

HAWAII COUNTY REAPPORTIONMENT COMMISSION

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TRANSCRIPT OF MEETING ON Tuesday, December 18, 2001 10:00 a.m. at

Hawaii County Office of Liquor Control Conference Room
101 Aupuni Street, Suite #230
Hilo, Hawaii 96720

CALL TO ORDER

The meeting was called to order at 10:06 a.m. by Vice Chair Mark Van Pernis presiding for Chair Lloyd Van de Car who presence was excused. In attendance were as follows:

Patricia Nakamoto, Elections
Gina Haina, Elections
Ed Kozohara, Elections
Al Konishi, County Clerk
Patricia O'Toole, Deputy Corporation Counsel
BrendaLynn Domondon, Commission Secretary

A roll call was taken of the Commissioners in attendance.

VICE CHAIR: I'd like to call the meeting to order. Chairman Van de Car cannot be here today due to his brother being in critical condition on Oahu, and necessitating him to flying out to attend to that matter. I hope everyone understands that situation, that comes first. Before we proceed, I'd like to observe a moment of silence for Mr. Van de Car's family and for all the victims of cancer.

MOMENT OF SILENCE.

ask for a roll call.

J. FULLER:

Thank you.
At this time, having called the meeting to order, I will

Ms. Fuller?

Here.

VICE CHAIR: Mr. Pavao?

S. PAVAO: Here.

VICE CHAIR: Mr. Fernandez?

J. FERNANDEZ: Here.

VICE CHAIR: Mr. Balberde.

L. BALBERDE: Here.

VICE CHAIR: Mr. Kahahioole?

P. KAHAWAIOLA'A: Present.
Kahawaiola'a.

VICE CHAIR: Okay.
Mr. Ferguson.

J. FERGUSON: Here.

VICE CHAIR: First, I note that are two council people present today,
ah, three council people present today, Ms. Jacobson, Ms. Pisticchio and Mr. Tyler, we appreciate
your presence.

Any other guests?
I don't recognize anyone, and I apologize. I don't see
any other special guests.

APPROVAL OF MINUTES

The next item I would ask for the review and approval of
the Minutes, are there any corrections thereto?

J. FERNANDEZ: I have.

VICE CHAIR: Yes, Mr. Fernandez?

J. FERNANDEZ: The minutes of the last meeting on page 54, where it
says, "those raised in favor for...", for the record, I was not in favor of that motion.

VICE CHAIR: Are you willing to correct the record indicating that you
did not vote in favor of that motion?

J. FERNANDEZ: Yes, I do.

VICE CHAIR: All right.
Is there a second to the motion?

L. BARTON: I second.

VICE CHAIR: Seconded by Ms. Barton.
All those in favor say, aye.

ALL: Aye.

VICE CHAIR: Opposed?
Motion carries.
The record are so corrected.

J. FERGUSON: Mr. Chair, on page 25, the statement quoted to me that says, "You say the Kona district is the fastest growing...", my question was or statement was, "Puna district is the fastest growing district".

VICE CHAIR: Are you moving to amend that record as you so indicate?

J. FERGUSON: Yes.

VICE CHAIR: Is there a second to the motion?

L. BALBERDE: I second.

VICE CHAIR: Mr. Balberde seconded.
All those in favor say, aye.
Opposed?
The motion carries.
Any other corrections or additions to the minutes?
Hearing none, I would entertain a motion to approve the minutes as corrected.

J. FERNANDEZ: I move that we approve.

VICE CHAIR: Moved by Mr. Fernandez. Is there a second?

J. FERGUSON: Second.

VICE CHAIR: Seconded by Mr. Ferguson.
All those in favor say, aye.

ALL: Aye.
Opposed?
Motion carries.

STATEMENTS FROM THE PUBLIC

VICE CHAIR: Next item on the agenda is statements from the public. I have received some indication prior to the meeting today that there is the desire of some folks (inaudible-speaking away from mike)...to testify from Kona by video conference, and that raises two questions and many of us may not be opposed to that possibility. I don't know of the notice provided for this meeting would allow for that sort of testimony or activity without violation of the Sunshine Law. And in that respect, I would call upon the Corporation Counsel O'Toole to indicate the need for this.

P. O'TOOLE: Well, I would say the problem is that we can't do it in this room, and the notice states that we have it in this room. To have video conferencing you have to specify where you will be, who will be where. In addition, the statute on video conferencing says that the Commission would have adopt rules allowing for that before you can do it. And I don't believe that our Rules do allow it anyway.

VICE CHAIR: So I take that as a legal opinion and the current request would not be appropriate even if it was possible to do.

P. O'TOOLE: Yes.

VICE CHAIR: And I asked Mr. Konishi whether or not there are physical facilities available to us in the event we were to have such a...or we were in favor of such video conference testimonies.

AL KONISHI: Good morning, Commissioners. My name is Al Konishi, I am the County Clerk. The answer is no. The video conferencing equipment that we have that was purchased by the Prosecutor's office via some federal grant is situated in the Council room and its unfortunately not very portable. And right now there's a Water Commission meeting going on.

There's another problem I'd like to point out and in fact, I wasn't aware of this, too, and Councilman Tyler pointed this out to me a few weeks ago that there is also a provision of the Sunshine law that states that if you have a meeting by video conferencing and the video goes down, the meeting is terminated right on the spot. So for that reason, I think its very prudent that, what Ms. O'Toole said and that is than an appropriate rule should be drafted by any kind of commission and even the Council before venturing into video conferencing because things have to deal...we have to deal with somebody's contingencies that could come up. And that's a long way to say, no. But probably you would like that explanation.

VICE CHAIR: Thank you, Mr. Konishi. So the concensus of the information here is that it will not be possible to have testimonies either legally or practically from Kona instead of meeting here in the Hilo Lagoon Conference Room.

I would just want to state for the record, that I would encourage the County generally with the council people present and other officials present to increase the capacity to have testimony and input in all governmental proceedings from both Kona and other parts of the Island because I think that would make a better government and more representated government. Thank you.

STATEMENTS FROM THE PUBLIC

We'll now proceed to Item D of the Agenda unless there are any objections from the Commission, I am hearing Statements from the Public. I wish to go over it again with that, and I would ask anyone interested in testifying to sign a Public Statement Registration form, I have 9 of those so far. And in that respect or before we start I like to bring up two things that might be considered by those testifying.

First for record, I'd like to point out that the West Hawaii Today newspaper yesterday in the an article on North Kohala, and its economic-social and other developments, and that article indicated that the majority of the folks in Norht Kohala worked in West Hawaii in hotels and otherwise, and had connections to West Hawaii, and that tourism is becoming the mainstay or was the mainstay of North Kohala, and that tourism was part of the West Hawaii tourism. Anyone who cares to comment or read that article, Mr. Fernandez has it with him.

I now have 12 signed sheets.

The next point I want to make is I want everyone who testifies to remember that the Commission has developed and worked on 11-some plans since February or March of this year. 9 of those plans were developed by the Commission, and 2 were provided by individuals or groups from the public. All of those plans were studied, all of those plans were considered, and I want everyone to understand that, that all of those plans have merit and all of those plans have problems and we have tried to address all of the plans in developing the final plan ourselves. And in that respect I want to point out that one of the plans developed in March by the Commission is very similar to West Hawaii in the plan that some months later, by CERG.

Lastly, I note from those who have signed up that some of you have testified before, that sometimes some of you have testified several times before and I will emphasize that repetition is not necessary, and we have considered and have taken in everything that was said in the past.

All right, we have and I call on Mr. Stan Boren of Kailua-Kona.

Mr. Boren indicates that he is representing CERG.

S. BOREN:

First off, I'd like to say good morning to you, Acting Chair, Commission members and staff and I am Stan Boren of Kailua-Kona, ah, and I am a member of the CERG. This is the 3rd public meeting for me with the Reapportionment Commission and I am not here to recite socio-economic factors, numerical conformity, or geographical contiguity of the mvp map or the more equitable in my opinion, CERG map that all of you have seen. This has all been asked and answered many times.

Briefly, I want to refer to two quotations in West Hawaii today by two different Commission members. One was that the Commission members always unanimously disagree with what CERG is proposing. In Waimea, when I was at that meeting, one Commission member had the courage or conviction to make a motion to bring the CERG map to the table again, and this time there was a 4-4 tie vote, that's hardly the majority in my opinion.

The other quote was subject to the effect that "I would like West Hawaii to have...", this is by the same Commissioner. "I would like to have West Hawaii to have their power increase, and Hilo have their power decrease". I think the North Kohala, North Kona, South Kohala mvp map does that. And in my opinion, also, this process is not supposed to be about political power or influence although most of us know it is. I just want to say today, you have I believe, your last chance, all of you as Commission members, to act responsibly to the citizens of the Hawaii county, whatever their political party or yours, and whoever is their representative or yours may be, to recommend and vote for the CERG map. And I quote, Mayor Harry Kim, he said before, just do the right thing.

Hopefully after this meeting you will be able to honestly say that you have.

Mahalo.

VICE CHAIR:
have for Mr. Boren?

Thank you, Mr. Boren. Any questions the Commission

speaking for herself.

Lets call on Brenda Ford. She indicates she is

B. FORD:

I brought in...my name is Brenda Ford and I live on 81-6195 Napoopoo Road, Captain Cook, Hawaii. I'm circulating the final results of the Hawaii County Reapportionment numbers, which ...I hope we're all looking at the same thing. Does everyone have a copy?

(A copy is attached as #1)

S. PAVAO: Not yet.

B. FORD: Okay.

I'd like to start at the very bottom of this page and kinda work up to the top. If you look at the bottom section, it shows that the U. S. Census gross numbers. These are numbers that the council, I'm sorry, this Commission is using for their numbers. Shows that this Island has 148, 677 people living in the County.

When Charles Flaherty and I turned in our first map on October 18th to this Commission, we had removed the active military and non-resident students which were the only two exclusions that we were able to get from the State which lowered the number to 147,877. We have now received from the State the exclusions for the active military, the non-resident students and the non-resident dependents. So the total...the legally mandated exclusions is 147,806 and that's the number our map is based on at this time. Nothing changed on our map, just the numbers changed. If you go to the center section, you will notice that there are 738 non resident students, 62 active military which you know from previous testimony, those two numbers and the new number is 71 for the non-resident military dependents. Again this did not make any changes in our map. While most of these numbers come out of the Hilo area, not all of them do, there's a few coming out of the north Puna area, and I mean, very few, less than 10. But most of these are coming out of the Hilo area and you will notice that a number of 871 is a couple of percentage points in the population for a particular district that these would impact. So I would suggest that the numbers you are using again are not legal numbers and you have not reduced the mandate...mandated exclusions and therefore, your deviations will be off.

The top section of the final numbers for the County using the 147, 806 number, you can see that the allotment per district is 16, 423 and based on that number and the numbers that we have in each one of the areas, based on the exclusions being removed, you can see where our deviation is. We now have a deviation spread of 6% well within the spread of plus or minus 5, for a total of 10%. We are still well within that on the map that we have suggested.

If you have any questions on these numbers, I'll be glad to talk to you about them and answering questions. I am also here when we finish with this one, I have two presentations of two other people.

VICE CHAIR: I note that there is ah...Mr. Boyd who has been signed up (inaudible-speaking away from mike)...is that correct?

B. FORD: That's correct.

VICE CHAIR: Mr. Boyd has testified before and Mr. Boyd's testimony was given in writing as well. So we appreciate that you can testify for Mr. Boyd and you're just going to read his statement, and I point out that we have his statement and it might be part of the record.

B. FORD: I appreciate that you're going to make it a part of your record and I still would like to read it in because that's the request that Mr. Boyd made of me, to read it out loud to this Commission and the public.

VICE CHAIR: All right, please proceed then.

B. FORD: I'll read quickly.

In fact I'll start reading while this is circulating.
This is the testimony of Richard Boyd who has requested that I read this into the record.

(See Attachment 2 incorporated herein)

(Ms. Ford proceeded to read testimony)

Thank you. Anyone who does not have a copy, I have extras.

VICE CHAIR: I also notice that you have been asked to testify in behalf of Mr. Charles Flaherty.

B. FORD: Yes.

VICE CHAIR: I also want to point out that Mr. Flaherty has testified on several occasions before us so you will read his statement.

B. FORD: I am going to read his statement, I don't have any copies of it, he asked me to read it into the record today and I will leave this copy with this Commission. This statement is written for CERG, Citizens for Equitable and Responsible Government dated December 18, 2001, and it's given to me by Charles Flaherty, to read.

(Ms. Ford proceeded to read testimony, see Attachment 3 incorporated herein).

It is signed by Peter Martin, Sandra Scarr, Stan Boren, David Holzman, Charles Flaherty and Betty Meyerson, all on the Steering Committee of CERG. I guess I ...(INAUDIBLE-SPEAKING AWAY FROM MIKE)....give it to you or....

VICE CHAIR: Thank you, Ms. Ford. Are you finished?

B. FORD: I have one other statement. This is in response to the comment you made at the beginning about the one map that was designed by this Commission that had an urban Kailua district and your persistent comments about how similar that map is to the one that being supported by CERG.

While it is true that the CERG map is supporting an urban Kailua-Kona district, the east side of the CERG map bears no relationship to the illegal drawing of 4 districts controlled by Hilo that this Commission is supporting. One more time I'm telling you that you do not have the legal population to support 4 Hilo controlled districts. What you're doing is wrong. I urge you to change this map or adopt the CERG map which shows the legally allowed limit of 3 Hilo controlled districts. Thank you.

VICE CHAIR: Any questions of Ms. Ford?
I have one.
What 4 districts on the map, you are saying are controlled by Hilo?

B. FORD: The....your number 1. Your section number 1, like ours is the North Hilo suburban area and the rural areas of Hamakua, your district 2, 3, and 4 and you will notice if you compare that to the CERG map that you do not need districts 2, 3 and 4. You need just 2 districts in that area and North Puna is entirely deserving and has the population to justify its own council member. You have ripped apart North Puna into 1, 2, 3 different districts in order to keep 4 districts controlled by Hilo.

