

**2011  
HAWAI‘I COUNTY  
REDISTRICTING COMMISSION**

1<sup>st</sup> Session

Monday, April 25, 2011

County Council Chambers  
25 Aupuni Street  
Hilo, Hawai‘i 96720

**ATTENDANCE:**

Present: Mr. Joseph Carvalho, Commissioner  
Mr. Patrick Kahawaiola‘a, Commissioner  
Mr. Craig “Bo” Kahui, Commissioner  
Mr. Dru Mamo Kanuha, Commissioner  
Mr. Jeffrey Melrose, Commissioner  
Mr. Mike Middlesworth, Commissioner  
Ms. René Siracusa, Commissioner  
Ms. Valerie Poindexter, Commissioner  
Ms. Linda Ugalde, Commissioner

Also Present: William P. Kenoi, Mayor  
Bill Takaba, Managing Director  
Michael Udovic, Deputy Corporation Counsel  
Pete Hoffmann, Council Vice Chair  
Jamae K. K. Kawauchi, County Clerk  
Rodney Oshiro, Deputy County Clerk  
Charmaine Shigemura, Exec. Assist. to Mayor  
Pat Nakamoto, Elections Program Administrator  
Cori Saiki, Elections Assistant  
Shyla Ayau, Senior Elections Clerk  
Glen Shikuma, Warehouse Supervisor  
Nora Avenue, Admin. Assist. to Clerk  
Maile David, Legislative Specialist  
Manu Hanano, Council Aide in Waimea  
Leslie “Lali” Robinson, Council Aide in Kona  
Karen Eoff, Secretary

## **OPENING REMARKS**

COUNCIL VICE CHR. HOFFMANN: Good afternoon Mr. Mayor, Bill. Good afternoon folks. Good afternoon members of the Redistricting Commission. My name is Pete Hoffmann. I am not the Chair of the County Council; I am not Dominic Yagong, regardless of what you might think; although I am much handsomer.

Ladies and Gentlemen, it is my pleasure to be here representing both Mr. Yagong and the balance of the members of the County Council welcoming you to this particular occasion. It is the start of what, I think is a very critical and very, very important effort. I know all of you know that. I know Patrick knows this from ten years ago, particularly. But what I think is important to all of us in County government, whether it's in the Executive office or whether it's from the County Legislature, if you will; if you want to call us that in this instance; it's the importance of the effort that you are going to put forth in the next several months. I'm not going to try to make it appear so wonderful, because it will be quite a bit of work on your part. It will be tedious in many instances; that's the nature of the job. But if we are to do our job effectively, all of us together, as residents, as County Council representatives, as the Mayor, and as others who work for the County Government; this particular effort coming forward is an extremely important effort for all residents of this island.

I only have two observations I would like to offer. The first is, regardless of how you view your efforts, and regardless of how we, as County representatives view your efforts, there are going to be many members of the general public that are going to look at this from a very jaundiced perspective. The skepticism that we have from many members of the public really pervades much of what we try to do. It's the comments that we receive. I'm sorry; you know that because of your efforts previously in any part of our County government; being on different boards and commissions. We can't try to eliminate that, but we can, I hope, try to reduce that type of skepticism. Regardless of whether you are going to get comments from the general public that beneficial; regardless of whether some people feel that whatever you do here, it's already a "done deal" so to speak. Please, keep focused, keep your effort forward. It's important to all of us. Because each time we run against public skepticism, the perception that we are not doing the job exactly correctly, it impacts not only you as members of the Commission; it impacts the Mayor and it impacts all of us who work for County government in any way, shape, or form.

The second observation that I would like to make--and I know this is probably speaking to the choir--if we can try to reduce the political aspect of this thing, and try to make it so that politics doesn't enter, we would be doing everybody a favor. Now look folks; that's probably not going to be possible. We are in a political environment, and in a political arena; and I understand that, and so do most knowledgeable members of the general public. But if it's at all possible to reduce some of the comments that were received from the Reapportionment Commission of ten years ago, and the fallout that that generated, I would ask on behalf of everybody in the County, if you can make that happen you would be doing all of us a great deal of service.

Once again, on behalf of the County Council, I welcome you to this particular effort. Please know how important it is to us, as your representatives, to see this job done well, and done professionally. Thank you very much.

