

CHARTER COMMISSION
PUBLIC MEETING MINUTES
JUNE 25, 1992
HANA SKYBRIDGE FACILITY, HANA

PRESENT

Lloyd Yonenaka (Moderator)

Public Attendance: 1

I. CALL TO ORDER

Moderator Yonenaka called the public meeting to order at 7:10 p.m.

II. PRESENTATION OF PROPOSED CHARTER AMENDMENTS

Handouts were made available prior to the meeting. [Note: copy of materials was faxed to Hana 6/24/92]

III. PUBLIC TESTIMONY

Moderator Yonenaka thanked Bill Fuhrmann for attending, and for submitting written comments on the proposed testimony. [See attached Communication 92-43.]

A. Bill Fuhrmann, resident of Hana.

Moderator Yonenaka noted that Fuhrmann had some comments concerning boards and commissions established by ordinance.

Fuhrmann: My argument is that several commissions have been established by ordinance; some, especially to Hana I consider key like the Cultural Resources Commission. And if put into the Charter, their life is governed by the terms of the Charter versus the whims of the council, who gave birth to them by ordinance and can well close them down by ordinance. By checking the ordinance, you can see the composition of the committee -- how they are appointed, and whether the council has the right for ratification or approval of the appointments. I would encourage that the Charter Review Commission take a look at the list of boards and commissions established by the County of Maui, either by the Charter or by ordinance, to see which ones should be included in that revision of the Charter.

Yonenaka: Are there any commissions that you can see that you might want to include like in the Charter?

Fuhrmann: It would be the Cultural Resources Commissions, because of the cultural sensitivities of Hana, and probably a lot of the other Hawaiian and communities that have a lot of local ethnic background want to preserve the cultural resources of their areas. And, this commission seems to have the authority to have some severe influence in the preservation of their cultural resources, and should be protected by County Charter rather than just by county ordinance. And perhaps this commission and Culture and the Arts -- the rest...some are just advisory committees to commissions, some are just advisory committees to administrative heads...and it may not be necessary to protect them in the Charter.

Yonenaka: Yes, some of them have a definite lifespan.

Fuhrmann: Regarding recommendations pending approval by the Charter Review Commission -- (I) support adoption of the amendment proposed for Section 13-2 relating to composition of boards and commissions, 'to provide that the mayor shall give due consideration with regard to representation from each of the nine community plan districts' (excepting

CHARTER COMMISSION PUBLIC MEETING MINUTES

HANA - HANA SKYBRIDGE FACILITY

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Fuhrmann: (Continued) Kahoolawe). Such consideration would give communities such as Hana an opportunity to serve on boards and commissions were appropriate.

IV. ADJOURNMENT

There being no further public testimony, Moderator Yonenaka adjourned the Hana Public Meeting at 7:20 p.m.

ACCEPTED:

Lloyd Yonenaka, Commission Member Date

92-43

25 June 1992.

Maui Charter Commission
Post Office Box 307
Kahului, Maui, Hawaii 96732

Subject: Proposed Charter Amendments

Dear members of the Maui Charter Commission:

Thank you for the opportunity to offer comments to the proposed amendments to the Maui County Charter.

I offer the following comments:

- A) I support the proposed revision of the composition of the County Council, especially with the proposed East Maui residency required seat. However, with respect to defining East Maui (Hana, Keanae, Kailua), I offer that the definition be: "the 3rd, 4th, and 5th Precincts of the Twelfth Representative District" as described for the 1992 Primary and General Elections.

Similarly, the other residency districts would require specificity of definitions.

- B) With regards to the revision of the commencement of the terms of office of the council members and the mayor, please note the effect to Section 3-6. 1. as to the organizational meeting of the council.

- C) With respect to the proposed amendment of Section 3-3 regarding qualifications: assuming that the other qualifications of being a citizen of the United States and a voter in the county will remain intact, I suggest that the 90 day residency requirement be broadened to include residency within the district seeking to be elected.

This suggestion, while offering consistent application of the residency requirement term, also helps to deter the "movement of potential candidates motivated by the enhanced electability".

- State compliance*
D) With respect to the proposed amendment of Section 3-6.4, may I suggest a legal determination of the applicability of HRS 92-4 and 92-9 (a) (3) as well as Section 4-2.4 and 4-2.5 upon this amendment.

I offer no further comments at this time.

