

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

Public Hearing
Friday, October 9, 2009
County Council Chambers
Ben Franklin Bldg. 2nd Floor
333 Kīlauea Avenue
Hilo, Hawai'i 96720

CALL TO ORDER:

CHR. HAITSUKA: Today is October 9, 2009 and the time is approximately 6:25 p.m. We are at the County Council Room at the Ben Franklin Building in Hilo for a Public Hearing of the Hawai'i County Charter Commission.

ATTENDANCE:

Present: Mr. Ed Haitzuka, Chair
Mr. David Fuertes, Commissioner
Ms. Daphne Honma, Commissioner
Ms. Casey Jarman, Commissioner (*via videoconference, Kona*)
Mr. Guy Kaulukukui, Commissioner
Ms. Jamae Kawauchi, Commissioner
Mr. Alapaki Nahale-a, Commissioner
Mr. Todd Shumway, Commissioner
Mr. Scott Unger, Commissioner

Absent: Mr. Joseph Kealoha, Commissioner
Ms. Susie Osborne, Commissioner

Also Present: Ms. Karen Eoff, Secretary
Mr. Levi Hookano, Legal Specialist

CHR. HAITSUKA: Our first public testifier is Ms. Cory Hardin.

CORY HARDIN

(At this time Cory Hardin came forward to address members of the Charter Commission.)

CHR. HAITSUKA: Good evening, Ms. Hardin.

MS. HARDIN: Thank you for your many hours spent today and other days working on this. We appreciate you putting the time in. I support most of the amendments proposed by Debbie Hecht of Kona, Councilmember Brenda Ford, and Margaret Wille, who is sitting behind me. I've given them in writing, so I will just briefly summarize some of them. For the Legislative Auditor, the way it is now, they kind of have to bite the hand that feeds them, because the County Council holds the purse strings for their office. This year the Council tried to severely cut the Legislative Auditor's funding. So, the proposed amendment would follow what many states and counties do. It would set aside a percentage of the operations and special funds budget and then auditors are freer to investigate fraud, abuse, mismanagement, and the many other things we need to stay on top of.

For redistricting, there are many changes proposed to make it fairer. I remember there was a lawsuit on the last redistricting effort. Many people felt it was totally unfair the way it came out. One fellow was so upset that he took a second mortgage out on his house to file a lawsuit. Then he lost, so I know this has been going on for some time. Of course, if you want to get a fair vote of the people, the districts need to be set fairly.

I support having standing council committees with all nine members on each committee, with proposals that are not delayed for more than one meeting, and with adequate public notice. This would restrict some of the power plays, like some of the stuff that has gone on just recently in the Council. The re-do, the un-do, and then yesterday's re-do of all the committees, and concentrating all the power in the hands of a few council members. I would say that when people are in a minority they need to keep what voice they have. To this amendment I would add that each council member should get one position as committee chair and one as committee vice chair, so that everybody would have some position, and one lucky person would get full council chair and another lucky person would get council vice chair.

I support the four-year council terms, so council members have time to learn the complexities of government. I remember Guy Enriques went to Dominic Yagong about a month into the term and said, "Can you explain the budget to me, I don't understand it at all." Of course, there is a lot more than that. However, I think there need to be strong recall and impeachment options if this passes.

I support writing the 2% for the Land Fund into the Charter. I came, along with scores of people, a few months ago, testifying to keep putting money into the fund following up on having signed petitions and stuff a year before. But, the Council and Mayor chose otherwise. If this was in the Charter, it would set it so it cannot be taken away, it attracts matching funds

and it protects resources that we can't replace like watersheds. What is it worth, having water and trees? I support having development approvals reviewed by Community Development Plan Action Committees. I support adequate recall and impeachment provisions, and as far as appointments to boards and commissions, I support having council members nominate them, because they know the people in their district better. Thank you for listening, and thank you for your volunteer work.

CHR. HAITSUKA: Thank you very much.

MR. NAHALE-A: Thank you for coming, for taking the time. I appreciate it, and I thought your testimony was really well done. It was very to the point, very clear. Can we get a copy or that? Okay, I just got it. Thank you very much.

CHR. HAITSUKA: Next we have Margaret Wille. Good evening, Ms. Wille.

MARGARET WILLE

(At this time Margaret Wille came forward to address members of the Charter Commission.)

