

HAWAII COUNTY REAPPORTIONMENT COMMISSION

1st Session
Thursday, May 3, 2001

Hawaii County Councilroom
25 Aupuni Street
Hilo, Hawaii

The Hawaii County Reapportionment Commission, having been duly sworn in by Managing Director Dixie Kaetsu at 9:45 a.m., and with opening remarks by the Honorable Mayor Harry Kim, County Clerk Al Konishi called the roll at 10 a.m.

PRESENT: Commissioner Lawrence J. Balberde
Commissioner Jack L. Ferguson
Commissioner John J. Fernandez
Commissioner Jeanne A. Fuller
Commissioner Mark Van Pernis
Commissioner Byron H. Toma
Commissioner Lloyd X. Van De Car

ABSENT: Commissioner Antoinette Bello
Commissioner Abbie Napeahi

ALSO PRESENT WERE:
Lincoln Ashida, Corporation Counsel
Barbara Hashimoto, Planning Legislative Assistant
Wendell M. Hatada, Executive Assistant to Mayor
Rodney Kaido, Civil Service Dept.
Al Konishi, County Clerk
Bobby Jean Leithead-Todd, County Council Member
Patricia Nakamoto, Elections
Rex M. Quidilla, Administrative Assistant, Office of Elections
John Ray, Charter Commission Chair
David J. Rosenbrock, Project Manager, Reapportionment
Office of Elections
Natalie Santos, Parks Department Secretary
Jean Viernes, Mayor's Secretary
Dwayne Yoshina, Chief Election Officer
Karin Dahlgren, Council Services Supervisor

MR. KONISHI: Under the Charter, under support--we'll get more into that later--but thank you for coming today; and we're going to begin with the official swearing in by Mayor Harry Kim. So, at this point, Mayor Kim.

MAYOR KIM: He and I go back to Army days, as we used to call it. First of all, I want to express our appreciation for your taking the time to do this for Hawaii's people. I will say to you what we say to all boards and commissions. I think every politician realizes that I just know how very critically important it is because of, primarily, Civil Defense; and also because of the change of tempo we really want to establish in regards to Hawaii's people and government.

Not too long ago, I was asked at one of the community organization's meetings, kind of facetious, what kind of legacy would I like to leave behind when I leave this job. I knew immediately what it was because I thought about it. It was exactly like Civil Defense. When I took the job at Civil Defense, I wanted to establish a pipe dream that we're going to establish a Civil Defense organization of our Hawaii County government second to none in the world, that the world would recognize this agency as the best in the world, bar none; and I'd joke with the Mayor that if I find out that there was another country or state that had a better one, I'd bug him for a plane ticket and go there, and steal ideas, and come back.

And likewise with the legacy of County government, say, what would I like to leave behind; and that someday, somewhere, someone would say, "If you want to see a responsive government, if you want to see a government that truly is of the people, go to Hawaii County government." And I know that regardless of what I do, totally regardless of what I do, I won't even get one step towards that goal unless I get the community to work with us, and we work with you, and that's the role we plan.

I promise you one thing in regards to asking you to help us out in serving the community of Hawaii--I know the importance of your job; I know you also have an additional time frame restriction on here. Our job here now is to swear you in. Our job now is to provide you the resources of the Corp Counsel and anyone else that could be a resource to do your job, and that's our job as there will be no interference of any kind to any boards or commission.

If there is an opinion or position we want to state to you, then we will approach you no different than the public. We will not call you in on a separate basis or try to influence you in any way, and that we commit to the island's people that our boards and commissions are there, some of them by law as you are, and we recognize your responsibility, not to me, but to the people of Hawaii Island; and I thank you for that.

Can I ask all of you to stand please so you can be sworn in. I really do thank you for doing this. Raise your right hand, please. "I--state your name--do solemnly swear that I will support and defend the Constitution of the United States, and the

Constitution of the State of Hawaii, that I will faithfully do my duties as--state the board, please, thank you--to the best of my ability, so help me." Thank you very much.

(At this time, the new Commissioners shook hands with those in attendance.)

MR. KONISHI: Okay, at this time, I'm going to pass out this oath card which is what you need to sign. We have to notarize it to make it official; so, yeah, this could take a few minutes, so please bear with us. It's one of these, you know, you're part of government now, so get used to paperwork, okay.

(At this time, members filled out oath cards.)

Okay, you guys are now official, so welcome aboard. Again, my name is Al Konishi. You know, I guess because we're still in the organizational stage. Rather than do a roll call, I guess maybe everybody could introduce themselves for your fellow commissioners. Why don't we start at this end.

MR. VAN DE CAR: I'm Lloyd Van De Car. I'm one of the commissioners. I don't know if you want to know anything more.

MR. BALBERDE: I'm Lawrence Balberde, one of the commissioners; and I guess because of my hairline, make it that everybody's even.

MR. VAN PERNIS: I'm Mark Van Pernis from Kona. I'm on the Commission at the request of Nancy Pisticchio.

MR. TOMA: I'm Byron Toma; I'm from the Hilo district.

MS. FULLER: I'm Jeanne Fuller, from the Puna district.

MR. FERGUSON: Jack Ferguson, from the Kona district.

MR. FERNANDEZ: I'm John Fernandez, from North Kohala, Kohala district.

MR. KONISHI: Thank you. You know, usually with a commission, you know, we have---the way commissions in the County work, there are always existing commissioners; so when you come in brand new, you know, there's somebody to run the meeting and to get things organized, so you come in and you do your thing.

You know, this is a situation---and I'm glad John Ray is here; he's the chairman of the past Charter Commission. He can tell you, you know, when it's starting off, it's a little awkward because there's nobody to really kick the thing off. But, you know, what I would suggest now is, you know, we put on the agenda that, you

know, if you folks would elect the Chair and Vice Chair, then at least somebody can take the helm, and we can kind of get through this, because, otherwise, you're going to hear a lot of me talking, and you probably don't want that.

So, John---

MR. RAY: (From the audience, at times inaudible) I think we elected right away.

MR. KONISHI: Yeah, so why don't we do that. I mean, if you folks are comfortable with that, then at least somebody can take this mike away from me and start running the meeting. So, would anybody like to nominate someone for--
-?

MR. BALBERDE: I'll make a motion to Mr. Van De Car.

MR. TOMA: Second.

MS. FULLER: I'll second.

Mr. Balberde moved to appoint Mr. Van De Car as Chairman.
Seconded by Mr. Toma.

MR. KONISHI: Okay, anybody else have any other nominations or, I guess, desire to serve? Okay, you know, I guess the proper motion would be to close the nominations.

MR. FERGUSON: I would so move.

Mr. Ferguson moved to close the nominations for Vice Chair.

MR. KONISHI: Okay, you know, at this time, I guess, in lieu of a chairman, I ask, you know, all those in favor of Lloyd Van De Car for Chairman of the Reapportionment Commission please say "aye."

The motion to appoint Mr. Van De Car as Chairman was carried
by a unanimous "aye" vote.

MR. KONISHI: Okay, Lloyd, it's all yours.

CHR. VAN DE CAR: Thank you, Al.

MR. KONISHI: Do you want to step up to---why don't you go right to the chair. All the mikes are on, by the way, and Ms. Dahlgren from our staff is running the tape, and the minutes are going to be transcribed.

CHR. VAN DE CAR: Well, thank you all. Al, there is an agenda; I can read it off just as well as anybody else, but I don't know who the guests are, so why don't you continue.

MR. KONISHI: Well, may I make a suggestion?

CHR. VAN DE CAR: Please.

MR. KONISHI: Again, this is just a suggestion, up to you guys, is if you guys want to elect a vice chair, because, you know, there might be meetings where you might not be able to make it. Again, I leave that up to you guys if you want to do that.

CHR. VAN DE CAR: Oh, thank you, all right. Then let me put the floor open to nominations for a Vice Chair of the Reapportionment Commission. Are there any nominations for Vice Chair?

MR. VAN PERNIS: I'll agree to serve, if there are no nominations.

CHR. VAN DE CAR: Well, I was about to nominate you. I would like to nominate Mr. Van Pernis, then, as Vice Chair. Is there a second?

MR. TOMA: Second.

Chairman Van De Car made a motion to nominate Mr. Van Pernis as Vice Chair. Seconded by Mr. Toma.

CHR. VAN DE CAR: Thank you. If there are no further nominations, do I hear a motion to close the nominations for Vice Chair?

MR. FERGUSON: So moved.

CHR. VAN DE CAR: Second?

MR. BALBERDE: Second.

Mr. Ferguson moved to close the nominations for Vice Chair. Seconded by Mr. Balberde

CHR. VAN DE CAR: All right, then the nominations are closed. All those in favor of Mr. Van Pernis as Vice Chair, indicate by saying "aye."

Motion to appoint Mr. Van Pernis as Vice Chair was carried by unanimous "aye" voice vote.

CHR. VAN DE CAR: All right, thank you. Okay, Mark, you are right. This is not our agenda, but because we haven't had an opportunity to do anything about that, I think it's a sensible agenda, and I'd like to go ahead and follow on down this agenda.

I'd like to hear from the folks---again, Al, I don't know who is here, in terms of guests, but---

MR. KONISHI: Actually, I think we only have two civilians--John Ray and Keith from the West Hawaii Today, so I think everybody else is scheduled to speak, so if you want to defer that, we just have that one statement from the public, Mr. Ray.

CHR. VAN DE CAR: Well, I'd like to hear from him. John, why don't---I think your experiences on the Charter Commission will be of great value to all of us.

(At this time, Mr. John Ray, Charter Commission Chair, came forward to address the Reapportionment Commission.)

MR. RAY: Thank you, Mr. Chairman and Commission Members. Congratulations for serving. Actually, I didn't--I hadn't thought about coming as a past Charter Commission chair, so I'm really here to testify as a resident of Waimea, and a former Councilman who served the North and South Kohala districts.

And just something I'd like to put out to you that was a very practical reality for me, representing one of the larger more rural districts outside of Hilo; and I don't know how much latitude you have under the County Charter in regard to, you know, how closely you have to follow population numbers in terms of setting up, you know, the districts; but, you know, what I'd like to bring out to you is that the larger, more rural districts that are outside of Hilo are tremendously challenged, not only from the Councilperson's standpoint, but also in terms of practically serving those constituencies, because your office is in Hilo, so you're headed to East Hawaii all the time. In my case, I lived in Waimea, and would have to come home; frequently, I'd have to go to a meeting up in Kohala, or a meeting in Waikoloa.

So, I'd drive an average of about 30,000 miles a year; and it makes it very difficult to service these large, rural districts. So, to the degree that, you know, you can keep that in mind, in terms of how you fashion these districts, with the consideration of, you know, what's the most practical size, you know, of a district to service. And for instance, the Hamakua District, rather than moving it, you know, further away from Hilo, say, up towards Waimea, or the way the State district wraps around--Dwight services North Kohala--you know, I think it would be a lot smarter to move it, logistically, more towards Hilo. It's just a lot easier

for the Councilperson to service it; and, in turn, I think it's a lot better for the constituency to have it more easily serviceable by a Councilperson.

So, that's really the only thing I wanted to, you know, bring up today and, you know, to keep in mind. And like I say, I don't know how much room you have within the language of the Charter to take that into account, but, you know, practically speaking, you know, you've got a vote, and whether you represent 10,000 people or 14,000 people, really doesn't make any difference, you know. You're representing the communities of, say, you know, Waikoloa, Waimea, you know, Kohala. So, I don't think it, in my mind, doesn't make a whole lot of difference, the numbers so much, as far as the way the dynamics of the Council work. But that's, like I said, that's just purely looking at it from a logistical standpoint; and that was a big issue with me, and it was a big issue in not staying on the Council, that, you know, not only does it not pay very well, but the amount of time and expense it takes, especially to service one of those large districts and, you know, the driving expenses, the time, you know, it's just not a very appealing situation for very many people.

So, you'll just want to keep that in mind.

CHR. VAN DE CAR: Thank you. I'd like to response a little bit, and I'd like to invite anybody else who wants to respond or engage you in conversation. But my understanding is that, you know, our guiding principle is "one man, one vote," and it seems to me, too, that sparsely populated districts are going to have that, you know, the issues that you raised, regardless of how we do it, whether it's this district--you chose Hamakua as your example--whether it's Hamakua or South Kona, or whatever it might be.

But it is something that, I think, Lincoln is going to talk to us about some of those legal principles, and we'll take some guidance from them as well as, you know, the Council, that we can take from each other. But, yeah, I understand the concern.

MR. VAN PERNIS: I'll respond also by referring back to my experience after the 1990 census, working on a similar position with the State. The guiding principle is, "One man, one vote," and this has been well interpreted over the years by both our State Constitution---or by the State Supreme Court, as well as the U.S. Supreme Court. And basically, although there can be a variance, a small variance, probably no more than 5-10 percent from district to district, in terms of population, basically, other than that, the population from each district has to be approximately similar. And my understanding, from the census information that we received, is that each district, each Council district that we're required to determine, if I recall correctly, it puts us at about 16,000 to 16,500 people per district; and that, although as I said, we can vary from that to some degree for practicality and geographical reasons, we would be probably crossing over impermissible legal lines, if we start varying much greater than that.

So, I think Mr. Van De Car is correct. If one of the challenges that the Commission faces is the fact that there are concentrations of population on the island, divided by huge areas of geography that are not densely populated; and that's one of the interesting challenges we'll be facing. It's a job that--as Abraham Lincoln said--we're bound not to please all of the people all the time.

