

Maui County Charter Commission Public Meeting
County Council Committee Room, Maui
Monday, October 22, 2001
8:30 a.m.

Present

Terryl Vencl, Chair
R. Sean McLaughlin, Vice-Chair
Vince Bagoyo
Bill Fuhrmann
Karolyn Mossman
Stephen Petro
Donn Takahashi

Staff

Brian Moto, Corporation Counsel
Ke'ala Pasco, Charter Commission Assistant

Excused

Gwen Hiraga
Stephen Holaday
Erlinda Rosario

CALL TO ORDER

Chair Vencl called the meeting to order at 8:40 a.m. Commissioners present: Bagoyo, Fuhrmann, Mossman, Petro, and Takahashi. Commissioners excused: Hiraga, Holaday, and Rosario. Vice-Chair McLaughlin is expected at any moment.

A few people signed up to testify. Chair Vencl called up Ms. Elliott Krash.

TESTIMONY

Ms. Elliott Krash, Kula Community Association

Ms. Krash reported that while the Association hasn't gone through the charter point by point, it has some specific suggestions:

- 1) Planning recommendations were presented by Dick Mayer. Some issues might be resolved at lower levels than the Charter, but four things emerged that need attention at a high level: citizen participation; advisory committees; monitoring; and coordination and concurrency.
- 2) Water . . . To achieve improvements in these major concerns, they focused on citizen participation and identifying problems. They haven't discussed government issues; it's a difficult area.
- 3) In the recreation/environment area, the recommendation is for a parks and environmental committee.
- 4) Lastly, in the health safety area, change the public safety commission . . . establish a public safety commission in the civil defense office. Something we need to look at.

Commissioner Bagoyo asked if the Kula Community Association supports the development of the East Maui aquifer. Ms. Krash responded that they haven't taken a position on that.

Ms. Kelly Arbor

Ms. Arbor presented testimony from Council member Jo Anne Johnson. Suggested changes are underlined. Please refer to the copy of her faxed testimony for more details.

- 1) Article 3, Section 3-1: In the section on composition, use geographical boundaries instead of defining residency areas in terms of official precincts.

Chair Vencl acknowledged for the record that Vice-Chair McLaughlin had arrived. He asked if Ms. Arbor anticipated a more coordinated delivery; if any of these issues had been taken up, particularly with the planning commission. He also asked if the Council could look at the input being processed by Tavares' committee. Ms. Arbor replied that sometime around November, they might be forwarding it. It has to do with neighborhood boards, the CAC, and is being voted on. She doesn't think there's going to be position in terms of the council.

Ms. Arbor added that she's also submitted communications that were received from past charter commissions. There's no sense of urgency since it's going back to the Council.

Commissioner Mossman asked for their position on the water board. Ms. Arbor replied that they've discussed it a number of times, and there's definitely a feeling that something's wrong with the system. Put it under the mayor, or give it more independence. They don't have an official position yet. She suggests looking at other counties that are more autonomous.

Commissioner Takahashi clarified that if there were three different departments and if there'd be any additional cost. Ms. Arbor affirmed that they're looking at Public Works, Transportation, and Housing, and that would mean some cost would be involved.

Commissioner Bagoyo asked if she included specific qualifications for these department heads (environment, creation of public works and transportation). She replied that she'd talk to Jo Anne.

Moving on, Chair Vencl said the Commission needs to take a vote because one commissioner needs to leave early. She requested a motion to accept the minutes from the meeting on October 8.

Commissioner Takahashi stated that the minutes did not reflect the motion that was made (Takahashi), seconded (Mossman), and unanimously approved to allow Chair Vencl, Vice-Chair McLaughlin, and Mr. Moto to decide upon an analyst. Motion was made (Petro), seconded (Takahashi), and unanimously approved to accept the amended October 8 minutes. Excused: Commissioners Hiraga, Holaday, and Rosario.

Chair Vencl then asked for a motion to accept the prepared communications packet into record. Communications include letters from Mr. Moto to the Attorney General, two letters from Council Member Kawano, Ms. Long, and Mr. Stoner. This is public information regarding charter commission's deliberations. Motion was made (Takahashi), seconded (Mossman), and unanimously carried. Excused: Commissioners Hiraga, Holaday, and Rosario.

