

CHARTER COMMISSION
MEETING MINUTES
MARCH 12, 1992
COUNCIL COMMITTEE ROOM

PRESENT

James Cockett
Sherrilee Dodson (Vice Chair)
Dolores Fabrao
Robert Nakasone (Chairman)
Victor Reyes
Allan Sparks
Anne Takabuki
Deborah Wright
Lloyd Yonenaka
Susan Nakano-Ruidas (Staff)

EXCUSED

Annette Mondoy
Jamie Woodburn

GUESTS

Arnold Morgado

- I. CALL TO ORDER
Chair Nakasone called the meeting to order at 4:04 p.m.
- II. APPROVAL OF MINUTES
Minutes of the February 13, 1992 and February 19, 1992 Commission meetings were approved as circulated.
- III. PUBLIC TESTIMONY
None.
- IV. COMMUNICATION
A. Arnold Morgado, Jr., Oahu 8th District Council Member

Chair Nakasone: We have Council Chairman of the City and County of Honolulu, Arnold Morgado, here and I want to thank you, Arnold, for coming and giving us some input to what you feel about the area of council representation and, possibly, so insight on the neighborhood boards -- so, you can give us a brief overview. I know you're a single seat district, maybe some comments whether it's good or bad...

Morgado: Very opinionated, too, Bob, as you remember, Mr. Chairman.

Chair Nakasone: I know you're unbiased...

Morgado: (I'll) to try to be unbiased in this case. I also brought some handouts regarding the neighborhood boards structure, and I have a packet of information that I'd like to leave with you, Mr. Chairman, and your members. And, again, thank you very much for having me here. [See Communication 92-20]

One of the handouts is a letter from Willie Espero, who is currently the executive secretary of the Neighborhood Board Commission office, which is the paid segment or phase of the neighborhood board structure. It is a letter indicating their preference, I mean their administrative preference for the current structure, and it's a letter that was written to the Honolulu Charter Commission in regards to some of the proposals that was handed out earlier, to amend the neighborhood board structure; and, that's the letter I'd like to leave with you to indicate that my presentation is from on perspective. There is certainly at least one other perspective that's not represented here, and that's the administration's perspective.

The Charter Commission in 1971 offered to the electorate in 1973 an amendment that would create a neighborhood board commission to develop neighborhood

Morgado: (Continued) plans for the establishment of the neighborhoods and the neighborhood board structure in various parts of the island.

Currently we have 33 neighborhood boards with approximately 430 members. It was the hope that these structures would provide the means by which people of various areas can establish closer ties with not only each other, but to identify their common problems and make these problems known to their elected officials. In other words, they attempted to create a more viable means of assuring greater citizens participation and input into the government process.

That has been the bottom line from my reading of history in regards to neighborhood boards and the commission. The neighborhood board system, the structure is simply made up of three different parts:

* The Neighborhood Board Commission Office, which is the administrative arm, and for the administration of the neighborhood boards system is located within the MDS [managing director] office -- the administration -- the executive branch, which creates the problem that I'll get to later on in my presentation.

* Secondly, the Neighborhood Board Commission is made up of nine members - 4 appointed by the mayor, 4 appointed by the council, and one member appointed by the mayor and confirmed by the council. That basically says that the mayor has five guys and the council has four. So if there's a hard vote, then you know who wins!

* And, thirdly, the Neighborhood Boards, now as I mentioned, 30 boards with approximately 438 members.

The budget for the neighborhood board structure, on an off election year, is roughly \$450,000. That is for the administration of the neighborhood board commissioner's office as well as newsletters, which I have samples of for your perusal. Additionally, during an election year, the cost for operation and maintenance of the system would include \$300,000, roughly this year that we paid for the election. Elections for neighborhood board members happen every two years.

Each member is elected for a two year term. To give you an example of the interest in the neighborhood board system, last election - of the 438 seats available, there were 32 vacancies, and 741 candidates for those vacancies. So, there is a great deal of interest in serving at that level.

There are currently two issues that are being discussed and you can get the feel for these issues in the Charter Commission's review of possible amendments to the Charter. They are related issues. First, who should have the authority to hire and fire the Neighborhood Board Commission office staff. And, secondly, should the employees of this office be, in fact, civil service employees. As I mentioned, these are two related issues.

First, they are not civil servants, which says basically that the mayor, through the executive secretary, can hire and fire at will these employees. It becomes another perk of the mayor's office to hand out these jobs. There is feelings among council members, staff and people in the general public who use the neighborhood boards system that these positions are being used politically to advance the position of the City administration. I offer that as a rumor. It is not validated, and it is not a statement of fact. It is a feeling that has surfaced. And so, therefore, as a result of that feeling, the question has been posed to the Charter Commission whether or not we should protect these employees by the civil service rules. That would give them more protection from that kind of willy-nilly decision making by the administration.

I have, as I mentioned, these handouts for you. I don't know if you'd like to make copies of Willie Espero's letter which basically says the things that I talked about. We have examples of newsletters that neighborhood boards have the financing to create. And, we also have the neighborhood board system pamphlets that are given out to people who are interested in participating at this level.

The Charter Commission when they created the process or the system of the neighborhood board commission, and board members, created these neighborhood

Morgado: (Continued) board plans which creates the neighborhood districts, and gives you a good feeling as to how board members are elected to the system. The minimum number of members serving on each board is nine, and they would want odd numbers of members serving on these boards for obvious reasons. They talk about the different rules that the neighborhood boards would have to comply with and, basically, the state's sunshine law dictates the rules of the neighborhood boards so the posting deadlines, decision making as far as quorum is concerned, the vote taking, those kinds of things are the same for council members as it is for the neighborhood board members.

