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JOHN FERNANDEZ
JEANNE FULLER
PATRICK KAHAWAIOLA'A
LISA BARTON

**HAWAII COUNTY
REAPPORTIONMENT COMMISSION**

**TRANSCRIPT
Session 5**

DATE: Friday, November 2, 2001
TIME: 10:00 a.m.
PLACE: Hawaii County Elections Conference Room
25 Aupuni Street, #105
Hilo, Hawaii 96720

A. CALL TO ORDER and ROLL CALL

CHAIR VAN DE CAR: It's a little after ten on November 2, I'm Lloyd Van de Car, this is the Hawaii County Reapportionment Commission, I'd like to call our Commission meeting to order.

I'd like to take a roll of the members of the Commission present. When I call your name will you please respond.
Mark van Pernis.

M. VAN PERNIS: Present.

CHAIR: Lawrence Balberde.

L. BALBERDE: Present.

CHAIR: Jack Ferguson.

J. FERGUSON: Here.

CHAIR: John Fernandez.

J. FERNANDEZ: Present.

CHAIR: Jeanne Fuller.

J. FULLER: Here.

CHAIR: Patrick Kahawaiola'a.

P. KAHAWAIOLOA'A: Here.

CHAIR: Lisa Barton.

L. BARTON: Here.

CHAIR: And for the record that Steven Pavao is not yet present.

There are no guests that I am aware of.

I would note for the record however, we are pleased to have the participation of today of Lincoln Ashida, Corporation Counsel, he is here to advise today's meeting.

3. APPROVAL OF MINUTES

I know we've only had a brief opportunity to review the Minutes of our last meeting and if there's any concerns about those Minutes, I would entertain a motion to move this item of the Agenda to a later part of this meeting so that we can have a opportunity to review those Minutes.

Hearing no motion...

J. FERGUSON: I'll move.

J. FULLER: I second.

CHAIR: All right.
All those in favor, say aye.

ALL: Aye.

CHAIR: Opposed?
All right, we'll move this to the end of the Agenda so that we all have an opportunity to review it.

The next item on the Agenda is Statements from the Public.

STATEMENTS FROM THE PUBLIC

I know people are still coming in, but I would ask that each of you wishing to testify ..excuse me, make statements to the Commission, to fill in one of these forms which are up at the front of the table. At this point, I have only 5 or 6 of them, and I'm only going to call on those folks who have filled one of these forms.

I'd also like to ask each of you who are addressing the Commission to try to limit your comments to a reasonable period of time, 5 minutes or so, so that the ...each of you who does want to opportunity to address the Commission has that opportunity.

Having said that, Curtis Tyler.

C. TYLER: Thank you, where would you like me to...

CHAIR: Right there is fine.
As long as the mike can pick you up, it might be better for you to come forward.

C. TYLER: Good morning. My name is Curtis Tyler, I come to you as a citizen and not in my role as council member. I will be brief this morning, and I want to begin by thanking each one of you again, and also the staff of the Elections Division for the work that you've done and I'm especially grateful that as reported in the West Hawaii Today on October 19th that you would be favorably close to consideration to some of my suggestions, and my previous communication to you. And I apologize again for not having been here personally, and I thank the two ...(inaudible-turned away from the mike)..with whom I hope and it sounds like they would make a presentation.

I am here today to also clarify this matter and I am happy to say that I have maps for each of you today as opposed to just one piece. With that Mr. Chairman, I move forward; again, I received a copy of the proposed map that is before you today and I want to begin by suggesting that the map you might consider be further revision from the area of Pohakuloa. And I prepared a new map for you because as I read in the article, newspaper, you had asked the staff to move the boundaries for 7 and 8 across Saddle Road to the Mauna Kea Forest Reserve Line which I had put in my letter, at least for...(inaudible-turned away from mike). I think that makes a lot of sense for the reasons that were given and reported in the newspaper.

When I looked at the map yesterday when I received it, the detailed map, I was unable to determine that that had happened. So I'm going to hand out to you this morning if I may, Mr. Chairman, there are 9 copies here, if you would pass them out.

There's a possible scenario there, which will I think make a lot of sense and be consistent with my previous testimony. I have not spent much time with Elections with respect to this area, as you know there's no people that live up there, all of those census blocks there. In my thought here in drawing that line to the East on Map #3 is that that is the line between North Hilo, and (inaudible-speaking away from mike)...and as you can see the Mauna Kea Access Road is east of Humuula ahupua'a which is also part of North Hilo. So I left it that way because its appropriate it remains in North Hilo. And if you have any questions about this particular map, I'll be happy to answer that.

M. VAN PERNIS: How ..I see what you're trying to do which is to adjust the mauka line there to be compatible with the Forest Reserve Line. How does that on Map 3 also, District 7 was supposed to go up to that same area. How would that, this map affect or how does it relate to District 7.

C. TYLER: Well, it doesn't show District 7 except there's Keauhou boundary line there. I have no basis on which to draw the line because I don't have the census tract information, so as an example, if you look at that the bottom arrow here, (pointing to map), the N. Kona district usually runs like this, comes down and goes this way. My thought you might want to divide it somewhere in here. I don't know, but I think it would be dependent on the staff and what the census block is. In terms of going mauka on District 7, into the north...towards Hilo, Hilo would be down in this area (pointing to map)...

M. VAN PERNIS: In other words if you look at Map 3,

J. FULLER: You need to show us.

C. TYLER: So I understood from what I saw in the newspaper, you have 7 coming up here somewhere.

M. VAN PERNIS: Come up Saddle Road.

C. TYLER: Come up Saddle Road and follow the line, and perhaps..fine, I don't the information where that should be. So what I did, was I drew the line to Kamuela, actually go up here and come down along here following the Forest Reserve Line and then I went to the N. Hilo or Humuula boundary which is right here. Here's the Mauna Kea Access Road and then I just drew it down here to where Keauhou was, I think it came over here, that's Keauhou, right here. So, it is my intent to have District 7 go up at least to Saddle Road, and basically incorporate all that's in District 1 there on the Kona side of Saddle Road. And in fact, Mr. Van Pernis, the previous map that had been considered before this one was changed, showed 7 going up in here and coming down, following this line right here, which I had originally penciled in pink with a question mark at our last meeting. So, I thought what you were talking about but I did not go into the N. Hilo area. I just left it... (inaudible-everyone speaking simultaneously)...no, but there was another map that had it, I think it's the Wailuku map. There's nobody living here, so that was the(Inaudible-people speaking simultaneously).

So it would be much easier if there was somebody who could figure out where it actually is. Any other question about that particular ...okay, thank you.

Then I'd like to move to clarify the map..the boundary between 7 and 8 in the Kailua urban area, and Mr. Chairman, I'd like to pass on my map here. There's a map on the front and back, they're both of the same area. One is the tax map, so those of you who are interested in looking at those boundaries and the other one is a street map, for those of you who are familiar with streets in that area.

I have suggested to you that the line, the dividing line in the western section would be the land division line between Kahului One and Waiaha 2. And because the census block actually includes this area that's dotted right here (pointing to map), you will see in your map today, that this area is included, in the corner region, you will see this little section that's included here. And the reason is because that's what the census block is. There is no one, according to the information that I...there is no one living in there. And it makes no difference at this point in terms of the numbers, but I wanted to clarify this for you so you understand why your map is different than what my recommendation was.

M. VAN PERNIS: That, Mr. Tyler, let me interrupt. That ahupua'a line that you got emphasized...

C. TYLER: Is the land division line, yes sir.
It is also a subdivision boundary.

M. VAN PERNIS: The subdivision of Kailua View Estates...

C. TYLER: This one down here is Lunipuli.
And this one here is Kailua View Estates.

M. VAN PERNIS: And the two ahupua'as are on the western end?

C. TYLER: Yeah.
Kahului 1 and Waiaha 2, right here.
And then if I might, Mr. Chairman, when it gets up to the Hawaii Belt Road or the Queen Kaahumanu section, I propose that you follow the land division boundary between Paahau Kiahe and Pua'a 1, which is the southern boundary and the subdivision boundary for Kailua View Estates which what I had previously stated. And if you look at your maps for Kailua, the Kona region, you will notice that its pretty close to that except that there's two little intrusions to the north. You see those two little areas (pointing to map)?

CHAIR: Yes.

C. TYLER: And that was not my proposal. The proposal was to keep Kailua View Estates intact and in one district and not with that subdivision based on the guidelines I understand from not only the Charter but also the Constitution. So I wanted to clarify it for you. The reason that the map comes out that way is because that's what the census block grabs. So that's what I wanted to clarify this, and I gave you 5 or 6 different maps. This is just one map you can look at and see that's it real simple. Hopefully, this will be helpful and if you have any questions, I'll be happy to answer those.

CHAIR: Any member of the Commission have a question of Mr. Tyler? I don't either but...

M VAN PERNIS: I have one question.

CHAIR: Go ahead.

M. VAN PERNIS: On an unrelated matter, would you consider N. Kohala and S. Kohala basically a West Hawaii area?

C. TYLER: Oh, yes, definitely. My testimony previously was that I thought Kohala should remain together. That's everything I've heard. And what I propose in the Waimea, that map right there, was to keep as much of Waimea and Kohala together. If you recall, there's another map which used Highway 19 to split the community, and it was my suggestion that knowing full well that the Hamakua or District 1, current District 1 had much to more people, and that's the reason I did it that way.

Also, I think, Mr. Van Pernis you will recall my testimony regarding one of the maps that envision District 8 going up and including the shore line areas and Puako all the way up to Kawaihae. And it was my testimony that my belief that that was part of S. Kohala and people consider that to be part of Kohala.

M. VAN PERNIS: Generally speaking, would you agree that to divide North and South Kohala such as putting North Kohala in the Hamakua district, and would dilute the potential strength of West Hawaii and the County Council?

C. TYLER: Well, Mr. Van Pernis, my comments are not, are going to be apolitical because I'm not testifying as a councilmember. My sense of ...my sense of ...my sense of the people that live in that area, and the people in the district I represent, is..they like to keep the geographic areas together. And in my previous testimony that like many districts like Kohala, Kohala wants to be kept Kohala, Kona wants to be kept Kona, and as I told you previously, I made no recommendations for East Hawaii because its not my kuleana. And I don't feel satisfied to do that, but I have been trying as a land owner in Waimea, some of you have been there for many years, and went to school. I'm trying to figure out how do people feel, and how would they react to this. And it seems to make some sense and that's the reason I propose this.

M. VAN PERNIS: Let me restate the question. As far as Kohala is concerned, the two Kohalas, they basically, from your point of view as a citizen representing West Hawaii...

C. TYLER: Without any question, and that's also the reason that I recommended that PTA, Pohakuloa Training Area be incorporated as one because we have a huge

almost 14 thousand foot mountain between Hamakua and several voters in West Hawaii corridor. For the same reason, I would also recommend that Kohalas be kept together.

M. VAN PERNIS: Speaking as a citizen then, would you agree then the west side of the Island would be the ...it would be best that the west side of the Island that the Kohalas stay together?

C. TYLER: Yes, no question in my mind about that.

M. VAN PERNIS: Thank you.

CHAIR: Any other questions for Mr. Tyler.

C. TYLER: I have one more.
Very quickly, I noticed in the newspaper that Mr. Van Pernis or someone had recommended the boundary 7 and 6 called the Ancient Trail Road and Mr. Van Pernis and I discussed that since he lives down in that area, and so I went back to see how they were related to the recommendation that I made to the this body, and I have provided you with the tax map and a street map. The dotted line shows Mr. Van Pernis' recommendation, and the other one shows what I have proposed to you, in a very simple in all those different maps. And hopefully, Mr. Chairman and members of the Commission, this will be helpful to you.

CHAIR: Thank you.

C. TYLER: The reason I propose that boundary was that it is a long way called Old Government Road, and also its called Main Government Road, comes out by Machado Store and as I understand it, it is a census block boundary. And therefore, when I presented you the numbers that I did in my letter, my last communication, those numbers were based on the solid line and I read that you were looking at Ancient Trail, so I just wanted to comment.

As it relates to my original recommendation, with that Mr. Chairman, I have nothing further unless you have. Thank you again for your work.

Oh, one further comment, there's been a lot of discussion that ...at various hearings and around communities about motives and why people do things the way they do and I just wanted to let the Commissioners know that from my perspective and clearly, I have not attended all your meetings, I tried to be kept informed. In my way of looking at this each of you have tried to be fair to the district that you represent and I especially acknowledge Mr. Ferguson, Commissioner Ferguson, who is my representative and Mr. Van Pernis, who also represents Kona. I know that each of them have done a lot of work and I am sure that (inaudible-speaking away from mike). And I know you are under a deadline, so I'm done and I thank you again, unless you have any further questions.

CHAIR: I have one question regarding this latest map. Distinguish for us which the dotted line is what, and the solid line is what.

C. TYLER: The solid line here, Maui is here, and the ocean is here, north is there (pointing to map).

CHAIR: The solid line is your proposal?

C. TYLER: This was the proposal that I presented to you at the last meeting on the maps. It didn't have a simple one page like this, I had to cut and paste the tax maps. As I read it in the newspaper, I understood that this was going to be the line, the Ancient Trail. So I

assume that (inaudible-speaking away from mike)...Napoopoo Road, this is headed towards Capt. Cook. And I just wanted to show it to you in perspective because the census block and the numbers that I gave you in terms of percentages, were based on this scenario. This is the census block, I don't know what these numbers are. So, in case anybody thought that, you know, my map was to the Ancient Trail, it was not. And I just wanted to show you this, and it is obviously your decision, but I wanted to explain that to you, because I don't know what the numbers are. If this gets incorporated here, that numbers for District 7 will clearly be less, the numbers for District 6 will go up.

M. VAN PERNIS: I think its in reverse.

C. TYLER: No, because we'll be taking this away from #7.
This will be taken away from #7, so those numbers will go down in 6. And that's your decision but I wanted you to have...