Chair Vencl then said that if there were no objections, she would like to move the discussion of the analyst up (no objections were expressed). She referenced the proposal from Mr. van Dyke. She sent out six requests for proposals and got three responses. Chair Vencl, Vice-Chair McLaughlin, and Mr. Moto recommended van Dyke. They've talked to people who have dealt with him on different issues. He wants to work with Maui County, and is most outstanding in that particular area. He will have more of a neutral standpoint, and is able to attend most of the meetings, with the exception of the two meetings in November.

Vice-Chair McLaughlin said that he really appreciated the efforts that Chair Vencl went through to gather applications, talk with a broad group of folks, and work with Mr. Moto. Mr. Van Dyke is very well known to him; his advantage is that he has worked with many jurisdictions around the state. He's well qualified, and his proposal includes involving a law student to support the work. The closest runner up was local attorney John Rapacz.

Mr. Moto said that he would execute a contract in the same manner as was done with Ke`ala. Commissioner Mossman said to make sure that Mr. Van Dyke anticipated 10 - 15 meetings, that he knows how big the job is, and the number of hours it would entail. Chair Vencl felt he'd do whatever it takes to

get the job done. His contract will be to June 30, 2002. If we need something else, we can discuss that then. She'll verify that with him, but he basically has a contract to get the job done.

Commissioner Petro said he was impressed by his resume. The Commission is very lucky to have a person of this caliber; they did an excellent job.

Commissioner Takahashi asked Mr. Moto if there would be any conflict with Corporation Counsel since Mr. Van Dyke is an attorney; asked what his track record was with the County; if his being in Honolulu was an asset or not; and if he's heard of anything that's negative. Mr. Moto replied that the contract is for a "commission analyst," not "commission lawyer." Most candidates are attorneys except for Michelle, who didn't turn a proposal. Mr. Van Dyke has proposed \$15,000 plus travel expenses. The contract will be written in such a way that it reflects that. Regarding his experience with the County, he performed services for the County of Maui involving Keka'a Beach in Ka'anapali. He performed satisfactorily, also with the County Council. The Chair partly answered this question. From his resume, he clearly has familiarity with all counties and jurisdictions. He's been to Maui many times; we can ask him, but he's sure Mr. Van Dyke is quite familiar with local conditions and the government structure. Mr. Moto concluded that he's not aware of anything negative regarding Mr. Van Dyke.

Commissioner Petro reiterated that the assumption is that Mr. Van Dyke will write what the Commission wants him to do. Sent out six requests; Michelle declined, and never heard from Blackburn. Van Dyke felt he could write the report. Rapacz was the second in line, but Van Dyke had a broader stroke. Motion was made (Mossman), seconded (Takahashi), and unanimously approved to accept Mr. Van Dyke as the Commission analyst. Excused: Commissioners Hiraga, Holaday, and Rosario.

Chair Vencl stated that the Commission has received written testimonies from Ms. Krash, Ms. Arbor, and Mr. Smith. These will be copied and sent to you immediately.

Mr. Moto apologized and said the letter he sent wasn't mailed on August 3. It was sent right after the last meeting on October 8.

Mr. Moto brought the information about the legislative auditor per Commissioner Bagoyo's request. The new analyst could also assist with this, so he's extremely happy that he's coming on board.

Chair Vencl asked if there were any more questions (no) then moved on with the agenda. The fire chief and parks department directors were invited to have conversations about the last meeting, the fire commission, and putting lifeguards under them. She called up Chief Ishikawa, thanking him very much for joining us today. Both he and Mr. Miyazono had questions faxed to them previously so they could respond to them.

Chief Ishikawa was first asked for his view on establishing a fire commission. He would support it. Benefits of a fire commission, since the county is changing and growing, include: political aspects would be lessened; the selection of a chief would provide some stabilization in the department with a long-range plan, goals, and objectives (four years is not a time to do some long range planning). He sees the commission working, but one drawback would be that it takes a while to select. Depending on how the Commission sets criteria. Someone from the outside wouldn't know the unusual, unique things that need to be addressed. While a college degree is important, it needn't be a vital part because experience and open-mindedness are key.

