

CHARTER COMMISSION
ASSOCIATION OF COMMUNITY ASSOCIATIONS
MEETING NOTES
KAHULUI LIBRARY MEETING ROOM
MARCH 19, 1992

COMMISSIONERS PRESENT

James Cockett, Committee B Chairman
Sherrilee Dodson, Commission Vice Chairman
Robert Nakasone, Commission Chairman
Allan Sparks, Committee A Chairman
Anne Takabuki, Committee C Chairman

All Sparks introduced members of the Commission present and noted that the commissioners were eager to get some feedback from Community Association leaders. He also thanked the Associations for helping with public exposure by sponsoring a public meeting in April.

Sparks presented an overview of the current At Large system and reiterated that there is only one true district -- the entire county. All nine council members represent the entire county, although some represent certain residency seats.

He further noted that the Commission was thinking of changing that system into nine (9) equal districts of 11,000-plus each. He cited the following potential advantages:

- 1) Candidates will run in a smaller area with a smaller population and with less cost to the candidate.
- 2) This system should encourage more people to run for office.
- 3) It will be far less confusing to the voter than the system we have now.
- 4) People would understand what is going on -- when the voters are confused it is hard to hold elected officials accountable.
- 5) We should have more informed voting.
- 6) We should have more direct communication and assistance between the citizens and their representatives.
- 7) There should be an equal pool of equal candidates created and a better chance for good representation because of that.

He also cited the following disadvantages to going to true districts:

- 1) The representative only has to worry about his district, although according to studies, this is not so much as people expect.
- 2) You can only vote for one council member, instead of nine.
- 3) Money may be more influential since your vote can only influence one person.
- 4) Logrolling may be a problem as part of that more narrow concern.

Sparks continued by saying that because of Maui's unique geography, and because districts have to be equal in size (which would be 11,153 based on current population), canoe districts get to be a problem. He further explained map visuals and explained that these were just possible ways of combining the areas to meet the equal number of voters in each district.

Sparks opened the floor to questions from the audience.

Q: Did you consider putting Lanai and Molokai together?

Sparks: Yes.

Q: Why did you reject that?

Sparks: That idea hasn't been totally rejected yet. Molokai and Lanai together makes not quite enough population for 11,153, so if we went to eleven different districts they could make one district. But, I think for political problems of going from nine to eleven, we haven't been too serious about that. But, either way, if Lanai and Molokai were a district by themselves, whoever represented them would have to represent both; let's say he's from Molokai, he'd represent Molokai and Lanai, and would spend a lot of time getting over here doing county business in Wailuku. Or, it could be even worse if you had a little piece of Maui and Molokai and Lanai. So, from the point of view of getting good representation for everybody, it seemed like it would be better to keep it to one canoe district where they don't have to be traveling all the time.

Incidentally, if you don't like this idea of canoe districts, keep in mind that right now, we have nine council people who have two canoe districts -- each one of them.

Q: I was just wondering if this question of districts should go on the ballot, would the actual districts have to be outlined before it goes on the ballot?

Sparks: We had some discussion about that and it could go either way. We could decide to try to do something like this and present that as part of our recommendation, or we could decide to leave it up to a future reapportionment commission.

Q: I understand this is not democrat/republican, but if people run they will run that way. It would seem to me before we could vote on this, to avoid gerimandering, the districts would have to be well defined. So, you would know what you are voting on and not leave it up to some future... And, you are not limited to nine people. Districts bother me considerably because that's how we elect the U.S. Congress, and that scares the hell out of me. When you say that this appears as real, then the pork barrell and logrolling and protecting yourself for reelection...that's what I fear about it. I'm sure you've given a lot of thought to other possibilities, and have concluded that this is the best one that you have thought of...

Sparks: Personally, I have, but some of the other commissioners...

Q: See, there's something comfortable now about my being able to go to the representative on the other side of the island and I can talk to them as well. If you only have got one guy to talk to, I'm feeling very limited and not very well represented as well.

Q: There are some strong arguments on both sides of this, because over in Lahaina the other night I thought some of the arguments were excellent. There's a great deal to be said on both sides.

Q: I liked what you said about the potential pool of candidates. Have you given any thought to doing away with residency and running them all together, and making them all at large?

Sparks: Yes, and that was the way it was until it got changed in 1976 by the voters. I had a strong feeling that there is a problem with that because if you remember it was a large ballot with the top nine coming to the top, therefore there is virtually no change of any kind of head-to-head competition where somebody's record can be put out before the voters at election time. Because, everybody's competing in a popularity contest to be some part of the top nine. And, the voters again are pretty confused when they get a total of nine votes from a long list of about thirty names. I think accountability and clear communication with the voters is kind of lost in that type of scheme. A head-to-head type of election is better for everyone, I think that benefits everybody. That's why I much prefer the separate seats, even though we do stay at large. And, in some places they don't even have residency requirements, but they do have separate races.

