

**2009-2010
HAWAI‘I COUNTY
CHARTER COMMISSION**

1st Session

Friday, March 13, 2009

County Council Chambers
Ben Franklin Bldg. 2nd Floor
333 Kīlauea Avenue,
Hilo, Hawai‘i 96720

CALL TO ORDER:

CHR. HAITSUKA: I’ll call this meeting to order. This is the first session of the 2009-2010 Hawai‘i County Charter Commission. It is now 1:34 p.m. It is March 13th, 2009 and we are at the County Council Room at the Ben Franklin Building in Hilo. I will now call the role.

ATTENDANCE:

Present: Mr. Ed Haitzuka, Chair
Mr. David Fuertes, Vice Chair
Ms. Daphne Honma, Commissioner
Ms. Casey Jarman, Commissioner
Ms. Jamae Kawauchi, Commissioner
Mr. Joseph Kealoha, Commissioner
Mr. Seth Murashige, Commissioner
Mr. Alapaki Nahale-a, Commissioner
Ms. Susie Osborne, Commissioner
Mr. Todd Shumway, Commissioner
Mr. Scott Unger, Commissioner

Also Present: William P. Kenoi, Mayor
Lincoln Ashida, Corporation Counsel
J Yoshimoto, Council Chair
Kenneth Goodenow, County Clerk
Rodney Oshiro, Deputy County Clerk
Charmaine Shigemura, Exec. Assist. to Mayor
Val Victorine, Admin. Assist. to Clerk
Levi Hookano, Legal Specialist
Karen Eoff, Secretary

INTRODUCTION OF GUESTS

CHR. HAITSUKA: My name is Ed Haitzuka. We have a few guests today. We have Mayor William P. Kenoi; and Council Chair J Yoshimoto, to say a few words before we start. Mayor Kenoi.

MAYOR KENOI: Aloha, thank you very much, Mr. Chairman. Aloha everyone. I want to sincerely express my gratitude and appreciation to each and every one of you to agreeing to take on this task of serving on the Charter Commission for the County of Hawai'i. I'm very proud to look around at every one of you and know that you represent in every shape, form and facet of our wonderful, special community; their viewpoints, their hopes, their dreams.

You know, the Charter Commission, this will probably be the most important body throughout my tenure as I'm honored and privileged to serve as Mayor. Somebody asked me, what is this Charter Commission, Billy? I told them, The Charter Commission is the Constitutional Convention of the County of Hawai'i. In this body, during your deliberations over these next many months, all of you will decide the design, the framework, the vision, the issues of the County of Hawai'i going forward. As you all know, I take care of a small piece of my value. But I know every one of you shares that same value, and that's what we do today is for the benefit of our children, their children and their children's children. This is not about credit. This is not about addressing any special interests, any friendships, any entities, any friends, any organization any special association in the Island of Hawai'i; but to honor what has been given to us as a proud legacy from our parents, our grandparents, and their parents as well. And as trustees of this wonderful legacy, it is our responsibility to pass that to the next generation. And all of you will decide whether council people should have the consideration of four year terms. Maybe they need to be "at-large" and everybody should campaign island wide. Maybe you guys will decide that we shouldn't have a Mayor system of government, and maybe we might want to have a City Manager system. Whatever you guys decide, I trust it will be the right decision.

I'm very honored that each of you have agreed to serve as caretakers, as trustees of that vision for our County of Hawai'i. I'm proud to serve as Mayor along with Council Chairman-J Yoshimoto. And I'm pleased with J's values and J's vision, and our collaborative partnering and cooperative working relationship. And it's great to be able to put aside ideologies and philosophies and just really get down and help the people of our island. Thanks you guys, that's all I have to say. Mahalo, and if any of you need any further guidance, there's Ed Haitzuka, Jamae Kawauchi, and Casey Jarman and Lincoln Ashida. You guys are all in very capable hands, legal. But, thank you, each of you, who represent a different part of our island, a different part of our history and a different part of our vision. Mahalo.

CHR. HAITSUKA: Thank you Mayor, Kenoi. (Applause) Good afternoon, Chairman Yoshimoto.

COUNCIL CHR. YOSHIMOTO: How's it going? Can I sit? I always wanted to sit down here because usually I'm on the other side of the table and I consider this a very special opportunity. First of all, I would like to thank everyone for serving on this commission. I want to echo the

sentiments of Mayor Kenoi. I think those were words of wisdom that were well spoken. As you all know you have a very important task ahead of you, which is to look at our Charter, and this is a tremendous responsibility proposing changes to improve our local government. You will have to closely examine our operations, review the many proposals that will be suggested by other agencies and the public, and ultimately select the amendments to be placed on the ballot.

As I look at the Commission, and looking at the process, I cannot, again, extend my appreciation for you coming forward, because this is a tremendous responsibility. In all likelihood, you will hear divergent views from different people. Some of them will be very passionate. Some of them will be very insistent that you listen to their point of view. So your task ahead of you is similar to ours in trying to make some sense of it to see whether those changes necessitate a change to our Charter. So that is a tremendous responsibility, and I hope I am not scaring any of you at this time. But I am confident that all of you are up to the task. You'll find that most people that come before us are sincere in their beliefs and believe that they are contributing an important part to our process, which they are. The key is to make sense of it, again, to see if there is something to put forward to benefit the entire County.

So I encourage you to ask as many questions as you want and to utilize the services of the attorneys that we have here. Lincoln Ashida, Levi, and anyone that you feel would be resourceful to you because, again, the key is to ask all the questions and get all the information out there and to put forward a good proposal. So, again, thank you very much on behalf of the County Council and thanks to Mayor Kenoi, too, for his part in this process. I think he is an outstanding leader. He is showing his leadership capabilities because no matter what decisions we make there is always a balancing of interests, we are always trying to look out for the greater good, and I'm sure you will all do the same. Thank you. Mahalo.

CHR. HAITSUKA: Thank you, Council Chair J Yoshimoto. I hope you don't mind I am sitting in your seat. I would like to ask Mayor Kenoi to administer the Oath of Office.

MAYOR KENOI: I have J with me as we're doing this as a partnership. Would everybody please raise your right hand and repeat after me. I, state your name, (Commissioners in the background) do solemnly swear or affirm, that I will support and defend the Constitution of the United States of America, and the Constitution of the State of Hawai'i, and that I will faithfully discharge my duties as a member of the County of Hawai'i Charter Commission to the best of my ability. Congratulations, everybody.

CHR. HAITSUKA: Thank you, Mayor Kenoi.

MAYOR KENOI: One last thing, I want to echo what J said. That any thing that any of you may ever need in terms of support, in terms of resource, in terms of access to any thing in county government, just ask, and we'll be sure to get it to you.

INTRODUCTION OF COMMISSIONERS

CHR. HAITSUKA: Thank you. At this time, I would like to have the commission members introduce themselves, starting on my left, Mr. Unger.

MR. UNGER: My name is Scott Unger. I manage a gas company on the island. We're called AmeriGas Big Island. I'm originally from Hilo, but lived in Waimea for many years, and have been in Kona now for about ten.

CHR. HAITSUKA: Thank you. Mr. Shumway.

MR. SHUMWAY: My name is Todd Shumway. I live in Hilo. I work at U.H. Hilo. I'm the Director for Global Exchange. I work with international exchange students up there. I'm originally from Minnesota and California, but I've been in Hilo for about 12 years.

CHR. HAITSUKA: Thank you. Ms. Osborne.

MS. OSBORNE: Aloha mai kākou, my name is Susie Osborne. I am the principal of Kua O Ka La Charter School located in Puna. I am also the co-founder of Ho'oula Lahui, a 501(c)(3) nonprofit. I am originally from Canada, but I have lived in Puna for the last 25 years. Mahalo.

CHR. HAITSUKA: Thank you. Mr. Nahale-a.

MR. NAHALE-A: Aloha mai kākou, I am Alapaki Nahale-a. I am the director of Ka Umeke Ka'eo Hawaiian Immersion Public Charter School in Keaukaha, Hilo. Born and raised in Hilo and I am happy to be here. We love our island.

CHR. HAITSUKA: Thank you very much. My name is Ed Huitsuka. I live in Kona. I am married, with three children. I am an attorney. I have lived on the Big Island off and on since 1981 and I am happy to be here. Thank you. Mr. Murashige.

MR. MURASHIGE: My name is Seth Murashige. I am in charge of Transport Hawai'i. I am from here, born and raised in Hilo.

CHR. HAITSUKA: Thank you. Mr. Kealoha.

MR. KEALHOA: Good afternoon every one, my name is Joe Kealoha. I live out in South Kohala. I am originally born and raised in Kalapana. I am a retired police officer of 30 years, and so right now I am just enjoying retirement.

CHR. HAITSUKA: Thank you. Ms. Kawauchi.