Chief Ishikawa said the issue about lifeguards has been brought up before, but they're doing a good job. It'd be difficult for the fire department to take this on; it needs to get its own house in order. Lifeguards should stay where they are; it's working well. Throughout the nation, fire departments and lifeguards are separate entities.

The Hawai'i Firefighters Association recommended that the hiring of the chief be eliminated from the charter, and that it should have minimum requirements. Would less politics come into play when selecting the chief if this were the case? Chief Ishikawa said he had no problem with the limitation.

Commissioner Bagoyo mentioned the recommendations received last week from Joseph Blackburn regarding the Fire Commission. He asked if Chief Ishikawa supports the creation of fire control and eliminating the Public Safety Committee, or leaving the Public Safety Committee and expanding its responsibilities. Chief Ishikawa replied that he thinks the intent is to be very similar to the Police Commission. Commissioner Bagoyo asked if there'd be any problems including civil defense; Chief Ishikawa doesn't see a problem.

Commissioner Bagoyo then asked what the minimum qualifications that the Chief supported were. Chief Ishikawa replied that the current requirements were 15 years in the Maui County Fire Department with three of them being administrative. This promotes the upper mobility.

Vice-Chair McLaughlin wanted to make a minor point of clarification. The Charter says the requirement is a minimum of only five years, with three of them being administrative. The Public Safety Committee shall review operations of the Fire Department, and make changes that would improve operations.

Chief Ishikawa stated that the commission meets monthly. Commissioner Petro asked if a fire commission is established, whether or not it would be necessary for the public safety committee to be part of it. Chief Ishikawa said the Public Safety Commission doesn't have the power to select.

When Commissioner Petro said the Public Safety Committee also deals with Civil Defense, and asked if Chief Ishikawa thought the fire commission should deal with public safety issues, Chief Ishikawa recommended that the fire commission be specific to the fire department.

Chair Vencl informed everyone that the response from Public Safety Commission is in the packet of handouts, and asked if Civil Defense would be covered by a fire commission.

Commissioner Fuhrmann said the police commissioner is in charge of budget appropriations, and asked if Chief Ishikawa wanted the same thing. He answered that he would lobby for similar support of the Fire Department.

Commissioner Takahashi asked what the biggest gains would be in terms of the Fire Department. Chief Ishikawa said one would be that the commission would keep a handle on the chief and what he's doing. The Review Board does this. This would be one of the important things, in the event that the chief isn't doing his job.

Commissioner Takahashi asked about long term plans, saying that under the current situation, there were only four years. He asked Chief Ishikawa to clarify what he meant when talking about long range planning (new stations, where, when).

Chief Ishikawa meant preparing the department; the goals need to be carried out. If the chief stays a longer period, he can accomplish more. The firefighter would also have a channel for a review of the chief. Funds would help the chief.

Commissioner Takahashi asked if the Chief had looked at the role of commissions on other islands. Chief Ishikawa said no; Honolulu's doing well, meeting once a month. They're grading the chief.

Commissioner Mossman asked about including medical response. There's a concern that maybe that shouldn't be part of the requirement. Would they be liable for not getting to the fire? Is there any negative reason we shouldn't put medical under the committee?

Chief Ishikawa replied that their mission statement is to save lives and property, so he assumes that's his job (he'll respond to the emergency medical). He's not sure if it needs to be put in charter; he deferred to Brian Moto.

Emergency medical services here on Maui (AMR) are run by the State of Hawai'i. Though the Fire department is second in line to respond, they're trained to the level of first responder (CPR trained, etc.).

Commissioner Mossman asked if it would be beneficial to include that as part of the duties, or if it was unnecessary and if there was a detriment. Chief Ishikawa reiterated that he assumed they needed to save lives.

Mr. Moto said while the information provided is very helpful, none of them specifically reference medical services. The Big Island says to perform fire AND emergency; Honolulu says "the fire chief shall perform firefighting and rescue work." Since none of them specifically reference medical services, he assumes it's been done by something less than charter amendments.

Commissioner Petro asked if 911 was for all services. Chief Ishikawa said the caller identifies the emergency.

