

REAPPORTIONMENT COMMISSION

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TRANSCRIPT

MEETING OF
HAWAII COUNTY REAPPORTION COMMISSION
November 21, 2001
10:00 a.m.
Waimea Community Center
Kamuela, Hawaii

CALL TO ORDER

The meeting was called to order by Chair Lloyd Van de Car at 10:15 a.m.

CHAIR LLOYD VAN DE CAR: At this point I would like to call the meeting of the Reapportionment Commission to order and take a roll of the members present.

Mark van Pernis?

M. VAN PERNIS: Present.

CHAIR: Lawrence Balberde?

L. BALBERDE: Present.

CHAIR: Steve Pavao is not yet here.
Jack Ferguson?

J. FERGUSON: Here.

CHAIR: John Fernandez.

J. FERNANDEZ: Here.

CHAIR: Jeanne Fuller?

J. FULLER: Here.

CHAIR: Patrick Kahawaiola'a?

P. KAHAWAIOLA'A: Here.

CHAIR: And Lisa Barton?

L. BARTON: Here.

Others present:
Counsel: Dudley Akama
Staff: Patricia Nakamoto
Gina Haina
Ed Kozohara
BrendaLynn Domondon

CHAIR: All right, we do not have any guests so I would, at this time move on to the next item on the Agenda, that's the approval of the Minutes. If you recall at the last meeting, we deferred the approval of the Minutes of the meeting before that, so we need to look at the Minutes of not only our previous meeting of November 2nd, but of the Minutes of the meeting before that as well. So I'm hoping that you've all have had the opportunity to review those Minutes by this time, and would ask with regard to the...

Brenda could you help me out? What was the date of the meeting before the November 2nd?

I just want the...

B. DOMONDON: October 18th.

CHAIR: October 18, okay, thank you very much.
Then I would like to entertain a motion for the approval of the Minutes for October 18 meeting.

J. FERGUSON: I so move.

CHAIR: Is there a second.

J. FERNANDEZ: I second.

CHAIR: All those in favor?

ALL: Aye.

CHAIR: All those opposed?

All right, those Minutes are approved.
Now with respect to the Minutes of the November 2nd meeting, is there a motion o approve those Minutes?

M. VAN PERNIS: I so move.

J. FERGUSON: Second.

CHAIR: All those in favor?

ALL: Aye.

CHAIR: All those opposed?
The motion carries.
Those Minutes are also approved.

STATEMENTS FROM THE PUBLIC

At this point in the Agenda, we reached the Statements from the Public. And as I said, I have some sign up sheets here and the first person who signed up to address the Commission is Bob Jacobson.

Mr. Jacobson, I'm trying to figure out a place where you can stand and where there's a microphone.

BOB JACOBSON: I can stand right here ...I think you can all hear me, and if you want me to speak up, just ask me, I got plenty to holler (INAUDIBLE-FAR FROM MIKE).

CHAIR: My only concern is that the microphones need to pick you up. I can certainly hear you.

L. BARTON: I'll move and he can stand here.

CHAIR: Thank you.

B. JACOBSON: Good morning as always, good to see you again. Unfortunately, I still see your plan does not reflect any of the needs of the Constitution and the County Charter. I'm just here to remind you that this is really inadequate, breaking up of one judicial district and the other guys trying to put two separate unjust judicial districts together which is quite unfair. I had little chance to review the economic and socio-economical data as it relates to these arguments of yours between North and South Kohala, there's no evidence whatsoever. No scientific, not sense of sociologic or ecological data that was keeping North and South Kohala together on the basis of somehow making an importantand the break in Puna into 3 separate districts and giving 7,000 people two Hilo districts is just classic fragmentation, fracturing of those zones and gerrymandering. It's a shame that you can't seem to see this, and perhaps you will at some later date and....(inaudible).

CHAIR: Mr. Jacobson, if you hang on a second, there may be some questions from the members of the Commission.

Any member of the Commission?

M. VAN PERNIS: I have.

CHAIR: Mr. Van Pernis.

M. VAN PERNIS; Mr. Jacobson, did you, you say, you examined data concerning North and South Kohala?

B. JACOBSON: Yes, its public record for everybody in the State of Hawaii.

M. VAN PERNIS; What data was that, that you reviewed?

B. JACOBSON: I think you guys have had many months to take care of it. You should have done your homework by now!

M. VAN PERNIS: I'm just asking....

B. JACOBSON: I really don't feel like responding to the silly questions that you have done in the past. I don't need a lecture this morning, and I don't need any rest of the abuse!

M. VAN PERNIS: I'm not trying to abuse you, sir. I just asking, and it would be helpful if you would tell us what data you reviewed?

B. JACOBSON: You'll see that in due time, I'm sure.

CHAIR: Mr. Jacobson, I want to just suggest for you that if you're talking about judicial review then maybe the judicial review is of the record of this Commission. If you wish to present matters in evidence in this Commission for judicial review, it would be incumbent upon you to make that...those facts as part of this record.

B. JACOBSON; I was referring to the Department of Health data published through the State of Hawaii.

M. VAN PERNIS: Did you investigate any data as to where the folks of North and South Kohala work?

B. JACOBSON: I'm...I can't (inaudible)..I didn't submit public testimony, and I didn't come here to be examined by you folks!

M. VAN PERNIS: It would be helpful if you'd give us the information so that perhaps we could review it and consider it in making our decision. If you don't want to give us the data then we don't know if we've had the opportunity to review it. I, myself, have reviewed a lot of census data that shows where the North and South Kohala folks work and the folks who own the upscale properties on the coast are not counted in the census because they are not full time residents here, and that there is very high percentages of looking at census data. The North and South Kohala high percentages are of native Hawaiians, Pacific islanders, Asians and kamaaina haoles, in addition to retirees, in fact a new school had to be built in Waikoloa. And I'm wondering if that's data you considered in expressing your opinions or whether there's other data that we should consider.

B. JACOBSON: I'm not here to do your homework for you!

M. VAN PERNIS: Or give us any information, then?

B. JACOBSON: I have already given this information!

CHAIR: Frankly, Mr. Jacobson....

B. JACOBSON: I don't want to argue with you... (inaudible-speaking away from mike).

M. VAN PERNIS: I'm not arguing with you, sir. I'm just asking for data and to tell you the truth, you haven't given us any data other than what the information you gave us this morning about the Dept. of Health statistics. So, if there are any other statistics you want us to review, please give them to us and we will seriously review them.

CHAIR: Mr. Jacobson, I have a couple of questions. You talk about the judicial districts and how the Commission plan splits the Puna judicial district. Is that one of your concerns?

B. JACOBSON: (Inaudible-speaking away from mike)
I have certain concerns since services are provided along those lines. Any fireman can tell you that.

CHAIR: How and when were those judicial districts designed?
Do you know?

B. JACOBSON: Off hand, I don't know but it's been in your office sometime.

CHAIR: Were they designed with respect to the socio-economic...?

B. JACOBSON: I think you have to check....

CHAIR: Excuse me, can you let me finish my question?
Were they designed with the socio-economic,
demographics with regard to the population? Were they designed with that in mind?

B. JACOBSON: You'd have to talk to the people who designed that.

CHAIR: All right. Would you agree that one of the concerns that you've expressed here today, and in the past, is that the Commission...the Commission plan, the plan that is before this Commission today for consideration, doesn't adequately address the need to keep socio-economic groups together in a single district or in one district. Is that one of your concerns?

B. JACOBSON: That's very clear from all the plans that I have seen come out here, you've referred to them every single time. Particularly, Puna...(Inaudible-speaking away from mike).

CHAIR: I see. Can you then comparing contrast for me the...the demographic or socio-economic data that you are relying upon. So comparing contrast for me, say the districts of Keaau and Waiakea Uka.

B. JACOBSON: You want to compare two separate judicial districts.

CHAIR: No, they are not judicial districts. Keaau is, as far as I know, is not a judicial district; and Waiakea Uka, as far as I know, is not a judicial district.

M. VAN PERNIS: They are separate judicial districts.

CHAIR: I'm asking...

B. JACOBSON: Not Puna. It never has been.

CHAIR: Okay. Puna, what is it about Puna that makes it socio-economically, demographically, racially....what makes it different from Hilo or South Kohala? What is it about the people in Puna that requires that they not be joined together with the rest of us here on the Island.

I live in Puna, so the rest, the folks...

B. JACOBSON: (Interjecting)...Why does Hilo have to reach out and take people out of Puna? I ask...that's my question. I don't understand why you feel the need to fracture Puna!

CHAIR: Mr. Jacobson, my point is that you are relying, you are telling us that there is a...there are problems with the plan and those plans, those problems are based on demographic and socio-economic factors. I am asking you to compare those factors for me in areas where...where you're concerned. Where District 3, which is...which includes both

Waiakea Uka and Keaau, what are the differences between the people there that make it so inappropriate ...

B. JACOBSON: (interjecting) You know....(inaudible)

CHAIR: Excuse me, let me finish my question, that make it so inappropriate for those folks to be encompassed within a single district?

B. JACOBSON: This series of questionings, I think is really inappropriate and I don't have to answer them. You have to go to the Dept. of Health website, State of Hawaii...you've had months to take care of this! You could've done your homework, I don't work for you guys! I don't have to answer to you! You're supposed to answer the public and the State of Hawaii and follow the Constitution of Hawaii. I am not supposed to have to do your homework for you!.

CHAIR: Thank you. That was not very helpful, but thank you.

One of the other concerns, let me see, you um... had not spoken out in favor today of any other plan, but you have in the past. Are you proposing an alternate?

B. JACOBSON: I am simply proposing that you follow the law, and there are two other alternatives and I encourage you to follow the law.

CHAIR: So, you don't have an alternative that you're proposing to the Commission today?

B. JACOBSON: You've had several opportunities, we proposed one map of our own, you suggested that we make one map of...so you could...at the hearing. Brenda and Chucky, had what you call a Hawaii Council judicial State plan, and that's a very good plan, and (inaudible)...the basic concept is not splitting up Puna into 3 separate districts (inaudible) fracturing the population into Hilo. That's is clear on very single plan that comes out of this Commission as far as each alternatives. We've worked on the same...

CHAIR: So you would agree, Mr. Jacobson, that both the plan that you're talking about, you would agree, Mr. Jacobson that, that both the plans that you're talking about, that you propose and the one that you say was prepared by Brenda and Chucky. They also divide with regard to their council districts, they also divide judicial districts, do they not?

For example...

B. JACOBSON: I didn't make that plan. I'm not going to answer to it. The authors are here.

CHAIR: Well, I'm talking about...

B. JACOBSON: (interjecting) I'm not going over her plan. I really think its inappropriate.

CHAIR: No. You did prepare a plan, isn't that correct?

B. JACOBSON; Yes, I did.

CHAIR: And does that plan split any judicial districts?

B. JACOBSON: Ah...no judicial district is broken in more than 2 parts.

CHAIR: Well, then...

B. JACOBSON: Like putting Puna into 3.
J. FERGUSON: I think that answer is yes.

CHAIR: Your answer then is, yes. It does split a judicial district?

B. JACOBSON: A portion of a judicial district. It does not divide any judicial district into 3 parts.

M. VAN PERNIS: It does.

B. JACOBSON: Like yours is all chopped up.

CHAIR: And there is a Constitutionally...

B. JACOBSON: Some of yours are broken into 4 pieces.

CHAIR; Well, you believe that there is a constitutionally significant...constitutionally significant difference in splitting a judicial district into 2 pieces as opposed to splitting it into 3?

B. JACOBSON: No, I think you are trying to simplify it by putting words in my mouth, so I think that's an appropriate answer.

CHAIR; All right.
Thank you, Mr. Jacobson.
Any other member of the Commission have questions for Mr. Jacobson?

J. FERGUSON: No.

CHAIR: Donald Tinker?

D. TINKER: I'm very disappointed that you have not ah...ah..put some of these things that all of these people have been telling you what you should be doing. And I haven't seen any changes in that direction at all. The ah...ah...you're talking about socio-economic definitions here, basically, such as Puna have all the residents out there on catchment, well, a vast majority of them are on catchment. They have cesspools or septic tanks, and this is totally different than in Hilo. And ah...and ah...there are a lot of retirees out there, probably more so than the rest of the island. And ah...ah...the per capita income is much less over Puna and over most of the rest of the Island. Ah...blue state is a totally different process than the rest of the Island, and ah...this is definitely a different socio-economic community for the entire Puna area. And ah...and if you...if you study this material from the Health Department, the State Health Dept., you will find that they went into this, not for just.... (inaudible) but for the entire Island and ah...and you can see where the socio-economic boundaries are.

That's basically all what I have to say.

CHAIR:

Thank you, Mr. Tinker.

Any member of the Commission have a question?

Mr. Van Pernis?

M. VAN PERNIS:

Yes, Mr. Tinker. Do you live in Puna?

D. TINKER:

Yes, I do.