VICE CHAIR: Are you saying then that the District 1 that goes... (inaudible)...to Honokaa to Waipio Valley is controlled by Hilo?

B. FORD: Yes, you have a large suburban population there that is controlling that district.

VICE CHAIR: Thank you.
Mr. Vicente?
I notice you've also testified before and so we would appreciate it if you (INAUDIBLE-speaking away from mike).

D. VICENTE: Okay, good morning, my name is Dwight Vicente. I cannot exclude the facts that history presents that the U. S. citizens have been participating with the monarchy prior to 1887 and holding public office. In doing so, they did ...wrote the 1887 Constitution where they authorize themselves to vote without even renouncing their citizenship. Then you have the ...then it brought about the joint resolution of 1898.

In 1898 the U. S. Congress claimed that they had taken over Hawaii, an annexation. And they cited in a document as the U.S. Constitution as being controlling of the document. I think that was the biggest mistake in doing so because that document was actually nullified when they cited the U. S. Constitution in that document. And the State of Hawaii in all these elections right now, all these activities are based on the joint resolution, which actually never...doesn't exist because of the U. S. Constitution. Okay?

That's why you see a lot of kangarooing going on. You had the 1959 Commission Act, you have ah...Hawaii was already annexed but they going make a mistake now. Once wasn't bad enough, they going do it again. Um..military personnel who is illegally stationed here in Hawaii to participate in the electoral process for statehood, they also had contract descendants, foreigners, other than U. S. citizens participating. Not to mention the U. S. citizens was again allowed to vote. See, you have a lot of conflict in the documented history coming in conflict with the U. S. Constitution and I think that's the history that's gonna have to go, not the U.S. Constitution. The Constitution will nullify the history, so all what we're doing here is kinda like continuing the fraud and conspiracy that was started well over 100 years ago, that should have come to the end long ago, long before I ever came here and told you this. Each and every one of you are co-conspirators to the documented history which is based on fraud and conspiracy to use your power where there is no constitutional authority to do so. So I think that should be your legal opinion based on the joint resolution. Did it actually happen? What's the legal ramification that has on the constitution, or does the U.S. Constitution have on that document. Because I believe that everything will be nullified. In Rice vs. Cayetano, Mr. Freddy Rice used the 14th Amendment. For those who are not familiar with U.S. Constitution, only if you are a slave under the 13th, can you use the 14th, so if you was never questioned was he a slave? He's a U.S. citizen, his ancestry goes back to the United States without renouncing citizenship. Actively he cannot participate in the electoral process here in Hawaii. And a lot of the electoral process now is based on that. Most people don't know that they not U.S. citizenship. They are foreigners. Will it be from the native country or even from the United States.

VICE CHAIR: Thank you, Mr. Vicente.

D. VICENTE: This is not a protest, I reserve all my rights.

VICE CHAIR: I call upon Mr. Bob Jacobson. Again, Mr. Jacobson I know you testified numerous times, so I would hope you would avoid repetition.

B. JACOBSON: Good morning, folks. Thanks for having me again and I won't try to be repetitive, so I'll take that to heart certainly. Unfortunately, there was some certain repetition that's been going on at each of these meetings and its been said that all plans....well, I mean, all the plans have merit, I would just say your plan has very little merit compared to the CERG

plan. Secondly, I'm sort of concerned, I look at this today and there's no numbers on the plan where they just compare the numbers of population....

VICE CHAIR; Does that mean the percentage from the ideal?

B. JACOBSON: Yeah, I don't see that in today's hand out at all.

J. FULLER: It's the last page.

(INAUDIBLE-PEOPLE SPEAK SIMULTANEOUSLY)

S. PAVAO: Maybe they don't have that page.

B. JACOBSON: Well, they're not available to the public today evidently.

VICE CHAIR: I'm sure its available from the staff.

B. JACOBSON: Well, before everybody testified, it certainly wasn't cause I, again I don't have it here and I got it on time, so. Ah...one more thing...I just have to give you the opinion that the CERG plan certainly does not resemble any of your plans other than what Brenda pointed out that the central Kailua urban district is on one of the earlier plans but again the way they handle Puna so separately despite the fact that we have adequate numbers of people to justify two legal council members to Puna, that has being denied. So I think that is unfair and I think you all know how I feel. Thank you.

VICE CHAIR: Any questions of Mr. Jacobson?
Now I call upon Julie Jacobson.
Again, we've heard from Ms. Jacobson several times so
I hope we can avoid repetition.

J. JACOBSON: Aloha, thank you all for being here. I think a special thank you to, I wasn't at the last meeting but to those of you courageous enough to vote to take a good look at the CERG map at the last meeting. I really thought that was impressive, that 4 of you actually see that so I think that shows that there is certainly quite a bit of dissatisfaction with the map you proposed, so I just start with the fact that I consider your proposal flawed in so many ways that I think you need to just throw it out and start over again and I think the best place to start over again is with the CERG map and I think they did a good job at looking at the needs and analyzing it and seeing the big picture. So that's my basic recommendation to....you have the chance right today to do the right thing. And that would be to reject this map and put the CERG map before you and develop a map if not identical but with the basic main features that they have suggested for that map.

And the other thing I'd like to start out with is that its just very disheartening to me, having gone through this whole process and attended almost all of the meetings, the last one we had a Council meeting which certainly was my first priority to attend to my attend to my Council business, but that each of them, just today for example, the process begins with Mr. Van Pernis from the chair making an opinion which is generally not the appropriate way according to the Roberts Rules of Order to comment from the chair about the article in the paper about Kohala. That certainly shows the bias going into it, this is the section where you hear from the public.

Um... and the second thing is that along...I mean the process, still to this day, you have not had maps that the public can understand available to us at all. I basically had to have the kindness of the press to let me look at theirs and coming into the

kindness of the council staff to let me, excuse me I mean the Elections staff to let me come and look at their maps but your actions have not provided adequate information ever throughout this process. And the most recent example of it, you know I provided you with a very crudely made map with cross references that could show the different districts, but your map to this very day that you pass out, you cannot distinguish the lines between two and three on your insert map. And just you just learned just now you did not have the percentages, so the process continues to be flawed, in terms of basic Sunshine rights to have information before the meeting and to be able to study and react and provide input ahead of time. That's never been able to be done on this and um...ah, and then to the basic issues here, and again why I am even telling you we shouldn't be repetitive.

Well, I just want to remind you that it was Mr....it was your Chairman Mr. Van de Car that specifically told me if my plans were to be...if my proposal were to be considered, well, what I needed to do was to go to each meeting and present it. So I was told to do that by you, and so I consider it, you know, adversarial for you to start your meeting with the statement that we should not be repetitive when your Chairman directed me to do that. And to the idea that you have considered, you said 11 maps, well, the fact of the matter is we made request to you to actually have the staff draw them up and you have consistently refused to do that, although the 4 of you think you did ask for that at your last meeting. But to summarize that you did that is an incorrect statement. You will with a tie vote you were able to reject doing that process. So its not as though you have given them consideration, you haven't given that map equal consideration because you haven't done the technical work to give it the consideration its due.

Ah...and then now I'm going to go into the Puna problem which started me with this in the first place. As you know, you are both fracturing and packing districts. And as I said before the irony is that the district you packed for me is...increases my likelihood of getting elected in terms of the results of the last two elections and analyzing the precinct data. So I suppose I should be saying thank you but to me justice is more important. By, you know, if I get by a car today, I want to know if I did the right thing and stood for justice no matter what it does for my political chances. Um...and then so you packed it and then in terms of the political encumbrance. So I believe you generally have done that for other districts although I don't know the specifics of the precinct voting patterns. But more, even more critical to me is the fact that you fractured the Puna community and you have basically put Puna people in one controlled by the Hilo districts. To debate what is controlled by...the very process that the State rejected canoe districts based on the idea that that areas are very different, Maui and the Puna areas and Hilo, and they realize that they had the majority of the population on the Maui side and I believe that's on the Maui side I think was 58%, they realize that that was not allowing for proper representation, that would be too much of the borders would be in one area and not the other And so that's what you're doing with your arrangement with 3 and 6. You are splitting...and I just want to remind you that the Puna district border with Hilo is roughly near...its roughly near the 5 mile marker near Macadamia Road on the highway.

So your map draws the 3 and 6 lines way up on the Kulani Road on the makai side of the highway. And Peck Road, Peck Road in on the 16th mile marker you have 10 miles of Puna along the highway in on the mauka side, and there are many subdivisions in that area. There are many people that are affected by this. You have fractured the town of Mt. View. You have Mt. View School in the 6th District on the makai side of the highway and just a few hundred feet up the road, you have Mt. View Post Office in the 3rd District because its still Hilo side of Peck Road. So you have split the town of Mt. View, having the Post Office a few hundred feet from the school and in different districts is just wrong, this town is fractured.

And then I come to the point that I made earlier that I don't think you ever addressed, and that is this whole issue of the fact the way the resources and the way County government is currently organized is around judicial districts, the State judicial districts, our fuel taxes are led by that, our figures on property tax are described in terms of the judicial districts. Our Parks and Recs are organized by it, and our Public Works Department. And so this is....so when you make them drastically different from those, I mean you have the population range

of 17 some hundred people to 47 hundred some people. So each district of course is going to be one but to the extent that you can not divide them up, not throw 3 different districts and not mix them up like this, you would be able to do a better job of keeping tract of recourses and insuring the equity of the resource dispersal. Um...and....I guess these are just my main points and then, of course, the same factor that you have never address the length of the 6th District, and you've also created a kind of interesting phenomenon that you might not think about that you can say that it is technically contiguous, all the way down to Kealakekua Bay, all the way up to the back corner of Hawaiian Acres on the 9 and G road. But in order to travel on a paved road, you know, and not take another extra hour of travel time bouncing around on the back roads, you have to leave the district in the Hawaiian Acres end at about the 10 mile marker and drive almost 6 miles...well, around between 11 and 10 and 11, and up the other one at 15 and 16, but you have to drive 5 miles on...to drive on pavement you have to drive 5 miles outside of the district to get back into it again at the one end. So if you flew by magic carpet, I guess that's contiguous, but if you travel by road, you have to go out of the district and back in it again. And you may have a few spots where you have to do that for a short distance. But you don't have anything glaringly like that, like you do in the 6th District. And so I just urge you to do the right thing because it is just a foregoing conclusion, you will face this in court and I think that as Brenda has pointed out, it is just a terrible waste of taxpayers money and a terrible distrust you give to the public when, you know, we all know that the vast majority of the public had told you this plan doesn't work, and the vast majority of us have come together on another plan, and you know, that's what 90 some per cent of the public has told you particularly interestingly the public that comes here in person to tell you this. The public that goes to every meeting and tells everybody what they think out front, that part of the public is here, and has been here. The public that you get letters from that you read their written testimony, you know, maybe some of you have said, well, there's a whole bunch of that, and I suppose we can go and look at your minutes and try to sort out well, just how much of that is there compared to this. But in terms of your meetings and the process where we worked ostensibly supposed to present our testimony, its been clear and decisive. And so again, I urge you to just do the right thing today, its not too late and each of you have the intelligence and if you, and I think if you listened to the real reason behind all of this, you'd see that that what you're doing is against the public interest and it's a very deep and disturbing thing to....to prevent justice that will affect us for 10 years. And its very hard to, just as I thought we did it wrong the first time in 1992, and all we're doing is exasperating that and its very hard to change tract so if we have to have another ten years of this wrong what's made worst than what we what we already have, you know you are really undermining the public trust, the public confidence in government, and we certainly don't need that with the scarce resources and the difficult problems we have all the way up to the international level . Its time to...if you want to show solidarity with the people of your island you know what to do, and that is to reject this plan and to create a plan, if not identical to largely similar to the CERG plan the Hawaii Constitutional plan.

Thank you very much.

VICE CHAIR: Any questions for Ms. Jacobson?

S. PAVAO: I have.

VICE CHAIR: Mr. Pavao?

S. PAVAO: This is a point of clarification, Ms. Jacobson. I heard you say something, and I want to make sure that I heard the right thing, but are you saying that 7 to 10 people testified at the public hearing is the vast majority? I heard you say that we heard from the vast majority of the public and the vast majority of the residents of this island.

J. JACOBSON: No, I didn't say that the vast majority actually came to the meetings, I'm saying in the meetings. For example I think the most notable one is the Puna

M. VAN PERNIS: A statement or question?

L. BARTON: A statement to what she's saying.
Clearly, I just want to say that this morning when you said, "a lot of people have come out", I do agree. A lot of people have come out in support of our plans, and they also have to say that its been my experience, and I think you may be aware of this that on this Island is, when you have the meetings those that don't come are basically saying, they're not...there's not enough interest, they're not opposed, because when they're opposed, that's when they come. That's all I wanted to say, and so as far as support for the plans, it's the lack of support we are hearing of the plan right now. The majority of not supporting is staying at home and saying and saying: whatever that's fine.

J. JACOBSON: But I want to comment that you cannot make the leap that the majority are staying home, has studied the issues, knows about it, has an opinion about it.

M. VAN PERNIS: As I understand it, you are now in favor of the CERG plan and are basically not advocating the plan that you and your husband submitted earlier in the proceedings?

J. JACOBSON: I'm supporting the CERG plan. There may be details where one plan has some benefits and another plan has some benefits, to summarize that I think particularly for the Kona area, I did not consider that I have the expertise, and I'm sure theirs is vastly improved in terms of their intimate knowledge of that area.

M. VAN PERNIS: So we should take your testimony in supporting the CERG plan...

J. JACOBSON: Yeah.

M. VAN PERNIS: ...and basically the drawing that you are...the earlier plan that you and your husband submitted.

J. JACOBSON: Well, that's not the issue to me to withdraw. I gave you the proposals. Now my point is that their plan is a desirable plan, a very good plan, and I support it.

M. VAN PERNIS: Thank you.
Any more questions of Ms. Jacobson?
Hearing none, I'll next call Mr. Mikahala Roy, please.

S. PAVAO: Mark.

P. NAKAMOTO: We have now the information

(Inaudible-speaking far from mike and people speaking simultaneously)

M. VAN PERNIS: The information requested is now available from the staff.

And I call upon Mr. Roy at this time.
Ms. Roy, I'm sorry.
Ms. Roy resides in Kealahou.

