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3 COUNTY OF MAUI, STATE OF HAWAII
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5 APPROVED 7/9/2012
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8 CHARTER COMMISSION
9 REGULAR MEETING
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15 Held at the Planning Department Conference Room,
16 250 South High Street, Wailuku, Maui, Hawaii, commencing
17 at 10:02 a.m., on Monday, June 25, 2012.
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20
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1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Joshua A. Stone, Chair
4 Wayne N. Hedani, Vice-Chair
5 Artemio C. Baxa, Member
6 Stephanie S. Crivello, Member
7 David P. DeLeon, Member
8 Frank R. De Rego, Jr., Member
9 Clifford P. Hashimoto, Member
10 Susan A. Moikeha, Member - not present
11 Linda Kay Okamoto, Member
12 Yuki Lei Sugimura, Member
13 STAFF PRESENT:
14 Sherry Broder, Commission Analyst
15 Edward S. Kushi, Jr., First Deputy Corporation Counsel
16 Lisa Kahuhu, Supervising Law Technician
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18 ADMINISTRATION PRESENT:
19 Michael Molina, Executive Assistant to the Mayor
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1 (Monday, June 25, 2012, 10:02 a.m.)
2 * * *
3 CHAIR STONE: I would like to say aloha to
4 everyone for attending this public meeting of the
5 Charter Commission. My name is Josh Stone, and I am the
6 Chairman of the Commission, at least for a little while
7 longer.
8 If you need, there are copies of our agendas
9 of today's meeting available for everyone with Lisa
10 Kahuhu. Lisa, thank you. And as per our rules, all
11 discussions today shall be pertaining to these agenda
12 items only.
13 Before I begin public testimony, we have a few
14 items of business to address. Firstly, I would like to
15 call this meeting to order as of 10:00 a.m., and
16 recognize our Commissioners that are present. Lisa, is
17 anybody excused?
18 MS. KAHUHU: Chair, Susan Moikeha is excused,
19 as well as Flo Wiger. Yuki is probably on her way.
20 CHAIR STONE: Okay. Very good. Thank you.
21 Also I would like to present our staff. We
22 have Ed Kushi, Jr., Deputy Corporation Counsel. Ed,
23 thanks for being here. Lisa Kahuhu, once again,
24 Supervising Law Technician. Tonya McDade, our court
25 reporter. Tonya, thank you. Also, Sherry Broder, our

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1 Analyst. Thank you for being here, Sherry. And special
2 thanks to Akaku for being here to televise this meeting.
3 I would like to take this time to approve the
4 minutes from our last meeting.
5 VICE-CHAIR HEDANI: So moved.
6 CHAIR STONE: Got a motion to approve.
7 COMMISSIONER DeLEON: Second.
8 COMMISSIONER BAXA: Second.
9 CHAIR STONE: Thank you very much. Seconded
10 by Commissioner Baxa. Any discussion?
11 (No response.)
12 CHAIR STONE: Okay. No discussion. Call the
13 motion. All in favor of approving the minutes, say
14 "aye."
15 (Response.)
16 CHAIR STONE: All opposed, say "nay."
17 (No response.)
18 CHAIR STONE: Motion passes. We will now move
19 on to public testimony. Lisa, anybody signed up for
20 public testimony?
21 MS. KAHUHU: Chair, no one has signed up for
22 public testimony.
23 CHAIR STONE: Thank you. And seeing that
24 there's nobody in the room, seeing that nobody is coming
25 through the door, I will now, without objection, close

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1 public testimony. And without objection, the Chair will
 2 accept and file all public communications for the
 3 record.
 4 Okay. Moving on to Communications, we have a
 5 communication item from Commissioner DeLeon. Good.
 6 And --
 7 MR. BAXA: Mr. Chair?
 8 CHAIR STONE: Yes. Go ahead, Commissioner
 9 Baxa.
 10 MR. BAXA: Mr. Chair, I read the communication
 11 of Mr. DeLeon in relation -- in relation to the letter
 12 of Mr. Smith. It appears that Mr. Smith has a point and
 13 at this time we cannot make a proposal to adopt what
 14 Mr. -- Commissioner DeLeon is telling the Commission.
 15 CHAIR STONE: Okay. Very good. Commissioner
 16 DeLeon.
 17 COMMISSIONER DeLEON: The purpose of the
 18 communication was just to provide information; it wasn't
 19 to take action. So, I mean.
 20 COMMISSIONER DE REGO: It was a rhetorical
 21 question.
 22 COMMISSIONER DeLEON: So, I mean, I'm sorry
 23 that Mr. Smith's (inaudible).
 24 CHAIR STONE: Very good. Any further
 25 discussion?

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1 COMMISSIONER OKAMOTO: Just a question. Is
 2 that the email one we're talking about?
 3 COMMISSIONER DeLEON: I believe it's the --
 4 COMMISSIONER OKAMOTO: Or something else?
 5 COMMISSIONER DeLEON: Just the background
 6 there of what happened at the County Council.
 7 COMMISSIONER OKAMOTO: Okay. All right. I
 8 just want to be sure I have the right one.
 9 COMMISSIONER DeLEON: You have two
 10 communications from me. One is the communication
 11 referencing what the Council did as I caught it on the
 12 fly, you know, I'm not the County Clerk, to give you
 13 guys an idea what was going on. And then the second
 14 part was a document aimed at being a draft toward a
 15 statement to the public about what our product is.
 16 COMMISSIONER OKAMOTO: I don't think I got
 17 that.
 18 MS. KAHUHU: I'll get that right now.
 19 COMMISSIONER OKAMOTO: Okay.
 20 CHAIR STONE: It's coming soon.
 21 COMMISSIONER DeLEON: I've had the hardest
 22 time getting that on the floor.
 23 CHAIR STONE: I, actually, had a good -- I
 24 read that communication in regards to the -- which we
 25 should wait for it to get here. So --

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1 COMMISSIONER DeLEON: Then when the
 2 appropriate time comes.
 3 CHAIR STONE: Very good.
 4 Okay. So let's move down the agenda. Review
 5 and Discussion on Communication Items, we will go back
 6 to that. Review discussion, action on the 2011-2012
 7 Maui County Charter Commission Revised Final Report to
 8 the County Clerk.
 9 So, Sherry and Lisa and Ed were working very
 10 hard to make sure that all of our requested items and
 11 concerned were addressed in the language put into the
 12 revised draft. We'll take note that a very complete
 13 description was put in, if you check Page 7 -- 7 and 8,
 14 a very clear description of the process and the
 15 limitations that we faced once we had the
 16 recommendations back from the Council. So that was one
 17 of our primary issues with the draft, as I recall.
 18 Sherry, were there any other major points that
 19 we addressed in the draft?
 20 MS. BRODER: I think that was mainly it.
 21 Didn't we have the recommendations at the end?
 22 CHAIR STONE: Yes.
 23 MS. BRODER: Yeah, we made recommendations at
 24 the end. We included those. Those were -- we did at
 25 the last meeting and specifically voted on. So the only

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1 -- the only really new -- I mean, that's new, the end,
 2 the recommendations are new, but they were voted on
 3 because, remember, I wrote the language on my laptop and
 4 then you read it out, and you voted on it. But I think
 5 we should take a look at it. Because now, okay, I did
 6 make some grammatical changes to what I came up with
 7 when we were sitting here.
 8 CHAIR STONE: Okay.
 9 MS. BRODER: So that's what we've done.
 10 CHAIR STONE: So primarily Page 7 and 8. If
 11 you guys want to briefly review that language, make sure
 12 you're happy with that. And then, as well, the final
 13 Page 39 and 40, take a minute to review that. And those
 14 were -- besides a few grammatical errors throughout the
 15 document, those were the primary draft changes that we
 16 made. Okay. I'll open the floor to discussion on any
 17 of those items.
 18 Go ahead, Kay.
 19 COMMISSIONER OKAMOTO: Since I wasn't here,
 20 sorry about that, but the one on the task force, was
 21 there any discussion to make it more specific, like with
 22 a timeframe or anything like that? That was just my --
 23 CHAIR STONE: We had gone -- we had really
 24 bounced around like trying -- trying to be very
 25 specific. And we realized, as we got deeper into it,