M. VAN PERNIS: You're taking away from 6 and giving it to 7 at that boundary?

S. PAVAO: Taking from 7 and giving to 6.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

C. TYLER: If you follow this boundary, you will be taking from 7...

J. FULLER: From 7.

C. TYLER: Right.

S. PAVAO: And giving to 6.

M. VAN PERNIS: Right, if you follow Ancient Trail road.

C. TYLER: If you follow ...

M. VAN PERNIS: Your prior suggestion, it would be the reverse.

C. TYLER: That's correct. Its based on the census block and that's where I got my numbers from.

CHAIR: Aside from the numbers, Mr. Tyler, does it have any other impact that you are aware of in terms of the community, your association of the community with one side of the and the other.

C. TYLER: Well, I think because this is the Coffee Belt, much of this should be kept together as possible.

S. PAVAO: In 7.

C. TYLER: And my thought was we should go as far south as it could go and I wanted it to go way south to where it is now. But the numbers don't work, and so I heard what Commissioner Kahawaiola'a said and it's a numbers game, it gotta be the numbers. And that's

what I did. And you know where I started, I started with the N. Kona –S. Kohala boundary line. You know that because the first time I ever came to you, I mentioned that. Okay, I hope that sounds ...

CHAIR: Thank you.

C. TYLER: Thank you so much for your time and your effort.

CHAIR: Mr. Warshauer?

LADY FROM AUDIENCE: Mr. Warshauer had to go to work and left his testimony.

CHAIR: Okay, we got it.
Cory Harden?

C. HARDEN: I'm Cory Harden, I live in Mt. View and I had some problems getting the map in a timely manner, this final map that we're looking at. I couldn't get it till Tuesday, 3 days before the hearing, so I was unable to print my remarks to all of you.

I have some concerns about this map. I think its in 3 districts rather and 4 which is an improvement but there's this other constitutional redistricting map that would be possible to get Puna into 2 districts. And the District 6 is one of the very long district meaning that the council person would be spending a great deal of time in their cars and not getting their work done. I am speaking in support of the constitutional redistricting plan that gets Puna 2 districts which is pretty much in the Puna area and shared with Hilo. This creates a new urban Kailua seat. And with a large districts, all the large districts are not equally large. And I'm sure you can get copies of this, if not, I can make some.

CHAIR: Thank you. Are there any questions for Ms. Harden?

J. FULLER: I'd just like to ask, are all the districts below proportion as far as the numbers go to your knowledge?

C. HARDEN: This is done by... (inaudible-speaking away from mike) in Kona.

J. FULLER: This is the one from Brenda and Charles?

C. HARDEN: Yes.

J. FULLER: Thank you.

CHAIR: Any other question?
Thank you, Ms. Harden.
Julie Jacobson?

J. JACOBSON: Thank you all for hearing me one more time here. I just want to tell you that I consider your plan to be unjust and illegal. I don't particularly expect to persuade you at this late time about it, but I do want you to know that I'm working with many people organizing for a legal challenge of this. I think its really sad to me that so much of what government should do has to go into the courts with the legislative and the executive branches makes mistakes but I see that more and more. So that's why I'm prepared to do.

I think, people have asked, what are your motives. I don't care what your motives are. People are asking me over and over again, what are the motives? People are particularly asking me, Mr. Van De Car, what are your motives? Why is Lloyd taking this position? And all I can tell them is, I don't know, you have to talk to him. I learned the hard way, it don't pay to speculate on motives because then people just get indignant. But the motives don't matter, all that matters is the outcome. And whether it is right for the people of Hawaii, of the Island of Hawaii and you know, what should be done. And I think you all say, you don't like it when we go to court, well, my opinion is that the court can only make this better, because of how deeply wrong it is and how deeply disturbing it is that the degree of which you do not implement the suggestions from the vast bulk of people who have testified. And you all know that, you all know that you had almost a unanimous testimony from Puna about this plan. You know you had practically unanimous input from Kona about this plan. And you know that really in terms of testimonies in supporting your plan about all you've heard is council members tell you why, maybe not why, but while the appreciate it but at least why they can live with it. And I'm not getting the list of all the comments that I heard council members about why these plans are the way they are, but you know, that may all come out in court. But there's been a lot of interesting discussions with you all and with members of the council about their thoughts about this.

So let's just run through. You have interestingly, I think you could argue that for #1, you've drawn lines that unduly favor other council members, actually including myself, in terms of the goals of getting elected. You've passed my district with areas that are in strong support of me and you've taken out the areas where I have a harder time and have less support. And you also ignored my suggestion to take in the entire Puna judicial district into Puna council seat and the portion that I'm suggesting for my district would again be very high areas... (inaudible-speaking away from mike). It's kind of curiosity to me, it may seem odd that the other council members like what you're doing because it enhances their chances to get elected because it probably enhances my chances to get elected, but I'm here with the courage to tell you its wrong for the people. And I'd like to stand up and point to some of the features of Kona. This is my main concern, I appreciate what the Kona people are saying, too. But you're taking the whole Puna area, roughly 7,000 people in the Puna judicial district and putting them into Hilo council district, Council 3. You seem to have some debate whether you're going to put it in 4 or 3 but they were both Hilo districts and they have the majority of the population in Hilo. That's the legal term, "fracturing", a kind of gerrymandering. Packing, fracturing, you're actually doing both here. So you are splitting along the highway of Puna up to Kulani Road, and then up to Peck on the makai side of the road... up to Peck Road which is about the 16 mile marker. For those of you who don't know the judicial border of Puna is between the 5th and 6th mile marker, just around Macadamia Road.

(END OF TAPE 1)

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

J. JACOBSON: No, 200 feet up the road you put the Post Office, the stores and things into District 3. You know, this is just a...this is a classic fracturing. I don't know what more there is to be said but its wrong, the people of this area did not speak out to be in District 3. You did not hear one person from this area tell you they wanted to be District 3. All this discussion up hear, I want to remind you, you did not hear one word of testimony, you know, public venue, anyway, from someone from South Kohala where 13,000 people live in South Kohala, and 6-7000 in North Kohala. So this long discussion about this voice you heard from Kohala, well, yes, 6000 from Kohala, you only heard from about 3 or 4 people and basically my impression of what was said there was misleading, but maybe you expect them to wonder what's the motive. I don't know but you can always speculate about motives, I do find it interesting, though, that people live on the District 3 side of Peck Road have water, and people on the District 6 side of Peck Road do not have water. So we see here some interesting connections between water issues and this. But this

continues to be about 110 miles long, this continues to be even further into Kona than it was before. You know, I don't need to tell you over and over and over again, how I have to pick between going to constituent meetings in Kona, Ka'u and Hilo, but every week there are examples of that. So its not a matter of hardship for me, its matter of the public gets cheated when you do this.

You know there's just no way to justify what you're doing, but at this point I look forward into working intrically with the groups of people who choose be plaintiffs, I have looked forward to raising money, I look forward to working hard to defeat this illegal gerrymandering.

Thank you very much.

CHAIR:
Jacobson?

Do any member of the Commission have any question for Ms.

P. KAHAWAIOLA'A:

Yes, I do.

CHAIR:

Ms. Jacobson, will you please come up here?

P. KAHAWAIOLA'A:
have heard it right as I wrote it.

You...I'm sorry, I wrote it down and I'm just trying to..I might

motives were?

Have you heard from any member of the Commission what our

J. JACOBSON:
...I don't think that...

Oh, you could look back at your notes. No, I don't have

P. KAHAWAIOLA'A:
My only reason for saying, is that is how you express it, was that the members here, the Commission, had motives as to why they were doing certain things. I'd like to know because it's, it's a front to me. Personally, I don't know what the rest think, I don't speak for them, I only speak for me.

I don't know why, what motives I would have other than trying to meet that Constitutional mandates of the four criteria of the 16,520 people. That's my motive. So the statement that you said that you've heard from the Commission by our actions, that, what about...people are asking you or the Commissioners. You heard the Commissioners say that there's a motive, why you're doing this, and why we're doing what we're doing. Is there anything what you're saying.

The reason, you see, right of the bat, you said there was going to be a legal challenge. So you're going to challenge me somewhere, someplace, you going challenge me. And I want to be sure that when you challenge me, that I'm prepared to ask those questions, have you heard from someone or anyone on this Commission what our motives are or what is our motives for being on this Commission and try to draw lines on maps. So I need to make sure that I understand, because that is your right to do whatever you want to do.

J. JACOBSON:
I don't care about the motives (emphasized), what matters, to me...it only matters to me what the results are.

P. KAHAWAIOLA'A:
I understand what you're saying, but your representation was that you had heard, you have heard (emphasized), that there is some motives as to what we're doing...there's motives as to what we're doing.

J. JACOBSON: Thank you. I assume that everyone has motives, and I don't make any comment in particular about what your motives are, other than to say that it doesn't matter, it's the results. I think what you might be...

P. KAHAWAIOLA'A: And obviously....

J. JACOBSON: ...talking about motives that councilmembers have expressed ideas...

P. KAHAWAIOLA'A: Well, that ma'am, I really have no control, we don't really have control because what they do is they sign up and they come and speak like anyone else. Whether they represent themselves as council people or as general public, that's their right to come and here and sign those things to make whatever they said, and the ones who said I like it, fine. The ones who said, I don't like it...I'm happy to say, and I'll say this for the record that Councilman 4, Aaron Chung has never come to any one of these. He has never come, so that's my only reason, so that's the only reason I ask you that when you made the statement, cause your first statement was what you believe what we're doing is unjust and illegal, and there's going to be a legal challenge. So that's, that's what I'm saying. I needed...that's your first statement.

Your second statement was that, what was our motives, was it, is it our motive that you are now challenging that are unjust and illegal, or what the lines that we draw. That's what I'm trying to determine.

J. JACOBSON: Well, Mr. Chairman...

CHAIR: I'm sorry.

J. JACOBSON: Point of order.

M. VAN PERNIS: No, you're not in the position to call a point of order.

L. BARTON: She is asking a question.

J. JACOBSON: I think I'll just repeat it for the...I don't know how many times here, I don't care what your motives are, I care what the results are, I consider...

CHAIR: Thank you very much.
Ms. Barton?

L. BARTON: I just wanted to say that I understand where Patrick is coming from, we were accused of having motives, I don't think anyone on this panel has a motive other than to follow what we've been asked to follow, as far as the criteria of getting a certain number in a certain area, and that everybody...I never even knew what the word "gerrymandering" was until I walked in this room, and I don't really give a...I don't care what the word actually means because as far as I'm concerned is, everyone who has come in with a map, has done so and all it is, is moving a line to create a population within a space. And when we were asked to do so, some people created more maps than others. And actually, all there is, is the Island of Hawaii and to divide it the way we were asked to divide it in a way that provides the 16,520 into whatever, wherever. So gerrymandering or not, we're just doing a job. Whether we're doing it to your liking or anyone else's liking, we're sorry if we're not doing it to your liking, but we have to do it, and we have to do it. And it has to be done by date, and if you want the judges to do it, fine. Then that's what's going to happen. But right now, we have a job to do.

CHAIR: Thank you, Ms. Barton.

P. KAHAWAIOLA'A: I'm not through, Mr. Chairman. I'm not through, you cut me off, and if I am...you gotta pull me out of order, but I'm not through.

CHAIR: All right, go ahead.

P. KAHAWAIOLA'A: And the last thing I'd like to make based on your comment, was our job here is not to see that you or the rest of the council people get elected. That's not our job. I've heard you say that that's what it appears to you. That's why I don't care whether who elects who (emphasized). I just need to put 16,520 people, and the people who's going to run in those places go out there and go get 16,520 votes. So I want to make that crystal clear to you. That's not my job, that's not what I'm here to say, whether we move anybody somewhere, I'm trying to put 16,520 people anyplace, with the 5% leeway, plus or minus. And that's my purpose, so I don't resent anything that you're saying, you have the right to say it, but I believe I have to respond. Thank you.

CHAIR: Thank you.
Mr. Ferguson, do you have a question?

J. FERGUSON: Yes, (referring to J. Jacobson) in your letter of October 28th to the residents of in your area, you represented that the work done by Brenda Ford and Chucky Flaherty, was that you were confident that it was sound and that was based on the analysis of the U. S. and Hawaii Constitutions, the Hawaii County Charter, Case Law and past practices. Can you tell me what Case Law is?

J. JACOBSON: Um..I had the names, but its...(inaudible-speaking away from mike) vs. Burns and I believe, Richardson vs...and you'll be hearing more about those probably...

J. FERGUSON: Are those Hawaii case laws?

J. JACOBSON: Yes, they are.

CHAIR: Are there any other question?

L. BALBERDE: I have something to say.
I understand your frustrations and your feelings. We are frustrated too, and we have a motive, and the motive we have, concerns the people of the Island of Hawaii, and Mr. Tyler made a comment that its not his kuleana, it is everybody's kuleana. So that we can have our people participating in our government by holding and being able to know where their districts are and how important they are. And the only motive I have is to do a good job.
Thank you.

CHAIR: Thank you, Mr. Balberde.
Are there any other questions?
Hearing none, Donald Tinker?

DONALD TINKER: To start with, I'd like to say that I'm very pleased with what happened with the State Reapportionment Commission, they finally shaped up their act. But you people...

M. VAN PERNIS: To your liking.

D. TINKER: ...yes, to law, yes. And to the Constitution. And I don't think that you people have made enough effort in that area to comply with those things. And one of the things that these court cases referred to, lean heavily on is the socio-economics splitting of the communities, which is spelled out in the Constitution as well as, the Federal and State laws on the subject. And they lean more heavily on them than on these numbers, these deviation numbers situation. They're much more interested in that than the numbers, and to some extent up to a certain point.

Anyway, you don't seem to have too much respect for Puna people, and this is a pretty, pretty bad situation here. And as a matter of fact, I cannot see splitting two houses...in one particular case, Paradise Park on this side here which I don't understand at all. And then everything on the other side of the ...(inaudible-mumbling). Then again, this is a...this doesn't really, this isn't probably as important as some of these other things, but it does show in your attitude that according to Puna people, and that's pretty bad. This is all I have to say.

