

# HAWAII COUNTY REAPPORTIONMENT COMMISSION

**Second Session  
Friday, June 22, 2001  
9:00 a.m.**

**Hawaii County Councilroom  
25 Aupuni Street  
Hilo, Hawaii 96720**

## 1. CALL TO ORDER/ROLL CALL

Chair Lloyd X. Van De Car called the meeting of the Hawaii County Reapportionment Commission to order at 9:15 a.m.. Members present are as follows:

Vice Chair, Mark Van Pernis  
Commissioner Lawrence Balberde  
Commissioner Patrick Kahawaiola'a  
Commission Steven Pavao  
Commissioner Jeanne Fuller  
Commissioner Jack L. Ferguson  
Commissioner John J. Fernandez

### ALSO PRESENT WERE:

Dudley Akama, Counsel  
Patricia Nakamoto, Elections  
Ed Kozohara  
Al Konishi, County Clerk  
Curtis Tyler, Member, Hawaii County Council  
Julie Jacobson, Member, Hawaii County Council  
Jason Armstrong, Reporter

CHAIR VAN DE CAR: This is the June 22 meeting of the second meeting of the Reapportionment Commission, I'm the Chair Lloyd Van De Car. At this time I would like to take a roll of the members of the Commission who are present, starting at my left, there's Patrick Kahawaiola'a.

P. KAHAWAIOLA'A Present.

CHAIR VAN DE CAR: Steve Pavao?

S. PAVAO: Present.

CHAIR VAN DE CAR: Mark Van Pernis?

M. VAN PERNIS: Here.

CHAIR VAN DE CAR: Chair.  
Jeanne Fuller?

J. FULLER: Present.

CHAIR VAN DE CAR: Jack Ferguson?

J. FERGUSON: Yes.

CHAIR VAN DE CAR: John Fernandez.

J. FERNANDEZ: Present.

CHAIR VAN DE CAR: Lawrence Balberde is absent.  
Antoinette Bello is absent.

I believe we have seven (7) members here and its sufficient to allow us to proceed. So we will proceed.

## 2. INTRODUCTION OF GUESTS

At this time, the Agenda indicates that we introduce our guests, although there are a number of people here, I know that many of you have indicated that you wish to be introduced.

However, some of you have indicated that you wanted to make statements to the Commission, we will get there.

(A sign-in sheet of guests is attached and made a part hereof.)

## 3. APPROVAL OF MINUTES

However, moving on to the Minutes, let me make sure that all of the members of the Commission have received a copy of the Minutes of the First Session, that being Thursday, May 3, 2001 and ask that there be a motion for the approval of those minutes.

J. FERGUSON: I so move.

CHAIR VAN DE CAR: Is there a second?

S. PAVAO: Second.

CHAIR VAN DE CAR: Is there anyone who would like to discuss the Minutes of the May 3<sup>rd</sup> meeting?

Hearing none, all those in favor of approving the Minutes of the May 3<sup>rd</sup> meeting indicate by saying "aye".

ALL: Aye.

CHAIR VAN DE CAR: Opposed?  
(Pause)  
The Minutes are approved.

## 4. STATEMENTS FROM THE PUBLIC

The next item on the Agenda is the Statements from the Public, I have a couple of requests here; I see one other person signing up, so we'll get to Ms. Jacobson, as well. But the first speaker we have is Ron Phillips.

Is Mr. Phillips present?

R. PHILLIPS: Yes.

(Mr. Phillips proceeds to podium.)  
I guess this works...

CHAIR VAN DE CAR: You may use those mikes over here.

R. PHILLIPS: No, I like to be able to see everybody, this is much better. Good morning.

My name is Ron Phillips, I'm on the Board of Directors of Hawaiian Paradise Park and we are very concerned about this year's distribution of our representation as far as the County Council is concerned.

The past ten years, I went around to almost every meeting that the Commission had, and was very disappointed in the way in which the past Commission reapportioned. This year, I think it's pretty obvious. If you look at the census, that the District of Puna is and has been, and continues to be the fastest growing district on this Island.

We do not appreciate being discriminated against, which we have been, and we certainly don't want to see district lines that divide our community. So I would like to encourage the Commission to look very carefully at these...at these distribution lines. Ah, we have a fairly active group of people, some of which you see here, that we are concerned, and this year in particular, we are going to be paying very close attention to the way that things are done.

Ah, I would also like to say that we would like to be given as much information in terms as, as the Commission goes about its business, and ah, where these lines are drawn, where the starting line goes, having been involved ten years ago, I am very familiar with the way things are done. And we would like to be apprised as time goes on as to how the Commission does its job; where these lines or when the lines are picked, how that distribution looks so that we can better determine our own selves as to what our course of action will be as the Commission moves along. So, I have nothing else and other than that I...nice to see everybody, sorry to see there's not a full nine members, but ah, I do know some of the people on here.

I know Mark, Mark and I have known each other, what...fifteen, sixteen years, I guess. And Jeanne Fuller, from the District of Puna.

CHAIR VAN DE CAR: Thank you, Mr. Phillips. Anyone from the Commission have a question or comment?

M. VAN PERNIS: I do have a question.  
First of all, Mr. Phillips would it be appropriate at some point for the Commission to have a meeting in the Puna area?

R. PHILLIPS: I think that would be very desirable. Yes.

M. VAN PERNIS: And ah, assist the staff and the Chairman, Vice Chairman as far as in locating a place for that.

R. PHILLIPS: Yes, we can ....  
We can certainly make our community association facilities available to you, which holds some 200 people. So, we would be happy to do this.

M. VAN PERNIS: Secondly, you mentioned the starting line being the first as one of our jobs, the starting line has to start someplace, or a series of starting lines, those information should be fine tuned. You have seen copies of proposed motion that have been made today? What is your....

R. PHILLIPS: Yes, I haven't had a chance, Mark, to fully digest it, since this is the first time I've seen it, but certainly I think there's couple of the lines which you made me aware of, I think are reasonable. One of the lines which we drew was the geographical boundary between Puna and South Hilo. And I think one of your lines which, as we move south, there is just

isn't anybody down in Ka'u. So if you draw a line in that district, I think we would be satisfied, you know, with the way that would spin around the Island.

CHAIR VAN DE CAR: Any other questions the Commissioners have?

P. KAHAWAIOLA'A: I do.  
Mr. Phillips, where now, would it be if left alone, would be the division of the Puna community. Where...because I'm....

R. PHILLIPS: Okay, one of the things that we're concerned about right now, is Mr. Arakaki's district ten years ago, dipped into Puna, and took away from us, ah...Keaau, which we feel is..is not right; neither do the people who live there that I have talked with. He also went up Volcano Highway to Mountain View, and Kurtistown rather, and took one side of the highway.

We understand that, you know, Hilo hasn't grown, and that doesn't give them the right to reach into our community, cause he has never represented us; he still does not. So...that's just my opinion.

P. KAHAWAIOLA'A: I just need to clarify that.

CHAIR VAN DE CAR: Anything else?  
(pause)  
Thank you, Mr. Phillips.

Mr. Donald Tinker?

D. TINKER: Good morning, my name is Donald Tinker, and I am from Paradise Park also, President of the Association there at this time.

And I'm fully in agreement with everything Ron said there. We've...quite a few of us have talked this over out there, and we don't want to see the community split up the way that we understand that somebody is trying to do. And ah, we would like to see Puna kept intact, as well, if that..if that is at all possible.

The ah...definitely Paradise Park, this would be a..a grave disservice to the people there, to have Paradise Park split in the middle. That was the ah...one place I agree the most, and Hawaii, as you know, that's now the population of Waimea as the people in Paradise Park.

CHAIR VAN DE CAR: Thank you.  
Any thing else for Mr. Tinker?  
Ms. Fuller?

J. FULLER: Yes, I had a break down of all of the subdivisions from Keaau area. The way that this is comprised now is right on the nose of 16,500 people. So its right in that 16,500 line...I mean, division, the way its divided by the population. This is the way the lines are drawn. 'Cause part of that , I think what you are interested in, is Julie's area.

D. TINKER: Yes. Yes.

J. FULLER: So right now, as it stands, it is right on the nose. As far as the lines are.

D. TINKER: Except that ah...of course, Puna is split up, at Keaau and Mt. View has been taken off, like there were....

J. FULLER: As it stands now, Keaau,,,

(At this point a beeper sounds off causing Ms. Fuller's presentation to be inaudible).

Like, let's say it goes towards Pahoa.  
As it stands now, if you have the lines drawn it is where the population of 16,500.

CHAIR VAN DE CAR: Okay, Mr. Tinker, thank you very much.

J. FERGUSON: You mentioned that someone is trying to divide the community, the subdivision?

D. TINKER: That's what I heard that's what's happening, yes.

J. FERGUSON: That's not anyone on this Commission, is it?

D. TINKER: No, it isn't.

J. FERGUSON: In which case, that's not what's going to happen.

D. TINKER: Very good. (chuckle)  
No, except that ...that person's influence might be on the Commission.

P. KAHAWAIOLA'A: Mr. Chair, I just want to respond because I just got here, and I don't know how they did it, how the lines were drawn with Paradise Park, and I don't think so, I would have to get more information because, based on that, I have to go back to the first meeting that we had, it seem to be interesting that there is a 16,500. And if you're there....(beeper sounds off, inaudible at this point)

CHAIR VAN DE CAR: Anything else?  
(pause)  
Julie Jacobson?

J. JACOBSON: Good morning, and thank you for having this hearing at this time, you have a huge task ahead of you, and I wish you well, and thank you for being here.

I'm here with my head and of course, it's obvious that I'm a councilmember, but as just for myself and not speaking for the Council certainly, or for the Green Party or anything else.

I think today, I just want to make it on a general subject, just two comments, and that is I want to urge you to fill your staff position, and put the perspective that our Council staff, though they are gracious in helping out, but it's a burden for them to be drawn away for a length of time from our work. And some of them do transcribing at home, and have very full workloads. So that's my first comment, in wishing you well on that.

And then, the other comment is on using the population as the basis for the districting and not um..voters or anything else because I think each human being has needs for the government serves, and it doesn't matter if you're one day old, if you're 99 years old, if you vote or don't vote, or any other of those variables. Um..each person needs to be considered, and I think, especially with the complexity of infrastructure issues, that we deal with, that's why it's important. And then, I'd like to remind you of the Charter mandate to aim at keeping things contiguous and to the extent possible following natural boundaries and that's one of the contiguous points. And its compact and I know its certainly difficult with our whole districts, and as it evolves, I'll have more input on other particulars of it, but that's what I want to share with you today and wish you well in your work.

CHAIR VAN DE CAR: Thank you and let me respond to at least your first point and introduce you to Brenda Domondon...

J. JACOBSON: Oh, okay.

CHAIR VAN DE CAR: At least starting today....

J. JACOBSON: Oh, wow! Okay, great! Congratulations.

CHAIR VAN DE CAR: ...at least now she's here.

J. JACOBSON: Yeah.

CHAIR VAN DE CAR: And with regard to your other concern, I think all of us on the Commission share those goals.

J. JACOBSON: Uh..huh.

CHAIR VAN DE CAR: That we are looking at the population and the special interests that I'm not against anybody who would indicate the need that to split Paradise Park, or anything else in particular.

J. JACOBSON: Right, right. I think you're....basically what you're going to wrestle with that there is literally thousands of potential ways to do this, so you know, every idea that's brought here is considered? And weigh it in the whole picture and don't make any snap judgments early on about what will work or what won't work but just take all the input you get, and then good luck.

Okay, thank you.

CHAIR VAN DE CAR: Yes, Steve?

S. PAVAO: Ah, do you think that the area you represent would be contiguous...

J. JACOBSON: It's definitely not compact and I guess, maybe technically contiguous, but I think in terms of, you know, there are a lot of jagged borders and a lot of borders that aren't necessarily based on a real sensible basis. But I tend to think maybe that's an overall thing if you don't have to split subdivisions, don't split subdivisions, and I think that's a general theme. And then I think the sense of what our districts...I wasn't able to compute exactly how much over my district is because I didn't break it down by what you have to look at population versus the voting districts and so, but I think I'm roughly...when I look those categories called remainder in what I added...where I was on the border of them, I added, I took what was half that would go in either District 5 or half in District 7, and I came up with that I was about nineteen thousand, so mine was one of those districts that's too big and ...

Yes?

M. VAN PERNIS: Miss Jacobson, as I understand it you and I respect it that you're closer...

J. JACOBSON: Sure.

M. VAN PERNIS: The geographical area and the population is going to be obsolete and is going to require keyboarding....

J. JACOBSON: Um...

M. VAN PERNIS: ...the combination of both the East Hawaii vs. West Hawaii area?

J. JACOBSON: Right.

I'd say its really a combination of both and...and that's so funny because some many people want to put issues in perspective. As East Hawaii vs. West Hawaii and I'm sitting here going...What about South Hawaii? And when people talk about even that...even to me that ridiculous idea of splitting the County into two, well then, what happens in Ka'u?

When you look at those kinds of ideas, you're splitting communities, because I can tell you this, that Ka'u thinks of itself as Ka'u, whether it's Ocean View, or Naalehu or Pahala. And though they're different areas, they are working together in economical development issues and so they sense themselves as an area, and I believe South Kona senses itself as an area...

M. VAN PERNIS: Your area goes from South Kona all the way up to Napoopoo.

J. JACOBSON: Right, so that road to Middle Keeki.

M. VAN PERNIS: So it splits the Napoopoo community.

J. JACOBSON: It kind of does, because that Middle Keeki road right...is on one side on one area and one or the other, so that's....

M. VAN PERNIS: Your district probably is not contiguously in economical or cultural centered and is split between um..South um..Ka'u and South Kona?

J. JACOBSON: Yeah...

M. VAN PERNIS: Split between South Hawaii and West Hawaii and East Hawaii?

J. JACOBSON: Right.

And it becomes...what happens is that people in South Kona, you know, for me to get to one of their...say just to a volunteer fire meeting or a community association meeting, or a better part of a three hour drive each way. And so, it becomes a difficult issue to be attending their meetings, and then where is people can perceive where it's easy for me to attend meetings in Puna.

M. VAN PERNIS: Where do you think the population, logically geographic location between, I'd say, South Kona and Ka'u, and South Kona and East Hawaii...

J. JACOBSON: I think the actually or probably the South Kona-Ka'u district line, and in terms of population probably Ocean View is Ka'u, and then I think even to the Honomalino and Milolii, and that area thinks of itself as Kona.

But I'm not making a comment right now on how that should exactly affect the lines, but just as a...and I might make one comment on Puna.

Puna as a whole is almost enough for two, right there, from...if you include Keaau and the mauka parts of the Island of the Puna area. To a certain extent, what I think there's a certain natural division that those areas served by...that who enter there at the subdivisions by Highway 130, kind of think of themselves as oriented to South...excuse me to lower Puna and those who enter there and get to their subdivisions along Highway 11 and that's somewhat of a natural split and when...maybe people think of being upper and lower Puna, and I did make one kind of practical suggestion.

If you are looking as addressing Puna as a whole, I think, Keaau is sort of the natural, central area, and I think, too, it's a place where people know where it is, so whether you use the Keaau School Complex or the Keaau Community Association, but that is sort of the natural place to hold um..I think Puna meetings. And if you were to try to get input from lower or upper Puna, but I think having people from upper Puna go down to Paradise Park is further and harder to find, and so the central point and the logical point would be Keaau for that.

CHAIR VAN DE CAR: Anything else?  
Steve?

S. PAVAO: Would it be correct in terms to say that there's lower  
Puna (inaudible)

J. JACOBSON: That's right.

S. PAVAO: Or the makai side of Puna.....  
(inaudible)

J. JACOBSON: I know, I just never whether to go with the new terms or what  
people know. So...

And yes, then the upper Puna has the elite.  
And so, you're right. Thank you.

CHAIR VAN DE CAR: All right, thank you.

J. JACOBSON: Thank you.

CHAIR VAN DE CAR: And the last speaker to sign up, is Curtis Tyler.

