

**2009-2010 HAWAI'I COUNTY
CHARTER COMMISSION**

Public Hearing
Saturday, September 26, 2009
Pahala Community Center
96-1149 Kamani Street
Pahala, Hawai'i 96777

CALL TO ORDER:

CHR. HAITSUKA: Today is September 26, 2009, and we are at the Pahala Community Center for a public hearing for the Hawai'i County Charter Commission. The time is approximately 9:05 a.m.

ATTENDANCE:

Present: Mr. Ed Haitzuka, Chair
Mr. Guy Kaulukukui, Commissioner
Ms. Jamae Kawauchi, Commissioner
Mr. Alapaki Nahale-a, Commissioner
Ms. Susie Osborne, Commissioner
Mr. Todd Shumway, Commissioner
Mr. Scott Unger, Commissioner

Absent: Mr. David Fuertes, Vice Chair
Ms. Daphne Honma, Commissioner
Ms. Casey Jarman, Commissioner
Mr. Joseph Kealoha, Commissioner

Also Present: Ms. Karen Eoff, Secretary
Mr. Levi Hookano, Legal Specialist
Ms. Glynis Yamada, Council Services Supervisor
Mr. Alfred Robello, Special Assistant to Council Chairman

CHR. HAITSIKA: We have testimony this morning from Councilman Guy Enriques. Good morning.

GUY ENRIQUES

(At this time Guy Enriques came forward to address members of the Charter Commission.)

MR. ENRIQUES: Good morning everybody. Thank you for coming all the way out here. I thought I should be here so we'll have at least one more than Honoka'a. Again, I do appreciate you being out here, and taking the time to possibly hear some voices out here. I'm here representing myself and not the County Council today. I would like to speak on just one issue, which I think you will consider, because it is something that if I didn't think you would consider, I would possibly try to do something as a council person, because I see the value in it. As a new councilman I've found that two years is like a blink of an eye. This is going on ten months on this job, and I realize how tip of the iceberg I am on learning what I need to learn to be an effective councilman. So, I'm going to come from that point first, number one, effectiveness. Not having any kind of political background in the past, I'm realizing how little I know; how little I know by means of the legislative stuff. I depend quite heavily on people like Levi, and the staff, to teach me what I need to know, and to teach me how to do the ropes. Just yesterday I sat in a meeting for about two and a half hours on just the Housing Department to learn what they do, so I know how their resources can help the people here; and that's just one part of the Housing Department. The Housing Department has about seven different areas that have financing coming from grants and stuff like that. I know that our people are not even using any of it. If I don't know about it, then I can't help with it. And that's just one department. In that sense, I'm ineffective if I don't know what sources are available in the County that I can use to bring to the people in my district.

What I've found my job to be as a council person is not really to solve problems, because I can't do it alone, but I think my real job is to identify the problems, identify the people who can solve those problems, and then bring them together and let them solve it, and kind of step out of the way. I think that's really my job. In terms of education wise, it is huge. There is no way, I think, that in two years I will get to know the job like I need to know it to do it effectively. The other part of the job, that I think will take time, is building relationships. I am the Chair for the Parks and Recreation at this time. Everybody that I meet down the line, every relationship that I grow, will help me become more effective; and that's just one department. You know how many department heads are in Parks and Recreation that I don't know, and haven't met yet. It's going to take some time, but for the relationships that I have built--when it comes time to use their services, because we're on a face to face, maybe first name basis, we've developed a friendship and a good working relationship--I can get things done in this district faster than if I didn't know them or didn't have any kind of relationship. And that is just one department which I haven't even gone half way through yet, in ten months. So, building working relationships in each of the departments is critical. Working together, and knowing the people you are working with will help foster a lot more productivity than if I didn't know these people, except if I sat on their side and they came up in front when we have these County hearings proposing things. It's a real informal way, but

I think more things are done if you have built relationships before you get to these real formal situations.

The other issue I think is real important in going from a two-year to a four-year term is what I'm finding is what my job is entailing is riding shot gun on projects. I've put in maybe ten, fifteen projects and they will never come to fruition by that time, I'm realizing. If I'm not elected next year, whoever is, whether they follow through on it, that's their kuleana. All the work that I might have done up to this point, is going to go for naught, if whoever is elected does not see any importance. That is a big issue. In that sense, two years is nowhere close to getting projects started, and making sure that they get done; that continuity is very critical. Otherwise, if it is not done, all that work that one council may have done in two years goes to waste, totally ineffective, a waste of time, a waste of money, whatever you want to call it. That is a big part of why we need to move forward.