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<p>1 that it had to be left a little bit of -- a little 2 vague. And that's the -- that's the idea, is that the 3 task force would establish the timeframe. And that's 4 primarily -- I could imagine, say, a task force would be 5 made up of ex-Charter Commission members, you know, who 6 had lived it. 7 MS. BRODER: That's good. 8 CHAIR STONE: That could really help out. 9 MS. BRODER: Are you volunteering? 10 CHAIR STONE: No. No, no. I said Members; 11 not Chairman. 12 (Laughter.) 13 CHAIR STONE: So we did -- we did bounce back 14 and forth. But that's the idea of the task force, would 15 be to get specific. 16 COMMISSIONER OKAMOTO: Okay. 17 CHAIR STONE: And then, yeah, so I thought 18 Sherry did a very good job on the -- on the process. 19 Sherry and Lisa did a good job on explaining what our 20 processes were, especially if you look on Page 8, when 21 you list what our only four options were. And that 22 makes it clear that we're not just lol. 23 Okay. Any further discussion? 24 (No response.) 25 CHAIR STONE: Ed, we need a motion to accept</p>	<p>1 Okay. So coming around, that's Dave's 2 communication? 3 MS. KAHUHU: Yes. That was sent by email. 4 CHAIR STONE: There was the -- Lisa, also, 5 yeah, that's the -- that's the one that was about 6 proposed education, right? Yeah, that's a good one. 7 Thank you. Hi, Yuki. 8 COMMISSIONER SUGIMURA: Hello. 9 CHAIR STONE: Thank you for being here. I 10 love your hair. 11 COMMISSIONER SUGIMURA: Thanks. 12 CHAIR STONE: You just got it done, didn't 13 you? 14 Okay. So for those of you who read this -- as 15 you guys know, Dave is with our special public 16 subcommittee. What are we calling it? Public Education 17 Subcommittee -- there you go -- and so he put this 18 together. And it is an explanation -- helping to simply 19 explain our proposals to the public, basically. 20 Correct, Dave? 21 COMMISSIONER DeLEON: That's what the purpose 22 was. Yes, sir. 23 CHAIR STONE: Okay. Good. Thank you. So, 24 Dave, what I'd like to get from you is how -- how do you 25 see using this resource before we delve into it?</p>
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<p>1 this draft as our final report, correct? 2 MR. KUSHI: Yes. 3 CHAIR STONE: Do we have a motion to accept 4 this as our final report? 5 COMMISSIONER DE REGO: I so move. 6 COMMISSIONER DeLEON: Second. 7 CHAIR STONE: The motion's been put forward by 8 Commissioner De Rego, seconded by Commissioner DeLeon. 9 And I have a feeling that this will most likely be 10 unanimous. I'll call the vote. All in favor, please 11 raise your hand and say "aye." 12 (Response.) 13 CHAIR STONE: Very good. All opposed? 14 (No response.) 15 CHAIR STONE: Motion passes. Congratulations, 16 Charter Commission, this is our Final Report. Very 17 good. Good job. I'm proud of you guys. Yay. 18 (Applause.) 19 CHAIR STONE: Yes. Deserves a round of 20 applause. 21 And Lisa missed it. We just passed the final 22 report, Lisa. 23 MS. KAHUHU: Oh, good. 24 CHAIR STONE: All that hard work. You missed 25 the drama.</p>	<p>1 COMMISSIONER DeLEON: This -- this -- this is 2 -- this proposal is absolutely plastic. I mean, 3 anything could change here. There's nothing locked in. 4 I was just trying to create a format to work from. And 5 to, really, ask sincerely that people read this thing 6 clearly so that the typos and the breakdowns in language 7 will be caught and get resolved. 8 We also have a missing -- now that the Council 9 has a second item on the -- on the first item, I think 10 the first item is now two proposals. 11 CHAIR STONE: Two? 12 COMMISSIONER DeLEON: Yeah. So it's going to 13 be ours and the Council's. 14 CHAIR STONE: Uh-huh. 15 COMMISSIONER DeLEON: So we need to, I think, 16 communicate something about that. The purpose of this 17 exercise, of course, is to educate the public about what 18 we're doing and why we're doing it. I tried to keep it 19 as neutral as possible, which makes it kind of -- you 20 know, doesn't have much energy in it. But that's what 21 happens when you try to keep something neutral. So I 22 was trying to give a presentation as to what we did and 23 why, as opposed to, you know, making dramatic arguments 24 one way or the other. 25 I did not get into the pros and cons because</p>

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1 that can be an endless deal. I mean, it's up to the
 2 Commission to choose to go there if you want to go
 3 there, then someone else is going to have to draft that
 4 or resolve all parts. It's going to have to have
 5 somebody else's thoughts into it as well. So this is
 6 just a straightforward presentation of what -- what is
 7 being proposed. And we would, actually, put the actual
 8 ballot question here as opposed to Dave's imagination of
 9 what the ballot question was going to be.
 10 CHAIR STONE: I found it -- what I liked is
 11 the simplicity. It touched on the very simple why
 12 without debating the simple why.
 13 COMMISSIONER DeLEON: Right. That was the
 14 point of the exercise.
 15 CHAIR STONE: Which is good. There were a few
 16 typos, minor kind, but -- and, again, I think -- I think
 17 what we should call this is not a proposal, but a
 18 resource.
 19 COMMISSIONER DeLEON: Okay. I mean, it
 20 wouldn't be a Dave DeLeon document without typos. There
 21 would be something wrong. You would know it wasn't mine
 22 if it didn't have typos.
 23 CHAIR STONE: Yuki, go ahead.
 24 COMMISSIONER SUGIMURA: So the way this could
 25 be used, I guess, is for the brochure --

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1 COMMISSIONER DeLEON: Yeah.
 2 COMMISSIONER SUGIMURA: -- purpose, as well as
 3 when we take it out to -- we should also use this a lot
 4 when we take it out to radio or -- or the talk show kind
 5 of things so that we can start, you know, saying the
 6 same things.
 7 CHAIR STONE: Yeah. What I like is to -- what
 8 I would like to have from our Commission is a unified
 9 message. So something like this as a resource gives us
 10 clarity when we do go forward to the public, maybe it's
 11 something very -- it's something well useful to read
 12 previously to going on, say, a show or going to talk to
 13 your community. Because it does -- what I like -- I
 14 mean, we can go through it, but -- maybe I'll take a
 15 break so everybody can read it.
 16 And what I like is that it's -- it's -- it
 17 doesn't really do a pros and cons. It gives you the
 18 base reason why the Commission decided on this
 19 particular proposal and putting it forth. And that's
 20 cool. If it gets deep, and people want to know the pros
 21 and cons, of course, you know, that's interest, that's
 22 something interesting, you know. But it's a good way
 23 for us to begin the discussion with the community. So
 24 --
 25 So very good. Thank you, Dave, for presenting

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1 that resource.
 2 Any -- any further discussion on that?
 3 (No response.)
 4 CHAIR STONE: Has anybody read the specifics
 5 or would you like the time right now to read the
 6 specifics? Okay.
 7 COMMISSIONER OKAMOTO: I just got it.
 8 CHAIR STONE: Let's go ahead and take a
 9 recess, then? Let's see. 10:15 right now, so let's
 10 take a recess until 10:30. Okay. Thank you very much.
 11 (Recess, 10:18 a.m. to 10:36 a.m.)
 12 CHAIR STONE: I would like to call this
 13 meeting back to order as of 10:35. And we were looking
 14 at Dave's resource he handed out, which is explanations
 15 of the proposals.
 16 Now, these explanations -- obviously, we're
 17 going to be doing explanations in our publication, which
 18 we're working on right now. And we do have a deadline
 19 to -- to -- Lisa, what's the deadline for right now?
 20 MS. KAHUHU: The graphic designer's deadline
 21 for final proof is August 15th.
 22 CHAIR STONE: Very good. Thank you.
 23 So if it's all right with the Commissioners,
 24 what I would like to propose is that the special
 25 subcommittee take this kind of resource and modify it so

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1 that the explanation fits appropriately with the
 2 questions -- or, I'm sorry, the proposals. Are you guys
 3 okay with that? Unless there's something specific in
 4 this particular resource or something you would like to
 5 add, as explanatory.
 6 VICE-CHAIR HEDANI: So moved.
 7 CHAIR STONE: Thank you.
 8 COMMISSIONER DE REGO: I'll second for
 9 purposes of discussion.
 10 CHAIR STONE: Okay. Thank you. Go ahead.
 11 VICE-CHAIR HEDANI: I'd also like to add a
 12 comment that I thought Dave did an excellent job in
 13 terms of producing that piece.
 14 CHAIR STONE: Very good.
 15 VICE-CHAIR HEDANI: Very well done.
 16 CHAIR STONE: Thank you.
 17 MR. BAXA: Mr. Chair?
 18 CHAIR STONE: That's very cool.
 19 Yes. Go ahead, Commissioner Baxa.
 20 COMMISSIONER DeLEON: I made the motion.
 21 CHAIR STONE: Okay. Wait. He's just saying
 22 thank you, Dave.
 23 COMMISSIONER BAXA: Although it is a
 24 repetition of what Commissioner Hedani said, I'd like to
 25 congratulate our excellent Commissioner here, DeLeon.

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1 I have a question, though.
 2 CHAIR STONE: Okay. One second, Commissioner
 3 Baxa. One second. Commissioner Baxa, one second.
 4 Maker of the motion, go ahead, Frank.
 5 COMMISSIONER DE REGO: Maker of the motion
 6 gets the --
 7 CHAIR STONE: Go ahead, Frank.
 8 COMMISSIONER DE REGO: -- first crack at this.
 9 For Proposal One, I think it's very well set up,
 10 although I do think it gives the impression of absolute
 11 term limits.
 12 CHAIR STONE: Actually, Ed did mark here,
 13 while we're on break, for me to share with you guys
 14 there are some --
 15 COMMISSIONER DE REGO: Can I continue,
 16 Mr. Chair?
 17 CHAIR STONE: Yes, go ahead.
 18 COMMISSIONER DE REGO: I'm not finished.
 19 I think the point should be made that members
 20 vacate office after five consecutive terms, but then
 21 have the ability to wait two years and then run again.
 22 COMMISSIONER DeLEON: Frank, three.
 23 COMMISSIONER DE REGO: Three?
 24 COMMISSIONER DeLEON: Three consecutive terms.
 25 COMMISSIONER DE REGO: No. Under the current

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1 system.
 2 COMMISSIONER DeLEON: Oh, in the current
 3 system.
 4 COMMISSIONER DE REGO: Oh, okay.
 5 COMMISSIONER DeLEON: Five consecutive terms,
 6 10 years, then, after two years, they can run again.
 7 Under our suggestion, members vacate office after three
 8 consecutive terms, which is 12 years, but then have to
 9 wait four years to run again. And I think that's a very
 10 important point to make, that there's a long waiting
 11 period in between the ability to run again.
 12 CHAIR STONE: Okay.
 13 COMMISSIONER DE REGO: So that would be
 14 something, I don't know how you would word it. I do
 15 agree that Dave did an excellent job on this, but I
 16 think there's a couple of things that need to be
 17 emphasized.
 18 CHAIR STONE: Sure. Ed was pointing out in
 19 the second paragraph that this amendment will create a
 20 limit of three consecutive terms instead of three
 21 four-year terms. So three consecutive terms. And then,
 22 also, in that same paragraph, to say, at the very last
 23 line, five two-year consecutive terms, or 10 years. So
 24 just to have that in there so it's more specific that
 25 they're consecutive terms.