So, Mr. Chairman, that's basically my official presentation. I'm certainly open for questions.

Chair Nakasone: Any questions?

Fabrao: Mr. Morgado, the mayor can appoint four, council has four and one... When it comes to running the business of the neighborhood board, who supports their economic status, their budget and all that?

Morgado: The neighborhood boards.

Fabrao: They do that?

Morgado: Record keeping for a board meeting, for example, is taken by a secretary that the commission affords each board, so that the cost for the salary of that individual comes out of the Neighborhood Board Commission's office. Newsletter costs that each board generates, they have a certain amount of money allocated for that purpose to each board. So, part of the \$450,000 that's appropriated to the Neighborhood Board Commission office is set aside for those kinds of newsletters.

Fabrao: Neighborhood boards then would be the closer entity towards really home rule? On the same level as the planning commissions?

Morgado: No. Not on Oahu. I don't know what the function of the Planning Commission on Maui would be, but on Oahu the Planning Commission is an integral part of decision making, they're in the loop of decision making. Neighborhood boards are, by definition according to the minutes of the Charter Commission of 1971, are advisory. So, they would be advisory to another elected body -- the City Council, or -- they have not limited their participation to the city level, or municipal level. They have made recommendations to the state level, congressional delegation against what's happening in China. They have stated their position almost in any area.

Fabrao: So they don't actually make any real decisions regarding actual monies being distributed or allocated.

Morgado: For the neighborhood board process? No. The budget is generated by the administration.

Reyes: The stated purpose in the neighborhood board, just looking through the pamphlets and from your presentation, sounds good. But, the bottom line, has it clearly made a difference? Has it given a voice to the community as it was intended?

Morgado: I was afraid you would ask that question. That's why, basically, my research for this meeting was basically more objective than subjective. And, as far as whether or not the purpose and intent articulated by the Commissioners in 1971 are being fulfilled in 1991... My response to that would be just personal, just a feel.

Morgado: (Continued) The neighborhood board system affords an elected official one other alternative to hearing from the general public. They create a method in which we can say when we make our decision, "And, the neighborhood boards agree with it" on this decision. I don't really know what that means, except that at least nine members support their decision. Whether or not they represent the true feeling, the true reading from their community that they're supposed to represent, I can't answer that question. I don't know.

I think the elected official, regardless of what level -- neighborhood board level, state or city level -- for that elected official to walk through that community, and just posing that question to individuals within that community, can get the same kind of feedback; I mean as the neighborhood board would get.

If we depend, as elected officials, on another level of bureaucracy to tell you what the community feels then in fact, it really defeats the purpose. You move the people or the constituency further away from that elected official, when maybe what we should do is get that person, who's elected to make decisions on budget matters or any other legislative matters, closer to the voting member, the constituency. I don't know if the neighborhood board, in fact, gets in the way.

Sparks: Let me ask pretty much the same sort of thing in a little different way. Have you had examples... The proposal... The idea is that it involves getting people more participation in decision making processes of government. So, have you had neighborhood boards effectively pressuring or lobbying or testifying at the council level that affected the outcome of things at all?

Morgado: Yeah, I think... I cannot say whether they affected it, or they pressured effectively. To give you an example, one of the problems that we have, I think, is that the administration is allowed to have members serve on a neighborhood board. So, you will have a director of the Department of Public Works be a board member from Kaneohe, say. Remember what the purpose and intent was -- was to have more people participate in democracy. And then, you have that board member trying to effectuate a certain decision that is coincidentally consistent with the administration's point of view, and contrary to the council members' position. Am I making myself clear? There's a triad there and the administration is very good at getting that neighborhood board to side with them on an issue, against the council member who's taking the opposite position.

Sparks: Is it only the administration that's making any kind of use of the neighborhood board, or are there other organized interests in the community, business interests, or environmental interests that are using the neighborhood boards?

Morgado: Exactly. I use administration because I'm closest to that. But the same thing that happens to your elected body -- council or state legislature, or congressional delegation, for that matter -- happens at the neighborhood board level. So, the question is have you received the information from the neighborhood board that's in its purest form, which is the intent of the Charter Commission in 1971. That's a question for each one of you to answer; whether or not that would be most effective.

Sparks: So, it's another arena for politics, as usual with any organized interests able to use the neighborhood boards, and yet the neighborhood boards don't have any direct decision making power.

Morgado: They're only advisory. But, there are instances where you use the boards' vote or recommendation to your advantage. For instance, fixed rail -- I have three neighborhood boards in my district, all of which support fixed rail.

Sparks: So you don't fail to point that out to them?

Morgado: No, administration doesn't fail to point that out to me. And they say, "listen, all three of them support it, and you represent that district. Why don't you support it?" Which is fair, and then you take a poll of the district, and two to one are against the recommendations made by the neighborhood boards. So, what are we trying to accomplish here? And, I think it is very effective for an elected official to walk through a district saying, "How do you guys feel about this?", and get a reading that way. And, I think that's what everybody realizes is really missing in the democratic process. Does the elected official take the time to get that kind of reading?

Chair Nakasone: Any other questions? Maybe one question I have... This whole concept of neighborhood boards, in your opinion, is it really working?