MAYOR KENOI: Thank you, Councilman Hoffmann, for sharing those very kind and insightful remarks on behalf of the Hawai‘i County Council. On behalf of the Administration, and the County of Hawai‘i, I would like, with deepest appreciation, thank each and every one of you for agreeing to serve on this very important Commission. Like the Charter Commission, it is a Commission once in a decade, that will look at the landscape of people, of communities, the very unique and special areas on Hawai‘i island, that all of us are proud to call home. Whether from Kohala to Ka‘u; Hilo to Kona; Waimea to Puna; we all are privileged and honored to call this beautiful island, home. Each and every one of us have agreed to serve. I know, because of your commitment to families, that our children will grow up in a healthy and safe community, that our kupuna live a life of respect, compassion, and dignity; that our families can be healthy and celebrate this joyous gift called life that all of us enjoy in a special place.

The Redistricting Commission; I look at every single one of you, and I stand here in public, and I’m proud that each and every one of you have agreed to serve and represent your respective districts. This is such a strong commission, such an important commission. And all I ask is, one; to say mahalo to your husbands, your wives, your children; because of the sacrifice that you make. I don’t even know if you get mileage or lunch or water or juice or soda. I know it’s free and from the heart, and that’s what makes this island special. When people serve, we serve with the heart. The Hawaiians call that kokua; to give, to aloha with absolutely no expectations of return. That’s why we do what we do, because we love and care not only about this island, but about the people who call it home.

I have the honor and privilege of swearing you in. Do we do that now? I’ll have the privilege of swearing you in, but I wanted to thank your families for allowing you to serve. I know they said, “What? Redistricting? How much time is that going to take? Three months, six months, nine months; maybe one year? How many hours?” But, thank you for agreeing to serve. If there is anything we can do---I want to thank the Council staff; and Karen Eoff, who will be the Commission Administrative Assistant, and Mike Udovic who will be the Corporation Counsel assigned to the Redistricting Commission. As a trial attorney myself, I know Mike has many years experience. We are both professors at Hawai‘i Community College, Administrations of Justice Program; very smart, very competent legal counsel.

We don’t want any challenges to the good work that all of you do. This is very simple advice. We are all in this together, and all I ask is the simple values the way I ask my administration to conduct themselves. You never hear us make any excuses publically, any blame, any finger pointing. It doesn’t accomplish anything. The better we work together, the better outcomes we have. The more we put in, the more we get out. If you guys need anything--if you are not sure, someone once told me, “When in doubt, check it out.” If you are not sure, just ask. Everybody is here to help all of you succeed, because when all of you succeed, our community benefits tremendously.

## **INTRODUCTION AND SWEARING IN OF COMMISSIONERS**

MAYOR KENOI: So, if I may respectfully request that all members of the 2011 Hawai‘i Redistricting Commission please stand and raise your right hand.

I, state your name, (Commissioners in the background) do solemnly swear or affirm, that I will support and defend the Constitution of the United States of America, and the Constitution of the State of Hawai‘i, and that I will faithfully discharge my duties as a member of the Hawai‘i County Redistricting Commission to the best of my ability.

Thank you, and congratulations to each and every one of you. Mahalo.

## **ROLL CALL**

MR. UDOVIC: I will now call the roll of the Commission members. Valerie Poindexter, “Here,” Jeffrey Melrose, “Aye,” John Mike Middlesworth, “Aye,” Patrick Kahawaiola‘a, “Here,” René Siracusa, “Aye,” Linda Ugalde, “Aye,” Dru Mamo Kanuha, “Aye,” Craig Bo Kahui, “Here,” Joseph Carvalho, “Aye.” The record should reflect that all members of the Commission are present.

## **NOMINATIONS AND ELECTION OF OFFICERS**

MR. UDOVIC: What has to be done now, and one of the things you have to do as a group is to choose the officers for the Commission; the Chairperson and the Vice Chairperson.

MS. SIRACUSA: Point of Order. In the procedures it states that the statements from the public come before the decision-making items on the agenda. Since the selection of the Chair and Co-chair is a decision, it seems to me that we should take the statements from the public first and reverse the order that is on the agenda.

MR. UDOVIC: With respect to the agenda items, the adoption of the Rules is something that occurs afterwards, so the Rules haven’t been adopted at this point in time. I think it is appropriate to have the selection of the Chairperson and Vice Chairperson at this time.

MS. SIRACUSA: The Rules don’t say, “...except for the first meeting.”