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1 So, Frank, that's a good point, so we'll --
 2 COMMISSIONER DE REGO: So if there's some way
 3 we could state that the wait is longer after our -- in
 4 our proposal as versus --
 5 CHAIR STONE: Versus two years.
 6 COMMISSIONER DE REGO: -- the current system.
 7 CHAIR STONE: Okay.
 8 COMMISSIONER DE REGO: The next thing I have
 9 is Proposal Three.
 10 CHAIR STONE: Frank, before we move on, does
 11 anybody have anything else want to share like
 12 recommendations on Proposal One? Go ahead, Wayne.
 13 VICE-CHAIR HEDANI: The only other
 14 recommendation I would have to the subcommittee is keep
 15 it as simple as possible. This is comments coming from
 16 others to me that it should be in Mr. Potato Head
 17 language so that their eyes don't glaze over and they
 18 don't become catatonic.
 19 CHAIR STONE: That's great advice. Thank you.
 20 Go ahead, Dave.
 21 COMMISSIONER DeLEON: Yes, Mr. Chair. In this
 22 Proposal One, we also need to state -- at least I
 23 believe we need to state that the County Council is
 24 proposing a separate and independent question.
 25 COMMISSIONER DE REGO: That was --

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1 COMMISSIONER DeLEON: And the second question
 2 needs to also be addressed, too.
 3 CHAIR STONE: Let me ask Ed on that. Ed, how
 4 should we handle that second question? Because it's not
 5 going to go in our -- in our publications, is it?
 6 MR. KUSHI: Well --
 7 COMMISSIONER SUGIMURA: It should.
 8 CHAIR STONE: It's not per the process,
 9 though.
 10 COMMISSIONER DeLEON: It was -- they --
 11 they --
 12 COMMISSIONER SUGIMURA: It is in there. 10
 13 years ago they did.
 14 CHAIR STONE: They did.
 15 COMMISSIONER SUGIMURA: And we should.
 16 Otherwise, it's going to be confusing to the voter.
 17 CHAIR STONE: Ed, any thoughts?
 18 MR. KUSHI: If you ask me, it's not part of
 19 your proposal. It's a separate proposal. It's coming
 20 straight from the Council directly to the Clerk, so you
 21 don't need to add it. It's up to the Clerk's Office to
 22 then distinguish the ballot questions. And the
 23 distinguishing characteristic, as I see it, the only
 24 difference is, it's a maximum of 12 years for the
 25 Commission, for the Council is 14.

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<p>1 CHAIR STONE: Would it be appropriate to 2 discuss that? 3 MR. KUSHI: Not in your report. 4 CHAIR STONE: No. In our brochure, in our 5 publications. Because it is -- it is what the public is 6 going to need to know, that there are two proposals out 7 there. 8 MR. KUSHI: That's not part of your report, 9 though. It's not part of what you adopted. 10 CHAIR STONE: Go ahead, Dave. 11 COMMISSIONER DeLEON: Question to Ed. Are we 12 prohibited from putting it in there? 13 MR. KUSHI: No. 14 COMMISSIONER DeLEON: Thank you. 15 CHAIR STONE: Good. 16 MR. KUSHI: I wouldn't want you to speak on 17 behalf of the Council. 18 CHAIR STONE: I'm sorry. Frank. 19 COMMISSIONER DE REGO: I'm sorry. I haven't 20 relinquished the floor yet, Mr. Chair. 21 CHAIR STONE: Go ahead, Frank. 22 COMMISSIONER DeLEON: We took it away from you 23 a long time ago. 24 COMMISSIONER DE REGO: Basically. 25 CHAIR STONE: Go ahead, Frank.</p>	<p>1 COMMISSIONER DeLEON: Well, Mr. Chair -- 2 CHAIR STONE: Go ahead, Dave. 3 COMMISSIONER DeLEON: If I was to be arguing 4 about this, I would tell the voters that, basically, the 5 Council proposal results in those candidates who got the 6 weaker response in the first election will get the 7 vantage of having an extra two years in office as a 8 result of having the weaker power. Because the weaker 9 guys will get a two-year term and then they'll get three 10 four-year terms versus the 14. The guys that got the 11 higher end in the beginning of the first election will 12 only get 12, get three four-years terms. That doesn't 13 make any sense at all. 14 CHAIR STONE: Okay. Thank you. Go ahead, 15 Cliff. 16 COMMISSIONER HASHIMOTO: No. You -- 17 CHAIR STONE: Kay. 18 COMMISSIONER OKAMOTO: Well, a couple things. 19 As I read this, I was thinking -- I think we need to 20 shorten things rather than talk about that initial 21 two-year term and how the person gets elected for that. 22 However, with having the Council one on there, I can see 23 we need to do that. As I recall in the last flyer, 24 there was no explanation with the Council's alternative 25 ones, correct? They were there, but did they have that</p>
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<p>1 COMMISSIONER DeLEON: Are we off this topic, 2 Proposal One? 3 COMMISSIONER DE REGO: Question one. 4 CHAIR STONE: Frank, if you don't mind, I 5 would just like to take it in a chronological order. 6 COMMISSIONER DE REGO: Okay. 7 CHAIR STONE: Go ahead, Dave. 8 COMMISSIONER DeLEON: I just want to point out 9 that the former Charter Commission, 10 years ago, had 10 both the Council's and their proposals together. 11 CHAIR STONE: Very good. 12 COMMISSIONER DeLEON: The point of the 13 exercise is -- with that document is to -- 14 CHAIR STONE: Educate. 15 COMMISSIONER DeLEON: -- educate somebody who 16 may or may not have a clue about what we're doing. 17 CHAIR STONE: Got it. Good. 18 COMMISSIONER DeLEON: So that they'll be 19 better educated when they go to the voter booth. 20 CHAIR STONE: Got it. Go ahead, Frank. 21 COMMISSIONER DE REGO: I think the other 22 advantage of this is to make clear exactly what the 23 difference is. They're asking for a longer time than 24 our proposal. So I would agree with Dave that it's 25 important to have it there and not ignore it.</p>	<p>1 much? 2 COMMISSIONER DE REGO: No. I think they just 3 printed. 4 COMMISSIONER OKAMOTO: That's what I thought. 5 Those were just kind of printed. So there was some 6 explanation with the Commission's, and then it showed 7 the Council one, but it kind of was just there. 8 COMMISSIONER DE REGO: Yeah. 9 COMMISSIONER OKAMOTO: As I recall from 10 looking at it. 11 CHAIR STONE: It's printed as alternative -- 12 alternative with no explanation. 13 COMMISSIONER DE REGO: No explanation. 14 COMMISSIONER DeLEON: I didn't get the 15 distinction. 16 CHAIR STONE: Go ahead, Ed. 17 MR. KUSHI: Mr. Chair, in 2002 -- 18 COMMISSIONER DE REGO: Two. 19 MR. KUSHI: -- the last Charter Commission, 20 there was a Question 9 and a Question 9A. 9A was listed 21 as an alternative. 22 CHAIR STONE: Uh-huh. 23 MR. KUSHI: Pursuant to the law, the Council, 24 apparently, at that time did not recall. 25 CHAIR STONE: Understood.</p>