MS. KAWAUCHI: Good afternoon, my name is Jamae Kawauchi. I'm originally from Waiohinu in the District of Ka'ū on the Island of Hawai'i. I now reside in Hilo. I am a solo

practitioner. I practice law in my own law office here in Hilo. I have two children and a loving husband. I am very grateful for the opportunity to be here and to serve the County. Thank you very much.

CHR. HAITSUKA: Thank you. Ms. Jarman.

MS. JARMAN: My name is Casey Jarman. I am a Professor of Law at the University of Hawai'i William S. Richardson School of Law. I have been doing that for 22 years except for the last 2 years, from December of 2006 to December of 2008, I served as the County Clerk for the Hawai'i County Council. I am an inter-island commuter. I have lived on the Big Island for 10 years and I have lived in the state of Hawai'i since 1987 and I am originally from the frozen north of Buffalo, New York.

CHR. HAITSUKA: Thank you. Ms. Honma.

MS. HONMA: I am Daphne Honma. I teach out at Honoka'a High School and I also coach the girl's basketball team at U.H. Hilo. I was born and raised on the Big Island in Pauilo, and I actually still live there and drive out to Hilo every day. I look forward to this opportunity. Thank you.

CHR. HAITSUKA: Thank you. Mr. Fuertes.

MR. FUERTES: Aloha mai kākou. My name is David Fuertes, North Kohala.

STATEMENTS FROM THE PUBLIC

CHR. HAITSUKA: Thank you. Maile, do we have any body in Kona that wishes to speak?

MAILE DAVID: Aloha, Chair Haitsuka, we have no testifiers today.

CHR. HAITSUKA: Alright. We have none here.

NEW BUSINESS

1. ADOPTION OF THE RULES OF PROCEDURE

CHR. HAITSUKA: Next item on our agenda is to adopt our Rules of Procedure. I believe Commission Members were provided with a copy of our Proposed Rules prior to today's meeting.

MS. JARMAN: Move to adopt the Rules of Procedure.

CHR. HAITSUKA: Do I hear a second?

MR. SHUMWAY: Second

Ms. Jarman moved to adopt the 2009-2010 Hawai'i County Charter Commission's Rules of Procedure. Seconded by Mr. Shumway and carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.

Noes: None.

Absent: None.

CHR. HAITSUKA: Motion carried, motion approved.

2. ORIENTATION BY LEGAL COUNSEL

CHR. HAITSUKA: We have Corporation Counsel Lincoln Ashida here today. He is going to give us a presentation. Good afternoon, Mr. Ashida.

MR. ASHIDA: Good afternoon, Chair Haitsuka and members of the Hawai'i County Charter Commission. Congratulations on your appointment and confirmation. And thank you very much for your service. Mayor Kenoi talked about the different things that the Charter Commission can do, and that's a tremendous undertaking. He talked about the four year council terms and so forth. Don't forget that you can also make the Corporation Counsel a Civil Service position and not have him removed unless there's cause, just cause. Just wanted to mention, that's within your powers, if you so choose. This is my 21st year of service to the people of the County of Hawai'i. I served for 13 years as a Prosecuting Attorney the last eight years as the Corporation Counsel. We're really excited about this Charter Commission.

Right from the get go, I think the first thing we need to recognize and really give a big thank you and mahalo to is the Council and the County Clerk's Office, because in the past, when Charter Commissions have been empanelled and served, it cost a lot of money. It cost a lot of money because they would have to hire out staff; staff to do the minutes, take care of all the secretarial work, make sure that you comply with Sunshine Law, posting of the agendas. It also cost a lot of money because historically Charter Commissions have hired private counsel, attorneys. We avoided that this year thanks to the generosity of Chair Yoshimoto and the staff of the Council and Clerk's Office. Karen Eoff, who works out of the Kona Council Office, has graciously volunteered. Actually, she was probably assigned, but I'll say she graciously volunteered to serve as the Secretary of this Commission.

In terms of Legal Counsel, instead of having to go outside, hire an attorney who probably would have to take awhile to get up to speed in terms of the existing Charter, County procedure and law, you are going to be serviced by Levi Hookano, who is an attorney with the Council offices here. He is a Legal Specialist. Talk about getting somebody who hits the ground running, who

knows his stuff, who has been working with the Charter for the last couple of years already, and all of that; and we save money.

It's been in the media about how the County is facing a shortfall. So I think that is something that really needs to be recognized, because already, from the first day, this Charter Commission is getting off to a real good start. You're starting off saving the taxpayers money, staffed by experienced and dedicated people who have already proven their commitment to the County. So I really wanted to recognize Chair Yoshimoto. J, thank you for you and your staff; fantastic people. Just make sure I get soda when I come here. I gave you that plug.

On the agenda, they had allocated some time for me to talk a little bit about three things: Sunshine Law, Ethics, and Financial Disclosure Law. Today, this is your first meeting, there's all sorts of things flying around. There's so much to do on this first day, it's going to be very difficult, I think, to focus on all three, or really any one of these in any meaningful detail. Our office offers training, at least with respect to the Sunshine Law and Ethics, on an ongoing basis. We offer it in Hilo and Kona, so we will offer it to you at a later time, when you can come with some other new Commissioners from other Boards and Commissions county wide. We dedicate about one and a half or two hours to that. I think that might be a more efficient way and productive way for you to get acquainted with the Sunshine Law and Ethics. Because, really, I don't think we can do it justice here in this short period of time. Again, under the circumstances, a lot of us just all met each other today for the first time. A lot of balls are in the air, so we'll extend that invitation to you later.

That being said, I just wanted to take just a few minutes to talk just about some highlights about these three areas, just some little sound bites that you can take with you when you leave here today, that I think might be helpful. First of all, what is the Sunshine Law? The Sunshine Law is a state law which requires all boards and commissions, and you are a board or commission that has been created by statute or law. It exists within the Hawai'i County Charter. The Charter, like Mayor Kenoi pointed out, is the organic document, or the living document for the County of Hawai'i. Because you, the Charter Commission, were created as a result of that law, you must comply or follow this Sunshine Law. What is the Sunshine Law? It's a law that says all of your discussions, all of your deliberations, must occur at an open meeting like this. Which is open to the public, where the public has an opportunity to come in, testify, hear, see first hand what you're doing, what you're saying. That's basically what the Sunshine Law is. There's a lot of separate detail about different aspects of the Sunshine Law, but the main thing you take away from here today is this: Now that Mayor Kenoi has sworn all of you in, and that's the last official act in the Charter that makes you now "official." You were first appointed by the Mayor, or nominated by the Mayor; you all appeared before the Council to be confirmed. The third step is what you did today, taking the Oath. The Charter says you cannot begin your duties until you're sworn in or you give an oath or affirmation, which you've done today.

From this moment forward, the Sunshine Law applies to all of you. What that means is, like I said, primarily, the Sunshine Law says all discussions you have about Charter Commission business must occur at an open meeting, open to the public, where the public can participate. Which means, when you leave here this afternoon, say that Jamae emails Paki and Todd and says, "Hey guys, it was nice seeing you today, by the way, one of the things I was thinking

about, that Mayor Kenoi said, was that thing about four-year Council terms, you know guys, I really think that's something that we really need to look at first." That's a violation of the Sunshine Law. It's a violation of the Sunshine Law because more than two members are talking about board business, or the kuleana of the Commission, outside of the noticed meeting. All of that type of discussion needs to occur in here, or wherever it is that you're meeting.

So, like I said, our class goes on for two hours talking about the Sunshine Law, but the main thing I wanted you all to take away from---when you walk out of here today, is recognize that from this moment forward the Sunshine Law covers you. Jamae goes home, emails Paki and Todd and says, "Hey nice seeing you guys." No problem. Or, "See you at the soccer field on Saturday." No problem. But when you start talking or conversing about board business, board business meaning business of the Commission, don't do it. Do it only at a noticed meeting. A lot of times you folks are going to feel a little compromised by that because, you all have busy schedules, you all have other commitments, you have real jobs, your lives out there. You are going to find there are times you want to pick up the phone and talk to Ed or talk to Casey, because of her experience, and ask questions. That's difficult, because that's a normal human tendency to want to do that, but you can't do that. All the discussion has to occur whenever you meet. Anybody have any comments or questions on that?

CHR. HAITSUKA: Mr. Unger

MR. ASHIDA: Dude, we always recognize members of the Hilo High class of '80, baby.

MR. UNGER: What about personal friends, and what about discussing things that were discussed in public, in this meeting, and then we go home and discuss it again.

MR. ASHIDA: No problem, Scott. No problem. The restriction in the Sunshine Law is when you eleven discuss among each other. That's a great question, thank you. Sunshine Law only applies to board members. So, something that you discuss at a meeting, you can discuss with Levi without limitations. Why? Because he's not a board member. You can discuss it with Char. She's not a board member. It only applies to you, eleven, interacting with each other, one on one, two on one, two on two, what have you. Now, there is an exception, a narrow exception in the Sunshine Law that says, up to two of you can discuss board business without limitations so long as no commitment to vote is sought. So what that means is, say after a meeting--let's stick with this four-year Council term thing, alright--after the meeting, Joe emails you, Scott, and says "Hey Scott that was a wicked meeting today, I heard a lot, I'm thinking about this four-year term thing, I really think that it's a good idea, maybe we should go that route." You can say back "Yeah, you know, I had that same impression too."