M. ROY:
all of us.

Aloha, members of the Commission. Good morning to

I'm challenged to be here as I am from Kona to be at this hearing, but overall I am thankful to have had the opportunity to drive totally around our Island of which I will speak today. At Ka'u I was inspired as the sun rose this morning; in Pahala I viewed two full anuenues, there I saw the na'aleikaelua of that coastline.

My name is Mikahala Roy, I am a teacher, Hawaiian literacy coordinator with the Department of Education. One, I am here as a member of your Island's community to go on record to indicate I deeply care for the affairs of our land and to thank you for your true service today.

And two, to re-express and remind us all of the phrase we live by: Omao ke ia oka aina ika pono. In the land where the official language is Hawaiian and English. Teachers, historians and precious heritage keepers have only just begun the continuous process of ho'oulu hoo'ili'ina, the revival and the vital passing on of true Hawaiian heritage as passed on from a cultural based in oral history. This is a well used, one of the maps I use in my classes, and its 75 years old now. It shows our aina, our ho'opuni Hawaii, mokukeawe with the 6 districts of land, they are all named. These land names are in place and when they were given they carried great blessings for the future. They need to stay in place and each of these marked ahuapuaa. These are what I am deeply engaged in teaching students of all ages. The identity of the land is in place.

You have the responsibility, carvers of the government to place growth and balance and fair ways. I am vitally thankful for the speaking that's happened today, so that I can get up and speak, but I have not been able to make their meetings. Thank you.

In an oral history, heritage is passed lovingly and with honor within families. Kulana Huli Honua foundation for the search for wisdom, a community non-profit for which I am Executive Director, has established a project named Aha Malia Honua, established families of the land...to work for the recordation and education of Hawaiian Heritage, I and our board members travel to Hilo to meet with our Mayor at the beginning of his tenure to express how we work along with other community groups, the result of which will hopefully engage us to position us deeply in the planning process in the future. Along with my students, us as students, all community groups, I work with Hawaii Island Planning Advocates which is a group that, like me, wants to see people begin to speak again in their communities.

I agree with Ms. Jacobson that not enough people participate at these hearings and this has been borne to be due to an impact. I will speak for the case of enlightenment. We view back 20-20 in our vision to colonization. Americanization of this land has silenced the majority of voices that we call native here. I agree with Mr. Vicente, all of this information is now coming to light. There are things that are unfolding daily. I have a tape that I'd like to make a copy for your benefit; it is a lecture giving by Miss Noenoe Silva, who is the woman whose research brought the findings of petitions in Washington D. C. to light. She and others, I learned, have started a...an organization based on research and with other groups politically active, they are coming forward to unveil truths.

All schools on our Island and our State must teach Hawaiian heritage, it's the responsibility of Hawaiian leadership in our communities to revitalize for the purpose of carrying on our heritage in truth and love. Here in Hilo, the Edith Kanakaole Foundation along has been successful this year in bring more than 1,000 registrants to this Island to study art, culture of this land, and this land. Therefore the nature of the communities must be respected...the nature of the community must be respected. The word in Kona I'm very accustomed to is, maliea, it means calm. I also heavily advocate something, a phrase that was carried by a teacher of mine of dance, Iwalani o' wahine, as she sat on a commission in Kona for Planning in the '60s. And that was the Kona way of life. And they spoke of balanced planning that called forth from all participants. Culture Keepers of Hawaii of Homelands are very active, busy at the preservation of

the life way, which has at its center Aloha Ke Kahi Ekahi, love one for another, that's born of the land. In Kona, I resist the arbitrary designation of a land classification to "urban", the Kailua-Kona area, my home turf, I do not go along with that classification that I learned happened over a short span of years in the tenure of perhaps more than Steve Yamashiro. But as someone whose raised there, whose grandmother started the first motel there in Kailua, whose roots go back there, I speak in resistance to this. There has been insufficient input from the general public. There has been grossly insufficient participation from Hawaiian and other local residents, those living here for more than 30 years, that's what I call local. Seeing in the Supreme Court rulings, State vs. Kaapa o'kaina we know why Hawaiians and their heritage, their culture have been moved to be protected. I was honored to have been asked to greet people who visited here for the western...a regional conference for the counties. May I read to you an oli that was presented there, I was moved to ask for the help of Mary Kawena Pukui who wrote these words first:

O Hawaii ka'aina o ka puni ma hune kapohe (inaudible-speaking away from mike). E ono na moku oni mae ko puni o'Hawaii kamoku o keawe ke kaealii o kamoku. Hawaii is the land the poni mana huni of the people. Six of the districts of the land of this Island, Hawaii land of keawe keka hea lihi o kamoku. O Kohala o Kohala iki o kohala nui o kohala loko o kohala waho. O Kohala o kamehameha e. O Hamakua o Hamakua oio kapali o'o lau (inaudible=speaking away from mike). O Hamakua o keawe mauhili. O Hilo o Hilo ea o kua kila kinae. He u heua lu lehua o panaewa e. O Hilo okulu okulu aa. O Puna o Puna paia alae e kahala mae keaau ili nea kekahi. O Puna o kalani o puu. Kaneuhi eli ke ale kai, O Kau o Kau kua makani. O e mae kalani kekelo ohana e pae. O Kona o Kona eki kai mai oki oki o Kailua ke kape holomua o ke opuni. O Kona o he hu nui kaimalino e.

(Transcribed by sound, request for written testimony has not been submitted by Ms. Roy)

I don't think I need to translate. I think I am look at people who are from these areas. The division of people that grow in number on our lands will come, and its your responsibility as you've heard from all of us today to be in charge of that mission at this time. I urge you to hold off on this designation to making your...at ask for an extension. Because I hope for a day that all of our districts will be represented by kupa, which are the people in our 6 major districts, we still have links, as well as, the wonderful people that have moved and have wanted to call Hawaii their home. I call for public participation, it's the root of everything that's true. Liliuokalani has said, the voice of the people is the voice of God. Please do the right thing. Thank you.

VICE CHAIR: Thank you, Ms. Roy, we sincerely appreciate it, and do any of the Commissioners have any questions of Ms. Roy.

P. KAHAWAIOLA'A: I do.

M. ROY: Aloha mae.

P. KAHAWAIOLA'A: In your role as a...the planning process that you do right now, what kinds of planning do you do or try to do.

M. ROY: I talk stories with as many people in the community as I can and we network. Hawaii Island, I am proud, we can call up people in our districts and there's a lot of pro-activity. Yeah.

P. KAHAWAIOLA'A: And could you, because you didn't ...I needed for you to do that. The discovery of Noenoe Silva in Washington D. C. You explained that it was she that did but would you explain what she discovered.

M. ROY: Sure. About...it is 2 years back. Noenoe Silva went to school and went into the study of Hawaiian language and as such, she was very interested in that and began to do research in particular documents that led her to story of a proposed or a so-stated process called an overthrow, which in time, it is misnamed, it is not that at all. They call this an illegal occupation. I agree with Mr. Vicente that these facts are coming to light and at this time it's a very precarious situation, it's a very tumultuous one, as well. So when I spoke today, I speak as a member of our kula iwi, my homeland. And so what she found were petitions in Washington which registered more than 20 thousand...33 thousand Hawaiian signatures against the process of annexation. Further, this led to the finding out that the process of the annexation is illegal. And this, I will be glad to send you a tape of a lecture of hers but more importantly, the fact that you folks don't know this, is a serious inclination to me...indication to me that this information has to get more fully out because I'm an educator and this came to me by my seeking the current status of things.

P. KAHAWAIOLA'A: I then also try to express to you the...what I have heard over the several months on being on this Reapportionment Commission doing...hoping that the map you show within those 6 districts, however, somehow the government has now decided there are 9 districts to this Island and that by itself has already split the ahupuaa.

M. ROY: No , not really. In our minds we say, excuse me...

P. KAHAWAIOLA'A: Yes...no...go ahead.

M. ROY: I was going to say that maybe District 8 in the district of south Kona, you see, the land placed stays the same, but the number, is a number. But the people, this is what I'm concerned with and I come to speak as a member of the people who make up the land, and I want to live in a Hawaii where we know our neighbor, we care about our neighbors and we take care of our children, you know in our language there is no word for orphan, which tells you how we care for children.

P. KAHAWAIOLA'A: That was my only reason for asking, because the term we use, Americanization, that the... may not sit well with a lot of the people that now are residents here on this Island, let alone the State, but we can only stick to this Island. And I can also. And your call for people who come out and do it would...would be calling a particular group of people or just everyone else that's besides those that are here today.

M. ROY: I think the process will be one that will take some time to clarify and sort through. For example, I am honored to sit on Kahuku Mauna, the group that takes care of Mauna Kea. Speaking of 90% of the public, being in resistance to something, that was what happened with Mauna Kea. Those are seeded lands. These things need to be clarified and maybe it will take sometime but I, like I was taught by my family, you just go with your heart. And so, I'm in no rush to...in other words, I look at everyone as we are here today.

P. KAHAWAIOLA'A: I must reiterate that ..that...that's the only way I was raised, so the matter of me having to sit here today, and put 16,520 people into an area that they say would give them, in one testimony, its not yours, but apolitical voice in other testimonies, a socio-economic perspective, the...and again, this is a given statement and not a question to you, is just that the concept of government being operated that way for everyone in this area in this office....in this building today who has given testimony today, is just that...I'm hoping that what I do

is fair, and I am hoping that what's going to happen is that in these areas, these 9 areas that now make up and consolidate this Island will be just that. It will be a fair, impartial and also be done through my understanding of what is aloha ekahi ikae. And with being said, I again thank you for coming forward because, for me its refreshing to have at least 2 Hawaiians show up some wheres in the months of testimony we've had.

Thank you very much.

M. ROY: Thank you and thank you for being a member of this. And in answer to your question...statement now, there are many people who protest and they are not at the protest. I am very vocal but there are many who aren't. So just to give you that feed back, they are the ones being subjected to the problems and status quo in Hawaii nei which are feeling real quickly.

Thank you.

VICE CHAIR: Ms. Roy, I believe there is one more question.
Mr. Fernandez?

J. FERNANDEZ: Oh yes, Ms. Roy, correct me if I'm wrong, but can you clarify that when you say that Kailua-Kona that is being proposed as an urban area, that you are opposed of?

M. ROY: Yeah. In other words, I am saying to you that I lament the times I didn't get to hearings, but that's why I said there's been so insufficient participation from the people. I will say that recently in Kona, you've seen a resurgence of activity like I haven't seen in my life yet. I've seen steady holding on, I should say in my young years, but now this re-vitalization has come where we have to, I think, give voice. We're losing ground very quickly if we don't. Speaking as a Kona person I say that I lament the fact that I didn't push my way in to say to people like Mayor Yamashiro, don't do this and others who may, given my voice strongly and amalgamated more people. But you know, all things in right time, all in all, I must say, but urban, I resist that because Kailua is not only the first capital of the Hawaiian Kingdom, it was the birth of the cattle industry. This is history, world-known. Now if I...before the 70's, growth came in and no questions, no thought to the integrity to culture was given, so I must voice that more and more strongly and I understand why people do the same, just this last year, we restored Na pohaku na lea Umi, these are the hand hewn stones of Umi Alii loa. My goodness, these were hand hewn the only ones so ordered by this King of this Island in the 15th century. For some reason they...many ended up in Kailua but they were just strewn. No one understood or even gave them acknowledgement so this year they will be recalled and restored, I call them. Yeah.

S. PAVAO: Can I a big question. I just need a point of fabrication. I know we heard that we heard from...we heard a lot of very important issues raised during your testimony, but I just...to clarify my mind, are you...I know, you are asking us to take more time. Are you speaking in opposition to the current proposed plan, or are you speaking in opposition to the CERG plan, and I don't know if you've had a chance to look at that plan.

M. ROY: I have briefly, but in truth I have to tell you, not sufficiently and I should say that really, but with the level of opposition that I'm hearing, its enough for me to say that it would be hasty for you to make a decision on and favor of this plan at this time. There must be a way that I can be worked out in a hasty...I mean, in a prudent time....in a time prudent manner. That's why I'm hopeful for all districts to send their representatives.

Thank you.

S. PAVAO: Thank you.

VICE CHAIR:

Mr. Konishi did you have your name down?

A. KONISHI:

Good morning, Mr. Chairman, good morning.

Commissioners. For the record, my name is Al Konishi, and I have spoken to you before. For those in the audience, I would say this again.

Just for...to disclose where I am coming from, I am a political appointee appointed by the Council members. Having said that, yeah, I also want to say that according to the Charter, my role is to provide you with logistical support and as you know, as a political appointee, one of the things that I have done is, I have gotten out of the way and made sure that myself and the other political appointee of the department, Mr. Ikeda, we have had nothing to do with the drawings of the line. In fact we kind of banned ourselves from the room where Mrs. Nakamoto and Mr. Kozohara are doing the lines. I just want to say that just to clarify that for the record. Having said that, you know, I hate to be the bearer of bad news, okay. But this morning I had a chance to check with Mayor Kim outside his office, and we were just shooting the breeze, and we talked about the concept of telling it like it is even though it is not popular. So I'm sorry to disappoint a lot of people in the room but as a person providing you with logistical support I gotta give you some bad news.

First of all, the deadline that's imposed on you is December 31st, that's 13 days away. That's is not a deadline that I made, its not a deadline that staff made, its not a deadline the HGEA made, the Council or the Mayor. This is a deadline that the people of this Island voted for on...in November of 1990. This deadline has been known, therefore for 11 years, from November 1990 to now. This December 31st deadline is known.

Second thing. This deadline is not a matter of convenience for the staff or for myself or the candidates. State Law which no one in the County has the authority to supercede. It says that Mrs. Nakamoto and her staff have to have maps, descriptions, nomination papers available for candidates in February. Okay?

