

CHARTER COMMISSION
MAUI COUNTY COUNCIL OF COMMUNITY ASSOCIATIONS PRESENTATION
KAHULUI LIBRARY MEETING ROOM
APRIL 22, 1992

COMMISSIONERS PRESENT

James Cockett
Sherrilee Dodson (Vice Chairman)
Dolores Fabrao
Victor Reyes
Allan Sparks
Lloyd Yonenaka

OTHERS PRESENT

Brian Perry, Media
Ed Tanji, Media
Dave DeLeon, County Rep.

[Meeting was called to order at 7:03 p.m. by Gene Thompson, President of the Maui County Council of Community Associations]

Thompson: From the standpoint of community associations, we expect government to be responsible and responsive to the affairs of the local level. We look to the Charter for those things which empower and best allow input at the local level; therefore for us, the County Charter is the most important document. Tonight's program -- as the subjects are introduced, the moderator will describe the present Charter provisions, speakers will then be introduced who will speak for and against each of these subjects. This is not a debate by the way, it is simply a dissemination of information, getting points of view and in some cases opinions. Following each pro and con presentation, comments and questions are invited from the audience. Some of tonight's subject matter is more complex than other parts and will require more time for discussion. At this point, I would like to introduce you to Allan Sparks, who will moderate tonight's program.

Sparks: Let me say a couple words first about attendance at functions such as this. You're to be congratulated -- you are amongst the elite who pay enough attention to their government to come to functions like this where we deal with issues that are important but somewhat indirect and long term in their effects on people. I noticed when I glanced at The Maui News this afternoon, that they had no trouble getting a lot of people to a hearing when they suggested that the water board, they were going to nail everybody with a cottage for \$1500 bucks. I mean, they can call a hearing on Monday morning at nine o'clock and get an overflow crowd. That's a direct impact on citizens and that's guaranteed to produce a lot of people. Still, we have a topic tonight that are of real importance and that are real complicated, and fortunately, there's a substantial number of people such as yourself that are willing to pay enough attention to these issues and come to hearings and listen and voice your opinions. So, from the point of view of the Charter Commission, which I'm a member of, we are very eager to hear what citizens such as yourselves have to say. Let me, before I get into this, introduce the Charter Commission members that are here in addition to myself. [Sparks introduced members listed above] So, we've got six of us here, so as things break up or maybe later in the evening you might want to corner somebody, those are the people on the commission that are interested in your views directly. And, they'll be listening very carefully to the conversations and the discussions tonight. Okay, let's get into it then.

The first topic that Gene has put on our agenda is one of the hottest ones, one that we have spent a lot of time on already in the

Sparks: (Continued) Charter Commission. Oh, I should also explain that we're ending a phase of our effort which is called the educational phase, trying to educate ourselves about a lot of issues. So, we're getting close to the end of that, and starting to get into serious discussions about what we want to recommend. We'll be doing that kind of work over the next couple of months, and then we'll finally about the end of May, we'll be having some fairly solid tentative recommendations that we'll go out to the public with and try and get some more feedback before we finalize those recommendations this summer, and then around August we have to have our final report ready and to the County Clerk. And then, we'll be into another educational phase where we will be trying to educate citizens like yourselves and all the rest of the citizens as to what we recommended and why before the elections where you will all get a chance to vote on our recommendations in November. So, we're still at the stage where we are very much open to ideas and suggestions, so your thoughts won't be wasted on us.

Okay, the first topic -- how do we elect council people. Some of you may have seen the editorial comment that I had in The Maui News, Sunday's edition, if you didn't there are copies of it over here, in which I tried to lay out some of the arguments for changing to what I call a true district system. What we have now is confusing to a lot of people; it is an at large system, but there's a lot of people that talk about it with terms like district, which makes it confusing. There really is only one true district in our system right now and that is the entire county. There are residency requirement areas or residency seats that different candidates run for to represent, but they are really representing the entire county, even though they are running for a seat that is open to all the residents of a certain area. So for example, you may not be in the habit of thinking of it but Goro Hokama is your representative on the council too. I wanted to start off there because that's always a confusion for people, and surprisingly, people who are involved in politics all the time. We do have an at large system -- what the suggestion is that we are giving serious consideration to is that we move to a true districting system. And, I think the most likely prospect would be nine equal districts with a representative on the council from each district. That involves dividing the county into equal populations, so just to give you a few ideas of how that might work, there's just a little over 100,000 in our last census, there was about 11,000 plus a little more in each equal population district. Here's one conceptual way it might be done. Do not get too excited about these actual borders, because this is up here to give you an idea of how it might be done. And, if we get serious about it, we'll be looking at how we do it and a variety of other ways that it would be possible. So, those are equal districts -- this green area has to be lumped with Lanai to make a district. The lines could be drawn differently, this is one I did over a weekend to give people an idea that it could be done and one way it might be done.

We are going to hear the arguments tonight for changing to a true district system, and some arguments against changing to it. I think maybe I'll try tonight to keep my neutral hat on and be as objective as a moderator as I can, and let other people do the more subjective arguments from their point of view. So, why don't we jump right into it? According to the schedule that Gene has put together, we have a couple of people who would like to say something about this kind of possible change, and one of them is in favor of district elections and one of them is in favor of keeping our at large system. The first name I have here is Mr. Mac Lowson from Lahaina, who is in favor of districts.

Mac Lowson: Just to start out, I'd like to give you a little bit of background why I got interested in this. I was appointed to the Maui County Apportionment Advisory Council, which advises the state reapportionment commission, and that was done basically in the last year on the 1990 census, which the data became available the beginning of last year, along with a few mistakes which they tried to correct but didn't do. And as such, I attended a lot of meetings where the state reapportionment plan was presented both potentially to get data from people, and to what we could turn over to the commission, and then later a plan was actually presented to what people liked or didn't like about it. And, I attended meetings in upcountry, Wailuku, Paia, Lahaina, Molokai...so I got to talk to a lot of different people at a lot of different places; of course, I also talked to a lot of people just on the street or who called me up when they saw a newspaper article and wanted to rag on it and say their ideas, and make sure that they were brought in. It turned out to be quite a bit of time. This input was conveyed to the reapportionment commission; the commission finally came up with a plan. The plan had some problems, but it was generally a fair and equitable plan. I state that because if we go to a new plan like this, there's going to be a lot of discussion -- there's going to have to be -- about districts because there is a lot more to it than just putting together some districts. You have to have a commission to decide where its going to be and under what terms it's going to be done on.

As you just heard, the election of council members is mandated by the Maui County Charter, not the state commission that I was a part of, and it is really an at large system. Everyone of you votes for every council person, regardless of where that council person lives. A better plan would be the equal district representation, approximately nine council members; each district would have a voter population of about 8200 people, or a total population of about 11,200 people. The advantages of this plan are that the current method gives only lip service to equal representation. The council is really elected by heavily populated areas such as central Maui. And, an example of this, and I am not picking on Goro Hokama or any other person in elected office, but it's a good example. The previous election to this last election and the election before that, Goro actually had somebody who ran against him from Lanai. This person lived on Lanai, as does Goro, running from Lanai, and again remember that we all in the entire county vote for the Lanai representative, it is not just the people from Lanai. Goro did not have a majority of the votes in either of those elections from the Lanai people. He was actually substantially voted out of office by the Lanai people. Where he was elected was on Maui, and specifically if I recall correctly, central Maui, because there is a heavy population of people here that have gotten to know him over the years on a certain basis. But the people that he is, in your minds, representing, not in actuality representing but in your minds representing, they wanted him out; and, they didn't get their way. Now, that's not the only instance of where that's happened, but it is happening today and will continue to happen. It's the same in Kihei, even though you now have a council person who is going to have a residency requirement for Kihei; Kihei is growing in population and it's becoming more of a force, but basically central Maui will have more to say about who is representing Kihei, than Kihei will have. Now, if that's fair, that's fine; I just don't happen to feel that it is. It will cost less, or could cost less for a candidate to run from a district because the candidate will only have to pay attention to the specific people in that district. At this point in time, if you want to reach the people who are going to vote for you, you must advertise in The Maui News, you must advertise on radio, and it's expensive...it's an expensive way to get to people. And campaigns, I can't even remember exactly what they cost now days, but I think it's \$65-75,000 to run a council campaign, and it's going to get a lot more expensive. You could make the argument that people will spend a lot of money if they are running from a district, they'll still try and reach the people using these expensive methods; and that's fine, that may happen. But, I'd like to call your attention to a couple of well known

Lowson: (Continued) candidates who had no budgets and got elected. One is currently Senator Rick Reed, who went out and just pounded those doors and he got elected -- very unlikely candidate to be elected, and yet he did it by knocking on doors; he didn't have a budget, he didn't spend a lot of money, and he's only now, while he's running for the U.S. Senate, trying to raise money -- prior to that he really didn't.

Another candidate that got there that way was Linda Lingle. When she first started in 1980, you know, who was she? A white woman, Jewish, from the mainland and who lived on Molokai. Talk about an unlikely candidate; and there's a person who went out and just knocked on doors. She didn't have money, she didn't have people really supporting her, they didn't know who she was -- they knew who she was on Molokai, and that helped her -- she had run a newspaper there. But, the rest of the county? She just went out and she knocked on doors; I remember her doing that because I was one of the first people to support her and started showing her around Lahaina.

