clarify, because now

11 it's getting too -- a little too confusing. First, I

12 want to make sure we're comfortable with Wayne's

13 suggestion that we would place the reference to the

14 other counties following the sentence "All other

15 counties already have a county auditor." Okay.

16 Kay.

17 COMMISSIONER OKAMOTO: I would agree that,

18 when you say it mirrors it, that we're saying ours is

19 the same.

20 CHAIR STONE: The word "mirror" is not going

21 to be involved.

22 COMMISSIONER OKAMOTO: Okay. I think, you

23 know, they will agree, yeah, we know they all have an

24 auditor, we think we ought to have an auditor.

25 That's -- we all agree on that. The County Council

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1 agrees on that. We have to point out where ours may be

2 different. And with -- you know, it was having --

3 spelling out all the functions in the Charter was one of

4 the things that the County objected to. So somehow we

5 have to word it to say that portion of it without really

6 getting into Cost of Government Commission. Because

7 that may not be part of other county charters. I am not

8 sure exactly the wording, but putting it there --

9 CHAIR STONE: I don't think that having the

10 sentence, all other counties already have a county

11 auditor, it's fact, it's correct, so I don't have a

12 problem with it remaining. What I suggest is that we

13 move forward saying that our proposal, our proposal, not

14 the Council's proposal, in other words, the Charter

15 Commission's proposal, was -- was referenced to other

16 jurisdictions. So that means that the difference is

17 that our proposal is reference to the other counties,

18 our counties' county auditor. Not mirrored, because

19 it's not the same.

20 COMMISSIONER OKAMOTO: Yeah.

21 CHAIR STONE: But it's referenced. So we use

22 those sources in order to make our decision. Okay? So

23 what I am -- what I am proposing is that reference

24 language. I am just calling it, roughly, the reference

25 language. Reference of the jurisdictions follows that

Page 53	<p>1 sentence. Are we comfortable with that? Okay.</p> <p>2 So, sorry, Lisa, I hope it's not confusing,</p> <p>3 but now --</p> <p>4 MS. KAHUHU: Can you read that again?</p> <p>5 CHAIR STONE: You got it?</p> <p>6 MS. KAHUHU: No. Can you read it again?</p> <p>7 CHAIR STONE: So we're going to put that</p> <p>8 reference language to the other jurisdictions. It is</p> <p>9 going to follow -- we're not -- okay. Going to</p> <p>10 Paragraph 2, we're at Paragraph 2, we are not crossing</p> <p>11 out "All other counties already have a county auditor."</p> <p>12 That's going to stay.</p> <p>13 MS. KAHUHU: Is that going to be a sentence?</p> <p>14 CHAIR STONE: It's going to be a sentence.</p> <p>15 Oh, it's going to be -- okay. "All other counties</p> <p>16 already have a county auditor, which were used as</p> <p>17 reference by the Commission in order to...establish our</p> <p>18 proposal."</p> <p>19 COMMISSIONER WIGER: Develop?</p> <p>20 CHAIR STONE: "Develop our proposal."</p> <p>21 MS. KAHUHU: Got it.</p> <p>22 CHAIR STONE: Thank you. Everybody good with</p> <p>23 that? Good.</p> <p>24 Frank, go ahead.</p> <p>25 COMMISSIONER DE REGO: Yeah. I just want to</p>
Page 54	<p>1 agree with Kay because the main issue here is in terms</p> <p>2 of duties, powers, responsibilities, is -- the main</p> <p>3 difference is, in the other charters, it's established</p> <p>4 by charter. Whereas the proposal by the Council is that</p> <p>5 they want to establish it by ordinance, which makes it</p> <p>6 sort of an impermanent and at the will of the Council to</p> <p>7 change those duties and functions at their own will. So</p> <p>8 I think that's the important difference between our</p> <p>9 proposal and their proposal.</p> <p>10 I think -- you know, they keep emphasizing the</p> <p>11 Cost of Government, that's incidental to what is going</p> <p>12 on here. It's an advisory group. It's -- it's moving,</p> <p>13 I think, in an appropriate --</p> <p>14 CHAIR STONE: Frank, one second. I'll let you</p> <p>15 continue your thought.</p> <p>16 Lisa, did you get that? That the important</p> <p>17 difference as to what's vital when referencing the other</p> <p>18 jurisdictions.</p> <p>19 COMMISSIONER DE REGO: It's in here already,</p> <p>20 actually.</p> <p>21 CHAIR STONE: Is it?</p> <p>22 COMMISSIONER DE REGO: It says, "The Charter</p> <p>23 Commission concluded it would be utmost important for</p> <p>24 the powers and duties of the auditor to be spelled out</p> <p>25 in the Maui County Charter so that they would be very</p>
Page 55	<p>1 clear and not subject to the change by the Council</p> <p>2 through ordinance." I think that's an excellent</p> <p>3 sentence.</p> <p>4 CHAIR STONE: Okay. Go ahead, Frank.</p> <p>5 Continue your thought. Sorry.</p> <p>6 COMMISSIONER DE REGO: So I think just</p> <p>7 references to the other charters is just a way of</p> <p>8 buttressing that sentence. So --</p> <p>9 MS. KAHUHU: Can I ask where that sentence is</p> <p>10 that you just read?</p> <p>11 COMMISSIONER DE REGO: That's in the first</p> <p>12 sentence of the fourth paragraph.</p> <p>13 MS. KAHUHU: On Page 6?</p> <p>14 COMMISSIONER DE REGO: On Page 6.</p> <p>15 COMMISSIONER WIGER: It's right there.</p> <p>16 CHAIR STONE: Okay. Good. Any further</p> <p>17 discussion?</p> <p>18 MS. KAHUHU: Chair, I have a question.</p> <p>19 CHAIR STONE: Go ahead, Lisa.</p> <p>20 MS. KAHUHU: Kay had wanted, originally, the</p> <p>21 reference to other jurisdictions to be in the third</p> <p>22 paragraph, second sentence? Or were you not --</p> <p>23 CHAIR STONE: That is not going to happen now.</p> <p>24 That is going second paragraph, following the last</p> <p>25 sentence. In the last sentence will be a comma.</p>
Page 56	<p>1 I understand the intent. Okay. So I'll work</p> <p>2 with Lisa on that. Without objection, are we okay with</p> <p>3 this?</p> <p>4 Kay, go ahead.</p> <p>5 COMMISSIONER OKAMOTO: I just have a question.</p> <p>6 The Council now, at this point, really, their only</p> <p>7 options are the two that they want to propose the</p> <p>8 alternatives, correct?</p> <p>9 CHAIR STONE: The only thing the Council can</p> <p>10 do is decide not to put their two proposals to the</p> <p>11 voters. In other words, if we are so convincing, they</p> <p>12 go, oh, you know what, the Commission's right.</p> <p>13 COMMISSIONER OKAMOTO: So what I am saying</p> <p>14 those are the two that we really need to focus on?</p> <p>15 CHAIR STONE: They're the only two.</p> <p>16 COMMISSIONER OKAMOTO: The rest of them, we've</p> <p>17 already said, no, we're going to do our thing and</p> <p>18 there's nothing --</p> <p>19 CHAIR STONE: However, as has been pointed out</p> <p>20 by Susan and Frank, that this is a public document.</p> <p>21 COMMISSIONER OKAMOTO: True.</p> <p>22 CHAIR STONE: So, obviously, we want to leave</p> <p>23 a little bit of insight of why we rejected the Council,</p> <p>24 not just because we were sour grapes.</p> <p>25 COMMISSIONER OKAMOTO: But the two that they</p>

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<p>1 are doing alternatives, we really need to be sure we 2 have -- 3 CHAIR STONE: Right. Okay. 4 Yes, go ahead, Lisa. Okay. Tonya needs a 5 break. So let's see here, we will take a recess until 6 11:50. Thank you. 7 (Recess, 11:42 a.m. to 11:51 a.m.) 8 CHAIR STONE: I would like to call this 9 meeting back to order as 11:50. And we were just done 10 with Proposal Three. So now -- 11 COMMISSIONER OKAMOTO: Mr. Chair? 12 CHAIR STONE: Yes. Oh, I guess we're not 13 done. 14 COMMISSIONER OKAMOTO: I just had a question. 15 I don't know why I am asking this. On Number Four, on 16 the County Auditor, we have that he appoints the 17 necessary staff and that it shall be done by law. Now, 18 does that mean the Council then has to create a law to 19 do -- I mean, I know we can't change that at this time, 20 but is that what that's saying? It just caught my eye. 21 CHAIR STONE: Meaning Page 7, top of Page 7? 22 COMMISSIONER OKAMOTO: Number Four. No, in 23 the middle. 24 CHAIR STONE: Oh, okay. We're not going to 25 deviate off, but, Ed, can you just give us, just for</p>	<p>1 benefits. 2 COMMISSIONER DE REGO: Mr. Chair? 3 CHAIR STONE: Uh-huh. Uh-huh. 4 COMMISSIONER OKAMOTO: Benefits. 5 CHAIR STONE: One second, Frank. Frank, one 6 second. Kay. Frank, I am going to scold you. 7 COMMISSIONER DE REGO: I was going to -- I had 8 a suggestion. 9 CHAIR STONE: One second. Okay. Frank, what 10 is your suggestion? 11 COMMISSIONER DE REGO: My suggestion would be, 12 "The additional benefits would outweigh the costs." 13 CHAIR STONE: "Additional benefits would 14 outweigh the costs." Okay. 15 COMMISSIONER OKAMOTO: And then, in the 16 Section 3.5, where we have the actual addition to the -- 17 you know, the change, some of that was left out from our 18 original proposal. And I didn't know if that was by 19 accident or if that was intentional. 20 CHAIR STONE: Sorry. What section? 21 COMMISSIONER OKAMOTO: Down at Section 3.5, 22 where you have the actual wording. And if it's -- let's 23 see. It does not specifically -- our original one had 24 specific County Council meetings and committee meetings. 25 I wasn't sure if that was left out of this one for a</p>
Page 58	Page 60
<p>1 Kay's knowledge -- 2 MR. KUSHI: What is the reference? 3 CHAIR STONE: Page 7, middle of the page, 4 3-8.24, "The County Auditor shall appoint the necessary 5 staff." 6 COMMISSIONER OKAMOTO: So does it mean the 7 Council has to create a law first before he can have any 8 staff? 9 MR. KUSHI: Well, as far as staff is 10 concerned, the body counts, position counts, the Council 11 approves all the positions, funding of positions. 12 COMMISSIONER OKAMOTO: Okay. I see. Okay. 13 CHAIR STONE: Good? Okay. Right on. 14 So now we are moving along to Page 10, 15 Proposal Four. Okay. This is the bottom half of Page 16 10. County Council interactive communications access. 17 All right. So any issues with the wording there on Page 18 10 and 11? 19 COMMISSIONER OKAMOTO: Chair? 20 CHAIR STONE: Yes. Go ahead, Kay. 21 COMMISSIONER OKAMOTO: On Page 11, middle of 22 the first paragraph, "Any additional cost would outweigh 23 the cost." 24 COMMISSIONER DE REGO: Yeah. 25 COMMISSIONER OKAMOTO: I assume that means</p>	<p>1 specific reason or if it just accidentally got left out. 2 CHAIR STONE: Let me check with Ed. Ed? 3 MR. KUSHI: Looking at your report to the 4 Council, you are correct. In your report to the 5 Council, on Page 14, Proposal Number Four, the new 6 section contains a lot more wording. So I believe the 7 quote in Page 11 of this report needs to be. 8 CHAIR STONE: To reflect the appropriate 9 wording. 10 MR. KUSHI: Correct. 11 CHAIR STONE: Without objection, we'll have 12 the staff add the appropriate wording. Thank you for 13 the catch, Kay. Very good. 14 COMMISSIONER DE REGO: Good catch. 15 CHAIR STONE: Okay. Any further discussion on 16 this proposal? Kay, go ahead. 17 COMMISSIONER OKAMOTO: Well, the last sentence 18 on Page -- still on Page 11, I am just curious why the 19 last sentence ends in a question mark. If this is -- 20 CHAIR STONE: That's the ballot question. 21 COMMISSIONER OKAMOTO: Oh, that's the -- oh, 22 okay. I'm sorry. I was misreading that one. Okay. 23 CHAIR STONE: We could make it a exclamation 24 point. 25 COMMISSIONER OKAMOTO: Yeah. Okay. That's</p>