CHAIR: Thank you.
Do any member of the Commission have any questions for Mr. Tinker?

M. VAN PERNIS: I do.
Mr. Tinker, do you realize that all of us on the Commission were recommended by various council people?

D. TINKER: Yes.

M. VAN PERNIS: You realize that Mr. Van De Car was recommended by Ms. Jacobson?

D. TINKER: Yes, I know that.

M. VAN PERNIS: Okay, and you mentioned something that you feel that the law...your interpretation of the law is that, not dividing communities is more important than the numbers?

D. TINKER: Yes.

M. VAN PERNIS: That's your interpretation?

D. TINKER: That's my interpretation of one the court cases that occurred.

M. VAN PERNIS: And which court case is that?

D. TINKER: That was the first one that she mentioned.

M. VAN PERNIS: You think that court case says that the numbers are less than important than dividing communities?

D. TINKER: Yes, I do.

M. VAN PERNIS: Have you ever read that case?

D. TINKER: Not the whole thing, I read the excerpts of it.

M. VAN PERNIS: Now, you feel that dividing the communities of North and South Kohala is appropriate?

D. TINKER: I'm not real familiar with the North end of the Island.

M. VAN PERNIS: You're just familiar with the Puna area, and you're not happy with what ...

D. TINKER: I'm familiar with (inaudible-mumbling) ...then again this way, the Ka'u is getting cheated, here to in my estimation because of getting spread out more and more and I don't really think that ...

M. VAN PERNIS: You realize that Ms. Jacobson's proposal would put the area of North Kona around Keauhou Bay in the same district as Honaunau and Pahala?

D. TINKER: The...

M. VAN PERNIS: Do you realize that?

D. TINKER: Well...

M. VAN PERNIS: Yes or no.

D. TINKER: To some extent, but the thing that's not the point we're pushing here now...

M. VAN PERNIS: Are you familiar with the nature of the socio-economic set up around Keauhou Bay.

D. TINKER: No, I'm not.

M. VAN PERNIS: Well, I'll represent you in the area of million dollar homes residential subdivisions are million dollar homes. Do you feel that that's socio-economically should be the same district as, let's say, Pahala and Honaunau?

D. TINKER: No.

M. VAN PERNIS: Ms. Jacobson's proposal would do that. Do you realize that?

D. TINKER: No, I'm not that familiar with exactly where the lines are, sort of thing there.

M. VAN PERNIS: So you're just unhappy with the way that Puna comes out here.

D. TINKER: Not just Puna, but it affects the entire island and it'll start affecting people's right to vote.

M. VAN PERNIS: Are you aware of how Ms. Jacobson's plan affects areas of the Island other than Puna. For instance, ...

D. TINKER: Somewhat.

M. VAN PERNIS: Do you realize it affects those areas I mentioned, North and South Kohala, Keauhou Bay vs. Honaunau, Pahala?

D. TINKER: Yes, the Kona people have been pretty into this, and there's a revised chart that it does handle these areas there much better. And ...

M. VAN PERNIS: Much better than what?

D. TINKER: Much better than Julie's chart.

M. VAN PERNIS: Thank you, I have nothing further.

CHAIR: Any other members of the Commission?
Seeing none, thank you.
Bob Jacobson?

B. JACOBSON: Good morning, members of the Commission. Thanks for seeing me again here. I guess I'm going to repeat a question or the statement that Curtis Tyler said, I can't understand why it's different from my suggestions, that's a quote. I guess I have to agree with him on that. But I don't know why you never listen to anything I said.

Actually, I'm going to ask another question, do you think that Keaau, Orchidland, Mt. View and part of Hilo, because I think that trying to break up a judicial district as you have done, just simply is improper. Especially when there's simpler, I see more legal ways to do it. But I just wish you would listen to all the input that the people have made, really an overwhelming amount of it. And I believe the Constitutional plan presents a very, very good plan and all of that numbers about 1%, I don't know if you had a chance to look at it, but it was some time ago. And even listening to you today, I hope you can look at your plan again this morning, some of your numbers are off by 6%. I could have sworn I heard somebody say you're going to try at 5%, so I'm somewhat confused as to what ...but I appreciate your work on this.

CHAIR: Any member of the Commission have any questions?

P. KAHAWAIOLA'A: I do.

CHAIR: Hang on, Patrick.
Mr. Ferguson?

J. FERGUSON: Yes, I resent the comment made by you and others, that we have not listened. I think I appreciate everything that everyone had to say, I may not agree with it and that's my prerogative. Just as it's your prerogative to disagree with what this Commission does. I'm not saying that what you're doing is illegal, yet you accuse us of it. I don't agree with your proposals and will not support them.

CHAIR: Mr. Kahawaiola'a.

P. KAHAWAIOLA'A: Want to say to you, Bob, don't be confused the 6% minus. We needed to find out what we were so we could bring it back to compliance. This is not a done deal. That's the problem that I'm having that maybe people are having. Because we presented this map like that, people begin to believe that this is a done deal. The 6% you see as soon as I say it, meant because we couldn't get the numbers that needs to be brought up to us, so they made the map, now its incumbent on this body to take those numbers and bring it into compliance. That's what..where the 6%. Its not something we did and say, okay, eat it people. Now its brought to our attention, that's what we're going to do, is try to not take that, and the word that's being used around here, all along this time is "tweak". So that's probably what the basis of why we gotta be here today to keep those numbers into compliance, 5% either way was supposed to be compliance, that's what I'm told. So the 6 you see here, is not going to be 6% just because now we're there.

B. JACOBSON: Well, its obvious you married the 4 council districts for Hilo, when they only have a population of 49,000. We've married it...

P. KAHAWAIOLA'A: Tell me what you mean when you say that.

B. JACOBSON: Married, when you're committed to it.
Are you married?

P. KAHAWAIOLA'A: Well, I don't know.

B. JACOBSON: I printed the numbers and it appears that District 1 reaches right down into Wailuku River which is over 6,000 people...(inaudible-mumbling)...South Hilo judicial districts.

P. KAHAWAIOLA'A: You're talking about up here to come here (pointing to map).

(INAUDIBLE – PEOPLE SPEAKING SIMULTANEOUSLY)

I'm trying to put 16,000 into it. If District 1 doesn't have the people, you have to pick from someplace to put it in there. So, they took from Hilo, so now you're saying District 1 is the Hilo seat. I wanted to just explain to your statement when you told us, you testified that you're confused that we now have a map that shows 6% and I just needed to represent you that the 6% is there and if we brought it to compliance. In my opinion, its out of compliance.

CHAIR: Any other questions for Mr. Jacobson?
Hearing none, thank you, Mr. Jacobson.

B. JACOBSON: Thank you for your time.

CHAIR: Duane Erway?

D. ERWAY: Aloha. I'm Duane Erway, Plan to Protect. I am from Kona and live at the White Sands Subdivision, and hopefully you've gotten my...

M. VAN PERNIS: Yes.

D. ERWAY: You got it?

M. VAN PERNIS: We have.

D. ERWAY: Okay, good.
Have you had a chance to read it? I have extra copies.

CHAIR: Not all of us has had a chance to read it, why don't you explain it to us a bit and we can ask questions if we have any.

D. ERWAY: In finding a balance between environmental protection, economic issues, it is certainly an important event (inaudible-mumbling), with the uses of Hawaiian resources. It is obviously the people, we actually were concerned that your proposed map will reverse the effect and the future of the Islands. The plan...I put this in bold letters in my letter, undermines concepts and principles, and the maps by Brenda Ford and Charles Flaherty is the best available. The...this plan more fairly represents communities throughout the Island and solve some of the problems that we have today. It gives individuals in the communities, including Puna and Kona the opportunity to manage regional resources mandated by consitutional law and charter. And the particular bulk should be...the item...(inaudible) in Article 6, Section 6, particularly the earlier (inaudible) subvergience areas within substantially different socio-economic regionsshould be avoided. And that is the key thing, and the combining urban areas of Hilo, for example, with Puna as we currently do, is an example...

CHAIR: Would you describe for me then the substantial socio-economic differences between let's say, Waiakea Uka and Keaau?

D. ERWAY: Say again? What was your question?

CHAIR: Repeated question above.

D. ERWAY: The...that's difficult to describe. In fact one of the things that I think.... is that the details of the plan put forward are right in everythe details have to re-examined within Hilo has some other problems too, I suspect.

M. VAN PERNIS: Since you're from Kona, maybe you could supply me substantial different socio-economic areas between lets say, the Keauhou area and the Honaunau area. Would you say those are substantially different?

D. ERWAY: Yes, substantially, sure.

M. VAN PERNIS: And Brenda's and Chuck's plan, those two economic communities would be in the same district, so you would be opposed to that?

D. ERWAY: No, I don't think that's true.

M. VAN PERNIS: I'm looking at the map and that's what I see.

D. ERWAY: Brenda, would you clarify that?

M. VAN PERNIS: No, no...

(INAUDIBLE – PEOPLE SPEAKING SIMULTANEOUSLY)

Let's check those districts for let's say, Keauhou, Honaunau or Keauhou and Pahala, the would you say that would not be putting...that would put the differing socio-economic areas in the same district.

D. ERWAY: Right.

M. VAN PERNIS: And you would oppose that if that's in fact what we....

D. ERWAY: It should be avoided where...
I don't believe (inaudible-mumbling)..that's something I feel you should check for yourself.

CHAIR: Any other member have any questions?

M. VAN PERNIS: I have another question. Are you familiar with Brenda and Chuck's plan proposes splitting the districts of North Kohala and South Kohala also. That South Kohala is in West Hawaii district and North Kohala is in the Hamakua-East Hawaii district? Are you aware of that?

D. ERWAY: Right.

M. VAN PERNIS: And do you feel that's appropriate in taking North Kohala district and putting it over in the East Hawaii district?

D. ERWAY: Yes.

M. VAN PERNIS: So you don't think that Hawi and those areas based in the watershed..are West Hawaii oriented places?

D. ERWAY: Ah, its no...(inaudible)

M. VAN PERNIS: You don't think Hawi is the West Hawaii oriented, Mahukona, Watershed and all that area? You think it is or it isn't?

D. ERWAY: Well, its ah...I'm not sure what you're saying.

M. VAN PERNIS: Hawi, Kapaau all the way up to Pololo Valley, that whole watershed, don't you feel that's West Hawaii, Watershed-West Hawaii oriented environment, geographically, and physically population wise?

D. ERWAY: Well, that's one way of looking at it. Yes.

M. VAN PERNIS: Thank you.

CHAIR: Any other question?
Hearing none, thank you very much.
Before we go on to the next speaker , I want the record to reflect that Mr. Pavao is present, and has been for quite some time. I'm sorry, Mr. Pavao, I should have noted that earlier.

The next speaker is Bobby Jean Leithead-Todd.

B. J. LEITHEAD-TODD: Thank you. I'm sorry at this late date, I am actually testifying about something on the map. I have tried to stay away from this because I wanted you folks to give the public and the councilmembers ...and I kinda regret not getting involved a little bit more earlier. And its just this map, and its only because Mr. Tyler brought these issues up, of where the lines are on Saddle Road should be.

Its never made sense to me that Council District 1 extends mauka, over and across the Saddle Road and up the slopes of Mauna Loa. Because in order to get to the Saddle Road from District 1, you gotta come...either you gotta go all the way through Waimea and then go up the Saddle that way or you gotta go all the way to Hilo, and go up the Saddle that way. And it has never made sense. And as far as I know, there isn't anybody living up there, unless you count some...

M. VAN PERNIS: Sheep.

B. J. LEITHEAD-TODD: There might be one or two people, there is a ranch but I'm not aware that there's a huge block of people living up there, and so, at this late date, I guess, I hate to even say so, but if you're going to re-draw the lines up here, up in the mountains, I think District 2, is the logical extension up along the Saddle Road, to the Access Road to Mauna Kea. And that frankly, I think the top of Mauna Kea should also be in District 2, if you're going to draw, because to get to the top of Mauna Kea, you gotta go to District 2.

The other reason I think that that makes sense is the way you currently configured. And the research part where the base camp facilities for the top of Mauna Kea are located. So I'm just saying that if you want to keep it the way it is, I can live with that, but if you were going to redraw that line on the mountain, it makes sense to put all of that in District 2 because the bottom of District 2 includes the base camp facilities on the top of Mauna Kea.

CHAIR: Do you have a suggestion for the south side of Saddle Road which is now in District 1.

B. J. LEITHEAD-TODD: I think that should either be District 6 or 7 or maybe they should all converge and maybe the top of Mauna Loa, you know, everything that's on the Ka'u side of Mauna Loa ought to be in District 6 and the stuff between Mauna Loa and Mauna Kea should either be probably District 8. It makes no sense to me to have or even, I guess you couldn't take District 9 up there, but it makes more sense to me to have a District where the access to the Saddle flows through that District. I know the reasons were because the extension is projected to go through District 8. So perhaps it makes sense to move District 8 further up in that valley that exists between the mountains.

CHAIR; So, would you break, if we accept your suggestion, would you break 8 and 2 then at the Mauna Kea Access Road?

B. J. LEITHEAD-TODD: Yeah. Right there. Because I think that it does make more sense because ...and I remember Mr. Tyler's concerns was it was a little bit beyond that is where the...where you got 8 now is where it veers off in the proposed plans to go closer to Kona. So its...I'm looking like ten years down the road because the redistrict lasts for ten years. And that's the only thing, and frankly, you know, you could...if its too difficult, you can leave it the way it is, I'm still going to...I don't know that I'll be the one representing, but I think whoever lives in District 2 and represents them. Because they represent the University area, will have to pay attention to what's happens on top of the mountain because the two areas are connected.

CHAIR: Any other questions for Ms. Leithead-Todd?

Hearing none, thank you very much.
Roger Dilts.