It's easier to meet and interface with voters of a representative district if you have a specific small area. Obviously you are going to be able to contact a much larger percentage of 12,000 people than you are going to be able to contact a percentage of 60-100,000 people. So, if all you have to do is pay attention to the people in your district, you'll be able to talk with them a lot more efficiently, find out what those people want, and go for that. You don't have to worry about the rest of the island.

The voters will have a larger impact on their representation. In other words, right now unless you happen to live in central Maui, you have very little impact on who your representative is. Molokai does not get to elect their representative, central Maui does. Lahaina does not get to elect its representative, central Maui does. Now, this is going to be changing as population changes, but there still will be areas that will not be representative. Certainly not representative in this shibai of a system that we currently have, which says we have an equal vote here, yeah, and that's right, we all do, but that's not in actuality what happens.

The districts themselves will represent equal votes. Now I realize that if we change to this system, it's going to be real hard on Lanai, because Lanai will no longer have a resident who is elected from that area. It may be hard on Molokai; it may not be, actually, I don't think it will be when you consider that it's central Maui who elects Molokai's representative. But, Molokai may not have a person who actually lives there; but Molokai will be a strong force of whatever district it is with because they have a fairly large voter base, or population base.

At the current time, Hana does not have any representation, so Hana has an extremely small impact now, its impact...obviously it will not have its own representative...but Hana, for instance, will gain because its voter base will be a larger percentage of the votes in its district, so, somebody will probably listen a heck of a lot more to Hana.

These considerations of the pro and the con aren't the only considerations, and I just wanted to be sure that those here also gave consideration to a couple of other problems about this. When the reapportionment commission tried to figure out how to reapportion the state representative system, they originally came out with a system that divided up the districts on eighteen and over population. Another possible way would be voter registration, and that however is illegal and that has been struck down by the courts. Another possible way would be entire population, irregardless or regardless of age, so that would include anybody who was in the census. The input that got back to the commission was that most of the people wanted to do it by population, not by eighteen and older, so that's what they actually ended up with. There are advantages to that...I'm in favor of that...partially because the younger people, one, will vote soon during any ten year period between censuses; at least half of the people under eighteen years of age are going to become voters. And, I feel that a representative should be elected on the basis of all the people, whether they are able to vote or not.

Sparks:

On the other side of the argument, we have Bill Fuhrmann of Hana.

Fuhrmann: Bill Fuhrmann from Hana. Part of my role in Hana is to assist community based groups, like the Hana Community Association and other nonprofits, in helping them to resolve their problems. Fortunately we have some affluent people in Hana who do this kind of work, and one of these problems I was asked to address on behalf of the Hana Community Association was the viewpoint of the proposed amendment to change the county Charter to a possible district form of representation and election of council members. And, what I'm going to give you is my point of view from the focus of the effects that may happen -- beneficial or adversarial -- to its effects on Hana, and then you can translate that or interpret that into a particular group on the council.

As far as my background, my appointments to commissions and all that, I've been a leading man for the past twenty-five years in Hana in organizing grassroots organizations throughout the island, and I've helped to strategize union officer's elections and a couple of political candidates. I don't know if anyone here is old enough...maybe Jimmy Cockett... When we were a territory, my uncle was Territorial Speaker of the House, so I grew up shaking Dan Inouye's hand, twenty-five or thirty years ago.

Anyway, the proposed amendment, and I'm going to outline that is the effects I see with a change to the district form of representation as it applies to Hana. Based on the current registered voters within the Hana district, and I understand the issue will then be population based and not registered voters population for redistricting, but I've used that and it fairly much will have the same effect based on registered voters to total population -- it comes out to about 44-45%. Based on the total registered voters in the Hana district compared to the rest of the entire county, Hana now has 1.8% interest of the total county in the election of each of nine council members. It's a small figure but it does affect the election of the council. With a defined district form of election, one county council member will be elected from a district that will include Hana. Assuming that the proportion remains fairly even, the Hana district will now have 16% interest in one council member's election.

Therefore the issue is basically, do you want a limited form of interest, a 1.8% interest in Hana's case, of nine council members electability, or 16% interest in one council members electability. If the issue is accountability, and I've pretty much analyzed this and Mr. Spark's who's a political scientist agrees, that there's pretty much two major issues on this district form of representation -- accountability and enhanced electability. Accountability to me is what the county Charter is about because it means the governance. Enhanced electability is a political issue and should not be addressed in restructuring the form of government. But, I will address both of those major issues.

If the issue is accountability, the present system holds each of nine council members accountable to Hana district voters, to all voters of the county. The proposed system of one council member will have only one person accountable to Hana, or to any other district. The other way to analyze this effect on Hana is do you have less of all as far as electability of the council, or more of one. And, this is a toss-up because Hana has to work through and within the political system and the county council.

The third way of analyzing the effect to Hana on a district representation form is that out of the 43,800 plus registered voters in the county, Hana has 780 plus. Looking at these numbers, again the percentages remain the same, but if Hana was put in a district that...we would have 780 voters out of a probable 4,800-4,900 voters. And, looking at those figures and doing some analysis, I find that if 16% of the voters in that district, excluding the Hana voters, favor the certain candidate, all those guys in Hana can vote against it but we would lose. So, it's just that minute percentage of the majority that would still affect the community of Hana over which they would have no control and no way of controlling the vote in that particular instance.

Again, we go back to the lower but partial interest in the electability of all nine council members. The present system represents election stability in with an ever expanding electorate. In the at large voting system, Hana district voters will still maintain some electorate pressure on all nine council seats, although with a probable

Fuhrmann: (Continued) lesser degree of pressure than current as the population base expands throughout the county. But, the proposed system would probably align Hana with communities whose growth rate, whether by choice or by pressures, will exceed Hana's desired rate. And yes, we want a slow growth community -- thank God, we've got some physical elements that help us. Mr. Morrow [referring to past council member Tom Morrow] knows when he was on the council our road was one and a half lanes wide, now it's one and 5/8 -- and that is a deterrent to the development of Hana. The developable land in Hana is not there, there's plenty of infrastructure problems. We don't have expansive beaches; we do have nice wet weather, but that's our blessing and that helps to keep Hana from growing. So, I don't see Hana's growth rate escalating at the rate of other communities. Perhaps we might stay similar to Molokai; they have a lot of pressures there that deter rapid growth. But, for the rest of your upcountry bedroom communities, you've got a high school coming on line -- that won't be a deterrent, people need it up there -- that will be an attraction, attracting more people into those communities. If the bypass road -- that's another attraction for people to move into these communities. If realignment, and I understand it's only a conceptual proposal, Kula's going to expand. But, Hana's not going to expand so we'll have a lesser effect on each election as the growth in other communities expands.

The current responsibilities -- this is back to accountability -- of the county council, requires the council as a body to deal with all of the issues affecting the county. Most issues of overall county impact, with the primary exceptions being certain budget issues and land use issues. The key to gaining majority support is lobbying. You have electorate pressure on nine council members now, and if you need help you lobby them. If you go with only one man for a district, your electorate pressure is then applied only on that person, and you still need to align with the electorates of other communities to apply pressure.

With regards to budget issues, more often than not, the budget is a whole county budget with very few exceptions. Again, it's a lobbying effort; and I've been one of those who go out a lot for and on behalf of Hana, and you still need a majority and you still have a limited pressure there, but you have a responsive nine member council and if you can get five of them to see your side of the argument you have a chance to win it.

On land use issues, it will be community plan revision on the land use process if you do it right. And, we did it fairly good in Hana initially, although we have had some problems over the years trying to defend it. But, going back to the land use process, we have to be more prepared to be more critical on how we handle land use issues. Once that language is in place, that should protect an area on a land use issue regardless of how the county growth rate goes around you. And again, if you have certain land use issues that you want to present to the council, electorate pressure on nine gives you an opportunity to align five. Electorate pressure on one, you've still got to find the other four.

With regard to the argument that the present at large election process is confusing, if the electorate is confused, then educate them. My feeling is that any voter who has voted under the current system more than once is hard pressed to credibly tell me you are still confused as to what it is all about. You've been in there once looking at the ballot and you will see that you got a ballot that had nine seats there, and you're entitled to cast a vote for each of those seats -- this is not confusing -- you are responsible for the election of nine people. How you express your desires is yours, at your discretion. While it may be unique to some voters, each member has a vote on the election of each of nine council members. What more can you ask? You've got the opportunity to elect your entire council and that is unique in many areas. I think in Maui County, you've got the best of both worlds if this residency issue can be partially readjusted. You have people that live within your community, and you have people who knock on your door from people who don't live in Hana but who have just driven three hours to get to Hana -- we're probably better off catching all nine at the county building rather than driving up to Haiku or going to West Maui. But, if you have that opportunity, at least they are home for

Fuhrmann: (Continued) the weekend on Lanai where you can rap with them a bit. But at least you can relate to them and residential peer pressure is a very influential one if properly applied.

Now again, if there's confusion on voting changing the system is not going to get rid of the confusion. You don't go to a surgeon for a headache. The headache is confusion and the remedy is education. To change the system is going to cause more confusion for kamaaina's like me, who for the last twenty-five years have voted in this system and I'm not confused by this system.