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<p>1 right.</p> <p>2 COMMISSIONER DE REGO: Let's do that with the</p> <p>3 auditor.</p> <p>4 CHAIR STONE: Very good. Moving on to</p> <p>5 Proposal Five on Page 12, this is in reference to a new</p> <p>6 section to require that the Charter be revised and</p> <p>7 published after significant amendments. Any discussion</p> <p>8 or language? Go ahead, Susan.</p> <p>9 COMMISSIONER MOIKEHA: Question. The word</p> <p>10 "significant," if we were to delete it, Ed, would that</p> <p>11 be considered substantial?</p> <p>12 CHAIR STONE: In the very -- in the title of</p> <p>13 the proposal, last --</p> <p>14 COMMISSIONER MOIKEHA: In the section --</p> <p>15 CHAIR STONE: -- line. "Any significant</p> <p>16 amendments," is that correct, Susan? Black and bold.</p> <p>17 MR. KUSHI: Mr. Chair, I think the</p> <p>18 Commission's discussion, to make it absolutely clear,</p> <p>19 just knock out "significant."</p> <p>20 COMMISSIONER MOIKEHA: Yeah, that's my</p> <p>21 question.</p> <p>22 MR. KUSHI: "Republish all amendments."</p> <p>23 CHAIR STONE: But does that change the</p> <p>24 meaning?</p> <p>25 MR. KUSHI: It could be interpreted maybe an</p>	<p>1 MR. KUSHI: For your information, Council is</p> <p>2 considering amending the Clerk's duties by ordinance to</p> <p>3 require publication.</p> <p>4 COMMISSIONER WIGER: Oh, good.</p> <p>5 CHAIR STONE: Good.</p> <p>6 MR. KUSHI: But, again, that's by ordinance.</p> <p>7 They could always change that.</p> <p>8 COMMISSIONER DE REGO: Change that, exactly.</p> <p>9 CHAIR STONE: And it's out of our hand, now,</p> <p>10 because once we've done this stage, this is going.</p> <p>11 Cliff, you had something to say? Thank you.</p> <p>12 All right. Any further discussion?</p> <p>13 (No Response.)</p> <p>14 CHAIR STONE: No. Okay. So looking at</p> <p>15 Proposal Seven, on Page 13, Article 3, County Council</p> <p>16 Residency Requirements. Any of the wording, anything?</p> <p>17 (No Response.)</p> <p>18 CHAIR STONE: Okay. Good. Looking at</p> <p>19 Proposal Eight, Article 7, Mayor Residency Requirements,</p> <p>20 13 through Page 14. Discussion?</p> <p>21 (No Response.)</p> <p>22 CHAIR STONE: Okay. No. Proposal Nine, at</p> <p>23 the bottom of Page 14, and that is in reference to the</p> <p>24 Department of Environmental Management, to add</p> <p>25 environmental protection and sustainability to the</p>
Page 62	Page 64
<p>1 amendment that's not significant enough. Example,</p> <p>2 housekeeping.</p> <p>3 CHAIR STONE: So just to be clear, the opinion</p> <p>4 is that if we remove the word "significant," that could</p> <p>5 change the proposal?</p> <p>6 MR. KUSHI: As set forth right now.</p> <p>7 CHAIR STONE: Okay.</p> <p>8 MR. KUSHI: Again, you know --</p> <p>9 CHAIR STONE: Being on the safe side, all</p> <p>10 right.</p> <p>11 COMMISSIONER MOIKEHA: Uh-huh.</p> <p>12 CHAIR STONE: I think that -- what would you</p> <p>13 recommend, Ed?</p> <p>14 MR. KUSHI: Well, again, going with my</p> <p>15 opinion, I would say leave it alone. What would happen</p> <p>16 is, let's say, for example, a Charter Amendment passes,</p> <p>17 the Clerk decides it's not significant enough to</p> <p>18 republish the entire Charter, but the Charter itself has</p> <p>19 a requirement, if this passes, may be up to challenge.</p> <p>20 CHAIR STONE: So the fact that we changed it</p> <p>21 could be challengeable?</p> <p>22 MR. KUSHI: It would make the challenge to be</p> <p>23 what is "significant." Then, you know, the Court would</p> <p>24 decide.</p> <p>25 CHAIR STONE: Okay.</p>	<p>1 powers and duties and functions of the department. I</p> <p>2 notice some typos in here, but, again, that's technical.</p> <p>3 Go ahead, Kay.</p> <p>4 COMMISSIONER OKAMOTO: On Page 15, the last</p> <p>5 paragraph of our explanation, it just doesn't seem like</p> <p>6 it belongs there. It seems more confusing. The Charter</p> <p>7 Commission specified the only requirement is to guide</p> <p>8 efforts and the language is intended to mean that it's</p> <p>9 not mandatory, then why are we doing it? I just -- I</p> <p>10 thought that paragraph was confusing.</p> <p>11 CHAIR STONE: Okay. Sorry. One second. Let</p> <p>12 me just read through that, please, Kay. It sounds</p> <p>13 slightly confusing, but I do believe that was the</p> <p>14 intent, as I recall, because, remember, we had a lot of</p> <p>15 support and then we had a lot of -- lot of input</p> <p>16 concerning it. And the -- I believe we had that -- a</p> <p>17 very long discussion about -- very long discussion about</p> <p>18 what the intent would be.</p> <p>19 Commissioners, any further thought on that</p> <p>20 last paragraph? Do other Commissioners have issue with</p> <p>21 it?</p> <p>22 Susan, go ahead.</p> <p>23 COMMISSIONER MOIKEHA: I think what you said</p> <p>24 is true, we did have a lot of discussion. And we were</p> <p>25 just addressing additional duties and functions under</p>