MS. WILLE: Thank you very much for listening to me again. I want to just, in terms of what is important to the public, I want to first go back to what Tim Reese said, that you don't want to have too many amendments on here. But, I think it's not the number of amendments, it's how simple and how understandable, and whether people feel that they are the appropriate entity to be voting on it. So that if you have something simple, if you have something say about the Community Development Plan (CDP) or something about transparency, I can assure you they're going to understand it and they're going to vote on it. If you have something about the auditor, and what is in a contract, and something technical that is, as far as I'm concerned, you should just be telling them you guys work it out, and we want to know that you've done that. That's the way it should be done. But, it's not a matter of okay, what can we necessarily cut out of being reviewed. I want to again, bring up the CDP. It's not inapplicable; Section 3-15 of the Charter talks about the General Plan, and if you read the General Plan, it is the CDP's that implement it. There is clearly a whole---The whole CDP's came about following a lawsuit concerning access by large landowners in order to get more community input. The other thing I think is really important for you to think about in terms of the CDP's and recognizing them is that there is no local government in this county. It is very expensive to drive and the CDP's in a sense provide, what little there is, between a community association and a subdivision all the way up to the county government. I'm the co-chair of the Waimea Design Review Committee, and we are now having groups come, can we just talk to you, so we can have some community dialogue; because there is nothing, there is nothing there, all the way up to the County level. As many people have said, it would sort of provide a regional layer. I consider the answer to your question, why is all these things going on, is there is a lot of fear. There has been power held by a few, and the more you concentrate it and solidify it, it's like do we really want the people who are here discussing things. I really believe that it's the idea of like the Mayor throwing out the 39 applications, and we have to start again. I would have said, we want all 39, we want everyone there, and you'll be head of a focus group, and we want this dialogue and we need inclusivity and to just sort of get through those fears.

Let me just say, right now, there is another level of assault on the CDP's, and I find that I'm trying to implement the CDP on this Design Review Committee, and I'm being told, no; no Action Committee, it's not enforced, it's really just aspiration, and all the things that everybody said before. So, I consider it important that that word, Community Development Plan, be added in some way in here. Let me just say, I know you have these deadlines; I'm going to write some things up, and I really feel that with your last public hearing being today, it shouldn't be a deadline of October 31st. It should be the next November meeting that you last listen to amendments. Otherwise, what is really the point? I just want you to really think about that; read Section 3-15. The whole idea is to allow the community to dialogue, and to encourage that, and to get past all this fear.

The second big theme--and I'm really just sort of looking at the themes here that you are going to hear from the public--is really on the whole issue of transparency and notice. I really disagree with the County Clerk Goodenow, and it's late, and we want to do this, and it's 11:15 p.m. There is a big issue in this County in terms of lack of trust that came about just over the past few months dealing with the Council issues. I feel that the positions, which Casey Jarman brought up, the difficult position that I see Counsel Ashida and Goodenow, are very political. Everything is looked at as political. So, if you are not---What the public is asking for is let's at least get notice. Not where things are signed up at 11:15 p.m. and on some board someplace. Do what is practical in this day and age, and that is have notice on the internet, on the calendar, or someplace where people can go; or go to the library and look up. I never knew where some board is located, but so something. The notice is not to accommodate the Clerk, not to accommodate you all; it's the one thing that we, the public have; it's the notice and transparency. Those two issues, I think, are really important on a time level. Looking at those conflicts of interest, whether the Corporation Counsel should be in the Mayor's cabinet and also representing the Council. I ask you to look at those issues; however you want to address them. If you don't address these issues, the CDP, you don't address the conflict of interest, the transparency, it's like you guys are not in touch with what's down here on the ground, on the dirt level.

Lastly, I bring up that we look to you as the far-sighted entity. Day to day, everybody else in government--and it's real--just work on a day to day level and confront things. I'm thinking of this in terms of all of the issues of Environmental Management and what do you do about agriculture, energy, food sustainability. No department wants something additional added on to it, and not have additional mandates or money to go along with it; same thing with Research and Development. You are not going to meet again for another 10 years. We are dealing with an island that is much more at risk; at risk in terms of emergency preparedness, at risk in terms of energy and agriculture and food shortages. So, right now there is no entity that is really handling that. I would love for---You can say we are going to give it to Research and Development or we are going to do it here, but I just think that's an issue that if you guys don't look at it and sort of say, we need to have some commitment to the environment and some commitment to the future of this island, long term, there is really no one else that is there to do it.

I just want to again refer to that 2006 Hawai‘i Supreme Court case. Basically the Supreme Court said, this County has a commitment to the environment. There is a Public Trust Doctrine, not just to this generation, but to future generations. It isn’t just looking to the ecosystems. What does Environmental Management do? It only has to do with waste products. So our County has no commitment to the environment. You can say, okay, we can refer to HRS, Section 343 and study. Anyways, I just want to emphasize how important you all are in sort of moving forward in terms of this is a decade process, and encourage you to see that a lot of these things, whether it’s from eco-tourism to energy shortages, all of these things play together. Again, CDP, transparency, trust, ethics; and then third, looking towards some kind of commitment towards the environment, and I hope that if some of us submit things by the end of the month, or the beginning of the month, that you all will take them into consideration. Thank you very much.

CHR. HAITSUKA: Is there anyone in Kona to testify?

MR. HIRT: Good evening Mr. Chair, we have no testifiers in Kona.

CHR. HAITSUKA: So that concludes the public hearing. The time now is approximately 6:40 p.m. I would like to thank the staff out in Kona and Waimea; David and Manu. Thanks for hanging in there with us, and thanks to the public testifiers for coming, and to the Commissioners for staying, and to our staff, Karen and Levi. Thank you.

Respectfully Submitted,

Karen Eoff, Secretary

Approved:

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