<p style="text-align: right;">Page 25</p> <p>1 MR. KUSHI: So the Commission had to put it on 2 there. In this instance, as you recall, the Council did 3 recall their alternative about the Council terms. So 4 it's not in your -- it's not part of your responsibility 5 to put it in this brochure. 6 Now having said that, you can put it in as a 7 point of information. 8 COMMISSIONER OKAMOTO: Okay. 9 CHAIR STONE: Okay. Got it. Okay. Kay, the 10 process for this 9A, from 2002, the reason why this 11 alternative proposal went through was because the 12 Council followed the Charter Commission process and put 13 it through on our process. When the -- when we sent 14 back our rejection of their recommendations, they had 15 the opportunity to keep their proposals on -- on the 16 ballot via the Charter Commission, but they decided to 17 pull all of them off. So this came out of committee. 18 Which committee is it? 19 COMMISSIONER DeLEON: Policy. 20 COMMISSIONER SUGIMURA: Policy. 21 CHAIR STONE: So this came out of Policy 22 Committee completely separate from the Charter 23 Commission. So this isn't in our purview, this isn't in 24 our process. This -- this alternative -- not 25 alternative. I'm not going to call it alternative</p>	<p style="text-align: right;">Page 27</p> <p>1 CHAIR STONE: That will be -- 2 COMMISSIONER HASHIMOTO: And we won't see it, 3 either. 4 COMMISSIONER DE REGO: Yeah. That -- 5 CHAIR STONE: So we won't see it. Yeah, go 6 ahead, Cliff. 7 COMMISSIONER HASHIMOTO: Yeah. You know what 8 I think, the critical part is which question's gonna 9 come up first. Is it gonna be the Commission's question 10 comes first on the ballot, followed by that of the 11 Council? If that's the case, you know, if we did a 12 survey after the election, I think we're gonna find that 13 whatever ballot questions come up first, if there's two 14 that are similar, the first one's gonna get voted on, 15 not the second one. 16 CHAIR STONE: Good point. 17 MR. BAXA: Mr. Chair? 18 CHAIR STONE: Yes. Go ahead, Commissioner 19 Baxa. 20 MR. BAXA: If I understand correctly, the 21 intent of the submission by Commissioner DeLeon is, in a 22 way, to educate the electorate before they cast their 23 votes. And if, in fact, in some provisions of the 24 Charter, there are more or less similar, but not 25 identical provisions emanating from this body and from</p>
<p style="text-align: right;">Page 26</p> <p>1 because that would -- that would mean that it's part of 2 the Charter Commission process. But this proposal is a 3 unique proposal from the Policy Committee, not under our 4 process. 5 COMMISSIONER OKAMOTO: How will it go on the 6 ballot? Will it go all at the same place? 7 CHAIR STONE: I asked the same question. And, 8 in fact, Maui News was all over that. And, Ed, if you 9 want to explain it? Ed gave us the explanation, so go 10 ahead. 11 MR. KUSHI: It will go on the ballot as 12 Question 1 and 1A. Again, the reason why -- as far as I 13 know, why the Council recalled their proposal to this 14 Commission is that they wanted to create their own 15 ballot question. If they didn't recall, then it's up to 16 this Commission to create the ballot question. 17 COMMISSIONER SUGIMURA: Oh. 18 CHAIR STONE: Right. 19 COMMISSIONER SUGIMURA: Because of control. 20 CHAIR STONE: Right. Okay, Frank. 21 COMMISSIONER DE REGO: Can I ask a question, 22 then? Do we know when the ballot question will be 23 created by the County Clerk? 24 MR. KUSHI: He has a deadline of August 23rd, 25 or something like that.</p>	<p style="text-align: right;">Page 28</p> <p>1 the Council, it would seem to me that it would be 2 appropriate for them to know that, aside from our 3 proposal, there is another proposal. So -- so that they 4 know, and then they will examine the two and which of 5 the two they would prefer. I mean, we are not 6 suggesting that they're going to prefer ours from the 7 Council, but to let them know that, aside from us, there 8 is another proposal submitted by the Council and it is 9 for them to make the decision. We don't even have to 10 spell it out, but to let them know that there is such 11 another proposal. 12 CHAIR STONE: Okay. Thank you. Go ahead, 13 Wayne. 14 VICE-CHAIR HEDANI: Just gonna call for the 15 question. 16 CHAIR STONE: Kay. 17 COMMISSIONER OKAMOTO: I forgot, when you have 18 an A and a B, is there something that directs people 19 that what if you said yes on both of them? 20 CHAIR STONE: This is my understanding. And, 21 Ed, correct me if I'm wrong. They can say "yes" to 22 both. And if -- if there -- if that's -- let's say 23 there's a majority vote for both, it's the vote winner 24 of the -- of the 1 or 1A. Am I correct on that, Ed? 25 MR. KUSHI: Correct.</p>

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1 CHAIR STONE: So whichever one has the most
 2 votes, if they both get a majority vote.
 3 Okay. Frank, why don't you continue?
 4 COMMISSIONER DE REGO: Are we voting on each
 5 of these --
 6 CHAIR STONE: No.
 7 COMMISSIONER DE REGO: -- separately?
 8 CHAIR STONE: No, no. First of all, I want to
 9 point out --
 10 VICE-CHAIR HEDANI: Just to have the --
 11 CHAIR STONE: Guys, this is just a resource.
 12 All right.
 13 COMMISSIONER DE REGO: This is a resource.
 14 CHAIR STONE: Just an educational resource.
 15 We don't need to take action. The motion on the floor
 16 is that the policy -- our special committee take up this
 17 resource as our basis for our educational information
 18 that's going to go out to the public. Go ahead.
 19 COMMISSIONER DeLEON: So what we need from the
 20 Commission is your mana'o.
 21 CHAIR STONE: Right. That's what we're
 22 working on --
 23 COMMISSIONER DeLEON: -- in a direction to
 24 know exactly where we're gonna end up.
 25 CHAIR STONE: Exactly. This is just a

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1 resource. So, Frank, you had further discussion?
 2 COMMISSIONER DE REGO: On this, no, other than
 3 staged versus staggered.
 4 COMMISSIONER SUGIMURA: Your name.
 5 COMMISSIONER DE REGO: And my name.
 6 COMMISSIONER DeLEON: I forgot your name?
 7 COMMISSIONER DE REGO: There's a space from
 8 the De Rego and I'm a junior. That's my dad. It's
 9 capital D-E space R-E-G-O, Jr.
 10 COMMISSIONER DeLEON: Jr.
 11 COMMISSIONER SUGIMURA: I think Flo's first
 12 name is small F. It's small F, right, on purpose,
 13 because of her Indian native --
 14 COMMISSIONER OKAMOTO: I didn't know that.
 15 COMMISSIONER DeLEON: All her letters are
 16 lower case. Wiger is, too, yeah. But, I mean, it's a
 17 matter of style. You guys can do that.
 18 I'm sorry, Frank. I didn't recognize I missed
 19 it.
 20 COMMISSIONER DE REGO: Oh, no.
 21 CHAIR STONE: Frank, further?
 22 COMMISSIONER DE REGO: So -- and staggered.
 23 COMMISSIONER DeLEON: I told you there would
 24 be typos.
 25 COMMISSIONER DE REGO: Are we moving on to the

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1 next --
 2 COMMISSIONER OKAMOTO: I'm still on --
 3 CHAIR STONE: Go ahead, Kay.
 4 COMMISSIONER DE REGO: You're still on one?
 5 COMMISSIONER OKAMOTO: Do we need to ask, have
 6 the terms be staggered? So if I looking at this and I
 7 go, yeah, I want four-year and three consecutive,
 8 doesn't matter, I mean, it's written, they're gonna be
 9 staggered. I think that's giving too many choices.
 10 CHAIR STONE: That's something --
 11 COMMISSIONER DeLEON: They get one choice.
 12 COMMISSIONER OKAMOTO: Yeah, but, I mean, that
 13 gives too many -- too much information. In your mind,
 14 you're going, I don't like staggered terms, so I'm gonna
 15 vote "no" just on that. I mean, I think the two
 16 important ones are A and B. I don't think it really
 17 matters that much that they're staggered.
 18 CHAIR STONE: Sherry had -- Sherry had input.
 19 Go ahead, Sherry.
 20 MS. BRODER: Okay. Well, even if all it is,
 21 is an informational brochure, it needs to be accurate.
 22 Because in 1978, the Constitutional Convention, the
 23 voter brochure didn't include everything. And the
 24 Hawaii Supreme Court struck down one of the ballot
 25 questions because it wasn't complete. So it needs to be

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1 accurate. So I think, actually, even if it's just the
 2 informational brochure, actually should include the
 3 staggering.
 4 CHAIR STONE: Thank you, Sherry. Go ahead,
 5 Dave.
 6 COMMISSIONER DeLEON: And the counter to Kay's
 7 point is it's at -- it's integral. I mean, that's the
 8 purpose of why we have two-step elections. So if you
 9 don't explain why we're doing the two-step elections,
 10 they don't make any sense. I mean, why would they
 11 have -- you know, you need -- it's integral to the whole
 12 thing. It's not like it's one part you can just have
 13 (inaudible).
 14 CHAIR STONE: Kay.
 15 COMMISSIONER OKAMOTO: No, but that's okay.
 16 CHAIR STONE: Okay. Go ahead, Yuki.
 17 COMMISSIONER SUGIMURA: So did we come to a
 18 conclusion about including the Council's question? We
 19 are going to include it, right, just verbatim?
 20 CHAIR STONE: Informatively. In other words,
 21 saying that they're --
 22 COMMISSIONER DeLEON: To be aware.
 23 CHAIR STONE: To be aware there will be
 24 another proposal.
 25 COMMISSIONER SUGIMURA: Oh. We're not gonna