Page 65	<p>1 the director's position. In my personal thoughts on it,</p> <p>2 it was like whatever happens with this is in the</p> <p>3 Council's realm or jurisdiction. So I don't know if</p> <p>4 it's necessary that we have to say it's only to guide</p> <p>5 efforts. I don't know. It does sound kind of</p> <p>6 confusing.</p> <p>7 COMMISSIONER OKAMOTO: Like why are we doing</p> <p>8 it, then?</p> <p>9 CHAIR STONE: Any other discussion on that</p> <p>10 paragraph? Go ahead, Wayne.</p> <p>11 VICE-CHAIR HEDANI: I kind of agree with this</p> <p>12 paragraph.</p> <p>13 COMMISSIONER OKAMOTO: You were not going to</p> <p>14 disagree, remember?</p> <p>15 VICE-CHAIR HEDANI: The reason I think that we</p> <p>16 were suggesting that it guide efforts is because, if</p> <p>17 it's mandatory, they have no choice. I'll give you an</p> <p>18 example. We have the most number of endangered birds in</p> <p>19 the entire country. And the single largest factor that</p> <p>20 causes that is avian malaria, mosquitoes. So they would</p> <p>21 be mandated to stop mosquitoes from killing birds on</p> <p>22 this island. We haven't stopped mosquitoes ever since</p> <p>23 they first arrived. And they can't do it, not even if</p> <p>24 they wanted to. And guiding efforts to address it</p> <p>25 properly stops you from having to solve it.</p>	Page 67	<p>1 factors." I mean, outside of that. The language of the</p> <p>2 amendment is intended to allow the Mayor, Council and</p> <p>3 department the maximum amount of discretion to determine</p> <p>4 how to implement these factors, period.</p> <p>5 I think what that's trying to say is exactly</p> <p>6 what that last part is, is that our intention was to</p> <p>7 allow for the reasonable and appropriate consideration</p> <p>8 of all factors and to allow the Mayor, Council,</p> <p>9 department the maximum amount of discretion in how to</p> <p>10 implement these factors.</p> <p>11 CHAIR STONE: So you would like to modify that</p> <p>12 last sentence?</p> <p>13 COMMISSIONER DE REGO: Yeah.</p> <p>14 CHAIR STONE: Give me a read, please, really</p> <p>15 quickly, just for --</p> <p>16 COMMISSIONER DE REGO: Oh, boy. Did somebody</p> <p>17 hear what I just said? Do you want to read back what I</p> <p>18 just said?</p> <p>19 CHAIR STONE: Sorry. It was a good one.</p> <p>20 COMMISSIONER DE REGO: Let's see. "Rather,</p> <p>21 it's for the County officials to determine the</p> <p>22 reasonable and appropriate factors and allow the Mayor,</p> <p>23 the Council and the department the maximum amount of</p> <p>24 discretion in determining how to implement these</p> <p>25 factors."</p>
Page 66	<p>1 CHAIR STONE: Thank you, Wayne. I tend to</p> <p>2 agree with Wayne. Simply because it -- it gives some</p> <p>3 light onto the back and forth on this discussion amongst</p> <p>4 the Commission. And it was so -- so many hours spent on</p> <p>5 that discussion. So I --</p> <p>6 COMMISSIONER OKAMOTO: That's fine, then.</p> <p>7 CHAIR STONE: I do agree that -- to me, it</p> <p>8 sheds light on our train of thought.</p> <p>9 Go ahead, Flo.</p> <p>10 COMMISSIONER WIGER: Well, if we look on the</p> <p>11 next page, Page 16, if we look at 4, it says,</p> <p>12 specifically, "Guide efforts to optimize opportunities</p> <p>13 for environmental natural resource protection,</p> <p>14 sustainability, conservation and restoration." So it</p> <p>15 fits. It refers back. And I think there's a</p> <p>16 sensibility around that.</p> <p>17 CHAIR STONE: Okay.</p> <p>18 COMMISSIONER DE REGO: Yeah.</p> <p>19 CHAIR STONE: Okay. So -- go ahead, Frank.</p> <p>20 COMMISSIONER DE REGO: Maybe I am not reading</p> <p>21 this correctly, but the last sentence really makes no</p> <p>22 sense to me whatsoever. I mean, just the way it's</p> <p>23 written. I mean, even reading it out loud. "Rather, it</p> <p>24 is for the promotion as the County officials determine</p> <p>25 to be reasonable and appropriate of a grouping of many</p>	Page 68	<p>1 CHAIR STONE: Very good. Everybody good with</p> <p>2 that? Okay. Good. Without objection, that -- we'll</p> <p>3 have that changed. Any further discussion?</p> <p>4 Go ahead, Frank.</p> <p>5 COMMISSIONER DE REGO: Yeah. I am just</p> <p>6 looking --</p> <p>7 CHAIR STONE: I'm sorry. Just one second.</p> <p>8 Lisa, do you need clarification?</p> <p>9 MS. KAHUHU: Yeah, I do. Sorry. Rather, it</p> <p>10 is for the --</p> <p>11 COMMISSIONER DE REGO: "It is for County</p> <p>12 officials to determine the reasonable and appropriate</p> <p>13 grouping of many factors, and allow the Mayor, Council</p> <p>14 and department the maximum amount of discretion in</p> <p>15 determining how to implement these factors."</p> <p>16 MS. KAHUHU: Okay.</p> <p>17 CHAIR STONE: Go ahead. Lisa, you got it?</p> <p>18 MS. KAHUHU: I believe so. I'll double-check</p> <p>19 with the minutes.</p> <p>20 CHAIR STONE: Okay. Thank you.</p> <p>21 Frank, you had something else?</p> <p>22 COMMISSIONER DE REGO: Okay. No. I was just</p> <p>23 thinking a clearer way of saying that second sentence.</p> <p>24 But if you read it slowly, it's all right.</p> <p>25 CHAIR STONE: Okay. Thank you.</p>

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<p>1 Go ahead, Cliff.</p> <p>2 COMMISSIONER HASHIMOTO: Yeah. I thought</p> <p>3 somebody was going to touch on this, but, apparently,</p> <p>4 they weren't. Look at that -- that paragraph --</p> <p>5 actually, one, two, three, four, the fifth paragraph, it</p> <p>6 begins with "nonetheless."</p> <p>7 CHAIR STONE: Uh-huh.</p> <p>8 COMMISSIONER HASHIMOTO: If you go to the</p> <p>9 middle of that paragraph, it says, "The requirement is</p> <p>10 to guide efforts and that this is language is intended</p> <p>11 to mean."</p> <p>12 CHAIR STONE: Typo.</p> <p>13 COMMISSIONER HASHIMOTO: Yeah.</p> <p>14 CHAIR STONE: And Lisa is going to take care</p> <p>15 of that.</p> <p>16 COMMISSIONER HASHIMOTO: Okay.</p> <p>17 CHAIR STONE: Good catch, though.</p> <p>18 COMMISSIONER DE REGO: I -- Mr. Chair?</p> <p>19 CHAIR STONE: Go ahead, Frank.</p> <p>20 COMMISSIONER DE REGO: I would add the word</p> <p>21 "potential costs" because we don't know what the actual</p> <p>22 costs are going to be, if there are going to be any</p> <p>23 costs whatsoever in terms of how they organize this. So</p> <p>24 it says, nonetheless, the Charter Commission is</p> <p>25 concerned about the potential costs of having</p>	<p>1 Without objection, we will accept Lisa's paragraph. Any</p> <p>2 further discussion on this proposal?</p> <p>3 (No Response.)</p> <p>4 CHAIR STONE: Good. Moving to Page 16,</p> <p>5 Proposal 10. And this is the proposal in reference to</p> <p>6 bringing conformity to the departments with boards or</p> <p>7 commissions in charge of chiefs or heads. There was a</p> <p>8 typo in Paragraph 2, which I am sure Lisa will catch.</p> <p>9 Just to point out, Lisa, the requirement of an annual</p> <p>10 review, center paragraph, the requirement after annual</p> <p>11 review can certainly constitute good government and</p> <p>12 sound and -- I believe that means good sound government</p> <p>13 and should be incorporated. Any further discussion?</p> <p>14 (No Response.)</p> <p>15 CHAIR STONE: No. Moving on to Page 20,</p> <p>16 Proposal Eleven, Preamble, any issues?</p> <p>17 (No Response.)</p> <p>18 CHAIR STONE: Very good. So at this time, I</p> <p>19 would like to, if we can, get a motion to accept this</p> <p>20 draft with our approved amendments as well as with</p> <p>21 technical changes by staff.</p> <p>22 COMMISSIONER DE REGO: I so move.</p> <p>23 VICE-CHAIR HEDANI: Second.</p> <p>24 CHAIR STONE: Okay. We're going to give that</p> <p>25 one to Frank, and seconded by Wayne.</p>
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<p>1 sustainability included as a consideration.</p> <p>2 COMMISSIONER HASHIMOTO: Where are you at?</p> <p>3 CHAIR STONE: Fifth paragraph.</p> <p>4 COMMISSIONER DE REGO: Fifth paragraph.</p> <p>5 CHAIR STONE: First line.</p> <p>6 COMMISSIONER DE REGO: First line.</p> <p>7 CHAIR STONE: Sorry.</p> <p>8 (Multiple speakers.)</p> <p>9 CHAIR STONE: Sorry. Okay, guys. Tonya</p> <p>10 really is getting confused when we all talk. So let's</p> <p>11 go one at a time. Okay.</p> <p>12 MS. KAHUHU: Can I read it back?</p> <p>13 CHAIR STONE: Yes. Go ahead.</p> <p>14 MS. KAHUHU: "Nonetheless, the Charter</p> <p>15 Commission was concerned about the potential cost of</p> <p>16 having sustainability included as a consideration.</p> <p>17 Thus, the Charter Commission specified that the only</p> <p>18 requirement is to guide efforts and that this language</p> <p>19 is intended to mean that it is not mandatory. Rather,</p> <p>20 it is for the County officials to determine the</p> <p>21 reasonable and appropriate grouping of many factors, and</p> <p>22 allow the Mayor, Council and department the maximum</p> <p>23 amount of discretion in determining how to implement</p> <p>24 these factors."</p> <p>25 CHAIR STONE: Sounds very good to me. Okay.</p>	<p>1 Go ahead, Kay.</p> <p>2 COMMISSIONER OKAMOTO: This is a question. On</p> <p>3 the ballot questions themselves, the individual ballot</p> <p>4 questions, can we at this time make any suggestions,</p> <p>5 changes on those?</p> <p>6 CHAIR STONE: Yes.</p> <p>7 COMMISSIONER OKAMOTO: Okay. Would it behoove</p> <p>8 us to go back just through the ballot questions and read</p> <p>9 those to be sure that they are very clear to someone who</p> <p>10 has no idea what else was --</p> <p>11 CHAIR STONE: Let me clarify. We can do</p> <p>12 housekeeping changes to the ballot question that doesn't</p> <p>13 change the meaning of the ballot question.</p> <p>14 COMMISSIONER OKAMOTO: Right.</p> <p>15 CHAIR STONE: So they're minimal changes.</p> <p>16 COMMISSIONER OKAMOTO: Right.</p> <p>17 CHAIR STONE: If you want to take that time,</p> <p>18 we do have, obviously, time to do that. Before we</p> <p>19 approve this, we should do that. Okay? So if you guys</p> <p>20 want to quickly take a recess, we can quickly read</p> <p>21 through the ballot questions again. And if anybody has</p> <p>22 -- remember, it's housekeeping only. Okay?</p> <p>23 COMMISSIONER OKAMOTO: And what would make it</p> <p>24 more clear to someone who has not followed all this.</p> <p>25 CHAIR STONE: Very good. But I will caution</p>

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1 everybody that it doesn't mean we can reword these
 2 questions. Okay? Okay. So we'll take a -- let's
 3 see -- 10-minute recess to review the ballot questions.
 4 All right. So we will come back at 12:20.
 5 (Recess, 12:13 p.m. to 12:17 p.m.)
 6 CHAIR STONE: Coming back to our meeting here
 7 at 12:25. And we are just quickly going to go over the
 8 ballot questions if -- if -- and I would like the
 9 Commissioners to bring up specifically the ballot
 10 question that they would like to go over. So without --
 11 COMMISSIONER DE REGO: I --
 12 CHAIR STONE: Sorry?
 13 COMMISSIONER DE REGO: Question of order. We
 14 have a --
 15 CHAIR STONE: We have a motion.
 16 COMMISSIONER DE REGO: We have a motion on
 17 the --
 18 CHAIR STONE: Floor.
 19 COMMISSIONER DE REGO: -- floor. So does that
 20 allow for the discussion?
 21 CHAIR STONE: Well, the motion is to approve.
 22 COMMISSIONER DE REGO: Okay.
 23 CHAIR STONE: So let's discuss it before we do
 24 that. Okay.
 25 COMMISSIONER OKAMOTO: My first question would

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1 be on the first one, did we -- what did we decide to
 2 leave it as three or put it as one?
 3 CHAIR STONE: We agreed to put it into one
 4 sentence.
 5 COMMISSIONER OKAMOTO: That was my first one.
 6 CHAIR STONE: Sure. You know, Kay, you're
 7 right. Okay. Let me just ask. So Proposal Two, any
 8 issues with that ballot question?
 9 COMMISSIONER OKAMOTO: We had one discussion.
 10 Is it -- and I am sure I know the answer, but is it
 11 necessary to have the section such and such of the
 12 Charter of the County of Maui every time?
 13 CHAIR STONE: Yes.
 14 COMMISSIONER OKAMOTO: Okay.
 15 CHAIR STONE: Okay. Ballot question --
 16 COMMISSIONER HASHIMOTO: That will appear on
 17 the ballot?
 18 CHAIR STONE: That will appear on the ballot.
 19 COMMISSIONER HASHIMOTO: That will appear on
 20 the ballot, this language?
 21 CHAIR STONE: This exact ballot question will
 22 appear on the ballot.
 23 COMMISSIONER HASHIMOTO: Okay. And will we
 24 provide every voter with a copy of the Charter, updated
 25 Charter, so they can look at it before they vote?