Here's the bad news. If you make any major changes to this map that is behind you, they are not going to make the deadline. Now I'm not here to ask for your sympathy, but we have our workers working an average of 14 hours a day. They simply cannot put more hours in the day and make this deadline. They simply can't. In fact, Mrs. Nakamoto quite does not want me to reveal this. But we are in a situation now where we can't finish it without her, she's facing a situation where she's going to lose accumulated vacation time because we just don't have enough time to do anything else. So today is, I know I heard a very, very nice presentation by the previous speaker about delaying...I'm sorry, I gotta break the bad news to you. We can't do it. If you're going to make the deadline of December 31st, you gotta go today. And you know, again, I just want to also state something for the record, because I heard Mrs. Ford mention this and I read it in the article.

Just for the record, folks, you know, a lot has been said about what is Constitutional and what is not. And Mr. Ferguson, Mr. Van Pernis are legally trained. *Burns vs. Gill* is not the controlling authority in this Reapportionment situation. *Burns vs. Gill* was decided in 1970. I am only saying this because, you know, I want to reassure you Commissioners. *Burns vs. Gill* was decided in 1970, the issues it had were whether or not State legislative districts would cross over the water. Also, they talked about the issue of multi-member districts. In *Burns vs. Gill*, the Hawaii Court...oh, I'm sorry...the U. S. District Court I believe talked about the history of Reapportionment in Hawaii. In the recitation of the history, they talked about how a committee of the Constitutional Convention went ahead and did their reapportionment plan. And in that recitation they mentioned the factors that, that particular committee used. Now, Mr. Van Pernis and Mr. Ferguson know that a holding by the Court, in other words, its something that is put right to the Court, the question is, you know, can they do this or can't they. That is the ruling in the court, in the case *Burns vs. Gill* does not stand for the proposition which I've heard them alluded to. I think, in my opinion, the controlling authority is the case of *Kawamoto vs Okata* which took place in 1994 in

which residents in Waipahu were upset because they said their district was cut into three different pieces. Now, that's not what's quite on point, but I think that would have more authority than *Burns vs. Gill*. In fact, there are two excellent articles on reapportionment in Hawaii. One being called The History of ReApportionment in Hawaii, the other one is How to Challenge a Plan or How to make a Plan. One appears in the Hawaii Bar Journal and one appears in the University of Hawaii log. *Burns vs. Gill* is hardly cited. Okay.

I just wanted to mentioned that in case some of you wondered whether or not there are constitutional questions about the particular plans that you worked on. Again, you know, as a political appointee, I don't want to get into the specific plans as to whether or not, I think they are constitutional. I just wanted to make that clarification that and you could, you know, if you want to consult with your attorney, you can do that, too. But in my opinion, *Burns vs. Gill* is not controlling, its *Kawamoto vs. Okata*. Anyway, I am sure, you know, again in keeping my effort to keep this apolitical, I'm gonna leave the room after having stating this. We have excellent staff people, on the question of integrity etc, they can fill you in more about some other columns they would have if you made any major changes to this map here. Again, I want to make it clear. Its not because I am supporting this map, whatever map you have behind you today, what I'm telling you is, if you make major changes, whether it may be the CERG map, Mrs. Jacobson's map, maps 1-9, you make major changes today, you're gonna have a very difficult time making a December 31st deadline. And again, that's not a matter of convenience for us. Its State Law and it's the County Charter.

S. PAVAO: May I ask Mr. Konishi a question?

VICE CHAIR: Any other questions Commissioners have for Mr. Konishi?

S. PAVAO: Can you briefly tell us what are the Court's findings in *Kawamoto vs. Okata*?

A. KONISHI: Okay, in *Kawamoto vs. Okata*, Calvin Kawamoto who was then the head of the Neighborhood Board, now he is a State Senator, said that Waipahu had been split up and it was discriminatory, violated the people's equal protection rights, etc, etc. Now what the Court did there, the Hawaii Supreme Court, is what most Courts do, in gerrymandering...alleged gerrymandering cases. Most times, unless a Commission had done something so outrageous, they would not get involved, because Courts don't like to draw lines. Okay. So they have looked at the first issue. They said are there huge population deviations? Okay, and the answer was no. So therefore... then the Courts said, okay, if you're basically saying that the people of Waipahu formed this group that is somehow getting their rights discriminated against, so they broke it down a couple of ways.

The first point was is there an identifiable group? And the feeling of the Court was, Waipahu is so diverse in ethnicity, in socio-economics, in occupations, that it is so nebulous, that what group are you discriminating against? And the Court noted that most times on the mainland, where people allege discrimination, is basically racial discrimination, and those things are readily identifiable. Okay. But in the case of Waipahu, Calvin Kawamoto was just saying, well, we don't like the fact where they split up three different ways. Also, the Court then said, what is Waipahu? You know. Where does Waipahu begin and end. What about just about got this case memorized. What about Village Park? What about SeaView? What about the community of Waipio? Okay, so the Court say, gee, Cal you can't even show us on the map where Waipahu is. Okay.

And I...I can't remember the last point but so what the Court did was found that the City and County Reapportionment Plan was valid, it was not...it did not

constitute gerrymandering, and it did not discriminate against any so-call unidentifiable socio-economic group.

Again, you know, Mr. Pavao, if you're kinda interested, there are some excellent law review articles on the subject, they are kinda understandable, even though they are drafted by lawyers. Usually I don't recommend things....or lawyer's right but just basically just what they decide in *Kawamoto*.

S. PAVAO: Thank you.

VICE CHAIR: Any more questions of Mr....?

P. KAHAWAIOLA'A: I do.
And my only question to Mr. Konishi, is what's the bad news? So what's the bad news, you came in with some news. What's the bad news? I guess, you're giving me the idea that we knew the deadline was

A. KONISHI: No. I know....

P. KAHAWAIOLA'A: ...the 31ST of December, so I mean, I just hope that...and I only speak for myself, I just hope that ah...I knew the deadline was there, I know the crunch time, and the knew the staff had...I'm not going to put....be prepared to put the staff under that kind of situation. If someone's going to lose big time, and they're working 14 hours, and don't get so see, you know, their families during the holidays, by the same token, that's why I'm saying, that in my opinion, there's no bad news. We're prepared, you know, we gotta do what we gotta do, we took it on and ah...or I took on this job...ah assignment to do this till December and make sure that ah..we can come and constitutionally say, you know, the threat was there, and the threat is still there. I heard it twice tonight...today, that it may be resolved in the Courtroom. So be it. If that's the way its going to be done, this is supposedly, this is America, and that's the Constitution that they prepared to, to, to use, and I heard the 14 Amendments and I put a record, and I'll make it clear for the record, as a native Hawaiian living on Hawaiian Home Lands, the 14th Amendment does not apply to the Hawaiian Homes Commission Act. I can make that categoric and clear. It does not apply to the native Hawaiians that live... that are living under, that are qualified under the Hawaiian Homes Commission Act. That's a sad case to mention, but its...its clear in this County, so I don't want to start that...go into that tangent, however, I am prepared just to do what is fair for the rest of them because not all of my ohana, my family, qualifies as native Hawaiians, and therefore, they live in separate parts of this Island. So I just needed to make it clear, I just thought it as a matter of ah...to break this seriousness that you have. I didn't hear any bad news, I just heard that we just have to keep it going.

A. KONISHI: Well, you know, I want to thank you, thank you, Patrick. I just want to review another conflict I have, Patrick and Mr. Balberde. No, I don't have a prejudice towards Keaukaha so I'll reveal that for everyone now. I say that because I know a lot of, you know, people are not happy in the room, and a lot of statements have been made but the reason I said bad news is because at that other meeting, I want to point out that yourself, from East Hawaii, from Keaukaha, the great community of Keaukaha, Mr. Balberde from Waiakea, Ms. Barton from the eastern side. You guys were the ones who voted to take a look at the CERG map. So when I say bad news, I know you guys did your best to try to get their concerns out, you guys didn't have the votes. And when I tell you because of that track record of being open like that, I just wanted to tell you that even if you wanted to look at it at this point, I'm sorry, its just too late. So again, because you guys had voted for that CERG thing the last time, I just wanted to throw that out for you.

P. KAHAWAIOLOA'A: And let me make it clear the vote wasn't, you know, to penalize your staff or....

(COMMENT FROM MEMBER INAUDIBLE)

P. KAHAWAIOLOA'A:the Elections, it was just that the opportunity, we believe, arised, but that being said and democracy with the majority don't rule or whatever it does, you know it became a moot point, and I believe for myself personally was in support of one of the commissioners.

VICE CHAIR: Thank you, Mr. Konishi.

A. KONISHI: Thank you.

VICE CHAIR: We have three other persons who have signed up to testify.
Nancy Pisicchio, please.

N. PISICCHIO: Good morning, Commission. Good morning, Chairman. Thank you all for sticking through this process and volunteering your time. I came before you very early on in the process before and actually it has been narrowed down to a particular configuration. And at the time I stated that I thought that as a result of the population growth on the west side of the Island and from a planning perspective, I think that it makes good sense to implement a Kailua urban district and I still feel that way. And I also stated at that time that I think that for the planning perspective and population distribution as well, it is good planning to incorporate the entire Kona Coffee Belt as much as possible into one district. And the plan that, it looks like what its arrived at doesn't accomplish either of those goals. So I want to state for the record that based on that I would say that the plan offered by the community, by CERG community fulfills what I consider to be more appropriate planning. And that's all I wanted to say about that. Its pretty much a repetition of what I stated the first time I came before you.

I only want to make one more remark because I got a lot of calls before about this issue. And as a council person representing District 7, I got a number of people contacted me. Its not a pleasant subject, but a lot of people contacted me saying that they felt that some people that came before this Commission were less than cordially treated. And I think that, that's very unfortunate that, that element got brought into this process at all. I just...I felt...because a number of people did raise the issue to me, I felt that it was important to repeat it back to you.

So, thank you very much, that's all I have to say.
Any questions?

VICE CHAIR: Yes, one question, Ms. Pisicchio, and I know that I'm the person you recommended to the Mayor for appointment.

In regards to the CERG plan that you comment on, you endorse the division of South Kohala in the West Hawaii district into N. Kona and N. Kohala into a Hamakua and East Hawaii district?

N. PISICCHIO: The only aspect of the CERG plan that I am commenting on is the development of the Kailua urban corridor and also how it incorporates the Coffee Belt into one district. I am not in the position to feel that I have the authority or enough knowledge to comment on any of the other delineations of any of the other districts.

VICE CHAIR: Thank you.

N. PISICCHIO: That's all.

VICE CHAIR: Any other questions for Ms. Pisicchio?

Seeing none, thank you.

N. PISICCHIO: Thank you very much.

VICE CHAIR: Curtis Tyler, please.

C. TYLER: Mr. Chairman, members of the Reapportionment Commission, Aloha ka ko.

P. KAHAWAIOLA'A: Aloha.

C. TYLER: Its nice to see you all again, and thank you for the opportunity, Mr. Chairman to make some brief comments to what this looks like, and from what I understand perhaps one of your last meetings.

My first comment is to thank each and everyone of you, thank the staff for the work you've done, I realize that you haven't pleased everybody, and I guess that goes with the territory, whether you're elected or appointed, these things happen. I just want to let you know how much I appreciate the work that you've done. I know it hasn't been easy. And I wanted to make some specific comments regarding your map, your proposed map which is the North Kona-South Kohala mvp5 map. And I am also going to make reference to my correspondence, my memorandum of October the 17th, I don't know if you have it or not, but I'll just....just for the record, I'll make reference to it.

With respect to the overall, the large map that's behind Commissioner Ferguson, I had hoped that we would be able to, and I had suggested using the North Kona-South Kona geographic district and land district boundary. My understanding is, if you would look at that map, you will see that there's a zig and a zag, or a jog in the map. My understanding is that because of the census tract, it could not be divided. There are no people living in that area, but if...as you can see there, if you look straight up from the 8th, just go straight north, you'll see how it zigs and zags there, which is the way it currently is, and has been for many, many years as I recall, certainly since 1990. And I....I....as Mr. Konishi said, I'm aware that the staff is, you know, have significant constraints in terms of time and of course, you do, too. But if there's any of doing that, I think it would simplify it from ah...just from ah...some of the perspective that ah...Ms. Roy spoke about in terms of the land...land divisions. I would then like to refer you to the map, yes, the last map, the Kona region map, and I have...can't tell from looking at this map, correct me, but the...I had recommended in my correspondence in map 4G specifically within that correspondence that the mauka makai line begin at the shoreline and follow the Kahului 1 Waiaha 2 stonewall, and my map so indicates. I can't tell from this map whether that is the case, but I hope that you're not following the Lunipule Road. And the reason I say that because you would divide up that community. I don't think you have, but I can't tell. I just want to be sure that it follows the map 4G. I believe the staff has done that, but I just want to state that for the record and you know, I'll be happy to help.

J. FERGUSON: I...

VICE CHAIR: Mr. Ferguson.

C. TYLER: Thank you.

J. FERGUSON: I believe that you're supposed to go behind the subdivision....

VICE CHAIR: Yeah, but I think it is relevant at this time to ask the staff to confirm that it went up the rock wall on the south side of Lunipule Subdivision rather than Lunipule Road itself.

P. NAKAMOTO: Right, the map is showing Lunipule.

C. TYLER: As the boundary?
Well, Mr. Chairman, with all due respect, I believe that I can go up that wall and should go up that wall because it would significantly divide that community. It's a very....

VICE CHAIR: Mr. Tyler, isn't that wall designate...divide 2 ahupuaa?

C. TYLER: Yes, it does. At Waiaha 2 and Kahului 1. It is shown on the map, and Lunipule Subdivision is one unit. The Hawaiian Development Corp.... Kona Hawaiian Development Corporation is on the south side along with WalMart. Those are right behind Yama's there.

VICE CHAIR: Would you be willing to, I believe that ahupuaa wall line would go only from the shire line up to....

C. TYLER: Kuakini.

VICE CHAIR: Kuakini Highway...

C. TYLER: That's correct.

VICE CHAIR; ...which would only be 200 yards, right?

C. TYLER: That's correct.

VICE CHAIR: Okay.