When I think about it, and when I talk to people about the four-year thing, the biggest fear is, what if we get a bad one. That's the biggest fear that I hear, what if we get a bad one. Now, in the three things that I mentioned; the education side of things, the effectiveness, the building of relationships, the riding shotgun on projects, and you balance that with, what if we get a bad one. Well, in my situation, I was able to get in in the primary. So, there is a large majority that is going to be okay with what I do. There is a small majority that no matter what I do will not be happy, therefore, for those people, what if we get a bad one; it's already there. Their attitude of what if I got a bad one already exists from the minute that I took office. And I'm experiencing that every day that we have public hearings. So, balance that concern, what if we get a bad one, between all the things I just talked about, and to me it's a no brainer. I'm not doing this so that I stay longer, that's not my point. My point is I'm in the office now, and I'm telling you what I am finding. It makes all the sense to go to four years, versus two.

Another issue is the finances, especially in times like we have today, economic times. The State is going to put out money for this new Clean Election's, if you like. So, I don't really have to go out and go raise money from the people themselves, like I did in the past, because we will be receiving---Well, maybe this is the inequity, some of us will be receiving funds, and some of us will not. My bottom line with that is, every two years we will be spending a good six months, so I would say a good one fourth of my term, my mind will be on re-election, which will make me a little bit ineffective, and take me away from what I should be doing because I'm worried about whether I will be elected or not. So, I work three quarters of my term Scott free, and then I got to come back and worry about spending money, maybe State money, maybe my own money; definitely my own money. But, I'll be working overtime; I won't be able to just do my campaigning, because now I have to separate that. I know I will not be as effective for that time that I'm campaigning, because I'll be burning the candle at both ends trying to assure that I have another term.

So, for all those reasons--I didn't write anything down--I'm trying to do this because I'm doing it from what I'm feeling about this particular job. But, anyways, that is my statement on the four-year. I believe I did hear one of you mention---I don't know if it is one of your

Charter Amendments, but if it isn't, then I would like you to consider putting it as one of the changes on this next go around. So, is there an opportunity for questions and answers here?

CHR. HAITSUKA: Are there any questions for Mr. Enriques?

MS. KAWAUCHI: I have a question, Mr. Chair. My question is, how much time does it take to campaign? Is it all day? When does it start and when does it end? How many hours a day?

MR. ENRIQUES: I think it differs from every politician. I know I worked twice the time than my last competitor, but he was in office. So, I had the freedom of working 24/7 if I wanted. I spent eleven months to win this race. I'm already behind if I wanted to do the same thing. Again, if somebody was going to run against me at this point in time, I would have started already. I started, I remember, making the decision in November, and then going from there, actually a little bit before; officially out there in November. So, to answer your question, Ms. Kawauchi, it's really dependent on how badly you want to win that race, and how much time you put in. You can put in twelve hours a day if you want, going door to door. This district that I represent is incredibly huge, starting from Hawaiian Acres to Kealakekua Bay. It is not like if I'm a guy in Hilo; I just go around in circles over there. I can stand in one corner and I can probably hit a good 25% of the population. That doesn't work in this district. I found myself one morning--it depends on what strategy you pick--sign waving at J Hara store, and that evening I would be in Kona, sign waving. I would sleep in Kona, get up, sign wave in the morning, and wind up in the evening at J Hara. I guess this is from athletics, if I go into a game, I play to win. When I look back at something, I want to say, if I get in this game, did I do everything I can. Depending on whom the politician is, or who is running, they will determine how much time they put in; but it could be endless. Thank you.

CHR. HAITSUKA: Mr. Nahale-a.

MR. NAHALE-A: Aloha Councilman, thank you for coming. I just wanted to assure you that we had a committee on this issue, and it did recommend moving to four-year terms. That proposal will come to the Charter Commission. I think the real battle will be in the public. We will have to do a good job educating them why it would be a good idea.

MR. ENRIQUES: I believe this is probably one of the better changes, if we are going to have an effective Council, so if you decide to push this through, you can count on me to back it up in any way, publicly, personally. I don't know if I can do it as a Council person, I'm not sure; Levi may be able to help. I will be more than happy---People have advised me not to from a political standpoint, but I don't care about that. My emphasis is making whoever is in this office as effective as possible. If I'm it, it will be great; if I'm not, then whoever is will have a better chance of watching their projects go through, learning the position, especially if that guy is new, because I'm feeling that right now.

CHR. HAITSUKA: Are there any other questions?

MR. NAHALE-A: Just a quick follow up. Were you aware of this issue before you chose to run for office?

MR. ENRIQUES: No, I thought two years was a good thing, because then if I didn't like it, I would be done. But, if you are really concerned about getting the job done like you should, then it can't be done in two years. You just start things and you won't see it happen, unless it's a real quickie thing. I think we all know how fast the County works, I'm learning that now. Things don't move as fast. There are a lot of things that have to get done; procurement rules, readings, it just takes a while to get projects done.