CHR. VAN DE CAR: Thank you, John.

MR. RAY: Thank you.

CHR. VAN DE CAR: Well, was there anyone else that wished to address the Commission? That's it, okay. Then there are no minutes. I don't think there are any communications to the Commission so far. The business of the day then is briefings--and Al, if you're first and would like to proceed first, then please, go ahead.

MR. KONISHI: Yes, yeah, I just wanted to, you know---again, you're an independent commission, so you guys set your own time table and agenda, etc. But what we thought we'd do is just kick it off for you with a briefing. You know, basically, that's what today is, just briefings; and then you guys can take it from there.

And I guess it is a little awkward because, like I said, for most commissions, you start out with sort of, you know, a body that's there already, and new people get added; and it's a continuous kind of thing. This one is a little awkward because everybody starts all at once; and then after you guys get this neat experience and background, then we cast you off to the wind again, and then we start all over 10 years from now.

Anyway, let me keep it real brief, keep my briefing brief, so, you know, I'm Al Konishi, I'm the County Clerk. I'm like you guys. I'm a political appointee, okay. However, that being said, just wanted to let you know that, you know, you're going to have a lot of paper, so, you know, I just got two pieces of paper for you. I see that Mr. Ashida had the same thing in his briefing, so I'm not going to hand it out.

But I just wanted to start off your briefing by telling you that, you know, I think it's really good sometimes to visualize, you know, the end goal. You know, in sports, we do that all the time. I asked the staff to bring up the finished product that you are going to be responsible for producing by December 31st. So, basically, there it is, the blue binders and a bunch of maps, okay.

Okay, so that's the goal, okay. Then I also wanted to brief you on the guidelines, and there aren't too many. The guidelines governing the reapportionment process and the Reapportionment Commission are contained in the County Charter, and

they're in Section 3-17--and, again, Lincoln will go into it, but I'll just read you a couple of highlighted sections.

One is, it says, "The County Clerk shall furnish all necessary technical and secretarial services for the Reapportionment Commission. The Council shall appropriate necessary funds to enable the Commission to carry out its duties,"; and I guess the reason for that is, like every board and commission, it has to be attached someplace, so you guys are attached to our office.

The next one is, "The Reapportionment Commission shall be guided by the following criteria in establishing the boundaries of the council districts:

- (1) No district shall be drawn to unduly favor or penalize a person or political faction;
- (2) Insofar as possible, districts should be contiguous and compact;
- (3) District lines shall, where possible, follow permanent and easily recognizable features;
- (4) Districts shall have approximately equal resident populations as required by applicable constitutional provisions."

So, beyond the constitutional provisions, there are these other guidelines that the people of the County have imposed on all of us via the Charter.

I want to tell you another thing because, again, I'm a political appointee like you. I came aboard in 1997. You know, I guess, I come from the private sector, so one of the things that, you know, you wonder about out there is about the staff sometimes. You know, you hear all these stories about Civil Service, etc. I'll tell you that we have the Civil Service staff headed by Mrs. Pat Nakamoto there, and she'll be speaking later; and Mrs. Gina Bernabe Haina, okay. They are our professional staff in the Elections Office; and I will tell you that having worked with them, I have been impressed by their professionalism, their fairness, and they're very apolitical.

So, this, you know, don't take my word for it. I think you'll, you know, you'll get this, too, as you work with them. So, I guess what I'm trying to tell you is, you can trust them, okay. I think that's the bottom line, you know. I've grown to trust them over the years and, believe me, we have not always been in total agreement on everything; but just like my wife, whenever we have a dispute, I'm usually wrong, so, you know, you can rely on them greatly, okay.

Last point, last point, just wanted to emphasize that as a commission, we are governed by the Sunshine Law; and I believe Mr. Ashida will be going into detail on that; and so I just have one final point I'd like to make to you in my briefing; and that is, I just suggest to you--and again, it's up to you--I suggest that--and I think the Charter kind of touches upon this--two things. I just suggest, do everything in the open, and be fair; because, I think, no matter what happens,

somebody is going to be unhappy with the final product. You can't make everybody happy--I think Mr. Van Pernis mentioned that.

So, my suggestion to you is, in order to have people accept that, even though they're unhappy, I would suggest you keep it as open as possible and as fair as possible. And I think if you do that, people will accept it; and I think that's the bottom line with the whole electoral process. Anyway, that's all I have to say. If any of you have any questions, I'll be glad to answer; if not, I will step aside for Mr. Yoshina and the State people.

CHR. VAN DE CAR: Do you have a question?

MR. VAN PERNIS: Yeah.

MR. KONISHI: Yes?

MR. VAN PERNIS: We need to go to work here, so since you're providing us with support, could---I obtained from Planning Director Yuen copies of the precinct maps, and these are large maps showing existing precinct lines, which may or may not be followed or provide us with some assistance. Could you please get us, everyone on the Commission, a copy of the precinct maps that Mr. Yuen provided to me?

MR. KONISHI: Okay, you know, some of these following speakers are going to get more into the details, okay, I'm just here to give the general overview, okay.

MR. VAN PERNIS: Well, I understand, but since you're here to provide---I'm just giving you the information I think that---we've already done some background on information that's available, since all the census stuff is on the Internet this year versus from 1990.

We also need---and this involves money--71 maps that I was provided this information by Collette Rapozo Yamamoto of the Department of Research & Development here; and she said that these precinct---or, excuse me--census data maps are available, but they're \$5 apiece; and so I assume the County has a budget for us and that you can acquire these for us through Collette--who also is dealing with Jan Nakamoto at the Hawaii State Data Center, DBET.

So, I want you to go to work for us to get this information, because I think these maps are what we need.

MR. KONISHI: Okay, yeah, again, Mr. Van Pernis, you know, not to preempt what you're getting at, but some of these other speakers are going to get really into the nitty-gritty of this, and it'd probably be more productive to raise these things when they're going to speak. Especially, Mr. Yoshina has brought people

from his technical staff, and they're going to get into what the State is doing, and the kind of assistance they're going to lend to the County.

So, I think some of your questions are going to be more than amply answered by these gentlemen.

MR. VAN PERNIS: Well, I'm just asking, who do I go to to get these maps?

MR. KONISHI: Excuse me?

MR. VAN PERNIS: Do I go to you to get these maps?

MR. KONISHI: Yeah, you'll go through our office to get these maps, okay, but, again, if you could just defer for just a few minutes, Mr. Yoshina is the next scheduled person to speak. Is that okay? Okay, fine.

MR. VAN PERNIS: Yeah, as long as we can get them from someplace.

MR. KONISHI: Anybody else got anything?

CHR. VAN DE CAR: No. Thank you.

MR. KONISHI: Thank you.

(At this time, Chief Elections Officer Dwayne Yoshina came forward to address the Commission.)

CHR. VAN DE CAR: Mr. Yoshina, thank you for taking the time to come and talk to us today.

MR. YOSHINA: Yeah, thank you. I just found this pen on the floor, it says, "Aloha spoken here," so that's a good sign. Good morning, my name is Dwayne Yoshina; I'm the Chief Election Officer, State of Hawaii. I am also an appointed person, and most of my staff is appointed. I'm appointed by a bipartisan committee composed of members from two major political parties in this state, and one member appointed by the Governor. So, it's a five-member board that appoints.

Rather than take a whole lot of time, I'd just like to start by giving you a definition of "reapportionment," and then the three basic steps that are involved in reapportionment. Not to try to be a pedagogue or anything here, but just to kind of give you an idea of what you have to do; and I'm taking this from what I consider to be a pretty good primer on reapportionment. It was written in 1978, so some of the information in here is limited because the cases---we have case law now that have changed some of this; but by and large, most of the information in here is relevant to you. And we'll be sending you copies of this in the mail.

Apportionment can be defined as "a division of a population into constituencies where electors are to be charged with the selection of public officers," and generally this involves three basic steps--one, the definition of a basis of representation; two, the delineation of the geographic area from which elected officials are to be selected; and three, the allocation of available representative seats among the districts established.

We have set up our reapportionment system, using the U.S. Census data as the basic unit; and so you have---well, we have , at the State level, used census tracts and blocks as the basic building block. And we have asked every reapportionment commission that we've worked with since 1981 to try to respect those blocks and tracts, because when you split a tract or a block, then you cause the need for someone to go into that geographic location, and to make determination as to where your population resides, okay.

So, if you have this polygon, and you split that polygon, all I'm saying is that that polygon is either the census tract or the block. And if you split that, then someone will have to go into that block or tract and determine where the population resides; and that is a very tedious, time-consuming job, okay. So, one of the things we ask the Reapportionment Commission to do at the State level is not---is try to respect those blocks or tracts, okay.

And the other thing that I'd like to leave you with is that the State Reapportionment Commission has yet to be constituted; and the reason being that they have not selected a chair; but they have until May 31st to select a chair. I would ask that this Commission try to create your districts in coincidence with State lines. The reason for this is a logistic, administrative one; and that is, anytime our lines are not in coincidence, you create additional, what we call "ballot types." A ballot type is a unique set of election contest, and that requires a separate type of ballot; and when you do that, you add expenses to the elections, okay.

So, in the past what has happened is that the State creates its districts, and then the Counties usually come in afterwards and try to create their districts in coincidence with those. And, again, that's basically a logistical, administrative concern that we have. It helps us to keep our costs in control; but if you decide to do otherwise, that's your prerogative.

The third thing I'd like to leave you with is, you should try to decide a couple of things. The first is what your population base---what population base you will use as your base; and the second is your point of departure when you start drawing these lines. The reason I say this is because in each reapportionment process that we've gone through, the point where you start your reapportionment determines where the overlaps at the other end are going to be. That is, when you begin drawing your polygons, where you start and where you end will sort of overlap,

and you'll cause, especially with the State reapportionment, you'll cause these overlaps that create situations where you have a number of representatives representing a community, such as we have in Waipahu in Oahu right now.

So, those are things that you should consider as you go forward. What we have done at the State level is, we have developed or we are in the process of developing a geographic information system which is going to utilize a number of databases, primarily the U.S. Census database, but we also have other maps, map layers in there that are included in that. And we are making that available to the County Commissions at no cost. You have some costs in terms of hardware that you have to purchase.

In 1991, we loaned you both the hardware and the software; but since 1991, we have PC-based systems, and so we're thinking, if we loan you just the software and the databases, you'll be okay. And subsequent to the Commission doing its work, the Election office is able to keep the hardware and use it for its purposes, because there's some additional work that has to be done, besides the work that you're doing.

That's about all I have to say; and if you have any questions, I'll be more than happy to answer your questions.

CHR. VAN DE CAR: I had a question, and I guess maybe I just wasn't clear what you were talking about when you were talking about coincidence between the State districts and the County districts. Now, my understanding is the Charter requires us to draw nine council districts, and---

MR. YOSHINA: Right, and to the extent that you can make those nine districts fit onto the State representative districts, it'll make it easier. And, again, this is a logistical administrative convenience question. It is a cost question because anytime you don't do that, then you create these additional ballot types, which means additional sets of ballots that we have to print; and that's additional costs, okay.

Yeah, we always get told, "Cost is no problem," but then we go to the Legislature, and we're told that cost is a problem. So, I just bring that up as a point of information for you.

CHR. VAN DE CAR: Okay, maybe I'm not familiar enough with the way the State districts are drawn, but I don't know that there are nine representative districts on this island. Does anybody know the answer to that?

MR. RAY: (From the audience, at times inaudible) Six.

MR. YOSHINA: No, there are six.

MR. FERGUSON: I don't know that he means that, Mr. Chairman. As I understand it, insofar as when we are drawing our district lines, if there is a State line that is in that area, we should try to keep it compatible with that State line.

MR. VAN PERNIS: Of course, the State lines are going to be redrawn---

MR. FERGUSON: Yeah, well, I guess he's going to give us new lines.

MR. VAN PERNIS: And we have two senatorial districts, so there's no way you can divide nine council districts into two senatorial districts.

MS. LEITHEAD-TODD: (From the audience, at times inaudible) What do you mean? We have three.

MR. VAN PERNIS: Excuse me, three senatorial districts. The---

MR. YOSHINA: I'm not setting these up as rules, right.

CHR. VAN DE CAR: No, no, we're just trying to understand what you're talking about.

MR. YOSHINA: These are constraints I have to live with; and I'm asking that you consider them as you go through your process.

MR. VAN PERNIS: The current council districts don't follow State representative or State senatorial district lines at all, do they?

MR. YOSHINA: There might be some that fall on this; like, the beginning point might fall there. I'm not sure.

MR. VAN PERNIS: You refer to "census blocks." I'm not familiar with that phrase. From the Census information we've gotten, it's---the two designations are Census counting divisions, and Census designated places. Do you mean either one of those when you say "blocks"?

MR. YOSHINA: Well, you know, it---they may have changed---yeah.

MR. VAN PERNIS: You mean, these blocks?

MR. YOSHINA: No, within each one of those quadrants, there are blocks designated.

MR. KONISHI: Mr. Van De Car, excuse me, one-second interrupt. You know, because we are transcribing the minutes, you know, may I suggest that, you know, people be recognized by Mr. Van De Car so that he can at least say your name so that we can record it properly in the minutes---it's just a suggestion.