You guys can talk about it, no problem, because the exception to the Sunshine Law is that up to two can talk about board business or the kuleana of the Commission. But where you cross the line is when the two of you are talking and then Joe says, "Hey, you know what brother; I'm going to vote for that. How about you, are you with me?" That's when you cross the line, because now you are indicating how you're voting, and you're seeking a commitment to vote from the other person. But if you're just talking about it generally, it's OK. But Scott, the problem with that is once; say you and Joe talk about it, Joe cannot now go talk to Casey. Now

you cannot go talk to Paki about it, because that becomes a serial communication. But that's a great question. We're talking about just you eleven, are subject to the Sunshine Law. Good question. Mr. Chair, can I just recognize Ms. Osborne?

MS. OSBORNE: Are these sessions videotaped?

MR. ASHIDA: I don't know.

MR. HOOKANO: No, they are not. They are being audio taped.

MS. OSBORNE: Would we have access then to review them if we wanted to refresh our memory on something?

MR. HOOKANO: I am Levi Hookano. The reason why we are having the microphones turned on is so that we get the audio recording, because later on, Karen will be doing a verbatim transcript of the minutes for all of you to review.

MR. ASHIDA: Any other questions or comments? That's the main thing on the Sunshine Law. I would ask Levi if there's any thing in particular on Sunshine you thought appropriate for me to discuss at this time?

MR. HOOKANO: The interaction of the members.

MR. ASHIDA: Okay, the interaction of the members. Any other comments or questions? Okay, good. I want to just push on a little bit to the Code of Ethics. Like I said, we do also train on our Hawai'i County Code of Ethics. Today forward, once you took the Oath from Mayor Kenoi, you are considered County officers. There's a difference between County employees and County officers. The basic difference is that officers are elected or appointed. So, like you, me, Levi, Kenny Goodenow, we are County officers. Despite the fact that you are essentially just citizen volunteers, because you are considered County officers, you are subject to the Hawai'i County Code of Ethics. There's some very detailed and specific rules and requirements concerning the conduct of County officers and employees. Again, within this short timeframe, I cannot do justice to it, to provide you an exhaustive overview of those items which I think are pertinent and germane.

However, I think the best way to sum it up is this. There's one provision in the Hawai'i County Code of Ethics which is not contained in the State Code of Ethics or any other Code of Ethics in our state. And that is the requirement that when dealing with members of the public, all County employees and officers shall treat them in a fair, impartial and courteous manner. What that means, like I tell my daughter, is be nice to everybody all of the time. I don't want to sound crass about this but I'll just throw it on the table, cards face up, from this day forward, you represent the County. You are a Mayoral appointee which has been confirmed by the Council. Everything you say, do, or what have you, reflects upon Mayor Kenoi and this Council and this County. That's the main message I wanted to get out. There's all sorts of provisions regarding conflict of interest, entering into contracts, but I think the time limitations, we're not able to cover that adequately.

The third item on there is actually related to Ethics, which is the Financial Disclosure Law. One of the requirements of the Code of Ethics is that all of you file what's called a Financial Disclosure. Have you been given that form to fill out already, ahead of time? Some people feel that the form is somewhat invasive with respect to their personal finances, but you can rest assured that those forms are treated---those are the ones that are confidential. They are held confidential by our Board of Ethics, which means they are not a public document. That's different, for example, from my financial disclosure, which is on file here at the Clerk's Office. That is a public record. If any one comes in and asks Glynis, up front, "I want to see Ashida's financial disclosure," they get it and they see what assets I have, what liabilities I have, what stocks I have, what interests I have in whatever closely held business my dad might have. They can get that. But your financial disclosures are held confidential and private.

The reason the County asks you to fill out this form and asks for your consideration in allowing us to ask for this information is the Ethics Board is a five member board. Just like you it's a board or a commission. They review that just to make sure that there's no conflict of interest in you serving on this Charter Commission. When you come down to it and think about it, that's really for your protection. The last thing that we want is after you do your work and after the changes go to the ballot, and the voters vote on it, they say, "Hey, Murashige, that's related to Suisan." You get the idea, if somebody questions later, that might be a problem. The fact that the Ethics Board has already reviewed your Financial Disclosure, find that none of you have any conflict of interest, really comes down to it protects you, all of us, and the Commission in the long run.

So with that, Mr. Chairman, that's all I really had, again, I think it's better that we do a more detailed instruction on Sunshine and Ethics that the training at my office offers, but it is a pleasure to serve you all. Levi---you are in the most capable legal hands possible. Levi is going to take real good care of you and Levi knows that my office is standing right behind him as we are always and we'll back him up. So, with that, does anyone have any questions of me? Okay, Mr. Chairman, thank you.

CHR. HAITSUKA: Thank you very much, Mr. Ashida.

3. ELECTION OF OFFICERS

Vice Chair

CHR. HAITSUKA: Next on our agenda is the election of a Vice Chair. Do I have a motion to open nominations for a Vice Chair?

MS. JARMAN: So moved.

CHR. HAITSUKA: Do I have a second on that?

MR. NAHALE-A: Second.

Ms. Jarman moved to open nominations for Vice Chair of the 2009-2010 Charter Commission. Seconded by Mr. Nahale-a.

CHR. HAITSUKA: Alright, it has been moved and seconded, any discussion on opening nominations for Vice Chair? All those in favor of opening nominations for Vice Chair, say "aye."

The motion to open nominations for Vice Chair of the 2009-2010 Charter Commission was carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.

Noes: None.

Absent: None.

MS. OSBORNE: I would like to nominate David Fuertes.

CHR. HAITSUKA: We have a nomination of David Fuertes as the Vice Chair. Any other nominations?

CHR. HAITSUKA: No other nominations?

MR. NAHALE-A: I guess my question is what does it entail to be Vice Chair?

CHR. HAITSUKA: Whatever I do, you have to do too. There's actually a brief description in the rules, the proposed rules that we adopted today. Basically what it says is, all of the duties of the Chair in the absence of the Chair, and other related duties. So we have one nomination for Vice Chair. Any further nominations? Do we have a motion to close the nominations?

MR. KEALHOA: Motion to close.

MS. JARMAN: Second

Mr. Kealoha moved to close nominations for Vice Chair of the 2009-2010 Hawai'i County Charter Commission. Seconded by Ms. Jarman and carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.

Noes: None.

Absent: None.

MS. JARMAN: Congratulations.

CHR. HAITSUKA: Mr. Fuertes you are now elected to Vice Chair.

MR. FUERTES: I'll try to do my best if you're in absence, but you will not be absent, right?

Parliamentarian

CHR. HAITSUKA: Next on our agenda is election of a Parliamentarian. And there is also a description of what the Parliamentarian does in the draft---well, in our adopted rules. Do I have a motion to open the nominations for the Parliamentarian?

MS. JARMAN: Move to open nominations.

MS. OSBORNE: Second.

Ms. Jarman moved to open nominations for Parliamentarian of the 2009-2010 Hawai'i County Charter Commission. Seconded by Ms. Osborne and carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.

Noes: None.

Absent: None.

CHR. HAITSUKA: Motion carried. Any nominations for Parliamentarian?

MS. KAWAUCHI: I nominate Casey Jarman.

CHR. HAITSUKA: So, Ms. Jarman is nominated. Any other nominations for Parliamentarian?

MS. JARMAN: That was quick.

MS. OSBORNE: I second that

Ms. Kawauchi moved to nominate Casey Jarman as Parliamentarian of the 2009-2010 Hawai'i County Charter Commission. Seconded by Ms. Osborne and carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.

Noes: None.

Absent: None.

CHR. HAITSUKA: Alright, Ms. Jarman, you are our Parliamentarian.

MS. JARMAN: Thank you. I have to do that even if you aren't here, don't I?

CHR. HAITSUKA: That's correct.

MS. JARMAN: You're lucky.

4. BUDGET REQUIREMENTS

CHR. HAITSUKA: Moving on to item number four. That's the budget. We have a presentation by our County Clerk and Deputy Clerk, Mr. Goodenow and Mr. Oshiro. Good afternoon.

MR. GOODENOW: Good afternoon, my name is Ken Goodenow, I'm the County Clerk. Rodney Oshiro here is with me, the Deputy. I'll leave most of the details to Mr. Oshiro, but I want to start by saying, that this is an important Commission and the Charter requires that we appropriate money. It says, "Shall appropriate money." Now, it doesn't really specify the limits on that. But I assure you, that if you have a need, and especially the Chair, if there's some kind of special expert or anything, please feel free to come talk with us first and we will do what we can to accommodate you. As you have the support of the Mayor and the Council Chair, you should be alright. We provide the legal and the clerical, logistical auxiliary support for you. I won't go into the mileage forms and all that, we know some of that's new; we'll be patient. There are allowances, but again, if you feel it is hard to get a meal in Kona for \$8.00, we understand that too. But, you know these are tough times and so we were happy to assist by providing staff to save money. With that, I guess I'll turn it over to Rodney.