So, like I said earlier, there's two major issues here -- accountability, and I think I have argued my point -- and enhanced electability, which I still feel is a political issue and not a governance issue.

But, let's talk about this and I'm just going to give it to you as I see it as a person who's been out there lobbying, who's been out there campaigning in the union arenas organizing campaigns, and in political arenas, and this is how I see it. If you go to district representation, you enhance the power of the special interest groups. They've got to target only five elections and they can concentrate and focus on them all their attention. Right now, you've got the best of both worlds -- they've got to try to gain five out of nine, while you've got a shot at having a say with all nine people. Now, I'm not against the unions, I was raised in them, but just take the unions -- if you've got communities where you can isolate ILWU members, UPW members, HGEA members and you do your effective lobbying, you won't lose a vote. Right now the unions just say we endorse some of these candidates and hope their members show up. But, that's just one area where a special interest group can focus and they can show they have the residential population that aligns with their philosophy and they can push, push, push the voter. The special interest groups gain the advantage in a district representation system.

As far as campaign spending to enhance electability... Given the current situation with media on this island, your media is all targeted for the whole county. The only way to off set that is door-to-door electioneering. If you are running for the Hana district and you still have to put an ad in The Maui News, the guy in Lahaina is going to read it, and you are paying for that. Or, you put it on KMVI, they're going to hear it all over the county. I've ran campaigns on the Big Island and I can't find a major radio station that'll reach the area I've got to go to, and it didn't do any good to put an ad in the Star Tribune Herald because only ten people out of three hundred got the paper. The primary election method then is to canvass door-to-door. Sure, it's easier for new guy just starting out, but it's equally as easy for the guy who is already in office. The sword cuts both ways in this issue. And, if they have a special interest group supporting them, and I've been in door-to-door campaigns, and I purposely withheld my going to that door until the other guy went and gave his spiel. And then I come in and rebut and win my argument. If you have these people prepared, the special interest groups can canvass the communities with door-to-door electioneering, then the council being the missionaries visiting over and over trying to convince the voter...that I think is a great advantage.

I don't want you to take this personally, Mr. Sparks, but I did read the argument that equalized district electorates assure people of a number of well qualified candidates. To me this is not an argument for redistricting. Candidate qualifications are defined within the County Charter -- either you live there or you don't, you've either been there three months or you haven't. That's your qualifications in the county -- period. It's the voters judgment that determines whether you are elected -- they are the judges of your qualifications, in their minds, whether you are qualified, whether they like you, you're good looking, you give away hot dogs, whatever is the reason for their vote -- they will be the judge of your qualifications by their expression at the ballot box.

As far as the cost factor, without campaign spending limits, I don't care if you've got a 5,000 voter district or a 50,000 voter district, a guy comes in there and wants to spend \$100,000 in a smaller district -- hey, people do it. And, if you don't have the resources, you can't do it. So without campaign spending limits... The theory that

Fuhrmann: (Continued) this enhances campaigning for lesser cost, is just that -- theory. I'm speaking reality -- you need that prohibition or restrictions on campaign spending -- that's the real approach. Without that, you can't control spending costs.

Again I state, enhanced electability should not be a reason to amend the Charter -- it's a political issue and not a governance issue. Allan, based on what I've just said, I really believe that enhanced electability is a fantasy, not a reality. You should not even be considering it in determining this question. You have to go back to accountability and representation...

For my sake, because I am able to go to Goro or any one of those council members, they have -- in all fairness to them -- been very responsive to Hana. I appreciate your concern for Hana and being out there, but maybe that underdog role helps us, I don't know, but they are responsive -- Pat Kawano, Goro Hokama, Wayne Nishiki, the whole bunch, everybody, Howard Kihune -- it doesn't matter where they come from. When they come to Hana we talk, they hear our side...I think the most effective thing Hana has learned over the years is how to talk WITH the council members, rather than TO them. That's why we don't say we elected you so you have to listen. I learned a long time ago in the union don't flex unless you've got the muscle; if you haven't got the muscle, you'd better have the balls.

Now, I understand the arguments about Goro and Lanai, and other places where candidates from that area do not get elected. If the guy gets wiped out in that vote, then that's his problem. It comes down whether the candidate is going to be electable by his constituency -- if he can't win his home town -- then I say to Lanai people, maybe the efforts should have been directed to the Maui voters about your concern of Mr. Hokama as a resident of Lanai supposedly representing your district. And, like any other community, get the word out to the people who vote him in; because you feel in your household and neighborhood you don't like that guy, that's your business, but if the other people don't know about your problem, how can they respond to help you?

Sparks: I don't know about you, but I was impressed by both arguments. I thought I knew what I thought...now I'm totally confused. The format now is that people who would like have a comment or question on this topic, we will open the floor to that. Now, we'll have to move right along because although the arguments were good, both were lengthy... What about comments from... DeGray?

DeGray Vanderbilt: DeGray Vanderbilt. I was going to talk on the districting... I listened to both arguments... Bill brought up some that we've talked about on Molokai, and we'd like you to consider these early conceptual maps, to maybe change the presentation. On Molokai we've been thinking of Molokai along with Lanai and Hana, and forget the problems for the candidate. I think a lot of candidates have showed they can handle the three islands. We were very concerned about being tapped into a high growth area in West Maui because Molokai isn't going to grow very fast and I'll guarantee you that. I don't think Hana will, and I think the way Lanai is set up with its two hotels -- they're going to have 750 luxury homes, big deal -- but they're not going to grow that much. So I think from that standpoint, when you are talking districts -- and I haven't sat down with the Hana people or with Bill -- but we would like to see Molokai, Lanai and whatever it takes on the East side, Hana and all the way around to Kaupo, and take in the Hawaiian Homes lands so that we have 98% of the 50,000 acres of homestead lands in one district. And, I think that would be a very powerful situation, and you'd have people who had rural interests, controlled growth, and I think with Hana's -- apparently they say Molokai'll have 58%, Lanai will have 20%. Well, if you tie Lanai in with one section of Maui, their 20% is twenty versus eighty. But, if it's Hana, Lanai and Molokai, you've got 20/22/58 percents, so I'd like to see...because nobody has talked to us about this scheme... And, I think if it had any saleability to people in Hana, if they would probably want to see something similar to that because they have the same concerns that we've talked about living in a controlled growth area.

Sparks: That's a good comment for us to take that under consideration, if we decide to try and put this information on... What about the general recommendation of going to districts?

Vanderbilt: Well, I can't speak for the community as a whole... We've been a little bit in the dark about what the commission's doing...maybe we're expecting too much of you guys... You came over there once; I think we were the first ones... We sort of thought you'd have a top ten list that you're working on and trying to refine, and hopefully that'll be out well in advance of coming to Molokai again, because it doesn't do any good to give us the list a week ahead of time before you come, because we don't have time to get some constructive testimony. But, I personally would rather see nine issue oriented people from districts, and I think, to me, the main problem with the current situation is that it's not an issue oriented election, it's just how can we get the names of the nine guys out there -- get the name out. If you're in a district you're going to get your voters on the issue -- you can run an issue oriented campaign, which some people over here call a negative campaign, but very rarely do we hear these guys stand up and the issues...maybe one, but...Kahului Airport... So, I think it doesn't matter in a district how much money somebody spends, especially if it's somebody from Hana, or Lanai, or Molokai, because people...that would be a detriment, if it came out that 'Oh, my opponent's spending \$200,000 to get the backing of the ILWU and the big land owners...' Then, you might as well forget it; he's probably not going to get elected. I think the issue oriented election is really an important thing. Well, I had some other things, but that was the main one right there...

Sparks: Okay, we appreciate you trying to keep it succinct because we do have other issues and other people... My experience is after a couple hours, we may be talking to ourselves, so we want to keep it moving along...

Terry Walker: My name's Terry Walker and I am the chairman of the Republican party in Maui County, which has gone on record in favor of going to single member districts. And, I'd like to make a few comments, if I may. First, I think with 20% control over one council man, Hana could swing a lot of action on the council... but with just 1.7% of the vote, who's going to pay any attention to them? Second thing, is that at large elections are an anomaly in the American political system. In the state House of Representatives and the state Senate, people are elected or voted by district; in the Congress they're elected by district; at every level of government, other than the county government in Maui County. And in fact, the Oahu County Council is elected by districts, the Big Island just went to that, there's a lot of noise about that on Kauai...because, in fact, it's a better system of government, a more representative system of government. I'm trying to be succinct... A final area of comment...as Mac said, the central valley as we all know, controls the election of the county council members on Maui. That's fact, and that is in fact, special interests of controlled voting in central Maui...and that's a slight over statement, but not a gross one. And in fact, the system favors incumbents both because the central valley control the vote, and the fact that it is really a throw back to some of the plantation days on Maui. And, Maui's progressing...it's time to move ahead.

Sparks: Thank you for those comments. Anyone else on this issue?

Sally Raisbeck: I assume there has been a lot of discussion about the single member districts.

Sparks: That is the topic right now...single member districts versus at large.

Raisbeck: Were the numbers presented about... I think...