<p style="text-align: right;">Page 33</p> <p>1 actually write what the proposal is? I think we should. 2 CHAIR STONE: I don't think we're gonna have 3 the ballot question in time. 4 COMMISSIONER SUGIMURA: What was the graphics 5 deadline again? 6 MS. KAHUHU: August 15th. 7 COMMISSIONER SUGIMURA: August 15th. See, 8 because I think we can move our publication date so we 9 can include it. Because, otherwise, the document is 10 incomplete, if we don't have the Council questions. And 11 then Junior can provide us the actual questions, or Jeff 12 Kuwada can, so that we're not making it up. It'll be 13 verbatim. 14 CHAIR STONE: One second. Go ahead, Ed. 15 MR. KUSHI: If the -- if the Clerk can 16 officially say this will be the Council's question on 17 the ballot, then I see no problem putting it in the 18 brochure. 19 COMMISSIONER SUGIMURA: And they can, right? 20 Because they're going to end up there, anyway. 21 MR. KUSHI: Well, I just want to make sure 22 that the question is correct. 23 CHAIR STONE: We can't put in a question that 24 is not existing. 25 COMMISSIONER SUGIMURA: Correct. We wouldn't</p>	<p style="text-align: right;">Page 35</p> <p>1 it to the Council for two separate meetings. 2 COMMISSIONER DeLEON: Right. (Inaudible). 3 MR. KUSHI: Possibly end of July. 4 COMMISSIONER DeLEON: Right. 5 CHAIR STONE: Is it assured that it's going to 6 pass? So we don't even know for sure if it's coming as 7 a proposal to the voters. 8 COMMISSIONER DeLEON: Mr. Chair? 9 MR. KUSHI: The vote was six, two and one. 10 CHAIR STONE: Go ahead, Dave. 11 COMMISSIONER DeLEON: I was just going to 12 report on the -- 13 CHAIR STONE: Thanks, Dave. Go ahead. 14 MR. BAXA: Could I ask a question to Ed? Ed, 15 would you know if the proposal by the Commission and the 16 proposal by the Council will be set side by side or it 17 will be -- they will be far apart? 18 MR. KUSHI: It would have to be set in one, 19 like 1 and 1A, because it involves the same issue. 20 MR. BAXA: Oh, okay. 21 MR. KUSHI: And if both passes -- I mean, you 22 can't have both pass. 23 MR. BAXA: Yeah. So, Mr. Chair, since they 24 will not be too far apart, it may be just be appropriate 25 or enough for us to mention that there is a proposal by</p>
<p style="text-align: right;">Page 34</p> <p>1 do that. 2 CHAIR STONE: So we'll do our best to get the 3 question in, if we can get it in time. We'll push on 4 it. 5 COMMISSIONER SUGIMURA: So can we ask? 6 Because that impacts our deadlines that we set for our 7 graphic artist. 8 MR. KUSHI: It's the 25th of June. So you 9 submit this report to the Clerk tomorrow. I think the 10 Council proposal will come up for final -- it may have 11 come up for final reading. 12 COMMISSIONER DE REGO: I think it's two 13 readings, right? 14 COMMISSIONER DeLEON: No. I don't know. I 15 don't know. 16 MR. KUSHI: It takes two reading. 17 COMMISSIONER SUGIMURA: Takes two. So it just 18 came up. 19 COMMISSIONER DE REGO: Mr. Chair? 20 CHAIR STONE: Go ahead, Dave. 21 COMMISSIONER DeLEON: So the report I sent to 22 the Commission was based on committee action. So I 23 don't think they made final readings. 24 MR. KUSHI: Right. They met on June 13th, and 25 there was a Committee Report. So now they had to send</p>	<p style="text-align: right;">Page 36</p> <p>1 the Council without repeating what the Council proposes. 2 COMMISSIONER OKAMOTO: That there will be. 3 CHAIR STONE: That's a good point. Go ahead, 4 Dave. Sorry. Cliff, go ahead. 5 COMMISSIONER HASHIMOTO: If both questions are 6 side by side, right, one after the area, and people can 7 vote on either one, right, and -- and one of the two 8 questions is going to win, right? So it doesn't really 9 matter whether we send it to the Council or otherwise. 10 Because if we say that this is the Council's and then 11 this is the -- the Commission's, we're trying to 12 separate them now. Right? I don't think it's necessary 13 to separate them. I think when the people read it, 14 whichever one they understand better is the one they'll 15 vote for. And -- and if it turns out that they 16 understand the Council's question and they vote for 17 that, and that becomes eventual amendment, so -- so be 18 it. 19 CHAIR STONE: Okay. Thank you, Cliff. 20 MR. BAXA: Mr. Chair? 21 CHAIR STONE: Commissioner Baxa. 22 MR. BAXA: Yeah. Mr. Chair, the way I 23 understand is the voters are not limited to voting just 24 for our proposal; they could vote "yes" for both? 25 CHAIR STONE: That's correct.</p>

Page 37	<p>1 COMMISSIONER BAXA: And they could both --</p> <p>2 only one and not on the other?</p> <p>3 CHAIR STONE: That's correct, too.</p> <p>4 MR. BAXA: Yeah. That's my understanding.</p> <p>5 CHAIR STONE: That's true.</p> <p>6 COMMISSIONER HASHIMOTO: So we really don't</p> <p>7 have to --</p> <p>8 CHAIR STONE: I mean, this is -- again, let me</p> <p>9 be clear. What we're discussing is just educational</p> <p>10 explanations. Okay? So that's -- here we're stuck on</p> <p>11 just deciding whether or not we should inform the public</p> <p>12 of the fact that there's another proposal. I don't see</p> <p>13 any problem with informing the public if there's another</p> <p>14 proposal. Otherwise, it could get very confusing in the</p> <p>15 ballot box, going, wait a second. So I don't see a</p> <p>16 problem with that.</p> <p>17 If we do not have the absolute wording, the</p> <p>18 final wording, then it won't go in our brochure because</p> <p>19 we can't put something in the brochure that we don't</p> <p>20 know for sure.</p> <p>21 MR. BAXA: I agree.</p> <p>22 CHAIR STONE: Okay. If we do, then we will</p> <p>23 say there is another proposal coming from the County</p> <p>24 Council directly and it is this. And that's -- put the</p> <p>25 proposal and I think that's enough said. Because,</p>	Page 39	<p>1 with this, you know. And if they really were to think</p> <p>2 about it, they might be -- they might be just really --</p> <p>3 might be poison in the water for the whole proposal.</p> <p>4 CHAIR STONE: Uh-huh.</p> <p>5 COMMISSIONER DeLEON: The public is going to</p> <p>6 look at that and say, you guys are just (inaudible).</p> <p>7 CHAIR STONE: Thank you, Dave. Go ahead,</p> <p>8 Frank.</p> <p>9 COMMISSIONER DE REGO: Just a question for the</p> <p>10 Corporation Counsel. I'm looking at the June 15th</p> <p>11 Regular Meeting agenda. And on there, there's a Number</p> <p>12 12-52, Draft One, for Second and Final Reading,</p> <p>13 proposing an amendment to the revised Charter of the</p> <p>14 County of Maui, 1983, as amended, relating to vacancy in</p> <p>15 office. Is that a different issue from what we're</p> <p>16 talking about right now?</p> <p>17 COMMISSIONER DeLEON: Yes.</p> <p>18 COMMISSIONER DE REGO: So there's now gonna be</p> <p>19 another alternative on the ballot -- I mean, another</p> <p>20 ballot issue?</p> <p>21 MR. KUSHI: Is that the vacancy in office?</p> <p>22 COMMISSIONER DE REGO: Yes.</p> <p>23 MR. KUSHI: Yeah, that's another -- that's a</p> <p>24 separate Council initiated --</p> <p>25 COMMISSIONER DE REGO: Alternative. So that</p>
Page 38	<p>1 really, it's not our -- our -- our area or our scope to</p> <p>2 be discussing the benefits of -- or the pros and cons of</p> <p>3 the County's proposal -- the Council's proposal. Sorry.</p> <p>4 Go ahead, Dave.</p> <p>5 COMMISSIONER DeLEON: Three different things.</p> <p>6 I'm just noticing the confusion among</p> <p>7 ourselves about what's possible, what's not. Try to</p> <p>8 imagine how the voters are going to figure that out when</p> <p>9 they get to see two different questions.</p> <p>10 And to answer Cliff's question about, you</p> <p>11 know, what the voter can do, the voter can vote for both</p> <p>12 of them. I mean, it's not like the voter has to pick</p> <p>13 one or the other. Some voters might feel inclined, or</p> <p>14 the psychology of having two proposals might mean one</p> <p>15 will pass because people feel like they have to pick</p> <p>16 between the two. I'll take this one over that one, as</p> <p>17 opposed to saying, no, you don't have to -- you don't</p> <p>18 have to pick any of them, actually.</p> <p>19 Mr. Chair, you can rule me out of order if</p> <p>20 (inaudible), but it might be out of line for -- for --</p> <p>21 for -- but this is only a Council proposal at this</p> <p>22 point. They still have two more votes. Anybody in the</p> <p>23 public could go and lobby at the Council right now,</p> <p>24 individual members to the Council, and tell them, what</p> <p>25 are you doing, seriously, what do you think you're doing</p>	Page 40	<p>1 will --</p> <p>2 COMMISSIONER SUGIMURA: Just to clarify, the</p> <p>3 Danny Mateo situation.</p> <p>4 COMMISSIONER DE REGO: Right. And that's also</p> <p>5 gonna be on the ballot now?</p> <p>6 MR. KUSHI: Correct.</p> <p>7 COMMISSIONER DE REGO: And since second and</p> <p>8 final reading, it passed?</p> <p>9 COMMISSIONER DeLEON: Yes.</p> <p>10 MR. KUSHI: I think it was last week. I</p> <p>11 believe it passed.</p> <p>12 COMMISSIONER DE REGO: So, therefore, the</p> <p>13 reading -- hopefully, the wording for this would be</p> <p>14 available sooner rather than later? I'm just asking the</p> <p>15 question.</p> <p>16 MR. KUSHI: You would have to check with the</p> <p>17 Clerk.</p> <p>18 CHAIR STONE: That is outside the scope of our</p> <p>19 Commission, though.</p> <p>20 COMMISSIONER DE REGO: But it's still another</p> <p>21 Charter amendment.</p> <p>22 MR. KUSHI: Not a Charter Commission</p> <p>23 amendment.</p> <p>24 CHAIR STONE: Not a Charter Commission --</p> <p>25 COMMISSIONER DE REGO: Not a Charter</p>