Commissioner Petro then gave a scenario: one mile down the street is the Fire Department, as opposed to an ambulance, which is 13 miles away. So the Fire Department works until the ambulance comes, then emergency services takes over. Chief Ishikawa said he wouldn't want to answer that, but here on Maui, the fire unit is dispatched. He knows that the state has a requirement.

Mr. Moto pointed out that the Hawai'i and Honolulu charters differ from Maui's in a modest way. Both specifically say the order of response. There is no sentence like that in our charter; it is assumed that if medical services is closer, they will respond.

Chief Ishikawa said they have a designated rescue time. All workers are certified annually (many other aspects of rescue include mountain, ocean, etc.). It's a broad statement.

Chair Vencl asked if there were emergency medical people outside of the Fire Department to be absorbed (no). Is handling the commission and its complaints the Public Safety's responsibility? Yes. Regarding Civil Defense, how does it fit? Chief Ishikawa replied that there are monthly meetings in which Civil Defense and the Fire Department both get monthly updates. Asked if they offer suggestions, Chief said they want to tour central dispatch to better understand how the system works.

Break

The meeting was called to order at 10:20 a.m. Chair Vencl stated for the record that Commissioner Takahashi had to leave, but we still have six commissioners here (still have a quorum). She called up Bob Takitani, president and CEO of Star Ice and Soda Works.

Mr. Takitani was a Board of Water Supply member, served 2 terms as chair, he's a five-year veteran, ended in March of this year. He advocates the board to be independent, autonomous in the County of Maui. The greatest need is still funding; they haven't been able to obtain funding to fix the miles and miles of water lines that need fixing. Lines are ready to burst at any minute; they're, losing water at a tremendous rate. They need to drill wells upcountry, but they've been held back due to litigation. The cost of drilling upcountry is a continuing problem, but they need adequate water. The only place it currently comes from is the East Maui aquifer. BWS has developed about nine wells since the 90s on its own. They operated under an old paradigm: BWS was the master of all waterworks, number of systems are now old, need repair. Systems were all inherited from other developers in the state. Maui has the best rate at \$19.10. Maui was booming in the 70s and 80s; developers were willing to invest in the infrastructure. Demands and scrutiny of the public is much greater now. The mission statement is to

provide clean water efficiently. Mr. Takitani believes that county officials are doing their best to handle the situation. As systems age and requirements become greater, Maui has growth spurts, a significant increase. When there is a significant build up of funds, people want to jump in and spend those funds. Always kept it separate. BWS goes to public hearings to raise its rates. Don't need public official oversight to be accountable, can be by measurements and the Public Utility Commission, AWWA has a number of comparisons that can be run. This would separate capital improvement from water rate. Those rates are also woefully lacking; it's difficult to get funding you need if you have politics involved.

A couple years ago, the Council was thinking about putting BWS on ballot, so the people in the department were demonstrating. Don't pollute water with politics. His position hasn't changed that much, BWS still lacks the funds. The only real solution is to have an autonomous board. The Mayor should appoint people to the board, and counsel would have its review of nominees. The board is almost like an independent corporate board.

Commissioner Bagoyo said that current BWS board member Jon Starr said BWS is not set up in a way for success; the entity is designed for failure (dysfunctional). He recommended moving water back under administration for accountability. Historically, if you look at how the dept was going back and forth, how do you address the issue of accountability?

Mr. Takitani believes that the elected officials try to do a good job, but no matter what, the mayor has to have council support, and vice versa. It's difficult getting passage because of pressure. An excellent idea would be to have Mayor Harris and the board come over from Honolulu. Same problem but they handle it very well.

Commissioner Bagoyo said Harris wants to make charter amendment. Right now, your rates and rules need to be approved by 2/3. He asked if he was suggesting complete autonomy.

Mr. Takitani believes Honolulu's model is the most ideal.

Commissioner Bagoyo asked how the drilling of wells would be accelerated if BWS was independent. Mr. Takitani replied that it goes hand in hand with the ability to raise funds. There also needs to be a look at drought. One of the inconsistencies is that upcountry pays a lot more than Kahului for their water.

Commissioner Bagoyo said one concern is that there's a perception that you control the zoning due to where you develop your resources. If water is the key component of infrastructure, how do you control it?