M. VAN PERNIS;

South Kona and Ka'u are on catchment system.

Do you realize that most people in

D. TINKER:

There's quite a few of them, yeah.

M. VAN PERNIS:

In fact in...

D. TINKER:

Yeah, I know that.

M. VAN PERNIS:

South of...ah...

D. TINKER:

But they are not directly adjacent to Puna either.

M. VAN PERNIS:

But do you feel that the water systems should be a factor that should be considered in how to make judicial districts?

But do you feel that the water systems should be a

Or excuse me. Or how to make a council district?

D. TINKER;

are named here, not just water.

Well, we're talking about several different districts that

M. VAN PERNIS:

North Kona?

Okay. Is there a very high percentage of retirees in

D. TINKER: Well, they're currently are, but I...I...I'm seeing an awful lot of retirees in the area where I live.

M. VAN PERNIS: Um...you said that you have made reference to the Dept of Health statistics?

D. TINKER: Yes.

M. VAN PERNIS: Have you reviewed those?

D. TINKER; No, I haven't, I have my approximate figures here.

M. VAN PERNIS: Okay, by proxy, in other words, other folks have reviewed them and talked to you about them?

D. TINKER: Yes.

M. VAN PERNIS: Do you assume that, that those of us on the Commission haven't reviewed the Dept. of Health statistics?

D. TINKER: Have you?

M. VAN PERNIS: Well, are you assuming that? I have.

D. TINKER; Ah...ah, yes, I am assuming it and there has not been very much done here then.

M. VAN PERNIS: Okay, do you feel that the Dept of Health statistics would be the basis of determining council districts.

D. TINKER: I think it would help.

M. VAN PERNIS: It would be one factor?

D. TINKER: Yes.

M. VAN PERNIS: So, that's one factor that I for instance have considered since I reviewed it. Do you think that's appropriate?

D. TINKER: Ah, yes, I have but I don't think the entire Commission has done this.

CHAIR: Any other member of the Commission?

P. KAHAWAIOLA'A: Yes, I do.

CHAIR: Mr. Kahawaiola'a.

P. KAHAWAIOLA'A: Mr. Tinker, you mentioned, and I just want, its basically really not a question of you but it's a statement and then you can take it as a question. Do you realize that maybe people don't realize. I do believe the greater part of this County doesn't realize it and that would encompass the majority of the people that as you mentioned, in Puna, cesspools and septic tanks. Do you realize that in the community that I'm from, the Hawaiian community that I am from, Keaukaha and Panaewa, Native Hawaiian communities, that's all we have is cesspools. We're not tied to the sewer, although the sewers are on our lands. The sewer plant on this Island, in Hilo, sits on our lands, we're not tied to the sewers.

D. TINKER: (Inaudible-speaking softly) The entire thing that I was referring to in this particular instance was ah...in comparison to Hilo which what is taking these pieces of Puna...

P. KAHAWAIOLA'A: Yeah, that's what I'm saying. We're considered to be in Hilo, the place I'm from, we're considered to be right in Hilo.

D. TINKER: Yes, but ah...you're talking about the vast majority of the people in the Hilo district.

P. KAHAWAIOLA'A: Yeah, that's why I'm trying to show the correlation that even in Hilo, even the Native Hawaiians feel disenfranchised. Based on, we're in Hilo, you see, we're included in Hilo.

D. TINKER: Yeah.

P. KAHAWAIOLA'A: So I'm just trying to show the correlation that when you talk about whether we are in cesspools or with septic tanks, I just needed to make sure that everybody understands that cesspools and septic tanks are in Hilo.

D. TINKER: Right, and another factor too, is...most of the roads in Puna are maintained in the developments by the people there not by the County. That is my other factor.

P. KAHAWAIOLA'A: Okay, but would that be from something that the Reapportionment Commission can address?

D. TINKER: All except this intervention of the socio-economic situation.

P. KAHAWAIOLA'A: I would believe so, I think at the last meeting, Ms. Jacobson answered for me anyway, for my clarification, that it was because of something that was approved years ago that the subdivisions were supposedly approved substandard and thereby the sub...those subdivisions maintained their own through a road maintenance as opposed to the County having to come in. And I don't believe that the Reapportionment has...

D. TINKER: I was only referring to this particular thing because of the socio-economic effect there.

CHAIR: Thank you. Any other member of the Commission? Mr. Tinker, I have a couple questions.

D. TINKER: Okay.

CHAIR: Where in.. you live in Puna, where in Puna do you live?

D. TINKER: Paradise Park.

CHAIR: So, essentially you're not going to be personally affected by the Reapportionment. In other words, you...you live in District 5 now, and under any plans that's made, you continue to live in the same district? Is that right?

D. TINKER: Pretty much, except that you're chopping off a chunk of a...

CHAIR: There's a little of Paradise Park that's excluded from District 5, as I recall. I'm talking about you personally. Where you live, nothing is going to change. Is that right?

D. TINKER: Ah...well, anything that affects Puna, affects me.

CHAIR: Okay. Where in Paradise Park do you live?

D. TINKER: I live down near the ocean.

CHAIR: Okay.

D. TINKER: On (Inaudible-speaking softly)Park Street.

CHAIR: All right.
Um..the other thing that occurred to me since the last meeting was triggered by the shooting. Do you recall reading the news about the shooting out in Puna.

D. TINKER: That was in Ainaloa, I believe.

CHAIR: Okay. The police officer was quoted as saying that there are huge differences of opinion. Its like two camps in Puna, and I think he called it a war zone. Um.. because there's some people who believe that things should remain the same and other people who believe differently. I..I think that's the kind of sense that a lot of us get when we're not

presented with specific evidence. And I'm wondering whether you would agree with the characterization of that police officer that was quoted in the Hawaii Tribune Herald.

D. TINKER: Ah...I think...I think...I was talking about a different shooting out there than you were. You're apparently talking about the one in Kalapana Seaview Estates, the one he got shot in the car...

CHAIR: That's correct.

D. TINKER: Yeah.

CHAIR: And I think the policeman said that in..in that subdivision and in many others in Puna, there's a huge faction, friction or faction of people. Some who want to do nothing, and others who want to make it more like regular Suburbia. Is that your impression of what's going on there?

D. TINKER: Ah..not particularly. I think that ah...I don't think that we have any more of that type of thing than you do in any other community on the Island.

CHAIR: Okay, thank you. I don't have any other questions.
Anyone else?
Thank you, Mr. Tinker.
Sandra Scarr?

S. SCARR: Good morning.

M. VAN PERNIS: Good morning to you, too.

S. SCARR: Ladies and gentlemen, thank you for letting the public comment. Talked to you again, I think that we have some important things to continue to stress with you, and we appreciate your attention. Thank you.

We're very concerned that the plan that is being considered for adoption does not meet State Constitutional provisions, nor federal court decisions, nor the County Charter. Section 317 of our County Charter, Item 4, states that the Reapportionment Commission shall be retain equal population districts and the...for sure, required by the State Constitution, as well. But the Hawaii State Constitution ask that you guided with practical by other criteria. A major one of which is that you recognize geographic features and don't mix different socio-economic areas. And actually the Constitution has a Caveat that submerging one socio-economic area into another district with substantially different socio-economic interest "shall be avoided". So this...I think this Caveat is very applicable in what we have tried to present to you and I'm trying again to discuss with you, because there are three areas of this County that are very distinct socio-economically, and yes, I have looked at the Hawaii County Data Book, and yes, I do look at the website for the Health Dept. statistics.

And the three areas that are quite distinct are: Puna, Hilo and Kailua-Kona, because in these areas, if you look at the demographic characteristics of income , educational level, unemployment, and other poverty indicators, we show for example, that

Puna has much lower family income and lower attained educational level than Hilo, and than Kailua-Kona, of course, and the family income differences are as much as 2-1 between Hilo and Puna, so we're talking about substantial demographic differences which is 50% higher in Puna than in Hilo. And unemployment in Puna is 100% higher than Kailua-Kona. So given the lower educational levels, lower income levels, higher unemployment levels in Puna, there really is a distinct demographic unit there.

Now we recognize Puna's representation is very...you...you're trying to balance some very difficult factors here because you have to balance equal representation, for sure, along with trying not to divide demographic fruits. But this is doable, this is imminently doable, and one version of this which we are supporting, we have presented to you and I assume that all of you have seen this map, that the virtue of this is, that it respects the integrity of Kailua-Kona which your maps do not. It respects the integrity of Puna, which your maps do not, and it keeps the urban areas of Hilo together. Hilo proper has two...has enough population for two council districts. Puna has enough population for two council districts. Kailua-Kona, the urban part has enough population for one council district. So that if you take those 3 distinct socio-economic groups and start there, the rest of it falls into place. What's so important about this is that it respects the integrity, not only of what the County Charter calls upon you to do, what the State Constitution calls upon you to do, but also 2 federal court decisions that have addressed this issues.

Let me just cite a little bit from *Burns v. Gill*. In this decision the court said, the committee that has worked on these plans, um...determined that any plan other than the one followed, would've violated the national community of interest to be found in any of the districts as presently created, would have prevented meaningful, homogeneous groups of voters to be represented, would've submerged any instances of minority groups and other districts, depriving them of any meaningful representation, even though numerically, the scheme might appear a perfect model...(inaudible-shuffling papers).

Just another brief quote, the members of the Constitutional Convention believe that the quality of numbers could not be the sole criteria for determining equal representation in Hawaii State Legislature and we find that belief has been here, justified. It was numbers don't count alone. Um...the Supreme Court found that in Hawaii the rigid implementation of the one-man-one vote principle, at the State Legislative level and in which could be achieved only by deliberately, and artificially chopping up communities with mutuality in political interest, and attaching them to other areas with no basic mutuality between the two whatsoever, would result in a complete loss of meaningful representation to a multitude of island voters.

Now I bring those to your attention because there is precedent here for your action. You need to be mindful of what the instructions are to this Commission. And would point several just...if I may, point out several...these distinctions to you again. In your map you divide Kailua-Kona almost down the middle. We do not...I live in Holualoa, but we in the Kailua-Kona urban district do not have meaningful representation when you do this. Because you have merged our interest with those of South Kohala on the one hand, and South Kona on the other. You have divided the urban...the natural urban district which has enough population for a single council seat. You have simply merged this interest with others. That is not acceptable, I argue with you under the State Constitution, under the County Charter whereby two previous court decisions. Similarly here in Puna, you merged the interest of the upper part of Puna with Hilo. You have three Hilo districts. Hilo has enough population for 2 urban districts, not 3.

Puna itself has enough population for 2 council seats. Give them your council seats. When you take the 3 distinct geographical, demographical areas and you allocate their seats as they deserve them, the rest of it falls into place. Actually very nicely. Let me just point out to you that South Kohala is as different from North Kohala, as Puna is from Hilo. South Kohala income level is much, much higher, its age group is younger, its employment level is higher, it is not agricultural. Puna...excuse me, I'm sorry. North Kohala has much more socio-demographically in common with Hamakua. Their income levels and educational level are very similar, their interests are very similar in terms of employment and people in lifestyle.

The commonality of interest between Ka'u and South Kona is pretty clear. Someone pointed out just a moment ago, that in fact a lot ...this is really a large agricultural area. So I would argue with you that this map and it isn't you know...it may be some some tweaking around the edges but in fact this map comes in with ..within the plus or minus 5% that you require, and I think you should require for any map, would population, and it does a better job than you're doing with putting the minuses into the areas of rapid growth. Unfortunately, in your map the areas that are currently plus over in population are the most rapidly growing areas. The ones are under population are those that will not be growing very much in the coming years, as far as we can project. That means that two years from now, or three years from now, you will have exceeded your 5% deviation and you will know that. You already know that, that's what's going to happen. So would argue with you, this isn't a very acceptable map.

Thank you for your attention, and I will be happy to entertain questions.

CHAIR:

Mr. Van Pernis?

M. VAN PERNIS:
for the input you have provided.

First of all, thank you and your CERG organization

The first question I have is, were you aware that a map showing an urban Kailua district was developed by this Committee back in March of this year, and the action was my first choice?

S. SCARR:
believe.

I have heard that, but it was discarded early on, I

M. VAN PERNIS:
rejected it because of misappropriations, unfairness and very gerrymandering. So I want to point out first of all, we have considered the concept of the urban Kailua district at the very beginning. And worked on that concept along with many others. And your CERG proposal on the West side is very similar to our Naalehu-Pahala mvp map made back in March. I'll be happy to make that available to anyone who would like to see it.

Now, one thing we discovered in, and this goes to your testimony, (inaudible..speaking away from mike)...question, one thing we discovered...well, first of all you said that Holualoa is where you live. That's where I also live. But isn't it true that everything on the mauka side of Mamalahoa and Holualoa, for instance where I live is still going to be in the same District 7 as it is now?

S. SCARR:

Yes.