MR. UDOVIC: But the Rules have not been adopted yet, Ms. Siracusa; that is the problem. So until we have a Chairperson and a Vice Chairperson, we cannot adopt the Rules, because they won’t be able to conduct any business. So, if it would be satisfactory, we can continue.

MS. SIRACUSA: If it’s okay with the members of the public, then it’s alright with me.

MR. UDOVIC: The members of the commission have to agree with that, I believe.

MR. MELROSE: Can I make a quick suggestion? From a procedural process, we just kind of met each other as we sat down here today, and maybe it would be useful if we just kind of introduced ourselves and a little bit about where we are and maybe if there is any time in our schedules to be able to take leadership in this process, and have a little bit of a conversation among ourselves, in front of the public, in order to make the decision, rather than just jump out and make motions at the moment.

MR. UDOVIC: That's agreeable with me.

MR. MELROSE: Would that be useful? We can just start at one end and move down the list and say who you are, what do you do, what are you involved with, and do you have time to be helpful in a leadership position.

MS. SIRACUSA: That works for me.

MR. CARVALHO: I'm Joe Carvalho from Kohala, District 9. I live in Hala'ula. I was away for over 35 years, and I moved back in 2005 to help take care of my mother-in-law. More so, we wanted to come home and live here. We had the opportunity to do so, and we jumped at it since we both retired in 2003, my wife, Marsha, and I. I was a manager at the Federal Reserve Bank in San Francisco, in the Computer Processing Department. My wife is a retired school teacher in Special Education. I worked with the Bank for 30 years. Right now, I got tapped to work with the CDP (Community Development Plan). So I did the CDP process and stayed in the whole process of getting the Steering Committee going, and I was just selected to be the Chairman of the CDP Action Committee. So I've been in this process for almost two years now. My other activities are I work for the Resource Center. I am a board member of the Resource Center in North Kohala. I also play softball against Pete; that takes a lot of time. Pete, they have a good team. I also am a member of the National Guard alumni in Kohala, which is a very active group. And that's about it. If anything, I would defer to any one else to be the Chairman or Vice Chairman.

MS. UGALDE: My name is Linda Ugalde. I live in Volcano. My husband and I moved to Volcano about 14 years ago. My husband is retired from the Honolulu Fire Department. We moved first to Waikoloa, we were there for four years. Then we moved to East Hawai'i. The greatest part of my retired life is my involvement with Cooper Center, a Parks and Recreation facility that is operated by the community under a Memorandum of Understanding. I am also on the Committee on the Status of Women. I was born and raised on Maui. I lived on the mainland for a while, came home, and haven't left.

MR. KAHAWAIOLA'A: Good afternoon, my name is Pat Kahawaiolaa. I was born and raised in Hilo. I left for awhile to serve in the United States Navy. I returned after 20 years. I reside on the Homestead here in Hilo. I am currently the President of the Keaukaha Community Association and I have been the President for the last 12 years. I have served on and continue to serve on boards. I am the Advisory Board for the College of Pharmacology; I sit on the board for the council having to deal with Mauna Kea. Other interests that I have used to be music, but now it's civic duties; give back to basically my community and then to the greater community at large. Thank you.

MS. SIRACUSA: I came here from Oahu about 33 years ago, fell in love with my property, and haven't left since. I'm very involved in my community in Puna. Currently, I'm the President of the Puna Community Medical Center and Mālama o Puna, which is an environmental non-profit. I also serve as the fundraising chair for Kokua Pahoā, which is the group that followed up on Pahoā Weed and Seed. I have also served on Friends of the Library and quite a few other groups in my community. I was on the County of Hawai'i Planning Commission when there was just one. I have an organic farm and orchard. I have a horse, and sheep, and cats, and ducks, and lots of the sweetest tangerines on this island.

MR. MELROSE: Do you have time to serve as Chair of this Commission?

MS. SIRACUSA: I do.