C. TYLER: Yeah, and its...I...its also the boundary of the Kailua Village area, so I think it should be important to keep Kailua Village together. I had recommended going...following that boundary all the way up to Queen Kaahumanu extension, North Kona Belt Road. However, the staff informed me that...and I think you, Mr. Van Pernis, informed me as well, that because of the census tract, it would have to follow along Kuakini and then swing back as it currently does. Swing back, swing north along Queen Kaahumanu extension. There are very few people, if any, that live in that block, so it would make no difference as I pointed out, I think, in my correspondence.

My major concern with this map is the boundary that is shown on the new Kona region map which runs between Queen Kaahumanu extension and Kahului Enaloli Road, which is the old...the old railroad deck. And if you look at this map, you will see that there are two little sections that, like little peninsulas, and little horns that go north. You will have to look at the laalaa...the detailed map, Mr. Van Pernis. And if you will...

P. KAHAWAIOLA'A: Is it the big one that....

Oh, the Kona...

C. TYLER: Yeah, it's the last one...the Kona region map...
S. PAVAO: This one here.

C. TYLER: That I am referring to.
Yes, that's it. Thank you very much, Mr. Fernandez.
You will see, if you look at it carefully...

S. PAVAO: Two fingers...

C. TYLER: ...two fingers pointing north. And the boundary that is shown there...excuse me, the boundaries that are shown there are streets, and the mauka-makai boundary that you see there which is bordered there on the mauka-makai ends by those two little horns is Hoene Street, as opposed to what I had recommended, which is Auhaokeane 2 Puaa 1 Land Use boundary, which is the boundary for the Kailua View Estates. So essentially what's going to happen is, if this map remains there, you are going to divide up the Kailua View Subdivision...Estates, excuse me. All the people that are makai of Waiiau Street and all of the people that are south and east of Koene Street will be in District 7. And I think that will be a big mistake.

Now, the staff has informed me again, that the census tract goes according to the lines that you see on your map. As I indicated in my testimony to you, um...the...I said there would be approximately 17, 293 people plus 4.7% or plus 773 persons based on your 6 thousand, I think was, 520...320. In any case, that because the census map...the census tract goes into those areas, the staff said it would be very difficult to utilize that boundary. But I strongly...I understand from speaking with Commissioner Ferguson...

J. FERGUSON: Yes?

C. TYLER: ...that you do have the ability to keep this subdivision together, and I would strongly urge you to do that, because it would create great confusion for the people who live in there and their polling places. I believe if you keep them together it would create confusion for the polling places. And I'm almost done here, Mr. Chairman.

Looking at the 6...okay, looking at that same map, so I would recommend two changes there, not using Lunipule Road, but using the land boundary which is Waiaha 2 and Kahului 1, at Lunipule, and then utilizing the other line boundary which is Auhaokeau 2 and Puaa 1...

VICE CHAIR: Waiaha 1 and Lunipule 2?

C. TYLER: Waiaha 2 and Kahului 1. Its in my correspondence of October the...and the map clearly shows...October 17, the map number 4G. Okay?

And then looking...one final comment on that map before we leave it, and that is I cannot tell, down at Napoopoo what happens. I had recommended that the lines go straight down to the wharf, follow along the northern boundary of the wharf to keep that older part of Napoopoo Village together. It appears to me, from looking at this map, that actually when it hits the Napoopoo-Honaunau Road, it actually goes north until it hits the beach. And I would ask that perhaps you...if...if the staff is able to, its only a couple of houses, or 4 houses or something like that. But I think it would be once again, very divisive for that community, if the people on the makai side of the road were in District Number 6, and the people on the mauka side were in District Number 7. And those of you who are familiar with Napoopoo, know that's a very small area. So those are my comments with respect to that, and specific comments.

I'll be happy to answer any questions about that, I want to just finish my comments by just saying that my friends in the group, Citizens for Equitable Responsible Government, some of whom are...are constituents of mine, also personal friends, I think you've done a real service for this community by spending the time to work very, very hard and coming up with numbers. We provided...Nancy and I provided them with copies of the maps, they came to our office and worked on it, I made some suggestions to them in terms of the community and how they might consider dividing up the community, its...its very hard for me as a kamaaina and 55-year resident of Kona to see that, that divided up in a way..., you know, their plan they are proposing. And I think, Ms. Roy and I, you know, because we live here all of our lives, we have this sense.

On the other hand, I think its very clear from the numbers that the staff presented you with today that ah...something has to give over there. There's just...you look at the plus 4's and plus 5's and something's gonna have to give in there. And I think its not going to be long before given the kinds of growth that we're having in West Hawaii, that some kind of division is going to have to occur in there. Its difficult for me to picture it, I mean, to...to think about it because I'm so used to the land...land division concept and my main emphasis to you, as I said before is number 1, to keep the politics out of it; number 2 is to try to keep the land needs together from a watershed and flood control, watershed management respectively. I am concerned that some folks have indicated that...and again, this morning they might consider litigation, if you don't consider your plan, I, excuse me, I think you're gonna have to speak to your Corporation Counsel about this, but I don't know what the consequences of that might be. And I am concerned about the possible consequences and when you have your deliberations, I hope that some of you ask the question as to what those consequences might be. I have spoken with Mr. Van Pernis, and actually more so with Mr. Ferguson, who is my representative, when I say mine, I mean I'm one of his constituents, he represents District 8. I have questioned both of them about the constitutionality..the constitutional issue because, I think those of you who know me know I'm very, very...very attentive to the Constitution, and I wouldn't want to have anything done that that was unconstitutional.

Mr. Ferguson who is a former elected official in California, shares an also an officer of the court, sharing with me that he, Mr. Ferguson, if I miss anything, I hope you will correct the record please, I'm just doing this by memory....shared with me that he was satisfied that it was not a constitutional issue. I am not able to give you any definitive information except to say that there are 3 offices of the court that sit on this, at least three that I'm aware of, who sit on this Commission. I can't imagine that any of the officers of the court would consider approving something that, on its face was unconstitutional. And it is your job, it is not my job as a council member to tell you what to do. And I don't come here as a council member as I told you before, I come here as a citizen. Thank you, I probably overstayed my welcome here but I thank you.

VICE CHAIR: Any questions of Mr. Tyler?
Seeing none...

C. TYLER: Ladies and gentlemen, Mele Kalikimaka, Hauoli
Makahiki Hou.

P. KAHAWAIOLA'A: Ahue ho.

C. TYLER: Mahalo, Aloha.

VICE CHAIR: Mr. Tinker, please. And I note that Mr. Tinker you testified before so...

DONALD TINKER; Yes.

VICE CHAIR: ...and its getting late so we'll proceed then, without too much repetition.

D. TINKER: I...I...I just wanted to express my disappointment in ah...the lack of action here in correcting any of the major problems that had been brought up, and I'd like to make some comment about what you said before that this...that there was a plan back there that was very close to the CERG plan, and I did not see one of those plans that did not split Puna up and provide them with only one district and split the other district all over.

J. FERGUSON: Like you're doing now.

D. TINKER: And ah...there's ah...also, you are...you are splitting up Hawaiian Paradise Park which you don't seem to be aware of, but you're splitting 2 or 3 hundred people there, I think, something like that. And this was brought to your attention quite a while back, and nothing was ever done to correct that. And going right through a subdivision is not too great. But anyway, the other thing about this getting information from various sources that your brought up, this is the people that bother to come to these meetings are the ones who study these things a lot more than the average person you go and talk to on the street. And is basically all I have to say at this....oh, one other thing though, why are you going to have another if you figure you can't do anything anyway?

VICE CHAIR: Any questions of Mr. Tinker?

D. TINKER: I had one question there, did you hear me.

VICE CHAIR: Your question, sir?

D. TINKER: Yeah, why are you gonna have another meeting if you figure you can't do anything anyway.

VICE CHAIR; What other meeting are you referring to?

D. TINKER: Well, aren't you planning on having one more meeting?

VICE CHAIR: I am not aware that any other meeting is being scheduled.

D. TINKER: Oh, that was mentioned at Waimea. Okay, maybe you don't plan on it then.

L. BALBERDE; This is the meeting.

D. TINKER: This is the meeting? Okay.

L. BALBERDE: Yes, Mr. Tinker.

S. PAVAO: As we scheduled.

D. TINKER: Thank you.

VICE CHAIR: That concludes those who have signed up on the timely basis so I have 3 more people who now have, in the last few minutes, submitted their request for testimony. So if there's anyone else besides Gene Rasor, Norman Gonsalves, and Roger Dilts, I want to make sure we have, you know....

PERSON FROM AUDIENCE: Yes, could I

VICE CHAIR: Yes, could you sign up please.

PERSON FROM AUDIENCE: Where do I sign?

VICE CHAIR: We'll have Mr. Gonsalves testify at this time.

N. GONSALVES: Aloha, aloha ka kou.

I am Norman Kaleo'olaa Gonsalves. I resided in the district of Hamakua and I was born in the district of Kona and Oahu. Kahou Kahiko, the organization that we belong to, is responsible for our mission to preserve as much of the ancient culture as possible. Recently, we've been talking to kupuna throughout moku o keawe and collecting data about their feelings about the aina, about what this land means to them. And we documented a great of the elders, some of which have passed on. Their main concerns is the aina, its not just a piece of ground that you can dig and plant. Its alive, a viable thing to them. Currently we're working on a project on the Umikoa trail which is one of the longest caneland trails that comes from makai, the ocean all the way up to the top of Mauna Kea and then back down over into Waimanu...I mean not Waimanu but um...oh, it slipped my mind, ah...Lake Waiau. Now why I bring this up is I'm trying to make a point here. When you talk to the ancient ones, the old kupuna, and you say the District of Hamakua....boom, they can tell you what ravine this follows, where it tops off, because this is...this is been given to them, handed down from generations, this is the District of Hamakua. In the old days each ahupuaa, I mean each district had its own konaiki, and before....take like Hamakua, Hamakua goes...takes in Waipio down by Ookala and goes up over the mountain and it goes down over the mountain and it takes in pretty much of Mauna Kea and it tips off at Mauna Loa. Now, this is historical landmarks that we (inaudible-mumbling)...and a question here that, that was brought up or...or...or... and something was mentioned and the fact that why are these people don't come to meetings or voice their opinions.

I am going to give you some insight. It maybe distasteful. I may hurt some feelings. But nevertheless, somebody should talk about these things. We come to these hearings and we kinda try not to hurt somebody's feelings. And as a result, nobody gets the real truth about what's happening. I ask the kupuna why they are so upset with this. Why don't...if you're upset, why don't you attend these hearings? Why? Our people are not represented here, maybe little bit to show, oh, they called in the Hawaiian. But we don't have a vote. And another thing....Oh, they made up their minds already. This is only shibai or make believe to pacify everybody. They no kea about our history, our cultural history. Another one was very disappointed, was....you know, way before my grandpa told me they came over hea, the foreigners from America and they took our kingdom. But they love Hawaii so much, now the foreigners are coming back and they putting up nice houses and they get the numbers, so now they want to take our culture away. Where is it gonna stop? It's a dead end for them. They don't know where to turn. They don't feel that any ward or council or whatever is really in tuned with....sure, maybe we don't have the numbers, but I do wish that those of you who sit on this Commission, numbers are one thing. But the Hawaiians fear that this is about power and money like it has always been. A politician is afraid of losing control of his district, so let's move it around so that I will be in a better position. People created such a density in one area which my people call the foreigners from the United States and now they want things their way. But they don't come to us, they don't care about our feelings, our land, the fact that these boundary lines have been here. So today I'm not

interested at all in figures that you portray in your documents. I'm concerned about the people. We have a wealth of information that we have collected, about each district and the cultural values of these districts. This is going to be destroyed. So I ask each and every one of you, maybe it's a done deal, I don't know. But look deep inside of you, it's not...we gotta say, what's right. It is really about power and money? Is it about representation? Is it really about representation. I can only voice the concerns of the people I talk to, and I hope....these are not my concerns, my concern is that the culture, integrity of these districts be maintained. So therefore, I am opposed to any of these plans, because for 2,000 years or more, these boundaries have existed. And now you guys want to destroy it because a few people come from wherever, many of which are illegal aliens anyway, and they've been counted in these....and we got people that can tell you this. We know this for a fact. For here again, I say, look in your heart and look to Akua, the way you vote about what you're going to do here to the people of Hawaii. I think we've already done enough to them. Mahalo, Mahalo nui loa. Is there any questions?

VICE CHAIR:

Thank you, Mr. Gonsalves.
Any questions for Mr. Gonsalves?

L. BALBERDE:

I got one for Mr. Gonsalves.

The only way people can be involved is that they have to participate. I was born in a little town by Honomu, where Akaka Falls is....and its participation that makes things happen. And my Dad taught me that if you don't vote, you can't complain. So we have to get to our people. I...I'm a retired fireman, I worked with DBED for two years, when the closing of the plantations, the people of Hamakua and Ka'u. And it was only through participation in getting out Huliau o Ka'u, Nani...Naalehu Main Street, and then out in Hamakua, the HCC. In fact the participation of the people there. And when the person takes an attitude that it's a done deal, they're infringing on the intelligence and the dedication of people like this Commission. I've been sitting here, and I'm a local boy, and I appreciate people participating, but when they start throwing rocks, then it takes me....it loses my heart concerns and makes me feel like I'm a ...I'm a ...I'm a leopard or something. But what we're trying to do here and this is why this program and this Commissions are made so people can come out and speak. But I think too, that all the Commission meetings that we've been here, it's a lot of the same people speaking over and over and over. And I admire them, dedication for their communities and being a part of it. But what we need are more segment of the community to participate. I admire the politicians coming here. Mr. Tyler, he's so dedicated to his district, so with Ms. Pischio, Ms. Jacobson, I admire that. But I think this is the time for the people to speak and that you know, you're coming up here and showing the human part of it, I need that. I don't want to be a millionaire, all I want is a dollar more than I need. I wake up every morning and I look to the skies and I thank God for...a lot of people went to bed last night with me...and didn't get up to see the sunrise. But we must work together, we can't divide the Island by Kona or Ka'u or Puna and all. Everybody has to stand a little a...hurt here if you want to put it that way because we all have to put into the kitty so that we can...we're not changing Puna, we're not changing Ka'u, it's an overlay for the political reason of getting a good government. That's why we have 9 districts into 6 districts. But the 9 districts are just for election purposes only, it's not to change...