M. VAN PERNIS: Holualoa does not go under the urban Kailua district?

S. SCARR: I...would...by..by our map, actually those who are makai of the highway do go into the urban district.

M. VAN PERNIS: So...

S. SCARR: And its more appropriate because they are more suburban.

M. VAN PERNIS: Well, all of us mauka side of Mauna Loa basically you would be splitting Holualoa town down Mamalahoa. Right?

S. SCARR: ...We have to draw our boundaries somewhere where we are working...

M. VAN PERNIS: That's right, we do have to draw them somewhere. So basically, your map, as well as, unfortunately mine, split Holualoa down Mamalahoa.

S. SCARR: Let me see how we... how similar are these maps.

M. VAN PERNIS: I'm talking about West Hawaii map, and West Hawaii, their almost identical.

S. SCARR: So why was this was thrown out. Why didn't this... (inaudible)

M. VAN PERNIS: Well, I'll ask some questions, you know. You'll see that.

S. SCARR: About what? Okay.

M. VAN PERNIS: Isn't it true, under the urban Kailua concept, both your map and my map the areas of Holualoa... (INAUDIBLE-CELL PHONE SOUNDS OFF) on the east side of Mamalehua...Mamalahoa. The urban areas of Kailua...Kail...Keauhou, and Kainaliu, that whole area, basically was put into District 7, and went all the way around to Volcano.

S. SCARR: No, no, no. This map includes Keauhou, um...to the bottom of Keauhou, um...to the area that's vacant essentially between Keauhou and Kohala.

M. VAN PERNIS: It is my understanding that Keauhou Estates, the area on the side of 1250 and all the upscale developments was included into District 7?

S. SCARR: That would be...I'm sorry, our District 7 is the green district (pointing to map).

M. VAN PERNIS: That's right.

S. SCARR: You know, Keauhou Estates....

M. VAN PERNIS: You're District 6...your blue district.

S. SCARR: Oh, the blue district? No. Our Keauhou Estates would go into the green district.

M. VAN PERNIS: And Oceanside 1250?

S. SCARR: All of the resort area (emphasized) of Keauhou would go to the urban area. Because it is part of the urban area.

M. VAN PERNIS: And the Oceanside 1250...ah...golf course...and...

S. SCARR: That's down into...that's down into Captain...down into Kealakekua and Captain Cook..

M. VAN PERNIS: And those of us, mauka Holualoa would also be in that District 6?

S. SCARR: As I know you're aware, gentlemen and ladies, we have to keep to one person, one vote. And at some point, you have to draw the line in the district, and you do the best you can to keep cohesive socio-economically coherent districts.

M. VAN PERNIS: Wouldn't it be correct if we took, what I determined when we were examining my map which on the west side is very similar with yours, if the urban populations, lets say between Capt.Cook and Holualoa in this proposal, would basically have more voters than all of South Kona and Ka'u put together, so that South Kona and Ka'u would basically be disfranchised by this proposal because if you picked up the votes between Capt. Cook and Holualoa, you could basically disregard the rest of the district.

S. SCARR: I would ask you to direct that question to Ms. Ford when she testifies because she has with her the block, the census block data, that I can't answer.

M. VAN PERNIS: All right. Thank you.
Um...you also mentioned also that you felt that South Kohala, excuse me, North Kohala was more related to Hamakua than it was to West Hawaii? Is that your position.

S. SCARR: I said that demographically, North Kohala has more in common with Hamakua than it does with South Kohala. Yes.

M. VAN PERNIS: And you realize, do you not, that the folks from North Kohala and South Kohala testified in contrary.

S. SCARR: Well, I'm not sure what folks to which folks you refer.

M. VAN PERNIS: Well, the folks who attended the public meeting up in Kohala.

S. SCARR: Oh, I think we may have some others who have other opinions.

M. VAN PERNIS: All right. Would you agree that all the folks in North and South Kohala basically their employment is in West Hawaii primarily? The hotels and such?

S. SCARR: Their employment is either on their own land in the case of North Kohala, many people are employed in agriculture there, or their employment is in the resorts, I suppose. I...I..that I'm not sure, maybe she can answer.

M. VAN PERNIS: That's an analysis that I've not be able to get from State statistics, is that people in both Kohalas work in West Hawaii must have an relationship to West Hawaii in terms of employment.

S. SCARR: Of course, we know that there's a tremendous amount of commuting that goes on between Naalehu and ...

M. VAN PERNIS: I'm talking about the Kohalas.

S. SCARR: ...South Kohala. I mean, all of it down this side of the Island there's a tremendous amount of commuting..

L. BARTON: There's the same thing about Hamakua.

S. SCARR: ...and the same for Hamakua over to here. I think its because this is where the employment is in South Kohala, many people commute there.

M. VAN PERNIS: You refer to demographic information...(Inaudible)...that sort of thing?

S. SCARR: Yeah.

M. VAN PERNIS: You recognize, do you not that folks who are part-time residents of let's say, South Kohala goes in the upscale resort communities. Are they counted in the census, unless I'm counted in...

S. SCARR: On the whole, yes. Because...if they declare they are residents somewhere else. Yes.

M. VAN PERNIS: All right. And that according to the census statistics there is a huge number influx of younger local folks with children requiring a school in Waikoloa?

S. SCARR: That's why I mentioned that South Kohala the age ring, the average age is considerably lower than it is in the North Kohala. In South Kohala, there's a new, younger, employed, up in (INAUDIBLE)...community.

M. VAN PERNIS: So would agree then if there is some logic and basis in keeping North and South Kohala, West Hawaii oriented in terms of their district?

S. SCARR: I think that in fact...I think that in fact this makes a tremendous amount of sense to include Kalaoa, Kalaoa, from Kalaoa north to include all of this resort and employment area in here (pointing to map). Bearing in mind that these people commute from various areas to the urban area of Kailua-Kona and to these areas, but this makes it really a coherent district.

M. VAN PERNIS: I only have a couple more questions, ma'am. Look at your map, which is, as I said, on the west side, very similar to mine, I basically see 3 districts which I recall West Hawaii districts, your pink district, your green district, your blue district would be my districts, 987. Your information is 79% of your purple district would be Hamakua or East population. So I would consider that a Hamakua District and not a West Hawaii district.

S. SCARR: Its north, not eastern. Most of these split the Island more West than North. Its more west than

M. VAN PERNIS: Well, its...Hamakua is not traditionally considered part of West Hawaii.

S. SCARR: And this includes Waimea.

M. VAN PERNIS: Well, your statistics are 79% is basically Hamakua.

S. SCARR: Kohala and Hamakua is 79% and the rest is 21% is a bit of South Kohala.

M. VAN PERNIS: So basically 79% of the voting population in your purple district is Hamakua population.

S. SCARR: No. No, that's not what it says. It says if you look at the map, Kohala-dash-Hamakua is 79%. And I believe that means that 79% of the population is in one of those two N. Kohala or Hamakua. 21% is in South Kohala?

BRENDA FORD: No. (INAUDIBLE-SPEAKING FROM AUDIENCE)

S. SCARR: Yes.

M. VAN PERNIS: I'm just looking at the information I was provided with my understanding that 79% is basically north Hawaii population.

(INAUDIBLE – BOTH PARTIES SPEAKING SIMULTANEOUSLY)

S. SCARR: ...I think Waimea is the population center for that district.

M. VAN PERNIS: Um...So, so its your position that, that has 3 or 4 what I call West Hawaii districts. Your map?

S. SCARR: Ah...I guess I should be happy to say that I haven't thought about it that way, I had really thought about how best to represent the populations in various parts of the Island. And I..I..you know, we have not planned this with respect to the incumbents and we have not planned this with respect to West and East issues. That wasn't the issue. The issue was we have these distinct demographic groups that we must not, by law, fragment...

M. VAN PERNIS: Such as the demographic group in Kohala.

S. SCARR: ...I beg your pardon?

M. VAN PERNIS: Such as the demographic group in North and South Kohala.

S. SCARR: That's not a demographic group, at all. That is two very distinct groups.

M. VAN PERNIS: North and South Kohala, you feel is demographically different?

S. SCARR: They are quite different. We can show that quite easily. But..my point being, it was a not a west issue-east issue at all. That is not what we're...

M. VAN PERNIS: Well, maybe that's not what you had in mind, but I guess what I'm asking you is, do you see that plan as having 3 West Hawaii districts in the North Hawaii district or somewhere else.

S. SCARR: Yes, I believe we called theseI can't get the names straight, when we say, this is south western, and this is Kaloa (INAUDIBLE), and this is the two Hilo urban districts, there is a North Hilo-Hamakua district, there is ah...(pointing to map) this is North Hawaii, this is Northwest Hawaii? Northwest...this is Kailua-Kona urban, and this is southwest. I...I...its not very imaginative, I apologize for not entertaining you.

M. VAN PERNIS: What you...Ma'am, let me ask you this question. Um, I'm looking at a letter sent to Mr. Van de Car, a copy of which I received dated November 6, and it has your name as vice president of this organization.

S. SCARR: Yeah.

M. VAN PERNIS: And it says in the second page, ..."examples of unfairness and illegality permeates the Commission's plan". Could you, ma'am, please tell me what those examples of unfairness and illegality are?

S. SCARR: I've been offering those throughout my testimony, you wish me to repeat them? I can.

M. VAN PERNIS: I would appreciate it if you would tell us which specifically of your portions of your testimony you would identify as examples of this commission's unfair or illegal activity?

S. SCARR: That's a different question. You asked...I'm not speaking of your activities, I'm not privy to your activities.

M. VAN PERNIS: All right.

S. SCARR: Are you asking me about your product?

M. VAN PERNIS: Well, all right, then I guess to make it to satisfy your argument, your sentence, "examples of unfairness and illegality permeates the Commission's plan". Would you point out for us, please, what you feel are the "examples of unfairness and illegality"?

S. SCARR: Thank you. Um, as I pointed out, Kailua-Kona is a coherent socio-demographically distinct urban area, which is fragmented in your plan.

M. VAN PERNIS: Its not fragmented in your plan when you run the division line right down the main street of Holualoa?

S. SCARR: No, the main...because Holualoa is not the main part of Kailua Kona. The main part of Kailua-Kona is the urban district down here (pointing to map). The um..State Constitution, the County Charter, and two federal court decisions tell you not to do that. Puna, you've divided up what is coherently from Keaau, south of Puna, deserving of two Council seats are cited already the distinct demographic characteristics of Puna, half the income of Hilo, lowering education level, 50% more unemployment, whole different lifestyle down here (pointing to map), as people tried to tell you. And you just give them two council seats, they will be fairly represented. This is not a fair, we believe, constitutional representation for these people.

Similarly, Hilo has enough population for 2 urban districts, you're not even giving them two distinct urban districts. You fuzzed the boundaries. You don't have to do that. There are two distinct urban districts in here (pointing to map). Let them have the two distinct urban districts. So on those bases I would say, you have fragmented Kailua-

Kona, you have fragmented Puna, and you have misrepresented Hilo. So we hope that you will see that these are not legal or constitutional maps.

CHAIR: Thank you. Are there any other members of the Commission have questions?

(Pause)

I have a couple. Um, with regard to your representations regarding Puna, I think maybe your presentation paints with too broad a brush. I mean is what we're really concerned about is what is encompassed now in the proposed District 3 and whether any of the portions that are in the judicial Puna district in District 3 are socio-economically demographically different from the other portions of District 3. So, I under...Puna's a much larger, Puna is a very large district...

S. SCARR: Yes.

CHAIR: ...and to simply say that income in all of Puna is half of the income of all Hilo, is not really very helpful, because what we really need to look at is the districts we're creating, not all of Puna or all of Hilo. So can you tell me, I asked Mr. Jacobson this question, and he was unwilling to answer and I guess this is the best way to put it. Can you tell me, whether, and if so, what the distinctions are between, say, the area what's known as Keaau, how is that different demographically, socio-economically from Waiakea-Uka?

S. SCARR: I can't do that because I don't have before me any of the detailed demographic breakdown of the area, however, I will tell you that when...now, bear in mind that there are several criteria for making districts. There are the population, one person-one vote, there's the socio-economic integrity, there are also contiguous, compact districts that are required whenever possible...

CHAIR: Uh-huh.

S. SCARR: ..um, so what we have done here, is to say um...Puna has an upper and a lower section. We could pretty much keep the existing subdivision maps together with this map. I wouldn't be able to show you this. I think you can ask Ms. Ford because she can show more detailed maps, but this pretty much keeps the existing subdivisions together and to the extent they are coherent and they have homeowners associations and they own their own roads some of them, and they gonna have to make decisions about whether to hook up to the new waterline or not. I mean, they are a lot of community issues that you don't want to divide people like this because they should be represented on council by somebody who is going to say, I'm gonna help you get an urban development so you can hook up to the waterline that's coming down Route 130.

CHAIR: Now...