MS. KAWAUCHI: Another follow up question. Although you listed many reasons for why it might be a good idea to extend to four-year terms, in terms of prioritizing the reasons, would you think that getting the job done, the promises you made during the campaign, making sure that those promises are fulfilled during your term; is that maybe one of the more important aspects of going for a four-year term?

MR. ENRIQUES: As far as campaign commitments, for mine, mine was building relationships, wanting to see a change in the Council, in how they worked together and how they worked with the administration. That's an ongoing thing; you work at it every day. But, I think the real issue here is effectiveness in terms of what you want to do for your district in getting your projects done. The ability to stay on it, ride shotgun is the word that I used, because if you don't, the County has so much things on its plate; the department heads, the directors, they are bombarded by nine different councilmen, nine different districts concerns, they won't remember what we just talked about unless you call them. When I stepped on, there were about seven or eight projects that were about ready to lapse because nobody was looking after them. We did lose one issue that was heartbreaking, we lost \$350,000 because it lapsed; nobody looked at it. There was free money coming down from the State, and our senior citizens were the ones that lost it. It was nobody's fault; there are just too many things. When you look at the list, for example Parks and Recreation, there are like three or four pages of projects and you have got to watch where yours is, and it is up to you to lobby that thing to move it up the list. Otherwise, it just sits there and doesn't get done. Anybody that is pushing their projects and riding shotgun on their projects has a better chance. So, if I'm out in two years, and my project is down here, the next guy who is coming in doesn't pay attention to it, it will lapse too. So, the number one thing I think is, well riding shotgun on your projects and seeing it through, like I said, if I'm out in two years, the guy or gal coming in doesn't see the value in that project, it will just lapse, and we will have wasted that time.

You have got to weigh that with educating the politician if he's new like me. Getting to be effective I have to build relationships with the people I will need to work with in each department. I know very little about the Finance, because I haven't dabbled in it yet. I know very little about the Environmental Management. I know a lot about Parks and Recreation, and maybe down the line, pretty soon, I will know a lot about Public Works. Again, two years, like I said, this has gone by like---I mean, I can't believe I got to campaign here again. I've got to go next month to that Fair Elections meeting thing that is coming up next month; I'm in that, it's just like crazy. So, as far as the priority, I think they are all equal up there as

far as wanting to make your council person as effective as he possibly can for not just his district, but for the entire island.

CHR. HAITSIKA: Are there any other questions?

MR. SHUMWAY: I just want to thank you for coming to talk about this. We have proposed an amendment on this and somebody in Kona already testified against it. I think as Paki said, the education is going to be really important. Hearing you talk from your experience, coming in as a newcomer, and the education process that you have gone through, I think it's really critical that we get that out prior to the election so that people understand it, so thank you.

MR. ENRIQUES: Anyway I can help, I'm not worried about--some people like I said have advised me that I shouldn't go there, because you might lose some votes--the votes are not as important as the outcome, or the effectiveness of whoever gets inside there. Just a question, if you heard somebody testify against this, most of the people that I've talked to, the idea that what if we get a bad one was the top of the line negative thing; did you hear anything else that I might not be aware of?

MR. SHUMWAY: That was basically the gist of her comment, that we may want the opportunity to replace people if necessary.

MR. ENRIQUES: That is all I've heard too that has any weight, which has some merit, but then again, if we take the time to look at who we are really voting for, chances are we will vote correctly. I still think all the reasons I put forth far outweigh that one where like, what if. I sit down on your side, and I hear a lot of people come to the council and always have this doomsday attitude about what the worst case scenario would be, but people forget to look at what the possible good might be. We have a bad tendency to focus on the bad things, and try to protect ourselves from the bad things, and we fail to look at what the good things are, time and time again. So, I think there is some good if we look at the four-year things and focus on what they could bring, and I hope maybe I have enlightened you on some of the things I've found as a new council person that have merit for this four-year term. The negative side is like this to me.

MR. NAHALE-A: I agree, and I think when the issue gets a little bit more fine tuned, it will be that two-year terms force the council members to go back to the public. So, even if they are good members, that cycle kind of encourages people to go back and walk door to door and things like that. I agree, the pros and cons are far separated, that's why we are trying to move four-year terms forward. In the debate later on, I think that's one of the things you will have to be able to answer is, how we keep the public informed. A lot of the testimony that has been a little negative to us is the belief that there is a lack of transparency right now, low trust, so I think this is a poor way to try to deal with that issue.