CHR. VAN DE CAR: Thank you. I'll learn this job. All right, Mark, sure.

MR. YOSHINA: We can, you know, after this meeting, we'll---I'll try to point that out on a map that we have.

MR. VAN PERNIS: Well, from the information that I've gotten from your office, as well as DBEBT up in Honolulu, the---we have these maps--which we're seeking large copies of--and there is also within these blocks, smaller areas called "census designated places." Larger than these blocks are areas called "census counting divisions." So, I'm wondering whether you're aware of some division called the "block," other than those divisions.

MR. YOSHINA: Yeah, I might just be using a different term than they're using. But, basically, the smallest unit that we use is what we consider to be the census block; and it is a polygon within the larger quadrants that are designated on that map. Whether they are a "census-designated place" previously called a "block," now called a "census-designated place," you know, it might be a terminology problem; so we'll clarify that.

CHR. VAN DE CAR: Anyone else? Mr. Balberde.

MR. BALBERDE: Mr. Yoshina, is there any getting into this now? Does your office facilitate---I mean, you know, any questions we have, or any literature or maps, or whatever, we could be---we could ask you and be in providing us with, like Mr.---maps or problems that you have had in the past that maybe we, by incorporating it, we can do, you know, and be better, then we don't have anything like that in Florida?

MR. YOSHINA: You always want to avoid---

MR. BALBERDE: Problems.

MR. YOSHINA: Suits. In 1981, we had the Federal Masters that were designated to really draw the maps for the State of Hawaii. I would recommend that you try to avoid that; and I think, in answer to your question---I don't want to sound like a government bureaucrat--but really the person who is supposed to give you all of that would be the County Clerk, because this is a County commission.

We are making whatever maps and data available to the County Clerk. We have already sent a copy of that map that---I didn't get your name--requested; and we have sent a copy of that over to the County Clerk's Office. It is a substantial amount of maps, though. It's very costly. We did that for free.

CHR. VAN DE CAR: Well, thank you very much, Mr. Yoshina.

MR. YOSHINA: Sure. David Rosenbrock is my Project Manager; he's a technical guy. He has brought along a sample of what we have, or what we're going to use in Honolulu. So, if you guys want to see that later on---

CHR. VAN DE CAR: I think we would, thank you. Mr. Ashida, you have something to address with us?

(At this time, Corporation Counsel Lincoln Ashida came forward to address the Commission.)

MR. ASHIDA: Good morning, Mr. Chairman, members of the Reapportionment Committee, congratulations to each of you. My name is Lincoln Ashida; I'm the Corporation Counsel for the County of Hawaii; and I'm your attorney. I think Mr. Van De Car can appreciate, in the kind of work that he did in his prior legal career, that probably commissions and criminal defendants are the only people who get greeted by their lawyer saying, "Pleased to meet you; I'm your lawyer." So, anyway, so much for that humor in the morning.

Anyway, I don't know most of you. I know, obviously, Mr. Van Pernis and Mr. Van De Car, who run very successful practices. I've worked extensively with Mr. Balberde's son when I was a Prosecutor; he's a police sergeant.

Our office, Corporation Counsel, is committed to providing you the best legal service possible; and part of our philosophy of our administration, in our new administration, our office, is "client satisfaction." And we have learned, and at least I have observed, I think, certain decisions or certain patterns of conduct with respect to Corp Counsel representation of boards and commissions in the past, which didn't work; and one of our commitments is to make sure that this works in the future.

And one of the things that we're going to do is, we will assign an attorney to represent you on a full-time basis. When I mean full-time basis, is this attorney will be responsible for you as a client. You are a client. This commission or any other commission in this county, it's not going to be a situation where, "Well, whoever has the time, why don't you run down to the Councilroom because the Reapportionment Commission is meeting, so just sit in and see if they have any questions."

What Mayor Kim has made clear in no uncertain terms to me is that you are to be treated as a client; and your satisfaction is important to us; and that's a pledge that you have from me. I did an outline for the Commission; I passed it out this morning, and you all should have a copy. I left---there should be ample copies left for the public near the entrance to the Councilroom. I'm not going to go verbatim ad nauseum over every section that I've included in my outline; but what I've tried to do, I think, were to highlight specific areas of concern that at least

we've observed in other boards and commissions, which may be of importance to you.

I think Al already talked about the importance of the Sunshine Law; and, frankly, in that area, I don't think that we can talk enough about that; because a lot of times, from what I've seen, boards and commissions don't intentionally try to violate the Sunshine Law, they do so somewhat innocently, you know, by mistake or ignorance of the law; and when that happens--and I think if there is a violation--that automatically creates public mistrust or distrust in the commission; and then all of a sudden you're looked at as being, "Oh, you're doing everything behind closed door; there's this back room dealing," and all that.

And I think a lot of that can be avoided by, I think, two things--each commissioner being familiar with the spirit of the Sunshine Law as well as the requirements of the State Sunshine Law; and the second facet being, I think, proper representation by our office in being proactive in our approach in making sure that if there's any landmines out there, that you avoid them. If you're doing anything that's somewhat suspect, to advise you. So, you know, I would point that out.

I've listed, I believe, at the bottom of page 2 and page 3 of my outline, some key provisions in the Sunshine Law that I think you should be aware of. You know, the Sunshine Law is very strict, but it's not restrictive to the point where, you know, you ought to be afraid of it. It permits casual interaction between two members, you know, as long as there is no commitment sought to vote, you know. If you're out in the lanai during a break or having lunch together, or whatever, and you discuss business, that's okay, you know, as long---and the restriction is that there's no commitment to vote is sought.

In other words, saying, "Are you going to vote this way?" or "Are you going to vote against this?" or that. Executive meetings, I think that's important. That's where this commission can call for an executive session if you feel that you want to discuss something in private with your attorney, being our office. The one caution I would have or the one thing I would say--which I did not put in my outline, but I believe that this is very important--you as the client own the privilege. You are the privilege holders. Whatever is said between us, between each other and your attorney in closed executive session--that's when they turn the cameras off, Al shuts down the doors--whatever is said in there is private and confidential. You own the privilege.

In other words, you are the only ones who can waive it. So, in other words, be very careful. If after the meeting, you go out there, you talk to a friend, you said, "Oh, yeah, our attorney so-and-so said this, and in that meeting, Lloyd said this," you know, that's breaching the privilege at that point; and at that point, it becomes waived; and then you, by your one action, have waived it on behalf of all the other board members. So, you know, that's something that, perhaps, I regret for not

putting that in my outline, but at least I want to take this opportunity to express that because that is something very important. It's something that we've seen in the past; and it's something that I think we ought to avoid.

The other, I think, area where --at least in a recent experience with other boards and commissions--where have been problem areas are the obtain public access or obtaining of government records and files. Now, the way the Uniform Information Practices Act reads in our state and the way we interpret it is virtually anything and everything that's maintained by the board and commission is, quote, "a government record," and if the public wants it and demands it, they have a right to it. Now, that does not mean--and I think I've pointed this out in my outline--your own personal notes that you may write on your tablet or, you know, your paper at meetings and so forth. Whatever you take with you, keep it at home, that's fine. That's your private, personal thoughts; the public does not have a right to access that.

Beware, though. Whatever you put in writing and whatever is submitted and kept on file with the board or commission will be and, I believe, is a government record, which would be subject to public inspection. So, you know, that being said, I just want to highlight those areas in the Sunshine Law and the Uniform Information Practices Act. I do want to underscore it and, again, reiterate that, please, look at the Sunshine Law in view of the spirit of that law.

It's nothing that you have to be afraid of. I think it's a great law because I think it encourages the openness in government; and, believe me, it will add credibility to the decisions that you make if they are done in a public way, deferring to the Sunshine Law, the credibility of your decision, as a Commission as well as your individual credibility as commissioners, can only be enhanced.

The last comment I wanted to make is, Mr. Van De Car was bestowed the honor of being the Chair today; and my recommendation, Mr. Van De Car, is that rules of order be followed with respect to the conduct of meetings. And like Al already pointed out, that's to aid the reporter who is doing the transcription; but also, I think, to just aid in the meeting process. You know, simple things like the Chair recognizing who is going to speak and making sure that that person yields the floor before the next person begins to speak.

And I think that the rules of order exist not only for the ease of recording these proceedings; but I think in also underscoring the fact that, you know, we may disagree on what each other says, but we certainly have to respect each other's right to have an opinion.

Other than that, Mr. Van De Car and members of the Commission, as I said, our office has pledged to provide you legal representation. We don't make the policy, you do, okay. We're not going to come in here and say, "Oh, you should do this, you shouldn't do this," with respect to your jobs as commissioners. You set the

policy, you make the policy; that's not our place. Our place, though, is to be to the extent possible, proactive to ensure compliance with the Charter, the relevant State, County, or to the extent applicable, Federal laws, and to ensure that, you know, your needs are met, your legal concerns are met. I'll leave it up to you how you want to approach it.

I'll speak to Mr. Van De Car after the meeting. He and I can---he knows the different personnel in my office; and, frankly, I'll defer to him and ask him who he would like to have represent this commission. Whoever it is, it's up to you, what protocol you want to set, whether all questions to that person have to be directed through Mr. Van De Car--personally, I don't think that's necessary. You can always---we're available for you. I've given pagers to the deputies now, so you ought to be able to reach them in a heartbeat; and that's our commitment and our pledge to you.

If there are any questions, Mr. Chairman, I will be happy to address them.

CHR. VAN DE CAR: Thank you, Mr. Ashida. Does anyone have any questions for Lincoln? None. Well, thank you very much.

MR. ASHIDA: Okay, the last thing I have is, we had these little envelopes made for each of you. What's in here is already out there in the public area; it's the proposed rules and regulations from the prior Reapportionment Commission. I looked at the Charter; the Charter says that once your job is pau (Hawaiian for "finished")--the word it uses, the Commission is then "dissolved." That being the case, my interpretation of that is, those rules may have been dissolved as well--I'm not sure. But to run the side of caution, I'm glad they're out there, but they're also in this packet; take a look at them. Perhaps the first order of business is to get some rules into place as soon as legally practical.

I believe there may be a requirement for public notice and all that before rules can be adopted. I also have a cover memo on there that's marked "Attorney-Client," and I have certain recommendations that you can consider. Thank you.

CHR. VAN DE CAR: Thank you.

MR. VAN PERNIS: Could I ask Mr. Ashida a question?

CHR. VAN DE CAR: Oh, Mr. Van Pernis.

MR. VAN PERNIS: Thank you. Isn't that correct that there is no requirement for this Commission to have any public meetings? Not to say that it won't, but there's no requirements to have any public meetings, right?

MR. ASHIDA: My understanding is, if you have meetings, they out to be public.

MR. VAN PERNIS: Well, is there any requirement for any public meeting? My understanding is that there is not; and, again, that is not to say there won't be, but I wanted to make sure that we know whether we are required to have any at all.

MR. ASHIDA: Well, my understanding, under Chapter 92, is that any meeting of a government agency, of which boards and commissions are included in that, if meetings are held, they need to comply with the Sunshine Law. So, if your question is---

MR. VAN PERNIS: I agree with that, but my understanding of the Charter does not require that this body have any public meeting. If it has a public meeting, obviously, it needs to comply with applicable law; but it doesn't have to have any meetings, unlike some other commissions.

MR. ASHIDA: If your question is, "Does the Charter specifically say in black and white and in English, you have to have public meetings?" the answer to your question is, "No, it does not say that." However, Chapter 92, HRS, which governs all boards and commissions, statewide as well as local municipalities like our County, says that---requires meetings to be subject to the Sunshine Law.

MR. VAN PERNIS: I agree, if there are meetings, they have to be public, as you described. But my understanding is that the County Charter does not require that the Commission have any meetings. For instance, the Commission--theoretically, not to say it would, but theoretically--the individuals could come up with some---do their work on their own, and then come together once at a public meeting, and announce the final results.

MR. ASHIDA: Well, I would hope that whatever business is transacted, my advice to---well, my personal opinion is that work be---certainly, there's going to be time when individuals do their own individual work; but to the extent possible that you do your work collectively as a group, and do it in a forum which is accessible to the public so as to involve---because, you know, the bottom line is, we all serve the same clients, so to speak, which is the public; and my hope is that to the extent that they're involved by being notified or apprised of what's going on, I think, frankly, it's owed to them.

CHR. VAN DE CAR: Thank you.

MR. ASHIDA: Thank you. Mr. Chairman, I'll leave these envelopes with you. Thank you.

CHR. VAN DE CAR: Yes, thanks very much. Mr. Kaido, thank you.

(At this time, Deputy Director of Personnel Rodney Kaido came forward to address the Commission.)

MR. KAIDO: Thank you, Mr. Chairman, members of the Commission, my name is Rodney Kaido; I represent the Department of Personnel Services; and as Lincoln had so aptly stated, the Mayor and this Administration, you know, wants to provide all the services necessary that the Commission so desires; and in that light, my portion would be very brief.

I know you are not employees of the County; but I'd like to take this opportunity to mention that our employees follow general policies of an alcohol-free workplace; we have policies in place on sexual harassment; it's a drug-free workplace, also--and I'm just taking this opportunity to, you know, give you that information. As I say, though, you are not employees; just wanted to make you aware of that.

During the course of your meetings, if you do have any personnel questions, I'm sure those would be addressed through Al Konishi; and he can consult our department, and we'll get the answers to you, so that's about all I have to say here. Are there any questions that you might have at this time, in this area?