Morgado: I know this information is going to get back to Oahu...

Chair Nakasone: From the standpoint of you indentifying another level, and being that they are stictly advisory, it seems from the newsletter they have quite a bit of input in regards to the concerns to that particular district; not only in terms of improvements to infrastructure, but questions of zoning, land use, they are very strong in coming out and supporting a position. How does that affect the legislative level?

Morgado: Mr. Chairman, just let me respond very personally on that. I want to make that very clear that I am responding personally.

Given what I understand the purpose for creating the neighborhood board was back in 1971, if there are people who believe that the neighborhood board is really necessary, then I've failed to do my job as an elected official. My point is, I can do a better job than a neighborhood board can in reading the community. I don't need a neighborhood board to represent me or to act as a conduit for information for my district. And, if one is necessary in fact in my district, then I haven't done a good job. I'm not saying that it's not necessary, I'm just saying, I as an elected official, need to do a better job of communicating to our district.

Chair Nakasone: At one of our public hearings, one of the speakers mentioned a possibility of creating townships, similar to a neighborhood board. And, she mentioned something about being able to request for federal funds based on the setup for townships, a depressed economy district, that they would be qualified to submit for aid from the federal government.

Morgado: For operating costs?

Chair Nakasone: Not operating costs, probably for whether it's a housing project in a given area where they need some federal funds to get something going, or some social programs actually. So, the question is are you familiar with neighborhood boards on Oahu that would qualify or that has made efforts to get federal money?

Morgado: I'm sure there are neighborhood boards who have attempted to get federal money, but for what purpose I don't know enough about the federal mandates to comment on that. But, unbeknownst to me.

Dodson: Well, we already have HUD and Community Block Grant... Those go directly out into the entire community, no matter where the project is, as long as it conforms to the HUD standards.

Chair Nakasone: Well, according to this speaker, they could file directly -- not

Chair Nakasone: (Continued) going through the county -- file directly with the federal government for grants or aid.

Wright: But that's under a separate township.

Sparks: That's right. As a separate incorporated township they are a separate local government.

Dodson: If they have their own government, then they'll have their own CPBG coordinator, and then they'll have to go through them instead of county wide, I would think.

Sparks: Yes, but the idea was that the county as a whole may not qualify for certain kinds of projects for low income, underdeveloped areas, but one portion of the county, as a separate unit, might.

Dodson: But, the county does, because the federal government gives a Block Grant and then the county administration decides, based on the applicants and their applications, whether they can qualify.

Sparks: You may be right. Maybe there's no real angle there that exists. I don't know.

Morgado: Our neighborhood board structure is really connected to the MDS office.

Sparks: It's advisory to the council...

Morgado: Right. It's part of our executive branch. So, I don't know if they would, in fact, qualify to apply directly to the government for CPBG or HUD funds.

Chair Nakasone: Maybe I had the impression that that was a third level, that a township was a third level form of government.

Sparks: While we're on this township idea, before we leave it, let me just pick your brains a little bit. Suppose you had townships instead of neighborhood boards, or neighborhood boards with more than advisory powers. They had local government powers over their town or region or neighborhood, for let's say some of the planning and zoning functions, that would in fact take those away from the council. You'd have another level of government, theory being it'd be closer to home, and it would be more home rule, and so forth. What would your reaction to something like that be?

Morgado: Less work for us. But, I have a problem because when people start talking about this democracy, and they start talking about grass roots, and using terms like closer to...

I live in my district; I talk to my neighbors every night. We participate in our soccer league. I walk door-to-door; I have newsletters that I send out periodically. I access the community in whatever way I can, and I respond to letters and phone calls that I receive from people who have backyard problems, almost on a daily basis. We poll and survey our residents that we can't get to their front door. And, we get feedback as to their feelings. Now, does that constitute being close?

Sparks: How many population in your district?

Morgado: We have, registered voters, about 50,000...

Sparks: Total population over 100,000?

Morgado: Close to 100,000 because we have nine districts. We have a bunch of people. And, whatever form of communication we can use, we use. Our mailing cost at council is exorbitant, but it's not enough. We need more money for mailouts because we can't knock on doors; and, in addition, we have Channel 22, public TV, and we're on the tube every Wednesday night.

All of our committee meetings are cable casted. All of our council meetings are cable casted. When I make a decision, anyone who's watching that tube that night will know. We repeat it every Saturday. So, whatever we do in council is recorded in one form or another. Is that being close? I think it is.

Sparks: So, your argument is you don't need another closer level or layer of government.

Morgado: Like I said, or maybe it's just my personality, but I can do better than neighborhood boards. Remember, too, that...

Well, I think they can do another function very well, and that is these newsletters that come out. That's a cost to the neighborhood boards -- not a cost to my campaign, or to council administration, and if we can go through the newsletters to educate, then I think that's serving a purpose. And, it's another form of communication, and the more forms the better. And, I have to remind the Commissioners, that in addition to having administration directors sit on the neighborhood boards, you also have employees of Hawaiian Electric who is bringing in the 138 KV line through your community, and needs a neighborhood board approval for that line to come through. You have Hawaiian Telephone employees sitting on the neighborhood boards, you have developers' employees sitting on the neighborhood boards who take certain positions based on their experiences, and maybe one can argue sometimes based on their employment. So that has to be considered in reviewing the kind of recommendation you receive from a board.