R. DILTS: Good morning, members of the Commission. My name is Dr. Roger Dilts from actually from the (inaudible-speaking away from mike)...puahakeei, which is the area that is on the area that is on border of District 7 and District 6, in the region of Kona. I am here representing myself today because I wasn't planning on testifying because I haven't prepared my testimony to introduce you to who I am, I am co-chair of the Kona Flood Committee, a subdivision of a rural conservation district, I am chairman of the Water Committee, I sit on the board of the Kona Coffee Council. I am actively involved in the community and working with others in trying to improve our area.

And the reason I'm here to testify is to help Chuck Flaherty and I looked that the plan this morning and once again, and I feel while the plan and the other plan you've presented is not perfect. And I have some problems with Mr. Van Pernis', particularly the area around Pahala. I think it brings together several new concepts which we should at least investigate, one of which is the urban area which has been brought up this morning, the area in Downtown Kona changing from rural district to urban, and then we have somewhere thing occurring as we move south with property values increasing which make it slightly different from other areas.

And in particular, my concern is that map that is drawn, I live right on the border where you have a little point (pointing to map), Middle Keei road and we're looking at splitting the Coffee Belt here which really you could say will be the Department of Water Supply which might be a good (inaudible-speaking away from mike)...right now, goes all the way down to Hookena, and extend, of course, all the way to Holualoa. And we've arbitrarily got the District 7 mauka of the highway. And as I mentioned, I am Co-chair of the Flood Committee, and you've heard this morning other testimonies of maintaining contiguous watersheds which I would like to re-emphasize to you, if you look at your maps.

You these districts at the top of the mountain, I think, work at watersheds and in District 7 and 6 here in our particular area, we really are subdividing the watershed in one district mauka. So if we're going to tweak this map you would want to bring 7 at least down to Hookena. And then you say, then we have to lose people over here or do something else, and that might be one way to tweak it, to include more people you have in District 6 or 3, but I don't know where that leaves 6. I'm not going to be the numbers guy, that's your job.

But I have heard couple of other comments this morning about socio-economic differences about houses in Keauhou vs. those in Honaunau. Two important points I worked on which occurred with Kamehameha Schools and as you are aware, Kamehameha Schools development corporation is a great deal around Keauhou. And they also have a great deal of property down Honaunau, so by making this a continuous district, you allow the school to work with one representative which I think would be advantageous for the Island.

The other thing is the difference in house prices in the area of Keauhou and going south here to Hookena. As many of you may be aware, CMI Development Corporation has proposed a subdivision just south Puu O' Honaunau National Park where the average lot is supposed to be \$250,000. Now, okay, you can image envisioning putting a house there could rapidly get up to the \$1 million dollars. Fortunately, that land is going to the lands in trust and is going to become part of the park, eventually if we can get the money out of Congress. But the point is, my point is that we're really looking at the a similar area involving the coffee production and other things. If you look at Hookena up north, into town south where we run into an urban district. So that's my area.

When we get up into Kohala area, my comment would be I also have a bed and breakfast and I've also had several kamaaina guests from that area, and I know that the people in N. Kohala and Hawi are very concerned about the development and how everything's going to move around the Island. So I don't know how you would subdivide that, and I would prefer

the people who live up there, the best way to go around that. But that gets me back to the plan, the idea of the Constitutional plan that has been so-called now.

I think we need to look at that as a lesson when I was in Bio-Technology, a lesson I had to learn as an independent scientist, was as a group you always come to better conclusions than by yourself. And if you look at the plan, the plans that you have presented, the ultimate plans and put them all together we come up with the best alternative that everybody in the room can walk away and say, that's the best you could've done. That...if that's what you can feel that way at the end of the day, then I would congratulate everybody, and say, a job well done.

Thank you.

CHAIR: And thank you, Dr. Dilts.
Any member of the Commission have any questions for Dr.

Dilts?

M. VAN PERNIS: Dr. Dilts, I appreciate your comments, in fact, one of the things I tried to do, we tried to do with the entire plans and even in tweaking District 7 was to bring the 7-8 boundary down to the City of Refuge Road, as you suggested to Honaunau.

R. DILTS: 6...

M. VAN PERNIS: To include Honaunau and the majority of the Coffee Belt in 1 district. There has been also differentiations of 11 and 15% population-wise, which you feel is constitutionally admissable. So basically, as you may have gathered, from other testimony, we're trying to stretch 7 as far as we can, but we have constitutional limits. Now, so I want you to know that we did work hard to try your idea, and it didn't work. I would love to do it and I have been a former resident of that area. I now live in the Holualoa area. Now, in the Coffee Belt and not raising coffee.

Now what you agree, however, that the coffee district, since its so long, it goes a long way, won't you agree that if it has 2 representatives, in other words, in 2 districts and that's what we'll end up having 2 representatives that might be better of just having 1?

R. DILTS: This is a good possibility, yes.
However, when you have 2 representatives, you have 2 people you have to keep in touch with, 2 people you have to coordinate with and it does make some things more difficult.

M. VAN PERNIS: Two people but twice as many votes.

R. DILTS: Not necessarily always the case, and part of the problem in the agricultural district as you are aware of, is coming to compromise. And when we have 2 representatives and they all want to get their foot in the door as you heard this morning from various council people.

M. VAN PERNIS: Can't you ...can you see that in this proposed plan basically District 6 wouldn't present an opportunity for Kona to have another representative who will be agricultural orientated in addition to the representative in District 7?

R. DILTS: I do see that and I also see that in the constitutional plan being the representative in Downtown Kona and the one from the southern area. So you will see the same type of representation through that map.

M. VAN PERNIS: But in the Jacobson plan you also see the division of Kohalas.

R. DILTS: Ms. Jacobson's plan actually, she presented her plan, I originally saw her plan over at Kona Outdoor Circle several weeks back, while it was criticized, one of the problems she had with the present map was the long distance, it did keep area 6, District 6 quite large, if I recall correctly, and so I wasn't very happy with that map either.

M. VAN PERNIS: Can you...District 6 is presently very large...

R. DILTS: It continues to be very large, I drive it every time I come over to Hilo.

M. VAN PERNIS: District 6 as proposed here is also very large. Similar in size, right?

R. DILTS: Yes, but you do have to admit that when you come over the mountain not only the weather changes.

M. VAN PERNIS: Of course, you realize there's not a whole lot of people living in the district there.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

R. DILTS: ...district of Volcano does not have many people living there and Ka'u, it's the density...

M. VAN PERNIS: You..you acknowledge that District 6 has to be geographically large because the population is generally spread out.

R. DILTS: Ka'u district makes it necessary to conclude it one way or the other here.

M. VAN PERNIS: So you're going to have a big District 6 no matter what.

R. DILTS: That's correct.

M. VAN PERNIS: Lastly, you mentioned the possibility of development above City of Refuge?

R. DILTS: Yes.

M. VAN PERNIS: Its my understanding that, thanks to Senator Inouye and others, that is now not likely to incur and that property is likely to be incorporated into a park. Is that your understanding.

R. DILTS: There's two possibilities right now. The development as I understood, is in a meeting at Puu O' Honaunau because there's 800 acres in one ahupua'a there, and the part of that, that has been going over to the landfills is only 238, around 240 acres. So the remaining part of that remains open to development. In addition, if one looks at CMI's original plan, there's ahupua'a line. They've only donated one side of that plan to the park, the other side remains for development as proposed.

M. VAN PERNIS: But presently there's all that land is zone agricultural.

R. DILTS: Presently that ag land is, I believe, zoned Ag 5.

M. VAN PERNIS: Thank you.

CHAIR: Any other question?
Thank you very much, Dr. Dilts.
That concludes that, unless there's someone else wishing to
address the Commission, I don't have any other forms.
All right, lets move on then.

E. COMMUNICATIONS

Are there any communications to the Commission?

M. VAN PERNIS: I would like to acknowledge that fact that we have been
provided with a large number of letters which are in our files and which some of us have had a
chance to review.

CHAIR: I believe they become part of the record of this Commission
having been received by the Commission. If anyone...I suppose because they are part of the record
and if anyone of the Commission would like to comment on written submissions, I would be happy to
make your comments for the record as well.

F. UNFINISHED BUSINESS

Seeing none, then its our next task on the Agenda to review the
proposed Council District map and consider options with regard to it.

I guess putting the staff on the spot a bit and asking them
questions about some of the suggestions that we received this morning.

With regard to adjusting the district boundaries, and I guess
we're talking about at least 4 district boundaries in Districts 1, 2, 8 and 7. Can you give us some
idea of the impact in terms of population distribution if we were to move those boundaries, we're not
talking about making a focal point of those 4 districts up there at the Saddle Road. Is there likely to
be any impact with regard to population distribution among those districts?

M. VAN PERNIS: I was under the impression at our last meeting that the
resolution included bringing District 7 all the way up to Saddle Road.

J. FERGUSON: Am I incorrect then?

M. VAN PERNIS: There's nobody up there.

J. FERGUSON: I thought that...

(inaudible-speaking away from mike)

M. VAN PERNIS: In other words, basically including the area on the basically the makai side of ...the west side of Saddle Road, its now 1 would be 7. That's what I thought the resolution...

J. FERGUSON: To the Forest Reserve.

M. VAN PERNIS: To the Forest Reserve.

CHAIR: This section up here (pointing to map)?

M. VAN PERNIS: Yes. That's the resolution I thought contained.

P. NAKAMOTO: Another problem that we have with the resolution is there's the written instructions and there was no map to follow, and in those areas it was very clear, and some other areas, without the maps its kind of difficult to follow.

M. VAN PERNIS: Let me clarify what I think Mr. Van de Car's that I've been trying to get at in terms of 7 and 8.

Mr. Tyler came in with some specific..more specific maps and my resolution said last week. And I don't have any problem with Mr. Tyler's maps being your guideline because we lose up there as to that north boundary of District 8.

As in District 7, I would be content to run that along Saddle Road itself because I know that the Forest Reserve is up there, so basically it would be 7 would include up to Saddle Road on the present map, then along the boundaries of 2, 3, and 6 all the way back. Its my belief that there's nobody up there or nobody of significant numbers living up there unless we could make that change as to 7; while 8 would be basically clarified by the maps provided by Mr. Tyler which may be a little more specific as my resolution.

And so in that respect, do you agree that won't have any difference in terms of population?

P. NAKAMOTO: I don't think so, but I'm not sure.

M. VAN PERNIS: Any significant difference, if any.
Thank you.

CHAIR: No, I think it nearly does. I invite responses from any member of the Commission or the staff who can answer the question.

If we adopt Mr. Tyler's proposal with respect to, I guess, the eastern boundary of District 8, where does that takes us? Does it take us to the Mauna Kea Access Road?

R. DILTS: Just before, yeah. Because 2 was actually supposed to include the Access Road.

M. VAN PERNIS: In terms of Mr. Tyler's, what he calls, map 5 here, the dividing line between 7 and 6, I'm not in complete agreement with that, because I used to live literally almost on the edge of Ancient Trail Road and I'm a little concerned about the population shift if we shift that line. That's why if we shift Ancient Trail Road rather than Coffee Road, the reason being that right now we have 6 at 4% under, and I'm worried that if we take too much away from that, we might have a problem. On the other hand for more compact districts...

J. FULLER: I think it was that we're gonna be taking from 7 and putting it in there. If I'm not mistaken, I think you're kind of thinking we're gonna...the main line that we propose is this dark...

M. VAN PERNIS: No, the main line right now is the dotted line.

S. PAVAO: The existing lines are the dotted lines.

J. FULLER: Oh, okay.

P. NAKAMOTO: Mr. Chair, may I make a comment on that?

CHAIR: Yes, please.

P. NAKAMOTO: We were not able to follow the dotted and we could not follow the dotted line is because that contributed flaws.

M. VAN PERNIS: Okay. So what did you follow then?

P. NAKAMOTO: So we followed the solid line.

M. VAN PERNIS: The solid line.

P. NAKAMOTO; We followed the solid line because the system wouldn't allow us to use the Ancient Trail as a boundary.

M. VAN PERNIS: So you followed the solid line and ended up with the numbers that we have on the map. Then the map would be something we could stick with because that put a little bit more of S. Kona, a little bit more of the Coffee Belt into District 7.

CHAIR: Mr. Tyler also had a couple of other concerns. The two spurs at the top of the 7 and 8 boundary.

M. VAN PERNIS: Well, I, you know...

J. FERGUSON: I don't know why we have this.

M. VAN PERNIS: Well, I'll tell you.
Intimately familiar with that area, having lived literally, having walked it and lived there and grown avocados there and everything else. So that is actually a logical boundary because it follows a old government road and it has a big physical drop off on one side of the road, literally, I mean, literally, plain as a 30-ft drop off would make more sense physically on the ground than than running that line straight up. On the other hand, it probably would affect about 10-15 people sort of. So for some reason you wanted to cut off that point and run the line up, the ahupua'a line right here (pointing to map), you could do so but I think it might be difficult but that is the census block line and you basically asking the ...to invent a new line other than the census tract line. And I feel that's an okay, by it being geographically it does makes some sense on the ground even though when you look under the paper, you made the first line.

P. NAKAMOTO; That's the same situation...exact same situation we were in with the previous map. We were not able to use the census line or this solid line. Because when we tweaked on the block, what happens is, it would grab the whole area.

M. VAN PERNIS: Well, we can always do it by hand, the old way, the way we did it ten years ago, but...

P. NAKAMOTO: We're not straight enough.

M. VAN PERNIS: As long as we're under that 5% which will pass or come to our mandate without having to deal with some of the other aspects, I'm okay with that, at least with the District 7 representative, I'm okay with that line.

CHAIR: And that point that points from 8 and 7, that's the same situation. Is that correct.

P. NAKAMOTO; Yes.

M. VAN PERNIS: On that one, however, I would agree that we should run up the outside of Lunipule, the south side of Lunipule Subdivision because that is an ahupua'a line and there is nobody who lives...they could do that safely because there is nobody who lives in that area between Lunipule and basically there's a couple of office buildings...