Respectfully submitted,



Bill Fuhrmann
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248-8300 (Evenings & weekends)

CHARTER COMMISSION
PUBLIC MEETING MINUTES
MCC SKYBRIDGE WITH HANA*, LANAI AND MOLOKAI
JUNE 25, 1992
MAUI COMMUNITY COLLEGE SKYBRIDGE LAB

PRESENT - KAHULUI

Robert Nakasone (Chairman)
Victor Reyes
Allan Sparks - Moderator
Anne Takabuki

EXCUSED

Sherrilee Dodson (Vice Chair)
James Cockett
Jamie Woodburn
Deborah Wright

PRESENT - LANAI

Dolores Fabrao - Moderator

PUBLIC ATTENDANCE

Kahului - 1
Lanai - 0
Molokai - 3
Hana - 1

PRESENT - MOLOKAI

Annette Mondoy - Moderator

PRESENT - HANA*

Lloyd Yonenaka - Moderator

*Due to technical difficulties the Hana Skybridge was cancelled. Commissioner Yonenaka taped public meeting - see separate minutes.

I. CALL TO ORDER

Chair Nakasone called the public meetings to order at 7:12 p.m.

II. PRESENTATION OF PROPOSED AMENDMENTS TO THE MAUI COUNTY CHARTER

Handouts listing all proposed amendments (and those with no official action taken to date) were made available prior to the public meetings.

III. PUBLIC TESTIMONY

A. DeGray Vanderbilt, Molokai resident.

Vanderbilt chastised Commission members for "a real...poor job" of putting together publicity for the Skybridge meeting. "There was no notice on the bulletin board; nobody in the county knew about this meeting in the administration office, the planning office; Mariano Acoba in the council services office said 'no, there's no public meeting tonight.' There was nothing here on Molokai at the county offices, in the library...or anything for people to study in order to present some constructive comments tonight. And, I think you guys should be ashamed of yourselves for letting this thing happen. Look at the crowd in Hana; look at the crowd in Lanai; look at the crowd here, and you'll see the benefits of your efforts."

[Staff note: Information on the meeting was faxed to DeGray on 5/13/92 by the County Information Officer.]

Moderator Sparks apologized and noted that this was not the way it was planned.

Vanderbilt noted that the same thing had happened with the water board on Molokai. "You guys need to get it straight with the administration -- if you don't want public input -- just cut out the public; but don't pull this charade. You guys should come back to Molokai...if you look at the transcript,

Vanderbilt (Continued): you said you'd be coming back to Molokai. Now maybe you knew you'd be using the Skybridge, but you're not here in person. And, this is a very important document, and you guys are just sloughing off your responsibility. You remember, I wrote a letter to Mr. Nakasone saying it would be nice if they could put some funds together so people from Molokai and Lanai could come over once or twice a month to testify at your hearings...so we could get into the loop."

Chair Nakasone asked if Vanderbilt had received the proposed amendments.

Vanderbilt responded that he received them when he walked into the meeting...that they were not available anywhere on the island. "They were not in any of the local papers... My comment was to Mr. Nakasone -- he asked me a question -- what was the purpose of his question? Quit sloughing this thing off, Sparks; you didn't do your job on the district elections stuff or anything else. You didn't let people know what was happening...let Nakasone come back and say...he's the chairman of this big commission that didn't do nothing, thanks to our mayor and her appointments."

Nakasone: "I have no comment to make on that."

Vanderbilt: "That's fine; typical political answer from you, Nakasone."

Moderator Sparks noted that the purpose of the meeting was to get some public input from Molokai, Lanai and Hana. He explained that there were technical difficulties with Hana. "I guess from DeGray's comments, we didn't get enough notice out on Molokai. What is the situation on Lanai?"

Moderator Fabrao: "I would have to say that we did put notices up all over Lanai, and I am here alone. As far as anyone not knowing what was going on -- people knew -- and you can't force them to come to meetings if they don't want... whether it's in a Skybridge or in a public meeting."

Moderator Sparks asked if the people did not come because of the Skybridge technology.

Moderator Fabrao: "I don't think so. I think that people...are feeling that they are being left out of things, they're not going to come out. And, for someone to say that the commission has not done our work, is to say that we have just been meeting and playing games -- and we're not playing games."

Vanderbilt: "I'm not saying that you didn't do your job; I'm just saying as far as letting the communities know -- you have a full time staff person -- we don't get many Maui News over here. It just seems a shame that there couldn't have been at least the effort to put in the recommendations pending approval and the proposed amendments to the Charter of Maui County...in the Lanai paper, in the Molokai papers...in advertising this meeting and asking people to come. Nobody feels they are part of this deal. Now, maybe you had big crowds on Maui...but there's been very little effort on the part of this commission to try to really involve the communities and educate them on what they're doing."