(At this time, Mr. Tyler comes forward)

J. C. TYLER: Good morning, Mr. Chairman and members of the  
Commission. Thank you for this opportunity to speak to you today, and I have a few comments.

First of all, I want to thank each of you again for your willingness to step up to the plate. It'll be the shortest lived Commission, nevertheless, you have some very, very important business to do, and I look forward to working with you, and ah...again, I am willing to help you and assist you in any way I can, in terms of your decision making in a non-political way. I think, as Mr. Yagong pointed out when some of you were here for your confirmation, politics shouldn't pay too much..any role here. And I agree completely with him. And I'm not here in any political capacity except that I'm a representative of the people for District 8, and also a representative of my family, and myself as a citizen and very interested in what you...in the work before you.

First of all, let me say that I was a little confused by the fact that this Commission published two notices for today. The first of which I saw which was for ten o'clock regarding your rule making.

And the second one, which I found out this morning when I came to the County Building and decided to look at the Public Notices and found out, indeed you are meeting at nine o'clock. And obviously, as part of your meeting, you are taking Statements from the Public. So I'm glad I didn't wait until ten o'clock to come here this morning. I spoke to the Chairman about that prior to the meeting.

I wanted to then touch on ah..your rules. Is this appropriate, Mr. Chairman? Or are you going to have a separate hearing? You're going to adjourn this meeting and then have another meeting?

CHAIR VAN DE CAR: It was my intent to adjourn this meeting and then convene for a public hearing, just so the record is clear of what we're doing and when we're doing it.

But I have no objection if there's any other member of the Commission has no objection. You can continue your comments now and we'll incorporate it.

J. C. TYLER:  
do so. I appreciate it very much.

Okay, that would be helpful if you would be willing to

I realize that these prop...these draft Rules and Regulations which were sent to me were... are proposed and they were prepared not by this body; but this body is not reviewing it as I understand it, and is going to amend it or whatever you need to do.

I would suggest under Rule No. 2...Roman Numeral 2E, regarding the release of official information that you add at the end of that, or his designee. Maybe when the time is not available or the Chair would wish to have someone else do this.

Roman Numeral No. 4, regarding your meetings, then, of course, your comments on this section, its interesting that this proposal already contains a Ramseyer change. And I..essentially, Number B, Roman Numeral 4B says, "...it is proposed that regular meetings and special meetings may be called by the Chair or the majority of the Commission. I would strongly urge you to separate those and I would furthermore strongly urge you to insure that the time and place of your regular meetings is in your rules. To fail to do so would be a violation of the Hawaii County Charter, and that would be Section 13-20..let me give you the exact one. I'm sorry, that would be 13-4-J, and also would violate Section 13-20-C. So I would ask you to, and I realize even make these but ah...I would ask you to look at these very carefully before you pass them and amend them.

The other is that with respect to Number C, 4-C, that each member shall be given oral or written notice at least one day prior to a special meeting, that also violates the Hawaii County Charter. And so I would urge you not to pass that part of the Rule unless you amend it consistent with the Charter. And the Charter, Section 13-20-C says that..."a special meeting may be called by the presiding officer of the Board or Commission when the day, time and place of the special meeting are announced prior to the adjournment of a regular meeting. Otherwise, a special meeting may be called and you have provision for that on the next page. But you can't do this without public notice and also ah...that is not in accordance with the Charter.

And um..Roman Numeral 5, the Notice, there is..I notice here there's no...with the exception of the special meetings that you..there's..have nothing in here about publishing your notices in the paper. And I would strongly urge you to publish it in at least two daily newspapers of general circulation in this County in accordance with Chapter 92-F, rather Chapter 92 of the Hawaii Revised Statutes, and in accordance with the Sunshine Law, and also in the spirit and intent of our Charter.

And with respect to Number 5-C, I would urge you to amend that because it is in violation of.. excuse me, it is inconsistent..the proposed...it is inconsistent with the Hawaii County Charter, Section 13-20-C. And that could easily be changed by just saying that ..."notice of any special meeting shall be published in at least...insert in there.. 'at least two daily newspapers in general circulation'. That would, I believe, correct it.

And finally, ah no...not finally. Item...Rule No. 7, Roman Numeral 7, the last sentence, I believe should be changed, where it says ..."Members to which the Commission is entitled shall be necessary to take action." I believe the correct language should be..."make any action valid". Ostensibly would seem to be the same, but I think, perhaps some of you could see the slight difference there.

And I am very glad to see that you are not going to have extensions in your rules, and I think that would be waste of that district representative's ability to give input.

And I forgot one other thing about meetings I attended yesterday, the Environmental Management Commission meeting, and they indicated in their rules that it was their intention to have meetings in every district throughout the County and perhaps you may wish to entertain that. I know Mr. Van Pernis, Commissioner Van Pernis had asked the question regarding that, and of another member of the public. And perhaps it..you may wish to consider that. I just observed that it's in the rules yesterday.

With respect to your Order Business, this is rule, Roman Numeral No. 9, I would suggest that after...um, excuse me, that Item No. F, Business of the Day, I have no idea what that means. If, Unfinished Business and New Business of the Day, I don't know what it is. I would suggest that superfluous unnecessary, and I've never seen such a thing. That's a signal they give me from downstairs that I've been testifying too long. They put the hammer down. And I would suggest that after No. H, after New Business that you create a new section for Announcements, so you can announce, if you have any announcements, you announce them. The Council does this, and most other organizations, Boards and Commissions, I've seen do that, and perhaps that would be helpful to you.

And the Order of Business may be altered by the Chairperson by majority vote of the Commission. I would suggest that, normally, what happens is if you take something out of order, the chair asks he would like to take something out of order, or a member would request, "I'd like to take something out of order because somebody's visiting here and has to catch a plane"...or something. And normally, the chair would say, "is there any objections? Hearing no objections,"...you know, you take it out of order.

If there's an objection, then I believe that you would, in which case, an affirmative vote with the majority of the Commission shall be necessary. I just want to make that suggestion, so it can simplify your business. And um..

Yes, public access, this is Rule No. 13, and may I suggest to you in conjunction with No. 13, and 14, the Minutes that you put...you put all of your Agenda and all of your Minutes and any other Notices, on the public...the County of Hawaii website. This will make it far more accessible to far more people, and would save a lot of trees and postage. And I know that the Police Commission finally took me up on my suggestion, and I think it has made quite a bit of difference. That would certainly add to the accessibility of this very important information that you're doing.

And finally, you may wish to add as severabilities, such as there in the event that you get challenged, and something is thrown out, then your Rules get all thrown out.

Now, with respect, really with the work at hand, that's kind of, policies and procedures. Some of you, I guess all of you, when you came for confirmation, hear me speak strongly about the need to adhere to the Charter provisions, under Section 3-17, regarding the County Reapportionment Commission. I speak specifically of..of Paragraph No. F, on page 6, of the Hawaii County Charter. And it says, as follows, as we get into the record, ...."the Reapportionment Commission shall be guided by the following criteria in establishing the boundaries of the Council districts". Note the word "shall". No. 1, no district shall be drawn to unduly favor or penalize a person of a political faction." That's the no political thing.

No. 2. ..."insofar as possible, districts should be continuous and compact.

No. 3. And this one is to me the most important one, and certainly at least one of the most important ones. ..."District lines shall "...that's another shall..."where possible, follow permanent and easily recognizable features."

And finally, as we all know, districts shall be approximately equal resident populations as required by applicable constitutional provisions. With respect to No. 4, I'm sorry, No. 3, about ..."district lines follow permanently and easily recognizable features". There may be other districts that have as bizarre, a sudden boundary as I have, a boundary between District 7, Council District 7, and Council District 8, but I think, one would be hard pressed, to have ever come up with such a boundary, unless gerrymandering is involved. It is so bizarre, that I would venture to say that unless you have lived in Kona, for a...decades, you wouldn't have a clue where this district boundary was by reading the description, the legal description from the Office from Elections or any document purporting to show the district boundaries.

And even, people to this day, have come to me, who live outside the district, I know they live outside the district, and have come to me and say, .."Oh yea, don't worry, we voted for you". Then I say, "you must have voted early and you have voted often, because you didn't ...my name wasn't on your ballot, unless you got the wrong ballot, because you're outside my district." They say, "oh, that can't possibly be..." Then I say, "well, let me tell you where the lines are".

So with that in mind, I would ask you today to consider the traditional and customary and legal land use boundaries that have been established in this County for probably over a thousand years. And these are the geographical boundaries, what we call 'Moku' boundaries, the divisions of large land division, and the "ahupua'a" boundaries and I recognize that we didn't have a census...we didn't have a constitutional mandate way back when, that every "ahupua'a" have equal and the moku have equal. Truly that was not the case. But we do today, and so I recognize that there will have to be some exceptions to this very good and logical ones. But these ahupua'a boundaries and these moku boundaries are either marked by long standing stone walls or they've been known since prehistoric times. So I would ask you to consider those, and when you, I realize that you have to begin with the census tracts, Mr. Van Pernis has provided me with a copy of his proposal and he showed the census tracts to me with this map and I can see where...you have to start someplace. You gotta start with the numbers because that's what the U.S. Constitution allows, prescribes.

(A copy of Mr. Van Pernis' proposal is attached as Attachment 1).

However, I would ask you that whenever possible, when you can't satisfy the numbers, that you...when you consider dividing up an area that, number 1, you consider as Mrs. Jacobson pointed out, the entity like a subdivision; don't run the line down the middle if you can avoid it, and although...certainly many in Kona and other areas have had this happen. And number 2, that when you divide and you're shifting a population, shift it mauka-makai. Because what happens up in the uplands, in the mauka area, affects the people in the makai district. And I speak specifically of watershed management and what might be...what has been term...you know, flood control. And it's a big, big problem, and if you have two different representatives, you might have different points of view and might create problems for that district. This is one example.

And since you are an agency, and is defined as an agency, you do have the legal responsibility of insuring that the natural resources, all natural resources of the State of Hawaii, and in this County, in particular are protected and conserved. And I think you are familiar with the Supreme Court decision which mandates, you know, that you can't delegate that responsibility. And I would suggest that while it...while it might not have occurred to you when you took on this job, is that part of what you're doing is also protecting the life of the land, not only the people, and the political representation, but actually what might occur on that land. And if you get too many jumbled up political jurisdictions, it might...the mauka might affect the makai. So, if that's helpful, I hope it is helpful and not confusing you.

And finally, with respect to Mr. Van Pernis' proposal which I have had an opportunity to read today, because I also thought and spoke to Commissioner Ferguson about this, you need to have a place to start, and as a...almost a 55 year resident of the County of Hawaii, who tries to be a political as I can, in my service to all of you in this County, I would suggest that Number 6, which is Mr. Van Pernis' proposal Number 6, it is close to what I was going to suggest to you today, as you can do from the beginning point. And I realize you gotta start with the census drive. My suggestion to you, is that you begin with the North Kona, South Kohala moku line, the geographic boundary line. There is nobody living there, and North Kona...and the census tracts where I live have experienced over 50% growth. So I know that my southern boundary is going to have to come north. I know that, otherwise, we won't have the equal numbers. How much north, I haven't even thought about. But it would make sense from just from the familiarity perspective, that if you started there and it goes up to Pohakuloa, actually to Pu'ukapele, there is nobody living anywhere remotely around there. Nor are there any plans for anyone to live there. Most of the land surrounding this is state land and there are no plans.

So, hopefully, you could consider that. Now with respect to this proposal today, I just would like some very quick comments. He speaks about computerized technology and this was something else I was going to...and I spoke to Commissioner Ferguson about this. I know that information is available to assist you. I know, that the members of the Statewide Reapportionment Commission are already utilizing this technology...the GIS technology and other computerized technology. And I would ask...I would urge you to utilize this and I know that the Planning Department has a lot of this information and can make it specific, they can make it parcel specific showing you the land boundaries, ahupua'a boundaries. And I think it would

be very helpful if you were able to see this and actually each of you be able to work with this, so you could do your work much more quickly instead of doing an individual count.

And um..I would suggest that with respect to Mr. Van Pernis' proposal, that these pages are not numbered, but with respect to the final...to the "be it resolved" clause, that there's a number one there which says each of the nine districts should contain census population between 15,000 up to 17,000 and I assume that's the margin that's calculated between the 16-5 and I would move that to the "whereas" clause. I just think that you have to do that and that's a ...that's a fact. And I think I am finished with that.

Ah, there's another thing I want to mention. Well, I am sure I'm going to have another opportunity to speak, not today, but another time. I'll be happy to answer any questions that you might have. I am sorry for the length of my testimony, but I try to make it as brief and up to the point as possible.

Thank you, Mr. Chairman.

CHAIR VAN DE CAR:

Thank you, Mr. Tyler.

M. VAN PERNIS:

Ah, Mr. Tyler.

J.C. TYLER:

Yes sir.

M. VAN PERNIS:

I'd like to point out that we appreciate your comments in using technology and technology has been made available to us.

J. C. TYLER:

Good.

M. VAN PERNIS:

have....

And in fact, we believe that some technology

logical division between North Kona and Kohala?

You indicated where you think that it would be a

J. C. TYLER:

Yes, the moku boundary, that historic geographical boundary, district boundary which is the North Kona-South Kohala line that is directly south of Anaehoomalu Bay. Contrary to what the current description has, which is, it follows the boundary of the 1859 lava flow until it gets up in the Pohakuloa area, or Keaauomoku area. In which case...

M. VAN PERNIS:

proposal...

That's possibly as close to the line shown on my

J. C. TYLER:

Well, let me say that it ....

M. VAN PERNIS:

I know...I know that it's...

J. C. TYLER:

Right.

M. VAN PERNIS:

to fine-tune it with the gross numbers...

It's in the general vicinity to the extent that we have

J. C. TYLER:

Yes, yes.

M. VAN PERNIS:

..that would be the possibility.

J. C. TYLER:

Yes, that's correct. Because if you go beyond...if you go beyond 17 and 18, then you're into Waikoloa and you're into Anaehoomalu. I'm sorry, you're into Waikoloa Village, the resort village, and that is in the South Kohala district. So...

M. VAN PERNIS: Let me ask you, where is the real logical division would be between North Kona and South Kona, as far as that district...and I know because I moved just south of that tortured boundary.

J.C.TYLER: That tortured boundary, yeah, that's a good description.

M. VAN PERNIS: So, my question is where do you think the division would be between district representing North Kona and district representing South Kona?

J. C. TYLER: Well, assuming...I made a statement which you I did not have the facts to back it up, saying that I'm fairly certain that my South Kona boundary is gonna have to move North, because the census tract where I live had a 54% increase.

M. VAN PERNIS: What I'm asking is where the critical division would be, where do you think the appropriate combination, where people work, where people live, cohesiveness in the community and the division between North and South Kona?

J. C. TYLER: Might be the Holualoa 1 boundary. The Holualoa 1, ahupua'a of, Holualoa 1.

I think theres...

M. VAN PERNIS: ...the cultural mix...

J. C. TYLER: Yeah, um, it may be that as an example right now, the Alii Kai Subdivision is in my district, but all of Komohana Kai-Kilohana, Kilohana which is my district and Kamani is in Ms. Pisicchio's district. So it may be that it has to kick over maybe to Puapua'a Nui which is Casa de Emdeko, and that new SCD Kahakai proposal. I would just suggest that because of the reasons I gave earlier that we try to follow along the Panahupua Wall, and there's some there that are just so beautiful. You're familiar with them, I know.

M. VAN PERNIS: And the same question, where to you think the logical division is between West Hawaii and what Ms. Jacobson called Ka'u and South Kona.

J. C. TYLER: Well, as she correctly stated, Honomalino sees itself as Kona, and I certainly hope so, cause it is in the South Kona district. The boundary line is right past Manuka, in fact, the boundary line, I believe is of the southern boundary of Manuka. I haven't looked at the numbers from that ...the Ka'u district, and I don't know what's happened.