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1 CHAIR STONE: I don't believe so. Ed?
 2 COMMISSIONER HASHIMOTO: Then how in the hell
 3 are they going to figure out --
 4 CHAIR STONE: One second, please. Ed? Let me
 5 just ask that question. Ed, are there copies of the
 6 Charter in the voting booth?
 7 MR. KUSHI: Copies of the existing Charter?
 8 CHAIR STONE: Yeah, exactly.
 9 MR. KUSHI: I don't believe so.
 10 CHAIR STONE: So, Cliff, our job is, at this
 11 stage, once this moves forward, is to educate, educate,
 12 educate. So that's how the voters -- we're going to do
 13 our best job of getting the word out, getting the
 14 resource material out to the voters, and -- and giving
 15 them reference, so they can make an educated decision.
 16 I agree, it is a difficult task.
 17 So Ballot Question Two we're all good with.
 18 Wayne, go ahead.
 19 VICE-CHAIR HEDANI: Ed, at the time they go to
 20 the election, to the polling booth, will the language of
 21 the Proposed Charter Amendment be made available?
 22 MR. KUSHI: The actual proposed amendment
 23 language?
 24 VICE-CHAIR HEDANI: Right.
 25 MR. KUSHI: Yes. I think it's a duty of this

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1 Commission to publish it in the paper, at least one
 2 publication. What I understand you're going to do is
 3 more than that, and do mail-outs, et cetera.
 4 VICE-CHAIR HEDANI: So whatever -- whatever
 5 public forums we publicize, that's the only opportunity?
 6 MR. KUSHI: Right. Again, it's not a
 7 requirement pursuant to Chapter 50. Chapter 50 just
 8 requires you to do a publication on a date certain
 9 before the election. I believe the previous commission
 10 did a mailout.
 11 CHAIR STONE: One question. Ed, the ballot
 12 questions will be on the website, correct?
 13 MR. KUSHI: Yes. Now, again, once you take --
 14 you take action today, the ballot questions as you see
 15 in the report will be submitted to the County Clerk.
 16 CHAIR STONE: Okay.
 17 MR. KUSHI: Now, seeing that we said that,
 18 Council has proposed two alternatives. So between my
 19 office and the County Clerk's, you need to form that
 20 question, also, just to let the voters know the contrast
 21 two alternatives, two proposals may change without
 22 affecting the substance. As long as the voters know
 23 what the difference is.
 24 CHAIR STONE: Got it. Okay. Thank you, Ed.
 25 And it's -- it's our duty as well to publicize those in

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1 our publications, correct?
 2 MR. KUSHI: Yes.
 3 CHAIR STONE: Okay. Thank you.
 4 Go ahead, Susan.
 5 COMMISSIONER MOIKEHA: So we have to publicize
 6 the alternatives if they're not recalled?
 7 MR. KUSHI: Yes.
 8 COMMISSIONER MOIKEHA: Whose budget does that
 9 come under? Shouldn't it come under the Council?
 10 MR. KUSHI: It's ours.
 11 COMMISSIONER MOIKEHA: Can we request that
 12 they contribute some funds?
 13 CHAIR STONE: Beer money?
 14 COMMISSIONER DE REGO: Beer money.
 15 COMMISSIONER HASHIMOTO: Beer money.
 16 MR. KUSHI: We'll try to make it as short as
 17 possible, so it won't take up more paper space.
 18 COMMISSIONER MOIKEHA: Okay.
 19 CHAIR STONE: Okay. Thank you. Frank, did
 20 you have something?
 21 COMMISSIONER DE REGO: Yeah. I am looking at
 22 the ballot question. And it looks good to me.
 23 COMMISSIONER WIGER: This one?
 24 COMMISSIONER DE REGO: The auditor.
 25 COMMISSIONER OKAMOTO: Oh, we're not to that.

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1 CHAIR STONE: Thank you, Frank, for moving us
 2 forward. Thank you. Okay. We're looking at Page 10.
 3 COMMISSIONER DE REGO: 10. In light of our
 4 discussion, I am concerned about the contrast between
 5 the Council's recommendation and our recommendation and
 6 that the contrast be a fair and adequate sort of
 7 statement of what the differences are. And you don't
 8 know that until the Council comes up with their
 9 statement of what they want to put on the ballot as an
 10 alternative. Because the significant difference between
 11 ours is that they want to establish the powers and
 12 duties of the auditor by ordinance, and we want to do it
 13 by Charter. And nowhere here do I see that significant
 14 difference outlined as the ballot question.
 15 And it would seem to me that if you came up
 16 with a general ballot question on the Council's side,
 17 you could almost mirror what's here and hide what the
 18 actual difference is. So I think that's something to
 19 consider.
 20 CHAIR STONE: So, Frank --
 21 COMMISSIONER DE REGO: But I have no
 22 suggestion at this point.
 23 CHAIR STONE: Frank, I guess the primary
 24 difference is that what the Charter Commission is
 25 proposing is that it's done via Charter Amendment

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1 whereas the Council's primary Charter Amendment is that
 2 it's done via ordinance.
 3 COMMISSIONER DE REGO: Right.
 4 CHAIR STONE: So within our ballot question,
 5 we should say somewhere that via our -- our strategy is
 6 via the Charter.
 7 COMMISSIONER DE REGO: Yeah. In other words,
 8 to define the auditor's duties, powers, in order to
 9 increase accountability and efficiency of County
 10 operations by Charter or something like that.
 11 CHAIR STONE: Uh-huh.
 12 COMMISSIONER DE REGO: I'm not quite sure if
 13 that's more appropriate, but it seems to me that the
 14 essential difference -- and this is where the education
 15 part is going to be so important -- because that is a
 16 significant difference.
 17 COMMISSIONER OKAMOTO: Mr. Chair?
 18 CHAIR STONE: One second. Go ahead, Kay.
 19 COMMISSIONER OKAMOTO: Well, my first thought
 20 on this one about the auditor is it's way too wordy. If
 21 you go back to your other ballot initiatives, they all
 22 start out with one section, this one does not, which is
 23 fine with me, but it doesn't. They don't read -- this
 24 one doesn't read in the same kind of language. We don't
 25 say that we want to move Ocean Safety to the Fire

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1 Department for its efficiency. And, yet, in this one,
 2 we're talking about to increase accountability and
 3 efficiency. I don't think that's part of the ballot
 4 question.
 5 The ballot question should be very clear and
 6 concise. I think that saying that you're spelling
 7 everything out in the Charter. But I think this one
 8 just doesn't fit in the same way that the others are
 9 written. They seem to be written in a different manner.
 10 CHAIR STONE: I believe this is a new section.
 11 So that's why it's not referenced in this section.
 12 COMMISSIONER OKAMOTO: Well, it's going to end
 13 up with a section, though, right?
 14 CHAIR STONE: If they accept it.
 15 COMMISSIONER OKAMOTO: See, you don't have to
 16 put that in.
 17 CHAIR STONE: We can't because, unless they
 18 accept it --
 19 COMMISSIONER DE REGO: Can't.
 20 CHAIR STONE: So that's one point. I do agree
 21 that, like, for example, to define the County Auditor's
 22 duties and powers in order to increase accountability
 23 and efficiency of County operations.
 24 COMMISSIONER OKAMOTO: If we want to use those
 25 kind of terms, it should be in all of them. I think

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1 we're getting confused with what you want to do with why
 2 you want to do it. And the why should not be in the
 3 ballot question. That's the educational portion of it.
 4 That's just my --
 5 CHAIR STONE: To be defined in the Charter.
 6 To be defined in the Charter, Frank.
 7 COMMISSIONER DE REGO: Yeah.
 8 CHAIR STONE: Is that the difference we're
 9 talking about, this one proposal is to be defined in the
 10 Charter whereas another proposal is to be defined by
 11 ordinance?
 12 COMMISSIONER DE REGO: So it's to define,
 13 within the Charter, the County Auditor's duties and
 14 powers in order to increase accountability and
 15 efficiency of County operations.
 16 CHAIR STONE: Uh-huh. That sounds -- does
 17 that resolve that -- that issue?
 18 COMMISSIONER DE REGO: For me, yeah.
 19 CHAIR STONE: So -- okay. So let's go ahead
 20 and read that one more time, just so we have it.
 21 COMMISSIONER DE REGO: Do we have --
 22 CHAIR STONE: Defined within the Charter you
 23 said.
 24 COMMISSIONER DE REGO: Can I have a follow-up
 25 to that in regards to what Kay is talking about?