MR. OSHIRO: My name is Rodney Oshiro, Deputy County Clerk. Before you we have a Financial Statement for your review. It's just a financial overview of what we think you'll spend over the year and a half that you'll be on this Commission. You have things like rental equipment, meals, mileage, and Commissioners' compensation. Just a little note on this is, \$10,000 will lapse or die come June 30, 2009 and we have budgeted an additional \$100,000 for the year ended June 30, 2010 which is our coming fiscal year. Should you need more in the fiscal year 2011, we'll take care of it with our discussions with your staff. Reimbursements will be received by Karen, your Secretary. Again, fiscal policy should be completed before you leave your meetings and our office will take care of the financial statements that you will see occasionally as we go along. Item 4 is what was spent in the 2000 Commission. A total of \$99,223 was spent way back then. So the appreciation is some \$700 something dollars that we have allotted for you in the coming year. I guess it would be appropriate if the budget is okay, to formally approve it. Thank you.

CHR. HAITSUKA: Mr. Oshiro, I have just one question. As far as our requests for reimbursements from the Commission members, that's going to be made through our Commission Secretary, is that correct?

MR. OSHIRO: Correct. And she'll have all the forms available for you at the end of or the beginning of each meeting.

MS. JARMAN: Mr. Chair, I have a question.

CHR. HAITSUKA: Ms. Jarman

MS. JARMAN: On the Attorney's fees and Secretarial fees you actually have line items for that, but we are getting them without having to pay anything, so it's just there for what reason?

MR. OSHIRO: It's there so that the 2020 Commission would know that if we don't do this again, they would have to budget something for the Attorney and the Secretary. We didn't see these items in the last---well, the last item was Attorney's fees. I think that we paid Attorney's fees so those take its place. We just wanted to reflect the savings that we think the County is saving by doing this with our people.

MS. JARMAN: Okay. Thank you.

CHR. HAITSUKA: Do I have a motion to approve the budget? Mr. Unger.

MR. UNGER: On the facilities fees---I was talking to Levi before this. Are we renting this facility?

MR. OSHIRO: No. This is just in case, like, we go out to Kona for our Council meeting, we spend money to reserve a place. When you go out to let's say the community areas, you may have to rent a cafeteria or a community association hall, like that. So we allotted---we allowed some cash there for rentals.

MR. GOODENOW: You may not know this, but this show does go on the road.

MR. UNGER: I didn't know that. Now I know.

MR. GOODENOW: Sometimes there are logistic expenses with that. But that will be fun, be exciting. I just would like to add, as far as the Attorney, you have already heard the accolades of Mr. Hookano and you have legal luminaries on your Commission. We are really dedicating his time to this, so don't feel that he needs to do other duties. I'm an attorney myself, and we're trying to pick up the slack on our side. And he's an excellent attorney. I don't know if you have any concerns about the fact that it's a part of the Clerk's Office, but we don't see any conflict. I think it would be a great way to save money.

CHR. HAITSUKA: Any other questions? I think I have one more. As far as using some of the line items for other things, let's say we're not going to be incurring any attorney's fees or secretarial fees; can we use that for facilities rental if we go over?

MR. GOODENOW: Yes, and again I'd like to add to that if you're in your discussions and there's something about, I don't know what, but you might want some kind of expert to come in

from another jurisdiction or something. These are tough times, we don't have a lot of extra money, but because you really are the seminal Commission for our County, the structure of our government, if you feel it's necessary, we'll find a way, as the Mayor and J said. We can, right? We can use monies for that too.

CHR. HAITSUKA: Thank you, Mr. Goodenow. Any other questions?

MR. FUERTES: Excuse me Mr. Chair. Where's this budget? Was it passed out?

CHR. HAITSUKA: Single sheet. It says 2009 Charter Commission Financial Statement.

MR. FUERTES: Our table didn't get that.

CHR. HAITSUKA: I'm sorry.

MR. FUERTES: Mr. Chair, I move for approval of this budget.

CHR. HAITSUKA: Any second?

MR. SHUMWAY: Second.

Mr. Fuertes moved to approve the budget for the 2009-2010 Hawai'i County Charter Commission. Seconded by Mr. Shumway and carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.

Noes: None.

Absent: None.

CHR. HAITSUKA: Motion carried. Thank you, gentlemen.

5. SELECTION OF THE COMMISSION'S ATTORNEY

CHR. HAITSUKA: Next on our agenda is the selection of the Commission Attorney. Everybody should have gotten the resumé of Mr. Hookano. Has everybody gotten the copy of the resumé?

MS. JARMAN: I move that we appoint Levi Hookano as the Commission's attorney.

MR. SHUMWAY: Second.

Ms. Jarman moved to appoint Levi Hookano as legal counsel for the 2009-2010 Hawai'i County Charter Commission.. Seconded by Mr. Shumway and carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.
Noes: None.
Absent: None.

CHR. HAITSUKA: Motion carries.

MS. JARMAN: I was going to make a nice speech about him.

6. SELECTION OF COMMISSION'S SECRETARY

CHR. HAITSUKA: Next on our agenda is the selection of the Commission's Secretary. Everyone should have gotten the resumé of Karen Eoff. Has everyone gotten a copy of her resumé? And before we vote on it, I just want to say that for about the past month I have had the opportunity to work with both Mr. Hookano and Ms. Eoff and those are probably the two most dedicated County employees I've worked with before, and I've been in the county government myself for eight years. The amount of dedication and work they have put just to get this meeting up and running today, to me, it's pretty amazing. So I would, of course, recommend her approval, but I'll put that up to a vote. Do I have a motion to appoint?

CM. KEALHOA: So moved, Mr. Chairman.

MR. NAHALE-A: Second.

Mr. Kealoha moved to appoint Karen Eoff as Secretary of the 2009-2010 Hawai'i County Charter Commission. Seconded by Mr. Nahale-a and carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.
Noes: None.
Absent: None.

CHR. HAITSUKA: Alright, motion carried.

7. PRELIMINARY DISCUSSION ON GOALS AND OBJECTIVES

CHR. HAITSIKA: Next on our agenda is Goals and Objectives. I'm going to open this up for discussion. Mr. Hookano, you have some comments?

MR. HOOKANO: Actually, yes, before you guys begin your discussion. First, thank you for the appointment. I think I also speak on behalf of Karen. We really appreciate your support and your confidence in our ability to support the Charter Commission. With regards to your work as a Charter Commission, I thought it would be a good idea to just outline some things, some parameters that the Charter Commission has to work within. The County is authorized to have a Charter by the State Constitution and the State Hawai'i Revised Statutes. So that was what gave us the authority to formulate a Charter Commission. The Charter sets up our County's structure of government. That's what it's for. It's not for things like banning dangerous dogs, or specific zoning of certain parcels of land. That's more appropriate for the County Code which is for the County Council or through initiative and referendum process. So your job is to set up our structure of government for the County.

A little bit of history with the Charter. The first Charter was approved in, took effect in 1969. Prior to that, there were three Charter Commissions that did the work of initially drafting our Charter. The first Charter that was drafted wasn't approved by the voters, neither was the second. The third time's a charm. That one got approved by the voters and took effect January 2, 1969. Since then you guys are now the 3rd Charter Commission after that, so the 6th Charter Commission ever formed. The first Charter Commission was formed 20 years ago, I think, Mr. Fuertes were you on that Commission? Then 10 years ago, in 2000. Since then there were several Charter amendments that were proposed by Commissions or through the County Council that were approved by the voters. I think in that binder that Karen provided to you on your desks, there is a copy of the Charter. The copy of the Charter in that binder is the 2006 Charter. As many of you probably know in this last general election, there were some Charter amendments that were passed, that were approved by the voters. Those have not yet been incorporated into this Charter. We're working on those changes right now, as we speak. Our Legislative Research Branch is working on that and we'll get that to you as soon as possible.

There are also some things I should discuss that are not appropriate for the Charter. There are several cases in the State, through the Courts, that can't be touched by the Charter. For example, if it's a State Law, the Charter cannot contravene any State Laws. And there are some cases that say that the provisions of the Charter have to be related strictly to the functions of government. So we have to make sure to work is within that framework throughout the course of this Commission. And that's pretty much the framework and the parameters the Commission has to work with. The State Law gives you guys a lot of leeway in the kind of information you require. The State Law also says that all County employees and officers are required, if you ask for their services, they are required to give it to you for no compensation. So, even if me and Karen wanted to get paid, we can't. So any time you guys want to call in the department head or employees of a department, they're required to show up to give you information that you require. And so, if there is any other discussion, you guys want to continue on.

CHR. HAITSUKA: Any questions of Mr. Hookano?