MR. KAHUI: Aloha, my name is Bo Kahui. I was asked to join this Commission. I am from Kalihi, born and raised in Ma'ili. I moved to Hilo in 1990 and spent 10 years here. I understand this community very well. My children attended the Hawaiian immersion school in Keaukaha. I moved to Kona in 2000 and have participated in a number of civic activities there. I have been on the Kaniohale Community Homestead Association Board for well over nine years, serving on the Board of Directors as well as the President. I currently serve as the Executive Director of La'iohua 2020, a 501(c)(3) non-profit, whose mission is to bring social infrastructure into our region of Kealahou and Keaolu. I also serve on the Kona CDP Action Committee under which we try to plan the West Hawai'i region. The County Council adopted that as an ordinance some time ago, so we use that as a basis and a guideline for our master planning in West Hawai'i. Recently we started up a Kealahou Regional Park Advisory Committee, under which we recently encumbered somewhere around 200 acres for a regional park for our West Hawai'i residents. That's the type of work that I have been engaged in. Why I'm here; personally I think this is an important task. When redistricting your community is looking at the census tract, finding out our new divisions for political lines, one has to wonder what is important for the community. So, in our growing community in West Hawai'i, we needed a strong voice. I'm just going to try to represent that voice as best as possible. I thank the Mayor and his staff and for all the recommendations for my participation in this process. Mahalo.

MS. POINDEXTER: I am Valerie Poindexter. I was born and raised in Hāmākua in a Plantation Camp in Pauilo. I am currently working at the Hāmākua Health Center as a Human Resources Manager. I experienced a lot of changes through the demise of the sugar industry. Many years ago I served on the Persons with Disabilities Commission. Currently I am on an ad hoc committee for the Persons with Disabilities Commission and currently the President of the O'okala Community Association. I am looking forward to digging in to data and seeing how I can best serve you. Thank you. Aloha.

MR. KANUHA: A little bit about me; my name is Dru Mamo Kanuha, I serve for District 7, in Kona. I was born and raised in Kailua, in Kona. I currently work for Kamehameha Schools, Water and Agriculture Resources. I am a member of the Hawai'i Island Burial Council. We go around the island; we do a lot of stuff with regards to our iwi kupuna. I am also a board member of Kai Opua Canoe Club in Kailua, which my family started a long time ago; was part of the

founding members a long time ago. I am on the Kailua Village Business Improvement District, where I try to help to make Ali'i Drive a National Scenic Byway. So I am helping out in that aspect. I do a lot in the community. I love to do a lot in the community; I love to do whatever I can for the community, so it is my pleasure to sit on this commission. Thank you again.

MR. MIDDLESWORTH: I am Mike Middlesworth. I am a retired newspaper man. I came to Hawai'i in 1973 to be Managing Editor of the Honolulu Advertiser. I did that for 12 years and then I was the Business Manager at the Advertiser. I came to Hilo in 1992, after the newspaper was sold and I was forced into retirement. I did consulting for newspapers around the world for several years before I decided to just stay home. My son and I had a pig farm up in Mountain View for several years. I was one of the owners of Fiasco's Restaurant; I was the principal owner at the time that we had to close it, so that was an interesting experience. I have lived in Waiakea Uka for the last 17 or 18 years. Beyond that, I have been interested in a number of things in the community, however not involved in too many other than political campaigns. I got into those because during the years that I was working for newspapers, we could not be involved in any community affairs, simply because of our code of ethics. I volunteered for this commission because I feel that it is a very important thing that we need to do. I was quoted in the newspaper saying that I have no ax to grind, which is true. I am not involved with any of the council members, so I have no concern one way or another about that part of it. I just want us to do a fair and decent job of redistricting the County.

MR. MELROSE: Aloha, my name is Jeff Melrose. I am a Land Planner by profession. I have lived in Hilo for about 20 years; on the Big Island for about 25. I was raised on Maui, in Makawao. In addition to a small, private land use planning firm, I teach at the University in the field of Land Use Planning. I am on the board of the Downtown Hilo Improvement Association; I Chair their Planning and Governmental Affairs Committee. I also sit on the board of the Kui Kahi Mediation Center. I have been involved in facilitation and dispute resolution for much of my adult life. I began in North Kohala in 1974-75, right after the plantations shut down, and most of my professional career has really tracked behind large scale plantation shut downs. I managed Puna Sugar for Amfac. I worked for Kamehameha Schools during much of the shut down years through the 1990's and early 2000's. Just watching rural transition and rural change has been part of my professional role. I would really prefer not to be involved in leadership in this, but I am absolutely committed to a fair and equitable solution and listening to people's concerns, but dealing with the truth and delivering a good product. With that, would it appropriate just to ask if anybody has a motion they want to make about leadership based on that short introduction? Does anybody have a motion they would like to make?

### *Election of Chairperson*

MR. CARVALHO: Should we ask first who would like to be in the leadership role? I think we have a few people.