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1 CHAIR STONE: Absolutely.
 2 COMMISSIONER DE REGO: Do we have the ballot
 3 questions? Can we -- that yellow -- that red sheet or
 4 whatever. I didn't bring mine with me right now.
 5 COMMISSIONER HASHIMOTO: Just a minute. I
 6 think I have it.
 7 COMMISSIONER DE REGO: Because that might give
 8 us an indication of the difference between the Water
 9 Board ballot questions. I'm sorry, I was going to bring
 10 that and then I rushed out.
 11 COMMISSIONER HASHIMOTO: I've got it.
 12 COMMISSIONER DE REGO: Can I borrow yours?
 13 COMMISSIONER HASHIMOTO: Cost you at least 10
 14 votes. I am slower. I am older.
 15 CHAIR STONE: This is the actual question, Ed?
 16 MR. KUSHI: Yeah.
 17 COMMISSIONER HASHIMOTO: We got those
 18 questions, too, somewhere.
 19 CHAIR STONE: So, Ed, quick question. On this
 20 -- on this ballot card, which is from our previous
 21 Charter Commission election, 9 and 9A, Charter
 22 Commission gets the number and then the Council gets the
 23 A?
 24 MR. KUSHI: Of course.
 25 CHAIR STONE: Ah-ha.

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1 COMMISSIONER OKAMOTO: Mr. Chair?
 2 CHAIR STONE: Go ahead, Kay.
 3 COMMISSIONER OKAMOTO: If these are the actual
 4 questions on the ballot, there's no reference to
 5 sections of what you're amending on these, if this was
 6 the way it was actually printed, which I think is less
 7 -- I like this idea rather than should section such and
 8 such of the --
 9 COMMISSIONER SUGIMURA: But the brochure is
 10 the educational piece, right?
 11 COMMISSIONER OKAMOTO: But is this the -- is
 12 this the actual wording that's on the -- that's what I
 13 don't know.
 14 CHAIR STONE: This was the actual ballot.
 15 COMMISSIONER OKAMOTO: You got the ballot.
 16 CHAIR STONE: To answer your question, it
 17 doesn't reference as well.
 18 COMMISSIONER WIGER: Oh.
 19 CHAIR STONE: However, I don't -- I don't
 20 see -- do you mean the reference issue, you just find it
 21 to be confusing for the voter?
 22 COMMISSIONER OKAMOTO: You're just adding
 23 additional things in that can be -- it's like, well, if
 24 you're a real detailed person, you're going to say, I
 25 want to see that section. And there are people who are

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1 very detailed. And if we haven't done it in the past,
 2 why would we do it now? That's just --
 3 CHAIR STONE: I have a quick question for Ed.
 4 Ed, there's no reference detail that goes with the
 5 questions.
 6 MR. KUSHI: As far as, if the thing passes,
 7 what the new section would look like?
 8 CHAIR STONE: Exactly.
 9 MR. KUSHI: No. That's -- that's part of the
 10 Ramseyered format in your publication, your education.
 11 CHAIR STONE: Interesting.
 12 Go ahead, Frank.
 13 COMMISSIONER DE REGO: I'll defer to Stacy
 14 first.
 15 CHAIR STONE: Go ahead, Stacy.
 16 COMMISSIONER CRIVELLO: For me, personally, I
 17 like the references just because it wasn't noted in the
 18 last, past ballot. I don't see a problem for us. If it
 19 helps us to -- or the voter to do their homework if --
 20 if it goes out with our publications and it references
 21 the article or what-have-you, or the section, if I was a
 22 voter and paying attention, I would have something to go
 23 reference and know how to reference it.
 24 CHAIR STONE: That's a very valid point. Good
 25 point.

Page 85	<p>1 Susan, go ahead.</p> <p>2 COMMISSIONER MOIKEHA: I would agree with</p> <p>3 that. And whether you don't put it in the direct</p> <p>4 language in the beginning, or just reference it in</p> <p>5 parenthesis at the end, at least they have a source to</p> <p>6 go to and look it up, compare, see what effect it has.</p> <p>7 CHAIR STONE: Okay. Thank you.</p> <p>8 Frank.</p> <p>9 COMMISSIONER DE REGO: So my question is, on</p> <p>10 the ballot itself, what was the Water Department ballot</p> <p>11 initiative, basically, look like? Oh, okay. So it,</p> <p>12 basically, was this question and the alternative that we</p> <p>13 have in our brochure?</p> <p>14 CHAIR STONE: I think it was most -- it could</p> <p>15 be identical, but I am going to pass this down. This is</p> <p>16 Ed's, so just take a look. I understand the concern</p> <p>17 that Frank brought up about the questions being</p> <p>18 ambiguous and almost identical, which is very possible.</p> <p>19 Ed, is there any way to avoid that ambiguity, especially</p> <p>20 in reference to the County Auditor? Because the simple</p> <p>21 question is, should there be a Office of County Auditor.</p> <p>22 MR. KUSHI: Well, since you don't have one,</p> <p>23 that's the main question. Now you have two different</p> <p>24 versions. If they both don't get a majority, nothing</p> <p>25 happens. But the one -- if they get a majority, one</p>
Page 86	<p>1 with the higher vote gets, similar to the Water Board.</p> <p>2 Now, ballot question -- I mean, you could</p> <p>3 simply recite the Ramseyered format. Voters will stay</p> <p>4 there two days trying to look at it, if you don't</p> <p>5 educate them. The simple issue, is how do you frame the</p> <p>6 ballot question and the differences. Your ballot</p> <p>7 question proposed on the County Auditor, I think,</p> <p>8 summarizes what this Commission wants. Council has not</p> <p>9 come up with a ballot question proposal. We need to do</p> <p>10 that, and the Clerk needs to confirm it. The</p> <p>11 differences should be obvious. One, Council wants to do</p> <p>12 away completely with the Cost of Government, Council</p> <p>13 wants to define auditor's duties, responsibilities by</p> <p>14 ordinance, which is Charter. The Council, in terms of</p> <p>15 the auditor's functions, is, basically, a part of the</p> <p>16 Council Services office whereas the Commission's</p> <p>17 proposal is more independent, in my view. But, again,</p> <p>18 we haven't reached that point yet because we haven't</p> <p>19 come up with a ballot question for their alternative.</p> <p>20 CHAIR STONE: Thank you.</p> <p>21 MR. KUSHI: The other alternative is fairly</p> <p>22 simple, two to four-year terms and the meaning of what a</p> <p>23 full term is.</p> <p>24 CHAIR STONE: Okay. With that said, Ed, then,</p> <p>25 really, the Council could come up with a very simple</p>
Page 87	<p>1 question, and that's what Frank's concern is, which is</p> <p>2 going to -- it's a concern that's unresolvable except</p> <p>3 for how we word our proposal, our question. The only</p> <p>4 way that we could -- but I would caution us to be</p> <p>5 cautious -- caution us to be cautious -- I would be</p> <p>6 worried if we go too lengthy in order to define our</p> <p>7 proposal.</p> <p>8 COMMISSIONER DE REGO: And I -- I'm sorry.</p> <p>9 CHAIR STONE: I'm sorry. Flo, go ahead.</p> <p>10 COMMISSIONER WIGER: On the Water, I am just</p> <p>11 looking at this, and you say that this is very similar</p> <p>12 to what's in the actual --</p> <p>13 COMMISSIONER DE REGO: Actually, what's on the</p> <p>14 ballot and what's here is exactly the same.</p> <p>15 COMMISSIONER WIGER: Okay. So which one was</p> <p>16 the Commission's, the 9 or 9A?</p> <p>17 CHAIR STONE: 9. And then 9A was the</p> <p>18 Council's.</p> <p>19 COMMISSIONER WIGER: Okay. Because I see</p> <p>20 that, under 9, there's two little -- it gives you the</p> <p>21 ballot proposal, and then there's two little zingies</p> <p>22 there that say this proposal would mean greater</p> <p>23 autonomy, greater rate setting authority, this proposal</p> <p>24 would reduce direct political accountability. So</p> <p>25 they've got the ballot question.</p>
Page 88	<p>1 CHAIR STONE: That's in the educational</p> <p>2 information only.</p> <p>3 COMMISSIONER WIGER: So this did not show up?</p> <p>4 CHAIR STONE: That part doesn't show up.</p> <p>5 COMMISSIONER DE REGO: Yeah.</p> <p>6 COMMISSIONER WIGER: But this did show up in</p> <p>7 the educational piece.</p> <p>8 CHAIR STONE: Yes.</p> <p>9 COMMISSIONER WIGER: Because when you look at</p> <p>10 the alternative from the County, they had nothing under</p> <p>11 the educational piece.</p> <p>12 CHAIR STONE: Well, we control the educational</p> <p>13 pieces. So we get to --</p> <p>14 COMMISSIONER WIGER: So we can either or not.</p> <p>15 Got it.</p> <p>16 CHAIR STONE: Yes.</p> <p>17 COMMISSIONER WIGER: Got it.</p> <p>18 COMMISSIONER DE REGO: Well, if we control the</p> <p>19 educational piece, does it mean we can comment on the --</p> <p>20 the -- since it's our production, right, that we can</p> <p>21 comment on the differences.</p> <p>22 CHAIR STONE: I think factually. Factually,</p> <p>23 we comments on each proposal.</p> <p>24 COMMISSIONER DE REGO: Proposal.</p> <p>25 CHAIR STONE: We can say that this</p>