S. SCARR: I mean, that's important stuff.

CHAIR: Well, as I understand it, um...the proposed map there also maintains to the extent possible subdivisions within a single district, isn't that right?

S. SCARR: I...I don't, you know, I don't know that. I don't see that. I see this one being divided up here. I...I...

J. FULLER: That's not what...

S. SCARR: That's Ainaloa and...

J. FULLER: That's two separate subdivisions.

S. SCARR: Okay.

CHAIR: Thank you.

S. SCARR: Then I stand corrected on that. This is two different subdivisions here.

CHAIR: All right. Thank...

S. SCARR: Um..

CHAIR: Thank you, Ms. SCARR.

S. SCARR: Puna is in 3 pieces here?

M. VAN PERNIS: Three representatives.

S. SCARR; Thank you.

CHAIR: Thank you.

S. SCARR: Any questions?
Shall I leave this with you or have you all seen this?

CHAIR/M. VAN PERNIS: (simultaneously) We all have a copy.

CHAIR: Peter Martin?

PETER MARTIN: Good morning, ladies and gentlemen.

CHAIR: Good morning.

P. MARTIN: Thank you for hearing us today. I am not going to repeat anything that Ms. Scarr did say but I would like to point out to you that there is a problem

that will, with your version of this Reapportionment with will increase that problem will get worse in the ensuing ten years. If you look for instance that the resident population by districts for Hawaii County, you can see that for instance, Hilo has barely grown in the last ten years, 5 to 6%, very, very small growth rate. However, if you look at Puna, it has grown at 51%. If you look at Kona, for instance, its grown at 28%; ten years prior to that it grew at 62%. So we're looking at, and so, South Kohala, 43, North Kohala, 40, these are enormous growth rates. And the map that you show already underrepresents many of these people by 4-5 %. So within ten years if we extrapolate this growth rate its going to be way, way (emphasized) out of kilter. These people will be horribly underrepresented.

CHAIR: Mr. Martin, I'm sorry. Let me interrupt me for a second. Can you point to us either in the Charter, the State Law or the Constitution, or in fact any of the judicial decisions that you've seen that either requires us to consider potential growth or ever allows it to consider potential growth.

P. MARTIN: I would say to you that this is not a matter of semantics here. This is a matter of actuality. If...if in...let me finish. If in fact in your intent is one person-one vote, then I think that you have to look at this sheet right here and you can see the history of the growth rates. The growth rates speak for themselves. You don't have to even extrapolate, all you have to do is say, the growth rate per year are at certain place, like in Puna is so many per cent. Obviously, then, over the course of the next ten years where this Reapportionment is going to be in effect, you're going the numbers skewed very, very badly. And I think it is incumbent upon you to consider this.

CHAIR: That's the point. Is it? Um...

P. MARTIN: You know...

CHAIR: Wait, wait, please let me finish.
Can you point us to a provision of the County Charter, State Law, State Constitution, Federal Constitution or judicial decisions that either, what you're saying is it that we're required...

P. MARTIN: Oh no. I didn't say that.

CHAIR: Then, fine. Then if we're not required, um, point to anything says that we're even allowed to look at that as opposed to taking the snapshot of what exists and creating districts based on that snapshot.

P. MARTIN: And I guess my question to you is, why wouldn't you like to do that? In other words, for instance, we have a situation now where Kona, Kailua, is growing at a very, very rapid rate. Its becoming urban at a very, very rapid rate. And yet, even though it could support an urban district, you don't show it. But within ten years, it will be an absolute outrage. It will be so underrepresented. So what I'm trying to say to you, is maybe there is nothing in writing at the State or County level that tells you to do this. But it would seem to me that it would be good sense, common sense to say, well, the lines we're drawing, how are those lines

going to hold up? How are these people going to be represented? That's all I'm saying to you. I think it is incumbent upon you to consider that.

CHAIR: Thank you, Mr. Martin. Any questions?

J. FERGUSON: Mr. Martin, I do have a question.

P. MARTIN: Sure.

J. FERGUSON: You say that the Kona district is the fastest growing district.

P. MARTIN: Indeed, sir.

J. FERGUSON: Our present map puts 3, Puna into 3 districts, is that correct?

P. MARTIN: Well, ah...

J. FERGUSON: The proposed map.

P. MARTIN: This map here (pointing to map).

J. FERGUSON: 51%. If that growth rate continues wouldn't those 3 districts be controlled by the Puna district?

P. MARTIN: Indeed, they will.

J. FERGUSON: Puna, in fact, will have 3 representatives, wouldn't it?

P. MARTIN: Indeed, they will.

J. FERGUSON: Thank you.

M. VAN PERNIS: Mr. Martin, you say that because of the urban growth in Kailua-Kona, they would be underrepresented unless they have an urban district with the representative. Is that right?

P. MARTIN: Um, what I'm saying to Mr. Van Pernis, please don't put words in my mouth. What I'm saying to you is that you have not considered the fact that that area, that area is growing. The urban area is growing very rapidly and that as it stands, they will not be properly represented.

M. VAN PERNIS: Well, I've... I've certainly considered it, sir. I've lived in Kona, and I certainly consider that growth. I've lived in Kona almost 30 years, I'm very much aware of the growth. And that's why we..in the proposed map, unlike my original, one of my

original proposals which I referred to earlier, was discarded. You'll see, we have two representatives for urban Kona, rather...rather and one. At least, and all of urban Kona is put in those two districts versus your proposed...CERG's proposed plan where only a portion of urban Kona would be in an urban district. For instance, I consider myself in the urban Kona district but I would be excluded because I live on one side of Mamalahoa Highway in Holualoa, while this guy lives on the other.

So in our proposed district, as Mr. Ferguson says, there's two representatives for the growing districts of, where North Kona is included. So with that...so we felt that might be more appropriate that having all the single urban districts.

Do you believe in that philosophy or not?

P. MARTIN: No, I don't.

M. VAN PERNIS: Okay.

P. MARTIN: Is this an...I have one question to you. What is so sacrosanct about Kohala which not sacrosanct about Puna?

M. VAN PERNIS: Well, we think Kohala is...well, you're asking me personally?

P. MARTIN: Yes.

M. VAN PERNIS: I can't speak for the Commission. All of the information that I get, got, the majority, the dominating majority of it tells me that North and South Kohala, at least as far as the folks who are counted in the Census, is the West Hawaii district. And that its interest both geographically, ethically, culturally, economically, are West Hawaii oriented. And that should be represented by West Hawaii council person. Rather than have their interest diluted with Hamakua and points east district. The interest there are different than West Hawaii. The locals are, in fact almost everybody in those Kohala district consider themselves part of West Hawaii, that's why I think its appropriate. As far as my personal point of view which I subordinate to those from East Hawaii on this Commission, but I think they agree with me, my personal point of view is that the Puna districts are growing and if they need a multiplicity of representatives, and if they get out to candidates and get out to vote, they can control...at least representatives. Also, their economics are of all of many people stay in people, also many people who live in Puna have a relationship with points towards Hilo in terms of their employment. So there's an economic relationship between Puna and Hilo, where there's a commonality of interest, just like in Kohala where there's a commonality of where you live and where you work. So, again, it's a circumstance where I'm on the Commission and I have to make these decisions, and I appreciate your input. But I ultimately have to make a decision and the decision is bound to displease somebody. That's one of the reasons why I took this job, its because it's a hard job, it's a necessary job and it's a job where you're not gonna make everybody happy. Its impossible.

Let me ask you one other question. You were talking about your interest as I had an interest in trying to take a look at the numbers even though we have no legal mandate or legal authority to do so. We're obligated to look at the 2000 Census, period. Not the year before, not a year after or a day before or day after of the 2000 Census. But I was

interested in seeing how we can take a look at the numbers. And if I hear the testimony right, you're suggesting that we tweak the numbers to reflect the areas that are growing faster than others. Or are you saying, don't tweak the numbers, just take a whole different plan all together.

P. MARTIN: I'm...I...I don't believe I ever used that word or even intimidated it.

M. VAN PERNIS: Well, I'm asking....

(INAUDIBLE – both speaking simultaneously)

P. MARTIN: Well, I have suggested to you first, is that you can see the history of the population growth on this Island. If you don't take that to...into account before we are Reapportioned again, some people are going to be very, very underrepresented.

M. VAN PERNIS: That's what I said.
Lastly, sir, let me ask you this.
You're a member of CERG, right? Correct?

P. MARTIN: I am indeed.

M. VAN PERNIS: All right, I refer to the letter that Ms. Scarr's name was on, is this a situation where you prefer CERG's plan to ours or is it something more than that where you feel that there's ...our plan is illegal and cannot stand under the circumstances.

P. MARTIN: Let me say this to you. We...some of our members did a lot of work, produced the plan which we have presented to you, which we feel is far closer to the ideal than what you have come up with. I will leave it at that.

M. VAN PERNIS: Thank you.

P. MARTIN: I think you could do better.
Thank you very much.

CHAIR: Any other member of the Commission have a question?

Hearing none, thank you very much, Mr. Martin.
Ms. Ford? Brenda Ford?

B. FORD: I've come to the meeting here in Waimea to explain some of the points of the process and the result of the plan that surges accordingly. But I had some input, too.

First thing I'd like to talk about is just basic raw data. When we started, when we were first requested to do an analysis of the raw census data, that is without any exclusions whatsoever, to determine if any of the 9 maps this Commission had been working on at that time, met, what we felt the constitutional guidelines. The first thing that popped

out of the U.S. Data on a census tract basis, census tracts being the larger geographical areas filled in by the small census blocks, you're familiar with this. The first thing that popped out of that data was that there was a justification for two urban Hilo districts, which Ms. Scarr has already discussed, and one North Hilo, Hamakua district, and let me clarify the misinformation what has been presented by some individuals, the North Hilo district in our plan consists...is that suburban area of North Hilo, plus a 21 % of the Hamakua population. We had to do a split. As we all know, because I have done the same process that you've gone through, lines have to be drawn somewhere. And you still have to meet constitutional guidelines of plus or minus the 5%. We all know that, we've all done the same process. So the question becomes what is the raw data telling you? So the raw data says, two urban Hilo districts, a North Hilo district, two full Puna districts, one full Kailua urban district, a southern district, whatever you want to call it. If you want to call it South Kona-Ka'u or some other name, southwestern Hawaii, but the name is or the district number is immaterial. The fact is, if the justification in that portion of the Island in the south, southwest are full council seats. And then you get the Kohala and with all due respect to the people of Kohala, they have exactly the same feelings as the same people of Puna, they don't want to see their district fractured. But while Puna can justify two full council seats, Kohala is in a precarious position. Because Kohala has 120% of a districts. That means they can justify one full legal district and 20% of Kohala has got to go legally someplace else. Whether it goes south to the Kona, or it goes east to the Hamakua-Hilo area, doesn't matter. Or even if it is split between those two things. 20% of Kohala legally must go someplace else. So the question..when you look at the raw data and you look at the census tracts, and these numbers come jumping off the page at you, the question is, once you accept the basic premise of two urban Hilo districts, a North Hilo district, two Puna districts, a southern districts, a Kailua district, urban district, a northwest area which is in our plans called District 8, and a north district, North Hawaii which is, then the question is, how do you divide these districts up to meet constitutional parameters. And that's why the...what we call the Hawaii county constitutional redistrict plan which you're not calling the CERG plan which has been called all kinds of things, but its this one (pointing to map), that's the reason we chose to do this.

Now when we did this plan, we did it without regard to any incumbents and where they lived, in fact, most of the incumbents we don't know e\where they live and we don't care where they live. We did it without regard to political parties, I had to explain to someone before this meeting, that I personally am independent. I'm not a Republican, I'm not a Democrat, I'm not Green, I'm not purple. I'm just an independent. I vote for the person that I think is best for the position. And when we did this map, we did not care about a political party, and in fact in our County Elections in the future they're not partisan. So it makes no differencet. What some of these political persuasion is.

Excepting the basic premise that the County had to be divided up as I have described it, and that Kohala has 20 % too many people to keep inside of one district, we haven't decided where in Kohala to draw a line. And what we chose to do in this plan is to draw the line between North and South Kohala. We...we felt because of the people we knew in the Waikoloa area, Waikoloa being an upscale suburban area was appropriately placed into the North Kona district, northwest, if you want to call it something else , this district here (pointing to map), because of the demographics of that area. We had heard through some of the public testimony that was very important to people in Waimea that Waimea stay together. And so when we drew our line we made sure that we kept all of the town of Waimea together. Unlike the County Commission's plan which divides the town of Waimea which we think is an inappropriate division. Not only inappropriate but unnecessary. You know you can get to ...the difference

between illegal and you can do inappropriate and you can do if not necessary. That's a continuum and you want to get to a point of that continuum...continuum is the most reasonable choice. And we felt that to make the most reasonable choice we should keep Waimea as intact as we possible could. And that's why we chose to make the line the way we did. We consider the socio-demographics of the North Kohala area as being close to Hamakua.