CHR. VAN DE CAR: Apparently not. Thank you, Mr. Kaido.

MR. KAIDO: Thank you.

CHR. VAN DE CAR: Is there someone here from the Department of Finance?

(At this time, Mr. Wendell Hatada, Executive Assistant to the Mayor, answered.)

MR. HATADA: (From the audience, at times inaudible) They're on their way up; I just gave them one call, so they should be here anytime.

CHR. VAN DE CAR: Then we'll take---if---Ms. Nakamoto, are you ready to go yet? There's no sense waiting.

(At this time, Pat Nakamoto, Elections Program Manager, came forward to address the Commission.)

MS. NAKAMOTO: Hi, my name is Pat Nakamoto. I've been with the Elections Division now for about 14 years. I was involved with the last Reapportionment Commission in 1991, although my role was limited at that time, you know; I was not the Elections Administrator.

But I was asked to just kind of give you folks a briefing on the nitty---what Al called the "nitty-gritty" of what we did. We provided technical support. The 1991 Reapportionment Commission set up their own committees within the Commission; and one of the committees was the Technical Committee; and we worked with the Technical Committee.

The Commission decided on five starting points; and using each starting point, we came up with five different plans. We drew the maps; we plotted the maps; and we have all of our information available there. We have the maps that we came up with, you know, the five plans, and the final plan that the Commission decided on.

There was also a secretary who was hired for the Commission; and she managed the budget. She took care of all the purchasing, things that you folks needed to purchase, per diem, travel expenses, mileage, and things like that.

It was also mentioned that---I want to maybe give you folks, like, some ideas---and I know this is a new commission, this is a new time--but give you folks just some of the things that the last Commission did; and maybe this can be, like, things that you folks could discuss or just, you know, disregard.

Al mentioned the population base. They decided to work with the total resident population. There was discussion with Lincoln about public meetings. They did have public meetings. The Commission went ahead and gathered public input in advance of developing the redistricting maps. The Census data is public information. The type of maps that we were asked to develop were plotted maps. There was an electrostatic map which, I think, the State provided us with, once the plan was finalized.

There are blue-line maps. We have reduced maps that were used for the media or, you know, to give to the public. There was also a time table that the Commission had come up with. And if you folks do decide to have public hearings, a time table would be helpful for the secretary; she needs to reserve facilities for the public hearings, and they all need to be handicapped-accessible and things like that. So, the time table would be helpful in that area.

And, you know, you folks would decide by when you want your first set of maps to be available; and so it would kind of give the Technical Committee, who would be working with us, an idea as to when these maps should be completed by.

The last Commission, the final maps were on display for 33 days. The maps were, once the final plan was decided on, they set up a conference room where they had the final maps on display, and the public was invited to look at the maps.

Another thing that our office worked with the Technical Committee on was doing the legal description. When the final map has been decided, we do the legal description for the council districts, and we also came up with a summary description; because the legal description, sometimes, is not easy to read; and so for a lot of the public was provided the summary description; and all of this information is on that table there; you folks can review it.

And, Mr. Van Pernis, the maps you have, you were showing, that you got from the Planning Department, those maps are available in our office, and we provided the Planning Department with those maps. The census maps that you were talking about, as Dwayne mentioned, we're bringing them up. We have a set. There's 122 maps for the census data. And unless you folks have any questions, that's---

CHR. VAN DE CAR: Mark.

MR. VAN PERNIS: The maps, I think, all of the Commission needs are the 2000 Precinct Boundary Descriptions, which are both maps as well as what you refer to as "legal descriptions" or "physical descriptions," I think it would be very helpful if you could provide copies to all of the Commission members.

MS. NAKAMOTO: Okay, the maps that have the precinct lines drawn on them, they're not County maps, they're State maps. The County---pardon me?

MR. VAN PERNIS: Can you provide them to us? They were provided to me by Mr. Yuen.

MS. NAKAMOTO: Sure. The precinct lines are State precinct lines, and not County.

MR. VAN PERNIS: All right. Well, could you---could you---Mr. Yuen provided those to me. Could you provide those to each of the committee?

MS. NAKAMOTO: Sure.

MR. VAN PERNIS: And the maps that you're referring to, the census maps, are these the 3 1/2 by 3 foot, \$5 apiece maps?

MS. NAKAMOTO: Yeah, I think they're even larger than that, the census ones.

MR. VAN PERNIS: And there's---basically, cover the whole island in a pattern like this?

MS. NAKAMOTO: I can't see that far, don't have my glasses. But---

(From the audience, at times inaudible) Yeah, that's the one.

MR. VAN PERNIS: I pulled off the internet, very small versions of those which are difficult to read and difficult to use. So, I think we would need---it would be helpful to have copies of those made available, the census information.

MR. KONISHI: Yeah, I think the---as you can see, I mean, we can make them available, but, you know, to duplicate a set for everyone on the Commission might be rather costly; and I don't even know if everybody wants their own set, if they're going to go do this at home.

MR. VAN PERNIS: Well, I would certainly hope that they'd be made available, maybe by geographic areas--maybe one for the Kona side, one for the Hilo side, one for south side, and the north side. Because if they're the maps I'm thinking of, we already have the breakdowns of the smaller census areas, we can then---will assist us, I think, in drawing gross lines from which we can then start being final.

MS. NAKAMOTO: Okay, we're going to be bringing up the maps. You can review them and see if those are the ones that you're---

MR. VAN PERNIS: Well, again, the problem is, they're not---it's impossible for me to review them in Kona while they're over here, and they're the sort of thing that's going to take a great deal of time, pouring over the details; and I think we're going to have to have some of those maps. Well, the Kona guys can get together, maybe, and pour over them; and maybe the Hilo guys; but I think we need to have several of those maps available to us. Because if we only have one, then that's the only place we can do our work, which is not practical, since there's a lot of homework involved here.

MS. NAKAMOTO: I don't think it's going to be impossible to get another set of maps; and if that's what you folks want, decide that you---you know, just let us know how many, and there will be a cost, you know, like, you mentioned \$5 a sheet; and if that's what you want, that's what we'll get.

MR. VAN PERNIS: Uh-huh.

CHR. VAN DE CAR: I think, as a Commission as a whole, we can figure that out; and we'll certainly let you know when we know. It's kind of tempting, for me, at least, I mean, there's certainly a lot of colorful maps and that I don't know what they mean; and it's tempting to go through them now; but I think if we started that now, we wouldn't leave here for a few days.

So, rather than do that, is there anyone else on the Commission that has a question of Mrs. Nakamoto? No. Well, thank you; thanks very much. You know maybe we'll take a recess and take a look at what's there; and when we reconvene, we might have a better idea of what we need and what more we need---yeah, no, I don't want to take a recess yet. Yes, Mr. Yoshina.

MR. YOSHINA: (From the audience, at times inaudible) Would you like the computer, the system, the GIS system, to be set up so you can look at it during recess?

CHR. VAN DE CAR: Sure, we'd love that.

MR. KONISHI: Okay---

CHR. VAN DE CAR: There is somebody here from the Department of Finance, is that right?

MR. KONISHI: Yes.

CHR. VAN DE CAR: And we'd love to hear from you now.

(At this time, Deanna Sako, Controller, came forward to address the Commission.)

MS. SAKO: My name is Deanna Sako, and I'm the Controller for the County of Hawaii. And what you'll be receiving is just a brief summary of some of the accounting policies and procedures that apply to you guys as Commissioners.

First of all, you're entitled to mileage; and the County reimburses mileage at 37 cents per mile; and that's from your home to the place of the meeting. You need to track that, and that's what the attached pink form does. And that's how you would submit your claims. My understanding is, you're going to be hiring a secretary for the Commission; and that person would help you process these forms; they would fill them out and process them through our office, after you fill them out with the "To" and "From" and "How many miles?" and all of that.

Just to let you know, we reimburse at 37 cents per mile. The IRS only allows 34 1/2 cents per mile. So, the 2 1/2 cents per mile is taxable to you as Commission members.

Okay, you're entitled to per diem when you travel overnight, off-island or on-island; and that covers meals, lodging, incidentals, telephone calls, tips. In addition to that, you would be entitled to claim for airfare, ground transportation--such as taxis, airport parking, business phone calls--and they're listed all there for you.

The contractual amount for hotel room is \$50 inter-island; and that's a tough rate to find; so anything in excess of that would also be reimbursable to you. Per diem is computed in terms of quarter-day periods, starting from midnight. So, if you left at 5:30 a.m. in the morning, you would start in the first quarter of the day.

In addition to that, if you do same day or outer island, no overnight travel, you're entitled to, like, a \$20 meal allowance. With all of these things that you submit, the per diem, you don't have to submit itemized receipts; but for the additional expenses, you need to attach itemized receipts to your certificate of travel, which is the blue form that's been attached.

If you need to rent cars, it cannot exceed \$50 a day; and that includes the actual rental car, the parking, and the collision damage waiver. And you're entitled to rent, as long as the rental is necessary, and the cost is reasonable.

For meal reimbursements, if you guys go out, as a Commission, to eat, if someone picks up the meals and submits for reimbursement, we need an itemized receipt of how many meals, and who attended those meetings at that meal.

If you receive the meal reimbursement, then you're not entitled to the per diem meal allowance. And under no circumstances does the County pay for alcohol at any of its functions; and that's about it. Are there any questions?

CHR. VAN DE CAR: Apparently not. Thanks very much. All right, I got a request from one other member of the public to address the Commission; and unless there's any objection, Councilperson Leithead-Todd.

(At this time Bobby Jean Leithead-Todd, Council Council Member, came forward to address the Commission.)

MS. LEITHEAD-TODD: Good morning. I had not intended to speak, I just came to kind of see---actually, I came to see what the process that Corporation Counsel was going to use to give information to a new commission, because we have not only you but the Environmental Commission, and I was kind of interested in that process.

However, I became a little bit alarmed when I heard Mr. Van Pernis starting to indicate that he seemed to think that there was no requirement for a public meeting by the Reapportionment Commission.

MR. VAN PERNIS: I said, "no requirement for a meeting," I didn't say a "public meeting." All meetings have to be public, but there's no requirement for a meeting.

MS. LEITHEAD-TODD: Well, you cannot reach---it is inherent in the Charter that in order for you to reach a decision on how to reapportion the districts, you must have a meeting in order to do so. Otherwise, there is no way you could draw the line on the map. You have to meet in order to make a decision. So, while the Charter may not say you have to meet, it is implied because you cannot reach a decision unless you meet as a body and approve a set of maps that have some lines on those maps. It is implied, and along with all of that comes the Sunshine Law.

And that, to me, suggests that if you have a set of maps that one of you is working on at home and wishes to present their version of how the island ought to be divided up, not only would it have to be agendized six days prior to the meeting,

but those maps would have to be made available to the general public six days before the meeting. Because, frankly, it's not so much what the requirement of the Commission here, it is the opportunity of the public to review the work that you are doing. It is the opportunity of the public to look at where you're going to draw the line, and say, "You know what, that line makes sense," or, "You know what, you're drawing a line right down the middle of the community I live in, and it doesn't make sense. Why are you drawing that line there?"

So, I would suggest that not only do you have to make it available to the public at, let's say, the County Building, but I would suggest that you need to try and make those proposed maps available at public libraries, at the County Council Office in Kona, at the Mayor's Office in Kona, so that it's accessible throughout the island. Because there are going to be people in the community that are going to care deeply about whether you draw the line mauka/makai or whether you draw the line east, west, north or south.

There are going to be people that care deeply about where you start the line. Whether you start the line traditionally where District 1 has started, along that Honokaa/Waimea kind of divide; or whether you start it someplace else. And those people will want to see those maps. They're going to want to know. And so you have to do that. And you must meet at least once in order to reach a decision; but I suspect that in order to really comply with the spirit of the Sunshine Law, and to give the public an opportunity, that you would have to meet more than once.

Because if nine commissioners are going to go home and come up with nine different sets of maps, and then meet once and vote on one of those sets of maps, I would suggest that the public would not have had a fair opportunity to come; and because they would be looking at nine different sets of maps, and not knowing which one is going to be the one that's the preferred map, which one is going to emerge; so which one do I comment on? Do I have to comment on all nine sets?

So, I suggest that there's an implication here that in order to allow the public an opportunity, you would have to meet at least more than once. Thank you, Mr. Chairman.

CHR. VAN DE CAR: Thank you. I would like to respond a little bit, and maybe ask a couple of questions. One, I'm speaking only for myself, because none of us--this is our first meeting, we haven't discussed any of these issues, but I think the Mayor when he mentioned the importance of public input, I certainly echo that philosophy. I think that what we're set up to do is a process; and the more involvement we get from the community, the better the process will be.

So, that's just my personal belief. And in defense--although I don't think he needs defending--Mr. Van Pernis, I think he was simply maybe engaging in an intellectual exercise with respect to what is, you know, explicitly required of us. I

don't think any of here intends to go away and come back and meet on December 1st and say, "This is what I want, let's vote, you know, mine, or yours, or yours." I think we want to hear from the community.

One of the directions that I understand Reapportionment Commission takes from the community is to do what it can to preserve the---to the extent that it's possible, to preserve the individual communities that exist within our larger community. And, you know, I don't know---I may know something about my own community, but I don't know anything about yours or Mr. Balberde's or Mr. Ray's; and I'm going to be depending on the people within that community to tell me about it; because I think that's part of the decision-making process.