J. FERGUSON: Isn't that the Tamashiro operation?

M. VAN PERNIS: ...the Tamashiro ...

P. NAKAMOTO; If you're looking at the map...(pointing to map)
Okay, where the solid line is, what you're saying that below that there's no population...

M. VAN PERNIS: To the south of this line...

P. NAKAMOTO: The solid line here...

M. VAN PERNIS: There's no population till you get to about around Alii Drive.

P. NAKAMOTO: Ah ha...

M. VAN PERNIS: And this does not ...in other words in this area with that the dotted line there is a couple of office buildings, some vacant lots, some proposed mini storage facility, basically its all zoned commercial, so nobody's living there, and I'm pretty familiar with that area. So I think you could draw that line safely even though the census district may not be along that line because you're going to end up dealing with ...

P. NAKAMOTO; So, it's the way its lying now. That's what we had to do because

(INAUDIBLE-PEOPLE TALKING SIMULTANEOUSLY)

CHAIR: I'm sorry. We're talking about that point. What I think...

M. VAN PERNIS: What I'm talking about is right here (pointing to map).

L. BALBERDE: Yeah, right there.

M. VAN PERNIS: And this finger right here, there's no residential population. There is...there is...Pottery Terrace. There's another office building where some doctors might be located. There's nothing, nobody's living there.

L. BARTON: She's saying they can't do it because it splits the block.

M. VAN PERNIS: Well, on the description you can do it.

CHAIR: Your description of the districts doesn't...you don't use census blocks to describe the district. You use physical boundaries and etc. So your concern...general concern is that if start...if you accept that as the boundary you will have split District ...

P. NAKAMOTO: But then what's going to end up happening is our maps will not match the legal descriptions.

M. VAN PERNIS: Basically your map is gonna...your description follows the census block up to Kuakini Highway, right? And then from Kuakini Highway up to Queen Kaahumanu Highway, you're just describing the north boundary...excuse me, the south boundary of the Hillcrest Subdivision.

CHAIR: Mark, what I think she's saying is that the software that generates the maps, generates it in accordance with the census district blocks. And so they can't produce a map along...

J. FULLER: That shows the boundary...

CHAIR: Right, that shows the boundary that you want to show.

M. VAN PERNIS: We may be making a mountain out of a molehill or this may be Jack's kuleana than mine because it makes no difference population wise and it just makes for a nicer looking map, but it really makes no difference at all in terms where people are located.

L. BARTON: Because the maps will not be able to show that so it won't matter even if the description...

M. VAN PERNIS: I'm willing to back off on this because it makes it a prettier looking map but it really has no effect...

L. BARTON: And they can't draw it...

S. PAVAO: If nobody lives there

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

L. BARTON: So it doesn't affect the population ...

P. KAHAWAIOLA'A: Get to the 16,500...

L. BARTON: Yeah, lets go to the problem.

CHAIR: I think that one of the things that both and Mr. Kahawaiola'a is referring to is that the population distribution that's currently ini District 3 as we've drawn the map, and it does not meet our state or goal of being within 5% of the target. So District 3 is too small and needs to be ...I suppose we need to look at that boundary and figure out what makes the most sense.

My suggestion, again this is some thing we played with last time when we were here is this section north of Kawaiiani Street that we included in District 3 the last time when we redrew this boundary line. If we move this back into District 4, all of this sort of triangle here (pointing to map), do we accomplish...what do we accomplish in terms of numbers?

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

S. PAVAO: Mr. Van de Car, may I have something?

CHAIR: Sure.

S. PAVAO: Because I went down to the Elections Office and played with some of those numbers we're using with the computer.

If we put back all of that area that's above Komohana, you know, that is surrounded by Komohana, Kawaiiani and Waiakea Stream...

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

CHAIR: This whole block ...

S. PAVAO: No, no, just the small finger, put that in ...back into District 3...

CHAIR: This back into 3 (pointing to map)?

S. PAVAO: Yeah.

CHAIR: Okay.

S. PAVAO: Put this back into 3 and District 2 is actually 1% over; so taking from District 2, the small area that runs from Ponahawai, I think...no, from Mohouli, the section from Mohouli up to Kapiolani, taking all of this block with the exception, this little block here, Haili to Waianuenue. Taking all of this and give it back to District 4 because the numbers would come out and by their computer, the numbers would come out. So District 2 would then be 4% under and District 3 would be 1% under and District 4 would be 3%. So they would all be within the 5% range.

M. VAN PERNIS: So your proposed changes would then would have no...not affect 3 as long...

S. PAVAO: It would affect 3 because you would be giving this back...

L. BARTON: Then you take up a little bit and give it to 4.

S. PAVAO: This small section here back to 4?

L. BARTON: Yeah.

S. PAVAO: Then all those 3 districts would come out within the 5% range.

R. DILTS: I realize I'm out of order, but since we can't extend District 7, one solution to your proclamation to extend the border say up towards Kealakekua, that way you're keeping the Capt. Cook area all intact, and that would give you more population in 6 and you can return some of Ka'u back to District 3.

M. VAN PERNIS: We tried that too, but ...the concentrated population ...

L. BARTON: There's a huge concentration there.

CHAIR; Mr. Ferguson.

J. FERGUSON: I'm just trying to figure out this configuration...

CHAIR: Steve, maybe you can pass....

(Distributing maps and documents)

S. PAVAO: Maybe taking from 4 and giving to 3.

L. BARTON: Can I make a suggestion, maybe then 10 years down the road?

CHAIR; Yeah.

CHAIR: That maybe on the maps that you provide like this, that we have numbers written on the maps for areas, you know the larger areas that say, you know just write it in, like 2150 in this one little block and stuff, so that when we go to try to move things around, we know what kind of population we're actually dealing with.

S. PAVAO: On the computer has numbers.

L. BARTON: Yeah, I know and what I'm trying to figure is why we couldn't get it printed up onto this map, because then when we go and do what you did, we know the population....right here in this room as opposed to them jumping back and go looking into the computer, come back and telling us and...

S. PAVAO: In other words, if you're next to a computer it takes 10 seconds to do this with the mouse and pointer on this...

L. BARTON: And it tells you right there.
So we need a computer in the room, or we need the numbers on the wall, or something a little bit more easy.

M. VAN PERNIS: Maybe next time, next 10 years from now we can have a big screen TV with theater...and expert staff.

L. BARTON: It'll be very technical.

L. BALBERDE: Mr. Chair, in listening to the people in Puna and the people in my district, District 3, I'm having a difficult time to understand or even to justify the fact that District 3 is in Orchidland. You have taken away from District 3 and you've given it to District 4, and now you're finding from District 2 to give to District 3 and we still have that segment among the people of Puna, as far as, Orchidland is concerned. I think we should be massaging in a different manner where we can give back what we took away from District 3 which is below Komohana and some portions of Kinoole, that green spot there on the left, give that back to District 3.

District 3 was sitting there and was very comfortable with their percentage and then we took away part of District 4 and part of District 6 and 5 to give it to District 3. We look like we're being ...surgery is being done on District 3 and I'm very uncomfortable with it. Because this is the District, if you go back to the N. Kona-S. Kohala map that we went around and showed to the communities which they made their voices heard, I think it would be a nicer map in consideration as far as, everybody being involved.

L. BARTON: So does Orchidland go into 6 or 5?

L. BALBERDE: Well, if we can massage the numbers and give it between 6 and 5 will keep them in the same category.

L. BARTON: I have problem. That was my next concern. My first concern was dealing with the numbers that we screwed up in Hilo and I don't mean screwed up...we didn't know exactly what was going to happen when we moved those roads, so now we know. And Steve found a solution there which sat pretty well. So that's taking care of and now we have a different issue and we're gonna have more of the percentages thrown off when we deal with these blocks in Puna...

L. BALBERDE: Yeah, I think we should hear the words of the people....

L. BARTON: I agree...

L. BALBERDE: ...the participation...cause I mean, we

L. BARTON: How do we do it?

L. BALBERDE: That's what we have to do, concentrate a lot more...that's how we can solve this problem here before we go on looking for other problems.

As far as Kona, its pretty well set, but it may be that we have to concentrate at the next couple of meetings on this portion. 3 is really being victimized because of what's happening.

M. VAN PERNIS: Let's say as you recall at the last meeting, we were sympathetic to trying to do that. The problem was that Orchidland has such a huge population, that to do that we would have to split Orchidland or starting... and we were making motions or movements to see if we can accommodate what these people were talking about, and, but in both...we either were going to split Hawaiian Paradise Park or split Orchidland because those are such hugely populated areas, you can't put all of Orchidland in one place, without having basically throwing everything off in several districts. So I agree that if we can head in that direction, that's fine, but I think that the result would be that we would either have so split Orchidland or Paradise Park. If we can accept the concept of taking some of Orchidland and putting it in one district and some in another, some of Hawaiian Paradise Park in one district and some in another, then we can

achieve what you're talking about. I think we have to make a policy or determination of how we're going to split subdivisions in order to do what we're gonna do.

L. BALBERDE: I can see...to justify your statement here, is that its not just being taken by one district which is District 3 being operated on. I think what we should do is the boundaries of every district, 5, 6, 3, 4 and even 2 possibly, to adjust to the confirmation that would be justified to everybody. Right now, the way I look at it, 3 is being the victim.

L. BARTON: I don't think so. 3 is basically will get larger than its been in the past 10 years. 3 has always had Keaau...do you have the original map?

(INAUDIBLE-EVERYONE SPEAKING SIMULTANEOUSLY)

J. FERGUSON; I have one.

CHAIR: Yeah, we have it.

L. BARTON: Yes, its here and it looks a lot like what it was. But its not what the voice of the people are saying.

M. VAN PERNIS: Well, the voice of the people are also saying don't split up those subdivisions.

L. BARTON: And anywhere else.

M. VAN PERNIS: And the bottom line is if those subdivisions are so hugely populated, is that if you take one little subdivision and move it into another district, you gonna have to make a major move to reconfigure it.

CHAIR: So I think what we're saying is that this is the original 3 and if we're looking at 3 now, it doesn't look too much different. I guess what you're saying Mr. Balberde is and what I've seen in the written testimonies that have come in is that there is a concern that this portion now in 4 has been removed from 3 and put into 4, and these folks consider these...themselves as Waiakea Uka people.

L. BALBERDE: Right.

CHAIR: And they consider themselves Waiakea Uka people as opposed to being in District 4. That's where the real concern is.

L. BALBERDE: That's right.

CHAIR: If we're talking in macro-numbers, are we just talking about this spot, the people where my hand is...

L. BALBERDE: That's Waiakea Uka. Actually I'm using the number 3, don't show I'm biased, but its because up Waiakea Uka...

CHAIR: Are you biased?

L. BARTON: No.

CHAIR: Thank you very much.
So, again, can the staff give us any rough numbers of the population that we're talking about covered by this section on District 4. Its, I guess, west of Komohana Street bordered by Puainako and Haihai.

P. NAKAMOTO; Can you show us exactly where...

CHAIR: Sure.
I would guess you take Puainako down to Komohana...

S. PAVAO: No, its Kilauea, or no, Kanoelehua..

L. BARTON: Its Kanoelehua, it's the whole block.
Komohana, Puainako, Haihai and Kanoelehua.

M. VAN PERNISI 27,035 was the numbers from the last meeting.

L. BARTON: Right, because they have given us that number.

S. PAVAO: But that was only from Iwalani to Puainako. It didn't go all the way down to Kanoelehua.

L. BALBERDE: I think the boundary was from Kinoole.

CHAIR: So, Mr. Balberde, let me ask you this in terms of the people that identify themselves as Waiakea Uka people. Would that boundary be at Iwalani Street, or would it go further makai of Iwalani?

L. BALBERDE: It depends on your numbers but I think the district used to be from Kinoole...mauka side of Kinoole up Haihai and Waiakea Uka and then on Puainako...

CHAIR: So Kinoole as opposed to Kanoelehua.

S. PAVAO: The preferred boundary, but the north and south on the N. Kona-S, Kohala map before we can adjust that, was Iwalani.

M. VAN PERNIS: So what we're talking about is 27,000 people in that area?

S. PAVAO: Yes, Iwalani and mauka.

M. VAN PERNIS: If we took 27,000 people out of 4 and into 3...

S. PAVAO: That was basically the computation on the fact that we took Orchidland out of and gave it to 3.

M. VAN PERNIS: Where are we gonna get 27,000 to balance it?

L. BARTON: Then we gotta go back to the edge...we don't have...

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

S. PAVAO: Give Orchidland back to 4 again, then.

L. BARTON: Yeah.

S. PAVAO: Anything is going to be challenged, in that district is going to be so, you know, the word would be disconfigured, but it wouldn't be ambiguous at all from Keaukaha all the way to Orchidland. There's nothing similar with it in any part of the district.

At least District 3, had in it already, Keaau and Kurtistown and some areas of Puna already, so its more contiguous at least.

L. BALBERDE: Any way you say, you take Keaukaha, Panaewa and the rest is industrial, and then you get that Macadamia Nut, that's agricultural and you take Orchidland, that's agricultural. I think we're making a mistake by trying to say that Orchidland is a rural area. Its an agricultural area.

J. FULLER: Well, everything below Haihai is agricultural.

L. BALBERDE: Below Haihai, I'm sorry.

J. FULLER: I mean south.

S. PAVAO: Panaewa area.

J. FULLER: Yeah, this is all (pointing to map) agricultural, and it is now.

L. BALBERDE: Its not agricultural, ma'am. You got Shipman Industrial Park there, you got the University of Hawaii Experiment Station there, and then you also have the Kamehameha School, you also have the...

J. FULLER: No, I mean, as it is now....

L. BALBERDE: As far as the zoning is, but I think the zoning at Kamehameha School and Shipman is already in commercial, like industrial.

J. FULLER: They are already in District 3.

L. BALBERDE: Like I said, so you know the same thing, like you turn the page over and look and District 4, you got industrial, you got agricultural, and you got community. And I think Pat would have more info on that than I.