Q: What do you do about the growth of the separate areas?

Sparks: It is standard that reapportionment should be done every ten years according to the courts.

Q: I think that one way to cut down on pork barrelling is to have a limitation on terms. Did you consider that?

Sparks: Yes, and my committee is going to recommend to the full commission a limit of five two year terms.

Q: I've heard that when you go to districts the representatives have a real narrow view and are only concerned about their district, because that's who elects them.

Sparks: What I've read and what I've seen nationally is that when you have real districts, they are not given much of a chance to be just one district oriented. We had a councilman from the City and County of Honolulu come over --they have districts over there--and he was pretty firm in the notion that he worried about the whole island of Oahu. And, that's consistent with the studies I've read. And, that makes sense because first of all, the nature of much of what they deal with is not district oriented, certain CIP projects yeah, but a lot of other things are things that affect the whole county. And, in any case, even on the CIP things, they have to play a little of this go along, get along kind of thing...they can't be too narrow or they are not going to have the other people going with them on other things. But, most of them do think about the entire region. It happens at the state level too. They are getting hit by people all over the state so they are not getting much of a chance to be only one district representative.

But, accountability and who elects you is clear because it's not an enormous wide range of folks. If you happen to be representing this district and you're talking about highways or sewage treatment plants, you're going to get a couple of the guys right next to you, and you've already got an ally right there. The common cause is a link between them; traffic and utility problems, and everything else.

Q: This is not part of the Charter, but how do the CIPs get divided up?

Sparks: Well, I have my own theories on that, but we also have a very experienced politician on the Commission, and his name is Bob.

Nakasone: You've got nine members and most of the time five will make most of the decisions on the council. Generally they will trade off on CIPs.

Sparks: Most legislators, from my experience, they try to disagree in a way that doesn't break all the bridges for future negotiations. That's probably one of the not too attractive part of politics, but it is a way to keep them talking to each other.

Nakasone: Generally, when you deal with general law, when you get into a district, it's what's for my district. Again, there is that so-called trade off with other members for CIPs. When you are running county wide, you have an interest in all CIPs, but when you get into a district, the focus can get more narrow. But, I think accountability in an at large system is there because you can go to all nine.

Sparks: Another alternative is to leave it at large and change the residency requirements.

Q: Couldn't they be designed similar to the way our community plans are designed?

Sparks: No exactly. Right now we've got East Maui which is about 28,000 and the community plans there's one for Hana and one for Keanae, and one for upcountry, Lanai and Molokai, the central area and Kihei.

Q: Is this what you'll be recommending?

Sparks: If we don't go to some districting system like this, probably we will be back with the at large system with residency requirements. There is another alternative that we've discussed on the maps, having maybe seven equal districts and a couple of them elected at large. I'm not too enamored with it because you have two different classes of councilmen then -- you have those who are elected by the whole county and those who are elected by districts and a whole bunch of problems can come out of that.

I'd rather, myself, lean one way or the other. Personally, I'm leaning this way [districts] but I don't know where it will go when it goes to the full commission.

Q: There's no radical notion out there that would...

Sparks: There's no panacea. There's nothing that we can do with this structure that would radically change our government from what it is now to something everybody is happy about. It doesn't work that way. I'm hoping that if this or something like this becomes law, it will make some small improvement from the way representation happens now. It's not promised to do much more than that. God knows, good people can make a lousy structure work.

Q: Is this going to be on the ballot in November?

Sparks: We don't know yet, but we're thinking seriously about it.

Nakasone: What we're doing now is almost the end of the educational phase. We created three committees to review the present Charter, to look at each

Nakasone: (Continued) provision in the Charter. And, that's where the district system or the at large system was looked at by Al's committee. So, in terms of final proposals we're looking at June or July. When you are talking about radical proposals, there was one, the concept of managing director.

Right now, the island of Hawaii in the last election, they did change from at large to a district; so they created an apportionment commission to divide the whole county into nine districts, so that would be for this coming election. They had one year to determine the districts.

Q: They asked the voters how many districts they wanted?

Nakasone: No, it was a Charter amendment to ask the voters if they wanted districts, and the voters on the Big Island said they wanted to have districts. So, nine was the district representation mandated by the apportionment commission to divide the county into nine districts. Well, anyway, Al is the one dealing with this in his committee.

Then, we have Jim Cockett reviewing all of the department heads, the appointments of the directors, whether they should go through the confirmation process or not.