So, I liked your suggestions about posting. I would invite you, if you have any others, or if anybody has any others, I think spreading the word and making it as public as possible is a good one.

MS. LEITHEAD-TODD: We have a website, also, where, if it's possible, we could probably be talking to the people in our Data Office to see whether it's possible to put some of these maps or---you know, at the point at which you folks have a proposal or a variety of proposals, whether it's possible to put it on our website so that it's accessible to more people and, possibly, in a form in which people could down-load if they so chose. We'd have to work that out with the people downstairs, but there is that resource, too, in addition to putting it out in other places, like public libraries.

The reason I'm mentioning these things is, I'm looking at the process that we go through when we do an EIS, the process that we go through when we did the Charter Commission; the process that we're going through with the General Plan. You only do reapportionment once every ten years; but it impacts the most fundamental right that we have in this country, which is the right to vote.

And so to suggest even in an academic exercise that you might not have to meet in public, and that you might not have to go out and seek public input before you come up with the maps, is somewhat alarming to me; and I say this not as a Council Member, but as someone whose been actively involved in politics and, you know, have looked at these issues in the past, and is someone who, in the community---I've been a president of my community association.

If you folks were going to propose a line that cut my community association in half, people would be very upset about that because we think of ourselves as a group, as an entity; and so we'd want to have some input in that, you know, and Mr. Toma is familiar with some of the problems that they have in Piihonua because the line got drawn right in the middle of their community. So, on one side of the street, they're in one district; and in one side---and this isn't the Council, this is on the State stuff--but on the other side, they're in another; and so there was tremendous confusion in the community as to who was their

representative. Many of them went to the ballot box and were surprised when they got the ballot, because they went in expecting to vote for Dwight Takamine, and they got a ballot that had Jerry Chang's name on it; and they didn't understand why they weren't getting to vote for Dwight. Or some of them went, thinking they were voting the Jerry Chang, and got a ballot with Dwight's name on it; and it came as a surprise.

And voters should not be surprised at the ballot box; and that's what I'm trying to point out. It makes it much simpler if you have a process where people know where their precinct is, and know where the dividing line is; and it ought to be as public as possible.

CHR. VAN DE CAR: Thank you. Anyone else have a question or comment? Oh, Mr. Balberde.

MR. BALBERDE: Bobby Jean, I'd like to echo the Mayor's words, "We are here for the people." And by having these meetings, I think we can educate the public and serve the public, and that's what I'm all about. If I have anything to say, we will do it that way. Thank you.

MS. LEITHEAD-TODD: Thank you, Mr. Balberde.

CHR. VAN DE CAR: Sure, Mr. Ray. Oh, excuse me.

MR. VAN PERNIS: I'd like to comment. I'd like to point out that I think the Councilwoman misinterpreted my statements grossly, and I think we're here for the people and not for the politicians.

CHR. VAN DE CAR: Mr. Ray, you'd like to address us again?

MR. RAY: Yeah, I just thought of a couple of things, sort of a Charter Commission, I'd just pass on. In regard to staff, it was brought up you're going to be hiring a staff person. I'd look into that right away. The logistics of that, I just recall, the timing. It took, you know, with having to Notice things, you know, to get a contract in and get it approved, you know, it took us a couple of months to get somebody on board for the Charter Commission, so I'd look into that right away, how long it's going to take.

CHR. VAN DE CAR: Let me interrupt you for a second. If it took you a couple of months to do that, how did you schedule your next meeting? How did you get from Point A to Point B?

MR. RAY: Well, we had a much longer time frame. You know, we had a couple-year process, right; so, you know, we met in January; and we really didn't start working actively until June, and then we had---you know, so we had a little more luxury in terms of our time frame.

In terms of communications, when you get somebody, I'll be glad to get the person that staffed the Charter Commission to sit down with them and go over--- because we developed a pretty good system for communicating. We had a very exhaustive list of organizations around the county; so we direct-mail networked with them, in regard to, you know, key information and public meetings, and whatever, so that worked real well.

And Bobby Jean brought up the website. We had everything on the web, currently, within several days of our meeting, so that was real effective. And then the other thing that I thought of is, if you're going to talk about your rules, we pretty much adopted---I think we did adopt--the rules from the previous Charter Commission. But the one thing that we didn't address that could have been a problem--and I'm not going to mention who--but attendance-wise, now, we had a problem with one or two members not attending; and then one person pretty much dropped out totally towards the end, which could have created a real uncomfortable situation and a close vote, right, a tie-vote situation. So, you might---I think we have the same language in ours, that all commission members shall attend all meetings; but, you know, you might want to put something in there, think about it, that if you miss three consecutive meetings, you're subject to, you know, being replaced and whatever.

And I think the Charter language is that the Mayor, you know, can take somebody off and reappoint somebody, or whatever; but to have it more under your control, just in case, you know. You know, you don't want to get into an even split and a tie vote, right? So, just thinking ahead to that, you might want to address that in your rules, because that's something that we were real concerned about there at the end. We thought we were going to have some very close votes on some of the proposed Charter amendments; and it turned out, you know, it didn't get to be that issue, it didn't get to be that close, but it definitely would have been a problem, because we ended up with just ten people the last several months, participating, right, so. So, thanks.

CHR. VAN DE CAR: Thank you. Anyone have any questions for Mr. Ray? Seeing none, thank you. What I would suggest then is that we take a recess for, oh, 15 minutes or so; see what is out there; and then reconvene.

And there are a couple other---before we recess, I have a question, Mr.---probably I should have addressed it to Mr. Ashida--he's not here--but maybe I can get, Al, you to stick your neck out with regard to the agenda, because this is an agenda that has been posted pursuant to the Sunshine Law. It was posted in sufficient time. One of the things on this agenda is "required review of rules of procedure." It doesn't appear to me that the agenda would adopt---would allow us to adopt any rules---

MR. KONISHI: Yes, that is correct. Mr. Ashida told me before he left that it is his opinion that in adopting rules, you need to give the public at least 30 days notice. So, you know, I guess that's one of the things you can get into with the time table. But we just wanted to at least put it on the agenda so at least we could, in the proper context, pass out the rules and have you at least talk about them.

CHR. VAN DE CAR: Okay, before we adjourn then, or before we recess, what I would suggest that we think about doing is---one of the things we think about doing is setting our next meeting before we do adjourn. But unless there's anything else, I'd like to take a short recess at this time.

MR. VAN PERNIS: I'd---in regards to the rules, they provided us with the old rules which, perhaps, provide a guideline for us to take off of. I've already gone through them and made changes I would suggest to get current with what we're trying to do here. So, although we may not be able to adopt the rules, I think we could certainly review the rules and see to what extent we may be interested in making some changes so that we can propose some rules to be posted for the next agenda.

CHR. VAN DE CAR: Certainly, we can take that up. Anything else before we recess? Then let's take a recess for---

MR. VAN PERNIS: Well, well, since Mr. Konishi is here, I'm still looking to see whether we have a commitment as to delivery of the maps that I'm interested in.

MR. KONISHI: Okay, which maps? This one? That one? These? Which ones do you want?

MR. VAN PERNIS: Yeah, well, the geographic maps are interesting, but the population maps placed on the geography is what's more important; and that's the census maps. So, I guess what I'm primarily interested in is the \$5 a hit maps, the big ones, right.

MR. KONISHI: This one? The one I have my left hand on?

MR. VAN PERNIS: Yeah, right, yeah, yeah.

MR. KONISHI: May the record reflect, my left hand if on the census map, okay.

MR. VAN PERNIS: And I---these are maps that provide some geographical information, but a lot of census information. And I think that ultimately we will need those; and I think we will need those in a manner that we can look at them on our own, as individuals.

CHR. VAN DE CAR: Well, why don't we take a look at the maps during the recess; and we can decide, maybe, when we're back on the record, what it is that

we do need. It may be that we need some information from the staff as to what's available. And so let's recess and take a look at those things, and then reconvene.

RECESS: At 11:30 a.m., Chairman Van De Car called for a recess.

RECONVENE: The meeting was reconvened at 11:40 a.m.

CHR. VAN DE CAR: We're going to reconvene and ask the folks from the State Office to give us a little overview on both the computer and the maps that they have available to us. So, at this point, go ahead. Can you identify yourself.

(At this time, David J. Rosenbrock, Project Manager, Reapportionment, Office of Elections, came forward to address the Commission.)

MR. ROSENBROCK: Yeah, David Rosenbrock, and I'm the Project Manager of the Reapportionment Commission for the State, and what we've brought today is just a little presentation on what the State intends to do as far as how we're going to handle getting information to the Commission that we have to serve.

We have two products that we brought today--one is highly technical, difficult to maneuver, but ultimately gets us down to the answer that we need to have; and the other is a tool that we intend to place on a website that will allow whoever visits that website to actually move blocks from one district to the next district and dynamically calculate the change.

Right, if you take one block from one district and move it to another, then that district is minusing population, and the other one is gaining population. So, in the old days, it used to be, you'd draw the map; you'd hand it to the statistician; he goes into the back room; he figures how much was in the block that you moved; he adds it to the total; comes back and subtracts it from the total. This does this dynamically now.

We're at the very early stages; however, we don't have our contract, so the demo I have is an island, but it's Manhattan. And I will show you what we have; and for GIS, you need to have two things. You need to have graphics, and then you need to have tabular data that you can attach to the graphic. Because I don't have a contract yet, I have graphics--which we got from the TIGER Line data and the Census Bureau--but I have not been able to go through and attach the census block information to the graphic.

But I'll give you an idea of what the rascal looks like, and that's Hilo, and that's--- we have both the 2000 line and the 1990 line. All right, right here is 1990, and you can turn on the 2000; and then you can see the changes that have occurred in the census block designation.

And this rascal scoots all over the island. Now, this is just the basic GIS platform. What we're going to actually use to draw the district lines is a product called "autoBound" that's produced by digital engineering, all right. It allows you, when you create a polygon, it will go into the GIS and extract the census data, population-wise, all right. Now, you can assign the census data any way that the Commission wants to assign the data, right. So, when we look at the demonstration project on the island of Manhattan, they've broken theirs down into White, Black, Hispanic, Other, right, so they can look at those kinds of things.

So, however, whatever the Census Bureau gives you, as far as the demographics, you can categorize them in that fashion, right. There are other things that you can do. You can assign political parties to the information; you can do plenty stuff, depends on what you want to do.

CHR. VAN DE CAR: It's more than just numbers, it's all the information that was provided with the census data.

MR. ROSENBROCK: Right, exactly, exactly. So, this is pretty straightforward, it's just a standard GIS with overlay of the parcel data. We had, fortunately, the guy that we are trying to work our contract with, a company worked on the last reapportionment; and his company also does the statewide parcel maps that are provided to all the counties. So, that's another layer here that you see, are all the parcels in the state. And to that is attached all the ownership information.

Like I said, this is pretty straightforward GIS. We will be making this information available to Hawaii County, so both the graphic data and the tabular data, that we set up anyway, for our purposes, will be available to Hawaii County. We will make a copy of this available to Hawaii County, as well as the training that goes along with this. I think we go training Monday---Tuesday, yeah, so that they can use it here.

So, as you guys come to whatever you want to use as a benchmark base of population, we're going to use an adjusted base that minuses out nonresident military, nonresident students--that's our---we're guessing that's what they'll assume. So, that will be our benchmark data. We'll minus out---we'll actually try and go through and find out where those students are, what their address is, go to their census block; take that information--now, it's same with the military. We'll go find out where they are, take them out of those districts so that they---so, it's as fair and equitable across the board as we can make it, yeah.

We will be putting this up on a website, and the website will be interactive enough, initially, to, if you know your ZIP code, you can at least get to what your district is now, when they're in the process. A lot of people don't know.

CHR. VAN DE CAR: You had a question?

MS. FULLER: (From the audience, at times inaudible) Yeah, I was just wondering about noncitizens, military.

MR. ROSENBROCK: Well, I'm almost positive they're going to be minused out, yeah?

MS. FULLER: (From the audience, at times inaudible) What do you think?

MR. ROSENBROCK: Well, I don't set the rule. I know what they used the last time. I don't--I'm not aware of any classification that it said, you know, that we're going to include noncitizens. I mean, they don't exist, right?

MS. FULLER: Oh.

MR. VAN PERNIS: (From the audience, at times inaudible) Any citizens, nonresident . . .

MS. FULLER: (From the audience, at times inaudible) No, they don't . . .

MR. VAN PERNIS: (From the audience, at times inaudible) So, are we saying---? I guess that's something we should put on the agenda--should we use the population, or should we decide that the people who live here who happen to be students or military or residents, even though they may . . . are not entitled to any representation.

CHR. VAN DE CAR: I think you're right, Mark. That's what this Commission needs to decide is, you know, who we're counting.

MR. ROSENBROCK: So, what we'll make available to you will be the unadjusted population; and then later on, as our Commission comes to its benchmark, we'll make our adjusted population available to you

CHR. VAN DE CAR: Whether that is sufficient for us, if we choose a different adjustment, we can do it ourselves.

MR. ROSENBROCK: Absolutely, absolutely. If you assume the same benchmark that the Commission state-wide goes with, that will also be available to you; so you won't have to do something extra if we're already doing it.

CHR. VAN DE CAR: Okay.