Fabrao: I'd just like to make a comment, or an observation, that I go back again to the appointments by the mayor and also the council, that for me, if you want a grass roots organization that the neighborhood boards should come from people who are elected by their people in the neighborhood. And, I think that would work better. Then if you had any kind of input from them it would be coming from the community, because it wouldn't be any special interest group that would be...

Morgado: You're speaking to the board members?

Fabrao: I'm speaking of the boards, yeah; they're appointees, they're appointed.

Morgado: Okay. You have two different levels. You have a commissioner level that's appointed by the mayor and confirmed by the council. And, they are basically the people who set policy or rules -- not consistent with the chapter or sunshine law. And then, all the board members are elected in fact from districts, so they would be a cross section of people who are living within that district. Who, again, still might have employment elsewhere.

Chair Nakasone: Any other questions?

Sparks: Can we shift off neighborhood boards?

Chair Nakasone: You can pick on the council, too, if you want.

Dave DeLeon: Can you tell what are the voter turnout for these elections?

Morgado: They don't happen at the same time, and that's why they are so costly. I don't have that figure. I think some of the handouts that I gave you might indicate that number.

Dave DeLeon: Part of the impact where special interest would be able to control in this is the small turnouts.

Sparks: And, not a lot of expensive campaigning, so maybe a lot of the public doesn't even know what's going on. I mean, they do have elections, right?

Morgado: That's right. Relatively speaking, there is a small turnout, but the process in which the members are elected is a different process, too. They don't go down to a polling area and cast a vote; they receive these ballots in the mail, and then they cast their vote.

Sparks: By mail?

Morgado: Yes, that way. So, I think the response is better than expected, but still low response relative to other kinds of methods.

Cockett: I do recall, too, you get a ballot in the mail; you look -- "who are they?"

Sparks: Sure, it's like you elect trustees for the retirement system... and "who is that?"

Morgado: I'll get you numbers on that. I don't have the numbers.

Sparks: I'm on this committee that's looking at, amongst other things, how we elect council people here. And, we're collecting as much input as we can on the different pros and cons of at large versus districts elections. And, you are obviously a district election system. One of the arguments you always run in to there is that district representatives have to pay attention to their district and their constituents, and the process may not be as statesman-like in considering the whole county on county issues. Could you comment how it works out in practice from your point of view over there in Honolulu?

Morgado: I think it's fine. Thank you. I promised I wouldn't comment for the record. The only comment, and Mayor Fasi's always saying that he thinks we should have at least three at large seats on the council, because these council members make decisions based on what's best for their district, and they don't have the foresight or the vision to make decisions for the broader good, for the good of the island.

Which is not true. I don't agree with that. I think that what it does is it really reduces the level of accountability a district would have for their elected official.

When I make a decision, whether it's... I think my responsibility when I make a decision is based on what is good for the whole, not just my district. And, people who vote for me or vote against me would view me not only as a representative of a district, but how I represent the city as a whole. I think their decision is made

Morgado: (Continued) based on that fact. And, I don't know a council member who is so myopic that they would ignore the benefits that could be accrued by the whole island, just for the sake of looking good in that district. And, I don't think people vote for you like that. And, I think it is very important that an elected official remain accountable. We talked about the neighborhood boards, and we're trying to put more layers in there; what we should do is really eliminate these layers and demand that the elected official become more accountable. Demand that the lines of communication are there, in order to keep that person accountable.

And, the first person that we've got to slap upside of the head is the voter. We have failed to keep our elected officials accountable. And from that very fact, you have all these other bureaucratic entities that are created to get "the elected official closer to the constituency." When, in fact, the major problem, the basic problem is the voter. And, the voter will tell you "well I'm apathetic because we have corruption in government." Nixon started the logrolling here, and on, and on. They can state a hundred different reasons why they are apathetic, but that is the base problem, and how do you resolve that problem?

Neighborhood boards won't do it. At large seats certainly won't do it -- I think it diminishes the level of accountability. And, the process by which we can keep the people more accountable, I think the better our representation will be. Having us on TV was the best thing that ever happened to city government. We are not a circus anymore. When we do business, we conduct it at a level of decorum that's, I think, of the finest quality.

And, a sad statement but one I experienced a couple years back, when the state legislature was doing HFDC, which was the state's attempt to circumvent, Bob remembers, land use laws of the city and the municipal governments, was take over a camera from our cablevision and put on TV the committee that was going to make the decision on HFDC.

I walked over by myself, because I sent a letter over to the Speaker of the House, Dan Kiyano, and asked him to allow our cameras to go in and record for viewing the committee that was going to make a decision on HFDC. I was denied access. When I walked over by myself, leaving the cameras at home, I was met by three security guards at the front door of the Committee Room, and another security guard on the corner of the Capitol. And, they looked at me and they approached me when I walked up there and said, "What are you guys doing here?" And they said, "Well, we're waiting for you. We wanted to make sure you weren't going to bring your cameras." And, I think that's what's lacking in the state legislative level.

Sparks: Let me ask you to be a little more specific about how accountability is lost or how accountability is gained in a district system and lost in an at large system.

Morgado: Maybe by example. Not everybody would be well aware of the details of any issue, or of all issues. And, when a council member would make a decision that a certain population of people would be directly affected, who would know the details of that issue, and would remember that issue when they cast their vote at the next election. That information, or that piece of knowledge is not shared by the at large district in which that member is elected. So people would be voting for that person not knowing the details of the issue, that the decision on that issue might have been faulty or for whatever reason not correct. And, the at large voting population would not have that information.