Page 89	<p>1 proposal defines the County Auditor as a Charter defined</p> <p>2 office and this proposal defines the County Auditor via</p> <p>3 ordinance.</p> <p>4 COMMISSIONER DE REGO: Right.</p> <p>5 CHAIR STONE: Ordinance passed by the Council.</p> <p>6 COMMISSIONER DE REGO: Attached to Council</p> <p>7 Services.</p> <p>8 CHAIR STONE: So, again, I -- you know, I am</p> <p>9 sitting here writing new words in this, then I just</p> <p>10 remembered my own rule that we have to be very cautious</p> <p>11 about changing words with these. So I don't know if</p> <p>12 it's feasible.</p> <p>13 COMMISSIONER DE REGO: Well -- Mr. Chair?</p> <p>14 CHAIR STONE: Yes, go ahead.</p> <p>15 COMMISSIONER DE REGO: I don't think it's</p> <p>16 significantly changes the question simply because it's</p> <p>17 the intent of the Commission to define by Charter the</p> <p>18 County Auditor's duties, powers and duties. I mean, I</p> <p>19 don't think it changes -- to put the words "defined by</p> <p>20 Charter" in this does not change our intent. It doesn't</p> <p>21 substantively change --</p> <p>22 CHAIR STONE: Let's get an official opinion on</p> <p>23 that. Ed, can we add, "to be defined by Charter" in our</p> <p>24 -- in our first sentence, shall the Charter -- shall the</p> <p>25 Charter be amended to establish an independent Office of</p>	Page 91	<p>1 COMMISSIONER DE REGO: Because -- okay. Can I</p> <p>2 respond to that?</p> <p>3 CHAIR STONE: Sure, Frank, go ahead.</p> <p>4 COMMISSIONER DE REGO: Let me repeat. The</p> <p>5 main difference between the Council's recommendation and</p> <p>6 our recommendation is that the County Auditor's duties</p> <p>7 are going to be defined by ordinance whereas our</p> <p>8 proposal is that those duties are going to be defined by</p> <p>9 Charter. And I don't think it's redundant -- you know,</p> <p>10 shall the Charter be amended, okay, yeah, we're</p> <p>11 saying -- we're both agreeing the Charter should be</p> <p>12 amended to include a County Auditor, but the significant</p> <p>13 difference between the two proposals is that we want the</p> <p>14 duties of the County Auditor defined within the Charter</p> <p>15 and not by ordinance.</p> <p>16 COMMISSIONER MOIKEHA: Chair?</p> <p>17 CHAIR STONE: Yes, Susan.</p> <p>18 COMMISSIONER MOIKEHA: It's not only the</p> <p>19 duties that you want defined; you also want the</p> <p>20 appointment and removal. Because when you look at their</p> <p>21 proposal, that's where they take away the independence</p> <p>22 by having them report and function by their will, not</p> <p>23 independently.</p> <p>24 COMMISSIONER DE REGO: Uh-huh.</p> <p>25 COMMISSIONER MOIKEHA: So if you're going to</p>
Page 90	<p>1 County Auditor to be defined by Charter or via Charter?</p> <p>2 COMMISSIONER DE REGO: It says, Shall the</p> <p>3 charter be amended to establish an independent Office of</p> <p>4 County Auditor to provide for the appointment and</p> <p>5 removal of an independent County Auditor by the County</p> <p>6 Council, to define by Charter the County Auditor's</p> <p>7 duties and powers in order to increase accountability</p> <p>8 and efficiency of County operations, to attach the Cost</p> <p>9 of Government Commission as an advisory board to --</p> <p>10 CHAIR STONE: Got it.</p> <p>11 COMMISSIONER DE REGO: -- County Auditor to</p> <p>12 make other clarifying conforming transitional related</p> <p>13 amendments. All you're adding is two words, defined by</p> <p>14 Charter, the County auditor's duties and powers.</p> <p>15 CHAIR STONE: Okay.</p> <p>16 COMMISSIONER DE REGO: Which is the intent of</p> <p>17 the --</p> <p>18 CHAIR STONE: Okay, Frank. Ed?</p> <p>19 MR. KUSHI: I think it's redundant.</p> <p>20 COMMISSIONER DE REGO: Okay.</p> <p>21 MR. KUSHI: Because the first shall the</p> <p>22 Charter be amended to establish, you're amending the</p> <p>23 Charter to put all these things in, it's going to be in</p> <p>24 the Charter. So why do you have to say by Charter</p> <p>25 again?</p>	Page 92	<p>1 do that, to correct the redundancy, just get rid of</p> <p>2 "shall the Charter be amended" and just say shall we</p> <p>3 establish an independent office of the County Auditor by</p> <p>4 Charter Amendment to provide, blah, blah, blah.</p> <p>5 CHAIR STONE: It has two meanings, because it</p> <p>6 could just mean shall the Charter be amended, but we're</p> <p>7 defining as Charter defined, it won't be picked up by a</p> <p>8 voter reading the ballot question. That's the problem.</p> <p>9 We understand.</p> <p>10 COMMISSIONER DE REGO: It's six of one, half a</p> <p>11 dozen of the other.</p> <p>12 CHAIR STONE: They're not going to understand</p> <p>13 why we're doing it. Nobody would ever understand why</p> <p>14 we're doing it. That's the problem.</p> <p>15 COMMISSIONER MOIKEHA: Just to clarify, it's</p> <p>16 not the duties, the difference is not just defining</p> <p>17 duties by the Charter versus the ordinance, it's also</p> <p>18 the whole setup, the appointment, removal, the -- I</p> <p>19 mean, right in their first proposal, under that section,</p> <p>20 they're talking about taking away that independence.</p> <p>21 CHAIR STONE: Well, then --</p> <p>22 COMMISSIONER MOIKEHA: Make sure you include</p> <p>23 the first part of that, too.</p> <p>24 CHAIR STONE: Sorry. One second.</p> <p>25 Go ahead, Cliff.</p>

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1 COMMISSIONER HASHIMOTO: Let's see. I've been
 2 waiting for a long time. I believe that the -- when the
 3 Council's proposal goes to -- to the ballot question, I
 4 think they're going to refer -- I think that's the way
 5 it's going to be done, it has to be done by amendment,
 6 anyway, because that's what they're doing. That's a
 7 amendment to the -- to the Charter, right?
 8 CHAIR STONE: Uh-huh.
 9 COMMISSIONER HASHIMOTO: Okay. So they're
 10 going to be doing that. So when -- when the voter reads
 11 it, it's going to say amendment to the Charter. Okay.
 12 Ours are going to say the same thing, amendment to the
 13 Charter. Now, I don't know whether too many of the
 14 voters would understand the difference between ordinance
 15 and the Charter.
 16 CHAIR STONE: That's a good point, Cliff.
 17 Thank you.
 18 COMMISSIONER MOIKEHA: Chair?
 19 CHAIR STONE: That's a good point.
 20 Go ahead, Susan.
 21 COMMISSIONER MOIKEHA: That's why I don't -- I
 22 don't know if it's so much -- I think one part of it is,
 23 by which process you choose, ordinance versus Charter.
 24 The key here in their proposal is they want to take away
 25 that authority of independence. That's really what the

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1 huge difference is. Because they want conducting of
 2 investigations to be directed by the Council, so they
 3 have that control. The auditor doesn't independently
 4 act on its own.
 5 CHAIR STONE: This is the issue. How they
 6 word their proposal is out of our hands, guys.
 7 COMMISSIONER OKAMOTO: That's right.
 8 CHAIR STONE: So we don't have control over
 9 how they're going to word their proposal. And if they
 10 want to keep very limited detail in their proposal, they
 11 can.
 12 Go ahead, Flo.
 13 COMMISSIONER WIGER: So the issue, then,
 14 because I agree, that's what -- I mean, I think that's
 15 what the crux of it is. And a lot of people aren't
 16 going to pick up the difference between ordinance and
 17 Charter. So the issue will come down to, in many ways,
 18 the educational piece where we will have to say very
 19 clearly what Susan just said, little zingy there, this
 20 will do this, that will do that, and --
 21 CHAIR STONE: I think you're exactly right,
 22 Flo. I believe the majority of this is going to have to
 23 be educational. Because no matter how we try to set up
 24 our proposal question, no matter how much detail we try
 25 to flow through it, the issue is what will the voter

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1 understand when they come to vote. Are we just making
 2 it clear for us when we walk into the -- as now fairly
 3 expert on the issue.
 4 Go ahead, Cliff.
 5 COMMISSIONER HASHIMOTO: Yes. Chair, can I
 6 ask a question of the counsel?
 7 CHAIR STONE: Of course. Corp Counsel, yes,
 8 but via the microphone.
 9 COMMISSIONER HASHIMOTO: Is it possible to --
 10 to distinguish the difference between the Charter
 11 Commission's proposal and the Council's Charter proposal
 12 by color?
 13 MR. KUSHI: By color?
 14 COMMISSIONER HASHIMOTO: Yes, printed color.
 15 In other words, one will be red, one would be black.
 16 CHAIR STONE: I like green and then red.
 17 COMMISSIONER HASHIMOTO: Whatever.
 18 MR. KUSHI: Are you saying on the ballot?
 19 COMMISSIONER HASHIMOTO: Correct.
 20 MR. KUSHI: I don't know. That's a -- that's
 21 a County Clerk issue.
 22 CHAIR STONE: Go ahead. Mr. Molina has
 23 something --
 24 MR. KUSHI: Chair, let me say this: I think,
 25 my opinion that your ballot question as formed by the

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1 Commission, for your proposal is fine. It covers,
 2 basically, everything. The task will be to define
 3 Council's alternative proposal, distinguish that from
 4 the ballot question, from the ballot, so that voters --
 5 voters can see what the difference is. Fortunately,
 6 Council did not, in its alternative, submit a draft of a
 7 ballot question. They left it up to you guys to do it,
 8 this body as well as the County Clerk. The County
 9 Clerk's job is to make sure that there's no -- it's
 10 only --
 11 COMMISSIONER DE REGO: So we can define the
 12 ballot question?
 13 MR. KUSHI: The County Clerk's job is to make
 14 sure the voters know what the difference is.
 15 CHAIR STONE: So, Ed --
 16 MR. KUSHI: There cannot be two questions --
 17 two ballot issues of the same question.
 18 CHAIR STONE: Is it our duty to define their
 19 ballot question?
 20 MR. KUSHI: It states in the State law, if
 21 they don't reject it, you have to submit it to the
 22 County Clerk.
 23 COMMISSIONER SUGIMURA: So we can --
 24 CHAIR STONE: So we -- we define their ballot
 25 question?

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1 MR. KUSHI: If they don't.
 2 CHAIR STONE: If they don't. If they don't.
 3 MR. KUSHI: In terms of the Charter
 4 proposed -- Commission proposed amendments, you have
 5 total jurisdiction over that. You decide what the
 6 wording is. The clerk cannot change it.
 7 CHAIR STONE: So a practical standpoint, let's
 8 talk about timeframe, they take this back, they have 10
 9 days, they directly hand it over to the clerk, not back
 10 to us?
 11 MR. KUSHI: No. The procedure is, if they
 12 didn't reject it, stays with you, you have to send it to
 13 the Clerk.
 14 CHAIR STONE: So we will need to define their
 15 proposal.
 16 COMMISSIONER MOIKEHA: We have to wait.
 17 CHAIR STONE: Okay. Well, there you go.
 18 COMMISSIONER MOIKEHA: Wait 10 days.
 19 CHAIR STONE: So I think in the definition of
 20 their proposal, clearly, it will be different.
 21 Go ahead, Frank.
 22 COMMISSIONER DE REGO: Could we have that in
 23 writing?
 24 CHAIR STONE: One second. Mr. Molina has
 25 something. Go ahead, Mike.