MR. VAN PERNIS: You can take the population and divide it by 9, which comes to---of this County--which comes to approximately 16,500; and designate a line someplace on the island, then you could, basically, if you're going clockwise or counter clockwise, lay out all 9 districts.

MR. YOSHINA: Yup, that easy.

MR. VAN PERNIS: (From the audience, at times inaudible) And then all we might have to do is adjust for roads and communities that might be---those that are split by the line.

MR. ROSENBROCK: Yup, that's it in a nut shell.

MR. VAN PERNIS: (From the audience, at times inaudible) So, really, the biggest issue is, where does the first line go?

MR. ROSENBROCK: Where---yeah, that's---

MR. YOSHINA: (From the audience, at times inaudible) Well, I think there's two big issues--one, what population base to use and, second, where that first line will run.

MR. VAN PERNIS: (From the audience, at times inaudible) Whatever, where does the first line go, because then you're extracting some category of people from the total population. You still have---you're still dividing the groups by nine in finishing the lines.

MR. YOSHINA: I think experience has shown that it's not that easy.

MR. ROSENBROCK: It's not as easy as a survey lease for adjustment, put it that way.

MR. VAN PERNIS: (From the audience, at times inaudible) Yeah, I did it in 1990 for the Big Island . . . I know you always have to make adjustments, and that's why you run up against how much of a variation from a straight to a mathematical formula can you go . . . Oahu, of course, has a lot of military and a lot of students, so I assume that has something to do with why---

MR. ROSENBROCK: Well, we actually got a hold of the folks over here at Hilo, UH-Hilo, so we have that information; so we're going to extrapolate it out from here, so I'm---and there's folks in the military that are here, right? Some. And our job, technically, our job is to present the information. The statistical sampling may be such that the Commission on our side says, "It's not worth it," but that's their call. Our job is to put it out there and let them make their call. So, that's what we're going to do.

So, we're going to make this available to the Election folks here, and so it should be available to you all. I don't know what their printing capabilities are going to be here, but---yes?

MR. KONISHI: When you say "make it available," in other words, we're allowed to make copies of the program and get AutoBound and distribute it, so if people have a home computer, they can go write it on---

MR. ROSENBROCK: No, no, you can use it here at the Office of Elections. There is, inside of this software, there is a software that allows you to do some small---and I'm getting ready to show that---

MR. KONISHI: Oh, okay.

MR. ROSENBROCK: Allows you to actually move blocks from one district to the next district. It's free. We will post that on the website also, and it will allow folks to take the information wherever it gets posted, and be able to move a census block, with the population data on it, from one district to the next, or whole blocks of it to the next, right, so it is interactive, it is dynamic so that it calculates real time---

MR. VAN PERNIS: (From the audience, at times inaudible) When you say "census blocks," now, the census information I got is that there is a number of . . .

MR. ROSENBROCK: Blocks, they're blocks.

MR. VAN PERNIS: All right, now, blocks are what you're showing on that map; they're huge, right?

MR. ROSENBROCK: No, not all of them are huge, some of them are blocks.

MR. VAN PERNIS: No, I'm talking about the map---the paper map.

MR. ROSENBROCK: Some of those are blocks, just blocks, yeah, blocks.

MR. VAN PERNIS: (From the audience, at times inaudible) Yeah, so, all those that are small are census divisions---

MR. ROSENBROCK: The smallest division is the census block; that's right off the software that you get when you get the disk. It'll tell you, the smallest division that the Census Bureau deals with is the census block. Now, it gets bigger from there; it gets tracts and---

MR. VAN PERNIS: (From the audience, at times inaudible) I'm wondering why they gave us the census . . .

MR. ROSENBROCK: There is no smaller division than than the census block.

MR. VAN PERNIS: (From the audience, at times inaudible) . . . census neighborhood, CVD's---

MR. ROSENBROCK: No, well, okay, well---when you look at the CD from the Census Bureau, it'll tell you right there as soon as you open it up and you start reading; it'll tell you a couple things. One, that the TIGER Line data and the data inside the counts, right, are not viewable except in the very general term, with the viewer that they provide you, and you must use a GIS tool in which to extrapolate the data. The other thing is, it talks about the lowest division that it goes to is the census block.

MR. VAN PERNIS: (From the audience, at times inaudible) At least from this County, what is the size of the census block?

MR. ROSENBROCK: I haven't gone through them. They vary from whatever the block---it is not based on population; it's based on---

MR. VAN PERNIS: Geographical area.

MR. ROSENBROCK: Yeah, so---

MR. VAN PERNIS: (From the audience, at times inaudible) Some blocks may have a few people, and some may have thousands.

MR. ROSENBROCK: If they've got a skyscraper on it, they got plenty.

MR. KONISHI: Before we leave this subject, because it's relevant to an earlier discussion, so, what you're going to put on the---or what will be available to the public is this?

MR. ROSENBROCK: Yes.

MR. KONISHI: And it doesn't get any smaller than this?

MR. ROSENBROCK: No.

MR. KONISHI: Okay, so, what you're saying it does---

MR. VAN PERNIS: Maybe not on the computer program. I already have the small . . .

MR. ROSENBROCK: Well, I'm just going to tell you, this is May. From the TIGER Line files, right, the TIGER Line---I mean, that's what the census do.

MR. VAN PERNIS: (From the audience, at times inaudible) I don't disagree with the computer program---

MR. ROSENBROCK: No, this is the Census Bureau, the Census Bureau. I mean, we get our information straight from the Census Bureau. I mean---

MR. KONISHI: So, I guess my question is, if this is available in this format, do we still need to print out the big maps?

CHR. VAN DE CAR: We can decide that.

MR. KONISHI: Okay.

MR. VAN PERNIS: (From the audience, at times inaudible) Ultimately, we're going to have to draw some lines on those maps, and they may split---we may decide to split some of these blocks, because, for instance---

CHR. VAN DE CAR: Let's hope not, unless you want to go from house to house.

MR. ROSENBROCK: Pretty much.

MR. VAN PERNIS: All of those census blocks were split in 1990. I can show you, for instance, Napoopoo, they're split.

CHR. VAN DE CAR: Al, in following up what you said, are you saying that the physical maps there are essentially reproduced in the computer program? The same information is available in both places?

MR. ROSENBROCK: Uh-huh.

CHR. VAN DE CAR: It's more, I would assume, more conveniently available in the computer form to those people who have access to the computer and, of course, if you don't have access to it, then it's of no use at all. Let me ask you, Al, and you, because you guys know the answers, what is available where? We do--- this is the Big Island. We have people in lots of places, and it's a lot more convenient for me to come here from the Hilo Lagoon than it is for Mark to come here from Hualalai center. So, okay, but anyway, where is this kind of information going to be available physically to people who want---

MR. KONISHI: Okay, let me have Pat answer that.

MS. NAKAMOTO: (From the audience, at times inaudible) Well, we received the maps about a week ago, and we have just one set here in our office.

CHR. VAN DE CAR: And you're about to receive or been assured that we will receive a computer version of the same thing that has the capability of moving things around to help us make the decisions that we need to make, and we'll get one set of that as well?

MR. VAN PERNIS: And we can't get that out of wherever it is, is that right? In other words, I can't pull it out in Kona on my computer?

MR. YOSHINA: David, do you want to answer that?

MR. ROSENBROCK: Yup, as soon as we get it up, soon as we get it up.

CHR. VAN DE CAR: So, some of it's going to be on the website, as I understood what you said though, there's sort of---there's the public version---

MR. ROSENBROCK: Okay.

CHR. VAN DE CAR: And then there's---

MR. ROSENBROCK: All right, let's just go back to the start. We're going to have down-loadable all the data.

CHR. VAN DE CAR: Okay.

MR. ROSENBROCK: Okay, all the data is going to be down-loadable, right. Now, the way to view the data is with GIS software. You have to have some sort of GIS software. They'll have the GIS software, right. They'll have the software to view the raw data, and they'll have the software to loop, right, the polygon that make up the districts.

CHR. VAN DE CAR: Okay, let me interrupt you and ask her a question then. That GIS software, I'm sure, is licensed; and you can't, you know, make a copy for me to take home. However, where will that physically be so that if members of the Commission want to take the time to figure out how to use it--because that's probably not easy--and then use it, where will it be? Will it be here? Can it be here sometimes, and is there a West Hawaii office, that it can be somewhere else?

MS. NAKAMOTO: (From the audience, at times inaudible) We already are purchasing our hardware, we have some of it in our office; and it's going to be right here in Hilo.

CHR. VAN DE CAR: The hardware, I guess, you're talking about, is the PC (personal computer); and the software will be loaded in the PC?

MS. NAKAMOTO: David.

MR. ROSENBROCK: That's correct.

CHR. VAN DE CAR: Okay, so, theoretically, though, that PC can go wherever it needs to go?

MR. ROSENBROCK: Yeah.

MR. KONISHI: How much does it cost to buy another set of this software?

MR. ROSENBROCK: This one here is \$3,500. The GIS software is \$1,500. So, for \$5,000, you can do this on your own.

CHR. VAN DE CAR: Take a collection.

MR. YOSHINA: (From the audience, at times inaudible) . . . There are other companies that sell, but you then have to make your data compatible with those systems. I think there are some that are available for, like, \$1,500.

MR. VAN PERNIS: I don't recall that being in our expense account.

MS. NAKAMOTO: The hardware that we just purchased was about \$6,000.

MR. ROSENBROCK: Now, this is, with this, you get unlimited licenses of what they call "Geo Tract," all right. And Geo Tract, as you can see, it's got different colors of the districts, the different districts that you have; and if you look real close, you can see in each one of these blocks has got a number, and that's the population of that particular block. It's very tiny and an unfortunate color; but each one of these yellows is a population statistic, yeah.

CHR. VAN DE CAR: Each one of those yellow squiggles is a number indicating population?

MR. ROSENBROCK: Yup, yeah, yeah.

CHR. VAN DE CAR: Okay.

MR. ROSENBROCK: All right, and these are the totals. What you have here are the persons, right, in total, for the whole island polygon. The target that you want to hit, the population target that you want to have for each district, the percent of deviation that they are; and then, like I said, it's broken down into White, Black, Asian, Hispanic, minority percentage; but those things are arrangeable, however you want to.

And with this one, you can assign---hoping this is right---so what we're going to do is we're going to take--it looks like-part of 5, and we're going to move it into 3; so we're going to take this blue, and move it into the brown. And you can, as it changes, you can see the population actually change.

CHR. VAN DE CAR: Uh-huh.

MR. ROSENBROCK: And with that, you can actually manipulate back and forth without this--draw-a-line, go try to calculate, go back.

CHR. VAN DE CAR: So, by pointing and clicking, you're taking one of those individual census blocks and putting it in another district?

MR. ROSENBROCK: That's correct.

MR. VAN PERNIS: (From the audience, at times inaudible) So, since this program--in other words, you have to be in Hilo to be able to access it, basically. We could say, okay, start on a line and run along the edges of these census blocks; and then go around the island and make nine districts based on condition of total population. Total population, less some category.

MR. ROSENBROCK: You're going to have to look and see, you know, where the population is, all right. You're going to have to look and see, you know, how much folks you got in Hilo, how much folks you've got in---but I mean---

MR. VAN PERNIS: (From the audience, at times inaudible) . . . draw a line down at South Point, let's say, using these census blocks closest to South Point as a dividing line. Now, take that and then create nine equal divisions, starting with that line. You could---just for us to look at, to see how many blocks would go in which area--in other words, that would be one. We could ask, whoever, to print that out for us?

MR. ROSENBROCK: Yes, and, yeah, they could go, with this rascal here, they can do that for you.

MR. VAN PERNIS: Right, so we could have a map printed out, that would then show nine possible districts, based on the starting line at South Point.

MR. ROSENBROCK: Yup.

MR. VAN PERNIS: And then we could start making adjustments off of that, or tell you to start at the river down here at Hilo, and do----

MR. ROSENBROCK: Or you could take the lines you have now, the Council lines you have now. Have them overlay, the existing population data, and you can see what---see, I mean, that's---but I mean, quite frankly, some of them are more dramatic, you've had some pretty dramatic changes in certain parts of the island on each side, very dramatic. So, although that will get you started, that's not going to be the panacea of---

MR. VAN PERNIS: (From the audience, at times inaudible) We can't just expand existing districts because our . . .

MR. ROSENBROCK: Right, see, and every time you go like this, then you're affected. So, you might try to look at it in a number of different ways; but one of the ways I would suggest is overlay what you've got already. I mean, that's a real easy one.

MR. VAN PERNIS: I'm getting into a procedural thing. Since this is not going to be readily available to me and some of my colleagues here,---

MR. YOSHINA: I think that that's a policy question, you guys have to decide that.

MR. ROSENBROCK: See, I don't know what your computing capabilities are, but you can go to the website, right, or we can hook you up with the Geo Tract, right. Then you're just waiting on the data, and that---right, unless you want to go figure out how to hook the tabular data with the graphic data.

MR. VAN PERNIS: (From the audience, at times inaudible) Can I print out maps off the website?

MR. ROSENBROCK: You can go to the Census Bureau and print out their maps; they're the same maps.

MR. VAN PERNIS: (From the audience, at times inaudible) Can I sit at my home computer and print out maps as I've just--theoretical maps, as I've just described?

MR. ROSENBROCK: From their office.