MS. SIRACUSA: I couldn't hear that.

MR. MELROSE: He simply asked who would like to be in a leadership role in the Commission. Who would be willing to do so?

MS. SIRACUSA: Yes.

MR. KANUHA: If nobody else is going to nominate themselves, as in raise their hands and say they would like to be in the leadership position---

MS. SIRACUSA: I did. I am perfectly willing to do that. I have the time, I have the commitment, and I have the energy.

MS. POINDEXTER: René is willing.

MR. MELROSE: We have a nomination. Is there a second for the nomination?

MS. UGALDE: I'll second it.

MR. MELROSE: Is there any discussion on that point?

MR. CARVALHO: Is there anyone else who would like to be Chairperson?

MR. MELROSE: Seeing none.

MR. KAHUI: I would like to close the nominations.

Ms. Poindexter moved to accept the nomination of René Siracusa to serve as Chairperson of the 2011 Hawai'i County Redistricting Commission. Seconded by Ms. Ugalde and carried by the following vote:

Ayes: Commissioners Carvalho, Kahawaiolaa, Kahui, Kanuha, Melrose, Middlesworth, Siracusa, Poindexter and Ugalde.

Noes: None.

Absent: None.

#### *Election of Vice Chair*

MS. POINDEXTER: I want to nominate Dru Kanuha for the Vice Chair position.

MR. CARVALHO: I second.

CHR. SIRACUSA: We have a motion and a second. Is there any discussion?

MR. MELROSE: Are you willing, Dru?

MR. KANUHA: Yes, I'm willing to dedicate my time and energy to be the Vice Chairman of this Commission.

CHR. SIRACUSA: Do we have any other nominations? Seeing none, I'll accept the motion to approve the nomination of Dru Kanuha.

Ms. Ugalde moved to accept the nomination of Dru Kanuha to serve as Vice Chairperson of the 2011 Hawai'i County Redistricting Commission. Seconded by Mr. Carvalho and carried by the following vote:

Ayes: Commissioners Carvalho, Kahawaiolaa, Kahui, Kanuha, Melrose, Middlesworth, Poindexter, Ugalde, and Chair Siracusa.

Noes: None.

Absent: None.

CHR. SIRACUSA: Motion carries, welcome aboard, Dru.

MR. MELROSE: Madam Chair, just a comment; I think that's a good start. We have a Puna representative and we have a Kona representative and I think that's a good way to start the process. I hope the community recognizes that.

CHR. SIRACUSA: We also are balanced gender wise. Thank you very much; and age wise.

### **STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

CHR. SIRACUSA: The next thing on our agenda is Statements from the Public, and I have one. James Weatherford, who would like to comment on the Redistricting Rules. James is representing himself. Welcome.

MR. WEATHERFORD: Thank you, and congratulations. I just wanted to make a comment on the regulations. Although it may not explicitly say so, I think it is implicit that the Commission will be following the County Code, I believe it is Section 3-17. There are a couple of things in there that stand out, that are really big. There are things that did not occur, or that were a problem in Puna ten years ago. I would like to see this Commission, which is off to a great start, set your standard much higher than that Commission did.

There are three points that are mentioned in the County Code. One that says a community of common interest shall be respected and kept together. That is pretty fundamental. The second one that says there is no gerrymandering. I'm sure all of you, or if you haven't, will familiarize yourself with that term; look it up in the dictionary or in Wikipedia. Thank you. Third, it says there shall be no drawing of bizarre district shapes. I'm going to be right up front with you; if you look at the way that Orchid Land is carved out of the districts in Puna, you will see that was

rather bizarre. You all look like great folks, I would like to see you set your standards high and make us all proud. Thank you.

CHR. SIRACUSA: I don't have any other slips, but if someone else would like to testify, the mic is open. We have Kona on board here. Lali. Hello, Kona.

MS. ROBINSON: I have Mr. Fred Housel here.

MR. HOUSEL: My name is Fred Housel and I live in Kona. I wanted to reiterate some of the things that Councilman Hoffmann already said. I wanted to say that this whole County is entrusting each member of the Redistricting Commission to do due diligence on their job, to represent the entire County not just their district. How important it is to have equal representation for every citizen in this County. Obviously the population--as you saw, the census from the last numbers--has changed significantly. That's probably going to change some districts. We need to be very thorough in the evaluation. I would entrust the Commission to make this a transparent process, to communicate with the public, so they can build trust within the community to ensure that the Commission will have a credible product. I'm sure that you will, I think that you have some very distinguished people on the Commission, and we certainly eager to see what your results are. Thank you very much.