Moderator Sparks noted that Vanderbilt had made his point and asked if he had

Moderator Sparks: (Continued) some comments on the 'tentative final positions.'

Vanderbilt replied that he didn't understand what was being proposed.

Moderator Sparks explained that one set of handouts was proposed amendments to the Charter -- "things that we have discussed and voted on, and are tentatively our final recommendations. The other recommendations say pending approval -- these are things still under consideration...that we haven't quite gotten to the point of taking a vote on yet." Sparks noted that if anyone had any input on these items, commissioners would be 'glad' to listen to it.

Vanderbilt asked when the proposed amendments and recommendations available.

Moderator Sparks replied "June 16th. I'm not sure what happened on Molokai, in terms of distributing them."

Vanderbilt: "Well, there were none available on Molokai. Did you put these in the paper on Maui?"

Moderator Sparks: "They were given to a reporter but they weren't published."

Vanderbilt: "How do you expect the public to come in and give constructive comments, if they don't even know what you guys are doing?"

Moderator Sparks: "I don't. But, my assumption was that they...at least those who are interested enough...had begun to find out what we were doing."

Vanderbilt questioned the amount of money received by the Commission.

Moderator Sparks replied that the Commission had received \$50,000 initially, and another \$25,000 is being budgeted in upcoming fiscal year.

Moderator Mondoy: "I guess I need to apologize to DeGray...I was gone all yesterday on your island (Maui)...so, I didn't get a chance to see DeGray until I got back."

Moderator Sparks: "It's unfortunate that the information didn't get around sooner...I know the first hearing we had, we just barely got these things out. I thought with these others there was enough lead time to get these things around. It's a lesson for all of us, and we'll certainly do better next time. Right now, we're set up to take any comments people might have...on any of these items, or on any of the other Charter items that you have input on."

B. Gerry Anderson, resident of Molokai.

Anderson noted that they had a hard time confirming the meeting and had no information on it. "This is true of water meetings, this is true of county council meetings... For God's sake, can't you people in the county let the people on Molokai know what in the hell is going on? Look at the crowd here; there is only a couple of people who give a damn, and have the energy to find out what's going on. There's no information; we called the county -- 'we don't know'. It's something that is county wide."

Moderator Sparks: "Are you telling me it isn't just the Charter Commission...other county agencies have the same problem?"

Anderson: "Absolutely; no county agency ever gets the word out."

Moderator Sparks: "Certainly we'll be back there in one form or another, with our recommendations...to explain them and get your comments."

Vanderbilt: "Our planning commission, which Molokai lobbied for in the '88 election, and thanks to the Maui and Lanai island voters we were able to get...the planning commission is very good about getting notices out."

Moderator Sparks: "We'll certainly work on it. Does anyone have anything to say about the substance of our Charter proposals tonight?"

Vanderbilt: "What about the Lanai Planning Commission? Which list is it on? The one that you've sort of approved, or the one that's still under consideration?"

Chair Nakasone: "Page three, item number 14."

Vanderbilt: "I would just like to support that position. I've got some friends over there and I've heard what's going on. I think what's left of the spirit of Lanai and the people over there...there should be their own planning commission. That's a community that is trying to survive a very sudden disruption in their community lifestyle and values...I think that the people there are committed to staying there. I certainly support the Lanai Planning Commission...at least being on the ballot... Don't worry about a lot of people on the island hired by Mr. Murdock; give it a shot and let the people of Molokai and Maui and Lanai take a vote on this thing.

I think that although we were not real happy with all the people that Mayor Tavares selected, it has worked out and it has a lot of teeth to it. They are all Molokai residents...they are neighbors, and whatever decision they make, they have to walk down the street and face you everyday. So, I think that same thing will probably prevail on Lanai...even though you've got this major influence over everybody that's there because of Murdock."

C. Edie Anderson, resident of Molokai.

"I'd like to ask a question...probably DeGray can answer better than anybody else. These people who are up for replacement on the Molokai Planning Commission...I don't believe the vacancies have been filled. I think this is taxation without representation."

Moderator Sparks: "It seems to me that this is relevant to us in the sense that if there is difficulty in finding people to serve on the Molokai Commission, maybe it is something we should think about in terms of the Lanai Planning Commission. Is that a problem?"

G. Anderson: "The only problem is with the mayor...unless you give political contributions to the mayor, or were in her little clique, you don't get appointed."