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1 MR. MOLINA: Yes. Thank you very much,
 2 Mr. Chair.
 3 First of all, I did want to provide you a
 4 response with Commissioner Hashimoto's first question
 5 related to the -- I guess having the Charters in the
 6 election booth. I did speak to Mr. Kuwada just now. It
 7 is something that they have not considered as of yet.
 8 However, he does invite you to -- you or any other
 9 Commissioners to give him a call, I guess, to get a
 10 response, either informally, or another option is to
 11 make a formal request in writing to that question.
 12 The third option I've been thinking about is,
 13 at your next June 4th meeting, since we also have a
 14 second question, or, I think, more appropriately
 15 responded to, maybe to verify what Corporation Counsel
 16 Kushi has stated, you could consider inviting him to
 17 your June 4th meeting to ask, give responses to those
 18 two questions as well as any others you may have since
 19 we are getting closer and closer to the election. So I
 20 would suggest maybe that might be a good option for the
 21 Commission to consider.
 22 And with regards to the Charters in the
 23 election booth, from my own recollection at the last
 24 election, I don't recall seeing a Charter in there as
 25 well.

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1 So just kind of throw that out for your
 2 consideration.
 3 CHAIR STONE: Okay. Thank you, Mike. Thanks
 4 very much. Okay.
 5 So with that said, our question, when I am
 6 reading our question, it seems very clear on what we're
 7 proposing. The fact that Ed has told us that we will be
 8 able to generate the question for the Council's proposal
 9 means that within that -- obviously, that proposal will
 10 -- it gives us the opportunity to define the differences
 11 in the question. Are you okay with that --
 12 COMMISSIONER DE REGO: I am okay.
 13 CHAIR STONE: -- Commissioners? Okay. Very
 14 good. So with that said, maybe it's best to leave this
 15 ballot question as is. Okay. Good. All right.
 16 Moving on to ballot question for Proposal
 17 Four.
 18 COMMISSIONER DE REGO: Just one more. Just to
 19 double-check. It might be worth asking Terry Vencel,
 20 Terry Vencel, who was chair of the last Charter
 21 Commission of how they dealt with the Water one.
 22 CHAIR STONE: Very good.
 23 COMMISSIONER DE REGO: Just to get a
 24 clarification of how the process actually went when
 25 there was an alternative.

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1 CHAIR STONE: That just reminded me of a
 2 question I need to ask Ed. So, Ed, if the Council --
 3 can the Council at this stage come back with their
 4 defined proposal question, ballot question, and then we
 5 go with that ballot question, or, I mean --
 6 MR. KUSHI: I don't see anything in the law
 7 that prohibits it, but --
 8 CHAIR STONE: Can we --
 9 MR. KUSHI: -- it's not -- it's not part of
 10 Council's --
 11 CHAIR STONE: Can we modify their ballot
 12 question if we -- if it comes back from them?
 13 MR. KUSHI: I'll just read you the law.
 14 CHAIR STONE: Okay. Go ahead.
 15 MR. KUSHI: HRS 50, Section 50-10, "The form
 16 of the ballot shall be prepared for the county clerk by
 17 the commission.
 18 CHAIR STONE: Very good. That seems clear.
 19 Thank you. Okay. Good.
 20 Moving on to Ballot Question Four, any issues
 21 there? It's on Page 11, bottom of Page 11. Okay.
 22 (No Response.)
 23 CHAIR STONE: Moving on to Page 12, ballot
 24 question for Proposal Five. That's at the bottom of
 25 Page 12. Okay.

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<p>1 (No Response.)</p> <p>2 CHAIR STONE: Moving on to Page 13, ballot</p> <p>3 question for Proposal Seven.</p> <p>4 COMMISSIONER DE REGO: Mr. Chair?</p> <p>5 CHAIR STONE: Yes.</p> <p>6 COMMISSIONER DE REGO: Just a clarification on</p> <p>7 the ballot question on the interactive.</p> <p>8 CHAIR STONE: Okay.</p> <p>9 COMMISSIONER DE REGO: Because Kay pointed out</p> <p>10 that wasn't the full one that we had originally had. So</p> <p>11 what we're actually commenting here is on the redacted</p> <p>12 ballot question.</p> <p>13 CHAIR STONE: I believe the ballot question is</p> <p>14 full. The ballot question is full. What we're talking</p> <p>15 about is the section is missing.</p> <p>16 COMMISSIONER DE REGO: Okay.</p> <p>17 CHAIR STONE: Technically, that's going to be</p> <p>18 added, obviously.</p> <p>19 COMMISSIONER DE REGO: Okay.</p> <p>20 CHAIR STONE: Onto the report. Onto the</p> <p>21 report.</p> <p>22 COMMISSIONER OKAMOTO: Questions.</p> <p>23 CHAIR STONE: I'm sorry, yeah, the response.</p> <p>24 COMMISSIONER DE REGO: Response.</p> <p>25 CHAIR STONE: Response, okay. Okay.</p>	<p>1 COMMISSIONER OKAMOTO: Brackets, those</p> <p>2 typically mean you're deleting something. When I first</p> <p>3 read it, I said, "Why are we deleting that part?"</p> <p>4 COMMISSIONER HASHIMOTO: Translation.</p> <p>5 COMMISSIONER OKAMOTO: I don't know if there's</p> <p>6 a way to show you're not deleting it, but I guess it is</p> <p>7 written that way, I think, right now, in the --</p> <p>8 CHAIR STONE: How about we go to technical fix</p> <p>9 on that, to make sure it doesn't represent deletion?</p> <p>10 COMMISSIONER OKAMOTO: So it doesn't look like</p> <p>11 that.</p> <p>12 CHAIR STONE: Good point. I agree. If you</p> <p>13 read it, if you look at it, it looks like it's being</p> <p>14 deleted.</p> <p>15 COMMISSIONER OKAMOTO: Yeah.</p> <p>16 CHAIR STONE: Okay. Any other issues on that</p> <p>17 ballot question? No. All right.</p> <p>18 There's a motion on the floor to accept, as</p> <p>19 amended and with technical changes by the staff, the</p> <p>20 report response -- sorry -- the response to the</p> <p>21 Council's recommendations response. Okay? So we will</p> <p>22 take a vote. We'll do roll call. Lisa, do roll call</p> <p>23 for me, please. Oh, sorry, Cliff had a question.</p> <p>24 COMMISSIONER HASHIMOTO: I had a question,</p> <p>25 yes. We didn't resolve the one question, did we?</p>
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<p>1 So we were up to ballot question for Seven.</p> <p>2 No issues there?</p> <p>3 (No Response.)</p> <p>4 CHAIR STONE: So looking at ballot question</p> <p>5 for Proposal Eight, on Page 14.</p> <p>6 (No Response.)</p> <p>7 CHAIR STONE: Okay. No questions there.</p> <p>8 Proposal Nine, ballot question is on Page 16, in the</p> <p>9 middle.</p> <p>10 (No Response.)</p> <p>11 CHAIR STONE: Okay. Nothing there.</p> <p>12 Moving on to the ballot question for Proposal</p> <p>13 Ten, and that is on Page 19.</p> <p>14 (No Response.)</p> <p>15 CHAIR STONE: Nothing there. Good.</p> <p>16 Okay. Moving on to the last proposed ballot</p> <p>17 question. I'm sorry, Kay, did you have something?</p> <p>18 COMMISSIONER OKAMOTO: It's just that the</p> <p>19 marks for the life of the land is perpetuated in</p> <p>20 righteousness, I am assuming that is the way it's</p> <p>21 written in the Constitution, but we kind of teach people</p> <p>22 when we make those marks that means you're deleting it.</p> <p>23 And I don't know if there's any other way to show that.</p> <p>24 I can't think what the marks are called, but --</p> <p>25 COMMISSIONER HASHIMOTO: Diacritical.</p>	<p>1 CHAIR STONE: I believe we resolved all</p> <p>2 questions. Which one are you referring to?</p> <p>3 COMMISSIONER HASHIMOTO: The one with the</p> <p>4 auditor.</p> <p>5 CHAIR STONE: Yes, we did. We're going to</p> <p>6 leave --</p> <p>7 COMMISSIONER HASHIMOTO: (Inaudible.)</p> <p>8 CHAIR STONE: -- ballot question, because we</p> <p>9 are going to be able to formulate the ballot question</p> <p>10 for the Council's proposal, if it -- if it comes</p> <p>11 forward, if they don't retract the proposal, we will</p> <p>12 form the ballot question.</p> <p>13 COMMISSIONER HASHIMOTO: So the wording that</p> <p>14 we have in here will go forward?</p> <p>15 CHAIR STONE: It will work.</p> <p>16 COMMISSIONER HASHIMOTO: (Inaudible.)</p> <p>17 CHAIR STONE: Yes.</p> <p>18 COMMISSIONER HASHIMOTO: Thank you.</p> <p>19 CHAIR STONE: Sure. Go ahead, Lisa.</p> <p>20 MS. KAHUHU: Member Baxa, excused.</p> <p>21 Member Crivello.</p> <p>22 COMMISSIONER CRIVELLO: Yes.</p> <p>23 MS. KAHUHU: Member DeLeon, excused.</p> <p>24 Member De Rego.</p> <p>25 COMMISSIONER DE REGO: Yes.</p>