Sparks: Okay, but then let me just be devil's advocate for a minute. You're representing a district. At election time you only have to worry about getting elected by those voters. What's to guarantee that those voters know what you may have

Sparks: (Continued) done positive or that you may have done that screwed up some other voters of the entire county. So, can you say that your voters in your district can hold you accountable for mistakes you made in other parts of the county?

Morgado: Well, yes, for my decision making. I vote on a budget, I vote on zoning for a golf course in the windward side, I live in the leeward side, which makes the papers. I vote to raise the ½% excise tax, which is not a district issue, then my voters would hold me accountable.

Sparks: Yeah, that's the other question. A lot of issues are not district issues, right?

Morgado: A lot of issues are not district issues. In fact, would I get reelected because my asphalt on Kumumai is of the finest quality? I think voters are a lot smarter than that. The argument used to justify at large seats assumes the voters are ignorant. And, I don't believe that. I think the administration makes that mistake every time we put Charter amendments on the ballot. Or, every time we put issues in front of the general populace. The voters are intelligent people. They make decisions based on the merit of issues, as evidenced by the pilot Charter amendments that we have passed in the recent past.

Sparks: But even if every voter is paying attention to everything, you'd still have this issue about if you're elected by the whole county, you can be accountable to the whole county. The argument is if you are elected by a district, ultimately your electoral fate is only accountable to that district.

Morgado: For instance, county council's responsible for sewage treatment. County council's are responsible for disposal of waste, potable water, police and fire. If those services, which is not a district concern, are not of quality that is acceptable then that member shouldn't get reelected.

Sparks: If you are running at large or by district, he shouldn't get re-elected?

Morgado: I mean by district, that member should not be reelected. However, if that member is running in a district or is covering an area that three members might represent...

Sparks: Now you are talking about a multiple member district...

Morgado: That's correct, and we would have that and an at large seat...

Sparks: Not necessarily.

Morgado: What's being proposed is that three members run at large...

Sparks: I see, and they are not separate races?

Morgado: No. They are at large seats. Now, the best two wins, and that's where I think we're not holding those members who are decision makers regarding sewage treatment or police, funding or having the vision to prepare for the future... And then, the argument can work both ways. I agree.

Sparks: Multiple member districts versus single member districts is one issue. The huge at large districts versus smaller district-districts is another issue

Sparks: (Continued) and I wasn't trying to get into the multiple member districts issue right here. But what you are saying about you being concerned about a lot of county wide issues, and not just being so parochial and only concerned about your district that elects you, is compatible with some studies I've read where they've done massive surveys of county officials at your level across the country, and they've found that almost on a par with their concern with their district is their concern with the entire area, that region or municipality, or whatever it is.

Morgado: I would agree. You know an assumption that you're going to get better representation for the island with at large seats, I think is wrong, because I don't see any members voting just for district reasons now. I think we get outstanding representation for the island with the system we have currently.

Sparks: What about issues about the cost of campaigning, perhaps the role of money in pockets in campaigning in a larger area versus a smaller area?

Morgado: I think it's a major issue that I failed to articulate. In order for a city council member right now, it's not unlike... All elections I've been involved in, your campaigning costs just during the campaign season, but then you have costs for mailouts during the year, for your district alone would amount to something like between \$15,000 for a mailout to \$20,000, depending on how elegant that paper that you use. That's a major cost, and that's just for one district. You run that person at large and then how does Joe Public or Mary Public get off the streets and say I want to run for office, too. Their campaign expense would have to be close to \$35-45,000. Andy Mirikitani ran a campaign for over \$100,000 in the last election.

Sparks: Yeah, for a district.

Morgado: For a district. We are all districts.

Sparks: What would it be if it was the entire county?

Morgado: Mailouts paid for say two districts might come out to about... Just a simple letter out to your community, maybe about \$25,000 for the printing costs, for the write up cost, those kinds of things. We have a system where we mail out these kinds of letters and we have a tearout card right at the bottom of it, and they just drop it into the mailbox. We pay postage, and that cost is close to \$20,000.

Sparks: Another topic that's hot these days is limiting terms.

Morgado: You take the responsibility away from the voters again. The voters are responsible for the quality of representation. When you limit terms, you let them shirk their responsibility.

Sparks: Surely you're aware of the important incumbency factor that seems to make it very easy, in most cases, for incumbents to get reelected, and there're some real dolts, they tend to get reelected. One wonders then, what's really going on here. We have a real rational public making rational decisions, or are they just kind of falling into some kind of passive acceptance of literature and name familiarity factors that the incumbents can produce. If that's a real problem, perhaps limitation of terms is the only way to get new blood.

Morgado: I think the problem is not the incumbency -- well, we've got to redefine the problem. If the problem is poor representation, then the wrong person is being elected. But, if the problem is seen as this guy's been in too long, irrespective

Morgado: (Continued) of the quality of that representation, then term limits would meet that need, and get the bum out after two terms. But, I'm concerned with... We've got a governor who's lame duck at this point -- how effective is that governor? And, there's talk that the mayor is going to be lame duck after two terms, if this Charter Commission gets their way. How effective would that person be? And, the same thing with the president. How effective are these people who are not going to get reelected? Not because they don't represent the people well, just because there's term limitations. I think, again, the responsibility is squarely on the shoulders of the voter. How can we make THEM accountable?