MR. UNGER: Levi, you mentioned this edition that we have in our book did not incorporate changes that were adopted by the voters?

MR. HOOKANO: The voters in this recent 2008 election.

MR. UNGER: Oh, Okay.

MR. HOOKANO: Yeah, not all the Charter amendments, just the ones in 2008. Those were related to the initiative and referendum process, and the Leg. Auditor, etc.

MR. UNGER: Okay. Got it.

CHR. HAITSUKA: Any other questions? Ms. Kawauchi.

MS. KAWAUCHI: Mr. Chair, I have a follow up question, which is, are we to be provided with those amendments?

MR. HOOKANO: Yes, we will be getting you those proposed amendments that were approved by the voters.

MS. KAWAUCHI: Thank you.

CHR. HAITSUKA: Any other questions for Mr. Hookano? I have one. We're required to have meetings out in some of the outer districts, is that correct?

MR. HOOKANO: Yes, according to the current Charter, the Charter Commission is required to have at least a minimum of six Public Hearings around the various geographical areas of the island. These are Hilo--either north or south Hilo, it doesn't matter which one it just says Hilo--Hilo, Kona, Hāmākua, Kohala, Puna and Ka'ū.

CHR. HAITSUKA: And Mr. Hookano, what would be the purpose of these public hearings?

MR. HOOKANO: These public hearings---the requirements for these public hearings, is to get well, public input. To hear what the public has to say. Of course, the public can always come into any one of your regularly scheduled meetings and also give their input. But with a public hearing, it's specifically just for the public to come in. You guys don't vote on anything in public hearings. It's strictly for input.

CHR. HAITSUKA: So those meetings will be conducted a little bit differently?

MR. HOOKANO: Yes, there will be an agenda but it will list the things that you want to take and put on and there will be no voting by the Commission. It's strictly for public input.

CHR. HAITSUKA: Thank you.

MR. HOOKANO: The last Charter Commission had more than six. They continuously went out. It's up to you guys how you want to conduct it. But you are required to have a minimum of six.

CHR. HAITSUKA: Mr. Shumway.

MR. SHUMWAY: They had more than six. How many did they have?

MR. HOOKANO: I don't have the exact numbers, but they did go more than six. I think they just wanted to go out more often to hear what people had to say. Luckily now, we have the video conference system. We are more than welcome to utilize that to get input from Kona. And, if need be, we also have a Waimea system we might be able to tap into. But that would require also some staff from the Waimea office.

MR. UNGER: Could we have just our typical meeting and include a public hearing, and meet that requirement as well? Or, are you anticipating separate meetings?

MR. HOOKANO: Well, a public hearing is separate from one of your regularly scheduled meetings. You could schedule a public hearing before or after a regularly scheduled meeting. But it's a separate creature than a regularly scheduled meeting. So it could be on the same day but you would have to adjourn the public hearing and reconvene as a body for the regular Commission meeting.

MR. UNGER: So if we're obligated to say, go to Ka'ū, and we'll know whoever signs up for testimony that will be beforehand? Before we ever get out there, right?

MR. HOOKANO: No. You're required to take---well, written public testimony can be submitted at any time, and then there's oral public testimony. This is all part of the Sunshine Law. Oral public testimony has to be taken up until the Chair closes Statements From The Public. So you won't know how many people want to speak until you get there.

MR. UNGER: Really? So that's what I'm getting at. What happens if we go out to Ka'ū just for this meeting, and no one shows up.

MR. HOOKANO: Then you adjourn and go home.

MR. UNGER: Oh.

MR. HOOKANO: Part of that process, when you schedule public hearings, we are required to give notices. We have to announce the public hearings in the newspaper. So, word does get out about them and I'm sure once the word gets out about this Commission, they'll start coming out.

MR. FUERTES: Excuse me, Mr. Chair.

CHR. HAITSUKA: Mr. Fuertes.

MR. FUERTES: So on this public hearing and testimonies, does it have to be on the agenda?

MR. HOOKANO: A public hearing has its own agenda. We file a separate agenda for public hearings and it will list the topics to be covered and the public can comment on any one of those, anything that is on the agenda. Really, I think this portion is for all of you to discuss among yourselves what you want to see; your goals and objectives for this Commission.

CHR. HAITSUKA: Any other questions for Mr. Hookano?

MS. OSBORNE: Do we have to make this decision right now, how many public meetings we're going to have? Or can we sort of see how it goes, and if we feel further along the line that we need further input from the public, can we schedule meetings?

MR. HOOKANO: Well, you're required for six anyways, that's a mandated number is six as a minimum. And it's up to you guys. You guys don't have to decide today when you want to do them. That's really a decision you can make at another time. There's no timeline on when those six public hearings have to happen. As long as it's before the Commission wraps up its business and files a report with the Council.

CHR. HAITSUKA: Thank you Ms. Osborne. Mr. Hookano, as far as the scheduling, is this a good time to talk about our scheduling and our deadlines?

MR. HOOKANO: Actually, now that I said that, I remember that I think all of you were provided with a timeline. This is actually kind of a tentative timeline because in speaking with Lincoln Ashida, the Corporation Counsel, we could consider this meeting here, the moment you took your oath, as the official appointment date. The State law says that from one year of your appointment a report has to be filed with the County Council with some of your proposed changes to the County Charter. That's the first major deadline that this Commission has to meet. So it would be March 13, 2010. You can see on this sheet that we gave you that it says January 15th, but that was because that was the first day that Commissioners were confirmed by the Council. Since we are considering this meeting, the swearing in, as the official appointment date, it would be March 13, 2010. And then, you can see along the way there are other deadlines. All of these will be pushed back because of the change in this first date. There are certain mandated deadlines for the Council to get back to you with their suggestions, and then following that there are more mandated timelines for you to get back to the Council with your response. And the ultimate deadline is September 3, 2010, because that's when any questions that are going to go on the General Election ballot have to be submitted to the State Elections Office. That is the absolute deadline for everything.

CHR. HAITSUKA: Any questions? I have a question Mr. Hookano.

MR. HOOKANO: Yes.

CHR. HAITSUKA: So, our first hard deadline is going to be the submission of the report.

MR. HOOKANO: To the Council, March 13, 2010. It can't be any later than that.

CHR. HAITSUKA: Alright, thank you. Are there any other questions for Mr. Hookano?

MR. HOOKANO: I'll type up a new timeline reflecting the new dates and get all of that out to you guys.

CHR. HAITSUKA: Thank you. Is there any discussion on the goals and objectives of the Commission? I just wanted to add one thing. The minutes from the prior Commission, the 2000, it's on line. You can go in and read it if you have a lot of time. Some of them are pretty lengthy. I went in and read some of them. It was pretty interesting to see what issues they discussed, how they conducted themselves. So I think if anyone's interested to see how it was done before, and I know Mr. Fuertes, he has personal knowledge, but as far as the last Commission, those minutes are on line. You can get to it from the County website and I guess I would urge everyone to take a look at them. You don't have to read them all, because some of them are like 300 pages long, because they are verbatim. But, I think they give you a good indication as to what to expect. Mr. Unger.

MR. UNGER: Do you have an idea in your mind, being the chairperson, of how you anticipate this whole thing playing out? I mean are we going to open up that Charter book and go from page one? How do you anticipate us reviewing the whole Charter and going through it? Are we just starting from scratch, or, you mentioned you looked at prior Charters and how they did it.

CHR. HAITSUKA: I don't have any preconceived notions how to do it. I saw how they did it last time. As far as this time, whether we're going to do it the same, I think what they did was they got input from various sources; the administration, council, public. They deliberated over certain issues and then they drafted proposed amendments. I thought that's probably a general outline of how we'll probably do it. I don't expect we'll go line by line through the Charter. I read it twice prior to today. I'll probably read it once more maybe this weekend. But, I don't really have any desire to really go that way. I think there's going to be specific hot topics coming up. People, I think have already voiced their concerns over several issues. One was the Council terms. Other has been something to do, I think, with voting reapportionment or something like that. I've been listening to what people have been saying out there. I've read some blogs out there about what people expect from us. So I don't have anything on my agenda, or what I want to see. I'd like to listen and see what people want. We can deliberate, discuss it, investigate it and then make a decision as to whether that should be presented to the voters. That's just my idea on how this could be handled.

MR. UNGER: So basically, just wait for testimony to come in on certain amendments, and then we discuss it among ourselves. But basically, we're not tasked to go through the Charter and look at stuff for ourselves that we think might need changing. That's how you kind of see it happening?

CHR. HAITSUKA: That's how I see it, but I have a question for you, Mr. Hookano. Can the Charter members introduce certain ideas or initiatives on their own regarding changes?