Now I need to correct another piece of misinformation you were given this morning. The 79 or 80% depending on which fraction you use, if you round off or round down, this is North Kohala's (pointing of map) district as it stands today, plus 79% of the population of Hamakua which is located on this side of the North and South dividing line, we kept it with, in this area because its physically closer to Waimea. I'm not saying that people don't work in Hilo, I live in South Kona and I work in South Kohala, that doesn't mean that I should have a representative from South Kohala representing my interests. Where I live should be represented by a person who lives in a same community as I do, not where my paycheck is coming from..

(end of tape)

...There's the Volcanoes and the craters, and the military bases, you know, there's no people. Swapping land around in this area to make it more reasonable doesn't matter, because its empty. It doesn't matter. So what we did when we went to this plan is the first area that we felt really needed major, major help was Puna . If there's a community that has ripped to shreds in the last ten years, its Puna. Just look at the map that you propose, you're doing exactly the same, not exactly, almost the same thing, by taking portions of Puna and putting it in other districts. Those districts today, if you're doing a snapshot, those districts today are dominated by Hilo which is not right. There's no reason to have more Puna dominated by anyone, they are legally entitled to their own council representative. You can't have it both ways, you can't say we're gonna disregard the future growth in different areas, and because in sometime in the future, they're gonna dominate these three districts. You can't use that argument and then say its okay to fracture them and let them be dominated by Hilo. It is no more correct for Hilo to dominate Puna than it is for Puna to dominate Hilo.

On multiple occasions, I've explained to one of your Commissioners, Mr. Van Pernis, that it is no more correct for South Kona to dominate Puna than it is for Puna to dominate South Kona, or Ka'u. First of all, Puna and South Kona are not contiguous and despite the fact this map has been drawn in this manner, this is completely unnecessary way to cut this map up.

In the map that we have drawn, you will notice that Puna stops and only the Volcano portion, Volcano Village area is attached to Puna. It is only 15 miles from Puna, their centered interest is Puna, but when you get down to Ka'u, those people have a community interest that is more aligned with South Puna as they have said many times in many meetings, not just in Puna meetings, but other meetings. It's time to put these communities together, its time to make sure that these communities are not dragged across the Island. I heard one person say in a private meeting, that well, if you want to continue doing this, why not just drawing lines radiating out from Hilo, and have all the Council people living within a few miles from each other from Hilo and dominating these other sections, That's not appropriate it was a very facetious remark, but its not appropriate. For any areas dominating another area because we draw lines, so they can be dominated. We need to draw the lines so communities of interests stay together.

When we did our preliminary report, we were chastised because we had divided one of the subdivisions inside of Puna. We went back to the drawing board. There is no subdivision in Puna that has any divisions in it at all. All subdivisions are intact. That was one of the goals that we went back and corrected. We followed all the constitutional, State Law, County Charters, and federal case law to do this map the best way we could. We feel this map is better than the County map, and I'll give you a reason, you have a spread currently on this map you're proposing of 9%. You go from a plus 5 to a minus 4%.

The map that we submitted on October 8, has a spread of 5%. 5%, there's a 4% improvement with just this map in the deviation. Right there, there's an improvement. It means you don't have to cut up, pardon me, you don't have to cut up all these different districts in all of these strange ways, and you can still improve the deviation factor. And we think that that's something that you should be looking at. Why does your deviation factor have to be a spread of 9% when you were given a ...given a map, not a perfect map, but a good map that had a 5% spread six weeks ago. That map is thrown out. There's also been some misinformation presented to you about one of your original maps, that on the west side shows something similar to this. As I said in multiple meetings and to Mr. Van Pernis before this meeting, you cannot consider just one area of the Island. You have to consider the entire Island because one side of the maps may look similar to somebody's map, this side (pointing to map), it doesn't make any difference if you screw the other side of the Island, or you screwed the some other district, you have to be willing to do some compromising, and you have to be willing to consider the best interest of all the different areas. We believe that we've done that. We've never said that this is the one and only perfect map, we've never said that. There is no such thing, and you know it, more than anyone else. You guys have been going through this really horrendous process.

But in our process we did something a little different and that is we got the maps that we did not have the benefit of a computer program. We had to sit down and tape maps all across my living room floor and literally crawl around in these maps and pulled the census blocks off one at a time. And because we did that and I don't recommend it, its very bad on the health of the back, not to say one's disposition, but once you get down to the census block areas, census block levels and you start moving these things around, you can see where there are serious problems in a particular community, as far as the census. For instance, there are blocks in more than one side of the Island, more than one place on the Island where the census blocks even though they meet the parameters of between 503 thousand. It makes no difference. The blocks are huge geographically, they may have way too many people in them, or too few people in them, and you can't divide a census block without this Commission going and saying to the U.S. government we want to buy this census block, I believe you have that right.

You can't do it so you wind up taking a census block that maybe has one or two thousand people in it and having to move it in mass to something else. And we ran into that problem in Hilo, and we ran into that problem in urban Kailua. It's a very big problem. But we did the best we could but the fact that we are in a spread of 5%, compared to 9%, tells us we did something pretty good because or deviation isn't as bad.

Now, there was another piece of information presented by one of the Commissioners here about the south Keauhou area dominating, what we are calling District 6, and the district numbers are immaterial. They can call it "A to F" or "A to J" or whatever you want to call it, it makes no difference, but the blue area on this map. Commissioner Van Pernis specifically say...said that the Keauhou area was going to dominate this entire district because they had more numbers. That's not true. The truth is, those people in that area, that slight bit of that area

south of Keauhou have less than 3,000 people. Well, the district itself has over 16, 400 or 500 people, depending who number you want to use, people in it. Ka'u itself has almost 10,000 people in it. So whose going to dominate that district, it doesn't make much difference, but it isn't gonna 3,000 people in Keauhou unless they have a candidate who can convince the other rest of the district that they can adequately represent the rest of the district. That's what our political process is about, having people campaign each other for the right to represent a district. And numbers isn't the only thing that gets it, after all Julie Jacobson was in Puna and she got everybody...enough people to vote for her that she had this whole district (pointing to map). So its more than just a number situation. So I ...I have to tell this Commission that it really pains me to have to come here and correct misinformation and untruthful statements and it really bothers me the community has not really been listened to. I know people say, oh, we're listening but we're being disregarded. More than that, we've been treated very, very rudely. Our elders have been maligned in public, we're here to give you our input and tell you why we want something the way we want it. Well, they we're right or whether we're wrong. And it is the job of this Commission to evaluate our comments and to use them in the best way possible.

I propose that at this point in time, and I have...ah..this map that has been supported by the a lot of the members of the community, both in Puna and West Hawaii, and I hope Kohala will understand and support this map, as well, that right now with the deviation of spread only of 5% this map is a better map and causes less concern for the communities than the map that is currently proposed by the Commission.

Thank you.

CHAIR:

Thank you, Ms. Ford.

for Ms. Ford?

Does any member of the Commission have a question

M. VAN PERNIS:

I have one question. Um...

CHAIR:

Mr. Van Pernis.

M. VAN PERNIS:

You agree...seeing from your map, as well as the present council district map that you're in agreement that the West Hawaii districts should include the area all the way up to Saddle Road?

B. FORD:

Because of the numbers in North and South Kohala, we had to move 20% of something into another district. We chose because of the demographics in the South Kohala area, to move that area into the...what is currently the North Kona, we call it District 8, northwest Hawaii.

M. VAN PERNIS:

Well, I notice that...that the Council proposal, the Commission's map and the proposed map runs the Kona, um...your pink district um...line up to the Saddle Road. Am I right?

B. FORD:

Yes, we heard from people that they...that they would like to have that and get the military base into District 8 and we took that into consideration, no people there and we did it.

M. VAN PERNIS: Yeah, there's no people there but the watershed in the...you felt ...

B. FORD: Yes.

M. VAN PERNIS: ...should be in West Hawaii controlled?

B. FORD: Yes.

M. VAN PERNIS: All right, so at least we agree on that point.

B. FORD: Yes.

M. VAN PERNIS: Thank you.

CHAIR: I have a couple of questions. Um...your proposed map divides the Hamakua judicial district, isn't that right?

B. FORD: Yes.

CHAIR: And um...did you solicit any comment from the folks in Hamakua?

B. FORD: All right.

CHAIR: The other thing is that your District 1, the North Hilo District, reading again the letter of November 6 addressed to me, signed by Peter Martin, actually your name doesn't appear on it, but I believe you're aware of it.

B. FORD: That's right, I believe he sent the letter, but I don't feel competent to comment on a letter written by another person.

CHAIR: Let me quote from the letter, then I'll ask you to comment on that. It describes District 1, the North Hilo District and the primarily agricultural rural district consisting of 21% of southern Hamakua, all of the current district of North Hilo, and portions of South Hilo, north of the Saddle/Kaumana Road.

B. FORD; Right.

CHAIR: Its Saddle, Kaumana, Waianuenue, it all the way to the ocean, isn't it? That dividing line.

B. FORD: Yes.

CHAIR: So I'm concerned when its described as a primarily agricultural rural district when I know that...

B. FORD: There's a

CHAIR: North of Waianuenue there's a huge apartment district.

B. FORD; Yes, yes, there's a huge suburban area.

CHAIR: All right. Thanks, I just wanted to make sure that we agree on that.

B. FORD: Yes.

CHAIR: I don't have any other question. Are there any other...

P. KAHAWAIOLA'A: I do, sir.

CHAIR: Mr. Kahawaiola'a.

P. KAHAWAIOLA'A: I only thing, Ms. Ford, that I have is, I think you and I discussed it in Kona. That the numbers you used for your 5% deviation...

B. FORD: Right.

P. KAHAWAIOLA'A: As opposed to the numbers that we used...(INAUDIBLE)..

B. FORD: Right.

P. KAHAWAIOLA'A: ...is your numbers still basically....

B. FORD: My numbers are same...and

P. KAHAWAIOLA'A: Can I have that numbers again?

B. FORD: Yes. The gross numbers that we used with the exclusions of the military and the non-resident students are 147, 877. That's 800 people that are legally required to be excluded, and I just need to report to this Commission, I did give a download of a file from the State that has all three exclusions. Unfortunately, it is not convertible to a data spreadsheet, so I've had to re-request that file to be sent down again. When that file comes down, this number of 147, 877 will drop by some number. Now, this map (pointing to map) all the documentation supporting it, including all the census block data, in hard copy forum was submitted to this Commission as part of the official record. And when we get the new file in a convertible

form, so that we can redo it, we will redo this map, I'm sorry, not redo the map, we'll redo the database to include all 3 exclusions, and resubmit it to the County.

CHAIR: Okay.
Mr. Ferguson.

J. FERGUSON: Yes, you stated that we are legally required to exclude those people? What law do you....

B. FORD: State law.

J. FERGUSON: State law states that we cannot count those people?

B. FORD: Yes. And in fact, the State Reapportionment Commission just changed their position on that.

J. FERGUSON: That was military, I believe.

B. FORD: It....3 things, military, non-resident military dependents and non-resident students.

CHAIR: Ms. Ford, in your opinion, is the...does the inclusion of those folks change the proportion of the variations so that in any district it exceeds 5% plus or minus?

B. FORD: The sure answer is no.

CHAIR: Thank you.
Any other questions?
Thank you very much.
Mr. Isaacs?

G. ISAACS: I have a question.
(INAUDIBLE-SPEAKING FAR FROM MIKE)

CHAIR: I'm sorry, we couldn't hear the question.
Can you stand close enough to the microphone so that the mike picks it up and ask it louder.

G. ISAACS: Is the mark on the County plan, the council districts the same as the State in this position here (Pointing to map)? Using this Hisaoka Gym as the boundary?

CHAIR: Can someone from the staff answer that question?
I believe, Mr. Isaacs, that the map on the left is the current boundary, the map on the right is what the Commission is proposing, and the boundary we're referring to is exactly the same.

G. ISAACS: I'm from North Kohala, and initially all the comments made by the previous people makes a lot of sense, especially when it comes to North Kohala. We have no particular interest in what South Kohala does. We are totally different from them. A lot of comments were made about the fact that a lot of people work in the hotels, that has nothing to do with what we are about. We are so different from South Kohala that the preference, and I speak for the people in North Kohala, is that we go with Hamakua.

South Kohala is geared up for development, North Kohala wants to stay ag. And right now, we are in the process of trying to get things going in that direction whether it comes about in a year or so. It depends. But we want to stay ag, we don't want to be with them. We are trying to get away from that and provide the kind of work keep our people in our district. Our interests lie with Hamakua and not South Kohala.

CHAIR: Thank you, Mr. Isaacs.
Any questions from the members of the Commission?
Hearing none, thank you very much.
Richard Boyto?
Richard Boyd. Sorry.

R. BOYD: I've been called worst than that, believe me.

CHAIR: I say you walk in, I just couldn't read your writing.