Sparks: You may be thinking about the next topic that we're going to talk about...how we might keep the at large district but rearrange the voting requirements, but we're not there yet.

Raisbeck: Okay, the one point that I would like to make about the at large district is that in practice, they do not work out as they do in theory. In theory in the at large district the number who'll owe allegiance to the entire county, and therefore be more likely to vote in the way that will benefit the whole county rather than simply a district. In practice it does work out historically, I don't know what the future will hold, but historically it has been proved that Kahului/Wailuku elects every member of the council. And, the East Maui member must reside in East Maui and yet they are elected by Kahului/Wailuku -- the Lanai member resides on Lanai but is elected by Kahului/Wailuku. This means that the outlying districts do not achieve a fair representation of their interests because the person who is elected from that district has to primarily meet the needs of the people of Kahului/Wailuku and the interests that are based in Kahului/Wailuku in order to be elected. And this is indeed what works in practice.

I think the question that is apparently coming up next, as to should we keep at large district and merely make a little fairer division of population into resident districts...I think that is very, very minor compared to the change that would occur if we had single member districts and perhaps a few at large members. I think the outlying districts... I think probably Kahului/Wailuku would like to see the present system maintained; and probably Lanai and Molokai would like to have the requirement that we have a resident of their islands must be on the council. But, for places like upcountry, Kihei, and West Maui, their interests aren't being fairly represented. And, the new Kihei member may well be elected by Kahului/Wailuku...so that's my contribution to this...

Sparks: Let me add what I think is an actual factual thing. In years past probably Wailuku/Kahului -- the central area -- was clearly dominant in population; I'll look up the figures and give them to you later. The Kihei/Wailea/Makena area is growing rapidly, so is West Maui area growing rapidly, so is upcountry, so I think it is fair to say that's not quite as...that the central area, population wise, is not as dominant as it has been in the past, and will continue to change.

Raisbeck: Let me add one thing to that. It was not just a question of numbers because Kahului/Wailuku has a more homogeneous population, it certainly has a higher percentage of union members -- both construction unions and hotel unions -- and they have a tradition of turning out and really voting that the other areas haven't got yet, and the other areas have not learned to work together to combine their populations to make their interests known. It will change, but that's the way it is right now.

Sparks: Any other comments on this topic? Questions? Let me restate it so we make sure everybody is on the same wavelength. If you go to true district system, of course population is the dominating factor, so those areas that have more population have more districts, and more representatives on the council, so your fear is that would give the central area too much dominance.

Sparks: Well, I think no matter how you look at it, they would have less dominance, if that were true. If they in fact did have the largest portion of the votes to begin with, they would be able to elect 100% of the candidates. Whereas if they have 60% of the population, therefore 60% of the candidates, they can only elect 60% of the candidates as opposed to the 100% they had before.

Thompson: Here are a few figures for Sally. Central Maui for example, and this is just a round figure, population of 32,000, East Maui, 28,000, and South is 15,000

Thompson: (Continued) and West is 14,000.

Sparks: Other questions or comments on this topic? We should probably be moving along...

Buck Joiner: Just one comment. I did a lot of lobbying in the last decade or so and my preference is to be able to talk to all nine of them. I'm a little concerned that if we were electing by districts, that we might get shut out by eight of them that just don't want to listen. Right now I can walk into anybody's office and they listen.

Allan Barr: Allan, I feel that I must respond to that, as a former councilman for two terms. Allan Barr, for those of you who don't know me. There were some of us on the council then that listened to people and some did not. It was a function of our personality, and not a function of where you are from.

Sparks: Okay, this is good dialogue for those of us on the commission. I thought I'd heard all the arguments back and forth.

Fuhrmann: In this district representation, who determines the...and I'm speaking from Hana, cause I've paddled Alinuiaa Channel when we did have a canoe district with O'Keiffe and Malama...we're not going to be able to paddle from Hana all the way to Molokai. If that's the district, that's not a canoe district, that's an airplane district...

Sparks: Well, maybe we ought to change that...

Fuhrmann: Well, we had no say, nor any consultation for that alignment. And, if there is a realignment, then I would tend to agree with DeGray; we're more compatible on many issues with Lanai and Molokai, and we can paddle to Lanai and we can paddle to Molokai, I mean even with our clothes. But, it should be the say of the people of those districts on the alignment, and not some teacher in the back room carving up the map, and saying who's going to be here and here, when people are concerned.

Sparks: Maybe it ought to be canoe slash airplane district. We have discussed how this might work, on the commission and I think we're leaning towards the idea that rather than put it on the ballot as there will be districts and there will be a reapportionment commission and then ask people for their vote on that, the general question that way hoping that the reapportionment commission will come up with something they like... Rather than do that, we are looking closely at the possibility of doing a districting scheme ourselves, so that when it's on the ballot you'll know exactly what the district will look like that you're voting for, rather than voting for some distant reapportionment commission and all the politics that might go into that. That's kind of the way we are leaning.

Fuhrmann: Then....my response to that is I've seen numerous constitutional amendments, charter amendments, and all that; you're talking about confused electorates. When you give them too many questions out there, they're not going to respond.

Sparks: Well, we want to eliminate as much confusion out there as we can by saying we are recommending... If we do this, and we are not there yet; I'm not at all sure... If we do this, we would be saying we want to recommend that council be elected by districts and these are the way the districts would look, so that people would know exactly what it is they are voting for. Rather than an apportionment commission, which

Sparks: (Continued) ...it would have to be balanced politically and every interest group gets involved, and politics go on and... I mean we're political kinds of people too, but my guess is that our specific political agendas would be less than an apportionment commission. We would try to do a logical job with the only agenda being the most logical, appropriate districts we can think of affecting so many people. And, we would go through a tentative process first where we'd throw out not just a conceptual thing but one we were really serious about.

Lowson: I just wanted to emphasize that you really do need to throw out a plan and have hearings to get feedback, because otherwise people will feel left out. You are adding a tremendous amount of work, Allan, because I went through it...

Sparks: You were talking about the whole state...

Lowson: No, I went through it here on the island, and that meant that we had, I can't remember exactly what it was, but we had five or six preliminary hearings in various parts of the county; and then we went back and had five or six more hearings on what the proposal action was. And then, of course, there was the request from Molokai and other people...well, okay now you've come back, we want to see what your final plan is and we want one more shot at it...so that means another five or six hearings. You are going to have to have ten to fifteen or eighteen hearings, and you don't have that much time.

Sparks: And the way these things happen, you never can make everybody happy; I guess you could guess that from the way the conversation is going...

Lowson: Just the same, my point is get moving then.

Walker: This is a quick question. Would this be a method of initiating it, Al? And then in the future these annual [sic] censuses, we would then have a commission for that.

Sparks: Right. That's standard every ten years or so you have to reapportion.

Vanderbilt: When we were pounded on the state reapportionment, we were trying like heck to get to use these expensive new state computer that they have system. Do you have access to that kind of thing?

Sparks: I think we do. Sherri looked into that a little bit. We haven't gotten in to using yet. Somebody has to have some time, and one of these weeks fairly soon I'll be through teaching for the summer...

Vanderbilt: I mean you can come up with some rough ideas and they can run those alternatives off in a day.

Sparks: What I've done so far is use precincts. We have fairly good population numbers by precinct lines, and so the boundaries are already set for the precincts. If you can do it without juggling, without revising precincts too much, you're almost there.

Vanderbilt: All I am saying is that then you don't have to come up with these... they are beautifully drawn maps, by the way...nice colors...our Filipino community would love the colors. But anyway, what I was saying was if you come up with this, they can plug that in and they can come up with real...

Sparks:

Yeah, I understand.

Vanderbilt:

A real fine line map on that, and they spent four or five million on that program so they ought get some use out of it sometime...

Sparks:

Okay, thank you. Let's try moving along to our other topics. The next one on my list was suppose this dies at the Commission level, this whole idea of districting, and we are going to stay with an at large system. Then I'm sure that the Commission would look at making it a little more equal than it is now, and the size of the residency areas... And, if we go this way, I'd like to outlaw almost entirely the word district because I think that's where a lot of the confusion comes in. It should be talked about at large system with residency areas; if you didn't use residency districts, it would be a lot less confusing. Here's a conceptual scheme about how these might come out a little more equal in size. Of course, you still have Lanai and Molokai in that plan, which are smaller populations than any of those. Let's see, I have some rough numbers...they're the numbers I used to make those...to give you an idea how the size of those are... Lanai, for example is about 2,400 in population; Molokai almost 6,600; the West Maui area that I've shown in blue would be 14,500; the Kihei area would be 15,800; the Wailuku area would be 16,200; Kahului would be 15,200; upcountry--Kula, Pukalani, Ulupalakua would be 11,600; Paia, Makawao, Puunene and Olinda would be 10,800; and that large area circled in green -- East Maui which includes Hana and the outlying areas would be 7,200. So, they are not equal populations yet, but they are more equal; and the advantage of that system of course is that you make residency areas that are more logical in terms of unique character types of communities.

And, on that issue of doing it that way, making those kinds of changes we only have one speaker rounded up and that was Sally. Do you have anything more to say on that?