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<p>1 Commission amendment.</p> <p>2 CHAIR STONE: -- amendment. I --</p> <p>3 COMMISSIONER DE REGO: So if we're --</p> <p>4 CHAIR STONE: The reason why I can understand</p> <p>5 the discussion on the proposal concerning term limits</p> <p>6 being included in our scope is because it's an</p> <p>7 explanation to educate people that, hey, there's this</p> <p>8 other proposal. That particular proposal is completely</p> <p>9 outside of our scope. And, really, we have no</p> <p>10 connection to it whatsoever.</p> <p>11 COMMISSIONER DE REGO: So we're not gonna deal</p> <p>12 with that at all?</p> <p>13 CHAIR STONE: No.</p> <p>14 COMMISSIONER DE REGO: Okay.</p> <p>15 CHAIR STONE: Plus, I mean, talk about space,</p> <p>16 saving space, saving money.</p> <p>17 Go ahead, Kay.</p> <p>18 COMMISSIONER OKAMOTO: Well, I don't agree</p> <p>19 that it's outside. I mean, the vacancy part is because</p> <p>20 of term limits, right? So if I got -- no. That was the</p> <p>21 whole thing, is, I believe --</p> <p>22 COMMISSIONER DeLEON: Oh, yeah, it is because</p> <p>23 term limits.</p> <p>24 COMMISSIONER OKAMOTO: It has to do with term</p> <p>25 limits. So if I got appointed to a four-year term that</p>	<p>1 address the situation, let's say that the Council does</p> <p>2 pass in final form and the Mayor signs off that all the</p> <p>3 future Charter Commission -- or all the Charter</p> <p>4 proposals of substance will be reprinted, the Charter</p> <p>5 will be reprinted? So how do you -- I mean, it</p> <p>6 nullifies our -- our proposal question.</p> <p>7 CHAIR STONE: I believe that -- what they're</p> <p>8 talking about is an ordinance change, right? Is that</p> <p>9 correct?</p> <p>10 COMMISSIONER SUGIMURA: Charter.</p> <p>11 CHAIR STONE: Charter change?</p> <p>12 COMMISSIONER DeLEON: Code.</p> <p>13 CHAIR STONE: Code change because, otherwise,</p> <p>14 it would have to go to the voters.</p> <p>15 COMMISSIONER DeLEON: What are you talking</p> <p>16 about?</p> <p>17 COMMISSIONER SUGIMURA: If they reprint the</p> <p>18 Charter.</p> <p>19 COMMISSIONER DeLEON: Let's not get away from</p> <p>20 this.</p> <p>21 CHAIR STONE: Sorry. Yuki --</p> <p>22 COMMISSIONER DeLEON: We'll get to that.</p> <p>23 COMMISSIONER SUGIMURA: I thought we could</p> <p>24 talk about anything.</p> <p>25 CHAIR STONE: Okay. Just quickly, Yuki, we</p>
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<p>1 started a year -- let's say a year into it, then I could</p> <p>2 still go, you know, past what the limit is.</p> <p>3 I think that the brochure simply needs to help</p> <p>4 the voter as much as possible, whether it's ours or not.</p> <p>5 You don't want people walking in and going, well, wait,</p> <p>6 they sent us all this stuff, where did this come from,</p> <p>7 why didn't they tell us about it. If possible, I'd like</p> <p>8 to see anything that's in that Charter Amendment section</p> <p>9 on the ballot be part of our -- we don't have to explain</p> <p>10 as much, but at least forewarn people that these are</p> <p>11 gonna be things that are there so they're not totally</p> <p>12 blind-sided when they walk into the booth.</p> <p>13 CHAIR STONE: Very good. Just -- I just want</p> <p>14 to point out on -- in light of that, on the brochure</p> <p>15 from the last -- from 2002, they specify, in bold red</p> <p>16 and white at the header, that the ballot language for</p> <p>17 the amendments proposed by the Charter Commission 1</p> <p>18 through 14, so it's specifying the Charter Commission's</p> <p>19 proposal, and for the amendments proposed by the</p> <p>20 Council, 7A, 9A, 15, 16, and 17 will be as follows. So</p> <p>21 they do specify the differences and they do bring in the</p> <p>22 Council's proposals as well. So point taken.</p> <p>23 COMMISSIONER OKAMOTO: Thank you.</p> <p>24 CHAIR STONE: Go ahead, Yuki.</p> <p>25 COMMISSIONER SUGIMURA: So, Josh, how do you</p>	<p>1 can't amend our Final Report. So that's not going to</p> <p>2 come out. And, secondly, I don't think that that is a</p> <p>3 Charter Amendment. Otherwise, it would have to go to</p> <p>4 the voters.</p> <p>5 COMMISSIONER DE REGO: No. It's an ordinance.</p> <p>6 You have it in your packet.</p> <p>7 CHAIR STONE: So, basically, by changing of</p> <p>8 the Charter, it just strengthens that and, you know,</p> <p>9 they couldn't -- because they could pass another</p> <p>10 ordinance changing it back the other way.</p> <p>11 Okay. Where are we at, Frank?</p> <p>12 COMMISSIONER DE REGO: Yeah, I just brought</p> <p>13 that up because of the link with term limits. And since</p> <p>14 it's been passed, I think it's important to be a part,</p> <p>15 at least, of what's on the information that we put out.</p> <p>16 Because I do share Commissioner Okamoto's concern that</p> <p>17 they come to the ballot box, all this stuff has come</p> <p>18 out, and they said, I never saw this on the alternatives</p> <p>19 that were listed in terms of the education process,</p> <p>20 where did this one come from, you know.</p> <p>21 And I do think it's integral to our education</p> <p>22 process, but I really commend Commissioner DeLeon for</p> <p>23 staying on top of this and just making a factual report</p> <p>24 of what was going on in the Council so we can come here</p> <p>25 and discuss what's going on. So --</p>

<p style="text-align: right;">Page 45</p> <p>1 CHAIR STONE: Thank you. Stacy. 2 MR. BAXA: Mr. Chair? 3 CHAIR STONE: One second. Stacy, go ahead. 4 COMMISSIONER CRIVELLO: So after all of this 5 discussion, I feel that how it was formatted in the last 6 Charter educational process tends to make sense for us 7 to put forth what we're proposing from the Charter 8 Commission. And then after we get the exact wording 9 from what the Council wants to have on the ballot, and 10 then we'll also recognize or identify what their 11 proposals are. And, you know, I think our sell is to 12 educate the people on what we worked on and have them 13 begin to understand it. And it's not for us to -- to 14 explain what the Charter -- I'm sorry -- the County 15 Council intents are, but to list the exact wording that 16 would be on the ballot. 17 CHAIR STONE: Okay. Thank you, Stacy. Go 18 ahead, Judge Baxa. 19 MR. BAXA: Mr. Chair, I was just trying to 20 follow up the comments of Commissioner De Rego and 21 Commissioner Okamoto. It seems to me, and correct me if 22 I misunderstood the discussion here, that they wanted to 23 include -- this is not concerning the proposal of the 24 Commission and the Council, but a term of explanation in 25 terms of how we count the 12-year limit. So whether it</p>	<p style="text-align: right;">Page 47</p> <p>1 -- and that makes it very difficult because some people 2 will see 1A, 1B, 1C, and they think I got to choose one. 3 CHAIR STONE: I don't know about that, Kay. I 4 don't think that's -- 5 COMMISSIONER OKAMOTO: It will be a different 6 number? 7 CHAIR STONE: I believe that it has to be a 8 completely different proposal because it doesn't fall 9 under that direct purview. 10 COMMISSIONER OKAMOTO: Okay. So if that's the 11 case, that's fine. But I -- 12 CHAIR STONE: Let me check with -- let me 13 check here. Ed, that is a -- that's a -- so you 14 understand what the -- what the question is? That this 15 proposal, if it gets -- moves forward -- and it is, 16 correct? 17 MR. KUSHI: The proposal's moving forward. 18 CHAIR STONE: Okay. Concerning the vacancy in 19 office, that will not fall under along with the two 20 proposals concerning term limits, will it? 21 MR. KUSHI: No, it does not affect the term 22 limits. It defines what the appointed term is. 23 CHAIR STONE: Okay. 24 MR. KUSHI: So under that proposal, no matter 25 how long the interim appointment is, it won't be counted</p>
<p style="text-align: right;">Page 46</p> <p>1 would be appropriate for us to indicate that an 2 appointed position, which is not an elected position for 3 getting into the office of councilmen, is not counted 4 toward the 12-year limit. Is that it? And I think that 5 would be a good suggestion, because if we -- if -- I 6 hope I am correct in my -- in my interpretation what we 7 have proposed, that one that is filled up, not through 8 elective process, will not be counted toward the 12-year 9 limit. Is that correct, Mr. Chair? 10 CHAIR STONE: Commissioner Baxa, you lost me 11 at hello. No. I'm sorry, can you ask that question 12 again, please, Commissioner Baxa? 13 COMMISSIONER OKAMOTO: I understand what he 14 said. 15 CHAIR STONE: Okay. Kay, you want to help me 16 out? 17 COMMISSIONER OKAMOTO: I think that it seems 18 like that it's, actually, gonna be a third proposal, 19 that it will have to be voted on, that is the -- the 20 basis of that third one the Council's coming up with, 21 saying that if it's an appointed position, it doesn't 22 count toward the -- that is correct. But I think it 23 sounds like it will be a third item on the agenda -- I 24 mean on the ballot. So that it has to be, I guess, 25 voted on to make it clear that an appointed one doesn't</p>	<p style="text-align: right;">Page 48</p> <p>1 as a term period, whether the term is two years or four 2 years. 3 COMMISSIONER OKAMOTO: So it will be a 4 separate -- 5 CHAIR STONE: A separate -- 6 COMMISSIONER OKAMOTO: -- number. It won't be 7 like 1C, or anything like -- because you say we're going 8 to have 1A and 1B. That will be a separate number? 9 MR. KUSHI: Right. 10 CHAIR STONE: Separate. Separate. 11 COMMISSIONER OKAMOTO: That's fine. 12 CHAIR STONE: Yeah. Because, then, that would 13 be extraordinarily -- 14 COMMISSIONER OKAMOTO: Yes, it would be. 15 CHAIR STONE: Okay. Good. Okay. And, also, 16 just so you know, it will be most likely listed 1 and 17 1A. Okay. Any further discussion on that? 18 (No response.) 19 CHAIR STONE: Okay. Good. I think we beat 20 that one. 21 COMMISSIONER OKAMOTO: To death. 22 CHAIR STONE: To death. 23 All right. So, Frank, you were mentioning 24 Proposal Three, the language. 25 COMMISSIONER DE REGO: Yeah.</p>