Wright: You know that's true, but the fact remains that there are a lot of voters who are not going to take that responsibility, so to some extent, don't some people who are trying to determine the valid method of government have to take that into account? The fact that there are a large percentage who are going to go by name recognition; I mean, that's just a proven fact.

Morgado: That's true.

Wright: In the state I lived in before here, we had someone with a criminal history elected because he had the same last name as a very famous political family in Texas, and it was strictly name recognition. Now he was gotten out of office shortly after the election when it became clear; all I'm saying is at some point, don't we... You're right. It's the voters responsibility, and the voters should be taking that. But at some point though, I have to say, that someone else then has to take that into account when making decisions on term limitations or stuff. The fact that at some point someone who has a long history and a lot of recognition with the voters could stay in office and a little dynasty's being formed as a result of the problem. That has happened in so many cities where there is too much control situated in one person for a long amount of time, because of the fact that there are a lot of voters who won't accept that responsibility. My only problem is that I agree with you in principle, in theory, but in practical method isn't there some need at some point to control that situation, recognizing the fact that a large percentage won't take that responsibility?

Morgado: I'd liken that logic to what we talked about earlier as far as going down to Kailua Sewage Treatment Plant and making a decision, because the general public is pressuring me to make a decision, not based on what the facts are, but based on emotion. You're exactly right and people, through the familiarity of name recognition, or because he parts his hair on the left, or has a pretty wife, vote for that person and that person gets in year after year. The question has got to be posed, however -- we elect people so we have the best representation in this democracy. If their representation is not conducive or not adding to some effort to make it the best democracy or best government, then who is at fault? Define what the problem is and work toward a solution for that problem.

The problem, in this situation, apparently is not being focused or not being defined as the quality of representation of that individual is participating in. The problem is being defined as that person has been there too long; and, I'm saying that the problem definition is wrong. So, how can we possibly make any steps in the direction of solving better government by addressing the fact that he's there too long. So, while I agree that taking away or eliminating apathy in the voter is probably the greatest challenge that all of us have today in this democracy, it's one that we cannot stop being focused on. We have to continually be focused on and make laws, or make decisions in your Charter amendment process, in legislative processes to keep focused on what the real problem is -- people are apathetic, the voters don't understand the real issues to hold their people accountable and I'm saying yes, it is

Morgado: (Continued) playing field. Every other member is going to be held to the same rule. The Charter Commission amendments that are being proposed to cut the gonads from council are the things that I'm against. They are trying to create an uneven playing field for the sake of administration. Now, that's something that I think is not fair, not right. It's not a step toward better government. It's who controls that government. That's historically been my opposition to these kinds of appointed boards. Whenever you have, like the neighborhood boards, seven appointed by the mayor, seven appointed by council, one appointed by mayor and confirmed by council, may seem fair to the layman's ear, but it's not the best way to form these kinds of committees. I don't know, what do you have?

Chair Nakasone: Appointment and confirmation.

Morgado: Everyone is appointed and confirmed?

Chair Nakasone: By the mayor...

Morgado: ...and confirmed by the council.

Chair Nakasone: Right.

Sparks: On this commission.

Chair Nakasone/Fabrao: (Simultaneously) All commissions.

Fabrao: I have another question. Do you consider yourself a part time or full time employee?

Morgado: Of what? I have another job.

Fabrao: Yeah, well, there is an issue that's come up in our county and the council members, some of them feel that they put in a lot more hours than other council members, and so the term part time and full time came up because their salaries are based on 'so called' part time before. So, how do you people consider yourselves on the council in Oahu?

Morgado: Well, I think each council member would tell you... Well, first of all you've got to define full time or part time. Full time, I'm going to assume you're defining it as eight hours a day, forty hours a week. I think if you're going to define council members or elected officials that you should define their responsibilities. You know, at the urinal they don't need to answer questions, but we do. I can be in a bathroom and facing the wall, and somebody comes next to me and says, "'ey, aren't you ah.... You know what happened last week in my back yard..", and I'd have to respond to the person at the urinal.

Sparks: There's a story about Paul Newman finally stopped giving autographs when somebody asked him for one at the urinal. They just went too far, he said.

Morgado: Well, I don't have the luxury of doing that. But, if you do part time/full time kind of stuff, let's define those kinds of things. I think you'd better understand the job of an elected official, if you try to define the role or responsibility of that official.

Fabrao: But, my personal point is that an official that's elected, gives as much time as he or she needs to, to the problem or issues at hand, and it doesn't matter whether it's full time or part time. Even if you give such a good explanation

Fabrao: (Continued) of what those terms mean, that the elected official is that person that he or she serves to the best that they can, no matter how many hours they put in.

Morgado: I think that's true. I think it would be a mistake if you were to say find some arbitrary figure, a salary, to pay a "full time person". Maybe the best thing to do is say -- and I don't know if this is constitutional -- to say that you cannot have a second income, you know, and leave full time/part time out of it. Again, what is the problem that we would want to create a full time council?

You know, politicians in general is a negative connotation, already. Now you want a full time career politician, whose job is to get reelected. How is that member making decisions, especially during election year? What kind of decisions are they going to make? Sometimes the right decisions are not always the most popular decisions.

Like saying no to a secondary treatment and going with advance primary, 'cause that was the right thing to do. But, it becomes a different question right before election. You want to be popular and you cannot be elected if you are not.

Sparks: What is the proper salary level then? What are you getting now? Around thirty-some thousand?

Morgado: I think council members get around thirty-five.