MR. HOOKANO: Yes, that is completely within your authority to propose changes. I would recommend that the Commission come up with a procedure for adopting amendments to the Charter, especially if they're proposed by a Commission member. You'll notice in the rules that you adopted, there's a section, Article IX, Proposed Amendments to the Charter. That section is reserved. The reason why we reserved that section was so that this Commission could come up with their own procedure on how they want amendments to pass through them. If you guys propose your own amendment, what is the procedure? How many times does it have to be heard by you guys? How do you want to take input on that proposal? That should all be considered by this Commission, the process by which you are going to look at changes to the Charter. Or, if they are submitted by a department head, what are the channels that that proposal will go through? That's really what that section in the rules is for and I would urge you guys to come up with a method that you think is efficient and also fair.

MS. JARMAN: Mr. Chair. I have one suggestion that perhaps once we know how many meetings we're going to have other than the six public hearings, perhaps we could divide the Charter up into sections. It's like the County Council and we could have one or two of those sections per meeting. So that when the public comes and talks to us, they're not talking about everything in the Charter, they're just addressing those issues that we're going to look at, at that time. And we can do it consecutively. I don't think it really matters what order we take it in. But that also gives us the opportunity to think ahead of time of any questions that we might have or have us even do some of our own research prior to the meeting on these issues. So, that is what I would like to see us do.

CHR. HAITSIKA: I think that is a good idea. I think we would also have to entertain whatever other comments. Mr. Hookano, the public---if they come and speak at a particular meeting, is the testimony going to be limited to what's on the agenda?

MR. HOOKANO: It's within the Chair's discretion to allow testimony on things that are not on the agenda; however, typically the Sunshine Law says they're allowed to comment only on things that are listed on the agenda. You can allow them to testify on things that are not there, but really you can restrict them. If they're talking on something totally left field, you can say "sorry that's not on the agenda, please come back when we cover that topic." So, usually the Chair can restrict them to specifically what's on the agenda.

CHR. HAITSIKA: In that case, Ms. Jarman, I think your idea would work; your suggestion. We would discuss a particular topic each session and the public would have the opportunity to comment on that particular section. We could, if we wanted to, take in additional testimony as to any other sections.

MR. SHUMWAY: When we go on the road we have to open it up to the whole Charter, right?

MR. HOOKANO: That is up to you. Whatever the public hearing agenda covers, that's what you take testimony on. If you want to go to one of the public hearings in the districts and take testimony on the entire Charter, that's up to you. If you want to go to a district and just cover sections I through V, that's up to you. In the interest of fairness, I would recommend that when you do go to the public hearings, you give everyone the exact same items to testify on, to speak

on, and not just go to Ka'ū for Chapters I through IV and then go to Kona for Chapters V through VI. That's my recommendation for the public hearings. But at those public hearings, you file an agenda and what's on the agenda, is what they're allowed to testify on.

MS. KAWAUCHI: Mr. Chairperson.

CHR. HAITSUKA: Ms. Kawauchi.

MS. KAWAUCHI: I would just caution us, that for some of those remote areas, where people may not have an opportunity to travel to Hilo or to Kona, that we at least entertain the idea that although we may be restricting discussion on certain agenda items per meeting, that we may want for those six meetings that we must perform, to perhaps have that to be open forum. Just to consider the fact that people will travel from remote areas. And some of them are elderly with families that they have to take care of, and can't get off work or things like that for this purpose. I would just ask that we consider that.

CHR. HAITSUKA: Thank you. And I agree, I think that for the public meetings we can leave that open and as for the regularly scheduled meetings we can use Ms. Jarman's suggestion. And we also can take advantage of the next item on our agenda. The next item on our agenda is Committees. We can break up into committees. We can form committees to cover certain things. One of the things we are going to be talking about in the next section is the rules. Mr. Hookano mentioned setting up procedures on how to handle these suggestions that we receive for amendments. So we can discuss that in the next section.

MS. JARMAN: Mr. Chair, could I also suggest that you, along with Vice Chair Fuertes, and maybe Mr. Hookano, we would give you the authority to set up which areas of the Charter we're going to discuss at each meeting so we don't all have to decide which ones. We give you that authority and you just let us know ahead of time so we can prepare. I'd be willing to delegate that to you.

CHR. HAITSUKA: Alright, thank you. Any other discussion? Mr. Unger.

MR. UNGER: Mr. Chair, one other question. I'm still a little confused. Okay, so our regularly scheduled meetings, there will be public testimony.

MR. HOOKANO: Correct. As part of the Sunshine Law, you're required to take public testimony at all of your meetings.

MR. UNGER: Okay.

CHR. HAITSUKA: I think that's actually, we may have public testimony if people show up.

MR. HOOKANO: Right, if people show up then you're required. If they want to talk, you have to let them talk. But once the period for public testimony is closed, it's all on your business.

CHR. HAITSUKA: Any other questions? Ms. Osborne.

MS. OSBORNE: I was just thinking that perhaps we should go through the Charter in our meetings as you had suggested and then after that, then we go out into the public to respect the community being able to share their voice on the whole document.

CHR. HAITSUKA: Thank you, Ms. Osborne. I would agree, I think that before we get out into the public, we probably need to educate ourselves because they may be asking us questions that we should at least be able to intelligently communicate with them about. So, I would urge everyone, if you have a chance, it's not the most pleasant task, but to go through the Charter. At least understand how it's set up, what are the basic provisions in there, what agencies in government are affected. For somebody like me, I find it interesting, but I think that most people would probably find it boring. I would urge everybody prior to our next meeting, to take a look at it. At least look at it in outline form to know how it's set up. I think that would be important. Ms. Jarman.

MS. JARMAN: Another suggestion--I like reading legal documents like Charters too, so kind of weird--but it's also helpful to just take a quick look at the Charters of the other Counties to see how they're set up. They are on everybody's web site, so it's pretty easy to access it. But there are some interesting differences in the different counties and then some things that are totally the same so that could be instructive as well.

CHR. HAITSUKA: Thank you. Mr. Nahale-a.

MR. NAHALE-A: My question is with the process and I'm not sure who is best to answer it. My understanding is that a lot of times folks get bogged down on the language. For example, if we have department heads here talking about general areas of the Charter that they would like addressed, will they typically bring us language change, or just philosophical change? My preference would be to go to the communities with proposed language, so that we're kind of funneling the conversation a little bit. I'd like that to be the order, personally.

CHR. HAITSUKA: Thank you, Mr. Nahale-a. I think that from the minutes that I've read, I've seen it both. They initially went out to gather information and once they came out with the proposed amendments, or once they had something in some type of form, then they went back out again. With the last Commission, I think they went out twice. I'm not positive, but I think they went out twice. So we could do it in that form.

MR. NAHALE-A: Just to add to my point, I think that a lot of our work is crafting language, and so as we're hearing proposals in our regular meetings and using some process to find out where we are at as a Commission, then we could narrow down---we could propose some broad language that communities can react to. They can always add their own suggestions as part of that, as an amendment or as an item on the agenda. But I think it's more of a service to the community if we do our work ahead of time and show them where we're headed as a group. I think that's a better order, to me.

CHR. HAITSUKA: Mr. Hookano, maybe you can give us some information as to the drafting of proposed amendments. What's the process?

MR. HOOKANO: Well, really, it's through the consensus of the Commission on what the language should look like. I'll be more than happy to actually draft it, draft the language, put it together for your final approval. This would be something to amend the rules with so that we know what the process is, exactly. Like, it would go through the Commission first to come up with the idea, the concept, where you want to see the change made. Then give me that information and I'll draft the language in that section for your approval. That could be a process that you want to look at. Really, though, it all comes down to your final approval, what the language will look like. It's the Commission's role to come up with that final language and ballot question that will be put on the ballot for the election.

CHR. HAITSUKA: Any other discussion on goals and objectives? Nothing further, we'll be moving on to the Creation of Committees.

8. CREATION OF STANDING COMMITTEES AND APPOINTMENT OF CHAIRPERSONS

CHR. HAITSUKA: Any discussion on the Creation of Committees? I'd like to open discussion just on what we spoke about already with respect to the Rules of Procedure, and also on a comment made by Ms. Jarman. When I looked at the Rules of Procedure, I also looked at some of the rules from some of the other Counties, and I noticed they had some good examples as to how we can craft some of our rules. We don't necessarily have to adopt the same rules that they had, but I think they have some procedures in there with respect to the adoption of, or the procedure for looking at proposed amendments to the Charter. So I would recommend that we get a Committee to look at the rules and see if we can create some specific rules with respect to the proposed amendments to the Charter. Is there any further discussion?

MS. JARMAN: Excuse, me Mr. Chair.

CHR. HAITSUKA: Ms. Jarman.

MS. JARMAN: Can I ask Mr. Hookano a question?

CHR. HAITSUKA: Sure.

MS. JARMAN: If we set up Committees, do they have to have any certain number of people on them and are they subject to the Sunshine Law?