N. GONSALVES:

I understand that and thank you very much. But I don't think this is conveyed to the people out there.

L. BALBERDE:

Well, they have to participate themselves, Mr. Gonsalves. You know, we can sit here and talk about the beautiful things of life, but if nobody is here to listen, they're not gonna know. And that's what we got to convey to the people out there, let's take care of our aina, and I am strong for that, and Pat knows that. But we have to get out. Just this morning I was on the street in Hilo with a young man, he's a genius, but I had to help the

doctor put him into South 1. And he's a local born. This is what we should be taking care and this way we take care our aina. Take care of people, and we can take care our aina. Well, we cannot say, well, he gotta do it or she gotta do it and I don't do anything. We all gotta do it.

N. GONSALVES: I agree.

L. BALBERDE: Together.

N. GONSALVES: But what I'm...like I said, I'm not here to point...I'm just here to....

L. BALBERDE: (INAUDIBLE-SPEAKING SIMULTANEOUSLY WITH MR. GONSALVES)

...I feel like I've been...rocks have been thrown at me, threats of going to court and all, but we can't get anything from me because I have no money. But you know, I'm not afraid of that. But the thing is, I admire the you people for coming and speaking out, speaking your concerns, and that's the only way we're gonna do it.

N. GONSALVES: Like I said, I....I...I'm relaying the...the...the feelings that I get out in the community, they are not necessarily my feelings, but I think the feelings nevertheless should be voiced.

L. BALBERDE: No, I'm not saying that. We need more. This room should be filled like the Civic Auditorium. Excuse me, I'm getting a cramp in my leg. But we should fill it like the Civic Auditorium so that we all can speak. And whatever the decision this Commission has made, we should feel in our hearts that its for the good of all people. Even if its against my wish. You know, we're not God, we don't have enough money to buy meat....but the thing is we're all working for the good of our community. We love our community the same way you all love your community. And that's what we're here for.

N. GONSALVES: I think the sediment that...the feelings of the people is...is not necessarily the directed at the Commission or anything like that. I think it's the whole concept throughout the State, not any or one particular group. But if you don't know what's going on in the mind of the people and the concern of the people, sometimes, you know, they're not interested. So this is why I thought it's important. I picked it up and generally at hearings nobody comes out and....and voice because they want to be nice guys. I want to be a nice guy too.

L. BALBERDE: No, but when they speak up, that's the nice guy.

N. GONSALVES: Okay.

L. BALBERDE: The guy who speaks out his heart and speaks out for the good of his people.

N. GONSALVES: Okay, are there any other questions?

L. BALBERDE: Thank you.

VICE CHAIR: Thank you, Mr. Gonsalves.

N .GONSALVES: Thank you. Mahalo.

VICE CHAIR:
pronouncing that correctly.

Next we have Mr. Razor, please. I hope I am

JEAN M. RASOR: Mr. Gonsalves and I belong to the same organization in this particular case, Kahou Kahiko, but let me give you a little more background on...from a personal side so that there's no ideas of that there's any prejudices or any particular feelings that anybody...

My ancestors consider themselves probably the first hapa haoles in this..in Hawaii dating back to the 1500's with the county. My ohana has always considered that to be fact, not rumor. My Chinese ancestors have been here for over 150 years, my grandfather was a territorial representative for Kona, South Kona until he died in office for almost 30 years. I still consider myself a Hawaiian. Faded out, truly, but in here (pounds on heart) I am Hawaiian.

Okay, this is your background. Our whole concept is to preserve our history and culture in Hawaii. And to back that up, I was an archaeologist for the Bishop Museum for years, 35 years, I still know my business. So earlier I heard a comment about we have to meet deadlines, otherwise we may be living...and people are talking about litigation. They're really not a concern with me. This deadline thing has been a problem for Hawaii ever since the first people stepped foot on this Islands after the original that lived here. Its...lets take this, lets destroy this, and they're constantly doing it. This Island is a perfect example of history destroyed every single day. Culturally this division destroys our culture. Its not a tangible, its not a heiau, its not any rock structure or any...any historical site in place, it is part of a culture. Why I gave you the background on my ancestry...oh, I'll give you one more.

My father on December 7th, in the middle of Pearl Harbor picking up bodies and wounded people. So I have the other side also, and yet he loved this place. We chose to live here, everyone in this room chose to live here. The have the right to leave. This is Hawaii, this is not California, Arizona, our boundaries are historical, cultural boundaries. In fact each cultural district in the past was a separate entity in itself. Everybody's saying they are all Hawaiians, this is all moku keawe. Each one had its own cultural differences. People seem to overlook that. So by dividing those districts into some parts, you're taking part of their cultural and their history away from them. Okay? That's why I know politically its probably not correct and its probably not going to happen but basically the reason we're here is to make sure this is spaded, it is on the record. Whatever the reason, there are no other Hawaiians, there are no other people that show up over here, maybe they're empathetic, maybe they've gone to the point where, does my vote even count anymore?

Like Mr. Gonsalves, Norman said we know the census was taken into consideration, all those little voting blocks, all these little areas where there's new bodies of people are. And again, throughout the State, not only on moku keawe, but on every Island in this State and in fact, for that matter all over the mainland, the census figures are not accurate. Its been proven, there are enough statistics to show we've registered illegal aliens, we have houses where they put mark down two people and maybe there's 20 in there. So figures don't count, and it really doesn't matter. These are still cultural boundaries, they're there, they're in place, they have been in place, for Norman said, 2000 years, it may be even longer than that. Hawaiians weren't the first people here. There were people here before that. I don't know what their boundaries were then, but the recorded earliest boundaries are the ones that we do know of, and they were our early Hawaiian boundaries, so at that point, I think that's what we need to do. Address. Probably it won't happen again. I'm just saying something that I feel, that needs to be said. But I flew in from Oahu this morning to do this. Because it means that much to me. Thank you. And you're all doing a good job, I mean, I don't envy, I don't envy the task. It's a task that's going throughout the State of Hawaii, but looking at what's happening, its most of it is political motivation, I need to do this so I can get "x" number of votes here, I need to do this so I can do that. It's the...its jockeying for positions and anyone that says its not, is going to be called a liar. And I'm not throwing stones, I'm just stating the fact. We all know that.

Thank you and mahalo. Are there any questions?

VICE CHAIR:

Our sincere thanks, Mr. Rasor. Any questions?
Thank you.

J. RASOR:

Thank you.

VICE CHAIR:

public testimony and I have only 2 left.

I'M gonna try to plow through here to the end of the
Next, Mr. Roger Dilts of Capt. Cook..

R. DILTS:

Good afternoon, Commissioners. I'll make it brief. And I apologize for going in and out of the meeting and I may have missed something. I was trying to attend the Water Board and this meeting at the same time, its difficult to be in two places at once and be a public voice in two places.

Regarding...I testified at two meetings ago, I believe, in Hilo, you may recall about the area I live in which is Painted Church Road and you heard Councilman Tyler, as well as, Council woman Pisticchio talk about this area on the proposed Council District Plan. This community is being divided in ways that it doesn't make sense to me. We talked previously about census numbers. I would ask...I took a brief look at the numbers on the chart and District 6 is short...people, District 7 is...has a few extras and I would ask that you include people along Napoopoo Road, if possible into District 6, so that they can be part of the makai community which are and Councilman Tyler suggested that as well.

It is just not possible we can sit up here and tweak this map forever. I'd like to once again give my testimony that the CERG map includes, I believe, District 6, as an area of the Coffee Belt and maintains the communities in my area, and that's...this is why I would vote for something along those lines. Not necessarily that exact map, but I think the idea was to present the Commission with alternatives and I believe this should be looked at. And lastly, as I sat in the room and I heard testimony that it would be too late at this point for this...for to...reconsider in significantly reconfigure the maps. I actually read the charge on the County and I'm not a lawyer and I'm not here to pretend to be a lawyer. But I don't believe it is too late. I believe you're giving the charge and I don't think anybody takes that charge away from you. I think you're jog is to come up with the best possible map for all communities applied. Thank you very much.

VICE CHAIR:

identified himself as a resident of Keaau.

Thank you, Mr. Dilts. Any questions?
Hearing none, finally Mr. Ole' Fulks. Mr. Fulks has

O. FULKS:

Actually, we're residents of Orchidland with a Keaau mailing address. And I did testify before in Puna, and I won't go over what I said then. I only want to go over and say that I'm still feel that this Commission is not treating Puna fairly. But I'd like to address a couple of issues that I've heard some of you...some of the Commissioners say.

One is that um...the Commission can ignore the vocal minority that comes out because there's a silent majority out there that support the Commission and they're more important than those people that come out. Basically that's kinda paraphrasing it and maybe you can argue that it isn't exactly what they meant. But anyway it's the silent majority and the first time I remember hearing about the silent majority was during the Viet Nam War.

In that War there were hundreds of thousands Americans that were protesting that War and said to the government, this is wrong. But the majority...the government said well, the silent majority out there, they support the War. There was a certain vocal minority that did support the War, and that silent...that vocal majority that supposedly brought them out. Just as this vocal major...vocal minority would have brought out opposition to this

Commission or support of this Commission. But history now has more or less proven or at least supported that those people who protested that War, those people who said our government made a mistake, we should have not have been in Viet Nam, the people who have said Vietnamese people are okay, we don't need to go over and kill them. Well, now we come here and this Commission will not go down in history as the Viet Nam War did. Your decisions here won't be remembered very far beyond this Island. But still I think the, what you call, um...principle still applies. That the people who come out are the ones who really care about an issue. And that silent majority will...I don't want to really say they don't give a damn, they do. But the care about other things. They care about how their kids are doing in school, they care about their job, they care about the latest movie out of Hollywood, or the score of a ball game. They have concerns and it doesn't seem important to them, but reapportionment is not high on their agenda. And I think I made that point well enough.

The other thing is um...the people in Puna are saying that we don't want to be part of Hilo. Well, this isn't about Jimmy Arakaki, one of the Commissioners mentioned that. Its because the people of Puna didn't like Jimmy Arakaki. Well, whether we like Jimmy Arakaki or not is not really an issue. If he is a good councilman or bad, its not about personalities, its only about fairness. So have I been clear or do you have any questions?

VICE CHAIR;
Fulks?

I think you've made your point. Any questions of Mr.

COMMUNICATIONS

I note the time, and the next item on the Agenda is Communications. We have a number of communications before us, that has been provided to us before the meeting started, and one or two provided during the course of testimonies.

I'd like to entertain a motion to make all the communications as part of the record.

S. PAVAO:

I so move.

J. FERNANDEZ:

Second.

VICE CHAIR:
all those in favor say, aye.

Moved by Mr. Pavao and seconded by Mr. Fernandez,

ALL:

Aye.

VICE CHAIR:

All those opposed? All right.
That leaves, I believe, the Agenda that we will vote and

I hope the decision on re-districting.

J. FERGUSON:
the public hearing.

Mr. Chairman, I would like at this time to move to close

VICE CHAIR:

All right. Is there a second to the motion?

L. BARTON:

I second it.

VICE CHAIR:

Seconded by Ms. Barton. All those in favor say, aye.

ALL:

Aye.

VICE CHAIR: All those opposed?
The motion is carried.

I would like to suggest a motion to adjourn for approximately ½ hour for lunch, for bathroom, for phone calls, or whatever is necessary. And we convene again at 10 minutes to one, and proceed on with our business and I would like to indicate that I would like to have each of the Commissioners during the course of deliberation of the decision, comment on their position and that of their districts that they represent, as well as, the maps and other information before us. I would like to alert you folks to the fact that I would like each of you to provide some individual input.

So may I have a motion that we adjourn the meeting and reconvene at 10 minutes to one.

J. FERNANDEZ: I so move.

L. BALBERDE: Second.

VICE CHAIR: Second?

L. BALBERDE: I'll second.

VICE CHAIR: Mr. Balberde seconded.
We'll see you all back here at 10 minutes to one.
Thank you.

MEETING ADJOURNED AT 12:20 P.M.

MEETING RECONVENED AT 1:10 P.M.

NEW BUSINESS

VICE CHAIR: Everyone is back here. And the next item on the Agenda is New Business which of course concerns making some decision here on the plans. I would like to follow the procedure of allowing each Commissioner to make their comment on behalf of their districts, as well as, on behalf of the Island generally.

But before we do that I would like to entertain a motion and this concerns the language in the geographical definition of the districts. I checked with staff and staff indicated that if we provide them with the language to be inserted and/or take out, they can timely make the change. But we shouldn't be asking the staff to research to do that. The staff care to make a comment on that?

P. NAKAMOTO: You're referring to the descriptions of the boundaries.

VICE CHAIR: I am referring to geographical written descriptions.
All right?

P. NAKAMOTO: And the changes that you are recommending will follow...

VICE CHAIR: Well, I think...

P. NAKAMOTO: ...Census Tract Blocks?

VICE CHAIR: They will not follow the Census Block but they will follow geographical definitions which we're about to put in.

P. NAKAMOTO: So whatever description that you are recommending they need to match the map.

VICE CHAIR: I don't know what you mean but I need the maps ...

P. NAKAMOTO: Okay, these descriptions that have been provided to match the boundary line that the Commission has proposed.

VICE CHAIR: I understand that, let me use a hypothetical so that we can get an example here.
One of the things I'd like to propose is that the district line that separates Districts 7 and 8 run up a rockwall between Alii Drive....

S. PAVAO: Oh, I think, Mr. Van Pernis, let me interject. The reality is, I think, if we move any district any line, we're not going to meet the deadline.

VICE CHAIR: Well, my understanding is that if we provide you with a specific definition and that can be done.

S. PAVAO: We gave them that definition the last time and the problem is if they move those boundaries they have to divide the census track and then that gets involved in actually counting census blocks by hand and its going take much too much time.

VICE CHAIR: All right, I don't think that. The things that I am proposing is gonna have any effect on 5%...

S. PAVAO: No, but its going split a census tract. If you move that line, even that hair, you move the entire census tract into that district.

VICE CHAIR: Well, lets...lets...

P. NAKAMOTO; These suggestions that you're making, are they suggestions that Mr. Tyler has suggested?

VICE CHAIR: Actually...