Raisbeck:

Well, I would say that I think a marginal increase in fairness is probably what we are doing, but it would not accomplish the kind of report that actually districts would accomplish. The one grave fault I see with leaving Lanai as a, I guess it would be district, is the specialness of Lanai. And right now there's this large struggle going on between Goro Hokama and David Murdock, and I'm not sure... Somebody is going to win that struggle, and it could be David Murdock winning that power struggle...I don't know that there should be a David Murdock seat on the council. Lanai has a population, voting population of around 500 people, and when I ran for council I learned things about Maui that I would never have known if I hadn't run for council. I want to tell you something about Lanai. A few years ago the company tried to close the only beach on the island that is a true local beach, it's where the families have gone for generations to have their luaus and the company tried to close that because it's the beach they wanted for their hotel at Manele. The only reason that they didn't -- it wasn't because Goro stopped them, and at that time he was chairman of the council, but he didn't stop them. A group was formed called Lanaians for Sensible Growth and one of the figureheads, one of the leaders of that was a woman who teaches in the school, so her job is not vulnerable to the company, and they own their own home so their living place is not vulnerable to the company. So she was able to take a public position against the company. The membership of Lanaians for Sensible Growth who signed the petition to keep this beach for public use, was about 250 people out of the voting population of 500. But, later the corporation took this case and was going to pursue it in the courts, it was agreed with the judge that the membership of that petition would be kept secret not just from the company, but from the unions and Goro, because nobody there felt safe enough to have their names on that petition to keep the beach for public use. Now this is what Lanai is like. Goro has now changed his position, and he is now, in my opinion, serving the people of Lanai. But, whether he can fight somebody that has millions of dollars, I don't know. David Murdock owns 98% of the land on Lanai.

Sparks: Can you bring this around to...

Raisbeck: Okay, well what I am saying is that because Lanai is a residency district, there are only two possible people who can win this election. An ordinary person on Lanai cannot become well enough known in the county to represent Lanai. They have to either be Goro or David Murdock's person; that's the only alternatives for a council member from Lanai. And, I don't see that that serves the county; I certainly don't feel that member elected at large is serving my interests. Lanai is a very special situation and to have a resident of Lanai be required to be on the council does not serve the interests of democracy.

Sparks: Well, that was an additional argument about districts rather than the rearrangement of the residency requirements, but it was...

Raisbeck: You could bring it up as part of rearrangement, that if Lanai, Molokai and part of Maui were a resident seat, or Lanai and Molokai were a resident seat...

Sparks: Oh, I see, you could make a larger residency area...

Raisbeck: There would be a little dilution of that strange situation.

Sparks: Let me add one thing that I forgot to add. This scheme eliminates the no residency requirement seat, which is very often called the at large seat. There would be nine separate races for nine separate seats, with one person running in each seat.

Walker: I want to be very careful to preface what I am going to say -- I'm not speaking as chairman of the Republican party now, because there are people who lay in the woods waiting for me to say something that they've already got the damn position on -- to me, if the commission is going to reject individual resident districts, then do away with residency and make it a free-for-all; if it's at large, run it at large. Why play these silly games of saying you have to be from this area or that area? Just run at large.

Thompson: I'd like to agree with that statement. Even the at large seat should serve a function. These seem to be divided up basically into communities, that's what you might call them even though the population's unbalanced in them, and there is something that we've found in South Maui when we made such a scene about getting a council member of our own -- it ran on the ballot two years ago. We did find that often going to the council you were frequently talking to people not acquainted with our area, not knowing anything about bad roads and things like that, and it does make a difference. Even though they may not be voted specifically from that district, it is helpful if they are acquainted with local conditions. And, I think it's a psychological thing rather than a legal thing, but it is helpful having them from your area.

Sparks: Let me ask you to keep this short...

Vanderbilt: I just wanted to ask Gene one thing with regards to the power of the central district. When you all asked for the Kihei seat, was one of the deals that the guys on the council made was that you've got to take an at large seat, rather than try to get one of the central seats?

Thompson: We were advised by a very expert authority who came down to talk to us, that if we were to try to do that the council would never go along with it, the taking out one of the central seats. It's true, we were declared part of central Maui and one of the central seats should have been used. Except, it was very, very difficult for us to get

Thompson: (Continued) this vote on the council, and we swung around minus one vote there for quite some time and finally got that extra vote. It was a very difficult thing, and had we tried to take a seat from central Maui, we would have been lost. We had to take the at large seat; we didn't want to do it, it wasn't right, but we had to...

Sparks: For factual background, in case not everybody has followed the set up right now, there's three at large seats...so it's kind of a multi-member...

[AUDIENCE ALL RESPONDED THAT THIS WAS INCORRECT]

Sparks: I was thinking of central, okay. Well, there was two... There was two and now it's one. There are three in the central area...

Fuhrmann: You had two serving at large...

Sparks: It was two representing the no residency requirements, so there was a multi-member race there, and there were three representing the central area residency requirements -- and it still is three -- but your district tells us it was hard to get one of those three seats for South Maui.

I think DeGray asked the question, maybe we ought to let him...

Vanderbilt: Just a quick one on...and this is an argument for the Hana area with only 7,200 and Molokai with 6,600; I think the fact that it's not very easy for somebody to take a couple hours off lunch and go down and testify, I mean it's a full day from Molokai, airfare, and it's almost the same thing for Hana, so I think the lower numbers sort of offset the advantage of some of the areas with bigger numbers which has an easier time getting down to a lot of council meetings...whether they do or not, I don't know.

Walker: Gene, I think your comment is inaccurate, and I don't really think that based on the fact that central Maui is electing members from all the districts, that in fact we do have representation now. I will also make a point that in a certain sense the current system has been made a mockery by one of our sitting council members, whose name I won't mention but she has "Night Fox" stenciled on her automobile door. And, it is well known that she does not live in the district that she was supposed to have residency in.

Fuhrmann: There's a lot in what DeGray is saying. The Hana Community Association Board met last night, and I told them they had two options that they could pursue at this time -- retain the current at large election process and how to deal with the no residency requirement seat. One would be, backing up what DeGray is saying, that seat could be assigned to the Hana district, based on the justification of the geographic distance, the time that we spend coming out here, but the more politically palatable suggestion, at least assign that non-residency required seat to the East Maui district.

Sparks: Something like this one? [Indicating map]

Fuhrmann: Just take the non-residency to the current East Maui district, based on its population of 28,000...

Sparks: So you would have a two member race...

Fuhrmann: A two member East Hana district, and that, from the Hana point of view would be more palatable...

Sparks: Versus having a one member district for that green area there?

Fuhrmann: Oh, we'd love to but I don't know that it's going to pass through the county wide electorate.

Sparks: See, the idea here is there'll be nine different seats with one person in each seat. So we're not talking about multi-member kinds of elections, where you have say four or five names on the ballot and you get to vote for two or three. I think there's a fairly powerful argument for keeping it to one person representing each seat, and that is there's more...

Fuhrmann: I didn't say that... Based on the current charged alignment, the Hana people are given two choices -- take the non-residency required seat, that's the only at large council seat and assign it to a Hana district, the geographic Hana district; or at least, shift it into the current East Maui district because of its population... That's a nice simple...

Sparks: You think one or the other they would go for?

Fuhrmann: Yeah, but we agreed that the more palatable one would a district on its own.

Jocelyn Abreu-Perreira: Also because East Maui and upcountry Maui have similarities, they do have some very similar concerns, and if you go back generations which, you know, Maui's great because of the generations that were here... There are things that you need to keep some kind of upcountry places so that idea of putting one of those seats, in other words, one upcountry seat and one East Maui seat, would be a good idea, and not have the at large one.

Sparks: And not have the no residency requirement seat.

Abreu-Perreira: That's right, that's right.

Sparks: Sure, I follow you. Question over here?

Joiner: Was it your intention to eliminate the non-residency seat?

Sparks: Yes, as a conceptual idea that I think I'm safe in saying most of the commission members agree on. We see no real logic behind it anymore. To tell you the truth, when we did that, and I was on the commission fifteen years ago when we did that, I don't even remember the logic then.

Raisbeck: Do the proposals of the commission have to pass the council to get on the ballot?

Sparks: Nope. Our recommendations go straight to the ballot.

Tom Morrow: I'd just like to support what you have here, this nine residency requirement with the addition of the East Maui -- you know, putting that at large seat over there, because I was very much against before South Maui shifting that seat out of at large as Gene Thompson stated earlier. But, Gene and I went round and round because I was involved with the council then, and it should have come out of central Maui. It was Mayor Lingle that gave them advice to go the easy route, and there's no question in my mind that it was the easy route. I told them the same thing; I told Gene that that was the easy way to go...

Thompson: It wasn't the easy...it was the only possible way.

Morrow: But what I'm saying is that if this was to fail if we didn't move it somewhere, then let's go back and look at the Charter, and look at the history; go back in time and read what was done when they first put those three central Maui seats in there and what the history has in the books up there at the council, and it was supposed to come out of central Maui. And, if we can't get something like that, I'm still in favor of getting a seat out of central Maui, and let's get back to two at large, if we can't get any districts.

Sparks: Two no residency requirements?

Morrow: Yeah, if something like this doesn't work. This makes more sense because it's based on the population, you're more responsible to the people, a whole bunch of things in short.