MR. HOOKANO: If you form Standing Committees, they would be subject to the Sunshine Law and I would say that you require a minimum of six members on those Committees. The Committee's roles would be, of course, advisory. They won't make decisions for the Commission. Anything that the Committees come up with would have to come to the full Commission for approval. Here's another exception to the Sunshine Law that Lincoln, Mr. Ashida, didn't mention---is the formation of Investigative Committees. They're Ad Hoc Committees that are less than a quorum of the members of this Commission, where Sunshine Law does not apply. They can talk to each other all they want. They can investigate anything

they want within a prescribed scope that you decide on in an open meeting. You're really free to complete some work on your own; talk all you want, say anything you want to each other within that scope, and then come back to the Commission with a report on what your recommendations are. The Commission discusses that report, then at a third meeting, the Commission will vote on the recommendation. An Ad Hoc Committee is a three meeting minimum tool in your arsenal; the formation meeting, the report meeting, and then the decision meeting. But if it's a Standing Committee, I would say then it's subject to the Sunshine Law.

CHR. HAITSUKA: Questions? Mr. Nahale-a.

MR. NAHALE-A: Since our agenda lists Item 8 as Creation of Standing Committees, would we be prohibited from creating an Investigative Committee?

MR. HOOKANO: I would say, yes. The Standing Committees are more---because Ad-Hoc Committees are of a temporary nature, whereas Standing Committees are more of a permanent nature that would endure as long as this Commission is also in existence.

CHR. HAITSUKA: Mr. Shumway.

MR. SHUMWAY: What's the advantage of the Standing Committee as opposed to an Ad Hoc Committee?

MR. HOOKANO: The Standing Committee, like I said, it's a much longer life span. Its existence will continue as long as you guys are in existence. If there is something that is ongoing, that you guys would like to continuously look at. Perhaps you might have a committee on Department Heads---that strictly meets with Department Heads. As part of their agenda items--or, I think other Charter Commissions--I think Honolulu had a Committee on Rules. Their Standing Committee was strictly looking at the Rules of Procedure and how it would adapt the rules to certain needs. Really, that's up to you guys on what types of Committees you feel are important to help you do your business.

CHR. HAITSUKA: Mr. Hookano, we could put on the next agenda, discussion on creating some type of creating some type of Investigative or Ad Hoc Committee.

MR. HOOKANO: Yes, but I would recommend that on the next agenda you consider specifically what you'd want an Ad Hoc Committee to do. That way its agendized, an Ad Hoc Committee to look at a particular issue specific, doesn't say particular issue on the agenda, it actually spells out what the Committee would look at so the public would know what this Commission is planning on forming, and why.

CHR. HAITSUKA: Thank you. Mr. Unger.

MR. UNGER: Could we establish an Ad Hoc Committee down the road? If we're half way through this process and we figure we need some people to go check and investigate something, we can do that half way through the process?

MR. HOOKANO: Yes, there's no deadline for forming Ad Hoc Committees. You can do that any time within this process as long as it's on the agenda that you are going to form one and what the parameters of that committee are.

CHR. HAITSUKA: Any other discussion on Committees? I guess I'd like to propose doing an Ad Hoc Committee---or an Investigative Committee---on the Proposed Rules, to investigate what the other Counties have. Because we do have a section in our Proposed Rules which we don't have any rules for. And I think that might answer some of the questions and create some procedure for us to follow when we are looking at the proposed amendments and how to handle them and create a process which is fair and applicable to probably everybody. So that's what I would propose.

MR. HOOKANO: That would have to be on the next agenda.

CHR. HAITSUKA: That's correct.

MR. HOOKANO: Yes. So in preparing the next agenda we could list that---the creation of an Ad Hoc Committee to evaluate the Rules of Procedure and the amendment process.

MS. JARMAN: Mr. Chair.

CHR. HAITSUKA: Yes, Ms. Jarman.

MS. JARMAN: The advantage of that is that you can have discussions without the public, but that means it will be---we won't have rules until four meetings from now, so, that's just one thing to consider. Another option might be to ask our attorney to look at some rules from other Commissions and then maybe propose them at the next meeting that we could talk about and vote on, just because it would be more efficient time wise to do that. Because I don't think this is the kind of thing we're going to need a lot of public input---that we're really going to need a lot of frank discussions that we would really like to have in a different situation. So, if Mr. Hookano is willing to do that for us, I would be happy to delegate that.

CHR. HAITSUKA: Mr. Hookano, is that something that you could handle for us?

MR. HOOKANO: Yes, I could. Actually, I already looked at Honolulu's Charter Commission Rules and they have quite detailed procedures for the amendment process. They have a form that they've already prepared on proposing amendments and they already have a complete very detailed process. It seems a bit lengthy in that it requires a certain amount of meetings. I think that's actually good, so that the Commission can take more than one look at a proposal and really evaluate the impacts of that proposal. Honolulu does have a procedure already in place. I will take a lot closer look at it now and come back to the next meeting with some proposed language that would probably fit this Commission. Maybe Honolulu's language won't fit this Commission exactly right so I'll come forward with some language.

MS. JARMAN: Mr. Hookano, is it possible for a Commission member to call you up between now and then and say, “by the way, I had this thought---”and talk to you about it as you’re doing that without violating the Sunshine Law or any thing else?

MR. HOOKANO: Yes, as Mr. Ashida said, there is no violation because I’m not a Board member, I’m not a Commission member so any one of you can talk to me at any time, but then I can’t go and say what you said to a third member. So, at any time, I’m available for all Commission members.

CHR. HAITSUKA: So you could draft the proposed amendments and we could communicate with you individually regarding any particular concerns or suggestions?

MR. HOOKANO: Yes.

CHR. HAITSUKA: And, we can do that by email?

MR. HOOKANO: Yes. I believe in the front of your binders, my work phone number is also included in there.

CHR. HAITSUKA: Any other discussion on Committees?

9. DISCUSSION ON LOCATION, FREQUENCY AND BEST TIME AND DAY FOR MEETINGS

CHR. HAITSUKA: Okay, we’re going to move on to the last item on our agenda which is the location, frequency and best times for meetings. We’re going to open this up for discussion.

MR. HOOKANO: Mr. Chair, if I may make a comment on that. In the rules that you guys adopted, it was listed the 2nd Friday of the month at 1:30 p.m. at the Ben Franklin Building, this Council Room. The reason why we listed that for the rules was because that’s what this first meeting was. That may not always be the best time for you guys, but the Charter requires that the Rules of this Commission list when their regularly scheduled meetings are. So you have to have in your rules, a date and time for your regularly scheduled meetings. So at the next meeting, we could discuss changes to this---after this discussion come up with changes on when would be the easiest and best time for all of you to meet. The only reason why this was in these rules is because that’s what this first meeting was.

CHR. HAITSUKA: So as far as these rules, is that something that would be on the agenda---proposed changes to the rules?

MR. HOOKANO: Yes, it would be listed---on the agenda, it would be listed: Amend Rules of Procedure, Article I, Part b, Meeting Location, to reflect what results from this discussion.

CHR. HAITSUKA: Alright, any further discussion as far as meeting dates, time, and places. Ms. Jarman.

MS. JARMAN: Because I work on Oahu, and I teach in the middle of the week, it's best for me on either Monday or Friday. Unless that's really bad for everybody else, that would help me out.

CHR. HAITSUKA: Anyone else? Mr. Unger.

MR. UNGER: I just like Fridays. Mondays are horrible. So if we can avoid Mondays, I would be very happy. I think everybody had input coming into this meeting through Char, so maybe the consensus is already for Friday. I like Fridays.

CHR. HAITSUKA: Does Friday work for everyone? We also have the ability to appear--those of us who live on the west side--we can appear at the County Council room in Kona. So you don't have to be here in person if you live over in Kona or Waimea, in that area.

MR. HOOKANO: Regarding that, Mr. Chair, if a Commission member is going to appear via videoconference, we need to receive notice of that well ahead of time. Because of the Sunshine Law, we have to mention where Commission members are going to be present if we are using videoconference. So, if somebody's going to be videoconferencing from the Kona site, we'd have to know that, I would say, more than six days. Because the Sunshine Law requires that we file an agenda six days in advance of the meeting and for us to put that on the agenda that a Commission member will be at another site, we need, I would say, seven days advance, so that we know it prior to filing the agenda. And there are certain requirements that if a Commission member says he's going to be at another site, please show up at that site, because if we notice it that way and the video and audio goes down, the meeting has to be cancelled.

CHR. HAITSUKA: Any other discussion?

MS. JARMAN: Mr. Chair.

CHR. HAITSUKA: Yes.

MS. JARMAN: We have to have a report essentially one year from now. Is meeting once a month---that's twelve meetings---will that be enough to---based on what you've read from the other Charter Commissions---would that be enough meetings? And then assume we throw in the six meetings for the public, will that be adequate to do our work?

CHR. HAITSUKA: I think the meetings that we're scheduling are the regular meetings, but there's also the public hearing meetings which we have minimum, six. Then we also have special meetings we can call. So, I think as we get closer to our deadline, we are probably going to have to increase the frequency of the meetings. From what I've seen, some of them---I think they might have had them twice a month to address particular topics as they get closer to getting the report done and the drafts of the proposed amendments. We might start off with the regular meetings being once a month, but as we get more into doing the amendments, we're probably going to have to increase their frequency.