M. VAN PERNIS: I'm talking about cultural-economic ...

J. C. TYLER: Well, I would certainly put it as the Ka'u-South Kona boundary, if it is possible, because people understand, "oh yeah, I live in South Kona, so my South Kona representative is, at this time, at least is Councilwoman Pisicchio, or my Ka'u-Upper Puna is Councilwoman Jacobson. And so, to me, if its possible, to follow the geographical boundaries certainly, all the kama'aina understand this, and malahini are becoming more and more familiar with these cultural practices.

M. VAN PERNIS: Thank you.

J. C. TYLER: Welcome, anything else?  
Thank you very much, Mr. Chairman.

P. KAHAWAIOLA'A: Mr. Tyler, based on your criteria that you read, on the Charter, we are bound by the compacting of the districts and the district line being the reasonable lines and your understanding of the concept of Mauka-makai division as a whole new...I wouldn't

know what the other division would be aside from district boundaries. So I just needed to express that, that being a criteria that is directly out of the County Charter would be something for myself as a commission member.

J. C. TYLER:

O.k.

P. KAHAWAIOLA'A:

And the other thing, I say you reading out of a proposal, I'm sorry, I don't know what to look at and I don't think that was discussed, and I am trying to make some sense of what it is because being a life-long resident, it shows me that it truly, really is not being involved in the political part of this. But I see an opportunity to contribute what...somehow, somewhere this Commission and Chairman Van de Car will have to be King Solomon, and it will be this Island, however we can, and Commissioner Fuller said it best, based on some lines that are clearly drawn. Our mandate also is that there's a 16,500 that is our mandate, and aside as being the ahupua'a, that the ahupua'a lines is conveniently removed to make sure you compensate the 16,500 people. And so, that's what I'm trying to say, and thank you for making sure that this criteria is met.

J. C. TYLER:

You're very welcome.

Mr. Chairman, just..If I may, just to respond very briefly. With respect to Commissioner Kahawaiola'a's concern about not having seen this proposal, I would strongly suggest that this body could not take up something that the commissioners have not prior notice of, we have in our Council rules very specific rules as to the time that materials, if they are not circulated within a certain time period, a reasonable time period for the members to digest these, they can't be taken up and it would be consistent with HRS 92.

And finally, I neglected to mention this, and that is that there is a County law which requires the use of diacritical marks in all Hawaiian words which contain them. Otherwise, they become misspelled words. And I know that none of us want to have misspelled words. And I must say this, on the record, because this County consistently fails to follow the law which has been in place for a number of years now. But in using those and if I can be helpful, in regard, I will be happy to do so. There are two official documents that would be helpful to you, one would be Albert Pukui, Hawaiian-English Dictionary which contains those diacriticals, and also the place names of Hawaii by Mary Kawena Pukui which also will give you the diacriticals. And of course, the University of Hawaii Hawaiian Studies program, Dr. Peter Wilson, and perhaps also, Commissioner Kahawaiola'a can assist you.

Mahalo.

CHAIR VAN DE CAR:

Thank you.

What I would like to do now is to recess this Commission meeting for a short period and convene the public hearing on the Rules, complete that and then reconvene the Commission meeting.

So this is a motion for that.

S. PAVAO:

I second.

CHAIR VAN DE CAR:

It is seconded.  
All in favor?

ALL:

Aye.

CHAIR VAN DE CAR:

Opposed?  
(Pause)

All right, we will recess the Commission meeting at this time and we will convene the Public Hearing in about 10 minutes.

Recessed at 10:10 a.m.

Reconvened at 10:20 a.m.

(Commission L. Balberde joins meeting at this time)

CHAIR VAN DE CAR: Its 10:20 a.m. and we reconvene regarding the Rules for our Commission, but this time I'd like to note on the record of this public hearing that we have previous commencement of the hearing of taking testimony from Representative Curtis Tyler regarding our Rules. So we are going to incorporate those comments into the public hearing.

I don't believe that any members of the public has signed up to address the Commission with regard to the Rules. So, what would like to do then at this point is to ask whether any member of the Commission have any suggestions or comments on the Rules that has been proposed.

Commission members?

Mr. Van Pernis?

M. VAN PERNIS: Yes, as Mr. Tyler mentioned, some of the Rules may not be totally defined and I would like to make some suggestions. So, I would like to make some proposed changes not only those that are not in compliance, some of the Rules that are in compliance, but also of some practicality sake, because I think we will not necessarily do business the same as in 1990 Reapportionment Commission, and I would also like to do it so that it will be more convenient for all of us. So if I may, I would like to put the Rules and Regulations before them and try to indicate where the changes are. What I'd like to suggest is that is that appropriate or legally...

Section Roman Numeral number 2, Sub-section E, as in Eben, I think that should be "designee", it improves the meaning; and Roman Numeral 4, Section A, I think there's already been plenty discussion but not enough understanding, about our moving the meetings around the Island as we proceed. So, my suggestion is that um...it needs to be in the Hawaii County Councilroom, 25 Aupuni Street, Hilo, Hawaii 96720, and such other public place as the Chair or the majority of the Commission may designate.

I think Sub-section B, I think we should schedule our meetings by agreement of the majority of the Commission and not have a set schedule, and not having it more frequently or less frequently as stated in this Sub-section B. So, I would suggestion Sub-section B be replaced entirely, and suggest that all meetings shall be called and scheduled by the Chair or by the majority of the Commission.

Section C, is impractical, so I would say that each member shall be given a written notice at least seven (7) days, not any legal reason, but as a matter of convenience, since we are from all over the Island and its difficult to make it a quick notice. But um, I would change it if anybody feels that its what you want. My suggestion is that each member shall be given written notice at least seven (7) days prior to any meeting and confined to the law that covers such things as notices, publications and distribution.

Section 5-B, I question whether we need that, and I leave it to the discretion of the Commission. I also like to mention that notice of any special meeting shall be published as noted in Section C, of Roman numeral 5, notice of special meeting shall be...notice of any meeting shall be published in two newspapers of general circulation of the County within 48 hours. Now, when you say that, we need to know that there are only two (2) newspapers in this County that has been certified by our Supeme Court and otherwise, as having general circulation throughout the County, and that's West Hawaii Today and the Hawaii-Tribune Herald. So by saying that, those are the only two newspapers in this County that can be identified by name. So I would suggest 48 hours...24 hours advance would be adequate notice.

Section 7, I would add the phrase, "shall be necessary to take action". After that, I would have "can make decisions", I think that would make it clear.

Mr. Tyler's suggestion about the Business of the Day, Number 9, Sub-section F, with that, Section 8, under New Business, may include Announcements, or we can have Section 8, as Announcements.

Lastly, Section 10, concerning Public Statements, the last sentence of Sub-section 8, "any person who fails to register shall not be heard", I..I think that's too oppressive, and I think Chair or the membership wants to have to hear what is to be said, regardless of whether or not they have registered, we should have give them the courtesy to let them

testify. Otherwise, we may have a situation of someone being late or does not follow the registration process, or just want to make a statement during the course, and when they ask to speak, ah...anyone of us can say, "sit down and shut up because you haven't registered". I don't think that's appropriate, and I think if they don't think it appropriate, or we prohibit them to speak, and if we think it is appropriate, then I think they should be given the opportunity to be heard. So I ask that we strike that last sentence, so the Chair and the Commission has the discretion to consider any public input rather than technically pre-registering. Those are my suggestions to modify, and I would put that into motion to the Chair.

J. FERGUSON: I would disagree with the last provision, I think there is...I think we should follow the order of the proceedings, otherwise, the provision for registering is not unreasonable.

M. VAN PERNIS: I think we should allow people who have not registered to speak, and there is not a Charter or ruling...my concern is that this says, "shall not be allowed to be heard". So if someone wants to speak, and most of us want to hear what he has to say, any one of us can say, "no". But we shall leave it to the Chair to say, "no", so I don't want to be in the situation, you and I want to hear somebody say something, and somebody else says, "no, we don't want to listen to them, because they have not registered."

CHAIR VAN DE CAR: Anything else, Mr. Ferguson?

J. FERGUSON: No.

P. KAHAWAIOLA'A: I would like to comment that I am in support of Mr. Van Pernis. I suggest should there be an opportunity so we can alleviate the problem, based on, I think both of you saying, and I hope you Commissioners are using the County Council as an example, and they do have it in their Order of Business. Ah, at the end of the meetings, they take statements from the public that was not on the Agenda.

So I think that would be appropriate if the Chairman would have that within the meeting to seek from other people or that individual that...yes, I do not want to have strike anybody from having to say, and many times, and again, I have been given the time to respond. So I'd like the ability of this Commission to at least hear, Mr. Chairman, we have that opportunity to request additional statements from anyone who have failed to meet the filing.

CHAIR VAN DE CAR: Thank you.  
Let me suggest that by simply changing the word "shall" to "may", we give ourselves the discretion to hear someone who has not registered, and that would be probably easier to deal with.

Um...Mr. Tyler has again asked to address this Board, so why don't we give him that opportunity.

J. C. TYLER: Thank you again, Mr. Chairman and members of this Commission.

I am now going to respond as part of the public hearing process, and I am responding to the comments of the Commissioners, regarding these Rules.

And that is on Mr. Van Pernis' commented on Rule number...Roman numeral 4-B, indicating that he felt that it could be more generic and didn't have to be specific. And once again, we'll state for the record that your failure to name the time and place of your meetings in your Rules will violate the Hawaii County Charter in two sections. I have previously given you those two sections, and they are there for a reason um..and I would dare say that it doesn't have to do with the conveyance of the Commissioners with all do respect.

It has to do with the ability of the public to participate in the meetings, and I would like to call your attention again to the appropriate sections, and I understand what Mr. Van Pernis' meaning to do, but I would respectfully suggest that you or if you

are unable to take him up on his suggestion, its 13-20-C, on page 31 of the Hawaii County Charter, and its also in 13-4 under Boards and Commissions, and it is in Number J, and says, "...which Rules shall contain the time and place of all regular meetings. With respect to Mr. Van Pernis', Commissioner Van Pernis' comments or suggestions on Roman Numeral 4-C, he suggested seven (7) days, or using the language for applicable laws. You know, its 92, Chapter 92 of the Hawaii Revised Statutes which is the Sunshine Law, and that requires at least 6 days notice, as I recall correctly.

And with respect to his comments on Roman numeral 5-B, I would once again respectfully suggest to you that the elimination of that would violate the Hawaii Revised Statutes, 92-F, which requires all agencies to maintain a list, and to provide the Minutes, and provide the information in accordance with the Sunshine Law. And if you read the Sunshine Law, 92-F HRS, you will find that,,you will find the real spirit and intent of that line. It is very, very specific in what the Legislature intended.

And with respect to his comments on number...Roman numeral 5-C, the reason that it says 24 hours there, is because Number C refers to Special Meetings. And if you will refer to Charter Section 13-20..

M. VAN PERNIS: May I interrupt?

J.C. TYLER: Yeah.

M. VAN PERNIS: Is it not correct that under the Hawaii County Charter that this Commission is not required to have any meeting, regular or special? That is for instance, scheduling a regular meeting, say for November of this year, and then schedule another meeting at our discretion. I think what the Charter says is that this Commission is not required to have any meetings, even regular or special, and on a practical basis, there will be meetings and there have been meetings. But we are not required to have any meetings, be that regular or special. Section 4-A of the proposed Rules does specify regular meetings to take place. Thus, we could suggest schedule meetings at our discretion, and I think I don't want to get hung up on a situation where we are scheduling regular and special meetings which ...we are scheduling regular meetings that may not be convenient or not. But before making this decision, again, we have the discretion under the Charter, more so in the Councilroom and otherwise, because of that, this Commission is not required to have any meetings.

CHAIR VAN DE CAR: I would like to respond, I think that if we are going to have meetings, it will have to be in compliance with the Charter and the Sunshine Law. And I think we need to have meetings so that our Rules need to correctly reflect the requirements of those meetings.

I'm sorry to interrupt you, Mr. Tyler, can you go on?

J. C. TYLER: Yes, thank you. I appreciate Mr. Van Pernis' comments, I just have two further comments relating to what he said.

And number 1, while he is correct that the Board and...the section, Section 13-17 of the Hawaii County Charter beginning on page 5, entitled County Reapportionment Commission..Committee...Commission, excuse me, does not specifically say that you are to have or not to have meetings. I would very strongly suggest that if this Commission were not to have meetings, that myself and probably thousands of other members...citizens of this County will come out and create a very large problem for you legally, because that would be a violation of your oath of office, as far as I'm concerned.

M. VAN PERNIS: This is ....

J. C. TYLER: Excuse me.

M. VAN PERNIS: This is this first time where this is discussed.

J. C. TYLER:

Yes, good.  
Okay.

M. VAN PERNIS:  
seem to be...

This would be context with what the Rules

J. C. TYLER:

And I think....

M. VAN PERNIS:

We are in the situation where we have all our meetings scheduled in Hilo, when we want to have meetings in other parts of the Island.

J. C. TYLER:

Right.

And I think ah...if you put your meetings as an example, on the third Friday of every month, or at some other location as determined by the Commission as determined by 92-F, you are covered. It's no problem. Then people will know, I mean, if...there's probably going to be a time when your meeting, you can't meet here because you schedule a meeting as the Environmental Management Commission did yesterday, when there was a Hawaii Island Feral meeting in here but had to be cancelled because of lack of quorum. The Council moves around too.

And I think, as long as you give yourselves the flexibility, you're not required to be here. And the Council, as long as you give notice, you can change your meetings. There's no problem. I'm just suggesting that whatever you do, please make it consistent with the County Charter. And I understand Mr. Van Pernis' concern, and anyway, enough of that, I want to quickly finish here so you folks can conclude your meeting.

So back to this Number 5-C, the reason for the 24 hours is in there, is because if you'll refer to page 31 of your Charter, this Section 13-20, Records and Meetings Open to the Public, Paragraph number C, wherein it says, "the time and place of all regular meetings of the Council, Board or Commissions shall be provided in the Rules adopted for the conduct. Except as otherwise provided, special meeting may be called by the presiding officer when the day and time, etc., or "24 hours...otherwise a special meeting can be only called upon publication of a notice of a meeting in at least two daily newspapers, 24 hours in advance". That's the reason why that was in there because, Rule number C, talks about only, addresses only special meetings, not all meetings. So, I just wanted to have the clarified for you.

So if you took out the 24 hours, and the meeting, you still...you see what I'm saying?

J. FERGUSON:

Mr. Chairman?

CHAIR VAN DE CAR:

Yes?

J. FERGUSON:

Could we resolve that problem by not holding any regular meetings, and every meeting be a special meeting?

CHAIR VAN DE CAR:

We could.

But then, what I'd like to supposedly do is, once we've heard the comments from the public, and have gone through these provisions, may be one at a time, then get to the point where we are clear on what Rules we want, we are gonna have to, because we are not going to be able to publish a final ...this is not the really the published version, we gonna have to put this on the Agenda for the next Commission meeting to adopt the Rules in the form that we have wrangled with today.

So whether we hold all of this as special meetings, as Mr. Tyler suggests, I think I heard him suggest, and what I like about his suggestions where we continue to say regular meetings and designate a special specific time and place, but because the last phrase of the last sentence, unless otherwise specified, you are free to do that....

J. C. TYLER:

Right.

CHAIR VAN DE CAR:

...and I think that in our regular course of business, we are more likely to do that to meet on a regular basis.

J. C. TYLER:

Right.

CHAIR VAN DE CAR:

Charter requirements.

I think we can satisfy both our needs and the

J. C. TYLER:

Exactly, and I thank you for your comments, Mr. Chairman, and I think you should allow yourselves and afford yourselves the flexibility for the reasons that Mr. Van Pernis and others have stated. It just makes all the sense in the world to do that, and at the same time to afford the public the opportunity.

To have all the meetings here, and because

your Rules says so, and not be able to go out when the Commission wants to go out, would be ridiculous. It don't make any sense.