Sparks: Okay, can we move along? Gene's our leader and he's getting a little nervous. The other topics we thought would be hot enough to interest you and get some comments on were whether we should expand the terms of council people from two year terms to four year terms. There's some arguments on that one and Buck Joiner is going to...

Joiner: Can Gene go first?

Thompson: Yup.

Sparks: I guess so. You can ask and he says yes, so Gene goes first in favor of four year terms.

Thompson: By the way, if you are speaking on these subjects, we do want to keep it short, under five minutes if possible.

Sparks: See if he follows his own rule now.

Thompson: I realize it was uneven tonight, these first topics were most interesting. The logic of the two year terms, as I understand it, is to keep the office holder accountable. I don't believe the goal of better accountability is realized this way. From the U.S. Congress, as well as the Maui County Council, the tendency is to return incumbents to office despite the grumblings of the voters. The two year term system means candidates must campaign for office every other year; this is what bothers me the most. The campaigning takes a lot of time better spent on county affairs. It also takes money to run for the office; this necessary drive for campaign funds has corrupted the federal system in the eyes of many people and doesn't do our county government any good either. Another negative effect is that a short term office holder may be reluctant to work on longer goals since he or she may be unable to carry these goals through. And, part of the problem of government at all levels, to my mind, is the short term of them. People are also concerned that they might be stuck with someone who doesn't perform his duties as he or she should, and that being stuck is worse with a four year term than a two year term. Which of course is true, but in a matter of very serious dereliction of duty there's always recall. And, this is something we should shine up here and make recall somewhat easier -- I'm not saying make it easy, it should be made difficult, but not impossible -- at the moment, it is impossible. Even though they have recall in other communities, but it is a rarely used thing, but it really should be there. But, I do favor the four year term. Three minutes.

Joiner: So, is my challenge to beat the three minutes? Or, to win the debate?

Sparks: Now it's two minutes and forty-five seconds.

Joiner: Okay, I'm Buck Joiner; I think most of you know who I am, and I would like to speak in favor of two year council terms. First of all, this is entry level politics; when you move on to state level politics, you have people that are better known. And when you run for federal office, you are really well known; you have a proven track record, we know what to expect from you, therefore you have a long return. At the entry level, which is on the county council, I believe the two year terms are certainly more appropriate. Also, we have the opportunity to change out people more often to get new ideas; and the closer to home, the shorter the term. Two years also allows us the opportunity to in essence do a recall without having to go through all the labor of really doing it. Again remember, we are dealing primarily with untried people, or the potential untried people. So, we don't have to put the recall issue before us which we would probably be required to with four year terms. This also allows for the candidate the opportunity, the elected official--excuse me, to decide if he really wants to continue to run for office. A first time out person in particular, to make a four year commitment is pretty significant. As a matter of fact, that's one of the problems I have with the volunteer boards and commissions -- as an aside -- that's a five year commitment; that's an awful lot to ask of people. So, the four years for this lower level I think is not the best way to go. The job is demanding physically and financially; there are great demands on time of people -- not just the official but the unofficial dues, showing up at all of the social functions and meetings that you might not ordinarily attend. You are under the constant spotlight and magnifying glass of public scrutiny, and because of that there are some people who may not weather well under those conditions. A two year term allows them to opt out, so to speak, without having to resign. In this last election, we had one of the candidates who went into the gate looking just awesome and really almost unbeatable. But, when we get out on the campaign trail, turned out he didn't really feel too well so he kind of faded very quickly. Fortunately that happened before he got elected, and there may have been other things happening in there, I'm not sure. But, the family and financial demands can be quite overwhelming, and with a two year term you have the option of not running again.

I think two year terms also forces the council members to listen more closely to the people. If they have four year terms, longer terms, they can be a little more independent. The cost of running for office, I think, is dependent on several things. Wayne Nishiki of course is legendary, he has run a campaign for as little as \$17. Vince Bagoyo, on the other hand in this last election... [Referring to Nishiki] I think that's what his official report was at one time, and I think that was his filing fee; now the filing fee is \$25.00, so he's got to spend at least that much. But Vince Bagoyo, I believe it was -- somebody can correct me on this -- somewhere between \$75,000 and \$100,000.

Morrow: \$77,000.

Joiner: I always wondered about that; why does somebody give up an \$80,000 job to run for a \$27,000 job, and spend \$77,000 on their election? Diane Shepherd, on the other hand, spent only \$5,000 and did a very, very credible job of running; so that's \$5,000 versus the \$77,000.

The bottom line is that the council, the county government, is the closest to us. It has the greatest impact on us. It also must be the most flexible, and it must be the quickest to respond to change; and if it does not respond to change, then we can change it to get it to respond to us. We can do that with two year terms; with four year terms, it takes us much, much longer. The bottom line, I believe that the two year terms are best for the council members and mainly, it's best for people.

Sparks: Those guys set a good model for time. And now, I'd like to ask that you follow that and try to keep your comments quick and short. Terry?

Walker: Al, before I make a comment, could you tell us what the other items

Walker: (Continued) you're going to bring before us are?

Sparks: After this, we want to deal as a separate topic because it can be separated, although it may not be in everybody's minds, is limitation terms for council. Sally?

Raisbeck: I would like to recommend to the Commission that they not bring this before the voters for the following reason: I don't have the data, but I believe it has been turned down numerous times by the voters. I certainly haven't seen any grounds from the public opinion that council terms should be longer. It would take a very, very intensive selling job to try to convince people, and I don't see anybody out there who's trying to do the selling job on it. I think it would be a waste of time and an unnecessary complication on the ballot, to put it on the ballot again.

Vanderbilt: I agree with Sally, and I had made a suggestion that if this Commission would get from the Clerk's office a list of the Charter amendments that have come on the ballot over the last four elections, what the subject was and how they were defeated, I think that would help you guys sort of get some of the things out of the way. Like Bill said earlier, if you get too many things on the ballot, it's not going to help any of the issues.

Sparks: That's a good comment; fifteen years ago when I was on the Charter Commission we threw it out as a separate item on the ballot and it got soundly defeated. The council put it on again, at least once, since then and it got soundly defeated again.

Dave DeLeon: I think it was on twice, Al.

Sparks: Was it on another time? I may have forgotten one of those...

DeLeon: I think each time it was two-to-one.

Sparks: So that's three times in the last fifteen years, so your comments are well taken.

Vanderbilt: Just one other comment, and that was there was an agenda up on the county bulletin boards that the Charter Commission put up, and I went down it and it said public testimony. Is there public testimony tonight?

Sparks: You're just giving some, right?

Vanderbilt: No, but I mean...

Sparks: There's a technicality there that as long as there is more than a majority of us, or more than how many? Two of us at one thing at one time, it's legally a meeting of the Commission, so we had to post a meeting agenda. And, as far as I'm concerned, this is public testimony, and we are all absorbing as much of it as we can hear. So, we try to fit ourselves into all the laws...

Vanderbilt: I was just thinking if there's some issues that may not be on the Association's agenda...

Sparks: Well, if we are quick enough, you'll get your chance to bring up other issues.

Allan Barr: Allan, I just wanted to make the observation that I think it is inappropriate to say that county government is the lowest level...I believe very strongly in home rule; I think it's the highest level of government. That's a bias that derives

Barr: (Continued) from the mainland, where they had cities any 500 people can incorporate, and once they are incorporated they have their own little council and they represent just a handful of people, and house districts are larger, senate districts are larger, congress is larger, senate is larger. In Hawaii, our districts as we have been talking about tonight, are much larger than the house of representatives, which is the entry level in Hawaii.

Joiner: On my notes it says closest level...to the people...

Sparks: Closest...you just misspoke...

Joiner: Closest...if I said lowest, my apologies to those...except...

Sparks: Except for the representatives...

Vanderbilt: I just think on the cost of running issue, I think as Nishiki points out, whether you agree with him or not, he's out there and people believe him, and I think if more of these councilmen would speak out; some of these council hearings are very boring, and they just sit there and do nothing. If they were speaking and some of the media could get something on, then those people would have no trouble getting elected. But nobody hears about them until election time when you get their pictures all over the papers...

Sparks: Recesses behind the closed doors are more interesting...

Vanderbilt: I don't know about that...

Sparks: They're hard to get into, right? Can we shift topics then?
Okay. Council terms, limitations on council terms. Now, we want to keep this concept in the forefront without worrying too much about precisely what the limit is going to be. But, the idea would be that the Commission would seriously consider some kind of limitation of number of terms and then...in consecutive order, before you have to step out...not permanently but consecutive order; be it four or two or eight or ten or twelve or fourteen years total, whatever, let's try to leave the details out and get your feelings on some kind of limitations on terms. And we have here only one speaker, Phil Swatek; and if anybody wants to oppose this, we're looking for somebody to make the other argument.