CHR. SIRACUSA: Thank you. Thank you for your good wishes. Do we have any others?

MS. ROBINSON: Yes we do, we have one more. We have Ms. Ford here.

MS. FORD: Good afternoon, my name is Brenda Ford. Welcome Commissioners. You nine Commissioners are the most important people in this County. This Commission is more important than any other Commission, and you are more important than any Councilperson or any one Councilmember. You meet only once every ten years, but you have more impact on how each person in this County is represented than the other 175,000 of us. What you do over the next several months will impact every voter for the next ten years. Only you can uphold the U.S. Constitution on the one person, one vote principal and the equal vote for each person principal that run our Country. You will be given a handbook called "How to Draw Redistricting Plans That Will Stand Up in Court." It is extremely important to do your homework, and read and understand and read and understand the manual. It explains everything about redistricting that you need to know to create a fair, equal and legal Redistricting Plan.

Additionally, the County Council has expanded upon the Charter with an amendment to the County Code on Redistricting; adding an explanation of your process, the minimum criteria that you must use, a process for the public to submit their plan, and an explanation of what your final report and plan entail. The additional criteria in the County Code were originally established by the U.S. Supreme Court and applied to every State and every County. I suggest that you request from the County Clerk, access to a mini-version of the Redistricting software used by the County and the State in drawing the district lines. Doing it yourself will quickly expand your understanding of how a small change impacts the island through the domino affect. If you can each design your own plan you will be able to better evaluate each other's plans and the plans submitted by the public.

We are counting on you to do not just the best job you can, but a superior job for each of us; fairly and equally. I would be happy to explain any part of the Charter or the County Code on Redistricting if you have questions. One last thing; please don't let anyone tell you that using the Charter and the County Code rules will disallow you from doing a good plan. I've drawn a redistricting plan using the very rules you will be using. The public only asks that you be fair and treat each of us equally. Additionally, you will be advised that there will be computer in the Office of Elections on both the East side and the West side of the island that you can use. I suggest that each of you buy a jump drive so that you can keep your respective plans on your own personal jump drive. The computer program does all the math for you. You will not need to do any calculations. I also recommend that each of you get that mini-computer version for yourself, if you possibly can. You can talk to the County Clerk about that.

The first thing I think you should spend money on is a full set--there are about 75--census maps. This will contain all the census blocks and it will contain the census tracks for the County of Hawai'i. You will use that, especially initially, you will be using that to locate things and to be able to discuss the various locations and how you want to keep them together. Your County Clerk can make that purchase for you, if you move to do so. I congratulate each of you on your position and we are all praying for the very best plan possible.

CHR. SIRACUSA: Thank you, and thank you for all of your efforts. Is there anyone else who would like to testify? Seeing none, we will move on with the next part of the agenda.

## **APPROVAL OF MINUTES**

Since this is our first meeting we don't have any minutes, so I guess we can just pass over that.

## **COMMUNICATIONS**

### **COMM. 1: SUPPORT STAFF FOR 2011 REDISTRICTING COMMISSION**

From County Clerk, Jamae K. K. Kawauchi, dated April 18, 2011, identifying Redistricting Commission staff, support personnel, and description of respective roles.

Mr. Melrose moved to file Comm. 1 and appoint Karen Eoff Commission Secretary and Mike Middlesworth as Commission Attorney. Seconded by Mr. Carvalho and carried by the following vote:

Ayes: Commissioners Carvalho, Kahawaiola'a, Kahui, Kanuha, Melrose, Middlesworth, Poindexter, Ugalde, and Chair Siracusa.

Noes: None.

Absent: None.

**COMM. 2: BUDGET FOR 2011 REDISTRICTING COMMISSION**

From County Clerk, Jamae K. K. Kawauchi, dated April 18, 2011, describing the Redistricting Commission Budget

Mr. Melrose moved to accept Comm. 2  
Seconded by Mr. Middlesworth.

CHR. SIRACUSA: Is there any discussion? The budget is included in that Communication. Did you have some discussion about that? Please turn on your microphone.

MR. KAHUI: I was wondering about the disparity between the allocation of \$7,000 and \$75,000. What is the difference in the nature of those allocations?