Mr. Van Pernis spoke about ...made some comments with respect to Rule...Roman Numeral number 10, perhaps it should be numbered, it is numbered instead of Roman Numeral, ah...A., when he said, when he was talking about the last sentence there, "any person who fails to register, should not be heard", and I had underlined that and forgot to mention my concern over that, and I appreciate Mr. Van Pernis dragging my memory here, I believe that is, with all the respect to my friend and Commission Ferguson, I think that is quite draconian, and I would suggest, as Mr. Van Pernis did, that ah...any person who fails to register to may be heard at the discretion of the Chair or the Commission as the case may be.

In other words, the chair may say no, but the majority of the Commission says, "okay, I want to make a motion that we hear this person, and its very important since they came from "Okey Swamp" to tell us watch out for swamp land", and he wants to tell us something, and he'd want to address that, 'cause your Rules address your official actions. Also, it is customary, at least in my experience of attending Board and Commission meetings for 15 – 20 years, that when the person who has signed up, when the list is completed, the Chair always asks, "this is a public hearing, or this is a public meeting, are there any other members of the public who wish to speak on items on the agenda?". And someone may say, "oh, he came in late" as an example, "and didn't sign up", and says, "I didn't know I had to sign up, I just saw the Council thing, and I didn't see the Reapportionment Commission". So I didn't sign up. And that way you afford the people the opportunity.

If you look at 92, you will see that was exactly the intent, should be broadly construed as possible. And ah...please read the Hawaii Revised Statutes as it related to the Sunshine Law, and sort of the Preamble, the purpose statement, and it says that, "the Legislature finds that, " and basically it says that the broadest interpretation to afford the public the opportunity to participate and to open your meetings as much as possible to public discussion, consideration and scrutiny, or something to that effect.

And finally, with respect to ah...with respect to the Order of Business, um..there was a discussion under people making statements from the Public or making Public Statements, so..your Rules do not afford ..the draft Rules, excuse me, do not afford anyone from the public an opportunity to speak on something that is not on agenda that is related to your business for your charge. And I think if someone came from a long distance and found out that it wasn't on here, they should...they had some viable information that would assist you in your work, you should afford them the opportunity. And what the Council does on this, is we have a section just before the Adjournment or just before Announcements, or in that area, right towards the end of the meeting, after all the business has been done, is to afford members of the public to speak on items not on the agenda. And the chair always reserves the right ,in his or her discretion, in this case, your discretion, to limit the testimony. That's his...Robert's Rules, its..its "s-o-p". So I would think that because this is such an important Commission, although short-lived, that you should perhaps insert that. And I hope with that I am not going to take up more of your time today. But I will be happy to answer any other questions.

assigned to this Commission? Oh, did ...you....who is your Corporation Counsel

CHAIR VAN DE CAR: Pat O'Toole is. But Mr. Akama is here today since she cannot.

J. C. TYLER: Okay. Well, certainly I must, as most of you know, if not all of, I am not an officer of the Court, I have no background whatsoever, other than common sense, and my own education, so I cannot give you legal advise, and do not purport to give you legal advice and would strongly urge you to take up my concerns with your legal counsel. Because I think if you fail to do so, that you will violate the Hawaii County Charter.  
Thank you.

CHAIR VAN DE CAR: Thank you, Mr. Tyler.  
Are there any other comments from the members of the public?

(Pause)  
If not, it is my intent to call Mr. Akama to the table here, so we may be able to go through some of these things that arrives at a revised draft that we might present for adoption at our next meeting.

Does anybody from the Commission have any questions before we start and before Mr. Akama goes through what we have before us, and see if we can agree on what are Rules are before the next meeting?

(pause)  
All right then, hearing no comments, then I ...once we go through this, I'd like to hear a motion to propose these as our final Rules, but before we do this, I want to suggest is that if anybody have any comments, please just jump in and to the extent that the record is clear, so that we can try and arrive to the final language.

Taking then, Roman Numeral 1, I heard no comments about any changes, so I am assuming that the Commission is satisfied with that section as written. Hearing nothing, I will assume that is correct.

Going to Roman Numeral 2, the only comments I've heard, has to do with Subsection E, and I am proposing that we amend Subsection E, to read: "All official information shall be released to the Chairperson of the Reapportionment Commission or the Chairperson designee."

With respect to Roman Numeral 3, I have not heard any comments and I am assuming that you are satisfied with its present ...the way it is presently written.

Moving on to Roman Numeral 4, Subsection A, as written now, states, "Meetings to be in the Hawaii County Council Room, 25 Aupuni Street, Hilo Hawaii 96720, or such other place as the Commission may designate." The one comment I heard about that is to change the language of the last phrase so that it reads, "or such other place as the Chair or the majority of the Commission may designate."

I..I don't know if the members, I guess I'd like the feeling from the rest of the Commissioners on what they feel about the proposed change.

M. VAN PERNIS: My concern is what the attorney for the Commission may create an argument that it would be requiring a majority, unanimous vote...

CHAIR VAN DE CAR: Unanimous vote..  
Right.  
Any other comments?

PATRICK KAHAWAIOLA'A: Ah, yes, and it's the similar comments on the majority of Commission, would that be of those present, or the nine and then the majority be 5, or is it 7 of us, and then the majority of them be 4? So that we can go...

J. FERGUSON: The majority in that sense would be interpreted to be majority.

CHAIR VAN DE CAR: I would suggest is that we amend the language of that last phrase, to read. “as such other public place as the Chair or majority of the members of the Commission present may designate.”

J. FERGUSON: Can the Chair designate without the majority?

CHAIR VAN DE CAR: Speaking as the Chair, yeah.  
But certainly I know that if there is a...if the Chair is not of the majority, I think the Chair will have to prevail.  
Let's move on.  
Sub-section B, Regular Meetings. This is ...is this the third Friday of June, I guess its June 21<sup>st</sup>...

M. VAN PERNIS: It's the third Friday.

CHAIR VAN DE CAR: It's the fourth Friday, then?

M. VAN PERNIS: Third Friday.

CHAIR VAN DE CAR: It's the fourth Friday...

S. PAVAO: Fourth Friday.

CHAIR VAN DE CAR: That's correct.  
I agree with Mr. Tyler that thinking arbitrarily because we probably don't stick with it because we need to be out in the community. But thinking something arbitrarily to comply with the Rules, make sense, so I would suggest that...

M. VAN PERNIS: Well, looking at the next three months, the next three Fridays, I would emphasize..there is no argument that there is no requirement for meeting specified meetings on every third Friday..(inaudible w/paper shuffling)

CHAIR VAN DE CAR: I think we all realize that with regard to the requirements of the Charter, and Mr. Akama can you give us some information as to whether our Rules requires us to designate regular meetings in the sense of series of regular meetings.

D. AKAMA: Well, 13-20-C does state the time and place of all regular meetings, shall be in the Rules but there is no requirement that we have regular meetings to begin with. So I think the whole issue here is notice. And I think the word that Mr. Van Pernis suggested that we condition the notice on the Charter, that would be sufficient. So if you want to say regular and special meetings...you see, its cumbersome, because you need to give adequate notice for the next meeting within a couple of weeks from now. So presumably, how in terms of your function, do you want to be able to designate the meeting place before adjournment?

CHAIR VAN DE CAR: Yes.

D. AKAMA: Of each meeting?

CHAIR VAN DE CAR: Yes.

M. VAN PERNIS: Could we satisfy the Commission by saying that the regular meetings be held at a place at such time as its set by the Commission at its prior meeting...

D. AKAMA: Prior to adjournment of the prior meeting.

M. VAN PERNIS: I'm suggesting that the meetings to take place at such time as set up by the Commission prior to the ...

D. AKAMA: Provided the special meeting is required in addition in between meetings, we have to call it a special meeting. That's the only reason we designated a regular meeting, and I think that the public will look at the Charter and say, "well, are the just meeting whenever they feel like it or what?". I feel that its important to say that there... to establish a regular meeting now.

S. PAVAO: I think we can better serve the public with information of our regular meetings and keep it and if there are any changes, we can give the public access of that...

CHAIR VAN DE CAR: It is our intent, and I am speaking for myself at this point, it is our intent to get out into the communities if possible with these things. I wonder, whether we need, before we set these things, we need to think about what we plan to do.

For example, I guess our last meeting was about 6-7 weeks ago. If we are talking about getting out into the community, we probably don't want to wait, we don't want to go in six or seven weeks intervals. We may want to go once or twice in ...we may need to call a special meeting, I don't know. What I see what its doing is, once we get to the point of adopting some proposals, something for the members of the community to look at, and to get out into the community, and get to the various community places, if any, in a relatively short period of time.

If we are in Keaau one night, we may be in Waimea the next night. Just so we get the information out to the public as quickly as possible. And their comments come back to me.

I don't know, but my concern is that I think I agree with you in saying that we set these meetings because they will give the community some idea of where we are headed. So what I would suggest in terms of the language, is that we are pretty much follow what's here and pick an arbitrary day, and it could be the third Friday of every month, knowing that when we do that, that we will probably not meet on the third Friday of each month. But that we are just informing the members of the public through our goals that we have the intention to meet regularly.

So what I would suggest with regard to the language of 4-B, is that we stick to what we have to the extent possible, that regular meetings will be held every third Friday of each month, at 9:00 a.m. as specified. Special meetings may be called by the Chair or by the majority of the Commission.

And I think Mr. Pavao is right that this language we give ourselves some notice obligations, but when we schedule the regular meetings and special meetings, so long as we meet our obligations, we don't need to be too concerned about complying to these conditions.

L. BALBERDE: Yes, it is my understanding that there will be no conflict with the Charter if we set the third Friday of every month as the regular meetings, and in the event we decide to have three special meetings in different parts of the island would prevent us from being in violation....

D. AKAMA: As long as we give notice.

L. BALBERDE: Ah, yeah, proper notice.

D. AKAMA: Then its okay. Yes.

P. KAHAWAIOLA'A: I'd like to say that I am in agreement based on the fact the regular meetings would be seven regular meetings, since that's what we pretty much left, and ah.. we got nine districts. I think the message is that the meetings that this Commission would like to visit those nine districts. So then that would at least equate to setting regular meetings, nine special meetings, and that's my own basic math, if we were to do that. And the notice process would then, according to Corp Counsel, will be filled and specified, and it's the Board's understanding that there will be some possible special meetings.

CHAIR VAN DE CAR: Well, what I see actually happening is we adopt this as a rule and in the end of each meeting, we'll decide when we will have our next regular meeting. It may not be the third Friday of the following month, and in fact, I hope its not the third Friday of the following month. But I'd like to see is to meet less frequently for regular meetings, but get on into the community to see what they have to say. But in terms of the Rule, I think that we can comply with the requirements by adopting the language that I suggested.

If there are no other comments, I would like to go on to the next subsection, and that's Subsection C. I guess there is some concern with the members and the Charter saying six days, Mr. Van Pernis suggested seven...

D. AKAMA: Six days, 92-F, he is citing 92-F.

CHAIR VAN DE CAR: So that's six.  
Yeah, see no problem, unless we give ourselves seven days. I don't think that would be much of a burden on the staff, and I think we are okay with that so I would adopt Subsection C, to say,  
"that each member shall be given written notice at least seven days prior to all meetings".

I think I agree with you in saying that we set these meetings because it will give the community some idea of where we're headed. So what I would suggest in terms of the language, is that we pretty much follow what's here, and pick ...pick an arbitrary day and it could be the third Friday of every month. Knowing that when we do that, that we will probably not meet on the third Friday of each month, but that we are just informing the members of the public of our goals that we have an intent to meet regularly.

So what I would suggest with regard to the language of 4-B, is that we stick to what we have as much as possible and say,

"regular meetings will be held on the third Friday of each month at 9:00 a.m., as specified.  
Special meetings may be called by the Chair or the majority of the Commission."

I think Mr. Akama is right that with this language we leave ourselves some notice obligations, but when we schedule either regular meetings or special meetings, so long as we meet our obligations, we don't need to be too concerned about complying with this provision.

S. PAVAO: It is my understanding that there would be no conflict with the Charter if we set the third Friday as regular meetings, and in the event we decide to have three special meetings, and cancel the regular meetings we would not be in violation?

D. AKAMA: As long as we give notice.

S. PAVAO: Proper notice.

D. AKAMA: Yes.  
Then its okay, yes.

P. KAWAHAWAIOLA'A: I'd like to just say that just as we stated, based on the fact that the regular meetings will be seven regular meetings, and nine districts, and the message is maybe this Commission would like to visit the districts, the nine districts. So then that will at least point to setting seven regular meetings and nine special meetings.

J. FERGUSON: Mr. Chairman.

CHAIR VAN DE CAR: Yes.

J. FERGUSON: Perhaps, the problem is that term "meeting". A meeting is where we could take some action. These hearings that are supposed to happen in districts, would be just to take testimony and we don't have to take any action.

CHAIR VAN DE CAR: That is correct, and we would now be scheduling special meetings or regular meetings. We would simply be scheduling public hearings.

J. FERGUSON: Yes, public hearings.

M. VAN PERNIS: I also don't think we would want to take any action. That would be an option.

J. FERGUSON: We should not take any action for public hearings or would we want to change some future meetings...it would be just to take testimonies, it would just be hearings and not meetings. Perhaps we should distinguish those two.

CHAIR VAN DE CAR: That is correct and we would not be scheduling special meetings or regular meetings, we would simply be scheduling public hearings.

M. VAN PERNIS: I still think that would be an option because...

J. FERGUSON: It would be...it has to be a meeting to take action.

M. VAN PERNIS: Then we should change the meeting.

J. FERGUSON: We could change the meeting date in conjunction with the hearing. At the hearings, again, I don't we would want to taking any action.

M. VAN PERNIS: If you want to change some future meeting or hearing it would...

CHAIR VAN DE CAR: I'm not sure that this discussion has anything to do with the language that we're talking about. So I'd like to move along as much as we can. So I'm suggesting that language be for Roman Numeral 4, Subsection C, be "that each member be given written notice at least seven days prior to all meetings."

Okay, for D, I hear no comments, and I am assuming that they are satisfactory.

Going on to Roman numeral 5, I hear no comments to Subsection A, and I am assuming that we leave that as it is.

Moving on to Subsection B, with regard to Subsection C, there has been some comment and based on what I have heard I would propose that we amend such Subsection C to read,

"Notice of all meetings shall be published in at least two daily...excuse me...two newspapers of general circulation in the County of Hawaii, at least 24 hours in advance of the meeting. Unless date, time and places of the meeting"...

..so that would leave that the meeting was announced prior to the adjournment of the regular meeting.

M. VAN PERNIS: I'd like to say that in Kona we get notice of meetings always the day before and sometimes on the actual date, and the meetings are often in Hilo, and there are some people who will be calling other people ahead of time, but a lot of times there are people who do not take newspapers, and 24 hours is a crucial. Some of the people feel that to make that decision that they have to be in Kona and find out that they can't do it.

CHAIR VAN DE CAR: I tend to agree actually, and that may create some very urgent things that the staff needs to get done on time, and we take the risk that when we have to comply with our own rules, our actions will be void. But I think that's probably a risk that we take.

M. VAN PERNIS: And what I'm not saying I'm looking at the legalities but also the technicalities. On the other hand the problem may be alleviated...if this business, if held at several locations around here so that the people have the opportunity to participate without having to travel far.

S. PAVAO: We should leave it a 48 hours as a goal since some people might need 48 hours, at least you don't paint yourself into a corner in case you get into a situation where you have to have a special meeting on a short notice, you still have that option to have it in 48 hours, and if you paint yourself into that corner you can't do anything else.

CHAIR VAN DE CAR: Let me just um...throw this out to the Commission. Obviously, there are reasons on both sides of this issue, and I can see...however, I would urge us to take that extra step, even if it means that we risk painting ourselves into a corner or avoid some action and be unable to take some action, I think the policy is important enough that our work in order to give ourselves sufficient time. So, I'm urging 48 hours. But I'd like a sense though, from this Commission before we move on that we agree because if someone is coming back to us with something that we have agreed upon so that we can look at the document at the next meeting.

All right, thank you.  
There was some suggestion that we add another paragraph about publishing in the newspaper, but I think Mr. Akama, that we have accomplished that with the language?