P. NAKAMOTO: Like the...

VICE CHAIR: ...there are 2. One is going up...one is ...

S. PAVAO: There's two fingers there.

VICE CHAIR: One is going up, oh, I can give you the exact language.

P. NAKAMOTO: See, the thing is, we worked on these suggestions before...

S. PAVAO: We gave that....

P. NAKAMOTO: ...and the system did not allow us to because of the way the blocks are set up in the system.

VICE CHAIR: Are you saying we can't split the blocks?

P. NAKAMOTO: If you split the blocks that would mean that we would need to go to the site, we would need to do what the census people did, we need to if the block tells us there are a hundred people in that block, we need to know where these 100 people are.

S. PAVAO: That's by hand count because what happens is that the software that they're using is based on the 2000 Census and its by tracts. If we split a tract they gotta go out and count houses and homes.

VICE CHAIR: I can tell you from personal knowledge that if you change the lines we're proposing, the one in Napoopoo would have an effect on probably no less than 6 and no more than 20 people. And the other change I would be proposing, would have an effect on no more than, probably no less than 20 no more than 40 people.

S. PAVAO: Well, I'm sure that you're backward. The still....legally, they have to go out and count because the software does not allow for them, you know, they're using software numbers of the 2000 Federal Census. And if they modify that at all, then we would be back there counting it ourselves.

P. NAKAMOTO: Yes, that's correct.

VICE CHAIR: The question I have then is, why do we need to count that if we feel we still need the percentage? That is if we designate this as to where the lines will be...

S. PAVAO: If we don't count it, then we open ourselves up to legal challenge. We gotta make sure we have an accurate count, you know, the legal description as it stands.

VICE CHAIR: Let me make the motion, and if it fails for a second or for the vote, then so be it.

S. PAVAO: That's fine.

VICE CHAIR: My proposal would be that District 7, the description on District 7 which has been amended, which is on a separate page here, District 7, that on the third line down after the word extension, that the words:
 "to Puuhonua Road in Kealakekua Bay running easterly along said road along Napoopoo Road", be deleted. In substitution of that after the word, "extension", the following language be inserted: ..."east (parentheses) mauka" (closed parentheses), to the intersection of Puuhonua Road and Napoopoo Road", and then the description continues on as it is, "to southeasterly along said road", so on an so forth.

That would be one change and the change is in District 8, the description in District 8:

the third line down after the word, "to" preceding "Lunapule Road", "to" would be the word "Lunapule Road" "and" be deleted, the following words to be inserted "the rockwall dividing the ahupuaas of Waiaha 2 and Kahului 1 along the south side of Lunapule Subdivision". And then back to "running easterly along said" and then substitute the word. "wall or road".

I would move that two descriptions be changed as I have indicated.

Is there a second?

P. KAHAWAIOLA'A: Mr. Chairman I second it for a discussion because I am still unclear as to the complexity that, that would have.

S. PAVAO: Can I ask a question?

P. KAHAWAIOLA'A: You may say as you please.

VICE CHAIR: Thank you for the second. Let's have a discussion.

S. PAVAO: Is it appropriate for the Chair to make a motion or entertain a motion?

VICE CHAIR: Well, I'll entertain a motion. Let me....I...

P. KAHAWAIOLA'A: Then that's one of the discussions I needed to bring forward.

VICE CHAIR: So will someone make that motion, please?

S. PAVAO: So somebody needs to move then?

VICE CHAIR: : All right.
Is anyone making that motion?
Hearing none, there is no such action.

Okay, at this point is there any other motions to...or for...concerning the plans?

Hearing none, I would like to follow the following procedures. I think each Commissioner should comment, as to his position in terms as to what we need to do at this point, and as Chair, I'll make the privilege of making the first comments, and then I would then go around the table...

S. PAVAO: Mr. Chair, can I interrupt you for a second? Would it be appropriate for us to have a motion on the floor and then have the comments as part of the discussion?

VICE CHAIR: I...that may be appropriate, I would defer as a group,...but I think, perhaps, comments would be appropriate first because that might influence or assist people in making decisions on a motion. We could also handle it as discussion.

S. PAVAO: That motion would just be on the floor, we wouldn't vote on it, we just... you'd just go around and give comments as part of the discussion.

VICE CHAIR: I would be okay with that procedure. Do you have a motion, Mr. Pavao?

S. PAVAO: Yes, I would move that this Hawaii County Reapportionment Commission accept the proposed Council Plan as we instructed the Elections Staff to create for us and before us today, and vote on the legal description and maps circulated to the all members of the public.

J. FERGUSON: Second.

VICE CHAIR: And you're referring to North Kona-South Kohala mvp5 map?

S. PAVAO: That's correct.

VICE CHAIR: And the legal description that goes with it that's provided by staff.

Moved by Mr. Pavao, and seconded by Mr. Ferguson. Discussion?

For discussion, I would like to have each of the Commissioners indicate their position and comment on the motion and the proposal.

But before I do so, and behalf of Mr. Van de Car, I would like to express my appreciation for everyone's, and Mr. Van de Car's appreciation for everyone on the Commission's hard work, the staff's hard work, input of all the public, both the individuals and organizations, regardless of their position. This is a difficult job and a job we didn't take to become popular, and I want to basically give everyone on this Commission my Aloha for their efforts throughout the Island and throughout all the meetings we've had.

Mr. Van de Car, I think, has done a good job as Chairman, and I think we should all express our appreciation and Aloha to him, I think he is in with us in spirit and I think we all know how he feels about things and we should keep that in mind.

Now these are my comments on the pending motion.

The County of Hawaii Reapportionment Commission is appointed once every ten years under the United States...when the United States Census is completed. The U. S. Census for the year 2000 resulted in the Commission's appointment and 2001. The purpose of the County Reapportionment Commission is to determine the nine County Council districts for the Big Island, Island, that will be in effect until 2011. Our State and Federal Constitutions require one person, one vote. So the nine County Council Districts need to be approximately numerically equal. Based on the 2000 Census, this means each of the nine Council Districts need to have 16,520 residents within them, give or take 5%.

Since the Big Island population is not equally spread out geographically throughout the Island, obviously the districts cannot be geographically equal in size, in addition to being numerically equal. That is why argument and controversy can result. Some people or groups want a council district which serves their interest in a particular geographical area or a plan which serves their particular or geographical or political interest. But these localized special interests don't give adequate consideration to the rest of the Island.

The Commission needs to consider all of the Island and all of its people in making the best plan. Such a plans would spread around more fairly the benefits and detriments of equal numbers but on equal geography. That may cause some local interest

groups to complain, but in taking on this difficult job the Commissioners knew we couldn't make everybody happy. But getting the job done is an important job of democracy. The County of Hawaii Reapportionment Committee consists of 9 persons from all over the Island appointed by Mayor Kim upon the recommendation of the 9 councils persons from the 9 different districts. We serve without pay. Collectively we have hundreds of years of residence experience and knowledge of our Island. Its people, culture, economics, and geography. We've conducted many meetings all over the Island, giving information and testimony from many people. We had the U.S. Census statistics, and a lot of State, County and other information before us. The Commission developed 9 different plans early in the year and were later were provided with two more... two more plans from individuals and interest groups, one of which was CERG's and that was very similar for West Hawaii to one of the prior plans the Commission developed. We studied and considered all of the proposed, all of this experience and work by the Commission compares favorably with and I believe exceeds that of any individual group which may have participated in the process. The re-districting plan in developed and approved by the Commission, well, developed so far, not yet approved by the Commission, is the best plan for all of the Big Island, in my opinion.

It provides 4 districts dominated by West Hawaii voters; 4 districts consisting of District 9 which includes North Kohala and South Kohala or residents for the most part working and living in West Hawaii and have the West Hawaii attitude. The great majority of input from that area was to keep both Kohalas together in the West Hawaii district.

District 8 consists all of North Kona, including parts of Kailua-Kona and also includes a huge geographic expansion all the way up to Saddle Road.

District 7 consists of the South part of North Kona, and the north part of South Kona to Napoopoo. It also includes an expansion geographically up to Saddle Road, it includes parts of Keauhou and Keau...Kailua-Kona but does not split up the town of Holualoa. Just under the Commission's plan, the urban Kailua-Kona, Keauhou area gets a benefit of 2 council persons working for that area.

District 6 runs from Napoopoo, south through Ka'u, HOVE, Naalehu and Pahala. All of the once-through unpopulated areas east of Pahala to Volcanoes National Park and points further east, is dominated by its Ka'u-South Kona orientated population.

District 1 is dominated by the Hamakua Coast. District 2 and 4 covers Hilo. District 5 is Puna. And District 3 is also dominated or heavily influenced or heavily influenced by Puna residents. Puna and many of its residents are intertwined economically with Hilo. The Commissioners from East Hawaii adjusted those districts boundaries based on their local knowledge.

One early plan by the Commission which is like the CERG's later plan was based on the small urban Kailua-Kona district had too many problems to gain wide acceptance. Those problems included submerging Kohala into two districts and that's weakening West Hawaii overall. And ending up with only 3 districts dominated...3 districts dominated by West Hawaii borders; divided South Kohala which went into a North Puna dominated district from North Kohala which went into an East Hawaii-Hamakua dominated district. It weakened the South Kona-Ka'u rural agricultural areas but putting South Kona and Ka'u in a district dominated by the urban Keauhou to Captain Cook strip. It split the community of Holualoa into two different districts, right down the middle of its main street, Mamalahoa, and it made false assumptions of South Kohala with primarily rich retired Caucasians, when the Census showed that the average age in South Kohala was 36.2 years. That's younger than the average is for the districts of North Kona, South Kona and North Kohala. And it...the Census also shows that South Kohala consisted of non-Caucasians being over 60% of the population.

The Commission will now be pushed into creating districts that favor the Republican party on one part of the Island, or the Green or Democratic party also. I believe we have served all of the Island and its people in a fair and effective way, working with a Census numbers and all the controls now work. I think our plan, the plan that Mr. Pavao's

motion concerns is the best alternative for all the Island and all of its people. Once the districts are settled, there must be candidates elected to fairly represent the individual districts in all of the Island. And voters who will turn out to elect them. Each district and all of the Island need hardworking, caring councilpersons representing all of their new district, not just one faction. People who will serve with Aloha. The Commission will do its job. Now the rest of Island needs to do its job; needs to register to vote, lead or follow but get involved. The County government affects us everyday.

Thank you.

I would next call on I think the distinguished and effective person I really appreciated a great deal on this Commission, that's Patrick Kahawaiola'a.

P. KAHAWAIOLA'A:

I also would like to thank the members of this Commission and the process that brought us here together. But I must say, it is the process that I questioned more than the, better than the final plan which I believe the mandate that I took and the oath to follow to reach that final plan with their help. The...I'd like to first thank the public for coming out, being as passionate in your beliefs, in trying to get your point across without naming names, you all know who you are, and the types of issues that you raised are obviously, or are obviously close and dear to your heart. The travesty that I found in the process is just this, knowing that the deadlines are pre-determined. Future Commissions should...future Reapportionment Commissions should be in place well before the 10th year. When I say the 10th year, you know its coming up on the 10th year; there are things you could do such as getting the rules together before....you could do all of that prior to without compromising reapportionment in itself because obviously it is shown in that...you need to go through the testimony we had at the public hearings that there is not enough time in the day to get out to the general public and take all of the concerns into consideration. It is not to say that it hasn't been done, it has.

I left school almost 40 years ago and had spent a lot of time reading, which I hate to do, but it was necessary to pore to the many documents that was forthcoming from the staff, and was forthcoming from those concerned citizens throughout this Island that I had the pleasure of hearing from places that I am not...was not comfortable, because I am normally on the outside looking in, now it's the other way around. But its something that I decided and was asked to do and saw fit to do so. And it is not my intention to have hurt anyone, and if there's anybody here that I have said anything, done anything to hurt their feelings, it is not my nature to do that. However, if it is and you do feel that way, and it has become personal, then by all stretch of imagination of imagination, that's your right as a citizen of the State of Hawaii, resident of this County, and if you believe, firmly believe to seek a review, and to determine that my actions are in conflict or inconsistent with the mandate that I have sworn to uphold at this particular point in time, for this very short point in time, for the last 6 months, by all means that is your right to do so.

And I am in no way ashamed of the job that I have done and the actions that I am about to take to make sure that fairness, equitability, are words that can be defined and is going to be defined with due respect the attorneys that sit here. It is my understanding if you were to put 10 attorneys in a room, you would get 11 decisions. So with due respect to those attorneys here, which I am not one, but that's maybe its bad rap for them, but its not, I believe a bad rap for this Commission because the closeness that we've worked together and has the opportunity, though it may just once or twice a month over the last 6 months, I begin to appreciate the work that other people do on behalf of the people that's associated with the County of Hawaii, and in this case for the voters. For those of you who partake and avid voters in the system, I would beg to differ with my Commission friend on my left, who says that if you don't...if you snooze, you lose, if you don't vote, then you don't have the right to argue. Well, I would beg to differ because...and I speak now as a Hawaiian because Hawaiians do not necessarily enter the realm of being bogus. However, as the whole culture, we do have and people need to understand, those who vote, those who are going to make the decision, you need to take into account the fact that the whole culture the Hawaiians are here, we're not going to go anywhere, our lands are here, we believe there is a movement afoot evident in this State to sell some of our lands and they're gonna

argue it in the courtroom where I believe the native Hawaiians will again be the losers, however, that's...I don't believe that the systems that we were when we opened our arms to embrace people who come in and share our lands with them.. I have an old adage that my grandfather told me and I cast no dispersion on anybody's religious belief for the simple reason the Hawaiians have, it's a closet joke that we tell, we were told to get on our knees, look towards the sky and fold you hands. And when we look back down, our lands were gone. Now I grew up as a kid knowing that I...I didn't know it if it did cast disparaging remarks to any religious belief, however, that's how I grew up as a Hawaiian and...and...and I'm 57 years old so I've spent enough time in this Island to see the change. But it is a matter for this Commission, it is a matter for all the people out here wherever you come from, however you wish this Island could progress to planning to having to get along, to having to live here and attitudes need to be adjusted and I'm hoping with due respect to my Hawaiian colleagues to speak passionately about their need to preserve our Aina, to preserve the historical values of our land, that is really not part of what I see and do as a Reapportionment Commissioner. However, I believe the boundaries that we set will put into place the individual who will represent that particular area and it would be based again on another governmental agency the U.S. Census that says, here you gotta go now and make it fair for everybody constitutionally that every one man, one vote and we all know that we don't get 148,677 people come out to vote anyway because ...but that doesn't mean that you don't have the right to just one man one vote should you wish to partake of that process and do it.