R. BOYD: I went to the wrong place, I'm sorry.

CHAIR: You're not alone.

R. BOYD: First of all, I want you all to know that I'm not here to criticize anything that's going on. I, along with Mr. Isaacs, I want to offer my opinion as a resident of North Kohala. And pretty much goes along with what he said, and the only thing that I would make sure, I'm not sure if I have enough of these. Especially when I say this to Mr. Fernandez because we both know how hard it is to get people together to have a meeting to find out where people stand. And so I want to make it very clear that, that what I'm saying is not in any way a criticism of what Mr. Fernandez has done. Ah, and I may have to read this.

The map that I saw, the North Kohala-South..., the North Kohala... I guess my reading glasses here, why don't I put them on. The North Kohala, ah, it says Kona, I didn't mean that, South Kohala mvp2, under advisement would likely be adopted, fails to recognize some of the vast differences between North Kohala and South Kohala. And one of the maps that has been presented here today that has Waimea as part of the North Kohala, Hamakua alignment, I have to say right away that I don't think that's a good point. I'll get into that. Economically, I bring to your attention the existence of private schools in Waimea, Parker and HPA which can only be supported by wealthy community of families, the school age children, not just older residents that left Oahu and came to Waimea in the 50's, 60's and 70's, many of whom I know because I was over here in the 60's and part of the 70's. Recently, the block over at the gas station (INAUDIBLE-LOUD NOISE IN BACKGROUND) would have been built on Church Row. This was solved primarily by the flow of residents opposition and willingness to put their money where their mouth is. This would have not likely to have occurred in North Kohala. We don't

have that kind of financial resources. Culturally, many of the developers and individuals that have purchased coastal lands in North Kohala, lived in Waimea. They have blocked access to coastal regions that have been traditionally used by North Kohala residents for many generations. In general, they have shown a lack of respect for cultural sites, and some businesses causing damages during ratings. Many of these proposed developments slices up subdivisions are now in court due to the lack of understanding of respect for local North Kohala cultural morals.

Politically, let me bring to your attention the results of the last election of the County Council. Our present Council representative walked in North Kohala, and one in Waimea and Waikoloa. Our representative has been seen in the Hilo camp which in the past were supporters of the Yamashiro Administration. This is in direct conflict with the viewpoints of North Kohala residents who voted in favor of Bonk and her mayoral quest. In Kim's and the last mayoral election, Waimea voted for Yamashiro over Bonk inspite of the fact that Bonk's parents live in Waimea.

Many North Kohala residents would support Yagong with the option were available. And I don't... (INAUDIBLE) and the business people talk story with the supermarket and the post office and where people gather. Socio-economically, the Hawaii Department of Health '99 report assessed the Data Book by judicial districts. South Kohala and North Kohala are distinctly different socio-economic groups. When you look at the family income, educational level, unemployment, family assistance and recipients of Food Stamps, North Kohala is significantly different than South Kohala. Conversely, North Kohala and Hamakua have many similarities. The two communities, North Kohala opposed to 5 former sugar plantations in Honokaa and towns along the Hamakua district form the plantation communities. As such, the ethic make up is very similar, many of Japanese, Portuguese, Puerto Rican, Hawaiian, Caucasion and others. In comparison, Waimea began as an out growth of Parker Ranch and ranching in general. Although the population was diverse an numbers never matched up with the workers needed to run the sugar plantation. Waimea revolved into a refuge for many wealthy Oahuans. Presently, Waimea from the dry side is primarily a wealthy area and I don't know if what I'm saying is still accurate or not. In the other maps I saw, I believe, Waimea had been divided in East Waimea, the West side that contains the Hawaiian Home Lands, as well as, some of the mauka families with pretty upscale homes. They have a more diverse and ethnic make up and would seemingly blend well into the North Kohala-Hamakua plan. So obviously, I favor the North Kohala-Hamakua plan with...if that would ever happen. It seems to me that the numbers game are about the same for the three plans that I've seen.

Why Mr. Fernandez came up with the support of the North Kohala-South Kohala mvp map 2, is not an unusual story from local ...and I'm sure many other communities, as well. If you chalk it up to advocacy, it is not entirely true. When you work long hours, drive long distances, arrive home and face the choice of spending time with your families or sleeping or going to a meeting, the choice usually is, the former two. The apathy may apply to a small group of mostly wealthy inhabitants primarily live in the Rigley (INAUDIBLE) Center, and I assume feel that insulated somewhat by their wealth. There is also a great deal of cynicism where the oldtimers would feel that everything is a done deal, they going do what they going do, and many consciously choose not to attend meetings or refer to hear about it through the coconut wireless which out there is, the markets you go to is Takata, Nakahara, Arakaki Union Market, or whatever.

I'm not sure who attended the meeting in North Kohala, I was told there were about 13. I wonder how many were staff and Commission members

as opposed to North Kohala residents and stake holders. It seems like a very important decision has been made by what is described by one of the Commission members, and I'm not sure which of you was quoted in the Hawaii Journal as a vocal minority. There are others who feel like I do, but that's the way representative democracy wins. You snooze, you loose. I missed the first meeting and had no idea what was going on and I just found out and that's why I'm here today, to offer my insight on what I feel about it and currently a Big Island resident for ten years of North Kohala.

CHAIR: Thank you, Mr. Boyd. Any member of the Commission have questions.

M. VAN PERNIS: I have a question.
How did you find out about this?

R. BOYD: There was a little article in Sunday's paper which I believe said the meeting was going to be by the Police Station and that's where I went, first. It was in West Hawaii Today coming up in Sunday's paper in the far right side section about that big (gestured) that was there. That's how I know.

CHAIR: Any other questions for Mr. Boyd?
Hearing none, thank you very much.

R. BOYD; Thank you for your time.

COMMUNICATIONS

CHAIR: Um...there's no one else that have signed up to address the Commission, so at this point, um..I'd like to move on to the next item of the Agenda, and that's Communications. We have received communications in terms of, I guess, as public input and I would entertain a motion to include those matters as part of the record of this Commission.

J. FERGUSON: I so move.

CHAIR: Is there a second?

M. VAN PERNIS: Second.

CHAIR: All those in favor?

ALL: Aye (and nods).

CHAIR: Opposed?
That motion carries.

UNFINISHED BUSINESS

Now, we move on to the Unfinished Business and that's review of the post council district map and consideration of options. At this point I'd like the staff to move forward so that their responses to our questions can be picked up by the mike as much as possible. If that means dragging the chairs closer to this table, then please do that.

I'd like to address a question to the staff that's here, I know that the conclusion of our meeting on November 2, we gave the staff some instructions with regard to further changes based upon testimony that we heard on our November 2nd, our last Commission meeting. And I believe, well, I know that I received, and I know all the members of the Commission received some maps either late last week or early this week. Let me just ask the staff...are these the results of the efforts that you made in accordance with our instructions?

P. NAKAMOTO: Yes.

CHAIR: Okay.
Um...are there any comments or questions from the members of the Commission to the staff that are present with regard to either the map that the staff has provided or alternative maps or comments from the public today?

J. FERGUSON: They have seemed to follow our instructions.

CHAIR: All right.

L. BALBERDE: Mr. Chairman, I'd like to bring to the floor on District 3 map the um...I'd like to request the moving of the boundaries from the East to the West from Komohana down to Iwalani Street, up Kawaiilani to the intersection of Komohana and Kawaiilani.

CHAIR: Mr. Balberde, if you can help us out as to what you're suggesting, and maybe turn to that..

L. BALBERDE: Oh, okay.

CHAIR: ...that maps so we can follow along with you.

L. BALBERDE: Okay.

M. VAN PERNIS: Perhaps, I could ask, maybe, for the benefit of everyone, as well as...if you could point it out on the big map.

L. BALBERDE: Okay, that will be fine.
(GOES TO MAPS)

P. KAHWAIOLA'A: And Mr. Chairman, as Mr. Balberde makes his way to the map, may I again suggest, and maybe even have to apologize to the staff and to the public here because we're in Waimea and we're not in close proximity to those computers, so we...I already...

CHAIR: Yes, that is a problem.

P. KAHAWAIOLA'A: ...I already see if we're going to do something, we're not going to do it today.

CHAIR: Well...

P. KAHAWAIOLA'A: I mean, I only want to say that because ah...I tend to agree with some of Mr. Balberde's rationale, however, we're in a position right now, we're here in Waimea and the staff computers are in Hilo. And to ask them as we did in Hilo, maybe that's the reason we continue to ask to have the meetings in Hilo, not because we want to be in Hilo, but because that's where the equipment are and where we can get answers by...in a timely manner when we have to deal with some movement that we're going to ask the staff and pull out again.

CHAIR: Thank you.
Mr. Balberde.

L. BALBERDE: Okay, what I'm addressing was that some of the people in a certain district, a suggestion came up that we move the west from Kawailani Intersection to Komohana and we put this block in here (pointing to map) into District 3.

CHAIR: So you're talking about the block bounded on the West side by Komohana...

L. BALBERDE: That's right, sir.

CHAIR: ...on the North side by Kawailani...

L. BALBERDE: That's right, sir.

CHAIR: ...on the east side by Iwalani...

L. BALBERDE: Iwalani, yes sir.

CHAIR: ...and on the south side by Haihai Street.

L. BALBERDE: That's right, sir.
I apologize, I got a cold for about a week now and have been trying to get rid of it, and this probably my best day, so bear with me.

M. VAN PERNIS: You have any idea how many numbers that will involve?

L. BALBERDE: We have ah...this is with Mr. Pavao's information he sent to the committee and that's what we come out with.

That would put District 3...of course, there's some changes there that would give District 2 here up in Komohana, this area here (pointing to map) to District 2. This portion here is the University here.

M. VAN PERNIS: Well, you're...you're gonna also...I've outlined the area, the streets you and Mr. Ah...all right...the streets that you..you and Mr. Van de Car talked about, and you're going to take that and put it into which district?

L. BALBERDE: This here, the University here?

M. VAN PERNIS: No, the area that you and Mr. ...am I right...

L. BALBERDE: The first square.

M. VAN PERNIS: The first square . The Iwalani Street here?

M. VAN PERNIS: Yeah.

L. BALBERDE: It would be right from this section here.

M. VAN PERNIS: So come all the way down from District 2?

CHAIR: Wait, Mr. Balberde, you're pointing to Puainako and you're telling us Kawailani. So...

L. BALBERDE: Oh, I'm sorry, thank you.
Thank you, Mr. Van de Car.

CHAIR: Okay.

L. BALBERDE: This here be pushed back into District 3.

M. VAN PERNIS: Does that district go into District 3?

L. BALBERDE: Yeah. This here on the...which was District 2, district prior, would go back to District 2.

CHAIR: So, you...describe that again?
Are you going like Komohana and ...

L. BALBERDE: Komohana and ah...Puaina...

CHAIR: Puainako?

L. BALBERDE: Kawailani. Right, going up Kawailani on the right towards the Senior Citizens center.

CHAIR: Okay.

P. KAHAWAIOLA'A: To Kupulau?

CHAIR: Right. That's right. And where it turns into Kupulau Street?

L. BALBERDE: Right, sir.

CHAIR: So where would this street...that would go into District 2...

L. BALBERDE: That's right, sir, just like it is now.

CHAIR: Okay, and where would that stop? I mean...I mean the road turns and goes into Kupulau and goes to Haihai.

(INAUDIBLE-BOTH SPEAKING SIMULTANEOUSLY)

L. BALBERDE: ...Kupulau all the way, it looks like that would be Ainaola Drive.

P. KAHAWAIOLA'A: Then it would go all the way up Ainaola Drive?

L. BALBERDE: On the north and then stop here (pointing to map).

P. KAHAWAIOLA'A: Then it would go right and stop at Waiakea Uka gym?

L. BALBERDE: Yeah, right.

P. KAHAWAIOLA'A: Okay, so is Waiakea Uka gym, now...

L. BALBERDE: In District 2.

P. KAHAWAIOLA'A: Is that in 2 now?

L. BALBERDE: Yeah, that is. No, no. It's in 3 now. Then it turns over to 2.

P. KAHAWAIOLA'A: Okay, just so that I can...okay, so if two is going into Waiakea Uka gym is going into 3....

M. VAN PERNIS: Some of 3 is going 2 and some of 4 is going into 3.

CHAIR: 4 is already ...

J. FULLER: 4 is down a lot.

L. BALBERDE: Okay, you're on Kupulau and there's the bend, you go all the way to Ainaola Drive.

P. KAHAWAIOLA'A: But he has a plan, I think he has plan to give some back from 3 to 4 if have to.

L. BALBERDE: Yeah. In fact, as you come up to...that would be Puainako from Kilauea, you go up Puainako to Komohana where the Uniiversity is, that would be District 4...

M. VAN PERNIS: You show that on the map.

CHAIR: Yeah, its on the map. Actually this is Puainako, this is Kilauea.