D. AKAMA: Yes.

CHAIR VAN DE CAR: Okay.  
Roman numeral 6, I heard no comments.  
Roman numeral 7, there was some concern about the language at the end of the last sentence, and I'm going to suggest that the last sentence to read,  
"the concurrence of the majority of all of the members to which the Commission is entitled shall be necessary to take action and make decisions."

All right, moving along, Roman numeral 8,  
I've heard no comments, so we'll leave that as it is.

Roman numeral 9, Order of Business, I think that Mr. Tyler's comments made a lot of sense, looking at our Agenda today, when we have business of the day and then we have the next two items, Unfinished Business and New Business, it seems to be some parts of Business of the Day. So what I'm going to suggest is that we amend the Rules so they be Order of Business be as follows:

- A. Would be the Roll Call,
- B. Introduction of Guests
- C. Approval of Minutes
- D. Statements from the Public
- E. Communications
- F. Unfinished Business

G. New Business  
H. Announcements  
And I...

well, let me stop at H. Because there was a suggestion from Mr. Tyler that this Commission adopt the practice essentially that the County Council uses with regard to taking comments from the public that are...about issues that are not on the Agenda. Actually, I don't have a feeling, one way or another, but I'd be interested to hear about the feelings any of the members of Commission might have with regard to doing that. I mean, realistically, I don't know what we're going to get in terms of comments from the public or statements from the public. I've been at Council meetings where individual issues or a number of individual issues created a lot of comment. But realistically the people that came to speak, came to speak about items that were on the Agenda. There are people simply come to speak at every meeting, and say the...from my perspective, say the same thing at the end of every Council meeting. I don't know that we either couldn't accommodate those people just cause they were there and we were willing to hear them at any point or um...I guess what I'm getting at is I don't know that we need a specific agenda item included in our Rules to accommodate people who want to say things that might not fit within the items that were agendaed for the meeting. I would encourage any one of you to speak up on that.

P. KAHAWAIOLA'A  
that would be public statements in A.

I would like to make a comment, Mr. Chair.  
That would be just based on the next item,

CHAIR VAN DE CAR:

Ah hah.

P. KAHAWAIOLA'A:  
sentence. So, if we address that last sentence based on your recommendation, as I recall, by just changing "shall" to "may", I we can alleviate this problem as long as the public know that they have an opportunity, or at your behalf, or to the behalf of the majority of the Commission, but I would believe it would be your call to do that. And so, what you're saying..I don't know how to put it into that...in the before agenda, excuse me, but when you see the next item, if we're going to discuss, if you take care of that sentence, it would allow input from the public, either way. But it would be at your discretion.

M. VAN PERNIS:  
that on the agenda, and I think it should be at our discretion, and so I would advocate that we not add that to agenda item, and discover that while hitting us or the Chairman with the discretion under Section 10A, too.

I would agree, I don't think we should have  
that on the agenda, and I think it should be at our discretion, and so I would advocate that we not add  
that to agenda item, and discover that while hitting us or the Chairman with the discretion under  
Section 10A, too.

CHAIR VAN DE CAR:

Sure.

M. VAN PERNIS:

And then the other time.

D. AKAMA:

Yeah.

CHAIR VAN DE CAR:  
regard to Roman numeral 9, Order of Business. We got to add Unfinished Business, G as New Business, H, would then be Announcements and I... would be Adjournment.

All right, moving on to 10, what I have heard  
is that we would like to amend the last sentence of Roman numeral 10, Subsection A, it would read:  
"Any person who fails to register may not be heard."

S. PAVAO:

That's fine, that's a good suggestion.

CHAIR VAN DE CAR:

Moving on then, to 11, I've heard nothing.  
12, the same.

13, um.. Mr. Van Pernis made suggestion that defines both 13 and 14, and so I think it's a good one and what I would suggest then is that, I think by the way its written, that we will need to add another sentence, the last sentence, so right now, the second sentence reads,

"copies of all official minutes, documents, agendas, procedures, statements, and decisions shall be available at the said office at such cost as may be authorized by law."

What I'm suggesting is that we add a sentence that says:

"all official minutes, documents, agendas, procedures, statements and decisions shall be placed on the County of Hawaii Website."

I don't know if that is an adequate enough description of the website and it might be something more articulate..

M. VAN PERNIS: I think that's fine.

S. PAVAO: That should be.

M. VAN PERNIS: Shall be placed be on the website and available.

S. PAVAO: Should we have the website addressed here as well? That would make it clear and invites public access and openness.

M. VAN PERNIS: I think that's a good idea, and it shall made available at the County of Hawaii website at...whatever the address is...

S, PAVAO: HTTP, whatever it is.

M. VAN PERNIS: And available. Because there may be some people who are not on the computer, or on line.

CHAIR VAN DE CAR: It says copies, so...and I don't know whether in terms of choosing language, I don't know whether we should say "copies be placed on the website", we just placing the information on the website.

S. PAVAO: It would be available, is what I'm saying.

M. VAN PERNIS: Why don't we just...why don't we leave it as is and have additional sentence.

CHAIR VAN DE CAR: That's what I suggested.

S. PAVAO: That has been suggested.

CHAIR VAN DE CAR: And then, someone, I suppose can tell us the website address, and that will...and once that someone provides us that, that will be in the next version, the next draft of these Rules.

Moving on then, too...

P. KAHAWAIOLA'A: Mr. Chairman.

CHAIR VAN DE CAR: Yes.

P. KAHAWAIOLA'A: Just to revisit the...Roman Numeral 10-A,  
and I need to make it clear, the last sentence begins:  
"Any person who fails to register shall not be heard."  
This in my own understanding is that, if they  
came to a meeting, failed to register, they won't be heard.  
But we're saying "that any person who fails  
to register may be heard".

M. VAN PERNIS: That leaves it for discussion with the Chair.

S. PAVAO: "May" (emphasized) be heard.

P. KAHAWAIOLA'A: Yeah, "may be heard". I think we left it that,  
"may not be heard".

CHAIR VAN DE CAR: Okay, what I think, operationally, they work  
the same. But I like your language better.

P. KAHAWAIOLA'A: Thank you.

CHAIR VAN DE CAR: Okay.

L. BALBERDE: Mr. Chairman.  
I think on that note, I think there is the time  
elements, getting it late, and you can deny one person. I think we should have it in there that they  
could submit written testament...testimony, that we would be looking at it probably at our next general  
meeting or whatever.

M. VAN PERNIS: I think that would be for discussion with the  
Chair. He may say, "why don't you submit it in writing because we got to adjourn."

S. PAVAO: In the interest of time then?

L. BALBERDE: Well, with that thought in mind, then we can give  
everybody an opportunity to speak ...or either speak or write.

S. PAVAO: I would go along to delete the word, "not"  
then.

CHAIR VAN DE CAR: That's correct, and that would read instead,  
"any person who who fails to register may be heard."

S. PAVAO: Okay, that's fine.  
Just as well delete the whole sentence then.

L. BALBERDE: That's because if they ask I'd like to look at some  
rules then you say, I have a right ....

M. VAN PERNIS: And then if we have all 30 people all wanting  
to do so, we want the ability to say no.

S. PAVAO: So what we're saying in essence is may be  
heard but may not be heard as well.

P. KAHAWAIOLA'A: Oh, yes, that would be the discretion of...

S. PAVAO: Of the chair and the majority. Okay, that's fine.

L. BALBERDE: Should we put a time limit in there?

S. PAVAO: That would be our discretion as well.

J. FERGUSON: That's also the discretion of the chair, it in the....

L. BALBERDE: It would have to be for everybody else.

S. PAVAO: It's further down in that section.

L. BALBERDE: Its for everybody else, though. I mean...

CHAIR VAN DE CAR: That's correct.  
Moving on to 14 about the Minutes, you mentioned something about placing that information on the website, as well.

M. VAN PERNIS: That's Mr. Tyler's suggestion.  
I don't have any particular ...

CHAIR VAN DE CAR: Okay, I think it is probably covered in the...when we are talking about placing the minutes on the website, I don't think its necessary to say twice in our Rules.

M. VAN PERNIS: I agree.

S. PAVAO: It is covered in 13.

CHAIR VAN DE CAR: Um..amendments 15, I hear nothing.  
And then, Mr. Tyler also suggested, and I think it's a good suggestion that we add another whole section, Roman Numeral 16, that talks about severability. And Mr. Akama, I'll leave that to you to draft the language. I know we can, you know, its out there, and its there, everywhere, and if you could provide the staff with language regarding severability of Rules, I think we will all defer to your choice and will take a look at it the next time around.

D. AKAMA: Do you know who has the diskette?

CHAIR VAN DE CAR: I think Brenda can help you with that. I don't know if Brenda has it herself, but um...I think Brenda's predecessor's actually in possession of it now, but she can get it to you.

Rules.  
or from the members of the Public?

Okay, I hope that takes us through these  
Any other comments from the Commission  
(pause)  
All right, what I'm going to ..then I'd like to adjourn this public hearing with the understanding that at our next Commission meeting, we'll have a second draft of these Rules. And take up at that meeting, the adoption of these Rules.  
All right, at this point, I'd like to adjourn the public hearing, and I'd like to reconvene our regular meeting.

11:20 a.m.

The next item on the Agenda of our regular meeting was public meetings, and maybe the word actually ought to be public hearings and locations of the same.

We've heard some suggestions and they involve meeting in each of the nine districts, and then there were some other suggestions about maybe looking for places that were central that might encumbrance more than one district.

M. VAN PERNIS: My suggestion is that

CHAIR VAN DE CAR: Go ahead, Mr. Van Pernis.

M. VAN PERNIS: ...until we have something to present to the public, it might be wise to um...schedule meetings after that. In other words, if we go to have public meetings now, at least, well, on my side of the islands, a lot of people are saying like, "what's being proposed, where ...what...". We could hear a hundred people propose a hundred different districts or a hundred different starting lines, and then, when...um, whatever we come back with, may or may not be inclined to that. So, my feeling is that we really need to have some gross information, if I can use that. Now, here's some gross proposals that we are considering or gonna tweak or we can choose amongst. So my feeling is that as far as going to the public saying here's what we're thinking about, or here's the options of what we are thinking about, so what's your feedback, or how does that compare to what you want, I really think that we need to have that gross information first. And then basically go on tour, so to speak, saying here's five different options, or ten different options or one different option, and get some response as to how to tweak it. My analysis of the statistical information that is provided to us and the folks in the State were kind enough to give me the computer program or portion of it to work with, is that we are going to have some gross lines as my proposed motion suggest and then we are gonna move those, one way or the other to in response to the public. For instance...

CHAIR VAN DE CAR: Let me interrupt for a second and suggest that we defer 6-B...

M. VAN PERNIS: Good idea.

CHAIR VAN DE CAR: And then address other things and see how far we get with those other things, and whether or not it makes sense to it, to take up 6-B right now. So let's move on then and what I'd like to do is take up Items 6-C and E together. I think they're related, and I think they both speak to, in essence, getting started with the work we supposed to be doing. We talking about district population base lines, geographic starting points, map development and statistical information. I think in order to do that, we need to address them together. And I would be interested in hearing from the members of the public...oh, the members of the Commission, whether any of you have given any thought to, or how we need, what we need to do to get started.

M. VAN PERNIS: Ah, ...

CHAIR VAN DE CAR: Mr. Van Pernis?

M. VAN PERNIS: Yeah, first of all, I think what we talked about at the last meeting, we need to decide what population are we including, and the issue was brought up to you, to include everybody or do you exclude groups such as, the military which is an issue on Oahu, or non-resident, or illegal aliens, which may be an issue someplace but I don't think its much of an issue on this island.

And I've done some inquiry and got some feedback and there's something like 20-30 people currently stationed here that I know of up in Pohakuloa, in the military and maybe, in the Hilo side, and so I really don't think that the mili...any of these things that may be issues elsewhere should be issues for us.

I would propose that we make a motion, to basically include all people. In other words, all the people that the census counted is included because, whether they vote or not, or whether they're young or old, or military or not, they all use county services, they all pay taxes in some form or shape and they all need representations. So I think, one thing we have to do is say, what segments of the population, the census-counted population is gonna be include in our activities. And I suggest that everybody is because otherwise...

J. FERGUSON: I would so move, Mr. Chairman.

CHAIR VAN DE CAR: Is there a second?

J. FULLER: I second.

CHAIR VAN DE CAR: Is there any other discussion about the motion?  
(pause)  
Hearing none, all those in favor, say aye.

ALL: Aye.

CHAIR VAN DE CAR: Opposed?  
(pause)  
Motion is carried.  
So we will then be...then in our work we can consider everyone listed in the census data.

M. VAN PERNIS: That's correct.

CHAIR VAN DE CAR: All right.

J. FERGUSON: There's a question, Chair.

CHAIR VAN DE CAR: Yes?

P. NAKAMOTO: May I ask a question?  
Will this be total resident population?  
So that we have a definition.

M. VAN PERNIS: Yes.

CHAIR VAN DE CAR: Yes.  
All right.

P. KAHAWAIOLA'A: Mr. Chair?

CHAIR VAN DE CAR: Yes.

P. KAHAWAIOLA'A: Just because she asked that question, now it comes to me based on the fact. I think some of you may know the mandate that this...what is that now? One man, one vote. Is that the mandate that now predicates the number to be 16.....;

M. VAN PERNIS: Approximately 16..

P. KAHAWAIOLA'A: Approximately 16 – 5.

M. VAN PERNIS: Perhaps I speak out of order here but maybe Mr. Van de Car, both as Chairman and attorney, can perhaps confirm my understanding of the law and

this is based on my experience, working on the State Reapportionment committees ten years ago. Is that its one man, one vote, give or take, a small percentage, and you'll see, for instance in the proposals that I made to Mr. Van de Car which some of you are seeing for the first time now, that the numbers I use are, as Mr. Towill referred between 16,675 and 17,325. That's taking a base of 16-5 which is a resident population divided by 9, and bearing in mind what the Constitutional Law allows, which is a slight variance. It would be ideal if we could get 16-5 in every district but it probably will not happen, its going to vary slightly up, more or less. And the proposal that we'll probably going to discuss soon, which is operating on a basis of 16-5 give or take.

P. KAHAWAIOLA'A: And that's the purpose of my question and I only need the clarification of the one man, one vote mandate. If it's a one man, one vote, then it would be the inclusion of everybody that the census says, but I don't know what the census says. But if it is one man, one vote mandate, then would we be in violation of that mandate by the motion we just passed. That says it encompasses everybody or is it not voting. That's what I'm trying to get in my mind, so that I'm clear, and I can move on.

M. VAN PERNIS: I guess you are politically correct, I guess we have to say one person, one vote.

S. PAVAO: I would like to suggest that we use one person, one vote because the one man, one vote comes from argument that the woman enjoy the right to vote, too.

P. KAHAWAIOLA'A: Let's not change the Supreme Court's decision, I don't want....

S. PAVAO: We re not changing the Supreme Court's decision, we are just being politically correct.

M. VAN PERNIS: The answer to your question, is in the affirmative, based on that we are including everybody, that's what they mean by resident population, regardless of the categorization. That's everybody, at least according to the U. S. Census Bureau. That's everybody.

S. PAVAO: Everybody who is registered have the right to to register to vote.

M. VAN PERNIS: That just not include voters, it includes everybody, regardless of age, or any other categorization.

S. PAVAO: Yeah.

P. KAHAWAIOLA'A: And that is where I'm battling with that little bit of problem that we and that I see. If someone should come to that understanding as opposed to what reapportionment means, why are we...why is it being reapportioned, the terms. I think, once we understand, the Board understands what reapportionment is, and why its being done, why reapportionment happens every ten years based on the census, then maybe we get a better understanding and that's the only thing that is floating around in my head.

S. PAVAO: Do we need legal advice at this point?

CHAIR VAN DE CAR: I think we are okay. I think we understand that everyone of us as Councilperson Jacobson said, regardless of how old we are, we are all deserve representation and we are all counted in terms of deciding that district representation. Resident population is what we are required to base our work on.