Sparks: And, for most people with a family or anything, if they don't have other income, that mandates that they do other things for income, right?

Morgado: Yeah, yeah.

Sparks: So, that's the real issue. Do we want to financially reward council people enough so they can make it their full time...

Cockett: What is enough?

Morgado: I think we should pay them what we can afford to pay them, and let people walk into it with their eyes open, and if they want to take the job for that salary...

Sparks: Suppose somebody proposed paying them the same salary as department heads?

Morgado: I have a hard time with that. I can't respond to that. The chairman of the council makes forty-something, about five or seven thousand more than the council member would make; I'm not sure what the number is. But, that's the salary range, and I'm fortunate enough to have a second job. Full time/part time, I don't know. And, I walked into it knowing what the salary range was. But, I think it would be a mistake if we elect full time politicians. We have a hard enough time already saying, "geez..." How do you make a hard decision today in politics. It happens on a national scale, you know -- one year away from election and all of a sudden you have a federal government who wants to throw all kinds of monies at municipalities to start creating jobs. As soon as the election is over, all these monies dry up, and we're in a recession.

Sparks: I was just thinking about the poor politician as a dolphin, you know, and I was trying to think of some positive reinforcements here. Instead of giving them an almost impossible job and then making them the scapegoat of everything, blaming and bitching about them all the time. Even making it more possible...

Wright: But you aren't really giving them a positive reinforcement for good performance. That isn't really being tied to good performance...

Sparks: Well, if you don't pay them enough, they are more susceptible to corruption.

Morgado: See, that's the real problem. We've finally got the problem out.

Chair Sparks: Okay, Dolores, you have the floor.

Fabrao: I believe that the politicians, if they are a politician 'cause they want to work for the people, and they are the people's people, they are there for the good of the people, and that no matter how much money you give them... If they're going to be rotten, they're going to be rotten, whatever -- whether you're a school teacher, or a hotelier, or an attorney, or a nurse. So, I would like to believe that, I am of the faith that those people who are elected by the people are serving the people, so therefore, no matter the amount of money you give them, they would do the best job that they could do. So, even if you gave them a million dollars, how could you get any more better service out of a person that's doing the good for the community; if they really wanted to do the job, I don't think money is of that much importance.

Sparks: So, we'll give them the prestige and the chance to do good for the community, but we won't pay them very much money.

Fabrao: I think they realize, too, that the government doesn't have that much money, anyway.

Morgado: Maybe a good rule of thumb would be to give politicians some average income for the state, or the city in which they preside, and we might be motivated to improve that.

Sparks: Indexing. Yeah, indexing. That's a pretty good idea.

Yonenaka: Mr. Morgado, you said you represent about 50,000 registered voters now.

Morgado: 35,000 households, I think. So, like husband, wife, children...

Yonenaka: How many voters in that district?

Morgado: I would say between fifty and sixty thousand.

Yonenaka: Okay. Do you think you could represent more people with the same amount of, consistency is not the right word, effectiveness?

Morgado: Or, attention.

Yonenaka: Or attention, yeah. Is there...there has to be a limit somewhere where you say "well, I can't do it."

Morgado: On a state level, I think, you can handle... The irony of this is that at the state level you have smaller districts, rather than council levels. We represent about a hundred thousand people; a State House member, we have three House districts in one council district, for instance. Two Senate districts in one council

Morgado: (Continued) district, my district alone. And, that is ironic because the issues that we deal with at the city level are everyday backyard issues, like the chicken across the street has been crowing since 4:00 in the morning, and I can't go to sleep; the asphalt on the road needs repair; we don't have quick response time from emergency medical services; the trashman didn't come this morning. I mean, you name it, we got the calls complaining about it. You give us..

Like say on a percentage basis, 10% of your constituency need your direct attention. I have a staff of, being council chair, seven. Most members have five or six, something like that. There's no way that we can adequately serve a hundred thousand people at the city level, with the personal staff of five or six. There is no way we can possibly do that.

Say if it jumps up one percentage point, then 11% of the people in your district need your direct attention. I had made a proposal to the Charter Commission to increase the number of elected officials, and then you had the opportunity of diluting the "power" of the individual council member. I think that would help.

Yonenaka: Yeah, that was my second question. Would the council still be able to function? Because, I understand it's a day-to-day thing, you know, the rubbish and all that. Would they be able to function if they had fifteen or twenty councilmen?

Morgado: I think it should be increased. On Oahu, it should definitely be increased. Because, I would like to spend more time walking a district, being able to cover it on foot, not run a marathon trying to do it. I think that's one way of helping the elected official do a better job and get close to the people, that kind of thing. But the larger the district, again that goes back to our at large discussion, the larger the district, the tougher it is for that member to be responsive in that district. And, alot of times what I'm doing... We've set up a process in our office of paper shuffling. We have this process, which for me is elaborate because the paper cannot rest on my desk, and a lot of times I lose the intimacy, or the emotion that motivated that piece of paper that got to my desk, which is "God damn it, I'm sick and tired of the way you guys are doing these things!" And, I look at it and say, "okay, this is a Public Works issue -- staff member responsible for doing that, you go ahead and do it."

And, that's how I think we increase the distance between the constituent and the elected official. We've got to close the gap. And, by having a smaller constituency to speak to, the question would then be -- if it's manageable, why haven't you done that? But, at this point it's real easy to lose sight of that emotion.