So that's basically what I have to say and to...I leave the fears of anyone here. It has been a pleasure to the staff really, I must say they've stood by and did what they were...well, in some instances, told to do but again I must say to the people out here that if there was anything that I did, I cannot speak for anyone else on this Commission to hurt, offend and even maybe sway you into believing that Hawaiians do not take other people seriously, I do. And I...I..the information that you shared has been, from my perspective , have been taken into consideration and I tried very, very hard to make sure that, because there has been an opportunity for me later to come together with the other 8 Commissioners to do the job of the Hawaii County Reapportionment Commission.

So again, I'd like to wish all of you a very happy and safe holiday, and from my family to all of you, so Aloha and thank you very much for your attendance.

VICE CHAIR: Thank you. Ms. Fuller please.

J. FULLER: I'm not a very good speaker.
This opportunity has been very interesting. And I want to thank Brenda and Gina and Pat for all their work. It didn't come out as perfect as we planned but I think we did a pretty good job on getting everything pretty equitable among the voters for the Council districts. I know each tried to keep our district whole and that just that happened. But I'm pretty confident that in what we have right now.

VICE CHAIR: Thank you. Mr. Balberde?

L. BALBERDE: I'd like to thank the people for participating for representing your communities; I also want to thank the staff who have been 110% helping us along this journey, and the Commissioners who have given their time to be here and of course, I'd like to second what Pat said, he said a lot and he meant a lot. And I like that we can disagree but we're still friends, and we eat on the same table. I would tend to really feel good about being a Commission here because we're representing our people. And I would like to ask you people, impose on you to go out and have the people in your communities that they have to participate with us. And its not always going to come our way, and not going to go their way, but we have to work together. And we are one. And I like to leave this room and this Commission when we finish

knowing that we're all one. We're family. This is our Island, this is our Big Island and we can all sit and eat together and we can disagree because we live in a country that we can speak our minds as long as we don't abuse it. I would thank you guys, and you all have a Merry Christmas and a safe one.

Thank you, Mr. Chair.

VICE CHAIR:

Thank you, Mr. Balberde.

Mr. Pavao?

S. PAVAO:

Thank you. Again, I echo my thanks to all of you and the hard work, fellow Commission members. We all know that when we got involved in this process that this would be a thankless job, but it is one of those damned if you do, and damned if you don't prospects. But we took the challenge, we became very familiar earlier with the legal mandates, voted on the Constitution and the County Charter, I think with that in mind, you know, we trudged along, we differed in opinions, we did the very best we can, I have no doubt in my mind that we did the very best we could with creating, you know, as compact and as contiguous districts as possible. And I'm sure that there are many who disagreed but the reality of it is, even if...it is almost impossible to create a truly compact district in much of the Big Island because it is a sparsely populated Island. We all know the areas in the north and south especially, that that is extremely sparsely populate and absolutely impossible to create compact districts in.

So we did as a Charter mandate, we did the very best we could wherever possible to create a compact and contiguous districts as we could. We made concerted efforts to keep communities and subdivisions together. Again, here and there, there wasn't absolutely do-able because of the census tracts and numbers and all the other issues. But I have no doubt in my mind that we did our very, very best.

I've been involved in the political process all of my adult life and I have sat on other boards and commissions and I can say without reservation that this is been probably the most fairest most equitable process that I have ever been involved completely in my life, you know, I'm a member of the Democratic party and others are members of other parties, yet that has never become an issue. I haven't attended a single party meeting through the entire process, I've little or no conversations with any member of my party, we've made a real concerted effort as I have and all of the members as far as I'm concerned have made a very concerted effort to keep this as an apolitical and non-political process as possible. I have no doubt in my mind that no specific group was penalized, and no specific group was favored, we did the very best we could, all of the Island and all the communities, I'd like to especially say thank you to the Elections staff, Ms. Nakamoto and her staff at a time when the public is critical of the public servants. I gives me a great deal of pride to see and to say that we have a very committed, a very hard working staff in our Elections Office and I thank them for their many, many hours and bending over backwards to accommodate our often difficult, if not impossible task that we ask them to do. Again, you know, in closing, I just want to say that it has been good process and I leave the process and procedure with reservations on my part that we did a good, through, fair and equitable job.

Thank you.

VICE CHAIR:

Ms. Barton?

L. BARTON:

I would just like to say that this has been a very interesting, educational and frustrating experience. We've all definitely been able to hear an awful lot of opinions and make our decisions based on opinions we've heard. Certainly, not a lot of it positive, but then I look at it like, this is a ten year plan, and so ten years go by pretty quick. Just a little while ago it was '91, so I'm looking like ten years down the road, we'll a lot better system for this, and I think we should get on it a lot earlier. I appreciate everybody's opinions, I appreciate everybody's time coming out and giving those opinions and certainly I appreciate the hard work of

the Elections staff. Without them, we wouldn't have been able to do this. As we have, I appreciate having been given the opportunity to serve my community.

VICE CHAIR:

Thank you.
Mr. Fernandez:

J. FERNANDEZ:

Thank you. I also would like to the rest of the Commission members, as well as the Elections staff, in the public for your input as we went around the Island in different areas to listen to public input. That gave me personally some ideas on what I need to do as part of my job, this Commission. I have not been swayed one way or the other, I have not even talked to the councilmen, except for just a couple minutes that when they nominated me for this position. And not be influenced in any shape way or form. I am sure that our decision what we make will not be satisfactory to everyone, because each and everyone of us, sitting here in this room have their own opinions. And I for one, have my opinion, I'm just fortunate that I am able to serve in this capacity and try to make a difference for this Island. And again, what I said, I'd like to thank everyone with all of the Commission members and have a pleasant holidays.

Thank you.

VICE CHAIR:

Mr. Ferguson?

J. FERGUSON:

Thank you.

I would like to thank the staff for their hard work and continued dedication to this job and for the assistance they have given each of us as needed. And to those who have come to these meetings and have given up their time, thank you even though we may not agree, I am sorry that some of you cannot understand that reasonable men may differ, and we regret that some of those who think differently than this meeting, of this Commission feel that they have to make a personal event, both in attitudes and the threats of lawsuits, we know you have that right to sue, we don't need to have it thrown at us everytime we ever meet and talk about these things.

During my term on this Commission, I'd like to compliment my fellow Commissioners, never once did any Commissioner try to impose any kind of political agenda or thought, or present any such thing to me and to my knowledge to any other Commissioner. Nor has any of the elected officials attempted to sway my vote and my decision in this matter, and I am sure that the other Commissioners have probably...would say the same thing.

I think we have a dedicated group of county elected officials who do the best job they can, having better map position, I am reminded that 37 years ago, the biggest battles took place on the mainland was the establishment of an agricultural preserve in which the area was limited to a 20-acre minimum. You could not cut your property any lower than 20 acres. I proposed that; they adopted it, the County Board of Supervisors in Napa County, enacted it, it was the first one enacted in the United States, and 37 years later, not one acre has ever been removed. We were threatened with law suits and that too, I took it all the way to the United States Supreme Court and it still stands.

I feel that what we have done here is nothing unconstitutional, as I said, people may differ. They feel differently about what we have done, and they have their options and I encourage them to use them. Not just for the sake of saying, gee, we lost, lets go to court, but because you truly believe in what you're doing. I don't think that there's anyone, anyone who is proposing these different plans in what we have talked about here on the Commission, has any particular political agenda in mind, I think most of these people believe that their idea is better than ours. And they're certainly entitled to that opinion. I would like to state for the record, that I personally did consider all the maps that we presented including the CERG map and Ms. Jacobson's map, and I know that the other Commissioners did, too. They were discussed here

at the meetings and we did hear all of your arguments, you were not shut out, we listened to whatever you had to say, we just don't agree.

Other than that, I would like to express gratitude to the other members of this Commission for the time and effort they have put in, and I know that you get a lot of different opinions, and I have heard a lot of talk about the majority, the silent majority, nobody knows what the silent majority is, its out there but whether they agree with us or disagree, we'll probably never know. During all of the time this Commission was in that, I received one phone call from a resident of this Island expressing an opinion, and it happened to be from Mr. Fernandez's district and his opinion was that he didn't want any development to take place in Kohala. I had to inform him that we weren't really working on that particular problem.

I 'd like to wish everyone Happy Holidays and hopefully next year will be a brighter and better one for all of us.

VICE CHAIR: Any further discussion on the motion? I believe that the situation is one where assuming that the motion passes, and if it does, that there would have to be a second motion made to have the Commission sign the legal descriptions provided by the staff. You will note in the materials provided to you that there is a legal description including one corrected page 37 and I note that staff still have the original in their hands.

So assuming the plan as proposed by Mr. Pavao passes, then I will need a second motion to authorize signatures on the legal description, geographical legal description to be signed by all Commissioners present.

J. FERGUSON: Mr. Chairman, I would like to close the amendments to the original motion.

VICE CHAIR: Well, since Mr. Pavao made the motion, is this a friendly amendment.

J. FERGUSON: It is. I just going to ask to move the name of the map be changed to the 2001 Reapportionment Committee Council District Plan Final Map, and remove the reference to any member's initials or any district such as Kona and Kohala on the map.

VICE CHAIR: I would appreciate that.

L. BARTON/J. FERNANDEZ SIMULTANEOUSLY: I second.

VICE CHAIR: Mr. Pavao would you consider that a friendly motion?

S. PAVAO: I thought that in the motion that my motion was, the title was there and the map was the Proposed Council District Plan is what I called it, and someone interjected if I meant mvp5, yeah? The way its labeled there, the label is Proposed Council District Plan, and to me that is an acceptable name.

J. FERGUSON: I just wanted to wanted to add the 2001 there.

VICE CHAIR: So can you state it again, so the record is clear, Mr. Ferguson, what your amendment to the motion was Mr. Pavao considered as friendly would be...

J. FERGUSON: This one was proposed, I just added the 2001 Reapportionment Committee Council District Plan Final Map.

VICE CHAIR: And that amendment is agreed to then, Mr. Pavao?

S. PAVAO: Right.

VICE CHAIR: And by the person seconding the motion?

J. FERNANDEZ: I second.

VICE CHAIR: Well, who seconded Mr. Pavao's motion? Ms. Barton?

L. BARTON: I did.

VICE CHAIR: All right, Ms. Barton. You also consider that a friendly amendment?

L. BARTON: Yes.

VICE CHAIR: So then the motion will be so amended. Is there any further discussion?

Will someone care to call the question?

L. BALBERDE: Question?

VICE CHAIR: All right, I would then ask that all those in favor of the proposed...excuse me... All those in favor of the 2001 Council District Plan as presented in Mr. Pavao's motion, please raise their hand.

ALL HANDS RAISED.

course, being absent.

I note the unanimous 8 votes. Mr. Van de Car, of

effect.

Thus the plan and the motion passes, and the plan is in

As Harry Truman says, "the buck stops here".

The plan is now in effect.

I would now like to entertain a motion that the

Council...the Commission members sign the original legal description as prepared by staff and in my hands.

J. FERGUSON: I so move.

VICE CHAIR: Hold on a moment. It requires the signature of certification and it identifies this as the 2002 County of Hawaii Reapportionment Commission. I believe its 2001, is it not. So I will cross 2002 and make it 2001.

I would entertain a motion that the Commissioners present sign and certify the boundary description for the new Hawaii County Council Districts as contained in the legal descriptions provided by staff, which followed the map moved upon and passed by Mr. Pavao's motion.

J. FERGUSON: I so move.

J. FERNANDEZ: Second.

VICE CHAIR: Mr. Ferguson moves, Mr. Fernandez seconds. All those in favor please raise your right hand?

L. BALBERDE: Right hand.

VICE CHAIR: A hand.

I notice that the motion passes unanimously. I will now sign this document and circulate it for...

P. KAHAWAIOLA'A: Mr.Chairman.....

VICE CHAIR: Excuse me, before I go...before I finish, I would ask that everyone sign it in black ink.

L. BARTON: Just send us the pen around so we can sign it then.

VICE CHAIR: Okay.

J. FULLER: That way its cheap.

(CHUCKLES)

P. KAHAWAIOLA'A: Mr. Chair, just a point of clarification, sir. You did do and I mean it was passed, it says here, you know, the 2002 County of Hawaii Reapportionment, I believe, you....you...you're right. Okay, that's the clarification that I need. I didn't see the whole....

VICE CHAIR: I've amended, I scratched out 2002 and made it 2001.

P. KAHAWAIOLA'A: Okay.

VICE CHAIR: I'll need the signatures of this document by eight Commissioners present, then our work is done. So pass that around.

L. BALBERDE: When's payday?

S. PAVAO: Never, its free.

(CHUCKLES)

VICE CHAIR: I'd like to ask staff...

J. FERGUSON: When do we get paid...
(CHUCKLES)

VICE CHAIR: We know we don't get paid, but in terms of mileages and expenses, we have till when to submit those?
By 31st of this month...then.

Thank you.

I would ask that once Mr. Balberde has signed that if you would pass that back to me so I can send it to the Chair for his review.

J. FERGUSON:
to adjourn.

Mr. Chair, if there's no further business, I'd like to move

VICE CHAIR:

Is there a second to the motion?

J. FERNANDEZ:

Second.

VICE CHAIR:

Seconded by Mr. Fernandez, all those in favor say, aye.

ALL:

Aye.

VICE CHAIR;

Opposed?

The motion passes.

Thank you very much everyone.

MEETING ADJOURNED AT 2:00 P.M.

Respectfully submitted,

MARK VAN PERNIS
Vice Chair

BrendaLynn Domondon
Secretary

3c Reapp:12-18-01 TRANSCRIPT