I'd like to move on.

P. KAHAWAIOLA'A: Mr. Chairman, one more comment?

CHAIR VAN DE CAR: Sure.

P. KAHAWAIOLA'A: Then I would like the Board to understand that if we are going to base it on...it is going to be done on based on residence, then there is a strong possibility that subdivisions need to be separated. We may do that because there might be a heck of a lot more people in someplace that's not going to be the criteria of 16-5. And I just like to use just the example as Commission Fuller did, that as the lines are right now drawn, it is right in that ..our mandate to do for that particular area that she has done some research on. So, I just want to be sure that we understand that when you do the deliberation, based on that it might reasonably...the word is reasonably that it could happen. And as long as we understand that.

M. VAN PERNIS: Basically, one thing is for sure, that's going to happen, with this Commission. Our decision will make somebody mad. All right? There's no question about that, because we are operating on statistics, 16-5, give or take, and that means that somewhere, someplace, the lines are going to cut through something that ....you know, not necessarily follow, the ahupua'a line, or moku line, or even the street perhaps, it may split up neighbors in some respect, and that's a possibility. And that's because of our Constitutional mandate. So to the greatest extent possible, we try to do that, but its pretty much guaranteed that its not ah...

P. KAHAWAIOLA'A: Now that's what I wanted to put on the table, and where we're going to go so you know, it seems like we got to go and that's what we understand.

M. VAN PERNIS: If we can get 8 out of 9 districts that are perfect and one is not, then we have done a good job. Because right now we have several lines that are screwed, or several districts with screwy lines.

CHAIR VAN DE CAR: I'd like to move along, because the only way to get started, is to start. And the way we work is to draw lines, and geographic starting points is where we start. I am wondering whether any member of the Commission have given any thought to... places to start, I know that Ms. Fuller suggested, I don't know if it was suggested, but she gave us the information that one current council district at least is perfectly drawn, at least...

J. FULLER: Yeah, according to the subdivisions in that district and the population of the subdivisions, I mean, its like 15,620 is pretty...16,520.

CHAIR VAN DE CAR: All right, it would seem to me at least, if that's correct, then we have a couple starting points, and that would be, you know, the district blinds on each side of that district, and if we started there, we know, at least one is correct, and we could figure out where and when....

P. KAHAWAIOLA'A: Eight hours.

CHAIR VAN DE CAR: ..where the other things went. I am wondering if there are any other suggestions for where to start.

S. PAVAO: Mr. Chair, may we get computer generated maps, I mean that will show the Commissioners the given population?

CHAIR VAN DE CAR: I think that's available.  
Mr. Van Pernis?

M. VAN PERNIS: For instance, we have...when we did this in 1990, we did a lot of handwork. Now we can do a vast...even to get one scenario took a lot of time. Now

we can get a lot of scenarios very quickly off the computer programs as we learned at our last meeting. What Commissioner Fuller has suggested, or has been suggested as a result of her discussion, makes a lot of sense. The only problem with it, and I'm in favor of doing that as one option, but the only problem with that is to use the computer program, we have to start with these maps, because that's the only way the computer program puts people around. So, we have to start with these lines, and then make adjustments.

So perhaps Commissioner Fuller could draw a line on this map as close to the existing boundaries as possible, so we can spin the other eight districts...

J. FULLER: According to the State person, that they can overlay these lines onto that map.

M. VAN PERNIS: All right, well that's your understanding. That's not my understanding but again, I may be wrong.

S. PAVAO: My understanding is, I don't think we have to follow the census tract lines as a boundary.

M. VAN PERNIS: You don't have to follow the census lines as the boundary, that's it, that's absolutely true. But my suggestion is, in addition to what Commissioner Fuller has suggested, is that we start with the lines along the census tracts...

S. PAVAO: Uh-huh.

M. VAN PERNIS: ...so its an easy way to get 5 or 10 different proposals right off the bet, and then start adjusting...

S. PAVAO: Uh-huh, fine tuning.

M. VAN PERNIS: ..to actual district lines....

S. PAVAO: ...streets....

M. VAN PERNIS: ...or to streets..or to lines as Mr. Tyler suggests,

CHAIR VAN DE CAR: Can we take a break?  
Yes.

M. VAN PERNIS: I think we can get several suggestions rather than just one.

J. FERGUSON: If we can get the census blocks overlaid on this map, we can then see where everything, where the population is.

CHAIR VAN DE CAR: Well, let's see what our staff tells us what is available, and ....

J. FERGUSON: At the last meeting, they did say that was available.

P. NAKAMOTO: I just to provide you with some information since our last meeting.

We have the hardware in our office already and we have the plotter to plot the maps. The only thing we don't have right now is the software. I spoke with the State Office of Elections, they will be sending out the software to us today. So I am expecting to receive it sometime next week. We will have our Data Processing people install the software into the computer.

And Ms. Fuller, you were correct. They did say we will have several layers, we will have the existing State district lines, and we also will have our existing Council district lines. You will be deciding on your starting point, and its done....we went to a training class on Oahu with Auto Bound and the GIS software, and its all down to the block level, so you will be working with your starting point, and the map will be at the block level.

M. VAN PERNIS: Is this what you're referring to as the block level?

P. NAKAMOTO: I believe so. So you have the census tract and within the census tract we have the census block.

CHAIR VAN DE CAR: Yeah, I think that's the tract. Let me ask you because I think we really want to give the staff some direction, so that we do come back with maps, and we can take these maps to the public, and say, here are some things we are looking at, and can you comment on them. If...so you've told us that your understanding is based on what's available through the software, we can use existing Council district lines as starting points. That's one thing we know, and we can start there.

P. NAKAMOTO: Okay, I also wanted to mention that..you see, the State is working on their reapportionment lines, or are beginning to work on that, and before we begin drawing our lines, we want to see what they have because we don't want to create pockets within our council districts.

M. VAN PERNIS: I have a strong disagreement with the suggestion that our council district lines have to line up with our State senatorial districts so with our State representative districts.

S. PAVAO: They don't now, they don't line up at all now.

M. VAN PERNIS: They don't now, but that's the suggestion that's been made, and first of all the State is going to take...you know, they're way behind us, they just, in fact got their chairman appointed just a very short time ago. Having participated in that process ten years ago, I think you will find that it's much more political then what our process is going to be, and I think the result was that as far as I was on the Big Island Committee and we were very unsatisfied. Those of us appointed to represent the Big Island, in a way they basically sort of treated us as an orphan or the... you know...the ugly stepsister or something. In other words they drew the lines in a way that was not representative of the local communities, and that's what we are really charged to do. So I would...not to say that we won't end up doing something along that line, but I would really be a strongly opposed to the suggestion that we do nothing until the State comes up with their senatorial or representative districts and use those as a starting line.

J. FERGUSON: We are certainly not bound by the State.

P. NAKAMOTO: I just want....

CHAIR VAN DE CAR: Please go on.

P. NAKAMOTO: ...the State will be redistricting the senate lines and the representative district lines. Our council district should fall within the representative districts lines or as close to it as possible.

M. VAN PERNIS: I strongly disagree with that.

CHAIR VAN DE CAR: Don't talk now, let her finish.  
Mark?  
Mark.

P. NAKAMOTO: My suggestion...and the reason for saying that it would create more valid lines. I think you all recall at the last meeting we talked about ballot types, our county has about 16 ballot types, and if we create these pockets, because all of our ballots...when you talk about elections, those representative districts like 01, 02 is Representative District 1, Precinct 2, so it's all representative districts and our ballot types fall within the State district. Our Council districts fall within the State districts and that in turn determines the ballot types, and right now we have 16 ballot types. And if we create pockets because we are not trying follow the State lines or ...we are possible, I am not saying that we have to follow exactly the State lines and we can deviate from that. We may end up with double that.

CHAIR VAN DE CAR: Let me respond. I understand the concern, and it's a very practicable concern. I also understand, and we have been reminded more than once today that the Charter requires us to look at certain things and to be frank, that's not one of them.

So, I would urge us as a Commission to go forward based upon our mandate under the Charter. We'll come to it as we are moving along, the State's got to move along, we all have the same timeline, and we will share information and I think to the extent possible we will do what we can to meet those practicable considerations, but I agree with Mr. Van Pernis, we should not wait, we should look at things based on what our Charter mandate requires us to look at, and then if ..in receiving information that ought to be part of the information that we receive and if we can be consistent with our Charter mandate, accommodate those concerns, then we will.

M. VAN PERNIS: And I want to point out that if the State, lets say sets the senatorial district, and then we feel somehow obligated that we have to fit three council districts in that senatorial district, as Mr. Van De Car points out, we are meeting the requirements of the Charter of dealing with our Island and our Community. What we are basically doing is letting the State Reapportionment Committee, which is a much more political organization than we are, set the big districts within which we then can make our smaller districts. And it may work out that way, that we are going to follow those lines, and they will also work out that we don't feel that that's in the best interest of our Island.

P. NAKAMOTO: Okay, I just wanted to provide the Commission with the information and the situation that could happen if we decide to do it differently.

CHAIR VAN DE CAR: And we would certainly take that into consideration along with all the other things, we need to stay there though, because I have a lot of questions for you.

I would like us to generate in the sense of actual maps and information, to generate some possibilities for our community or communities to review. And I understand that we can generate them in a number of ways. And I would invite a response from anybody, Mark or anybody who has information, we know that one way to generate a map or even two maps, we work clockwise or counterclockwise is by starting with the district lines for the makai Puna district. So...

S. PAVAO: District 5, yes.

J. FULLER: And you can about see it on the maps.

M. VAN PERNIS: I would...

CHAIR VAN DE CAR: Okay, let me finish. What other methods, based on the training that you had, what other methods, what other sorts of starting points can we devise and then have the software give us back information that's useful to us.

P. NAKAMOTO: As far as starting point?

CHAIR VAN DE CAR: Right, aside from district boundaries, existing district boundaries, what other starting points can we....can we simply take a ...I don't know..

M. VAN PERNIS: A census tract.

CHAIR VAN DE CAR: A census tract map.

M. VAN PERNIS: We draw a line on the boundaries of the census tracts, and then have you run line districts out to the beginning point.

P. NAKAMOTO: I would need to check on that. I'm not real sure at this point and time, but I think its possible, from what I have seen so far in training.

CHAIR VAN DE CAR: Okay, then, let's assume that it is and based on that assumption, I would ask the members of the Commission whether they have....as I understand, we have two suggestions now. Its taking the northern most boundary of District 5 and going clockwise and taking the southern most boundary and going counter-clockwise.

M. VAN PERNIS: I think that's the good idea.

S. PAVAO: That's fine, that's a good suggestion.

M. VAN PERNIS: I think both those ideas are good.

L. BALBERDE: I have a question.  
Where, ten years ago, when they did it, where was the starting point?

P. NAKAMOTO: They had several starting points. They had about five starting points, there was a South Point starting point, there was a Hamakua starting point, a Kohala starting point, there was a North and South Kona starting point, there were several different areas that they used as a starting point and then they went clockwise.

L. BALBERDE: Thank you.  
I think in the future, I think, we should have some signatures here as to where it is coming from.

CHAIR VAN PERNIS: Well, right now, coming right now, Mr. Van Pernis wants to suggest to us....

L. BALBERDE: Yeah, yeah, no, no, I mean, I get no problem with it but I mean the signatures so that we know, what signatures come from the County, and what comes from the Commissioners.

M. VAN PERNIS: I typed this up and brought it over today cause I thought it would be easier for people to read then have me speak it and then have everybody want to make a verbal...

L. BALBERDE: Yeah, if that is submitted by...whoever, that way it gives us the ...it can avoid confusion.

M. VAN PERNIS: I think Commissioner Fuller's suggestion that we start from both sides of District 5, one going clockwise, and one going counterclockwise, see how that lines up, then that presents us with two options, and then I got a motion in front...

I'd like to make a motion to add to that, this is what I handed out today, its basically having several different starting lines along the census tract lines, and

of course, the idea is not to have the boundaries follow the census tract lines but to see if grossly speaking, to see if there is any logical districts line up with these five or so starting points, then we can start adjusting the lines one way or the other to meet geographic, cultural or economic practicalities. As Mr. Van De Car says, we have to start some place, and rather than starting just one place, like the last commission, let's start 5 or 6 places, and then see which one makes sense. If any of them makes sense, or none of them makes sense, or some of them makes sense, then get some community input.

CHAIR VAN DE CAR: Mr. Van Pernis, then, can you explain exactly what, here we have two starting points, are there more that you are proposing, and ....

S. PAVAO: Obviously.

M. VAN PERNIS: Yeah, this ...In other words, I would..I would be in favor of doing, of having the staff provide poles districts as off of District 5, as we've already discussed. I would also be in favor of having several other options as stated in, the written version of my motion that I have handed out this morning, which has several different starting lines. And I have done some research before making this proposal and basically what we have, if you take a look, most of you have seen it, there's sort of like a central pivot point in the middle of the Island, and there's a line drawn along the census tracts and there's at least 5..

S. PAVAO: Six.

M. VAN PERNIS: Six?

S. PAVAO: Missing Number 1 and goes through 7, no six.

M. VAN PERNIS: There's six different starting lines at different parts of the Island. And that will give us a number of possible configurations for the nine districts. And from my review, the information through the big population changes, particularly in the Puna side and Kona side, I tried to put the lines in the area that compared to those more urban areas, more densely populated areas, try to put the lines in logical places, and or relatively sparsely area so that we can move those lines around in the sparse areas, rather than move them around quite a bit in the urban areas, where we can put the configurations. I would also, you know, thinking ahead, once we get some general configurations, for instance, if there is going to be two districts in Hilo, I would expect the folks from this Commission, from Hilo though, to say well, where are those lines should be divided, because you have the local knowledge of what's a logical division point. Same thing with Puna, same thing with Kona. That;s why I think we represent different geographical areas of the Island. We should concentrate on our areas if we get these gross divisions.

But a big difference in my experience ten years ago, is that we can come up, just as easily with ten different proposed configurations, as with one, just by a computer. It was a lot harder to do, ten years ago. So I have come up with these six...six suggestions, yet a couple more from Ms. Fuller's suggestions and more basically have several configurations to work and to see if any makes sense and start moving the lines to line up with more realistic geographical divisions.

S. PAVAO: I think, Ms. Fuller's two starting points on the North and South boundaries of District 5, and 6 from Mr. Van Pernis, is a good starting point. I think this is a good suggestion.

CHAIR VAN DE CAR: So let me then convert that suggestion and try to put it ...speak it in a form a motion, and that, that we have our staff provide us with proposed maps. Let me see if I can...

M. VAN PERNIS: Mine is in a form of a motion, I think if we amend it or have a second motion for Ms. Fuller's configuration, we'll have...

S. PAVAO: We can amend this motion.

P. KAHAWAIOLA'A: May I...on a point of information, Mr. Chairman?  
I would also want to, from staff because I was interested in, what was...the question was asked at the last go around, where does the starting point stand. And if that could be...again you did mention where it was, but I heard...the Wailuku River was one of the split.

P. NAKAMOTO: We had several different plans, off the top of my head, I forgot, I remember, Kohala-Hamakua, seven, okay, seven.

S. PAVAO: Seven.

P. KAHAWAIOLA'A: I'm glad there's someone here...

M. VAN PERNIS: And what we're doing here today, looks like we'll have eight.

P. KAHAWAIOLA'A: Yeah.

CHAIR VAN DE CAR: Mr. Kahawaiola'a, let me see if I understand what you are saying. You're saying that you'd like to...we proposed...we have I guess before us, six in the written motion, two more if we used the north and south boundaries District 5, and if there were seven starting points used to the last time around, and it continues to be possible to generate maps with the software, using the old, using the seven old starting points, that would give us a total of 15 starting points, that's a lot of information. But frankly, I think the more information that we have and the more information we present, the better off we are.  
What I would propose then, and I don't know if the Chair can make a motion, but what I would propose as a motion is that we instruct the staff to provide us with maps...I'm sorry, let me stop.