Vanderbilt: "The mayor had a list of about 16 people who wanted to serve; she asked for volunteers -- she has the list. She is elected...even though she has

Vanderbilt: (Continued) the volunteers, she's ignoring those volunteers -- trying to find other people because she doesn't like the volunteers for one reason or another. Now, I'm not known as a mellow person over here, and I'm on the list... so, any problem with filling a vacancy is solely in the mayor's hands -- nobody else's."

Chair Nakasone: "I have a statement regarding this vacancy question. I think the Charter provides a process by which a vacancy has to be filled...on page 38 of the current county Charter. 'Not more than seventy (70) days nor less than sixty (60) days before the vacancy is to occur the mayor shall submit to the council the name of the mayor's nominee to fill the vacancy. Within sixty (60) days thereafter the council shall act to approve or disapprove the nominee.' So, there is provision in the Charter now that provides for filling vacancies on boards and commissions. So, if they're not doing it, there's a question of violation of the Charter."

Vanderbilt: "I think it is something that needs to be looked into. We don't have any Charters on this island...we asked...people to make Charters available for people on this island, but the County has elected not to do it...for some reason, we still can't go to the County office and get Charters.

As far as the process that Chairman Nakasone just read, the mayor did appoint somebody for a vacancy to replace Alfred Oshiro...that person, because of certain family commitments, was unable to do this and advised the mayor of that. So, I don't know if the mayor is under any time limit or obligation to fill that vacancy within a certain amount of time...when somebody declines the invitation to be on the planning commission before it even goes to the council."

Moderator Sparks: "The next section deals with that situation. It says 'Within thirty (30) days of the occurrence of a vacancy the mayor shall submit to the council' a nominee and then 'within sixty (60) days' they have to approve or disapprove. So, we're into some details I didn't anticipate we'd get into -- I'd like to try and keep it back to items we might find of interest in our deliberations on the Charter issues here..."

Vanderbilt: "This is something of interest and something that happens..."

Moderator Sparks: "If, like I said, it's a problem filling vacancies..."

Vanderbilt: "But, what remedies are there in the Charter if the mayor elects to say the hell with it? Obviously, when the council got on her okole for playing games with Mr. Priest and one other guy, all of a sudden she's down there lobbying with you guys every other day trying to get the changes to the Charter so she doesn't have to worry about this in the future. I'm saying...what happens if she just says 'I'm going to take my sweet time about finding a replacement...' -- even though she has qualified people on the list who have volunteered at her request?"

Moderator Sparks: "It's a difficult question and it's covered in another section -- what do we do if the mayor simply doesn't live up to the Charter?"

G. Anderson: "May I make a suggestion here? This is proposed amendments to the Charter...seems to me about a year ago there were a number of proposed amendments, including giving Molokai the right to vote for their own planning commission. I think this would be a very nice solution to the problem. Of course, it was shot down -- it even got the support of Pat Kawano, Wayne Nishiki...and that's about it.

G. Anderson: (Continued) For various reasons, people on Maui don't want people on Molokai to have a voice in their own government. I'm not sure why...you'd think they'd be glad to get rid of us; but I'd like to put in a suggestion that you consider adding a proposed amendment to allow us to vote for our own planning commission. I think this would be very appropriate and would certainly solve the problem of the mayor sitting on things."

Moderator Mondoy: "But, Gerry, prior to this we've had a good cross-section... this is the first time we've..."

G. Anderson: "I still think it would be very nice and hopefully, we'd gain more independence in the future. At some point we need to take a further step -- I think the first step was our own planning commission -- perhaps the second step is letting us choose our own planning commission. The suggestion is for a proposed amendment -- it doesn't say anything that I can't propose a Charter amendment."

Moderator Sparks: "No, you're entirely right; and, it's an interesting idea. We appreciate any kind of input."

Vanderbilt: "You guys have been working for over a year... One of the suggestions I made early on was approaching the commission about just going over to the county clerk's office and getting all the amendments that have come up to now, and how they fared. The last Charter amendment we tried to get -- Molokai to have its own planning commission -- we put out petitions around the county...and we had 700 or 800 signatures on file with the county. Unfortunately, because we thought it should be Maui and Molokai and Lanai, too -- the whole county...but it just got so difficult to divide up the districts -- one man, one vote. It's very easy here on Molokai; but the council couldn't get the grips on it and they let it die. I don't know why it wouldn't be a good idea to let Molokai be a test case, and see how it goes; I think most people on Molokai would support that. I think if it gets on the ballot, just like the planning commission, it will be approved; so, I would support a recommendation that the planning commission on Molokai be elected, and have faith in the Molokai community that they can come up with a good cross-section."