M. VAN PERNIS: Its like a triangle?

L. BALBERDE: Here, right in here (pointing to map). This is the University, Kawili is the boundary.

M. VAN PERNIS: And that would go back into 4.

J. FULLER: 4.

L. BALBERDE: That would be 4.

L. BARTON: Do you know what the deviations are already?

(INAUDIBLE-EVERYING SPEAKING SIMULTANEOUSLY)

And that is the one?

L. BALBERDE: Yeah.

M. VAN PERNIS: So this would actually bring those deviations over closer to zero.

L. BALBERDE: If you give District 3, 1%, District 2, 4..minus 4, District 1, minus 1, and District 5, a 3 plus, District 6 would be minus 4. And then District 8 would have 5%, and then District 9 would get 4 %.

The thing is...the thing is what's hard is on this Commission is, we've taken 2/3rds of District 3 and that was given back to Puna. And we're constantly hearing that Puna about being incorporated into Hilo, and Hilo incorporated into Puna. And we can, like many of people have said, I think we should listen to some of their concerns and

not believe that it's a rumor, but numerical...the heartbeat of voters and let them know that this is a community thing and try to help everybody...(INAUDIBLE-SOMEONE SPEAKING SIMULTANEOUSLY).

M. VAN PERNIS: So this is basically put more...you feel satisfied that some of those...

L. BALBERDE: I think we would satisfy the Puna people....

M. VAN PERNIS: ...the Volcano and Puna people but...

(INAUDIBLE-EVERYONE SPEAKING SIMULTANEOUSLY)

P. KAHAWAIOLA'A: ...he saying it would end at the gym

CHAIR: ...the gym is on Haihai Street?

P. KAHAWAIOLA'A: ...This is Kupulau Road...

M. VAN PERNIS: As I got this basically drawn right?

L. BALBERDE: Yes.

M. VAN PERNIS: This goes into 3 you said? This goes into 3?
And this area goes into 4, right along this street?

L. BALBERDE: Oh no, you're a little off.

(INAUDIBLE-PEOPLE SPEAKING SIMULTANEOUSLY)

Here, this is what it looks like. This is Komohana...

P. KAHAWAIOLA'A: Larry, you need to go back to your map up there, the bigger map, so that the public can see it, and then we can get a better idea....

L. BALBERDE: This is the University....

P. KAHAWAIOLA'A: And explain.....

(INAUDIBLE—PEOPLE SPEAKING SIMULTANEOUSLY)

CHAIR: Look for the letter....

L. BARTON: It's the same one we got...
No, we looked and it's the same one that we received.

CHAIR: Okay.

P. KAHAWAIOLA'A: You mean, the one from Rodney Oshiro?
You got it?

J. FULLER: This is the one...

CHAIR: District 2...

M. VAN PERNIS: Pat Pavao's.

L. BALBERDE: Yeah, Pat's.

L. BARTON: Yeah, we have Patrick Pavao's.

CHAIR: So you have this letter from Patrick Pavao?
Okay.
It's so hard to understand...

P. KAHAWAIOLA'A: He took mines, and I got his.

CHAIR: Okay.
The staff worked on the numbers so,

P. KAHAWAIOLA'A: They did?

CHAIR: Yeah.

(INAUDIBLE-EVERYONE SPEAKING SIMULTANEOUSLY)

Mauka of Komohana...let's try this again.
This is Komohana...hang on. Let me find Komohana.

P. KAHAWAIOLA'A: Komohana is the blue-yellow line, it's the blue-yellow
line, that's Komohana.
Blue and yellow.

L. BALBERDE: This would be the first....

P. KAHAWAIOLA'A: The girls said they got it.

M. VAN PERNIS: Show Lloyd that map....

L. BALBERDE: This is Komohana, we come down to Iwa...I mean,
Kawailani....down to Iwalani, across to Haihai...

CHAIR: Okay, no, I got that part. That's this one right here.

L. BALBERDE: Yeah, that block there.

CHAIR: Okay.

L. BALBERDE: That is Puainako from Komohana all the way down to Kilauea, then all the way to the stream, that's the University.

CHAIR: So...Hawaiian...

(INAUDIBLE=DISCUSSING SIMULTANEOUSLY)

L. BALBERDE: That's the University....

J. FULLER; I think this is...

CHAIR: That's the part going into 4.

L. BALBERDE: Yeah. Yeah, that's the part that goes into 4.

CHAIR: So say again, where this is?

L. BALBERDE: There is a stream in here....Puainako...I hear has a ravine-like....the University.

CHAIR: And then what goes into 2?

L. BALBERDE: What goes into 2 is above that.

CHAIR: So where does it stop, though?

L. BALBERDE: It stops on Kawailani, on the East...

CHAIR: Right.

L. BALBERDE: And then it goes high upthis is all District 2, is up here.

CHAIR: So this is Kawailani, going up, right?

L. BALBERDE: Right.

CHAIR: And then, you're gonna put this side into 2? But where is it going to stop.

L. BALBERDE: It stops right here.

CHAIR: This is all going into 2.

L. BALBERDE: Yeah, this portion here.

CHAIR: Okay.

L. BALBERDE: All the white will be.

CHAIR: And there's...up here there's some boundary?

L. BALBERDE: Yeah, this will be the ah...Ainaola and Hoaka.

CHAIR: Oh, right over here then.

L. BALBERDE: Yeah.

CHAIR: And then you go across and what would be your...what would be your....

L. BALBERDE: Because there's no population there.

CHAIR: I know, but is there a wall or something?

L. BALBERDE: You get the flood control, you know the Waiakea-Uka project...

CHAIR: There's a ditch up there?

L. BALBERDE: Yeah, a ditch up here.

CHAIR: And then it goes across?

L. BALBERDE: Yeah.

CHAIR: Okay, and on this side, you go Komohana, so what is going into 4?

L. BALBERDE: What's going into 4 is, is right here on Komohana....

CHAIR: Right.

L. BALBERDE: There's a stream there where it goes to the highway...

CHAIR: Correct, that's on the Hamakua side of Puainako.

L. BALBERDE: Yeah, right.

CHAIR: Okay.

L. BALBERDE: And it comes down, and catches the University and Kilauea, and Kinoole Streets will be the bottom boundary. That would be the West....

CHAIR: So this stream goes down here, goes down like this...

L. BALBERDE: Yeah.

CHAIR: And then you're going down to Kilauea, not to Kinoole, all the way to Kilauea.

L. BALBERDE: Kilauea, yeah.

CHAIR: ...we get that clear?

M. VAN PERNIS: I have a good understanding.

CHAIR: Okay.
My question then, of the staff, we received a letter signed by Patrick Pavao, and he includes...he describes the same changes that Mr. Balberde is describing to the Commission here, and he includes some numbers, in terms of variances. Has the staff seen this letter?

P. NAKAMOTO: No, we haven't seen the letter, but um..they did contact us for some of that information, so the information in the letter is correct.

CHAIR: Okay.

M. VAN PERNIS: Mr. Balberde, is this.. do you feel that this addresses some of the concerns from the Puna community that we've heard about by, in essence shifting more Puna into Puna, so to speak?

L. BALBERDE: I think it's a compromise.

M. VAN PERNIS: All right.

L. BALBERDE: And you know when it is a compromise ,

M. VAN PERNIS: All right.

L. BALBERDE: And you know when it's a compromise, (INAUDIBLE-SPEAKING AWAY FROM MIKE)...I mean, if you're taking the blood...but if you

feel that we do a good job, you...you know, the people are educated enough to know what man is running for office, he has put himself to the needs of the people.

M. VAN PERNIS: But since you're more expert on the East side than I am, do you feel that's basically...is a gesture towards the Puna community?

L. BALBERDE: Its part of meeting half way, or...you know, I understand, because of the numbers, I mean, my selfish motives would be District 3 as it is, but we need to understand the numbers and population growth. We have to adjust, and that's very rare. But if we stick to this plan here, that you guys want to talk to me, I'll be in Vegas, my new address will be....(chuckles)... come Monday.

M. VAN PERNIS: Do you feel that it is a compromise to move it a little bit their way.

L. BALBERDE: That's something that we should.

M. VAN PERNIS: All right, thank you.

(INAUDIBLE-EVERYONE SPEAKING SIMULTANEOUSLY)

J. FULLER: Okay, oh, there must be something there.
Oh, Okay.

CHAIR: Um...yeah please.

LADY FROM AUDIENCE: Is this a public meeting?

Mr. Chairman, is this a public meeting?

CHAIR: One second.
That's fine, I appreciate.
Ms. Barton was asking me a question. Now, I'll explain what it was. She um...asked whether because a law suit is being threatened, whether the Commission is being threatened with a law suit as a body, or whether we have individual liability with regard to the lawsuit. And, frankly, I don't know the answer, so I'm going to refer that question to Mr. Akama, who is here and might be able to answer from his part.

D. AKAMA: Board and commission members individually are protected by Corporation Counsel's Office. Does that answer your question.

CHAIR: Oh, actually, let me, let me go further. They may be represented by the Corporation Counsel's office but if there are individual liability, then if a money judgment is granted, then I guess Ms. Barton's question is, who pays.

D. AKAMA: You know, I can't answer that.

CHAIR: No, I understand that. It's a very complicated question and its um...

D. AKAMA: I cannot say the County will pay.

CHAIR: All right, I understand.
Okay. Given the uncertainty of the answer, do we have any other questions.

J. FULLER: We refrain at this point.

CHAIR: All right.

M. VAN PERNIS: My question, Counsel, would be, if we were to consider Mr. Balberde's proposals to revise the map one more time, would it be appropriate to, or is it necessary to have another public meeting for comments on that revised final plan or can a final plan be adopted today with the revisions of Mr. Balberde's suggestions.

D. AKAMA: There must be public input before there is a final approval.

CHAIR: So, we are...we plan to have one further meeting and because we're going to ask the staff whether there is a motion or whether there are any further amendments or whether the new plan is adopted here, we will need one further meeting because the staff is going to be required to describe in words what you know, what the map includes. So assuming that we make changes to what we have before, but the staff has produced for us for today's meeting, and assuming that the changes we make are those changes suggested by Mr. Balberde, will we need more than one more meeting.

D. AKAMA: No, that meeting...you're also going to have to invite public testimony.

CHAIR: Absolutely.

D. AKAMA: Yes, and that will be fine, because you're gonna declare that as your final. (INAUDIBLE-NOISES IN BACKGROUND)

CHAIR: Correct. Now, this question is for the staff.
Assuming we make any changes either by adopting a whole new map or adopting changes as recommended by Mr. Balberde, can the staff produce new maps along with the written descriptions required by our duty under the Charter as the Reapportionment Commission, in time to have another Commission meeting in which we will hear testimony from the public and meet our deadline.

I guess it depends on what we do here, but let's take the question and let's assume that we adopt Mr. Balberde's proposal, are you gonna be able...are we gonna be able to meet our deadline.

P. NAKAMOTO: Okay, whether we can make the changes within a reasonable amount of time, yes. Whether we can do the legal description within a reasonable amount of time, yes.

CHAIR: Thank you. I think that answers my question.
Any other questions? Is there a motion then, for this Commission to adopt the proposals Mr. Balberde has made, and um...with respect to those proposals, I think they are contained in writing and in numbered paragraphs 1 through 4 in the November 19th letter to the Commission, signed by Mr. Patrick Pavao. Is that correct, Mr. Balberde?

changes? Is there a motion for the Commission to adopt those

J. FERGUSON: Mr. Balberde, did you want to make that motion?

L. BALBERDE: Yeah, I'll make the motion.

CHAIR: Is there a second?

J. FERNANDEZ: Second.

CHAIR: All those in favor of adopting these changes signify by saying, aye.

ALL: Aye.

CHAIR: All those opposed?
Hearing none, those amendments are adopted.
Are there any other motions with regard to amendments to the proposed Commission plan?

L. BARTON: I have a motion.

CHAIR: Yes?

L. BARTON: I motion that we um...get the numbers that are on Brenda's and Chucky's map because I think there are a number of issues that are touched on by far too many people and I myself, sitting on this Commission can no longer live with myself, listening to how many people are upset and the overwhelming evidence that ah...although it's not easier for us as a Commission or especially for staff, that I feel we need to have that now.

P. KAHAWAIOLA'A: Um...that's a motion, Mr. Chairman, so I'd like to... because ah...I'd like to second it for a matter of discussion, and I think now would be appropriate for you to have said what you said, Lisa. Reason being, that's what I need to hear, after I heard testimony today.

CHAIR: All right, so there is a second. And the question is now open for discussion.

Mr. Kahawaiola'a.

P. KAHAWAIOLA'A: I would ...now would like to ask the staff, based, just based on this map (pointing to map). If you was to take this map, look at other lines drawn and extrapolate the numbers out of your computer, because I heard Ms. Ford mention that its basically the same software or some kind of, you know, that can be interfaced, or not...couldn't be interfaced, I am now using computer talk, but can you go and take this to a number also, and I think that will satisfy Ms. Barton's motion, so that we can come back, and at the next meeting be able to prepare to do this, or that. Something in that matter, I shouldn't say this or that but at least get some numbers. Right now, we're hearing ...that's my reason for asking, excuse me, Ms. Ford, about the numbers that we use.