MR. VAN PERNIS: (From the audience, at times inaudible) Basically, I'm going to start at Upolu point up in Kohala, and then run nine districts from that; or I'm going to overlay the existing districts onto the current population data, can I get those kind of maps printed out on my home computer?

MR. ROSENBROCK: With this software, I mean, you will---

MR. VAN PERNIS: If I have the software, right?

MR. ROSENBROCK: If you have the software.

MR. VAN PERNIS: Not if I don't have the software ?

MR. ROSENBROCK: Not if you don't, right. And you can do it off of this free software. It's quite cumbersome, and we already tried.

MS. NAKAMOTO: (From the audience, at times inaudible) What I would hope is that the Commission will be more, you know, will be actively involved in

drawing the map. We are only technical support, and you folks would need to decide what starting point you want to use. And when we're drawing the maps, I definitely would want to have the Commission Members involved in there; and so, you folks would decide whether you all want to be there or if you want to have two or three people represent your group, and meet with us when we're drawing the maps--that's what I would prefer.

MR. VAN PERNIS: (From the audience, at times inaudible) Or you could draw some maps, you know, we could say, "Draw all of these possible maps," and then we'll review them at our next meeting.

MS. NAKAMOTO: But there might be questions as we go around the island drawing the maps, you know, where somebody is going to have to make a decision while we're drawing the maps, and I don't want to be that person, or I don't want staff to be that person. I would rather have someone representing the Commission make these decisions, when and how, you know, even if it's just a small decision. I don't want us to be the one making those decisions.

MR. YOSHINA: That's the motto we used at the State level.

MR. VAN PERNIS: (From the audience, at times inaudible) But if we can get the tentative maps and then come back to you and say, "We want to tweak it here or adjust it here, based on---"

CHR. VAN DE CAR: (From the audience, at times inaudible) I guess, Mark, they said that's a policy decision for this Commission to make. Do we want to do it the way you suggest and just let the technical---you know, give them some direction and let the technical staff sort of let the chips fall where they may and, you know, they make a discretionary decision, and deal with that; or to have all of us as a Commission; or a committee of the Commission to be present to give the guidance, you know, that Pat is saying that---

But, you know, we need to decide---

MR. VAN PERNIS: That presents a logistical problem to this side of the island.

CHR. VAN DE CAR: It sure does, and we'll have to, you know, take that into consideration when we make a decision.

MR. YOSHINA: That's this option, right, you can take these parameters that you set up, draw the map, put it through the internet, the webpage, and then you guys can look at it from wherever you are. That's a capability that's in this software.

CHR. VAN DE CAR: So, that's sort of maybe a middle ground where if there is a committee or whatever doing that, and then post it, and then everybody can look at it, and go from there.

MS. NAKAMOTO: (From the audience, at times inaudible) Because there are nine Commission members; and if we're going to have nine members doing it on the webpage and calling us and saying, "With this one plan, change this to this," it's better to have one or two spokespersons, and I would rather have the Commission members contact those people who use the LAN to be a part of this group; and that person or those two or three people will let us know, give us the information on what to do, instead of having nine Commission members calling us and telling us what to do.

CHR. VAN DE CAR: Okay, well, I understand that. Sorry we interrupted you.

MR. ROSENBROCK: Oh, I'm getting down to the end, I mean, that's what it does. I think this is a wonderful way to do it; it beats the heck out of the way we used to do it. It's portable to the web, fairly easily, I think, with just minor tweaking, the folks downstairs will be able to get it up and running for you.

I would take advantage of doing it this way. The old way is fraught with disaster.

CHR. VAN DE CAR: Well, let me ask you a question. I mean, Dave, I've talked to people who know computer software really well, and they always say, "Oh, you'll learn it, no problem."

MR. ROSENBROCK: Right off the bat, I'm not saying that. What I'm saying is, is that a lot of the technical things that need to be done--the linking the data, right, the linking the graphics to the tabular data, the posting to the website, everything except downloading and making your own decisions is pretty easy. I mean, the instructions for this--I'll go out and make copies--I'll leave them here for you guys.

The free software, this is two copies. It tells you, you know, you can draw lines on here. You can draw boundaries on here, right, and you can make all kinds of labels for your map and all kinds of stuff. So, you can do lots of things.

Now, how involved you want to get in that, I mean, that's up to you. I certainly don't think you're going to go this way, each one of you, it just ain't going to happen.

CHR. VAN DE CAR: My question was, to Pat, is to what resources, what knowledge is available in your office, and if it is not available now, when will the training be available? In other words, when can we get started?

MS. NAKAMOTO: Well, we're going to be training next week. We don't have a---you know, the State doesn't have a contract; so, therefore, we don't have a contract. We are going to be getting technical support, locally here in our county. As of right now, our Data System had a GIS person; the person is no longer there.

We have a system analyst who will be going to the training in Honolulu with me on Monday; and she will be able to give support for. . .

CHR. VAN DE CAR: In terms of when something workable will be available, what's your best estimate?

MS. NAKAMOTO: I know Al had mentioned earlier about you folks setting up a time table; and based on the time table---and like I say, all I have is, you know, we did this ten years ago. We began drawing the maps in house, because they had decided that they wanted to go out and get public input before we went ahead and drew the maps. So, as of right now, I know this is a new Commission, and you folks haven't decided any of that yet, but based on the previous Commission, I was looking around August to have everything in place.

CHR. VAN DE CAR: Again, we can decide, but that's an attractive proposition. Could we, right now, overlay the existing council boundaries on the new data, and sort of explain to the community maybe where the problem is, and get some input from the community as to how they would seek adjustments.

MR. YOSHINA: One problem I have right now is an administrative one, that I don't have a contract. Once I get that contract signed, then the technical stuff will fall into place.

MR. ROSENBROCK: The very first thing he is going to do is, actually, put the data, I mean, that's the very first thing; and I would imagine we're looking at maybe a couple of weeks before the contract gets signed. They're sending it back; he's already signed it; the Board has already looked at it. So, it's happening right now, and they've been with us a long time in this process. So, the migration is actually producing the data that's going to be necessary for you all to do your stuff. It's not that far off. I would imagine three to four weeks.

MR. KONISHI: Who is the contract with?

MR. ROSENBROCK: ESRI.

MR. KONISHI: Oh, that's a software---?

MR. ROSENBROCK: That's the---we have a contract for them to physically come and link the data to the graphics.

MR. KONISHI: And we're part of the beneficiaries of that?

MR. ROSENBROCK: Absolutely. We've got to do it anyway, so, I mean, we're doing this out of the goodness of our hearts. We have to do it anyway, and to

make everybody's life easier, if we're all looking at the same pot of data, then it's easily explainable, working from---

CHR. VAN DE CAR: But we do have, for example, we do have the existing council districts and the 1990 census. We have a map of that; that's already plugged in somewhere?

MR. ROSENBROCK: Yes.

CHR. VAN DE CAR: So, we're 3 to 4 weeks away from putting one against the other, side by side?

MR. YOSHINA: I think if we could, if you want to see the existing, right now, that's possible, right?

MR. ROSENBROCK: Yes.

MR. YOSHINA: We can do that.

MR. ROSENBROCK: Yeah, it would be the 1990 numbers.

CHR. VAN DE CAR: Right, the '90 numbers. But plugging the 2000 numbers into the existing lines, we're 3 to 4 weeks away from that?

MR. ROSENBROCK: Yes, yes.

MR. VAN PERNIS: (From the audience, at times inaudible) We already have the maps showing the . . . and are we also 3-4 weeks away from the concept of designating a starting line and then run the nine districts

MR. YOSHINA: Yes, what I would suggest is that you take that time and you form all your policy decisions.

MR. VAN PERNIS: I'm asking, time-wise, how, if I gave you a starting line, how soon would you be able to give me a . . . 2000 census in all nine districts?

MR. ROSENBROCK: Now, there's lots more that go into describing the polygon than just the starting line, and the population divided by nine, right? I mean that, if you're a surveyor or engineer, that seems like a perfect way to do it. You have one solid, you find out what the representative line is, right, and then you cut it up; but geographically, it doesn't go like that.

MR. VAN PERNIS: Yeah, I mean, I'm just asking, if we decide that we're going to, just for the sake of discussion, look into the side that the population figure is going to be 16,500 in a district, based on 2000 census; and then we're going to

start with a line in this geographic location on the Big Island, are we the same 3-4 weeks away from that?

MR. ROSENBROCK: I have to have 3-4 weeks to get the data that underlies your looping the line, or otherwise, you're just making a line on paper.

MR. VAN PERNIS: Yeah, I was just looking at the time limit. We've got to get these contracts signed, we've got to everything---

MR. ROSENBROCK: Right, and that'll take them a couple of weeks to actually put the census data to the census line data.

MR. VAN PERNIS: So, at least 3-4 weeks later on that kind of stuff.

MR. ROSENBROCK: Yes, yes.

CHR. VAN DE CAR: I think your suggestion is a good one, that we spend the time, before we have the data, making some policy decisions on how to use it. My question then is to you, Al, in terms of support staff and notice requirements, and those sorts of things. When are we likely---how do we go about, I guess, hiring support staff.

MR. KONISHI: Okay, let me hold the mic, only because I want to make sure it is recorded. Okay, what I understand happened 10 years ago--and please understand, I came on board in 1997, so I'm going by heresay as, you know, being informed by the staff, that the last time around, one of the members of our Civil Service staff was, you know, was appointed to serve as the Commission secretary. So, you know, there was not a ---

MS. NAKAMOTO: In the interim.

MR. KONISHI: Yes, before one was hired. So, that's what we're doing now, okay. So, you do have staff now, okay. Now, the ad has run, advertising for someone to be hired, you know, through the end of the year, to be the actual Commission secretary. Also,---

MR. VAN PERNIS: Where is that ad run?

MR. KONISHI: It was run in the papers, right?

MS. NAKAMOTO: It was run in the West Hawaii Today and the Hawaii Tribune Herald on April 29 and May 1st.

MR. KONISHI: Okay, so that Civil Service process has begun. Okay, also, there is a gentleman who was involved, he was the head of our Civil Service staff the last two reapportionments--Ed Kozohara, okay. And, you know, we would like to

bring him on as a consultant to assist us in this process, too, because, like I said, Ed was the head staff guy the last two go-arounds; and, you know, this is Pat's first go-around as the head of the staff; and although she's very capable, it's always good to have that insight from, you know, the previous one. So, that's what's happening with the staff, you know, and I guess we don't have money in the budget for that kind of consulting help until after July 1st. So, that's where we are on staffing.

CHR. VAN DE CAR: Okay. Then in terms of our next meeting and what we want to accomplish, we have the staff available here to get the notices out, and to do everything that's necessary for that purpose?

MR. KONISHI: That is correct; and I don't mean to jump ahead, in fact I won't, but one of the things that we have prepared for you is a copy of the time table the last time around. You might want to look at that---well, I don't know if you want to take it up, you know, at a later time; but that might also raise some other issues with regard to what's the next step.

CHR. VAN DE CAR: Okay, let me ask you one other question--and maybe I should already know the answer. But assuming we don't know where we're going to go from here, and that's, I think---is it absolutely necessary that we set our next meeting before we adjourn here, or is that something that we can do---?

MR. KONISHI: Well, I would suggest you set your meeting, for this reason, you know, again, because of the Sunshine Law, you know, if you don't set the meeting now, I guess it will be subject to the call of the Chair. You set the meeting, and, you know, it'll be---I don't know how the exact mechanics work about deliberating about a meeting time and place, but I would suggest you do it here in the open in public, as opposed to just calling it, although I believe that is also your option.

CHR. VAN DE CAR: All right, and in terms of deciding on the agenda for the next meeting, that's something you suggest we also do now so that when the notice of the meeting is published, the agenda is also available?

MR. KONISHI: Yes, although, you know, that's not as critical in a sense that, certainly, the rules would be something that you might want to put on an agenda, at least according to Mr. Ashida, 30 days from now; but, you know, as we do it at the Council, things come up between the meetings, and then the Chairman takes care of preparing the agenda and making sure that it's publicized, etc. So, that would be one of the things that, you know, for example, if somebody wrote in and said that they wanted to do a presentation on a competing software, you know, I guess we'd get you the letter, and then after this meeting, and then as Chairman, you would decide whether or not to put them on the agenda or not.

CHR. VAN DE CAR: Does anybody else have any questions for these folks before we sort of get back together and decide where we're going to go? No. Thank you very much.

MR. KONISHI: Okay.

CHR. VAN DE CAR: We can, I guess, we can take our seats because what I'd like to do is sort of set our next meeting date.

(At this time, the Members went back to their chairs.)

CHR. VAN DE CAR: With regard to our next meeting date, I would suggest that because one of the things we need to do initially is adopt rules; and if we need 30 days notice before we can adopt rules, then it doesn't make a lot of sense to have our next meeting less than 30 days from now. So, I would like to ask you all, in terms of an agenda, and then ask you, too, Mr. Konishi, about the availability of this, I guess, as a venue for our next meeting.

MR. VAN PERNIS: How about West Hawaii?

CHR. VAN DE CAR: Or West Hawaii, that's just another option that's available to us, although I would suggest that---well, let me suggest that we have our next meeting here, because we have the staff here that we've met, and I'd like to get comfortable with the staff before I start spreading my wings.

But in any event, what's the availability of this venue, say, 45 days from now?

MR. KONISHI: You know, we could check on that.