E. Anderson: "I'd like to second that."

Moderator Sparks: "Do we have anybody on the Commission that would like to comment on that? Do we have any public testimony from Lanai yet, Dolores?"

Moderator Fabrao: "I'm still alone. I want to thank DeGray for supporting the Lanai Planning Commission effort, and I certainly would like to see that their replacements for their planning commission be chosen...so they can do what they need to do. And, maybe we could follow up on that; but the selection of the commissioners for the planning commission are not within our purview. And, that is covered in the Charter as to what the mayor needs to do. As far as the information that did not get out to the public, we did, as a commission, have difficulty getting the information for us so we could get it out to the public in time because of time constraints. I apologize also to DeGray and the people on Molokai, but like everything else, we tried to do the best that we can under the circumstances."

Moderator Sparks: "Any other testimony on any of the other items in the Charter?"

Vanderbilt: "I'd like to try to understand where you guys are on initiative, which I think is really important statewide as well as in the county."

Takabuki: "We have a meeting scheduled for next week Tuesday, and we're going to be discussing all the proposed recommendations on that list...and one of them deals with initiative. Recommendations pending approval...we are proposing that -- and this is a committee proposal -- that the number of signatures be reduced from 20% to 15%...to make it a little easier for a petition of initiative to be filed. And, as far as we know, there has never been an initiative petition filed."

The second major change we're looking at is to delete the time limit which was thirty (30) days from the date that an initiative committee filed an application with the county clerk. So, instead of a thirty day limitation to get all the signatures, there would be no time limit under the proposal.

The other changes are pretty much housekeeping and technical, except that we are proposing that there not be a requirement for a special election, and that the initiative can be put on the next general election. And, as long as we have two year elections, it didn't seem unreasonable to just defer it until the next election."

Vanderbilt: "How long now...if you reduce the number of signatures to 15%...how long does somebody have to get a petition filed prior to the elections?"

Takabuki: "The amount of time you have to get those signatures is basically unlimited, except that I don't know how many days the county clerk must have the petition prior to putting it on the ballot. That might be the limitation itself."

Vanderbilt: "So, your thought is now that you need 15% of the signatures...if you give yourself enough lead time, you can 90, 120...180 days...as long as you meet your requirements with the county clerk, as far as presenting it to the council."

Takabuki: "Right; you could actually take a year or however long it might take to actually get the signatures."

Vanderbilt: "I would support that position, although the percentage was not the real problem. Maui has grown so fast, it's getting to be that 20% would be high. It was just the thirty days, which would be almost impossible for somebody to meet."

What's the deal now with district elections -- where's the Commission coming as far as their recommendations for this area?"

Moderator Sparks: "At this point, our recommendation is on the first page under proposed amendments...is to keep the at-large system, but to change the residency area requirements so that there are actually nine individual residency areas. That's the Commission's position at this point. We are hearing from a number of people about this issue -- we'd be glad to hear some more comments tonight."

Vanderbilt: "What has been your comments in the earlier meetings?"

Moderator Sparks: "We've had several people say that they would prefer that we went ahead with true district system...equal populations and districts electing their own representative, instead of an at-large system."

Vanderbilt: "I was at a Commission meeting in Kahului some time ago, and I know our friends in Hana...sort of like things the way they were. And, I don't think this change to nine different districts...they wouldn't have any problem with that."

Vanderbilt: (Continued) But, I still would support full on district elections. I think when you're at-large, everybody wants to make everybody else look good; but I think if you want a district, you have to be accountable to the voters. You would really have to do your homework to sell the other people, because they also are accountable to their district voters. And, I think everybody would work harder to justify the needs of their district; also, I think having somebody who took that much interest in a district and is that much accountable...you wouldn't get that much territorial...it would still be working together. I just think it would make everybody more accountable."

G. Anderson: "Aside from Molokai having more self-government -- that's the idea of townships. I've been doing some reading about this, and I know this has been talked about; I was wondering if the Charter Commission discussed the possibility of townships within the County of Maui...specifically areas like Molokai, which is very very different from the rest of the county; Hana; certainly Lanai. I'd like to throw that out on the table as something to possibly be considered."