Cockett: We have had all the department heads come in and speak to us. I need to mention that there are three department heads that are not confirmed by the council and there are three resolutions now before us by the council to confirm the appointments of the planning director, the department of public works and the department of finance. And, we've received a proposal for the creation of a department of waste management, and this is an area that I believe in the next few years is really going to be hot. Other areas that have been identified are the department of the prosecuting attorney, Larry Butrick, he mentioned to us that his investigators had lost their ability to carry firearms. In Honolulu they reinstated that by Charter, but he's looking at us to do that also. We've also heard from the public safety commission and at one time I believe the idea was to have the fire and the police all come under one umbrella, and there fore they wanted to change from a public safety commission to a public fire commission. Little things like that have been given us to review. We've heard from the liquor commission and the police commission and they want improvements on things that are in place now. That basically is what I have, and there are things that aren't broke. Are there any questions?

Q: Is there anything on a Lanai planning commission?

Cockett: It's on the table; there's been some talk about it, but the full commission needs to be involved. I'm backing away from that because I think it's going to take more than my little committee to deal with that. I want the full commission to be involved.

Nakasone: Earlier we had a public meeting on Lanai and one of the concerns on Lanai was that they have one like Molokai.

Q: I think one of the ideas was to create an advisory commission in each of the community plan areas, like in Hana for example. Lanai would have an advisory committee. And then, you would have those individual advisory committees elect their chair, and that chair would then become a member of the planning commission. It was thought by that process you'd have more

Q: (Continued) direct feedback from all these different districts.

Cockett: That was on the record of our meeting in Hana.

Nakasone: I thought that in Hana that you said if this could be tied into districts, rather than the geographical it is right now.

Q: We just thought that that would keep us from having to have separate planning commissions for each geographical area.

Nakasone: Yeah, it would keep us from having a lot of planning commissions because you still have to be concerned about the overall county. You have to look at the entire county, you can't only be concerned about Hana.

Takabuki: My committee has been looking into four areas:

- 1) Budgets - Everything seems to be going pretty good from the administration side. We still have to talk with the council budget chairman. We discussed the possibility of a two year budget which would require long range planning and budgeting by programs. We talked about a change in the fiscal period because it does not allow the mayor time to prepare for the state hearings. We talked about the lapsing period for CIPs and that eighteen months maybe is not adequate.
- 2) Ethics - We have received some indication that the council wants to police its own members. Also, sometimes they receive accusations without backup and sometimes the complaints prove to be unfounded. We will be meeting with them again to get their specific recommendations for amendments.
- 3) Initiative - We received good input from the County Clerk on this
 - a) to delete the thirty day period for paperwork;
 - b) to change the requirement so that the election will be held with the next general election instead of a special election;
 - c) with respect to how amendments on blank ballots will come into play; and
 - d) the 20% requirements are too difficult, too much to ask.
- 4) Boards and commissions - There has been a suggestion that there be geographical requirements, mandatory geographical requirements; and that perhaps the five year terms are too long.

Q: With regard to the council policing itself, I feel a separate body, not responsible to either the administration or the legislative branch would be preferable.

Q: How long can someone be held accountable on an ethical charge?

Takabuki: I don't know, maybe we should clear this with the ethics board.

Q: I wanted to say one more thing about that planning commission, I think it preserves the mayor's appointment powers and the confirmation powers of the council as well as giving the citizens a say. But, it would be a really powerful body.

Q: On the two year versus four year terms, have you considered staggered terms?

Sparks: I think most of us feel that the public in a couple of cases has made it pretty clear that they want two year terms. I think the rationale for the four year terms would probably get shot down anyway on the ballot. It's been ten years and we could probably try it again but personally I'm not all that much in favor of four year terms anymore. My reading of the public is they really want to keep those politicians on a short leash, so no matter how much you argue for a four year term... Personally, I think there's a lot to be said for four year terms, but I decided to be realistic about it -- I don't think it's going to happen.

Nakasone: It's interesting to note that in the last election, the Big Island went from a four year term to a two year term.

Sparks: There were some people who didn't want to go to districting from their at large system, and they thought if they put two year terms on there--the public didn't want two year terms--and that would help kill it. I don't know where they got that notion. Because they put it on with something that guaranteed it for districting, they combined the two. Two year terms are so popular with the public -- they probably got really confused about it. But, anyway, it may still come up, but I'm not pushing for it.

Gene Thompson: These will be some of the things that we'll bring up in our April public meeting and we hope to present both sides of the issues.

Sparks: Right now we're kind of thinking that this district one may be the most feasible one and the most sellable one, so we're going to focus the conversation on it. But, if we get a lot of people saying I like the general idea but it should be seven, or it should be eleven... Our feeling is that we need to give them a pretty specific proposal to react to. Giving them an anything's possible notion and we don't get any feedback.

Nakasone: We can certainly use your help in terms of exposure and we would appreciate any exposure you can give us.

Gene Thompson: We feel this is one of the roles of the community associations, to keep the public informed.

Nakasone: I'll let you know that the mayor has us on a very tight budget, you know. Thanks a lot, we appreciated the exposure.

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