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1 CHAIR STONE: I'm sorry. It's on whether or
2 not the --
3 VICE-CHAIR HEDANI: We have a motion on the
4 floor.
5 CHAIR STONE: I understand. This is just
6 about the resources that the subcommittee will proceed
7 with. So we just want to make sure we have everybody's
8 input on the resources. Wayne, my whole idea is to make
9 sure we stay until 2:00, come on. No. Okay. Okay.
10 Frank, go ahead, let's keep it rolling here.
11 Any further discussion on the resources?
12 COMMISSIONER DE REGO: Okay. I'm fine with
13 Two.
14 As far as Proposal Three, I'm just -- it's a
15 word change, but --
16 CHAIR STONE: Let's -- Frank, if you don't
17 mind, let's not call it Proposal Three.
18 COMMISSIONER DE REGO: Okay.
19 CHAIR STONE: Let's call it the information --
20 the educational information.
21 COMMISSIONER DE REGO: Education.
22 CHAIR STONE: All right?
23 COMMISSIONER DE REGO: Okay, the education
24 paragraph for the Independent Office of County Auditor.
25 I'm wondering if the word "performance audit" versus

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1 "management audit" would be more understandable for
2 people? I'm not quite sure. I know "management" is
3 probably more accurate in a sense what, often,
4 management audits tend to be, but they're called
5 performance audits as well. So can I ask -- performance
6 pops out to me as a -- as a word that people would
7 understand. But I don't know. It's just a suggestion,
8 since we're coming you up with suggestions.
9 CHAIR STONE: Hang on. Frank, I think we're
10 getting a little deep here in the language. Go ahead,
11 Wayne.
12 VICE-CHAIR HEDANI: I think the intent of the
13 motion, basically, is to authorize the subcommittee to
14 come up with something that we can take a look at that's
15 -- that's in consolidated form. It's not really to
16 debate each individual item --
17 COMMISSIONER DE REGO: Okay.
18 VICE-CHAIR HEDANI: -- and finalize everything
19 today. Right?
20 CHAIR STONE: Yeah. I believe Wayne's
21 correct. So let's --
22 VICE-CHAIR HEDANI: Whatever the committee
23 comes up with, it has to come back before the Commission
24 to finally review it again.
25 COMMISSIONER DE REGO: Oh, okay.

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1 CHAIR STONE: Go ahead, Dave.
2 COMMISSIONER DeLEON: Conversely, I appreciate
3 hearing these -- these little details.
4 CHAIR STONE: This input is good.
5 COMMISSIONER DeLEON: This is good details.
6 Let's move along. So well noted. We'll debate this and
7 you can get into it. And performance versus management
8 doesn't make any difference to me at all.
9 COMMISSIONER DE REGO: Okay.
10 COMMISSIONER DeLEON: Just giving people a
11 sense that there's gonna be something beyond a fiscal
12 audit, because everybody thinks of audits in terms of
13 fiscal. So we're looking at something deeper, more
14 like -- how about a Marion Higa audit?
15 COMMISSIONER OKAMOTO: Put that in.
16 CHAIR STONE: Just so you guys --
17 COMMISSIONER HASHIMOTO: So we'll understand.
18 CHAIR STONE: Please understand, this is just
19 a resource where we're going to use educational
20 information from this resource, it's going to get
21 condensed, and it's going to be used for the brochures,
22 it's going to be used for us to read up on when we go to
23 the community. Okay? So it's --
24 COMMISSIONER DE REGO: Yeah. But, Mr. Chair?
25 CHAIR STONE: Yes. Go ahead, Frank.

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1 COMMISSIONER DE REGO: Some of the ideas in
2 here I -- like I have some problems with some of the
3 language, simply because is this the concept that we
4 actually want to communicate?
5 CHAIR STONE: Good. Very good. That's what
6 we should be discussing.
7 COMMISSIONER DE REGO: Okay. Like, for
8 instance, I'll jump to what's here, creating consistency
9 in Charter references to the departments overseen by
10 commissions. It says, "While the responsibilities and
11 powers among these commissions are identical," they're
12 not.
13 COMMISSIONER DeLEON: Okay.
14 COMMISSIONER DE REGO: As they now stand.
15 CHAIR STONE: Okay. So let's go ahead and
16 give us thoughts.
17 COMMISSIONER DE REGO: So what my thoughts are
18 on this is that, at present, the responsibilities and
19 powers among these are not consistent and they're not
20 identical. And this is the reason why we're trying to
21 make them consistent. I think that's what should be
22 communicated in this one. Because, at present, the
23 Liquor Commissioner doesn't have to be evaluated because
24 it's not outlined in the Charter.
25 CHAIR STONE: Okay. Good. Good point.

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1 COMMISSIONER DE REGO: Okay. That's all, my
 2 only comments I have at this point.
 3 CHAIR STONE: Go ahead.
 4 COMMISSIONER DeLEON: I would appreciate if
 5 Commissioner De Rego would write up the paragraph he
 6 would interject there.
 7 COMMISSIONER DE REGO: Sure.
 8 COMMISSIONER DeLEON: We'll just use that.
 9 COMMISSIONER DE REGO: Okay.
 10 COMMISSIONER DeLEON: Because I don't want to
 11 get into, you know, an information gathering session at
 12 this point.
 13 COMMISSIONER DE REGO: Okay.
 14 COMMISSIONER DeLEON: If you were to give us
 15 the language, then that would be real helpful.
 16 COMMISSIONER DE REGO: I could do that.
 17 CHAIR STONE: Okay. So are we -- let's take
 18 this to vote now, that we're going to let the public
 19 relations subcommittee put together this educational
 20 format for our brochure, educational material. We'll
 21 bring that stuff, obviously, back to the Commission for
 22 a final review and vote before we put it out to the
 23 public. All right? So all in favor, please raise your
 24 hand and say "aye."
 25 (Response.)

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1 CHAIR STONE: Cliff. Okay. All opposed, say
 2 "nay."
 3 (No response.)
 4 CHAIR STONE: Okay. Good. Motion passes.
 5 Go ahead, Lisa.
 6 MS. KAHUHU: Chair, thank you. I just wanted
 7 to clarify for purposes of producing and deadlines. We
 8 are pretty firm on that because, for the brochure, we
 9 need the graphic designer to turn it over by August
 10 15th, because it has to go to the printers by the 17th.
 11 And they, in turn, need two weeks to complete it and
 12 have until August 30th. Then it needs to go to the bulk
 13 mailer for database work and postage and tabbing. And,
 14 again, that is another seven to 10 days to make it,
 15 hopefully, to the post office by the 10th of September,
 16 which will take another seven to 10 days to get it to
 17 the voter households by mail.
 18 CHAIR STONE: Okay.
 19 MS. KAHUHU: So even though we can be
 20 flexible -- and I believe the publication, the print ads
 21 for the newspapers are going to be identical to the
 22 brochure, so it would have to still be completed by
 23 August 15th. Even though we can be flexible on our --
 24 our publishing dates, except for the mandatory one which
 25 we have to do on September 16th.

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1 CHAIR STONE: Okay. So, basically, we need to
 2 have one meeting prior to that, at least, to approve the
 3 subcommittee's -- the subcommittee's final draft -- or
 4 draft and move it forward.
 5 MS. KAHUHU: And, you know, I'll call the
 6 County Clerk's Office to try and determine if, you know,
 7 any other proposal questions from the Council would be
 8 available. Because I'm sure the graphic designer needs
 9 -- you know, I wouldn't want to just throw it to him in
 10 two days and make him fix up the brochure.
 11 CHAIR STONE: Uh-huh. I think the
 12 subcommittee can get cracking with the information at
 13 hand, including input coming from Frank, to try and
 14 condense and start our draft format for the graphic
 15 designer. That needs to happen right away, actually.
 16 Okay.
 17 MS. KAHUHU: Yes.
 18 CHAIR STONE: So. All right. Go ahead,
 19 Wayne.
 20 VICE-CHAIR HEDANI: I have a question for Ed.
 21 Does Council have any other surprises for us at this
 22 point?
 23 MR. KUSHI: Well --
 24 CHAIR STONE: Oh, boy.
 25 MR. KUSHI: -- just as a report, the Policy