Moderator Sparks: "It was thrown out on the table when we visited Molokai by Sarah Sykes, and she had some very interesting ideas and some very interesting information. We looked at it and thought about it, and discussed it a bit...I think we just felt a little bit overwhelmed with all the other things we were dealing with; to take on one as big, and new, and complex as that topic...it has kind of dropped off our table. But, we were fascinated by it, and there may be a day when that is one we should focus on."

E. Anderson: "I'd like to propose that you put that one on the top of your stack. I really think it's something that Molokai, Lanai and Hana could benefit from. Any suggestions you could give..."

Moderator Sparks: "While we're on this topic, can you give us a feel for the popularity for the idea...let's say on Molokai."

E. Anderson: "I'm out there like I think Sarah was...I haven't talked to her personally about that. I'm proposing that it be explored further. Maybe DeGray knows something further."

Vanderbilt: "I'd just say that if it created a vehicle where there could be a little more control over Molokai's future, the people on the island would probably very well accept it."

Moderator Mondoy: "Sarah is on the other end of the island now, but she is very interested and is pushing for townships."

Moderator Sparks: "It sounds like a topic worth pursuing; my guess is that this Commission's running out of time to do it...to learn all the pros and cons of it; but I know I'm personally intrigued with the notion. Maybe it would help more local home-rule government in certain areas, without confusing government too much, it might be worth doing."

Vanderbilt: "Speaking of schedules...what is the schedule of this Commission? Now you're talking about maybe coming back to Molokai..."

Moderator Sparks: "My understanding is that we're not going to have time to come

Moderator Sparks: (Continued) back prior to making some final decisions on what we're going to recommend to the voters. After hearing the problems getting information out, we may want to get our heads together and see if we can't squeeze one more something in there -- that's just my own..."

Vanderbilt: "What is your schedule though for getting things out, so we have an idea..."

Moderator Sparks: "I think it's about the middle of August...we have to have to the clerk a final draft. So, sometime around the middle of July, probably, we're going to have to have our final decisions and then that would leave some time for the lawyers to make the final words. Then prior to the election, we'll try to be as visible as we can in getting around to all the communities to explain what we're recommending. That's the scenario that I envision.

But, as I said, after hearing the problems we had getting the word out on Molokai -- it guess it wasn't quite as bad on Lanai... I'm wondering if we can't make another stab at it over there; but, we'll have to meet on that and see what we can do."

Vanderbilt: "One of the things that was an actual concern of mine was the wording that the lawyers come up with, because that can make or break an amendment. And, I know that when Molokai wanted its own planning commission... Mayor Hannibal Tavares was deadset against it; he got the Hawaii Government Employee Association to go up against it; he got the ILWU to go up against it -- they were running ads in The Maui News against it. And then, the thing that almost killed us was they put the wording on the ballot that was so confusing that you didn't know whether a yes meant no, or vice versa. It was just a real inside effort to defeat this amendment. I suggested that coming out to these public hearings, it would be a good test to have the legal wording already there. Even if these are things still being proposed, you could have gotten something from corp counsel saying if this went on the ballot, this is the suggested wording. Just to see how the public felt about it...because it is so important; and, in that light, I'd just like to ask this Commission...on the section that says Recommendations Pending Approval...Article 14, items 1 and 2...where those came from."

Takabuki: "The first one was brought up at a committee meeting; my particular committee had this section to deal with. The second one came from a prior recommendation which we did consider, and the committee decided to approach the Commission with it. I think this arose from an incident in 1988, when those Charter amendments were on the ballot and there was an issue of whether or not it really received the full will and commitment of the people...when some of the matters that were passed were passed by a very small number of true votes. So, that I think is the history on number 2."

Vanderbilt: "Can I ask you directly -- did this come from the County Clerk's office? "

Takabuki: "The County Clerk did comment on these..."

Vanderbilt: "Who initiated it? You know they commented...who initiated it?"

Takabuki: "I think there were a couple of ways it actually came up. One was again because of that 1988 election and what happened then; and the other was through..."

Vanderbilt: "But, who brought that up about what happened in 1988. Your committee just investigated? Or, was this presented to you by the Clerk's office?"

Takabuki: "No, there were about 15 Charter amendments that were pending before the council when the Commission first started to meet...and those were all carryovers from the prior administration and county council's review. So, it really stems from more like a 1990 list of proposals. And, these were just referred to us without any comment by the county council. So, one was included in that one. And secondly, you're right; the county clerk did come before us and he did comment on this."