Phillip Swatek: Well, being at the lecturn may be a little inappropriate -- I have no notes, but I am going to speak in favor of limitations on council people's terms. My own observation is probably the greatest problem we have in government at any level is incumbency. I think this is what enables...what happens is, and I'm not sure this is an analogous situation, I've studied Congress closely...and I don't want to sully the reputation of the council by suggesting they are as bad as congress; I really don't think they are. But, what happens is when people are elected it increasingly requires a great deal of money; now there certainly are exceptions, but I think the example of Vince proves that with a lot of money, you can be elected. These people become accountable to special interests and the people who donate large amounts of money, which is I think only natural; they become less responsive to the people in their districts. And what happens is there becomes an imperial legislature, because people tend to perpetrate themselves in power, it becomes a kind of a professional position that they take. And, I think it is really important...we've talked about responsiveness to people and how these various plans try and encourage people to be more responsive and accountable. I think the best way to make people accountable is to allow them access to the system; I think a lot of people would be willing to run if they didn't have to face a powerful incumbent who faces marked advantages in being recognizable, having access to media, certainly -- well I guess -- well in Congress the privileges that they figure amount to over \$100,000 a year, franking privileges, and stuff like that. That

Swatek: (Continued) makes it almost impossible for an ordinary person to run for Congress. Now I know that for council people, certainly we know them all a lot better and they are more accountable. Anybody can go down and you can talk to your council people, but I would just like to suggest that we limit the terms that an incumbent can hold, and thereby encourage more people to run...

Sparks: Anybody want to take the other view? There's a couple of ex-council people around that... My experience has been that it's hard to find somebody in office or recently out of office who supports limitation of terms. Nobody here wants to argue the old arguments that if a person's doing a good job, why should the people be denied their services after x number of years, and all those things? Bill...

Fuhrmann: With limitation of terms, in reality this is a restriction on those candidates who can maintain in the minds of the electorate to be the best candidates. In my opinion, it's the electorate's judgment to determine the continuance of service by elected officials is the best way to continue the good and to discontinue the service of the unwanted. As far as the issue of incumbents, believe me, the biggest crucifier that an incumbent has is his track record which is public record; and if you don't know how to utilize that public record, and take the viewpoints made off of the public record of the incumbent, that is your major political issue. And as a new person coming in, you've got no track record, you just waffle in the wind. But the incumbent has a public record, if he's made some mistakes in voting, use that--that's your biggest advantage. Of course for seeking office, the biggest disadvantage that an incumbent has is trying to say that he does not stand for a certain issue, and nobody believes that.

Sparks: Nicely done on the spur of the moment. Yes, Allan.

Barr: I wanted to make an observation since you made reference to us ex-council members, I don't know what Tom's feeling is but I got my terms limited by losing an election. And now, ten years later looking back at that, I think that was an appropriate thing for the voters to do. And so I have no feeling that I should still be there or should be there forever...

Sparks: You don't have a strong feeling on limitation cranked into the law?

Barr: It might be nice to have a limitation on some of the races, but I also would identify with the view that if the voters want them there...

Abreu-Perreira: Also, maybe one concern on the state level versus maybe a county level and that is the case say of Representative Souki, where he has spent some time climbing up to that particular position of power that is important to Maui County. Then maybe, if you had the term limitation, you would lose that especially when they are put in with all of Honolulu, which makes us like a little Hana out in the boonies someplace; and I think at that point it becomes very important that you keep a tradition of power on the state level.

Sparks: Okay, that's okay if you are comparing levels, but we're all at the county level now; we're thinking about limitations for county council members.

???: Well, the governor's term is limited to two terms...

Sparks: And the mayor's term.

???: And the mayor's, so what is the concern about limiting the council members?

Sparks: Okay, let me give you a little bit of my background on this topic. When I was on the Charter Commission before, we limited the mayor's term to two four year terms. I felt at that time that the argument was that our chief executive is pretty strong and that that position has so much authority to put so many people into positions of power that it has real potential for empire building. And basically that argument was pretty persuasive, I think. And the chief executive, like the mayor or governor...to prevent that sort of thing, an ongoing empire that could go in all sorts of directions and have all kinds of problems. When you got to a legislative position, like a council position though, at least at that time, that argument didn't make any sense because one out of nine or one out of twenty-five in a house of representatives isn't going to likely build too much of a power base or empire. And so for that reason, the argument for limiting terms, especially of legislative positions, didn't make a lot of sense. Now I hear more and more of the argument that incumbency is such an overwhelming factor, that this may be the only way to break it. So, it's worth thinking about.

Vanderbilt: What is the term you have to serve on council to get a pension?

Sparks: Ten years.

Vanderbilt: So, ten years. Well, I think if you're not going to limit the terms, you ought to get rid of the pension. I don't understand why we pay these guys a pension anyway, but that's just a personal opinion.

Sparks: That's also not in our jurisdiction...

Vanderbilt: What? The pension?

Sparks: The pension is a state function.

Vanderbilt: The state, okay. But, the other thing is I think maybe that if you went to districts where you have more chance of maybe getting somebody out, it would be less important there. And as far as somebody good that's in there, if he's good and the electorate likes him, he might have a protégé that he would back in the election, so I think he'd probably still get a good person coming in.

Morrow: Being a former council member, I figured I'd better say something and what Bill had indicated, and Allan as well, I don't have strong feelings either way. You know, if they want to limit it, limit it. I think the electorate can take care of it every two years -- we have an election every two years, so they've got plenty of shots at you. And, some of those people, from the time they get elected...the next day after the inauguration they're planning for the next election. They're not worrying about the sewers, some of those people up there. I know, I've sat there at meetings and I couldn't believe that the day after election...so what does that serve the community going through two years ...they're planning, they're planning...because two years comes up fast.

Sparks: I don't know if you started out with this intention, but you make an argument for four year terms.

Morrow: I'm just saying that's a good argument for limiting terms is that they'll think less about being reelected in this future that could go on forever, and pay more attention to the issues at hand. I guess it would be hard to with this issue, it would depend on the length of the term...

Sparks: Yeah, they do kind of overlap. If you are talking about two year

Sparks: (Continued) terms, maybe it's less important than if you are talking about four year terms.

Bob McCarthy: I'm Bob McCarthy from Waikapu. I was also a former council candidate, for some of you who don't know who I am, and I do have plans in the future of running. I've sat here all night and listened to us talk about and debate the equal districts, term length and whether or not we're going to have... What we need to do is put the whole thing into a big ball of wax, because we are talking about little issues. I think the two best issues that we talked about is the length of term and whether the incumbency may fall on the districts type of theory. I mean, let's face it, if you are more responsive to your own district, okay, and you can run for as many years as you want to run, if you make a mistake, that small body of people within your electorate district is going to pick up on that. So, what I'm trying to say is all of these things that we've talked about all night will come together and take care of themselves as far as trying to put...pinpoint one individual issue to put on the ballot. One has been defeated a number of times and without the others to accompany it, it's going to be defeated again. I'd also like to mention that -- what Bill had mentioned earlier as far as the one individual councilman not being responsive to other districts, if we go equal district route; me for one, who have lived here a long time already and this is my home, whether I live in Waikapu and run central, feel responsive to what's happening out in Hana. And to sit back and be placed on the outside of that community, I think is a slap in the face to anybody running for political office. Even if we end up going to nine equal districts, we have to be concerned about our whole community, and our whole community is what makes Maui a special place. So, to put one candidate into a, you know, he's only responsible for one little area, I think would be very unfair to the candidate.

Sparks: Do I hear you saying then that even if a candidate like yourself were elected from one district, you don't expect normal candidates to be only narrowly interested in that district, they'd be naturally interested in the whole county.

McCarthy: That's right. I think that if this is a system that we end up adopting, I think the best portion, like Bill has mentioned, he goes up there, he lobbys all the time... He talks to all nine council people up there. It's the person's job who lobbys to sway the councilman, and I don't think those other councilmen are narrow-minded enough to sit back and say "well, it's not my problem because it's not my district."

Sparks: So in effect you are saying Bill would be not as equally effective under a district system as he is under an at large?

McCarthy: I think so.

Sparks: I'm sure Bill has something to say about that.

McCarthy: I'm sure he does.

Fuhrmann: What I did say, maybe I didn't articulate it well enough, is that electorate pressure of accountability in a district situation can only apply to that one council member. I didn't talk about whether they would be responsive. Responsiveness, personality and all of that affects the candidates and how people deal with that candidate I'd like to see. The electorate pressure in a district situation will come only from that district's electorate and persuasive to only that county council member. But, in the at large system, every district has some degree of electorate pressure on each councilman.

Sparks: In effect I hear you saying that when you lobby now, the situation

Sparks: (Continued) we have, no matter what district you are talking about you can say there's some voters out there. There is electorate pressure; there's voters that they have to think about, not just your persuasive argument.

Wanderbilt: Just on that line, in the real world though, if a guy is selfish and only thinking of his own, the other eight guys aren't going to cooperate with him and he's going to get nothing and he's going to get voted out of office by the district members, so he's almost forced to still work with the other guys. They all have to learn and lobby for their own efforts, and I just think you're going to have stronger councilmen that are just more active and more issue oriented.

Sparks: Apparently that's what happens in the hundreds of thousands of local districts that do have district systems.