P. NAKAMOTO: If you would call it our first meeting, I had mentioned that instead of instructing us where to begin, ...

CHAIR VAN DE CAR: Okay.

P. NAKAMOTO: We're the technical staff. It's the Commissioners responsibility to establish the boundaries of the Council district. We're the technical staff, we will be drawing the maps on the computer screen. I wanted to have either one or two commission members assigned to the technical committee, so that when we're drawing the map, we do no make decisions. We do not make assumptions, that there's someone there who is representing the Commission to work with us.

M. VAN PERNIS: I don't think first of all that kind of activity will be allowed under the Sunshine Law, to have a commission member or two making decisions, so to speak, and....  
I know you haven't seen the motion, but the motion basically tells you to follow the census tract lines, at least as far as...so there would not be any discretion on your part. You put census tracts that add up to 16,500 and then you draw a line. You add up a bunch of other census tract, you get 16,500 you draw a line. So, I think, I kept that in mind when I drew the motion but I don't think that its appropriate for one or two guys to come down and tell you where to draw the lines. That's a decision...

S. PAVAO: We are asking the Commission members to actually make decisions....

P. NAKAMOTO: That's not what I'm asking. What...we had a technical committee that assisted us in drawing the maps. The technical committee represented the Commission and you folks voted on who your technical committee members were going to be. And they worked with us to draw the maps. We got input from them, we were not making decisions, we were drawing the maps using the starting point. But see what you don't understand is, when we are drawing the maps, situations come up that, us, as staff, should not be making those kinds of decisions...

M. VAN PERNIS: First of all...what I'd like...

CHAIR VAN DE CAR: Let her finish. Mark, let her finish.

P. NAKAMOTO: We, with the Commission representatives, they can take notes, they can come back to you folks, and present you with the situation.

CHAIR VAN DE CAR: Let me respond, and I think Mark is correct that there is at least a potential for a Sunshine Law violation, although, I don't believe that whether its one member of the Commission, or two or three, or four, if we simply advising staff on making proposals, we're not making the decisions, and therefore, we would probably not be violating the Sunshine Law. It is my hope, however, that with the technology that's available to you, and with the instructions, we are able to give you during meetings, that you can provide a response. Now, when you provide a response, you can, at the same time say, we, as staff are uncomfortable about this because we have these questions and we made these decisions, but you as the Commission would like to re-look at this or revisit this because of our discomfort with a particular way a particular line was drawn. I would much prefer to deal with it that way. I think it is more...these meetings are open to the public, and when we have those discussions, when the staff has those concerns, those concerns are expressed in public. I would prefer that to a subcommittee or a committee of this commission, making a decision when the public is not available, and when those kinds of decisions are not made in a public form. That's my concern about your suggestion.

I understand again, you know how it might make some things work easier for the staff, but its my hope that we, the Commission , can give the directions that are sufficient enough to avoid those problems.

M. VAN PERNIS: And also the nature of the motion is not that we are drawing districts, but we are given...you are giving us information from which we can then decide how we might draw proposed districts. So you're just giving us information and then we are going to make decisions that, reject, or modify it or whatever. I think that its an impossible situation if every time we run the computer programs, some of us have to stand by and get directions. And I say, its not a violation of the Sunshine Law against the spirit of it.

E, KOZOHARA: Mr. Chairman, my name is Ed Kozohara, I work with the Election Division until last year, I retired, and Pat took my place, and she's very capable.

The recommendation that Pat is making, is something that I think is a real good, educational experience for whoever this recommendation we are doing. You know, as we are drawing these lines, you will see those actual blocks which contain "x" amount of people, and questions like, there was a crazy line over there, and or you know in Kona there was this jagged...I don't know what Mr. Tyler was...gerrymandering, that is one of the main reasons why we want participation, direct participation, from the Commission..

CHAIR VAN DE CAR: I think, Mr. Kozohara, what the Commission feels is that, we want to do that, but we want to do that here. We want to that as a Commission, and we want the public to be aware of what is being proposed to us and how we react to it. What I foresee, is asking the staff to produce a lot of options for us. And then to meet again...

P. KAHAWAIOLA'A: Jagged lines and all.

CHAIR VAN DE CAR: Exactly, jagged lines and all. And then we take a look at that and then we go, this is ugly, this is not going to work and we ask the staff to make the adjustments. In other words, what you're proposing that two or three of us do in an office downstairs, I think we'd prefer to do here.

M. VAN PERNIS: We also have the practical problem of, this is a Big Island, and if two or three people are going to get together with you, you know, what side of the Island do we do this on? And we probably have to do it in Hilo which makes it tough, but I agree with Mr. Van De Car. Yes, you're gonna have to make some decisions and you're bring it to us, and you may even want to report. These are the decision we made, and then in our decision process we may agree, disagree, compromise, toss things in the trash can, till we start over again. We have many options. But I agree that these kinds of decisions have to be made by the Commission.

S, PAVAO: We have to be as open as possible. We have 15 starting points, we have 15 drafts, jagged lines, whatever they are, and we'll fine tune them, and work them in an open process with the public input.

P. KAHAWAIOLA'A: And by no stretch of imagination will the staff be found or concluded that you're the persons that are gerrymandering, and that's what I'm hearing.

ED KOZOHARA: That's what we are trying to avoid, that's what we are trying to avoid.

P. KAHAWAIOLA'A: So I'm just want to make that clear...that's all I hear.

ED KOZOHARA: So much is....

P. KAHAWAIOLA'A: It is not my position to come, to now come in open public and say, Pat, and Ed, and all these guys are gerrymandering this process. It's a process we have asked you to and come forward and do it in open session.

S. PAVAO: So that it is produced in computer generated rough drafts, that's all.

P. KAHAWAIOLA'A: Right.

M. VAN PERNIS: What you do does not bind anyone, us or anybody else. So don't feel that you're...

P. KAHAWAIOLA'A: And that's what I thought I heard, and I just want to make that clear that.

GINA BERNABE-HAINA: Can I just make a small comment?  
When Pat and I went to Oahu and we were working on the...

P. NAKAMOTO: You need to come to the mic.

CHAIR VAN DE CAR: Will you tell us who you are?

GINA BERNABE-HAINA: My name is Gina Bernabe Haina, and I'm one of the staff of the Elections Division. When Pat and I went to Oahu for the training on the AutoBound, we were just practicing, and we were taking from the census blocks all the population, and just at that training, we were trying to say, "that's a hundred people from this block, and then we would look and it didn't balance out," we would ask each other, "would you take it from here or would you take it from

there, or would you change this line here,” and I think that’s what Pat is trying to get across. It was like we didn’t want to make the decision as to take it from this block, or shall we take it from that block because this line is really bad, and what had happened was, we couldn’t continue to do the rest of the lines because we were trying to make a decision at that point, you know, where we should graph from, and...

S. PAVAO: But you make the best decision you can with the draft, bring that information to this Commission, and in open format with public input, we do the fine tuning.

M. VAN PERNIS: Plus the motion is directing you to follow census tract lines.

CHAIR VAN DE CAR: Yeah, the motion is going to be written in such a way or will be finalized, I hope in such a way that allows you to go ahead and just do it because I ‘m assuming that the seven starting points that you had the last time are sufficiently described to allow you virtually no discretion. Is that correct or not correct?

P. KAHAWAIOLA’A: Ten years ago.

CHAIR VAN DE CAR: Right.

E. KOZOHARA: What was your question?

CHAIR VAN DE CAR: The starting points you used the last time around...

E. KOZOHARA: Yes?

CHAIR VAN DE CAR: ...are sufficiently described that you have virtually none of the problems, none of the problem in exercising discretion that you are describing here today. Are they insufficient?

E. KOZOHARA: Just as long as we have a starting point, that’s sufficient, and we know 15-5 or whatever it is.

CHAIR VAN DE CAR: That’s right. So you have those seven starting points from 10 years back?

E. KOZOHARA: Yes, but when we reach that, and when we close to 15-5 and the lines don’t really line up, that’s where...

CHAIR VAN DE CAR: Mr. Kozohara, we don’t care if there’s 15 or 16-5 in ....all we want now is to see starting points, and then we’ll look at what falls in ...where they fall. It is true you are going to have to make decisions and we will look at those decisions carefully because that’s our obligation, and if we want to make decisions to move the line this way, when you move it that way, then that’s the Commission’s job.

We don’t want it to be the job of three commissioners or two commissioners, standing over someone’s shoulder working a computer program. We want it to be the job of this entire Commission.

M. VAN PERNIS: And the six starting lines...

P. NAKAMOTO: The only..the concern I have is our time frame. We are talking about 15 maps, it does take time to draw one map, to plot the map. If we are talking about 15 or 16 maps, and when we present it to you, we chop communities, we chop up subdivisions, and you look at it, and we really don’t have anything decent to take out to the public. Then you’re going to

come back and tell us, well, try and keep this community intact, try to keep these subdivisions intact, and then we'll go back and redraw the map.

But we ...the way it was set up last time, like how Ed and I are saying there was a technical committee, the maps that were presented to the Commission were pretty much intact and the way they wanted it to look. And so their plan was ready by mid-November, and we have to have our plan, we have to have our legal description ready by December 31. So keeping that in mind you come with your suggestion and your starting point.

CHAIR VAN DE CAR: We are keeping that in mind and we are hoping and because we have been assured, I think our hope is realistic that the computer hardware and software that's now available to you can speed these processes along quite a bit. I see you smiling, so maybe I'm wrong.

P. NAKAMOTO: I keep hearing about the computer and the software and all this information was not available in 1991, we drew all our plans and all our maps on the computer, using the census block information. We did do it in 1991 with the computer.

M. VAN PERNIS: It's not as advanced and speed. And for instance, in 6 of the requests that you are going to get, if it passes this motion, the lines are along census tract lines. So you don't have the discretion of going through the middle of a census tract or you're trying to lay the line. Six of these are just...you go along these lines, period. Now...and you start on this line, for instance, and you have enough census tracts on this side to make 16-5, and follow...we'll give you a range between 15-something and 17-something. And then following these lines, so then we will, not to say that these are going to be the district lines at all, but it gives us a rough scale from which we can start drawing or add the geographical lines. So I think we all feel relatively strong that you're gonna give us information which may call on you to make some discretion or choices, then we will modify it and eventually get to the point where we will tell you exactly what to do and then you get no discretion. But we have to start someplace.

E. KOZOHARA: I have another thing to add,  
The term census tract and census block. The lowest population base is a census block, and there are so many census blocks within a census tract. We did not divide the Island by census tracts. We divided the Island by census block. Which is a smaller unit.

CHAIR VAN DE CAR: I think the motion, the way I've seen it designed has a ...at least 6 starting points along census tract lines, larger, the number...I don't know...60-70 something number...census tract. So I guess it's my feeling that I would like this to go forward in the way that we are suggesting. If it doesn't work, you know, we may have lost a month and we need to start over. What I think that we are strongly committed here on the Commission to doing everything we can in terms of our decision making. The decision making of any one or two or three of us to making those decisions out here in the public. We realize that it imposes a burden on you, a burden that makes you uncomfortable, but I don't...but I think we prefer to do that, at least its our first shot and if its impossible, then we may need to revisit that. What I would like this ...I would like to hear someone state this as a motion, and as I understand the motion that we're talking about, we would include the staff generating 15 census maps.

P. KAHAWAIOLA'A: May I, Mr. Chairman?

CHAIR VAN DE CAR: Yes.

P. KAHAWAIOLA'A: Not on that particular issue. I want a point of clarification.

There are six starting points by Mr. Van Pernis, to as suggested on those two different boundaries, as the research done by Commissioner Fuller, I would want to have a starting point at ...I only based it on Mr. Kozohara's recollection that there were 7 prior, ten years ago. I'm not advocating for the... , however, I do need to make a...I would be remiss if I did not, at least express to this Board that this Island, from a cultural standpoint, as a Native

Hawaiian, and the Wailuku River is a classic example, because, back to the times, in ancient times, they...the Island was split at that point by two prevailing Gods that exist today on this Island.

And one is Madam Pele and the other is her lover which was Kamapua'a. And the legend has it and it can be seen. If you go on the Hamakua coast, that is the reason for the gulches and the dirt that exists on the Hamakua side of the Island, and the lava and rocks that exist this side of the Wailuku River. So, a starting point from a cultural standpoint and the division, and to keep it consistent with the division of the lands that were parti...notwithstanding with respect to both Commissioners and their starting points and the census tract and the technology.

I, as a Native Hawaiian really believe that I will also want the staff to look at the starting point using the Wailuku River, based on again the cultural significance that ...that this starting point, the division of lands that happen, and I could be totally off base, however, I believe as a Native Hawaiian, I have...I should be afforded that opportunity to see how a ...an ancient concept, not going into the ahupua'a division, but the ancient concept of the division of lands based on, however, whatever what people want to say, whether they miss or its storytelling, but its something that is dear to us as Native Hawaiians, and I believe that's the input that I, as a Hawaiian, would like to make, that we use.

I would also like to see a tract, not the other 6, but I would like to see at least one there for land division purposes and to the....

CHAIR VAN DE CAR:

That's fine.

the starting points the last time around.

Let me ask whether the Wailuku River was one of

E. KOZOHARA;

It was.

CHAIR VAN DE CAR:

All right, great.

M. VAN PERNIS:

Let me make one comment.

I think the other starting point that is mentioned from ten years ago, some of them are quite similar, such as, what's already on the motion, so I'm wondering if some of them are somewhat duplicated.

M. VAN PERNIS:

I'm in support of the Wailuku River as one, and I'm in support of Ms. Fuller's suggestion that one start on each side of the 5<sup>th</sup> District. And I think if we take those two and the Wailuku River and the 6 that I have suggested, that, that would be the adequate, particularly since to duplicate what was done ten years ago in some respect similar to the 6 that I've got. For instance, South Point, Honokaa, I have two close, one on one side of Honokaa, and one on the other side of Honokaa. One, close to South Point, so my ...

I would suggest the motion that the starting point be the Wailuku River, both sides of the existing picked district, one going clockwise, one going counter-clockwise, and the motion as I have written it, for the other 6 starting points.

CHAIR VAN DE CAR:

I think that's clear enough.

Is there a second to that motion?

J. FERGUSON:

I second.

CHAIR VAN DE CAR:

Any further discussion?

was made.

As we have been discussing this before the motion

Any other discussion?

Hearing none, all those in favor say, aye.

ALL:

Aye.

CHAIR VAN DE CAR: All those opposed?  
(pause)  
That motion is carried.

M. VAN PERNIS: Just as a comment since that's a writing that will go into the Minutes and will be helpful to the staff, I think some of their concern may be they did not see it in writing.

CHAIR VAN DE CAR: That's right, we'll attach as...I don't know if this is correct, exhibits to the Motion, the one, two...let me see, right...

S. PAVAO: Its hard to read.

CHAIR VAN DE CAR: Yeah. The 9 pages that follow your letter to me, dated May 16, 2001.

J. FERGUSON: The Commissioners on this side have the original one that has the pink...

S. PAVAO: That's highlighted.

J. FERGUSON: Yeah, highlighted which would probably be the...

S. PAVAO: It may not show very well in copying, the xerox copy.

CHAIR VAN DE CAR: We'll make sure the reporter gets an adequate copy.

L. BALBERDE: Mr. Chair, I think we should be sympathetic to the communities.  
Like I see here, number 2, dividing Naalehu and Pahala, that's one community that supports each other. To divide them and have two different representatives, I think, would be just a waste of time. That's my opinion.

CHAIR VAN DE CAR: I agree with you, and we're doing starting points and there are starting points...and I don't

L. BALBERDE: Okay, knowing that, and if you, Commissioners are sympathetic to that, it's a fact that, that's one tract that they don't have to start at that point, because its not fruitful.

CHAIR VAN DE CAR: Well, I would just...in fact that they are, and I think it would be our duty at our next Council...not Council, Commission meeting to look carefully at these things and to make...address those very concerns. And we would either accept or reject or probably modify one or more or all of these proposals.

M. VAN PERNIS: What these are going to do is just show us the numbers. Then we've got to get into the communities, and ....