(At this time, Mr. Konishi asked the staff to check the availability of using the Councilroom.)

MR. KONISHI: We have a staff person that is the schedule queen, I guess. The queen of the schedules, so we'll check with her as to what is available and what is not available.

CHR. VAN DE CAR: Okay.

MR. KONISHI: May I just throw something out there?

CHR. VAN DE CAR: By all means.

MR. KONISHI: You know, one of the things that we passed out, what I passed out right now, was the reapportionment time table that was used the last time around. And, you know, we just passed it out for purposes of your information; and, you know, this could guide you as sort of a road map. You know, one of the

things that, I guess, the Commission did right up front was to solicit public input, I guess, you know, before making the, you know, the big policy decisions on various things; and as you can see by the schedule, what they did was, they went around and I guess, you know, did a road show to gather sentiment from the public about these various issues, because--and I think Mr. Van Pernis has, I guess, the spirit of his comment is, you know, if you don't get out there to West Hawaii and some of these other places, you know, these people might not be afforded a fair opportunity to make their feelings known.

And since reapportionment does affect every community equally, I guess this is, you know, the way that the Commission sought to address it; but, again, I only put that out for information purposes, and it's up to you to decide.

CHR. VAN DE CAR: Well, let me suggest then, if this---let me ask you, even though you weren't here, did this---this time table, apparently, worked?

MR. KONISHI: Yes.

MR. VAN PERNIS: But it's radically different from, for instance, they didn't start work until August.

CHR. VAN DE CAR: August, right. What I was going to suggest is that one of the things that we can do---sorry, Pat, go ahead.

MS. NAKAMOTO: (From the audience, at times inaudible) I was going to say that, actually, they had their first. . .I just wanted to give you a date. . .

MR. KONISHI: You have to speak into the mike.

MS. NAKAMOTO: They had their first Reapportionment Commission meeting on April 11, and but it was still August that they started drawing the map, after public input.

CHR. VAN DE CAR: Okay, yeah, what I was going to suggest is that in addition to the rules being on the agenda for our next meeting, that maybe we try to adopt a time table at our next meeting, and decide things like whether we're going to go and do a road show, and, you know, where and when, and try and at least get started figuring out what we're going to do.

And, you know, one of the things Mr. Yoshina suggested is trying to make policy decisions about who to include, who to exclude, whether to maybe---what sort of starting points to look at, what makes sense as a starting point. Actually, I'm not sure that I wouldn't rather get public input before we even do that, even those issues that I think are purely policy issues that maybe this Commission can make about who to exclude and who to include, maybe the public, you know, has some

ideas, and we certainly don't know everything, and might want to hear from them on those issues as well. Mr. Van Pernis.

MR. VAN PERNIS: I think that if we do things sequentially, we will start having problems. In other words, if we, for instance, have meetings all around the island, getting input from all various people, and then start to propose some situations, because then we may have to go back to the public to see how they feel about it. So, I think that we should---oh, I'm getting ahead of myself here because all I really wanted to do was talk about the agenda.

I think that we should be starting to come up with proposals or alternate proposals in terms of districts through the advantages of this computer system, which wasn't available to us 10 years ago, at the same time we're going around the island getting public input. So, we have the possibility of presenting alternatives and start tweaking plans, based on public information.

CHR. VAN DE CAR: Well, I don't disagree. I think it might be useful to actually go around twice to get some input, and then go around again and say, "This is where we are," you know, "What comments do you have based on what we've done?" It's more work for us, but---

MR. VAN PERNIS: I just--Mark Van Pernis, again--I'm just bringing up the point that we will be asked questions, as I already am being asked questions by the public, as to, "Well, where are the lines going to be?" "What's the proposals?" "What's the implications of the 50 percent growth in Puna, versus this and that?" And I think that the, mostly, public information I'm getting is, like, well, "People in Napo'opo'o have an objection, and Napo'opo'o is split." "People in Hawaiian Paradise Park have an objection that Hawaiian Paradise Park is split, and they don't want that to happen again."

I think, to some extent, we have to be able to have some information at the time we're getting information in. So, my suggestion is, for our agenda, for next time, that we have rules, adopt rules, and I've already started making some revisions, proposed revisions, to the rules from last time; and that we adopt rules on the agenda, that we determine, at least preliminarily, the number of meetings and where they're going to be. That we also decide what the baseline is likely to be. In other words, are we going to include all the population, or are we going to exclude certain categories of people--not that that will be written in stone, but we need that in order to start developing some lines, and that we also then, on the agenda, see if we can agree to authorize the powers that be, that have presented the situation to us today, to, for instance, overlay the 2000 census info on the existing council districts, and show us some proposed layouts based on lines that we---starting points that we determine.

In other words, see if we can agree on some alternate starting lines, and then direct people to start doing that, knowing it'll take a month or two after we

suggest that before that information will come back. In the meantime, we'll be getting public information. So, I would rather see us put all that on the agenda so that the process is started, because then we can adjust the process, based on public information.

CHR. VAN DE CAR: So, if I were to try and---if you were to try and describe that as a motion for inclusion on the agenda, what I hear you saying is, we're talking then about three agenda items; one is the adoption of rules---

MR. VAN PERNIS: Well, let me restate it as a motion, may I do so?

CHR. VAN DE CAR: Go ahead, sure.

MR. VAN PERNIS: I move that the agenda for the next meeting include the adoption of rules, number one.

Number two, a determination of the number of meetings and the location of meetings, for the purpose of public input, that's number two.

Number three, that we attempt to decide what the population baseline will be for the purpose of determining the districts, i.e., all the population, or population less certain categories of people; and then also at that time, we decide whether or not to direct the support groups that are available to us through Mr. Konishi or through the State, to develop a map and statistical information showing the overlay of the 2000 census information on top of the existing council districts.

And then the last item that I suggest would be that we also see if we can agree on some proposed alternate starting points, geographic starting points for measuring nine districts; and for the purpose of directing those same authorities to give us some proposed maps, knowing it'll take some time to come back. And in support of the motion, I would point out that that would get us going, and get us information that we could start dealing with and presenting to the public, or getting public responses to, or that the public could take their localized interests and---

CHR. VAN DE CAR: Let me interrupt you for a second, just because I now remember, in the few weeks that I spent on the Council, how this is done--is there a second to this motion?

MR. BALBERDE: I'll second it.

Mr. Van Pernis made a motion that included on the next agenda would be the following items: 1) The adoption of rules; 2) the number of public meetings and locations of same; 3) district population baselines, i.e., all population, or population less certain categories of people; 4) support groups available through the

Clerk's Office or the State; 5) to develop a map and statistical information showing the overlay of the 2000 census information on top of the existing council districts; and 6) proposals of alternate geographic starting points for measuring nine districts; and obtaining proposed maps. Seconded by Mr. Balberde.

CHR. VAN DE CAR: All right, is there any discussion on the motion?

MR. VAN PERNIS: Okay, the discussion on the motion is, I think that that will get us going so that, knowing that a lot of this information will take, perhaps, weeks or months to develop; in the meantime, we can be getting public information, or if it's available to us, we can show it to the public, for them to comment.

Because when people come up with particular interests, like, "Well, I'm concerned about how Napo'opo'o---" or Hawaiian Paradise Park, or some localized area of concern is presented, we can respond other than, "Well, we'll take that into consideration," and we get the general information.

CHR. VAN DE CAR: Thank you, Mark. Well, fine, any other discussion on the motion?

MR. FERGUSON: I don't understand the motion.

MR. VAN PERNIS: This is just to put it on the agenda.

CHR. VAN DE CAR: Yeah, the things that will go on the agenda, and doesn't necessarily mean we're going to decide any one of those things, but they will be up for us to decide.

MR. FERGUSON: It was my understanding that the Chairman was going to draft the agenda. If a member wants something put on the agenda, he brings that to you, rather than bringing a motion before this body.

CHR. VAN DE CAR: I suppose we can do it anyway we want. I'm trying to make it clear---I'm trying to devise an agenda that satisfies the requirements of the Sunshine Law; so that when it is published and put out on notice, we all know what's on it.

MR. FERGUSON: We know that has to be 30 days before the meeting.

CHR. VAN DE CAR: Well, for purposes of regulations, it needs to be 30 days. For other agenda items, I think, the requirement is 6 days. So, but because regulations is one of the things that we need to do, that's why I'm going to suggest that we set whatever agenda we agree on, whatever agenda we set for our next meeting, that our next meeting not be for at least 30 days from now.

So, with respect to those--I counted five agenda items--is there any---let me try and recap them; and, Mark, you correct me if I'm wrong--there's the regulations; there's---and for purposes of clarity, I'll just call it a "time table," you know, a larger description about public meetings and where to go, and when to go, but we can call it a time table. And then inclusion and exclusion of census, individual kind of census; in other words, do we accept everybody in our count, or are we excluding certain people?--that's the third agenda item. Fourth agenda item would be whether or not we're going to ask support staff to provide us with a map that imposes the 2000 census on our existing council district lines; and then the fifth and final agenda item will be whether we're going to ask the support staff to provide us with any other sort of map, starting with, you know, with any other starting point, or any other method that we think of is an appropriate way of dividing this island up into nine council districts.

So, those will be the things that will be on the agenda, whether we decide any one of them is up to us, you know, when we reconvene.

MR. FERGUSON: Question.

CHR. VAN DE CAR: Yes.

MR. FERGUSON: No, I'm calling for the question.

CHR. VAN DE CAR: Oh, that's it, okay. Then---go ahead.

MR. KONISHI: Yes, if I could. I'm your support staff, but, you know, since I do staff the Council, you know, I just want to share this with you. You know, I think, in a way, you know, I will admit to some real discomfort about, you know, taking up those, the baseline, and the starting line, before you take public---you know, take it on the road; because it's almost like it gives me the feeling like, you know, the judge saying, "You know, I'm probably going to rule this way, so now let's go have some evidence." You know, I mean, I would suggest to you that maybe what you might want to do next time is decide which issues you would like to solicit public input about.

You know, for example, the baseline potential starting points; and then go out on the road and ask people what they think. If you kind of decide that before hand and say, "Now we're going to get testimony, and we've already made some decisions," you know, I think it just gives the public the idea that at least some people may have some preconceived notions and some predispositions, notwithstanding public testimony.

CHR. VAN DE CAR: Well, I appreciate that; and that's something that we'll decide, you know, in terms of what we decide when we get back here. So, I don't say that by putting anything on the agenda we're going to come to any decisions

on it; but it's, you know, I think every issue is worth discussing. Sure, Mark, go ahead.

MR. VAN PERNIS: And I'm not in any way suggesting that if we determine that the population baseline is X, that that's set in stone. We're not making a final decision. I'm recognizing the fact that it's going to take weeks at a time for support staff to come back with information and maps. And if we spend several months going around the island, or several weeks going around the island and getting input before we start getting feedback, then we may not have the opportunity to, time-wise, to reconsider it.

For instance, we may say, "Well, let's include the entire population as the baseline," and so maps are developed on that basis. Then we go around the island, and the consensus is, and we decide as a group, "Well, we should exclude military," or something like that. So, we need to adjust and tweak the maps. That can be very quickly done, now that we have a computer system. But the problem is, if we don't even start until, you know, late in the game, then we won't have the opportunity to make changes.

CHR. VAN DE CAR: Well, Mark, the question has been called; so why don't we vote on the agenda as it's been described, those five items. All those in favor, of adopting that agenda, say "aye."

The vote on the motion to place the aforementioned items on the agenda was unanimously carried, except for Commissioners Antoinette Bello and Abbie Napeahi who were absent & excused.

CHR. VAN DE CAR: All right, so that will be our agenda. We've gotten some information about the availability of this Councilroom. It's available, and we're looking at 4-6 weeks, on June 18th, on June 21st, and on June 22nd. I'll tell you, the 18th and---I'm not available on the morning of the 21st, so I'd like to see us meet, I guess, on--that's fine with me, Mark--June 22nd. Is everyone available on that date? That's a Friday.

MR. VAN PERNIS: What time? Got to drive in from the West side.

CHR. VAN DE CAR: Well, let's---I know, you've got to drive in from the West side, so there's the tug and pull about, you know, do we meet through lunch, or do we start earlier? Maybe a compromise, we start at 9:30 a.m.; and try and get done in the morning.

MR. VAN PERNIS: I'd be willing to start at 9:00 a.m., if the rest of the drivers are.

CHR. VAN DE CAR: 9 o'clock, okay? All right. So, our next meeting then will convene at 9 a.m. Do we need to vote on that now, or can I just do it by fiat?

MR. KONISHI: Yeah, you probably can.

CHR. VAN DE CAR: Oh, great. We'll convene again on June 22nd at 9:00 a.m. Yes?

MR. KONISHI: Before you adjourn today, I guess there was the issue of the maps.

CHR. VAN DE CAR: The maps are available now, that's what we have; they're available here. Anyone of us that wants to take a look at it, I'm sure it will remain available to us.

MR. VAN PERNIS: Any chance I can take those maps, or get those maps in West Hawaii at any time?

MS. NAKAMOTO: Yeah, I'll look into it.

MR. VAN PERNIS: Okay.

CHR. VAN DE CAR: All right, if there's nothing further, we'll adjourn.

ADJOURNMENT At 12:36 p.m., Chairman Van De Car declared the meeting to be adjourned.

CHAIRMAN VAN DE CAR

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