Yonenaka: Another question. Maui County is pretty unique in that we do have three islands in our county. And, in your district, I assume, you don't have to catch a plane to see somebody else, and here we do. Do you have any thoughts about that in terms of would it seem more difficult for you, would it not be a problem? Would it be a problem in terms of one island not getting representation if the person doesn't live there, doesn't come from there?

Morgado: I can make a comparison; I won't tell you I can relate to that completely, but on our island, DOE now is talking about, the lieutenant governor's office is talking about district school boards. And, on Oahu they're saying we'll have one for Oahu, and one for every other municipality. Well, if you take the population for the other islands, say that they deserve one member on the board -- you take 800,000 people on Oahu that come demographically from different levels of income, different kinds of communities, rural versus urban, we need four different kinds of boards, at least four different kinds of boards on Oahu alone, and that is so the people who have unique needs are represented as it pertains to educational decisions.

Morgado: (Continued) I think we had a situation on Oahu, just to state my point, Waipahu Intermediate School was being ignored for repair and maintenance monies. It used to be a high school, and the troughs in the bathroom were at the level for high school boys. You might think I have a fixation because I've been talking about urinals all day, but that's part of my job. Anyway, for instance, in the bathrooms you have that kind of very basic problem. But, it doesn't take a nuclear scientist to figure out the solution to that problem -- lower the troughs. So, those guys were peeing on the floor or going across the street using the restroom at the service station. That school would not have been ignored if it was in a more affluent community, with student enrollment of people who were in above average income levels. And, that was not the case at Waipahu Intermediate. They had a DAGs facility on campus, who are responsible for repair and maintenance, driving through the campus daily, going to other schools for repair and maintenance, and ignored the needs of this school. If we had a schoolboard that was directly responsible for representation of that school, and other schools like it, that situation would not have persisted for the years that it has. And, I would answer your question the same way.

It's important that you have people who are intimately informed or knowledgeable about issues that are unique to that community, in order for that person to represent that community adequately. Goro on Lanai is the best thing that happened to Lanai. If a Maui resident is elected to represent Lanai, personally, I would have concerns. The same way with Molokai.

Yonenaka: Well, the problem we have is that we... It would be okay if we said Lanai will have its own representative, and Lanai would be its own little district, except that we'd have thirty-something districts of 2,000 or 3,000 people. We'd have a council of thirty to forty people.

Morgado: That is a unique problem. But, maybe if you had representation there, I wouldn't hear on the radio that we have a private island in the Hawaiian chains--Lanai--where you can run away to. And, I thought--geez--I thought it was part of the state.

Fabrao: It is, thank you. It is part of the state. If there's somebody who thinks it's not...

Morgado: Right. Exactly. It's too bad that we hear...

Takabuki: I'd just like to hear your thoughts about a two year versus four year term; and, you know that we're two years here, and you're four years, right, on Oahu? And, it's often suggested that a two year is better because you have to go back more often to the people, you're more accountable and all that, closer -- those are the arguments. And, on the other hand, it's also been argued that you stop doing business at a certain time because you are running again. And, I'd just kind of like your thoughts on two year versus four year...

Morgado: I think there's truth on both sides of that issue. I think a two year term would be effective in that you go before the electorate again very soon. But, I see problems as far as initiating changes or legislative solutions. For instance, Public Transit Authority, that went through council three years ago. If we had a two year term, that would not have been possible. I've been council chair now for six years, and we are in the process of implementing a work at home program that started something like four years ago. Which means basically, we hook up our council employees by computer and fax machine at their home, and they are doing the same work that they would normally do at the office, at home. They come in two days a week. That would not have been

Morgado: (Continued) possible in a two year term. The other kinds of changes, and Bob knows a little bit about the changes we've been able to institute at council as a result of having a longer term. Meaning, just how we do business at council.

Previously, before we came on board, every meeting was transcribed, every committee meeting was transcribed, and sometimes we'd have planning and zoning meetings that would go on for eight to twelve hours. And, when we transcribed those meetings, it would take one clerk eight hours to transcribe one hour of committee work, and that was an inordinate amount of time, and unjustified cost effectiveness-wise to spend on that kind of activity. We have been able to institute changes that would, I think, work to the benefit of everybody involved at our governmental level. Minutes were abbreviated, committee reports were two pages. Those things got on council members' desks two days after the committee adjourned. And, that's all relative to the phone book kinds of reports that we had generated previously, that got onto council members' desks the morning of final decision, which was about a week or six days after the committee meetings.

No one ever read those committee reports. It was physically impossible for them to get through it and use it as a tool for decision making. We were able to change that and it was because we were there long enough to, first of all, define the problem, and secondly, take steps to solve that problem.

I think there's a lot to say for a four year term, and it's a good indication; you get a track record after four years, and I think, it's better for the voters to see what kind of personality that elected official has. I think two years -- after the first year, you're already campaigning for reelection, and that might create some problems in decision making. Again, that's just a very personal opinion.

Chair Nakasone: Any other questions? If none, Arnold, thank you very much for your unbiased opinions and statements...

Morgado: They were very biased, for the record. Thanks very much.

V. NEXT MEETING DATE

Chair Nakasone: You all have the schedule for next week.

Sparks: Let me say, before you rap the gavel here, I got a phone call from Gene Thompson, and I see here where maybe some others did, too. We're going enmasse to that meeting on the 19th?

Dodson: Not to Mass, no.

Chair Nakasone: Not enmasse, no.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:33 p.m.

ACCEPTED:

Robert Nakasone, Chairman Date