CHAIR: Mr. Balberde, if we make this move whether its to lwalani or Keohole, where right now, as I understand it the 3 and 4 boundaries is, maybe I don't exactly understand where the 3 and 4 boundaries is that goes from west to east.

(INAUDIBLE-EVERYONE SPEAKING SIMULTANEOUSLY)

M. VAN PERNIS: Let me tell you, that Mr. Balberde's suggestion.... and I certainly, geographically and as Patrick says, we gotta deal with the numbers, if we just make that change then District 3 is 10% over and District 4 is 19% under. Now we know that won't pass constitutional....

L. BALBERDE: Well, what we can do is, between 3 and 4, make the adjustment there.

L. BARTON: Then we're going to have to go into the other districts too.

L. BALBERDE: Probably on 4 would have to go..

M. VAN PERNIS: You're gonna have to...

L. BALBERDE: On Shower Drive or...

M. VAN PERNIS: You're gonna have to go under 1, no excuse me, you're gonna have to go under 2.
So if you could shift 2, 3, and 4 but we're going to have to ask for specific proposals...

CHAIR: Maybe that's the question I was going to ask. If we move the 3 and 4 boundaries which is currently at the Puna, S. Hilo boundary, we move that south, where would we be going and what will we be capturing and what exists down here in terms of population?

J. FULLER: The town of Keaau.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

S. PAVAO: It must be looking at population until you get to Keaau or Paradise Park.

P. NAKAMOTO: I think we did that.

S. PAVAO: This is ah...

M. VAN PERNIS: This is where we were last time, you gotta either cut up, you gotta run, cause Paradise Park has too many people and you can't put all of Paradise Park ...

S. PAVAO: But you gotta look for 27,000 people, you have to go all the way to Paradise Park.

M. VAN PERNIS: And if we put Waiakea Uka into the back end of 3, then you have to start cutting up Paradise Park.

CHAIR: This I guess, would further the problems the Puna people are talking about by putting sections of Puna into 4 different council districts as opposed to the 3.

S. PAVAO: If you look at District 4 it really looks like a finger ...like the Hilo map.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

J. FERGUSON: That's Tiki Gardens.

P. KAHAWAIOLA'A: And that's basically, Mr. Chairman, why I asked at the last meeting based on the map that you're holding, if there was a detriment that the map was that way because came to the numbers kinda went into the ...where we could meet all the...I don't know, you're looking at the numbers, you know that was the configuration that was there, there was some concern raised by those people that gave testimony and rightfully so, however, that's my reason was for asking that was what was the detriment, then you didn't fool with no other numbers. When we took that away, and we have to go with all the numbers and still have to now.

M. VAN PERNIS: We can fool with 2 somewhat, but I think that ultimately we can achieve what Mr. Balberde said, but it probably gonna result in the cut of some or all of Paradise Park, Orchidland and Hawaiian Acres. Cause that's where you have the dense population. If we can adjust from 2, to take care of ...we can adjust from 2, that's going to put 2 into 4...

(INAUDIBLE=PEOPLE SPEAKING SIMULTANEOUSLY)

...put 2 into 4 and put some of 5 into 4 we can do it. But...

S. PAVAO: What about 5 into 4?

M. VAN PERNIS: 5 into 3, excuse me. We can put 5 into 3 and 2 into 3, it could work, but to put 5 into 3, look at this map (pointing to map), if you put 5 into 3 you're gonna have to take some of Hawaiian Paradise Park, or some of Orchidland or some of Hawaiian Acres, and I don't know this side like you guys do. But you tell me how you can take some of 5 and put it into 3 without putting into Paradise Park or Orchidland. If you can then we can probably do this by taking some in 2 and some in 5. So...that's why I love this job because it makes everybody mad. We can achieve what we want for Waiakea Uki..Uka if we divide up Hawaiian Paradise Park. If we divide up Hawaiian Paradise Park, other people will be screaming at us.

L. BARTON: I'm going to make a very bold request and I know some people will be very irritated. I would like for this Commission to request to look at Brenda's map on the lower half of the Hilo-Puna area, because it does a number things that is closer to what everyone is looking for. I don't know, exactly, and we won't know until there are numbers generated for that map.

M. VAN PERNIS: Let me respond to that briefly. If you're talking about Brenda's and Chucky's map which as you may recall if you follow very closely one of my first suggestions that was rejected, if you going try to have that shown by the staff , you gonna throw 6 out. Once you throw 6 off, then 7, 8, and 9 go as dominoes. And the reason for being in 6, requires some of that area and Brenda and Chucky ...

L. BARTON: I agree but if we have the numbers to the area in the shape that they have that, and then we cut back into to do what we're doing right now which is just...

M. VAN PERNIS: We already have that ...

L. BALBERDE: If you make a motion, I will second it.

L. BARTON: I made the motion.

L. BALBERDE: Then I second it.

L. BARTON: I said, I didn't know how to ask for it, but that's my request.

M. VAN PERNIS: May I have a discussion.

CHAIR: Please.

M. VAN PERNIS: We have all of those numbers. Chucky and Brenda's proposal provided all of those numbers. And all of those numbers basically come within one percent. So if we pass the motion, what you're gonna get, is you're gonna get the numbers we already have. So we don't need to have that motion or have the staff do what Brenda and Chuck gave. As I want to point out, that basically treats a dominoe effect because it clearly changes the boundary of 6 and then by changing 6 and 7, 8 and 9 go with it. So what we'll be doing is starting from scratch again.

L. BARTON: Well, I feel like we've worked on the Kohala area, and we have the numbers that are good up in there, the one thing that we haven't really gone into is 1 and 2. And I don't know if that is so set in stone forever. I have a problem in 1 and I have gotten a feel from my district and my district representative that he doesn't...he's not going to be too wiggled out about things unless you start cutting it way up into like...Chucky and ...

M. VAN PERNIS: Brenda.

L. BARTON: ...Julie's, no excuse me, Julie's map cut it right in half. And Chucky's and Brenda's one cut it a little bit as well. So what I'm saying is so if we have this set and we can start working, knowing the numbers, we already went through Kona, can we work on these numbers and go into 1 a little from the Hilo side.

M. VAN PERNIS: But as I said, we already have those numbers.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

CHAIR: My concern is with the map, Chucky and Brenda's map, the constitutional...whatever its called today...

L. BARTON: Its not a constitutional...

CHAIR: The concern...

M. VAN PERNIS: Its all constitutional...

L. BARTON: So, great...

CHAIR: The concern is that it's a proposal and it ...its numbers are based on the lines that are on it. In other words, we can't use part of it...we can't sort of mill the last version of the N. Kona-S. Kohala map which keeps North and South Kohala together with the map that's been produced by Chucky and Brenda because it doesn't keep North and South together.

L. BARTON: No....

CHAIR: And a number of other things, and if we're going to start with the map that's been produced by the Kona people, then we're going to go ahead and not only we start all over again, it can be done...

L. BARTON: I know, I know. I'm going to request....

(Inaudible-people speaking simultaneously)

P. KAHAWAIOLOA'A: Mr. Chairman, I may be out of point of order, but I think Lisa's getting frustrated based on this. I think she wants a portion of that 6, 5, on the Hilo side. She wants a portion of that to look at, to see how we can instruct the staff to look at those numbers again.

M. VAN PERNIS: The numbers are in...

L. BARTON: No.

M. VAN PERNIS: Chucky and Brenda's presentation...

L. BARTON: No, what you're misinterpreting is that you're thinking I want to do the whole map. I don't want to do the whole map, I want to look at the numbers in those districts right here, what they have, that's all I want to do. Because I know its gonna through things off, left and right of it but that's where ...then you go and do what we're doing now, taking roads, and streets, and subdivisions and kind of moving the lines.

M. VAN PERNIS: Which are the districts, what colors?

L. BARTON: The green and the orange.

M. VAN PERNIS: The green right now is part of our 6.

L. BARTON: I understand that.

S. PAVAO: The problem with that map too, is that it is my understanding from the early testimony, it excluded some people maybe by a thousand non-resident students at the University. So you're gonna have numbers from ...

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

L. BARTON: I wasn't doing their numbers, I was looking at the shapes of

S. PAVAO: Even if you look at the boundaries, their boundaries start from the premise of 3 districts in Kona, so our...either you're gonna have to move all of the boundaries. Its pretty much all or nothing, you cannot look at those boundaries and do them, its not going to work with those numbers starting with those boundaries in Kona.

M. VAN PERNIS; Yeah, we have 4 districts and boundaries...4 districts in West Hawaii now, and I prefer 4 districts in West Hawaii and to 3 and the so called, whatever they're called.

L. BALBERDE: Mr. Chairman, I think we should have the numbers from the staff. With everybody throwing in like a bread basket, I think we should respect the staff and get the numbers so that everybody can be numerically wrong. I agree with you Mr. Balberde and the staff has given some numbers with the maps that they've produced. I think, Mr. Balberde, that the questions that's going to be presented to this Commission is whether or not we, I guess we can

whether or not, we as the Commission are willing to at this point move the boundary between Districts 3 and 4 to include more of Waiakea Uka into District 3 and less of it in District 4. As we've learned with our discussion, that movement mandates movements in other areas, areas that we've struggled with over the entire course of this Commission since we've been together. And I don't know if there's any way to resolve it in the time that we have left....

J. FERGUSON: Mr. Chair, is there a motion before the house?

M. VAN PERNIS: I think so.

CHAIR: The motion is ..

J. FERGUSON: Call for the question.

CHAIR: Well, can you state the motion, Patrick?

(END OF TAPE)

P. KAHAWAIOLA'A: To get the boundary to include 2, 3 and 5 and to be generated on their machine in order for them to play with these numbers and they have got to get the numbers the way they have it written on the map.

L. BARTON: That should include District 2, 3...2, 3, 4 and 5 and 6. It's going to have to include all those...I just wanted the numbers in that block to be actually generated on the machine that our people have because then when you go and play around with these numbers, they've already got it in...like you said, they got in the computer.

The motion is just to get the numbers the way they have it written on the map.

M. VAN PERNIS: But some of 6's numbers come from the present 7, so we made it from 7 to 2.

L. BARTON: Its all hypothetical. So its not something that we're gonna set in stone. I just wanted like that generated. So you can jotting numbers around.

(inaudible-people speaking simultaneously)

CHAIR: We've done that already.
Yes, Pat.

P. NAKAMOTO: Before you folks vote on this, I understand what Lisa's saying, but we have some concerns about that because we're going to need to know exactly where in 2, 3 4, 5 and 6, you want that information for.

CHAIR: We understand that. All right, let me call the question.
All those in favor of Ms. Barton's motion, say aye.

L. BALBERDE: Aye.

L. BARTON: Aye.

CHAIR: All those opposed?

M. VAN PERNIS: I oppose.

OTHERS SIMULTANEOUSLY: I oppose.

CHAIR: The motion does not carry.
Where are we then in terms of suggesting changes to the map that was prepared for today's hearing. As it understand it...

S. PAVAO: Can I, Mr. Chair, make a motion on my earlier suggestion?

CHAIR: Yes.

S. PAVAO: I would like to make a motion that we move from the current proposed map from Districts 4 to District 3 the area boundaried by Komohana, Kawaiiani and Waiakea Stream and all of that area be moved from District 4 to District 3, and then the area boundaried by Mohouli, Kapiolani, Haili and Kinoole Street, all those several blocks be moved from District 2 to District 4.

J. FERGUSON: I second.

M. VAN PERNIS: And I assume you will attach your proposed map.

S. PAVAO: Yes.

CHAIR: All right all those in favor of that motion, say aye.

ALL: Aye.

CHAIR: Opposed?
Hearing no opposition, that motion is carried.
Mr. Van Pernis, you also have a motion.

M. VAN PERNIS: I would like to make a...I have two motions.
The first motion would be to include all of the area shown on the present map on the west side of Saddle Road showing as District 1 to include that into District into District 7. In other words, the yellow area ...

CHAIR: South side of Saddle Road.

M. VAN PERNIS: ...South west or west, southwesterly side of ...

L. BALBERDE: Mr. Van Pernis, this area over here?

CHAIR: This area over here, that's exactly where ...the yellow...

L. BALBERDE: The solid side of ...(inaudible)

L. BARTON: No, that's what he wanted to do is move District 2 up to the Saddle Road and I would actually make a motion if he...I thought he was going to finish with that one.

S. PAVAO: I asked that question because I was going to make the motion.

L. BARTON: Then one of us make that motion.

S. PAVAO: That District 2 and 8 would meet at the Mauna Kea Access Road, but if all of Mauna Kea Access Road is in 2, District 8 boundary would be west side of the Mauna Kea Access Road.

CHAIR: I understand what you mean and I generally support it, I'm wondering why we're squeezing District 1 which no longer reaches the Saddle Road. How are we going to describe that. Is it possible?

P. NAKAMOTO: I think it looks that way from what I heard from someone talking about not understanding why it went beyond Saddle Road. I think, originally they try to keep the judicial district intact.

CHAIR: My question then is that assuming that's adopted, how are we going to...how are you going to describe that are there things there that can be done?
So your motion again, Mr. Pavao.

S. PAVAO: Is to extend both the upper or mauka boundaries of Districts 2 and 8, there's no residences in there, to the Mauna Kea Access Road where all of Mauna Kea Access Road would be in District 2, and District 8 boundary would be the west side of the Mauna Kea Access Road.

L. BARTON: I second that.
And on that map, there is a very easy description of that if they can follow that on their map here with Mr. Tyler's map, I believe then it would work very well.

CHAIR: All right.

P. NAKAMOTO: So could you circle where the Mauna Access Road goes only so far, we have no indication what the block looks like.

L. BALBERDE: The slice of the block.

E. KOZOHARA: The slice looks really terrible.

S. PAVAO; With no numbers in it, it might be gigantic.

P. NAKAMOTO: It might with no numbers, but because it has no numbers the block appears larger...

M. VAN PERNIS: I think what we're more concerned is the numbers and the line up there because there's nobody...certainly there's no subdivisions up there.