MS. JARMAN: Thank you.

CHR. HAITSUKA: Mr. Hookano, as far as the agenda---having sufficient members present--- what are the requirements?

MR. HOOKANO: The quorum of this Commission is six members, so in order to begin a meeting; six of you have to be here. Anything less than that, you could wait until they arrive, but only a reasonable amount of time before you have to basically cancel the meeting and adjourn it.

CHR. HAITSUKA: And what are the requirements as far as voting?

MR. HOOKANO: Voting---the rules that you guys just adopted---there are some voting procedures. For final action---official action---where you approve something that's going to be a Charter amendment, it requires a majority of this entire board. We're saying that for procedural matters, and preliminary matters relating to the Charter, a majority of those present. So if there are six of you there at a meeting, and it's a procedural matter, like a motion to postpone, we won't say that you need all six, which is a majority of the entire board. You can use a majority of six. But for final, official action that relates to placing a Charter amendment on the ballot, it will require six of you to vote yes or no; a majority of the whole board.

CHR. HAITSUKA: Any questions?

MR. MURASHIGE: Yes. Is six the same requirement as for public hearings?

MR. HOOKANO: Yes, in order to have a public hearing you do have to have quorum of the Commission. Six members have to be there.

CHR. HAITSUKA: Any other discussion on location, frequency and time of meetings? So is it generally agreeable with everyone that we're going to meet on the second Friday of the month? How about times? Does 1:30 p.m. work for everyone on a Friday? I think for me it helps because I'm coming in from Kona. I don't have to get up at 4:00 a.m. like when I go to court. So, 1:30 p.m. on the second Friday of every month---I guess we'll leave that in our rules as far as the date and time. Can we always change that later if the circumstances change amongst the members?

MR. HOOKANO: It could be, so long as it's consistent, that circumstances change to such a degree that the second Friday is absolutely no longer good. If it's for one time, I would not suggest changing it. But if it's going to be constant, then I would recommend that you look at it again to evaluate if that's still the best time or date.

CHR. HAITSUKA: Alright. Thank you. Ms. Osborne.

MS. OSBORNE: The second Friday of April is Good Friday. I'm OK with that, but I just thought I'd point it out.

CHR. HAITSUKA: Mr. Hookano, what do we do when we have a holiday on that particular day?

MR. HOOKANO: If there's a holiday, I think the rules allow for---subject to the availability of location---in that case, this room is closed on holidays. So, you could schedule it for that Thursday---that would be the best time. Or, you could call it as a special meeting.

MS. JARMAN: Mr. Chair.

CHR. HAITSUKA: Ms. Jarman.

MS. JARMAN: Even if the building is closed, we can get the key and meet here on that Friday if we want to though, right?

MR. HOOKANO: If you do, we can open up this building for that. I think you might have to check with the staff over there.

MS. JARMAN: We would check with Mr. Goodenow. But I bet he'd trust us with a key.

MR. HOOKANO: Kenny would do whatever we say, so that's fine.

MS. JARMAN: I come in---that Thursday, I don't get in until 8:30 that night.

MR. NAHALE-A: Question, Mr. Chair.

CHR. HAITSUKA: Yes. Mr. Nahale-a.

MR. NAHALE-A: If we were to hold a meeting off of work hours, what is the impact to the staff?

MR. HOOKANO: What do you mean by off of work hours?

MR. NAHALE-A: Like on a holiday.

MR. HOOKANO: On a holiday, well, we are also now staff of this Commission. If the Commission decides to meet, we show up. This is actually on top of my regular duties as a Clerk Attorney and this is an honor for me, so I'm all for showing up whenever you guys meet.

MR. NAHALE-A: Is there extra compensation for staff?

MR. HOOKANO: We are not---we are doing this out of the love of our heart.

MR. NAHALE-A: Even if it's holidays? For that purpose, Mr. Chair, I'm not in favor of holding meetings when staff would have to go out of their way. I think it's an unreasonable request.

CHR. HAITSUKA: Alright, any discussion on that?

MR. HOOKANO: I would actually recommend that Karen give her thoughts on that, if she has anything to say. But I completely respect your perspective and I appreciate it.

CHR. HAITSUKA: Madam Secretary, any comment?

MS. EOFF: I will be at whatever meetings you schedule.

CHR. HAITSUKA: Mr. Hookano, are we going to schedule the next meeting this time?

MR. HOOKANO: Yes, I guess the consensus is that the second Friday, so the next meeting would be April 10th. You guys could come up with a date, actually now, and announce it, if you guys want to meet the Thursday instead. Or what you guys want to do.

MS. JARMAN: Mr. Chair, could we do it on Friday the 17th. It would be the following Friday. Or, Friday the 3rd.

CHR. HAITSUKA: I don't have a problem with either date. Any one have any problems with Friday the 3rd or Friday the 17th? Ms. Kawauchi.

MS. KAWAUCHI: Excuse me, Mr. Chairperson. I have a conflict on the 3rd.

MS. OSBORNE: As do I.

MS. HONMA: And I would have one on the 17th.

MR. FUERTES: I have one on the 17th, Mr. Chair.

CHR. HAITSUKA: Thank you Mr. Fuertes and Ms. Honma. OK, let's see---

MR. HOOKANO: Also, please keep in mind, this room is also used by the County Council. We have the commitment of the Clerk and the Chair of the County Council that this Commission takes priority over everything that this room is scheduled for except for County Council meetings. So, even if someone has this room reserved on a day that you guys want to use it, they're going to get bumped.

CHR. HAITSUKA: And it's my understanding, Mr. Hookano, that the Council doesn't meet on Fridays.

MR. HOOKANO: Yes, the Council's regularly scheduled meetings are on Tuesdays and Wednesdays of the month, typically.

MS. KAWAUCHI: Excuse me, Mr. Chairperson. Is the 24th too late in the calendar to meet? April 24th.

CHR. HAITSUKA: Mr. Hookano, is there any rules as to how far we can deviate from the regularly scheduled meeting?

MR. HOOKANO: I would suggest the 24th is getting to be a stretch. In that case, we would cancel the regularly scheduled meeting and call a special meeting.

MS. JARMAN: Mr. Chair, if everybody can make it on Thursday, I'll just change my flight arrangements and come in earlier in the day. There's nothing stopping me from coming in earlier, I just made my arrangements later in the day so I could be on Oahu longer to get work done, but I could I could change that.

CHR. HAITSUKA: Alright, thank you Ms. Jarman. Ms. Osborne.

MS. OSBORNE: We're discussing our schedule, we can both make that.

CHR. HAITSUKA: That would be Thursday the 9th. Does the Council meet then?

MR. HOOKANO: No, that day is clear for this room, Thursday the 9th.

MR. FUERTES: Mr. Chair, if there's no conflict, I move that we have a meeting on Thursday the 9th.

CHR. HAITSUKA: I think I have a conflict.

MR. HOOKANO: In that case, Mr. Fuertes. You would be the Chair for that meeting.

(Laughter)

MR. FUERTES: If you have a conflict, we'll change that meeting. I withdraw my motion sir.

CHR. HAITSUKA: Actually, I have court at 8:30 a.m. I think I can be done by 1:30 p.m. If we do it at 1:30 pm on Thursday the 9th I could be here.

MR. HOOKANO: And even then, Mr. Chair, you could run the meeting as Chair from the Kona office if that's---

CHR. HAITSUKA: Court is in Waimea, so I think I could make it here. Is there any discussion on Thursday, April 9th at 1:30 p.m.? Can everybody make it then?

MR. HOOKANO: I would have a motion to make that the regularly scheduled meeting due to the holiday.

CHR. HAITSUKA: We have a motion pending to schedule the next regularly scheduled meeting on Thursday, April 9th at 1:30 p.m. due to the holiday.

MR. SHUMWAY: Second.

Mr. Fuertes moved to hold the next regular meeting of the 2009-2010 Hawai'i County Charter Commission on Thursday, April 9, 2009, at 1:30 p.m. , in the Council Room, Hilo. Seconded by Mr. Shumway and carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.

Noes: None.

Absent: None.

CHR. HAITSUKA: Motion carried.

ADJOURNMENT

CHR. HAITSUKA: We don't have any Reports or Referrals for Executive Session. Do I have a motion to adjourn?

MS. JARMAN: So moved.

MR. SHUMWAY: Second.

There being no further business, at 3:11 p.m., Ms. Jarman moved to adjourn the meeting. Seconded by Mr. Shumway and carried by the following vote:

Ayes: Commissioners Fuertes, Honma, Jarman, Kawauchi, Kealoha, Murashige, Nahale-a, Osborne, Shumway, Unger, and Chair Haitsuka.

Noes: None.

Absent: None.

CHR. HAITSUKA: Meeting is adjourned. Thank you.

Respectfully Submitted,

Karen Eoff, Secretary

Approved on April 9, 2009:

Mr. Ed Haitzuka, Chair
Hawai'i County Charter Commission