CHAIR: Patrick, I believe, Ms. Ford has told us that she provided the numbers, so the numbers are here.

P. KAHAWAIOLA'A: No, I'm...I'm not disputing. You know, I'm just trying to get numbers here...

L. BARTON: I think this is a land description thing...

P. KAHAWAIOLA'A: Yeah.

L. BARTON: And its going to be very time consuming description, um..some of them do follow the same lines and thereabouts, and they won't have that much of a problem. Also they are _____(INAUDIBLE), so I'm....

P. KAHAWAIOLA'A: That's all I would want to ask of the staff for the purposes of discussion.

CHAIR: Let me see if I can um...restate the motion, and with your permission, Ms. Barton, is your motion a request to the staff to produce a map on their equipment with their software that follows the...Ms. Ford's map for lack of a better title. I keep forgetting what it is today, um...and at the same time provided a written legal description that corresponds with that map?

L. BARTON: Yes, I am. The motion is exactly that.

CHAIR: So that's your motion?
Is there a second to that motion?

P. KAHAWAIOLA'A: I would second the motion with the caveat again. I need to go back to the maker of the motion, as you expressed it to provide the legal description, I...that's what is going to be the problem. I would prefer to go and follow Ms. Ford's lines, and go

find out what's in the...what's inside the blue, green, and red. And the legal description, I mean, you know, I mean, threats with the lawsuit is a drop in the bucket. I'm just saying if we don't leave the deadline, will then the Court going to come in? I don't know.

L. BARTON: Is the Court going to come in and make a better map anyway?

P. KAHAWAIOLA'A: No, that's my point. That's why I want to address the Counsel. Excuse me the Corporation Counsel.

M. VAN PERNIS: Question. Question.
We certainly shouldn't be operating on the basis of the threats from....

P. KAHAWAIOLA'A: No, no. Mr. Van Pernis, I believe, Mr. Chairman, that I have the floor, so that's all I wanted to say. To draw the numbers, bring it back again, and if we don't meet the...I'm...that's what I'm saying, I'm not worried about any threats of a lawsuit, I'm trying to get to the end of the Commission.. If we don't meet the December 31st deadline does that automatically mean that the Court will do that? Or does it automatically mean that we can go and extend it and get these things done. Again...

M. VAN PERNIS: The Courts will draw a map.

P. KAHAWAIOLA'A: Ah..what?

CHAIR: Excuse me, Mr. Van Pernis. Why don't we let the Corporation Counsel answer that question.

D. AKAMA: I don't know the answer to that.

CHAIR: Okay.

P. KAHAWAIOLA'A: Can you please....I need to know the answer by the next meeting.

L. BARTON: Well, I just want to clarify that the request is not made on the basis of the lawsuit. The question was on something sitting in my mind for a long time.

CHAIR: I appre...

L. BARTON: The last meeting we had, I made the same motion basically, without the land description. I'm just saying, I think we should have done all and we've been putting it off. And I'm just unhappy with myself not having done it sooner, or something like that. Because one out of 9 can't see...that it doesn't have to have a name on the plan. That's all, I'm just looking at logical reasons from within all the people that have voiced their opinion. And actually, it was more so on the guy that came speaking on behalf of Kohala, because...

P. KAHAWAIOLA'A: That's my...

L. BARTON: ...because I sat at the meeting and listen to what I thought a majority of people saying Kohala should be stuck...should stay together, whereas, I live in Hamakua and feel very attached to Kohala and the background of the people there, I guess that's where my thoughts were coming from. Sorry.

CHAIR: We're in the mode of discussion now, so, I'd like to ask you a couple questions.

L. BARTON: Yes.

CHAIR: What are the proposals in the map proposed by Ms. Ford, splits the Hamakua judicial district.

L. BARTON: I realize where it splits and I actually like it.

CHAIR: And why is that.

L. BARTON: Well, if I give you my reason, it won't be in accordance to our redistricting. It will be very personal and that is, we have a school district in Laupahoehoe, our boundary ends on the curved bridged. Does everybody know where the curved bridge with the flashing light is...

CHAIR: Ookala.

L. BARTON: ...it's a gulch, called a gulch. Okay. We don't necessarily...ah, always have the population to sustain a school and are threatened quite frequently with ...we've asked the line be moved to incorporate Paauilo, and so bus kids a little further down the road, then they're bussed for about a mile or two. That's not going to change it. These lines won't change that, I don't believe, but that's where, I'm like going. It makes much more sense, that's all.

CHAIR: Let me ask the staff then with regard to the request. Is that feasible, is that possible and in order to meet the deadline, we are going to have one other meeting in which we will, and at that meeting we intend to adopt our final plan. The proposal essentially requires, if adopted, would require the staff to provide us with two alternative plans and we would then be faced with the proposition of adopting one or other. I think you've expressed your opinion with regard to putting together the legal description and the maps incorporating the changes that we've just adopted.

Let me ask you the same question with regard to the plan that's been proposed by Ms. Ford and others. Is it feasible to get those completed before our next meeting and adopt reapportionment plans within our deadline.

P. NAKAMOTO: With the legal description, you're asking?

CHAIR: Yes, with the legal description.

P. NAKAMOTO: We wouldn't be able to get it.

CHAIR: All right. Are there any other questions with regard to the motion?
Hearing none, let me call the question.
All those in favor of the motion, signify by saying, aye.

L. BARTON: I wanted to...

P. KAHAWAIOLA'A: I lost tract of the motion.

CHAIR: The motion is...is Ms. Barton's motion. And I believe the motion as restated was that we're instructing the staff to produce maps and the legal descriptions that follow the proposals made by Ms. Ford. Um, so that's the motion before the Commission at this point.
All those in favor of asking the staff to produce those maps and the legal descriptions, signify by saying, aye.

ALL: Aye.

J. FERGUSON: You need hands.

CHAIR: We may.
All those opposed? No?

L. BARTON: Oh, do that one more time.

CHAIR: I think so.
We are going to ask

L. BALBERDE: We'll just raise hands then.

CHAIR: All those in favor of the motion, signify by raising your hand?
One, two, three, four.

THOSE RAISED IN FAVOR: Jeanne Fuller, Lisa Barton, Pat Kahawaiola'a, J. Fernandez.

THOSE OPPOSED: Jack Ferguson, Mark Van Pernis, L. Balberde.

CHAIR: I have not voted. I will, in defeasance of the staff, vote no. That leaves us tied, Mr. Pavao is not present.

Mr. Akama, what do we do now?

D. AKAMA: That means that there's no action, so the motion dies.

CHAIR: Okay, then the motion dies.
Is there any other Unfinished Business before this
Commission?

Is there any New Business before this Commission?
Are there any Announcements by any of the
Commission members or anyone else?

M. VAN PERNIS: Do we prepare to find a date?

CHAIR: Absolutely, we need to do that, don't we?

J. FERGUSON: Yes.

CHAIR: Let me again address the staff and ask the staff how
soon you think we can provide the maps and legal descriptions of the single proposal that is before
this Commission?

J. FULLER: I don't know...

P. NAKAMOTO: Two weeks.

CHAIR: Two weeks?

J. FERGUSON: Two weeks.

CHAIR: All right, and again, Brenda we need public notice, and
how many days?

B. DOMONDON: Six.

CHAIR: Six days? So today is the 21st, two weeks from today
would be December the 5th, excuse me, to be safe, December 12th would work fine then?
Won't work for you? What day of the week....let me get a sense of the Commission, what day of
the week works best for you.

M. VAN PERNIS: This time of the year, I would stay away from
Mondays.

CHAIR: Okay.

M. VAN PERNIS: But I'll compromise with you.

L. BARTON: That's okay, I don't care.

P. KAHAWAIOLA'A: If its after....

L. BARTON: I'm here now, and it doesn't matter.

M. VAN PERNIS: Day after the 12th I can take any day.

CHAIR: After the 12th you can take any day?

M. VAN PERNIS: Yes.

CHAIR: Tuesday the 18th?

M. VAN PERNIS: Sure.

CHAIR: Is Tuesday the 18th work with everyone?

L. BALBERDE: Is that good for the staff though?

M. VAN PERNIS: Is it going to be in Hilo?

L. BALBERDE: The 18th, would that be better for you?

CHAIR: Yes.

L. BARTON: Yeah, the 18th is fine.

CHAIR: Tuesday, the 18th at 10 o'clock?

M. VAN PERNIS: Right.

CHAIR: Is there a motion to ah....

J. FERGUSON: Going to be where?

CHAIR: In Hilo.

J. FERGUSON: Where?

CHAIR: At the Council chambers? Is Tuesday a good day for the Council chambers. I don't know.

P. NAKAMOTO; Tentatively. Tentatively, with the Council chambers, we will need to check.

L. BARTON: What about down in the room we were in the last time?

CHAIR: That's always available?

L. BARTON: You guys' new room?

J. FERGUSON: Try the Council....

M. VAN PERNIS: Tentatively the Council room.

P. NAKAMOTO: The room is not available on the 18th and the 19th.
So we need to check with the Councilroom when its
available. If its not we can...

J. FULLER: When's the Council's....

(INAUDIBLE – PEOPLE SPEAKING SIMULTANEOUSLY)

M. VAN PERNIS: I can't.

L. BARTON: Well, what about different days?

CHAIR: The notices gotta go out and its got to say where it is.

P. NAKAMOTO: We'll call the office now to find out.

CHAIR: Can we take a short recess then?

M. VAN PERNIS: Yes.

MEETING RECONVENES AT 12:35 P.M. AFTER RECESS.

CHAIR: I believe we have found a place for our next
Commission meeting. Um, where is that now? What we found, Brenda?

B. DOMONDON: We have the Liquor Conference Room.

L. BARTON: Yeah, there you go.

CHAIR: I believe that's in the Hilo Lagoon Building.

P. KAHAWAIOLA'A: 101.

B. DOMONDON: Hilo Lagoon Centre, 2nd Floor.

CHAIR: Not 101, maybe 201.

P. KAHAWAIOLA'A: No, 101 Aupuni.

CHAIR: 101 Aupuni, that's correct, and I don't know the...

LADY FROM AUDIENCE: Repeat that please?

CHAIR: Sure, this is the Liquor Control Conference Room, located at 101 Aupuni Street, in Hilo, and we don't know the suite number, but its on the second floor which is the lobby level. The Hilo Lagoon.

P. KAHAWAIOLA'A: As you walk straight in to the right.

CHAIR: All right.
Have we decided on the day and time?

B. DOMONDON: The 18th.

CHAIR: At 10 o'clock?
All right, do I hear a motion that we recon...that we set our next Commission meeting for Tuesday, December 18th at 10 a.m., in the Liquor Control Conference Room in Hilo.

J. FERNANDEZ: I move that we...

CHAIR: Is there a second.

L. BARTON: I second the motion.

CHAIR: Okay, all those in favor say, aye.

ALL: Aye.

CHAIR: That motion is carried.
If there's no other business before the Commission, I ask that someone make the motion that we adjourn.

M. VAN PERNIS: I move that....

P. KAHAWAIOLA'A: Mr. Chairman, before you adjourn...

CHAIR: Yes.

P. KAHAWAIOLA’A: Again, I just need for clarification purposes, on the 8th,
excuse me, the 18th...

CHAIR: 10 o’clock.

P. KAHAWAIOLA’A: ...in December, and the ah, I’m...I might be getting
ahead of myself. The point I’m trying to get is the Agenda to be discussed is the..this new...

L. BARTON: Revised.

P. KAHAWAIOLA’A: ...revised map that they, that the staff put together, and
I’m going to ask the same question I did before. Will we be able to continue to tweak...I...I...I
saw....a tweak...so..

CHAIR: Mr. Kahawaiola’a, I believe the answer to that
question is, yes, however, it would be very difficult to do because....

P. KAHAWAIOLA’A: I understand, I understand it, sir. As long as that
option is available.

CHAIR: Its always available.

P. KAHAWAIOLA’A: Thank you, then.

P. NAKAMOTO: Mr. Chair, I have a question, too.

CHAIR: Yeah.

P. NAKAMOTO: We are to present the changes and the legal
description?

CHAIR: Absolutely.

P. KAHAWAIOLA’A: And I can see why the tweaking...tweak, but I just
want that option left to the Commission and more passionate testimony from the general public.

CHAIR: Then all those in favor of the motion to adjourn,
signify by saying, aye.

ALL: Aye.

CHAIR: Opposed?
We’re adjourned.

MEETING ADJOURNED AT 12:45 P.M.

Respectfully,

LLOYD VAN DE CAR, Chair

BrendaLynn Domondon, Secretary