Vanderbilt: "And, I think this is a true example of what happened on Maui with the Molokai Planning Commission issue. I suggested...that you get this wording, just as a good example for the Molokai Planning Commission. They made it so difficult on the voters -- there's no way -- I mean, it was such complex wording. So, the administration and the council, and whoever's involved in this...if they don't like an amendment, they can play a lot of havoc with the wording. Therefore, I would really oppose that number two, because it's the county government's job to really educate the voters -- not only educate them, but get the intent of the Charter amendment on the ballot -- don't try to play games with words, as Mayor Tavares tried to do, and the county clerks' office, and corp counsel tried to do on the Molokai Planning Commission."

Takabuki: "DeGray, just to let you know, we do have independent counsel staffing our Commission; and, he will be coming up with the initial language. But, it will have to be reviewed by corp counsel."

Vanderbilt: "Is this something new, or did this happen in the '88 election?"

Moderator Sparks: "Let me comment on that; I think the Charter change recommendations in 1988, number one -- didn't come from a Charter review commission -- it came mostly out of the county council. And, then the corporation counsel gets involved in the act of drafting these ballots... In this case, you can rest assured that anything that this Commission wants to recommend to the voters, we're going to try to make it as clear as we can on the ballot what it is they are voting for; and then we'll be going around the county trying to explain to them why we think it's a good idea to vote for the recommendations that we're putting on the ballot. So, it's a little different situation -- there's no corp counsel or mayor that's going to get into the act and play games with our ballot. The games will be played right here by the Commission in favor of our recommendations."

Vanderbilt: "Thank you. Was there anything in here about the number of votes that are needed to override by the council on a Molokai Planning Commission vote or recommendation? I thought that I had seen somewhere that there was some reference to try to change that..."

Moderator Sparks: "Not that I'm aware of, but I don't even recall exactly what the process in the current Charter is. They don't have to override commission recommendations by two-thirds, I don't believe; it's a majority of the council. And, we're

Moderator Sparks: (Continued) not recommending changing anything on that."

Vanderbilt: "I would strongly recommend that it would take a two-thirds majority to override a recommendation of the planning commission."

Moderator Sparks: "There is a provision about adopting general plans..."

Vanderbilt: "It's two-thirds on the general plan."

Moderator Sparks: "If it's proposed by the council it has to be reviewed by the planning commission; and, if the planning commission disapproves any of their proposals, then they have to have two-thirds to go ahead with it."

Vanderbilt: "Wait -- on a general plan or on a community plan?"

Moderator Sparks: "This says on adoption of general plan or other land use ordinances. So, does that include the community plan? Good question."

Vanderbilt: "Well, the community plan is part of the general plan."

Moderator Sparks: "That's the way I look at it; we had a little discussion about that because the lawyer..."

Vanderbilt: "I think that that is really, really critical; with all these community plans being reviewed now, that any language be very clear as to community plan...general plan. Because if there is a community plan amendment, at least on Molokai, they have to come to the planning commission first, and then the planning commission makes its recommendations to the council. The council can...I don't know, simple majority to override...but, it never comes back to the Molokai commission once the council takes action. So, what you are reading there is a little bit confusing -- at least from my understanding of how things work out."

Moderator Sparks: "I tend to agree with you that we need to be clear whether community plans are part of the general plan. I had always assumed they were a part of it, but other people don't seem to have the same assumption."

Vanderbilt: "I think this amendment stuff really has to be clear, because I think that is the thing that can really hurt these community plans -- these various amendments -- special uses and all this stuff; because here we just passed the general plan...and now we're talking about amending the general plan...to extend the Lanai airport. I don't know how long it's been since the community plan or the general plan has been in effect, but if they do that, they've set the stage to expand the Kahului airport, the Molokai airport...or whatever. People get tired after that...they come out and speak their piece, and they are subject to all these variances and amendments by parties outside their jurisdiction."

Moderator Sparks: "We're concerned about that, too. Any other comments? You folks may be small in numbers, but you've got a lot to say."

G. Anderson: "I'd just like to make a comment -- it's always good to get people over here so when we give testimony we can look them in the eyes. I think this

G. Anderson: (Continued) is a reasonable substitute when it's impractical to come over; but the key thing is that you...and I'm not blaming you guys...it's the county -- it's terrible at getting the word out. And, even people who try to get information have a very difficult time. It's just universal in the county and I don't have an answer -- anything that you could do to see that the county gets the word out...we have three newspapers here now."

Moderator Sparks: "I was just going to ask you the avenues we should use..."

G. Anderson: "People have tried the bulletin boards...they maybe don't work... people tear them down or cover over them..."