Mr. Takitani said the BWS basically follows along. Commissioner Bagoyo stated that he's in favor of a government with BWS as an independent.

Commissioner Petro said one perception he's gotten as a commissioner is that BWS controls the issuance of the meters. A number of people have applied, and can't get meters. The explanation he received is that there's no accountability. Why are people on the list for years and years? That perception is real to them, thus the testimony.

Mr. Takitani replied that part of the board responsibility is to resolve these issues. The best solution is to drill wells upcountry! There are droughts every year. They should have been drilling wells a long time ago. BWS really tries to deal with this equitably. It's a complicated issue; each one is different and unique and has to be looked at on its own merit.

Commissioner Bagoyo said people can get the meter, but it's ten miles away. Mr. Takitani said that the H'poko well has been proven safe, but they're not using it. It's available to be utilized.

Commissioner Petro said BWS should be completely under the administration or completely autonomous.

You make the hard decisions, BWS is capable of making the decisions.

Mr. Takitani said they need people with experience.

Vice-Chair McLaughlin thanked Mr. Takitani for reminding them of the paradigm shift. When you say really autonomous, why not privatize? Run it with private investment. I know you've thought that far out, but why haven't we heard that proposal?

Mr. Takitani replied that water is public trust for Hawaiians, agriculture, etc. They're looking out for number one (their own entities). Environmentalists should take over. There's always a concern that private entities would put the cost up.

Vice-Chair McLaughlin asked isn't that what's going on though? There's a history there; investments have been made. Part of what he's hearing is that the mayor should control it.

Mr. Takitani said legislation never really defines priorities. If legislation did that, it could clarify the situation much more.

Commissioner Bagoyo said one of the most difficult issues that hasn't been resolved today, is that they couldn't define ownership of water (as in the City Mill case). Some individual might want to buy that water source and sell it to the highest bidder. It's a great bold act if you're talking about being autonomous.

Chair Vencl thanked Bob, and called up Mr. Miyazono.

The Fire Department is a reactive agency. A lot of services are based on reactions. Water safety is proactive, especially with tourists, especially since starting Ho'okipa. People see a lifeguard and think it's OK. It has helped them to warn people ahead of time. When the Fire Department goes to a fire, it needs to have a commander in charge. It's a judgment call with people on beaches when there are ocean rescues. When it comes to water, there are only seconds, not minutes to react. It's a difficult task to take if have to wait for a commander who may be a fire person to make that judgment call. They're doing a fantastic job, though. They just saved someone at Kama'ole. Used external defibrillator, but the person actually survived. We know water best; it's all in the reaction time. They're the first responders; the Fire Department is second. We're so effective because we're there first.

Commissioner Bagoyo asked for Mr. Miyazono's take on the suggestion to create a commission on Parks. Mr. Miyazono personally thinks that he'd rather have the general public. He doesn't believe in the fire commission; put together an advisory committee.

Vice-Chair McLaughlin followed up on Commissioner Bagoyo's question by asking if there were other boards and commissions attached to the parks department, saying the only other one he's aware of is the arborist committee. Mr. Miyazono said they're very active with the Planning commission and Community plan.

Vice-Chair McLaughlin said his question has to do with commissions and how they function. Some commissions have really specific tasks. Some are in charter but some aren't. Mr. Miyazono replied that he's involved with a lot of commissions on a case-by-case basis.

Chair Vencl moved on to articles on the agenda, and called up Jim Smith, who wanted to testify before the discussion on the particular articles began.

Mr. Smith expressed that he thought it was exciting that the Charter Commission is looking at such a sizable piece of our charter. Any problems we may have can be traced these two articles. He became aware of this in the early 90s, referencing the 1977 charter and the ethics code of article 10. It mentioned

agents of public purpose, working for the benefit of the public. He said, "It was always outside, never to *me*." Private corporation doesn't have the principle the public does. Moral principle involved deep inside no matter who's talking about what.

Article of April 3, 1992 highlights the "introduction of a new government." On page three, it mentions a "new kind of government." In the third attachment, on page 16, they've begun to focus on results rather than regulation. People will do what they need to do to get that result. "These two articles of our charter define public trust, protecting ME."