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<p>1 MS. KAHUHU: Member Hashimoto. 2 COMMISSIONER HASHIMOTO: Yes. 3 MS. KAHUHU: Member Hedani. 4 VICE-CHAIR HEDANI: Aye. 5 MS. KAHUHU: Member Moikeha. 6 COMMISSIONER MOIKEHA: Yes. 7 MS. KAHUHU: Member Okamoto. 8 COMMISSIONER OKAMOTO: Yes. 9 MS. KAHUHU: Member Sugimura. 10 COMMISSIONER SUGIMURA: Yes. 11 MS. KAHUHU: Member Wiger. 12 COMMISSIONER WIGER: Yes. 13 MS. KAHUHU: Chair Stone. 14 CHAIR STONE: Yes. 15 MS. KAHUHU: Unanimous. 16 CHAIR STONE: Very good. Motion passes. 17 Okay. 18 And with regards to the publication of the 19 amendments, Yuki, do we have anything new we need to 20 discuss at this meeting or can this hold off? 21 COMMISSIONER SUGIMURA: Well, I have -- 22 CHAIR STONE: Go ahead, Yuki. 23 COMMISSIONER SUGIMURA: Lisa first. 24 MS. KAHUHU: No, no. Go ahead. 25 COMMISSIONER SUGIMURA: What we did in the</p>	<p>1 But we're pretty good to go, right, Lisa? 2 MS. KAHUHU: Yes. So I don't -- you know, 3 Yuki's doing all the hard work here. The only thing 4 left to do right now is to -- I am going to be drafting 5 the scopes for the graphic designing of the brochure and 6 the newspaper ads as well as a separate one for the 7 printing, folding and bulk mailing of the brochures. 8 CHAIR STONE: Okay. 9 MS. KAHUHU: So, you know, just a matter of 10 drafting the scopes. And as soon as I finish the 11 recommendation letter and get that out, we'll finalize 12 this, get it out to at least three, if not more, 13 different vendors and just go from there, give them a 15 14 to 20-day, and we can accomplish this by June 30th. 15 CHAIR STONE: Okay. Very good. We'll stay on 16 top of it. 17 Go ahead, Yuki. 18 COMMISSIONER SUGIMURA: And the other part of 19 this, Frank references, is actually the community part 20 or the, I guess, free part, which will be -- we'll send 21 Josh out there and we'll put him on Akaku, hopefully 22 with the Mayor, Mike, maybe Mike can -- Josh can appear 23 on the Mayor's talk show with Akaku, and time it with 24 all of this. So we'll start inundating the media. So 25 we'll do the -- KAOI always has those talk shows,</p>
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<p>1 interim is we submitted a request to Pacific Radio 2 Group, KAOI and KONI radio for us to do some advertising 3 on the Charter Amendment proposals for a month out from 4 general election. We also secured -- and I just got 5 clarification about the County's positioning with The 6 Maui News that we do get discounted rates. Is that 7 correct? 8 MS. KAHUHU: The Maui News is listed ON a 9 preferred price list along with other vendors. 10 COMMISSIONER SUGIMURA: So there's some 11 benefit with that. They're going to give us a -- it's 12 called 225 inches which means if you advertise with The 13 Maui News for 225 column inches, then you would get a 14 discount, but I guess this supersedes that kind of 15 arrangements. So right now, what we have is out there. 16 And I think Lisa's going to present, as soon as she's 17 done with this document, a request for proposal for 18 graphic and all the different elements that we want for 19 -- we'll get radio, we'll get the publication of the 20 brochure, which is in front of Cliff. So we'll get a 21 brochure document like that as well as our one-page 22 color ads. And we'll be doing it with Maui -- Maui 23 News, Lahaina News, Maui Weekly, Molokai Dispatch, Lanai 24 Times. And I still do not have the Filipino ad for that 25 one publication.</p>	<p>1 drive-in talk shows. So we'll get Josh to appear on 2 that, if he would, as well as, you know, other 3 Commission Members. From Molokai and Lanai, there needs 4 to be a separate push with that. I don't know if 5 Molokai or Lanai has their own radio station -- no. 6 COMMISSIONER CRIVELLO: Molokai does. 7 COMMISSIONER SUGIMURA: Molokai does, okay. 8 So we can do that. 9 COMMISSIONER CRIVELLO: Yeah. Akaku. 10 COMMISSIONER SUGIMURA: But just start, you 11 know, kind of filtering this information out as much as 12 we can and touching as many people as we can with the 13 bought media as well as the other media that's out 14 there. So I can put a calendar together if you want me 15 to and make that contact. 16 CHAIR STONE: Excellent. Yeah, please do, 17 Yuki. You know, the more, the better. So I am sure, 18 with Yuki running the show right now, we're going to be 19 the best educated Charter out there ever. 20 Where were you during my professional career, 21 Yuki? 22 COMMISSIONER DE REGO: Yeah. 23 COMMISSIONER SUGIMURA: I am already trying to 24 get you to be a speaker. 25 CHAIR STONE: Okay. Awesome. Thank you so</p>

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1 much for that hard work, Yuki, and Lisa.
 2 Okay. So next meeting is --
 3 COMMISSIONER OKAMOTO: Question?
 4 CHAIR STONE: Go ahead, Kay.
 5 COMMISSIONER OKAMOTO: So I am assuming, at
 6 the next meeting, are we going over what it is we're
 7 saying about these so that, you know, we -- we know all
 8 the publications, but what is it we're putting out. We
 9 -- we talked in depth about, you know, our -- why we're
 10 doing things, but those are -- you got to put it down to
 11 something shorter to put it in publications and for
 12 people to talk about so we're all talking the same
 13 story.
 14 CHAIR STONE: Very good. I believe what we
 15 should be working on is towards our draft pamphlet. And
 16 that way --
 17 COMMISSIONER SUGIMURA: Dave is working on it.
 18 CHAIR STONE: Dave is working on that, yeah.
 19 So we would have a draft pamphlet. That's going to be
 20 the primary big push, right. And then, at that point,
 21 we can discuss our talking points which we need to all
 22 be on the same page for sure. All right.
 23 Then, also, so next regular meeting is June
 24 4th. Lisa, for our next regular meeting, our only real
 25 discussion items are going to be media, correct,

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1 education?
 2 MS. KAHUHU: Yes, Chair, I believe so.
 3 CHAIR STONE: I want to do a -- I want to do a
 4 Chair thank you party for the Commissioners and staff
 5 and everybody on June 4, so -- at 5:30, following the
 6 meeting. So I am curious, maybe we could move the
 7 meeting back in time? Does that help the people coming
 8 from other areas to move it back slightly? Because I
 9 don't think we're going to need 10:00 to 4:00. So if I
 10 were to change it to noon, does that help your travel
 11 schedule at all?
 12 COMMISSIONER OKAMOTO: It doesn't make a
 13 difference on mine.
 14 COMMISSIONER CRIVELLO: Change it to what?
 15 CHAIR STONE: To start at 12:00.
 16 COMMISSIONER CRIVELLO: I am here.
 17 CHAIR STONE: Very good. Then we'll keep it
 18 at 10:00. So the next meeting is June 4th, 10:00 a.m.,
 19 here at the Planning Conference Room, Kalana Pakui
 20 Building. And, Commissioners, reserve 5:30.
 21 Go ahead, Ed.
 22 MR. KUSHI: Mr. Chair, we'll put on the agenda
 23 for the June 4th, you each are entitled to \$1,000 we
 24 budgeted. If we don't pay it out, it lapses at the end
 25 of the fiscal year. So we'll have checks.

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1 CHAIR STONE: Does anybody have staff that
 2 they want to give bonuses to?
 3 (Laughter.)
 4 CHAIR STONE: Come on. That was too easy.
 5 COMMISSIONER DE REGO: Oh, good.
 6 CHAIR STONE: Okay.
 7 COMMISSIONER DE REGO: It didn't come from me.
 8 Thank you.
 9 CHAIR STONE: Sorry, Tonya. Go ahead, Susan.
 10 COMMISSIONER MOIKEHA: Hard to deal with. Are
 11 we going to be addressing whatever happens with the
 12 Council or whether we --
 13 CHAIR STONE: Yeah.
 14 COMMISSIONER MOIKEHA: -- on June 4th meeting?
 15 CHAIR STONE: I believe, Ed, the ballot -- we
 16 will be dealing with the Council's, if their proposals
 17 move forward, their two ballot questions as well on the
 18 June 4 meeting, is that correct?
 19 MR. KUSHI: I am not sure what the timing is.
 20 We have to submit the response by end of this week, we
 21 should be -- the 10 days should have been by then. We
 22 can put that on the agenda.
 23 COMMISSIONER DE REGO: Is it --
 24 CHAIR STONE: Frank, go ahead.
 25 COMMISSIONER DE REGO: Is it 10 working days

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1 or just 10 days?
 2 COMMISSIONER MOIKEHA: 10 days would be the
 3 4th.
 4 CHAIR STONE: So, Commissioners, are you guys
 5 good with June 4th for a party, unofficial party, 5:30,
 6 my place, meaning Flatbread? Yeah. Okay. Good. So
 7 that's on.
 8 COMMISSIONER OKAMOTO: Quick question, then.
 9 For the rest, June 4, you know, we're fairly tying
 10 things up, what do you foresee other meetings after
 11 that?
 12 CHAIR STONE: Primarily, it's going to be
 13 about the meeting and education. I think the meeting
 14 schedule is going to back off because we're going to
 15 need to vote on hiring certain companies, you know, to
 16 do the work, do the publication work and mails and that
 17 kind of stuff. So I believe -- let me look at the
 18 timing. Really, it's a timing issue. And we have to
 19 make sure we don't -- because we -- some of these people
 20 are going to be getting paid, that stage we have to go
 21 over the proposed -- you know what am I talking about?
 22 It's called the --
 23 COMMISSIONER SUGIMURA: RFP.
 24 CHAIR STONE: Yeah, RFP. Thank you. Thank
 25 you.

1 COMMISSIONER OKAMOTO: So we -- looking at
2 maybe monthly, maybe not even that often, for July and
3 August? Just schedule-wise, I am just trying to --

4 CHAIR STONE: Well, the special committee, I
5 think, on the -- on the publicity stuff can take care of
6 a lot of items. So it's when we need to come in and
7 vote on those issues. So let me find out from Lisa. At
8 the June 4th meeting, I'll have a really clear idea what
9 we need to do.

10 COMMISSIONER OKAMOTO: And I don't want us to
11 forget coming up with recommendations for next
12 commission.

13 CHAIR STONE: Oh, that is -- that will be on
14 the list. Correct. Okay. Very good. All right.

15 Without any objection, I am going to adjourn
16 this meeting as of 1:15. Thank you, everybody. Akaku,
17 thank you very much for being here. Tonya, rest those
18 fingers. Thank you. And thank you, staff.

19 (Meeting adjourned, 1:13 p.m.)

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1 CERTIFICATE

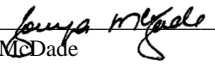
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4 I, TONYA MCDADE, Certified Court Reporter of
5 the State of Hawaii, do hereby certify that the
6 proceedings contained herein were taken by me in machine
7 shorthand and thereafter was reduced to print by means
8 of computer-aided transcription; 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 31st day of May, 2012.

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19 Tonya McDade
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