L. BALBERDE: I understand that, but what I'm saying is, let's not waste their time and it's a cost factor to the taxpayer. If that is...you know, if its what's before us, but any district to separate that are in together, that's a community action there, would be splitting up people's values or opportunities.

CHAIR VAN DE CAR: Well, we'll certainly address that when we see exactly where these things get us, because what we have the options that were presented here, the 9

options are going to...all of them, I suspect, create just the kinds of problems that you're mentioning, and sometimes, many of them in any particular draft, so we'll just generate them and work with them.

M. VAN PERNIS: I can assure you that every one of them will present some sort of a problem, like that one you bring up, and the question is how we are going to resolve this.

S. PAVAO: Yeah, its not going to be...Ka'u is going to be in Hamakua.

P. NAKAMOTO: Okay, first of all, I would like to ask for...Mr. Balberde is referring to Ka'u and Pahala, and I don't know what's he talking about. We don't have...

L. BALBERDE: They don't have the proposal.  
That's what I said that it should be and you have the copy that we have.

M. VAN PERNIS: You'll get a copy of it.

L. BALBERDE: That's what I said, it should be that you get a copy that we have.

P. NAKAMOTO: Yeah, we didn't receive a copy.  
And also, we are going to begin drawing the maps with the starting points, if you folks could number the starting points, so we know...

M. VAN PERNIS: That's understood.

S. PAVAO: Clockwise and counter clockwise.

P. NAKAMOTO: And then, also, while we are drawing the maps, we need to have some type of deviation. We need, you folks need to decide...

M. VAN PERNIS: That's also in there...

P. NAKAMOTO: Well, that's something that the Commission has to decide on, what the deviation is, where you want the deviation.

P. KAHAWAIOLA'A: There's a written motion, that has not been handed out to you yet.

M VAN PERNIS: That's already in motion. It provides deviations, numbers, starting points, gives you maps.

P. NAKAMOTO: May we see that now, so that we don't go through this without...

CHAIR VAN DE CAR: That's fine.  
All right, let me ask a question from the staff, because what I'd like to do is set our next meeting with the expectation that we will have these things to look at from the staff when we meet. So let me ask the staff if they believe the can generate and distribute to the members of the Commission, and well, I'll leave that to the Corporation Counsel to determine whether how much needs to be made available to the public, or published with the Notice of the next meeting.

But whether these maps, we are now asking for 9 of them, whether these maps can be made available in the next...well, let me just ask you, how long will it take.

P. NAKAMOTO: Like I mentioned earlier, they were planning to sent the software sometime next week, and we are..their people will install it, providing everything goes without a hitch, to draw and plot 9 maps, maybe a month and a half or maybe two months.

CHAIR VAN DE CAR: All right. Yes.

P. NAKAMOTO: You would agree with that?  
Ed disagrees with me.

E. KOZOHARA: Yeah.  
I think we start drawing from around August, and I don't know what your timeline is.

P. NAKAMOTO: We don't have a timeline yet.

CHAIR VAN DE CAR: I'm about to impose one, because I want to get on to the community, once with proposals, and then I want to get to the community once again with what we, the Commission believe our final proposals.

M. VAN PERNIS: Or at least ....

CHAIR VAN DE CAR: Yeah, as final as they can be, and yet still accept more public input.

M. VAN PERNIS: I see these 9 maps as not something we are going to present to the public, because its basically informational for us, and then we may toss out 5 or 6 others, or modify one or two, or come up with several, or just a few finals. So this...we gotta get this back and start tweaking into it and make some decisions.

CHAIR VAN DE CAR: And I would like to meet again the third Friday of August. And I would hope that the staff ....and

P. KAHAWAIOLA'A: August? Yes.

S. PAVAO: July? August.

P. KAHAWAIOLA'A: August. That's what I'm saying because its based on what you're saying, its August.

CHAIR VAN DE CAR: Yes.  
Because I won't be here. So maybe I don't want to meet on the third Friday in August...

P. NAKAMOTO: Why don't we say, we go ahead, we will try our best to work on the 9 maps, and when we come to the next schedule meeting, we'll present you what we've done, and what's completed.

J. FERGUSON: There's 5 Fridays in August.

S. PAVAOI getting of 5 maps or half of that amount? The third Friday in July...is there a possibility of

M. VAN PERNIS: Can we direct the staff to do something by a certain date?

S. PAVAOI Can we get anything by the third Friday in July?

CHAIR VAN DE CAR: I want to be realistic. I don't want to waste my time here with the staff coming back or calling me the day before and members of the public showing up, and saying, "Gee, I'm sorry, I got nothing for you." So, I know...I trust that the staff is gonna work as hard as they can on these things and, even if we set these things in August, we pushing what they told us what they can do.

What I would propose that we do, and I will be very frank, the third Friday in August, I won't be here.

S. PAVAO: Uh-huh.

P. KAHAWAIOLA'A: Mr. Chair, I would like to make a recommendation that we..or you change the meeting to ...

CHAIR VAN DE CAR: Yeah, I would like us to meet next on August 24, the fourth Friday in August.

J. FULLER: I won't be here.

CHAIR VAN DE CAR: You won't be here.  
Well, let's do that now, lets look Fridays in August.

M. VAN PERNIS: Now August 17 is a Friday.

CHAIR VAN DE CAR: I won't be here.  
August 31<sup>st</sup>?

S. PAVAO: August 31<sup>st</sup>, that's bad for me.

P. KAHAWAIOLA'A: Bad for you?

S. PAVAO: I won't be here.

J. FERGUSON: It has to be on a Friday?

CHAIR VAN DE CAR: No, it doesn't.

M. VAN PERNIS: It doesn't have to be on a Friday.

P. KAHAWAIOLA'A: That's what the Rules allow.  
The Rules just allow the flexibility.

CHAIR VAN DE CAR: The Rules allow pretty much of anything.

M. VAN PERNIS: How about the week of the 27<sup>th</sup>?  
Let's start with a week. Does anybody have a problem with that wee of the 27<sup>th</sup>?

S. PAVAO: On those Thursday and Friday is bad for me. The Monday, Tuesday and Wednesday is fine.

CHAIR VAN DE CAR: How about then Monday the 27<sup>th</sup>? Does that work for everyone?

M. VAN PERNIS: I'd prefer a Tuesday or Wednesday, if that's possible.

S. PAVAO: Wednesday, is better. But there may be Council meetings.

L. BALBERDE: On Wednesdays, I have my hair done.  
(Laughter.)

CHAIR VAN DE CAR: Every meeting you talk about your hair. Is Tuesday the 28<sup>th</sup> a workable day for everyone? Okay, good. All right. We'll look at August 28<sup>th</sup> then.

S. PAVAO: Mr. Ikeda is going to check if the room is available then.

CHAIR VAN DE CAR: That's important, too.

M. VAN PERNIS: In that Agenda we have the approval of the Rules, right?

CHAIR VAN DE CAR: The Agenda of the next meeting, yes. Let's spend a little bit of time talking about that then.  
It needs to include the Adoption of Rules, so that will be carried over.  
It would also carry over a discussion regarding Public meetings and locations.  
And I don't know, let me see.  
Available support groups, um, is also on the Agenda, and I actually haven't spent any time thinking about support groups. My own vision is that we take this to the community and hear from the community. If there were groups, individuals who wish to assist them, that would be fine. But that I didn't envision us soliciting the assistance of any individual or group outside of the staff that we have and ourselves.  
What I would like to do then, would be to wrap up this meeting but I think we need to know whether the Council ...

M VAN PERNIS: We need to put on the Agenda, Review of..why don't we just direct the staff...

CHAIR VAN DE CAR: Absolutely.  
A Review of Proposed District Maps.

E. KOZOHARA: Mr. Chair, I have some questions.  
Mr. Van Pernis have 6 maps here, right?

CHAIR VAN DE CAR: Yes.

E. KOZOHARA; Okay, and these are the starting points

M. VAN PERNIS: Plus ...

E. KOZOHARA: Plus 2 from you.

J. FULLER: Plus the boundaries for Puna, that District 5...

M. VAN PERNIS: Plus the existing boundaries...

J. FULLER: ...which is basically the census tract to 11 and just a little bit.

M. VAN PERNIS: Plus the existing boundaries of District 5 on both sides, you start on one side clockwise, and you start on the other side of..

E. KOZOHARA; Of Representative council District 5.

M. VAN PERNIS: Of Council District 5.

S. PAVAO: From the North boundary or the South boundary.

M. VAN PERNIS: From the South boundary, you go clockwise and then from the North boundary you go counter clock.

J. FULLER: Well, its basically census tract 211 and part of 210 .

M. VAN PERNIS: And then the other would be Wailuku River.

P. KAHAWAIOLA'A: Right, Wailuku River.

P. NAKAMOTO: Both sides of Wailuku River.

P. KAHAWAIOLA'A: Right. Do whatever you guys gotta do on that Wailuku River side.

M. VAN PERNIS: Each way from the Wailuku River.

CHAIR VAN DE CAR: So that makes 8 then?  
Yeah, okay, that's fine.

S. PAVAO: Nine?  
It's either the north boundary of District 5 and the South boundary.

CHAIR VAN DE CAR: Ten then, if we're going both ways from the Wailuku River?

S. PAVAO: Oh, that's the intent then. 6, 7, 8, 9 and 10 then.

P. KAHAWAIOLA'A: Then do the traditional. I would, Mr. Chairman, based on my asking that Wailuku River be the starting point, then I'd like to again, leave that to the discretion of the...yeah, you do what is necessary on that side and then.

CHAIR VAN DE CAR: Well, then let's decide as a Commission where we're gonna go.  
Are we going North on the Wailuku River?

P. KAHAWAIOLA'A: Yeah.

CHAIR VAN DE CAR: Or south of the Wailuku River?

P. KAHAWAIOLA'A: Excuse me about the North and South. Which way is what?

S. PAVAO: North is Hamakua. And South is Puna.

P. KAHAWAIOLA'A: I'm lost in the North and South thing. Just tell me which way we're gonna go.

S. PAVAO: Hamakua, Puna, or Mauka, Makai, yeah?

CHAIR VAN DE CAR: Counterclockwise.

S. PAVAO: Counterclockwise. Hamakua is counterclockwise.

CHAIR VAN DE CAR: I have some information that the conference room is not available. So our choice is moving up the week to August 21<sup>st</sup> or 22<sup>nd</sup>, both of those dates are available.

M. VAN PERNIS: How about the 29<sup>th</sup>?

CHAIR VAN DE CAR: 29<sup>TH</sup> is not available.

M. VAN PERNIS: Can we meet someplace else?

CHAIR VAN DE CAR: I'd rather meet here because ...I want the staff to be able to get where we are and this is the place where they are.  
The other dates that are available, however, are the 30<sup>th</sup> and 31<sup>st</sup>. So that's Thursday and Friday. I know that somebody is not available on the 31<sup>st</sup>. Is everyone available on the 30<sup>th</sup>?

(pause)  
All right, then why don't we schedule our next meeting for Thursday, August 30<sup>th</sup> at 9 a.m., here at the Council chambers.  
And I would...  
Brenda, can we get out all the necessary notices and everything about that next meeting.

B. DOMONDON: Yes.

CHAIR VAN DE CAR: Okay. Are there any...

E. KOZOHARA: Yes. I want to make sure we know what our charge is. We have 6 maps from Mr. Van Pernis, from you (referring to J. Fuller), we have 2. You want to go clockwise and counterclockwise?

J. FULLER: Why don't we go around the south end, and ..

E. KOZOHARA: Clockwise or counter?

J. FULLER: Clockwise.

M. VAN PERNIS: Clockwise starting from which...

S. PAVAO: From the South boundary.

M. VAN PERNIS: South boundary?

P. NAKAMOTO: South boundary of Council District 5.

M. VAN PERNIS: I don't think that's what you want. Because you want the existing District...

J. FULLER: Just leave it as an existing boundary which is census tract 211 is basically, well, you have just the little blocks?

E. KOZOHARA: Uh-huh.

J. FERGUSON: Show your big map, Ms. Fuller.

CHAIR VAN DE CAR: Well, lets keep it simple. Let's just go both ways, clockwise from the south boundary, counterclockwise from the North boundary of District 5.

M. VAN PERNIS: I think that's what we gotta do.

P. NAKAMOTO: We're still not clear about the deviation. Where in this do you have what the deviation that we are to use?  
On what page?

CHAIR VAN DE CAR: At the top of ...

J. FERGUSON: Second page, I believe, the third, second rather. The population deviation.

S. PAVAO: Number 1, then?

CHAIR VAN DE CAR: Yeah, its numbered paragraph 1, actually under ...there's a cover sheet,

P. NAKAMOTO: That's something we don't have.

S. PAVAO: They don't have that.

CHAIR VAN DE CAR: That's the first page, if you turn to the next page, you'll see a numbered paragraph 1, and that gives you deviations with regard to population. Not the top page, the next page.

S. PAVAO: Page 2.  
CHAIR VAN DE CAR: Those paragraphs should be numbered as opposed to lettered?

M. VAN PERNIS: At the top.

S. PAVAO: Number 1.

P. NAKAMOTO: Okay, I'll read it. "Each of the 9 districts should contain a 2,000 census population of between 15,675 to 17, 325 or as close as possible to that."

M. VAN PERNIS: So you're following the census tract...blocks and trying to get those numbers. If you can't get those numbers, you get as close as you can.

E. KOZOHARA: Okay, the way the program works is that you determine what is your ideal district. And then you go plus and minus, either 2% or 5%, that's what we're trying to get at.

M. VAN PERNIS: The ideal district is 16-5.

P. NAKAMOTO: Okay.

M. VAN PERNIS: And the variation is whatever percentage it works out when you use those two numbers.

E. KOZOHARA: Okay. Do you know off-hand how much?

CHAIR VAN DE CAR: No.

S. PAVAO: The motion wasn't accepted as was written, except verbatim, huh?

P. KAHAWAIOLA'A: The starting points.

M. VAN PERNIS: Its 10%.  
I obviously would like to get it down to 5%, but we'll start with 10% and see how it looks.  
You see, 10% will barely pass Constitutional, 5% will pass Constitutional measure.  
For instance, if you go to Puna, you may want air on the low side...

P. KAHAWAIOLA'A: Mr. Chairman, is it out of order, if that, you see again, I don't want to make the step. And that's where we are coming from, that discretion. So the 5% as Mr. Van Pernis mentioned, could they be looking at doing it based on that 5%, so that when they come here, we can make decision.

CHAIR VAN DE CAR: Well, what will happen is, we'll get maps and then the maps will include the deviations of the ...and then we'll be able...

P. KAHAWAIOLA'A: Yes, that's what I'm saying, so..it seems like they don't know whether to deviate the map at 10% or 5%.

CHAIR VAN DE CAR: I think their instructions are pretty clear. To aim it at 16-5 and they have a ..an allowable limit of deviation.

M. VAN PERNIS: Then if we don't like the deviation, then we'll...

CHAIR VAN DE CAR: Anything else?  
All right, we are set to reconvene on ..

P. NAKAMOTO: One more.. The timeline.  
Are you folks setting your timeline?  
From now until December 31<sup>st</sup>?  
And everything in between?

CHAIR VAN DE CAR: I do have a request, and that request that consistent with any notice requirements that you get these maps out consistent with our requirements to notify the public, but in addition, I would like you to get these maps, copies of these maps to the members of the Commission, 7 days prior to our next meeting. So that would be August 23<sup>rd</sup>.

P. NAKAMOTO: Like I mentioned to you earlier, we will keep you posted, and we will let you know along the way, where we're at, and if there will be completed.

CHAIR VAN DE CAR: Okay, we move to adjourn?

J. FERGUSON: I move.

J. FULLER: Second.

CHAIR VAN DE CAR: Okay, meeting's adjourned.

Meeting adjourned at 12:05 p.m.

Respectfully,

LLOYD VAN DE CAR  
Chair, Reapportionment Commission

BrendaLynn Domondon  
Administrative Secretary  
Reapportionment Commission