Here's the crux of the resolution. Look at these two articles fundamentally. Article 1.1 says we are part of this corporation.

Regarding the Executive Branch. Few people came out to vote, so they must be doing a good job. How could they be held accountable for that? Where is this arbitration of power? It's tough to be fair. People avoid things like that. It's bothersome and we can't get the job done; if you can't see it, it will be arbitrary.

Moving to the final part: a proposal, an amendment to the power of the Council. Licensing agreements are a private concern.

Regarding charging fees for the use of wastewater, the Council sets the fees. We need a device to get a result, and get money to expand facilities. Haleakala Ranch got it for \$.20; someone else got it for \$.50.

There's a statement of value attached to a letter. It was removed from the letter, and acted upon that day. Haven't got the time for the results . . . Public trust.

First comments directed toward the inclusion... see handout.

Regarding an agreement between AMFAC and the Light Bringers, they were driven off the streets by homeless people. There needs to be a homeless treatment facility. They negotiated with AMFAC for property. The licensing agreement also showed that AMFAC was trying to get rid of public housing development and entered into an agreement with the mayor (paragraph eight). The Maui County code leaves that to the council. Mayor signed an agreement that exempted this. The gist of paragraph 10 is subdivisions need to be . . . don't let an individual do it; it should be approved. It's inconsistent with our public life. It'll all follow through if we can iron out the problems.

The Charter in 1977 said non-resolution should have force. Only one vote every 50 years for 5 acres of property. Resolution to say not having the force of law, then clarified and defined.

Could also talk about mayoral powers, but I'll give you guys a break. These two are the crux. Should they be a separate role; hope you'll address these. Thank you for your time.

Commissioner Mossman said she's not even fully digesting everything you've presented. What you're suggesting is that whenever there's this kind of agreement, it goes before the council? Mr. Smith answered that the issue is the substance of that agreement. Public policy is determined; it may be adopted by resolution. Commissioner Mossman then tried to clarify that if a contract or agreement that changes policy is drawn up, Mr. Smith wants there to be a determination that it's in the public interest.

Mr. Smith said fees are the province of code. An individual directive can't make that authoritative decision. It has to be a matter for the council.

Commissioner Fuhrmann questioned Mr. Smith: So you're saying the waiver of the fees at the landfill should go before the council for approval. Mr. Smith said yes, the council should always be involved if a fee or condition is established for ordinance. Not the mayor.

Vice-Chair McLaughlin needed to make a distinction between ordinances and resolutions. In article 4 of the old charter, he didn't see that language that was referred to (importance of the decision). Mr. Smith said it's been crossed out. No one can clearly distinguish the proposal that it used to be. There needs to be more than one change. Chair Vencel thanked Mr. Smith. Commissioner Petro said that in terms of former charters, those are the notes that came in our packets.

Chair Vencel said that one of the comments from the last meeting was that commissioners wanted to discuss particular things in these articles (a general description is on the agenda). She asked for someone to begin discussion.

Commissioner Bagoyo said the purpose was basically the issue of terms. The Commission has heard a number of testimonies in public meetings about increasing the term to four years. Maybe this is one of those items. His whole intent was to discuss that item.

Chair Vencel clarified for the record and the audience that the Commission is not at a point to make recommendations; we're just throwing in things we recognized and these are the things we'll discuss. We want to tell the public where we are, or discuss options. We heard something about the terms and term limits. Let's start with council.

Commissioner Mossman went through all the testimony and made a matrix for herself by topics, who testified, and for what. There were fourteen for issues related to council terms. Some discussion was on whether to have them staggered, to have a limit to terms, etc.

Vice-Chair McLaughlin asked how detailed the Commission would go today. The more detail added, the less agreement they'd probably have.

Commissioner Petro said it's useful to put it out on the table. Let the public react. Specificity gets reaction (positive and negative). He's very interested in hearing why the public supports the issues.

Vice-Chair McLaughlin agreed with Commissioner Petro. How detailed are we going to get?

Commissioner Fuhrmann said we're looking at increasing the term, then the term limit. Can't change one without the other.