Moderator Sparks: "We did get it in The Maui News three different times...if we're assuming that it was in, and it wasn't in...we need to...maybe you can help us figure out what happened."

G. Anderson: "We actually saw it...they wrote an editorial on this subject, and at the end of the editorial it had this meeting mentioned. We hunted all over... we didn't know if it was happening or not."

Vanderbilt: "I think the key is just to get people to feel involved in what's going down; and just having information out -- people don't like to come to a meeting...say we had twenty or thirty people here...and they were given this for the first time -- you're not going to get much constructive testimony. This would be true on Molokai and Lanai...even on Maui...and, it's the responsibilities of the communities, too, to educate them. My original suggestion to Mr. Nakasone to pay for the airfares for a couple people was so that they could go and come back and keep on top of this to let everybody know what's happening."

E. Anderson: "I don't think the word is getting out...maybe you should try the radio station..."

Moderator Sparks: "Our secretary tells me it was on the radio... I think we're all in agreement that we'd like to get more people involved and more people interested, more people to public hearings; we'll have to redouble our efforts somehow to get the word out. We'll surely look into it to see where the snag was."

Moderator Mondoy: "I'd like to personally apologize to Gerri, Edie and DeGray, and to thank them for coming out tonight. I hope to keep them better informed."

Moderator Fabrao: "I just wanted to expand on what DeGray said...that he hadn't seen some articles on what the Charter Commission has been doing. There were articles in The Maui News regarding all the meetings we have had and regarding the testimony that was given. I think, as I said earlier, when people are not threatened too much by what we are doing, then they will not come out. But, it's not like they are not interested; and maybe this more formal setting with the Skybridge is kind of like a deterrent, but I don't think so. Because, DeGray, even at our last public meeting on Molokai, you didn't have too much of a good showing. I don't know how much more you'll have...or what better showing you'll have the next time we go over there -- I think it depends on what the people are interested in."

Vanderbilt: "Dolores, we don't know if we're threatened if we don't know what you guys are doing."

Moderator Fabrao: "But then also, DeGray, you have Annette...our representative from Molokai...there on Molokai. And, you can have access to our minutes...and that's always public knowledge."

Vanderbilt: "Well, that's correct; but, you guys didn't get down to really... you started off in June or July of 1991, and not a whole lot happened -- there was some interest in the Charter, but not much happened I don't think until September, November...or whenever... Whether it was in The Maui News...I don't subscribe to The Maui News, but I do pick it up when I'm there...because we only get thirty Maui News' on Molokai. I guess I could subscribe to be assured of one... It really doesn't matter, but I think as far as we've shown here -- at Hawaiian Electric meetings we've had 10% of our population out here at meetings. I think anything we get a head start on and somebody's willing to take the time...I guess I could have taken a minute in trying to figure out from the minutes what you guys were thinking you were going to end up on these lists. But, there's stuff you can't grab ahold of until right now, and that's not your fault or ours -- there's nothing you can feel threatened about. I certainly would feel threatened by that one that I mentioned to Anne -- that second one -- because I happen to know just where the possible origin of that came from. And, even though Allan mentioned that we can be assured this time that you have independent counsel and his wordings will probably be pretty clear to the voters..."

And, speaking of that, this brings up another proposed Charter amendment. Maybe the wording of any Charter amendment should be proposed by independent counsel in the future, and that the public really get a chance to look at those before the final public hearings. It would be sort of a test run to see if everybody understands what's going to be on the ballot."

E. Anderson: "There's been a number of situations on Molokai where the population turned out in full; the population will come out if they're given notice. I really stress that not only this commission, but all of the county government agencies remember that we're here -- it's getting pretty insulting to be ignored."

Moderator Sparks: "If no one has any comments, I do want to thank you for taking part in this somewhat experimental approach to meeting our public hearing obligations. My personal opinion is that it didn't work as well as we had hoped, but..."

Moderator Fabrao: "I'd like to make two comments; number one, I didn't mean to imply that people were not interested just because they don't come to the community meetings -- just look at me -- I'm here alone. The other comment is that we discussed it at length in the commission -- the whole commission -- that the language we would present in the amendments to go on the ballot would be understandable by simple people like me. I think we've made a promise to ourselves in that respect."

Vanderbilt: "Can I make a comment to Dolores? Nothing that I have said should be taken personally...I love what you're doing on Lanai. Aloha."

IV. ADJOURNMENT

There being no further public testimony, the meeting was adjourned at 8:16 p.m.

ACCEPTED:

Robert Nakasone, Chairman Date