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1 Committee met on June 13th, they filed the proposal
 2 about Council approval of the Planning Director, they
 3 filed the proposal of Council approval for managing
 4 director. For Council approval of the Director of
 5 Finance, the motion was made and the vote was four to
 6 four. So the motion failed, but the matter is still
 7 pending. They deferred the proposal about some Planning
 8 Commission review of land use ordinances. And I believe
 9 they will try to work it out via a separate ordinance or
 10 leave it for the next Charter -- I mean, next election.
 11 They filed the proposal about the alternative County
 12 auditor, which they recalled, you'll remember. And they
 13 passed the proposal about the Council term limits.
 14 Aside from that, I know of no other Charter
 15 Amendment proposals.
 16 CHAIR STONE: Okay.
 17 VICE-CHAIR HEDANI: Thank you.
 18 MR. KUSHI: And I think they need to rush it
 19 if they want to do it because it takes two readings.
 20 CHAIR STONE: Okay. Very good. So looking at
 21 our scheduling here, Lisa, August 15th sounds like the
 22 deadline for the brochure information, correct?
 23 MS. KAHUHU: From the graphic designer, yes.
 24 CHAIR STONE: Okay. Meaning that we should
 25 have approval -- we should have definitive approval on

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1 what is gonna be in there. What would you say would be
 2 safe, Yuki, your experience dealing with graphic
 3 designer?
 4 COMMISSIONER SUGIMURA: You know, I think if
 5 we communicate to the graphic designer that we may have
 6 these inserts, he can leave space there for it. It's
 7 just gonna be several sentences; it's not gonna be like
 8 hour-long description. I think this is going to be
 9 whatever alternative paragraph. So I think it's
 10 possible. We got to find out from the County Clerk how
 11 much time they need, whether it be important for us to
 12 utilize that space, but I think we can do it.
 13 CHAIR STONE: You mean for the -- for the
 14 County Council's proposals?
 15 COMMISSIONER SUGIMURA: Yeah. Yeah, I think
 16 ours are gonna be done, but the County Council inserts,
 17 I think it can be done if we just leave space there for
 18 it.
 19 CHAIR STONE: So, subcommittee, I would like
 20 to see our proposals -- we have everything we need, we
 21 have all the resources we need right now. So what do
 22 you think for us, let's say, a week and-a-half, 10 days,
 23 to throw it -- get it put together? Not much.
 24 COMMISSIONER SUGIMURA: To finalize the final?
 25 CHAIR STONE: 25th -- one second.

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1 COMMISSIONER SUGIMURA: We'll do it by this
 2 afternoon.
 3 CHAIR STONE: Okay.
 4 COMMISSIONER OKAMOTO: Tomorrow.
 5 CHAIR STONE: We'll say our target will be the
 6 2nd, July 2nd, to have that kind of finalized so we can
 7 bring it back for review by the Commission, then we can
 8 organize it. The reason why I ask is I need to organize
 9 a meeting date.
 10 MR. BAXA: Mr. Chair?
 11 COMMISSIONER DeLEON: Do we really have to
 12 have a meeting to do this, or circulate it and sign off?
 13 CHAIR STONE: I think we need a meeting.
 14 COMMISSIONER DeLEON: This is just -- this is
 15 for information stuff that's going to go to the public.
 16 This is not an action item.
 17 CHAIR STONE: Let me check with Ed. Ed?
 18 MR. KUSHI: Have a meeting. Don't do it by
 19 email.
 20 COMMISSIONER DeLEON: Okay.
 21 CHAIR STONE: I think it's safe.
 22 MR. KUSHI: You don't want Jim Smith to come
 23 back at you.
 24 COMMISSIONER DeLEON: That was my purpose.
 25 CHAIR STONE: Hey, we had that feeling, Dave.

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1 COMMISSIONER DeLEON: Give the guy something
 2 to do.
 3 CHAIR STONE: Judge Baxa.
 4 MR. BAXA: Mr. Chair, I know that we have
 5 already voted on this matter, but -- I may be off, but I
 6 just want clarification. On the question -- on the
 7 Article 14, the ballot question, it says that, shall
 8 Article 14, Charter Amendments, be amended to add a new
 9 section to require the Maui Charter be reviewed and
 10 published to include all new significant amendments
 11 thereto. And the question that I have is in the word
 12 significant. I know if this is the real ballot that we
 13 voted on previously, we probably could not amend it, but
 14 do I understand from the word "significant" that only
 15 the significant amendments will be published?
 16 CHAIR STONE: Sherry? Ed?
 17 MS. BRODER: Look at what the original
 18 question was. Maybe you can --
 19 CHAIR STONE: Go ahead, Dave.
 20 COMMISSIONER DeLEON: This is one of those
 21 unfortunate parts of the language that I wanted to amend
 22 after the Council is pau. I mean, the Council pointed
 23 out that all Charter Amendments are significant by
 24 nature. You're changing the Charter. So even if you
 25 change "and"s and "the"s, it's significant. So there is

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1 no such thing as an insignificant Charter Amendment.
 2 MR. BAXA: That's what I thought.
 3 COMMISSIONER DeLEON: That was like one of the
 4 points where I wanted to fix it. It kind of grates on
 5 me. If we can't come back with even the simplest thing
 6 like that we, obviously, can't fix it. So -- and I
 7 would have -- I -- yeah. I mean, the answer to Mr. --
 8 the Judge's question, though, is the language.
 9 COMMISSIONER BAXA: Yeah, because my
 10 understanding is that every amendment that we make is an
 11 amendment, and every amendment is significant. Even a
 12 single word is significant.
 13 COMMISSIONER DeLEON: So it's redundant. It
 14 is redundant.
 15 CHAIR STONE: It's redundant. There's nothing
 16 we can do about it, so -- good point, though. All
 17 right. So that is very good.
 18 COMMISSIONER SUGIMURA: So, July--
 19 CHAIR STONE: The reason why I asked this --
 20 oh, go ahead, Kay.
 21 COMMISSIONER OKAMOTO: On the very last one,
 22 the brackets, did we find anything better? You know,
 23 brackets tend to mean you're deleting it. Did we find
 24 any better way to signify the "life of the land" part?
 25 CHAIR STONE: In our final report, I don't

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1 believe you had those --
 2 MS. KAHUHU: We changed it to parenthesis.
 3 CHAIR STONE: We changed it to parenthesis.
 4 That should be changed, Dave, on your -- Dave probably
 5 cut and paste from the older draft.
 6 COMMISSIONER DeLEON: I grabbed what --
 7 CHAIR STONE: So, yeah, it was changed.
 8 COMMISSIONER DeLEON: Okay.
 9 CHAIR STONE: Good point, Kay.
 10 So, let's see. Lisa, I would like to schedule
 11 a meeting that we can approve the items.
 12 MS. KAHUHU: It would be based on the
 13 availability of the room.
 14 CHAIR STONE: Okay.
 15 MS. KAHUHU: But I think there's probably a
 16 possibility for -- oh, no.
 17 CHAIR STONE: Oh, no?
 18 MS. KAHUHU: No, no. I'm sorry. July 9th.
 19 CHAIR STONE: July 9th. Let's see, how far
 20 away that? It's a week away, yeah. No, no. It's two
 21 weeks away. Okay. That would be good.
 22 MS. KAHUHU: If I can get the room, Chair. I
 23 will try.
 24 CHAIR STONE: Okay. So I will confirm that --
 25 and I'll confirm that with commissioners, but

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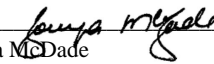
1 tentatively plan on July 9th. That meeting should be
 2 quite quick, actually, reviewing the stuff to go out.
 3 Sherry had something to say.
 4 MS. BRODER: Maybe you should pick a backup
 5 date.
 6 CHAIR STONE: I would say it's either the 9th
 7 or the 16th, because that's the only real time we can
 8 get the room is Mondays.
 9 MS. KAHUHU: Yes, the 9th or the 16th.
 10 CHAIR STONE: Okay. Very good. Lisa will
 11 keep us up-to-date on that.
 12 All right. Any further discussion?
 13 COMMISSIONER OKAMOTO: July?
 14 CHAIR STONE: July 9th. Yeah. Sorry. So,
 15 tentatively, July 9th or July 16th will be our next
 16 meeting. It should be a very quick meeting. We're
 17 going to be looking at the publication stuff going out.
 18 And we can finalize our thoughts on the language going
 19 out as educational. All right. And, hopefully, by that
 20 point, we'll have -- we'll push the County Clerk to see
 21 if we can get the ballot questions, if it's plausible.
 22 Okay. Very good.
 23 All right. I want to thank everybody for
 24 being here. Thank you, Akaku. Thanks very much.
 25 And I'll see you guys at the next meeting.

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1 And we'll get you the announcement.
 2 Right when I'm ending, Kay.
 3 COMMISSIONER OKAMOTO: Does it also need to
 4 publish the full -- the full text of the amendment?
 5 COMMISSIONER SUGIMURA: On the website.
 6 CHAIR STONE: Yes.
 7 COMMISSIONER OKAMOTO: Just on the website?
 8 CHAIR STONE: On the website.
 9 COMMISSIONER OKAMOTO: Okay. That's what I
 10 needed.
 11 CHAIR STONE: So without objection, I'm going
 12 to adjourn this meeting as of 11:25. Thank you,
 13 everybody, for being here. Aloha.
 14 (Meeting adjourned, 11:27 a.m.)
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1 CERTIFICATE
 2
 3
 4 I, TONYA MCDADE, Certified Court Reporter of
 5 the State of Hawaii, do hereby certify that the
 6 proceedings contained herein were taken by me in machine
 7 shorthand and thereafter was reduced to print by means
 8 of computer-aided transcription; and that the foregoing
 9 represents, to the best of my ability, a true and
 10 accurate transcript of the proceedings had in the
 11 foregoing matter.
 12 I further certify that I am not an attorney
 13 nor an employee of any of the parties hereto, nor in any
 14 way concerned with the cause.
 15 DATED this 3rd day of July, 2012.
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