Commissioner Mossman said we have to get specific. We present our "leaning," and the public will either concur or vehemently disagree.

Commissioner Bagoyo said to add Council member Johnson's testimony that term limits shall include a total of twelve years. Commissioner Fuhrmann reiterated that the total should not be more than twelve years.

Mr. Moto added a technical point: because the proposal involves changing the length of time served, we need to be aware of the different lengths of time that they already served. Chair Vencel said he and the analyst could work on this between meetings. Commissioner Petro said the three-term limit could begin upon passage. Commissioner Bagoyo didn't want to discuss the issue right now; he said they could argue this later. Commissioner Mossman said she agrees with moving forward and staggered terms. Chair Vencel concluded that the consensus is for the Commission to go to the public with term limits.

Vice-Chair McLaughlin said to take each item up as an element; go step-by-step and fill and add to that draft from testimony received today. Wants to gather information already received, and proposed that we do an instant runoff voting. Commissioner Petro has reservations on that based on Roy Hiraga's testimony, concerning the complexity of the issue because we have state and federal elections. He kind of agrees with him; should save money for the candidate.

Commissioner Bagoyo was reluctant to put this out as a public discussion because it's not covered by the agenda. We need to put it out there so people have time to prepare. Commissioner Petro retorted that it comes under Article III, which is on the agenda, and asked if we were going to look at each article step by step. Commissioner Bagoyo reiterated that when the public sees instant voting on the agenda, the council itself may be discussing council terms. It would define what we're talking about, and he'd rather have that item defined.

Commissioner Mossman asked if we were discussing the issue this time or the next. Commissioner Fuhrmann agreed, saying we were getting into an issue that needs more discussion. Commissioner Petro said Moloka'i won't have the opportunity to decide that. If it's not an issue to be discussed, put it on the agenda so we can cover it. Vice-Chair McLaughlin withdrew his proposal and didn't give any arguments. He'll go back, do homework, and come back with a specific proposal.

Chair Vencl said that since our last meeting, Mr. Hiraga has looked at a couple of things. She called him up to share what he has about instant runoff voting. Chair Vencl asked what we had to look at since it saves money. Knowing we can't change a state law, how will that be dealt with on Maui? Mr. Hiraga replied that it's an operational issue. We'd use county election equipment; can't do instant runoff voting without tweaking the software. Voters need two ballots; bringing two issues together will cost more money. We'll have to print new ballots. It's a "County only" cost if we only need to get supplies and equipment; otherwise, it's not only county-specific. We can accommodate the process.

Commissioner Mossman said she'd asked about the numbers of primary vs. general voters. Mr. Hiraga has a chart of total percentages of voters. It's a bureaucratic nightmare; need more information. Commissioner Mossman said she's worked the polls, and has seen people get confused. Mr. Hiraga said the average voter would probably be able to handle this, but imagine going through a stack of votes. It's very complicated; take out mistake, count over. He thinks we need to extend the operational aspect to deal with those kinds of problems.

Chair Vencl asked if we were finished with that particular discussion, and Vice-Chair McLaughlin said he'd like to defer instant runoff voting to the next meeting. Chair Vencl said okay, and asked if the Commission was going to defer everything or go on to the next item. Commissioner Bagoyo wanted to discuss item VIII.

Chair Vencl asked for input about the next meeting. She's spoken with Council member Charmaine Tavares, who's going out to the communities. but it's necessary to get her in. Should we invite her to the next meeting? She could provide us with some good groundwork.

Commissioner Bagoyo requested including the Department of Planning in that agenda; he wants Mr. Min to come back when Council member Tavares does.

Commissioner Petro expressed his concern that we keep listening to more and more testimony. If we're going to have testimony, then we need to be prepared.

Commissioner Mossman said she thought we'd only invite people back in if we had more questions. She doesn't want to hear the same thing.

Commissioner Bagoyo feels that we need to decide, so we can bring it out to public. Commissioner Petro said Council member Tavares will take up a day; testifying takes up all of the time. Then we have differences of opinion regarding instant runoff voting.

Going back to the agenda, Chair Vencl will invite Charmaine to speak with the Commission on November 5, and they'll go back to working on Articles III, IV, VI, & VII.