Walker: Two comments. Number one is again, as you know from the testimony I gave in Lahaina, the Republican party has gone on record as being in favor of term limits for council members; secondly, there's a corollary issue to this and maybe the larger issue on several of these topics we've been talking about tonight... is really the magnitude of a council person's job. And, perhaps another thing the Commission should consider is limiting the term of a council session. The state legislature meets for a fixed number of days a year. The council meets twelve months of the year, and these people should have other jobs so that they not only maintain accountability, but also closeness to the people. And, I think it might be appropriate for the county council to meet sixty days a year or ninety days a year, and that way they won't be micromanaging. The state legislature does it, the congress was designed to do that initially until those guys turned it into a full time career.

Sparks: Well, that thought's on the record.

Raisbeck: As far as term limitations are concerned, I personally would favor term limitations, but I'm not sure, again, that there's a lot...it seems to be fairly evenly balanced, some people would like and some people wouldn't. And, I don't think the Commission should put it on the ballot as an opinion poll. It should only go on the ballot if they really think it's essential and really could feel we can do a selling job for this. I think you should restrict yourselves to important things that you concur important and that therefore there will be less clutter confusing the electorate when the election comes.

Sparks: Can I ask you, do you think term limitation is a better idea with four year terms than it is with two year terms?

Raisbeck: Well, I think you should think of it in terms of the number of years. I mean if it was four year terms, I myself, would probably go for a twelve year limitation or an eight year limitation; whether they are two or four year terms wouldn't matter. But, I do think that you shouldn't get too many issues, especially things that you don't think are truly important.

Sparks: Okay, we'll try to do that.

???: I'm wondering, conceivably the whole council could be defeated, anything happens, but everybody's up for election at the same time; so that you could have totally brand new people coming in with no voter experience. So maybe something should be considered with a four year term, or that five people are elected one year, four the next, they serve whatever term they do so that there's the possibility of new blood, and yet you always will have some faces on someone who's been there before.

Sparks: Yeah, that's a thought we've thought about. There's a number of points here; maybe I ought to throw out a couple of other ideas around them for stimulating your thinking. A lot of people want staggered terms, especially if you go four years. But then, there's the problem that four or five members are running for office, and the other four or five members are not. And, if you'll notice...politicians that don't have to run for office during a particular election, are kind of sitting there in the catbird seat -- giving the best licks that they can to those who do have to run for office. So it gives them a little whipsaw type of advantage, so you've got to think about that too. Maybe staggered terms would run into some problem like that. As far as the whole council getting -- being unelected at one time, my thought is don't lose any sleep over that...

Dave DeLeon: Just a minor point. The current council, only four members have been on the council for more than ten years. So, there's a turnover -- except for the representative from Lanai who has a sort of protected seat -- the rest of them have turned over.

Sparks: I'd like to move off this one and spend at least a couple three minutes on initiative and recall.

Barr: Just a quick comment and response to Sally's point. Sally, I think term limitation is important and this is the only chance we'll have for another ten years. to get it before the people.

Sparks: I figured about two hours it would be about time to wind it up. But, we do have one other one here that you might have some valid thoughts on. Let's try to give it a quick shot. Initiative and recall under the existing Charter requires 20% signature. So, what that means is if the voters don't like a particular piece of legislation the council's come up with and wants to have it changed, or they have another one that they want to initiate but the council's not initiating it, you need to get 20% of the registered voters in the last election -- which would be about 8,000+ voters. And, you have to get it in thirty days, the way it's set up right now. That is making it really, really difficult. One thought is if they're going to make it that difficult, you might as well not have it there at all because it's almost impossible. So, there's some considerable concern now that maybe we should make it a little more possible -- not super easy, but more possible by lowering the percentage. Other counties have percentages like 10% or 15%, and we really wouldn't need a thirty day limit; there's other provisions in there like you have to have a special election if there's not a regular election coming up, and that could be a very expensive and awkward thing -- we might play with that a little bit to make it more reasonable. So, there's some of those kinds of changes that we're considering. That's a...I was supposed to speak in favor of that kind of change; consider that I've just done that. And, Allan Barr, who is noted for his brevity of oratory, will say something about not changing it.

Barr: Unlike Phil, I do have some notes, although they are not all about initiative. There is no conceivable way that I can give you the entire argument that I wanted to share with you in two minutes or three minutes, so I will use a few seconds to thank Gene Thompson and the MCCA and the Charter Commission for being here and the time...all of you citizens for being here but...the time you are putting in or are going to put in should be acknowledged and applauded by the public. And on behalf of us, I do want to thank you.

I can only give you the outlines of the argument. And, the argument is basically that initiative and recall should not be encouraged in any way because they are a false hope. The problem we have with government is in the legislative process and the participation of the public in putting people in office, and making sure that they are good people, and making sure that they are holding to account. Any energy, any money, any resources, any attention that we spend on particular issues will divert us from our job as

Barr: (Continued) citizens making sure that we have good representatives. And I was prepared to give a long speech on that, but let me just give you a couple little notes. I get a magazine, and I wish I could read you one of the whole articles, called Campaign -- on how to do it, because I can say that I know how to do it. I'm the one who taught Linda how to go door-to-door and win those campaigns; I was the one who got Linda Lingle into politics. I won that same way myself. I didn't teach Rick Reed, but we talked alot of times.

I would just like to read you the conclusion from one and an observation from one, and again, there are so many things that could be said. This is an article about initiative in California.

"Although many initiatives looked strong out of the gate, their survival rate is considerably less than rosy. California's Secretary of State, March Fong Yuen reports that between the start of initiative system in 1912, and February of 1991, 742 hopeful sponsors obtained the official title and summary required to circulate petitions for signatures. Of those, just 31% qualified for the ballot, and more than two-thirds of these were rejected by the voters. Voters often like what they see until they read the fine print. California has a reputation for being easy to get on the ballot; the quality of legislation passed for initiative is frankly no worse than the quality of legislation passed by our legislative body, it's no better either."

One more thing, and this is the article that I'd like to read you the whole thing, but I'll read you just the conclusion of this man. And before I do, I want to remind you that initiative was a part of the populist movement that started in the 1890s. As I just read you, California adopted it in 1912. Allan Sparks has called me neo-populist, so I do care about people, and that matters to me a lot. But, we are in an age of technology. This is the conclusion of this man in describing how he changed the public's mind to do what his -- it was Westinghouse that put up \$242,000 to win this.

"A successful initiative campaign, even for a potentially unpopular cause, needn't always require a long-range, grassroots based effort. We were able to win approval for a big ticket incinerator after the last twenty-five such proposals had failed, with \$242,000, a few popular allies, and forty days time. Given essentials such as those, all it takes is a careful, professional and technologically sophisticated approach."

We can be manipulated; we need representative government, not initiative.

Sparks: Okay, let's try some new voices. Gene?

Thompson: I just wanted to make an example comment on initiative. I'm not sure of it myself, except that I think it should be a possibility. I'm from California, and the problem is it's too easy. When I was young, the first time I ever voted, I lived in Washington State at the time and there was a very powerful dairy lobby. And, the dairy lobby was able to, and it was a very minor thing but not to the housewives, keep margarine white -- they were not allowed to color it yellow. And, we couldn't do anything about this because it was a dairy state, until finally it had to be put on initiative. Everybody wanted yellow margarine, and that was literally the only way to get it. But it was an example of how sometimes, with a very powerful lobby, it really is the only way.

Sparks: I read somewhere where that issue that you call little went all the way to the Supreme Court, and it was a big issue around my household because my dad was a buttermaker and he really didn't want colored margarine.

Walker: I would just make a comment that this sounds like a good thing that Allan read to us, but all you have to do with nine council members is swing five, and Sports Shinko did that with less than \$5,000. So, all you have to do is influence five people rather than 20,000 or 30,000.

Vanderbilt: I was listening to what Allan said and I think the way this thing is written now, it's that much easier for big money interests to meet that thirty day deadline. I think the grassroots guys don't have a chance, so if you are going to have it in here, I think you should go ninety, one hundred-twenty days, whatever, so that the grassroots guys have a chance, because the money guys can meet the quick deadline.

Sparks: Any other comments? Sally?

Raisbeck: I second what DeGray said. I think it should be 120 days and probably 10-15% would be good. And, I'm interested by what Allan Barr said, because that's a point of view I hadn't heard before. I think we're still small enough that it's worth it.

Sparks: Anyone else? One more, DeGray.

Vanderbilt: Just one because everybody gets concerned about intervention, contested cases, initiative, but these are very difficult things to do, and they are not done frivolously, and I don't know how many initiative actions we've had in the county, but I don't see why everybody is so scared of them. People aren't going to just enter into it frivolously, there is a lot of volunteer time that it takes, so give them a chance if we are going to have it in there.

Sparks: DeGray, I think the idea way back when it started was that occasionally you are so upset at what your elected representatives are doing or what they are not doing, that the people want this avenue. But, I agree with you that it doesn't seem to be one that you'd use all the time, especially if you make it difficult to use. There might be cases that come up where people wanted to use it, and that's why it's there. But the arguments against it, and a lot of people I respect have strong arguments against it...

Raisbeck: I think it's true that pressure groups can make use of it, probably, and would make use of it, so I don't know if that danger outweighs the fact that the grassroots might make use of it.

Sparks: Any other comments? It's been a long evening and you've been very patient. It might be a good time to wind it up and at least let people stand up...some of us will hang around a little longer... Other than that, thank you very much for the input and thanks to the commission for setting this up for the folks on our commission.

[END]