L. BARTON: But you might get into the point where the block doesn't want to work...

S. PAVAO: The computer won't let us split the census block even though it's a gigantic block.

L. BARTON: Well, how about we just try it and see.

CHAIR: All of those who agree with that motion, say aye.

ALL: All.

CHAIR: Oppose?
That motion is carried.
Are there any other adjustments to the October 2001 map?

L. BARTON: I have.. I..I have something and I don't want to make a motion. I want to just see if, I guess we have to make a motion for a definite move, so...

CHAIR: Don't go ahead if you have some...and issue you'd like to discuss without making a motion, we'd like to hear it.

L. BARTON: Well, my issue is still trying to work on the Keaau-Pahoa area, Mt....Keaau-Pahoa area, I believe, and it's the block that's going to be its Hawaiian Paradise Park and I think they're probably tied with...that their represented by 3, but we have a problem with 4 because we have, I believe we just took a chunk of 4 out, and what I'm trying to do is make that population in 4 match again, and I don't think we've done that, I don't think we've satisfied that, so ...

S. PAVAO: Actually...

L. BARTON: I believe, yeah go ahead...

M. VAN PERNIS: You're talking about Mr. Pavao's motion?

L. BARTON: Yes, you take that chunk...

M. VAN PERNIS: Well, Mr. Pavao motion basically addressed the numbers that we had from the present map, so we don't need a trade off.

S. PAVAO: Yeah, with the motion that we passed earlier, District 2 would end up 4% under, District 3, 1% under, and District 4, 3% under.

L. BARTON: Okay, so we've addressed it enough so we don't have to worry.

S. PAVAO: The only other question that I would have of the staff is that I thought that originally when we talked about Paradise Park, that we talked about the boundary being Shower Drive at the end of those streets...

J. FERGUSON: The blocks..

J. FULLER: Yeah.

S. PAVAO: ...not the middle of Shower Drive?

L. BALBERDE: Yeah.

J. FULLER; Yeah, I think...

S. PAVAO: Did we get numbers of how many?

P. KAHAWAIOLA'A: 85, I think. That's the last number I heard.

S. PAVAO: To be included in District 5?

M. VAN PERNIS: Yeah, I'm looking at the Puna region map and it looks like...

(INAUDIBLE- PEOPLE SPEAKING SIMULTANEOUSLY)

P. NAKAMOTO: It will change the area, that's a huge block.

G. HAINA: It keeps grabbing...

S. PAVAO: Its going to take all this block including Keaau town?

G. HAINA: You can't go just a little bit. I tried to go this little bit, it grabs 600 people.

S. PAVAO: Its going to drive these people....(inaudible-people speaking simultaneously).

So if that's the case, then leave it alone.
Makes more sense to me to keep all of Paradise Park to be in District 5.

J. FERGUSON: (INAUDIBLE)...like Kaiaminani or something.

CHAIR: Any other member of the Commission wish to address...

M. VAN PERNIS: I'd like to...

CHAIR: Mr. Van Pernis.

M. VAN PERNIS: I'd like to address the issue of procedure. I think that we are making some changes here and maybe the Sunshine Laws does not require us to do anything more than make this final approval as per our motions here and be done. But it might be a public service to schedule another meeting with public notice with the final maps, so to speak, so we could have the cursory but have basically a one agenda item. Like, okay, this is the final map, no more changes, no more tweaks, and vote on it, rather than vote on it now with the tweaks without so much really seeing...

CHAIR: All right, I totally agree with you. Let me then ask the staff in terms of the adjustments that we're suggesting now, and then in addition, the legal descriptions that you need to produce to match the map, can those be done in time for us to have another meeting, so that when we choose to either adopt or not adopt something, we're adopting the entire package that includes the legal descriptions.

M. VAN PERNIS: And with no more motions or changes.

J. FERGUSON: In other words at the next meeting have (inaudible— people speaking simultaneously).

M. VAN PERNIS: No more changes.

P. KAHAWAIOLA'A: We need ...for an answer.

J. FERGUSON: Is that your final answer.

P. NAKAMOTO; The best way to approach this would be when you folks do, give us instructions as to how you want the maps drawn...

M. VAN PERNIS: Which we think we've done.

P. NAKAMOTO; Okay. And for us to draw the map, have it be...have you folks vote and approve the plan, then we do the legal descriptions. Because either we're going through all this trouble, do the legal descriptions, come back here, and (inaudible-speaking away from mike)...

CHAIR: Well, I understand that. How long does it take then to produce...to do both. To produce the legal description?

L. BARTON; 7 days...(inaudible).

S. PAVAO: No, it would take weeks or months.

J. FULLER: No, the legal descriptions forget it.

P. NAKAMOTO: To do the map then we do the legal descriptions for all of the boundaries(inaudible-speaking away from mike).

CHAIR: So we're in November 2nd now, our deadline is December 31st ...

P. NAKAMOTO; After we've done that we need to turn it over to the Corporation Counsel, they have to review it before its submitted to the County Clerk.

M. VAN PERNIS: Well, they don't have to review it before we vote on it.

P. NAKAMOTO; No, not before you vote on it, but...(inaudible-people speaking simultaneously).

L. BALBERDE: Until after we approve...

S. PAVAO: It has to be reviewed by the Corporation Counsel then to the County Clerk, all by December 31st?

J. FULLER: Prior to that?

M. VAN PERNIS: But first we vote on it. And when we vote on it, then it goes to the Clerk and the Counsel.

P. NAKAMOTO: You vote on it, and we would do the legal description after we are sure that this is the plan that you folks have approved. Then we would turn it over to the Corporation Counsel. After the Corporation Counsel approves the plan and the legal description, then we turn it in to the County Clerk.

M. VAN PERNIS: I feel we have to instruct the staff to not only prepare the map as we have advised, but prepare the legal...or the walls and streets as such, as it follows as well.

S. PAVAO: The descriptions.

M. VAN PERNIS: And that's appropriate, or may not be required by the Sunshine Law, I think that's what fair to the public, so that if they don't understand the maps they can read the legal description. So I think we should instruct the staff to do that and I think that if legal counsel wants to look at it before or after, so be it.

P. NAKAMOTO: It's not if they want to, they're required.

M. VAN PERNIS: They may be required to but you're not necessarily required to before we vote on it. If they happen to do so beforehand, I think that will be great. I would encourage them to do it but, as attorneys if private life if we have to do something by a deadline we'll do it. So I would like to see all...whatever requirements are...actual requirements have to be done before the next meeting, I'd like to have that done so we have the final meeting with no more tweaks, no more amendments.

CHAIR: I think, sir, you hit the nail on the on the head and this is what we have to decide as a body now. We ask the staff to do that, we're looking at maybe six weeks from now before we have our next meeting. And frankly, if we do that we probably do not give ourselves the opportunity to make another single change.

L. BARTON: No.

CHAIR: So as a Commission, we have to be very comfortable with what we've decided here if those are the instructions we are gonna give to the staff.

L. BARTON: And basically, you just...all you have to do is just vote on the map that we discussed.

M. VAN PERNIS: Then I would like also if possible, set the agenda for the next meeting so that the...myself and everybody else here cannot make any more ...

L. BARTON: If that's the way they want.

I actually think...(inaudible-people speaking simultaneously)...I think staff knows at this point, you know, what their capabilities are, and I think they're kind of bright in assuming that we might want to tweak something and I'm for letting them produce a map and have a meeting in a week, and looking at that and saying, yes, giving our nod and then going ahead and letting them do the legal descriptions and that be it.

I kinda ..I'm leaning towards their thing...

M. VAN PERNIS: Can you do the map in a week? I don't think they can do it.

J. FULLER: They can do it.

L. BARTON: No, the map I think they can but the legal descriptions I think they can't.

CHAIR: Oh, but...frankly we'll pretty much know in our minds what the new map will look like. I mean we're not making any significant changes and the only difficult changes is already...we have a map and Mr. Pavao was kind enough to get it before us. The rest of us are up at the Saddle Road. I think the staff is afraid of us in a sense that they're nervous that we'll make a last minute change that will make their lives miserable.

E. KOZOHARA: Ten years ago when we did it, don't rush in this thing. That's what we're going to advise so that, in case, let's say, next ...at the next meeting you say, "A, you know what, that Access Road we couldn't do it..."

L. BARTON: Yeah.

E. KOZOHARA; ...because the block was too big, then what?

L. BALBERDE; Then you're saying....

E. KOZOHARA; That might come out first with map, and then you take a final look at it and say, "Okay, go".

J. FERGUSON: How long will it take to generate that map?

S. PAVAO: Ten days.

J. FERGUSON: Two weeks?

P. NAKAMOTO: You see, drawing the plan and making the changes, we can do it, today, but... producing all of the maps...

J. FULLER: Oh.

L. BARTON: All of the maps.

P. KAHAWAIOLA'A: And...and when you speak about...you're talking about all of these, right? Having to do all of that out there.

L. BARTON: Do we need to do all of that?

P. KAHAWAIOLA'A: Okay, that is my question was being based on that fact when the Commissioners recommended 8 move here, and 2 move up to the Saddle Road or whatever its gonna be. And the fact that the staff is leary in that the lines up there may look, or lack of a better word, all "hamajang" but it...when it becomes that I need to understand when you say that line up there is when you projected out when your software grabs it, it might go where?

P. NAKAMOTO: You know, we don' t this, it might grab areas where we did not want to...

L. BARTON: That has..

P. KAHAWAIOLA'A: That have population, is that what I'm hearing?

P. NAKAMOTO: No, its not necessary. It may not have population, but...

L. BARTON: But it may.

P. KAHAWAOLA'A: But okay, for the sake of discussion and maybe the Commission can bear with me, if it grabs someplace where there's nobody, we're just looking at some different colors on the map. That's what we're looking at.

M. VAN PERNIS: That's right.
And there's nobody out there.

P. KAHAWAIOLA'A: And so that's...that's...that's what I'm...I'm trying to get into my mind. Is that the fear that we have? That's going to grab someplace..

M. VAN PERNIS: No, no.

P. KAHAWAIOLA'A: Oh, its not.

M. VAN PERNIS: That's not the theory we have. I think the only theory I have is how long can the staff take to do it. I think the staff is concerned they might have some difficulty drawing the line.

CHAIR: I think what they're saying is that, they don't have difficulty drawing the lines, we might not like the lines that we draw.

S. PAVAO: I think the boundaries, you know, Access Road and Mauna Kea really is significant. If they cannot do it, we can leave it alone and I think most of us are in favor of that.
(INAUDIBLE-people speaking simultaneously)

P. KAHAWAIOLA'A: Now, now, please forgive me again. The reason I'm getting...because now if I grab somewhere where there is no distinguishable boundaries that you can now write in your definition.

P. NAKAMOTO Not necessarily, when we say grab, I'll use this map...

CHAIR: Sure.

S. PAVAO: Take you time.

P. NAKAMOTO: This is the Mauna Kea Access Road, yeah, and we're gonna move ...

P. KAHAWAIOLA'A: Where is it gonna go till?

P. NAKAMOTO: We may click on for District say, 8 in here, and it may grab this whole thing (pointing to map).

S. PAVAO: Ummm..

P. NAKAMOTO: And it may not allow us to divide it up that way.

P. KAHAWAIOLA'A: That's what I...I needed because that's the understanding that I was having. It was gonna grab...and what do you do with a show of colors when it is different where it is?

S. PAVAO: Nobody lives up there.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

M. VAN PERNIS: The staff is suggesting two meetings, one to look at the map and a final meeting with the legal description.

P. NAKAMOTO: We're not suggesting that, we're just telling you what our concerns are.

CHAIR: That's fine.

M. VAN PERNIS: So maybe...maybe...do we need two meetings? That's my inquiry. Or can a map be generated and circulated and then something happens, if not...I don't want get a call (inaudible-pounding table)...Finally, if we're going to have two meetings, I'm going to ask that one of the meetings be in Waimea or Kona, because we've just had too many meetings over here, and I think its fair to have at least one more over there, if we're going to have two. And then one more here, finally.

CHAIR: All right, let's decide whether we need two meetings, is there a motion or someone make a motion.

S. PAVAO: May I ask the staff a question?
If we didn't produce all these large maps and just produce, you know, a map like this, how long will that take you? Can we recess today for a couple of hours and come back?

(Laughter)

L. BALBERDE: Oh, dream on.

S. PAVAO: That much tweaking that we did?

CHAIR: We have a 6 days requirement anyway.

P. NAKAMOTO; And we would need time.

CHAIR: Two weeks is fine.

P. NAKAMOTO: I would, anyway. Its just a small map.

P. KAHAWAIOLA'A: I'm just looking at that so that we can continue to work on it. So we can continue to work on it, that's all I'm trying to say.

P. NAKAMOTO: Or if we can just produce an island map.

M. VAN PERNIS: Yeah, just that will do.

S. PAVAO: Yeah, lets not do all that separate districts.

P. NAKAMOTO; Not do the regionals and not produce the small map?

J. FERGUSON: Yeah.

P. NAKAMOTO: With the deviations?

J. FERGUSON: Yeah.

P. NAKAMOTO: And then write the numbers down.

P. KAHAWAIOLA'A: And the numbers.

J. FERNANDEZ; Cause I think what we're looking at is the colors.

(Laughter)

What's...I mean, if its only the colors and it does encumbrance any type of population...

P. KAHAWAIOLA'A: Yeah, your deviations going say that. That's what I was saying, we're going to get hung up on where its going and the language I hear about grabbing here and grabbing there, we might not like the where its going, but as long as...but I'm looking at if..if..if it's the top of Mauna Kea, I don't know.

J. FERNANDEZ: From the colors, I don't think it would make much difference.

M. VAN PERNIS: The colors and deviations is what we're concerned.

P. NAKAMOTO: So if we produce the island view, with the deviation, that's it.

M. VAN PERNIS: That's it.

P. NAKAMOTO: That's it and no small map.

P. KAHAWAIOLA'A: And then from there we can argue that because then to...to be consistent with the people, then...then you need...then you gotta go into the...