MR. ENRIQUES: You are absolutely right, and if I may, I'd like to speak to that transparency thing. I think a good council person will be communicating with their constituents anyways. If he's not, in that two years, then you have made a bad choice. One

of my campaign commitments when I was running was to improve the way we communicate with our constituents. You can't use the campaign, or the election, to force our elected to do that, it just doesn't make sense. Then the guy just doesn't have any value in communicating with people. To be forced, as a reason, I don't know that it is one I would hold water with. But, transparency is the buzz word now. I have made this public, so I don't mind sharing what my thoughts are as far as transparency in what I'm doing. I have made myself more available in every single district. This is my second time going around in what we call talk story; the second time around in nine months to fourteen different communities. I just had some meetings the other night. When you look at the Mayor's administration, whether you agree to his decisions or not, I have not known another Mayor who has made himself more publicly scrutinized in communities than any other Mayor. He has taken the time to go from community to community and say, hey ask me what you want, I will tell you point blank. I don't see it, but this is the first time that I see the word transparency come bubbling out when we have made more attempts to be transparent. It is so easy to use the word transparency to facilitate our own doomsday attitude.

We just went through, and we may still be going through, this Hāmākua land sale, and whether the Council should be overseeing the purchase of land. Transparency was the word, and what I heard in public was when people came to testify was, what if, what if, what if, what if, and we better legislate because if any of these things came true we would be screwed up. Yes, every negative thing that you could ever think of, could come true. But, if we were to legislate on every issue because of the what ifs, we would legislate ourselves to death. At what point do we stop? When do we choose on this one we don't? Because every issue has a what if. Again, it's that attitude where we focus on the negatives versus the positives. Before we talk about transparency, let's make sure it needs to be. If we don't do things right, and we mess up, then, I'm all for it. I'm not against transparency, I think it's important, but let's do it, and legislate it when it needs to be, versus just doing it for the word transparency.

MS. KAWAUCHI: I have a question. What would be your thoughts of instead of proposing a change from two-year to four-year terms, from two-year to three-year terms? Do you have any thoughts on the difference between three years versus four years?

MR. ENRIQUES: Off the top of my head, anything beyond two years is better, whether it's three years. The problem with three years is then you would have a mid-way election. Maybe it would be for just a smaller group, but if it just went into sequence with the Mayoral race, I think from the finance side, that will cut a lot of costs in terms of running elections. What I'm finding out, is putting an election on is big bucks. To put one on in between over here, I don't know---It seems more logical to run it in sequence with the four-year terms. The way this is going, it looks like it would fall right on to that four-year term. It just seems logical to stay with that. But, anything better than two years---If we can't get four years, I'll take three years.

CHR. HAITSUKA: Are there any other questions for Mr. Enriquez? We have one more speaker.

MR. ENRIQUES: Thank you very much for coming out here, and for volunteering for this stuff. Thank you.

CHR. HAITSUKA: Next we have Mr. Bradley Westervelt.

BRADLEY WESTERVELT

(At this time Bradley Westervelt came forward to address members of the Charter Commission.)

MR. WESTERVELT: Good morning. I wasn't planning on speaking but after hearing Guy speak, I thought I would come up here and thank you for the work you are doing, I like what I have read here. I just reviewed the nine amendments, and I have a couple of comments on number eight. But, first I want to say I am particularly pleased with number seven. This is a good progressive idea that we should base recall petitions on the number of voters that actually participate in our elections. That is a more fair way than counting the number of potential voters. Let's actually deal with things on the terms of the number of active voters. So, thank you for that. Number eight has me a bit confused. I don't actually know the purpose of this, and I know I'm not here to ask you questions about that, so I'm just going to comment. Removing the requirement that claims against the County be filed with the County Clerk and instead be filed with the Corporation Counsel, I can understand the efficiency in that because everything has to go to Corporation Counsel anyways; but there are a couple of related issues that have me concerned. This relates directly to the subject of transparency that was being discussed a moment ago. If someone from the public comes forward with a complaint against the County, this amendment would put the record-keeping on this out of the public eye, it would seem. If the complaint goes straight to Corporation Counsel, it could potentially die there, and never be viewed by the public. It goes on to say that the requirement for the annual report must be filed with the office of the Mayor instead of the County Clerk. Again, that seems to be odd, why would we want to put record-keeping anywhere but the County Clerk's office? The County Clerk is supposed to be the repository of all public records. If someone brings forth a complaint or a lawsuit, I would think the public would think to look there first, as opposed to going to Corporation Counsel or the office of the Mayor. So, I question the wisdom of this approach, and I'm curious as to what inspired this suggested change, but I'll research that at a later time. That's all, are there any questions?

CHR. HAITSUKA: Are there any questions?

CHR. HAITSUKA: Mr. Enriquez.

MR. ENRIQUES: I just wanted to make a comment just to remind you, if and when you need my help to move this four-year thing, I'd be happy to be part of the education process. Thank you.

CHR. HAITSUKA: Thank you very much. There doesn't appear to be any other testifiers, and we will close this meeting at 9:42 a.m. Thank you.

Respectfully Submitted,

Karen Eoff, Secretary

Approved:

Mr. Ed Haitzuka, Chair
Hawai'i County Charter Commission