L. BALBERDE: Population.

P. KAHAWAIOLA'A: Yeah.

P. NAKAMOTO: Okay, and then another concern I have with the public wanting to view the map, we're not going to produce small maps, so we're not going to have these little maps available for the public. We can make the map available here in Hilo at our office, and we can send one up to Kona, and we...but then we only have a week, so...

M. VAN PERNIS: I'm...I'm...I guess I'm going to ask the Chairman whether an appropriate motion would be to direct the staff to make the adjustments and the resolutions and the motions here, indicated and produce an island view map with deviations and circulate that to all of the Committee..Commission members within, lets say, 8 days, and make it available to the public and in that same period of time, and then to schedule a meeting in early December which at that time would include the legal descriptions and vote it up or down.

J. FERGUSON: Would that be an appropriate motion?

L. BALBERDE: Yeah.

CHAIR: Is there a second to that motion?

L. BALBERDE: I second.

CHAIR: For the discussion then, we're already looking at one further meeting of this Commission, is that ...that's the...

M. VAN PERNIS: That's correct.

CHAIR: And the result of that...

P. KAHAWAIOLA'A: And..and for a matter of discussion, what ...how if ...if..that's the next map you're gonna do.

M. VAN PERNIS; The maps are going to be delivered to all of us within a week or a few days.

P. KAHAWAIOLA'A: And you can't make any erasers on those maps based on the legal description that you're asking from those maps.

M. VAN PERNIS: And then the map will be delivered within that period of time and would be available to the public also. And then a meeting will be scheduled for early December by which time we would also have a legal description and then at that meeting there'll be a one agenda item which would be to vote on the map.

P. KAHAWAIOLA'A: That's the confusion. If you do the legal description then you going vote to do it and they going have to go back to the legal description again.

L. BARTON: I..I think...

P. KAHAWAIOLA'A: I thought there was going...

CHAIR: If there are no changes then the legal description is done. Then everything is done.

L. BARTON: It should be done today, I mean that's...

P. KAHAWAIOLA'A: That's my...I thought this... for the discussion purposes we'd get maps to look at now so that we...before we get to that point where we can't make no changes.

M. VAN PERNIS: Obviously, the implication would be, you know, is there any major dissatisfaction with the map.

P. KAHAWAIOLA'A: I think there were some raised this morning, but we haven't addressed it.

M. VAN PERNIS: To the satisfaction amongst ourselves, sir.

P. KAHAWAIOLA'A: That...that...that's the problem that I'm having. There was some raised and we haven't discussed it. So that's what we need to do, whether we're going to discuss it or just tell the people when they leave here that its...as some has said it, it's a done deal. You going be done.

CHAIR: Mr. Fernandez:

J. FERNANDEZ: Yeah, I just want to make a comment. If we do the map like what's suggested, and do the legal description now and we have to redo the map again, because we voted down, how long would it take for another legal description to be completed?

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

P. KAHAWAIOLA'A: That's why we don't make...

L. BARTON: Down to the legal description...

S. PAVAO: It will probably be another month...

P. KAHAWAIOLA'A: That's right, just draw the map.

CHAIR; This is going...

M. VAN PERNIS: I'll withdraw.

CHAIR: All right. Then what I'd like to suggest is that we meet again, sooner than that and have the staff produce the map that they can, an islandwide map, produce it um....public notice...(END OF TAPE)...what period of time do you need?

P. NAKAMOTO: Two weeks. Okay, It was kinda rough getting it, doing it in two weeks. Like I say, if (inaudible-speaking away from the mike).. vs. the map...

CHAIR: We're asking now only about the islandwide map.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY).

P. NAKAMOTO: ...then we're going to have to produce 8 ½ by 11 island views also. Um...

S. PAVAO: Could you give the press or newspaper just an island view?

CHAIR: Sure, that's part of the notice. With the deviations on.

S. PAVAO: Mmmm.

J. FERGUSON: Right.

CHAIR: You would need two weeks, so we would need three weeks for me, 6 days notice.

L. BARTON: No, two weeks and we use that 6 days within the two weeks.

CHAIR: But if the maps aren't ready then the maps not going out in the notice. So the notice...the notice can only be produced once the maps are ready.

L. BALBERDE: If it takes you two weeks then after the first week you can put the notice out and continue.

S. PAVAO: So, we have to go like 19 days or something?

L. BARTON: No, can you just make the map within that time and then..and put it out with the notice?

S. PAVAO: She said they need two weeks just to put produce the maps and you need another 6 days beyond that.

P. KAHAWAIOLA'A: Yeah, 6 days to give the notice.

S. PAVAO: So three weeks.
(LOOKING AT CALENDAR)

L. BARTON: Thanksgiving.
Let's have it on Thanksgiving! Yes.

S. PAVAO: Maybe the Friday after Thanksgiving.

J. FULLER: No.

L. BARTON: Well, lets go shopping on that day.

(laughter)

P. KAHAWAIOLA'A: Show your commitment.

(INAUDIBLE-SPEAKING SIMULTANEOUSLY)

M. VAN PERNIS: I want to have the meeting in Waimea or Kona.

S. PAVAO: Oh yeah, the day after Thanksgiving in Kona, that's good, I like that.

(LAUGHTER-speaking simultaneously)

L. BALBERDE: You bring in the turkey and ...

L. BARTON: I'll bring my in-laws.

J. FERGUSON: And the leftovers.

CHAIR: Well, let's see if we can get a motion before the Commission to have the staff produce the maps in accordance with our instructions and then to agree on the date of our next meeting and have the staff produce a notice of that meeting that includes the map, and islandwide map with the deviations that have been produced.
I'll make that motion.

M. VAN PERNIS: Does this ...

J. FERGUSON: I'll second it.

M. VAN PERNIS: Does this contemplate the final meeeting?

CHAIR: No.

M. VAN PERNIS: And when does the legal description come in.

CHAIR; The legal description will need to come in ...

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

P. KAHAWAIOLA'A: Right after that meeting.

L. BALBERDE: After that meeting.

S. PAVAO: Pretty much a month from that day.

CHAIR: So we need to have that meeting as quickly as we can. And if we're looking at 3 weeks from now, we're looking at the 23rd or so which is after Thanksgiving, and that's not something I'd want to do.

M. VAN PERNIS: And think about those folks on the west side, in Kohala...we don't want to, you know...

CHAIR: All right.

M. VAN PERNIS: Unless you do it in Waimea then...(inaudible-speaking away from mike).

CHAIR: Well...

L. BALBERDE: Put it to a vote.

L. BARTON: Waimea sounds...

M. VAN PERNIS: We've had a lot (emphasized) of meetings over here and...

CHAIR: We met in Waimea, where will we meet? Brenda, do you know?

B. DOMONDON: The State Conference Room...at the University Extension Service.

S. PAVAO: By the Dept. of Health, by the Police Station.

CHAIR: Can we assume that that room may be available... Brenda can we assume that that room will be available to us on Nov. 26.

P. KAHAWAIOLA'A: Probably it will be available day after Thanksgiving.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

Reapportionment date... I don't think anyone would schedule a meeting but the

CHAIR: We're not going to schedule ...

M. VAN PERNIS: I don't have a problem on that day if its in Waimea.

P. KAHAWAIOLA'A: But you might have a lot of people...you might have a lot of people...

CHAIR: I'm suggesting that we meet the following Monday after Thanksgiving, that's November 26, is anyone have any...

J. FERGUSON: I so move.

M. VAN PERNIS: Have we thought ...thought ahead in terms of having one more meeting by the end of the year to ratify?

L. BARTON: You really don't....

S. PAVAO: We have to have another meeting after the legal description....

CHAIR: That's right, um...Pat.

P. NAKAMOTO; You know the 26th, I don't know if you folks want to have our Reapportionment meeting on the same day that the State will be having their public hearing on the neighbor islands.

M. VAN PERNIS: Oh, that's right.
I don't think we have much choice.

P. NAKAMOTO; I'm sure there are other people who would want to be able to attend both meetings, the public hearing for the State and also our Reapportionment meeting. So you may want to take that into consideration.

CHAIR: Then is the 23rd available? That is the day after Thanksgiving.

J. FERGUSON: No.

P. NAKAMOTO: We don't want to because the staff has to be at the State...

CHAIR: I know.

J. FERNANDEZ: Can we do it on the 21st?

J. FULLER: How about the 21st?

J. FERNANDEZ: What about the 21st?

M. VAN PERNIS: It does not give them enough time.

CHAIR: The 21st will work for you guys...or you need...

M. VAN PERNIS: Okay, okay.

CHAIR: All right, great.

M. VAN PERNIS: In Waimea?

CHAIR: In Waimea.

M. VAN PERNIS: At what time?

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

CHAIR: At 9.

S. PAVAO: 9 is good.

CHAIR: 9?

L. BARTON: Yeah.

M. VAN PERNIS: That's neutral.

L. BARTON: Half of us are from here because we forgot that we made for 10 today.

S. PAVAO: You're here at 9?

L. BARTON: I was here.

S. PAVAO: I was even late at 10.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

J. FERNANDEZ: The Agenda did say 10.

L. BARTON: I'm saying, half of us were here, not just me.

CHAIR: All right...the suggestion that we meet at our next meeting will be November 21st and instead of 9, at 10 o'clock? Is that okay with everyone.

S. PAVAO: Okay.

CHAIR: All right.

J. FERNANDEZ: 10 o'clock?

CHAIR: 10 A.M.

J. FERNANDEZ: 10 o'clock.

CHAIR: Is there a motion?

J. FULLER: Where in Waimea?

P. KAHAWAIOLA'A: I so move.

CHAIR: At the Waimea Ci...

L. BARTON: Next to the Police Station ...

B. DOMONDON: The University Extension Conference Room.

CHAIR: The University Extension Conference Room.

M. VAN PERNIS: That the one by the Police Station.

CHAIR: I'd also suggest that with regard to the approval of the Minutes, that we defer that to our next meeting.
Is there any other new business?
Pat?

P. NAKAMOTO: The instructions we have for this map, (inaudible-people speaking simultaneously)...I was wondering if we could get a cover letter instructing the staff to make these changes, so we can have something formally written out.

CHAIR: We surely will. I'm going to delegate Mr. Pavao to do that and to include the maps.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

S. PAVAO: The West Hawaii he has maps (referring to M. Van Pernis).

P. KAHAWAIOLA'A: Mr. Chairman, a point of information.

CHAIR: Yes.

P. KAHAWAIOLA'A: I'd like to include in the record, these...I did know you mentioned it earlier that the communications we received in the morning, you know, all the communications that was received, these here, and for the edification of the general public that's out here, these are all of the people in Hilo saying some 150 as I counted, the names that are signed here, saying, you know, the same thing I heard in Puna, keep Puna-Puna, keep Kohala-Kohala, keep Kona-Kona, and now its keep Hilo-Hilo. So you know,um...I just wanted that, that to be brought out but I am hoping that maybe when we reach the end, the island will start to understand that I don't care whether you're in Kona, Ka'u wherever you guys are still part of the Big Island, so maybe ...but I know people talk about representation so I want that information to go out so that when people from their respective districts try to find out or believe what we are doing. Anyway the purpose that we had to do is to make sure that everyone all of us here, have some assemblance of some people in there who will then make decisions of who their representatives are.

So, I guess my only reason for saying that was to let everybody know that no matter where we go, somebody's... I think a Commissioner mentioned that from the outset, you won't be able, or we won't be to please everybody all of the time. Maybe there's some people who gonna get angry at us everyday.

CHAIR: Is there a motion to adjourn.

J. FERGUSON: I so move.

P. NAKAMOTO: I have a....

CHAIR: Hang on, hang on.

Yes?

P. NAKAMOTO;

Um..I have two things I wanted to cover.
Since we've already set the date for the 21st...

CHAIR:

Yes.

P. NAKAMOTO:

I'm trying to get a timeline for December 31st. Could we, okay, we know what we need to do on the 21st, can we look at that at our next meeting, and then a week later we can get the information with the legal ...um, I'm trying to figure out when we can get it to Corp Counsel and when we will be able to turn in the final proposal, our final plan.

CHAIR;

Let's try to understand your question.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

S. PAVAO:

We should have a meeting after all the legal descriptions have all of that has been completed....

P. KAHAWAIOLA'A:

No.

J. FERGUSON:

No, no, no.

P. NAKAMOTO:
a meeting...

I wanted to know, okay, we've set the Nov. 21st day for

CHAIR:

Yes.

P. NAKAMOTO;
moving)...

When are we (inaudible-people speaking and

CHAIR:

You mean after that?

P. NAKAMOTO:

Yeah, with the legal description?

M. VAN PERNIS:

Probably, you can assume 20-30 days...

CHAIR:

As soon as you can get them done.

P. NAKAMOTO:
would be a month later?

So maybe another...with the legal description...so it

S. PAVAO:

December 21st.

M. VAN PERNIS:
us how soon its going to be.

We'd like to do it as soon as possible, but you may tell

P. NAKAMOTO:

So tentatively....

J. FERGUSON:

Tentatively?

L. BARTON: Is the 21st a Friday?

M. VAN PERNIS: Yeah.

P. NAKAMOTO: So if we get done earlier after the next

CHAIR: We're going to have to set the final meeting...no, because we're going to be meeting on the 21st, we're gonna set our final ...our next meeting on that day, and we're gonna have to rely on you to tell us how soon you can get it done.

M. VAN PERNIS: Yeah.
So we would be asking you on the 21st how quickly you can produce all the remaining information, and then we'll can start doing it.

P. KAHAWAIOLA'A: What's the penalty for being late?

CHAIR: I don't know.

L. BARTON: They fire us.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

CHAIR: Steve, are you going to try to...

S. PAVAO: Yeah.

CHAIR: The motion is to adjourn.
In favor?

ALL: Aye.

CHAIR; Adjourned.

Meeting adjourned at 12:35 p.m.

Respectfully,

LLOYD VAN DE CAR, Chair

BrendaLynn Domondon
Secretary