MS. KAWAUCHI: Good afternoon Chairperson Siracusa and Members of the Hawai'i County Redistricting Commission. My name is Jamae Kawauchi. I am the Hawai'i County Clerk, and I submitted Communication 2. The difference is that you have both \$7,000 and \$75,000 for the fiscal year. So you actually have both of those to spend. They were just allocated differently. It is a total of \$82,000.

MR. KAHUI: I guess that's my point. If they are allocated differently, is it \$7,000 for Commission expenses and \$75,000 for computer programs? How is that budget broken down?

MS. KAWAUCHI: It was \$7,000 for expenses for this 2011 fiscal year and \$75,000 for 2012.

MR. KAHUI: I was hoping it would be quite the opposite.

MS. KAWAUCHI: Opposite?

MR. KAHUI: No, I'm only kidding. That's just for clarity for me.

CHR. SIRACUSA: I have a follow up question. There was something in the paper--I've been informed because I didn't see it myself in West Hawai'i Today--that said that the software for us wouldn't be available until 2012. Was that a typo?

MS. KAWAUCHI: We have a member of the State Office of Elections who will be speaking to you about the software and so I would ask that question to be deferred so you can pose that question to him, David Rosenbrock.

CHR. SIRACUSA: Okay, if he doesn't address that in his presentation, then one of us can ask him about that.

MR. MELROSE: So I would assume that is primarily for mileage, software, for printing of maps, and for travel expenses related to the movement of this organization through the community. Is that true?

MS. KAWAUCHI: Yes, that is true.

MR. MELROSE: Are there other things we can do with that money?

MS. KAWAUCHI: I think that might be a lengthily discussion, but if there were questions that the Commission had concerning a particular expense, we would be happy to help you answer that question. Generally speaking, what you have listed is what we would cover under your budget.

MR. CARVALHO: Do you know if the software---Are we going to have nine licenses for the software, one for each of us?

MS. KAWAUCHI: That's also a matter that I would ask be deferred for Mr. Rosenbrock's presentation, but we are happy to help answer that question if that isn't something that can be addressed at that time.

MR. CARVALHO: Thank you.

CHR. SIRACUSA: Are there any other questions of the County Clerk? Thank you. So, we are still in our discussion phase here on this motion, unless you indicate you are ready to take a vote.

MR. MIDDLESWORTH: Call for the question.

The motion to file Communication 2 and accept the budget for the 2011 Redistricting Commission was carried by the following vote:

Ayes: Commissioners Carvalho, Kahawaiola'a, Kahui, Kanuha, Melrose, Middlesworth, Poindexter, Ugalde, and Chair Siracusa.

Noes: None.

Absent: None.

### **UNFINISHED BUSINESS**

CHR. SIRACUSA: The next item on the agenda is Unfinished Business, of which we have none, and so we move along to New Business.

### **NEW BUSINESS**

1. Adoption of the Rules of Procedure

CHR. SIRACUSA: I will assume that everyone here has already read those, or if you haven't, please indicate.

Mr. Melrose moved to adopt the Rules of Procedure. Seconded by Mr. Middlesworth and carried by the following vote:

Ayes: Commissioners Carvalho, Kahawaiola‘a, Kahui, Kanuha, Melrose, Middlesworth, Poindexter, Ugalde, and Chair Siracusa.

Noes: None.

Absent: None.

2. State Office of Elections – “Redistricting 101”

PowerPoint presentation by David Rosenbrock.

MR. ROSENBROCK: Good afternoon, I’m David Rosenbrock with the State Office of Elections. There was going to be a PowerPoint presentation, but now it’s going to be a PDF presentation. I would like to talk about the software arrangements right now while it’s still fresh in everybody’s mind. The State Office of Elections, at the end of the redistricting process---We are going to have redistricting here, we are going to have redistricting in Honolulu, and we are going to have a State Reapportionment and Redistricting. At the end of all of that, the Office of Elections has to re-precinct all of those. The Office of Elections is going to make available, to those agencies who are doing redistricting, a product from the ESRI, Environmental System Research Institute Product. This is a product that was built in conjunction with the U.S. Census folks; a tool specifically designed to do Redistricting. What that product will allow us to do is to host the web-based Redistricting software and give you log-ons--private, secure, individual log-ons--to build your plan however you want to build it.

CHR. SIRACUSA: When will this be available for us to use?

MR. ROSENBROCK: We are working on the contract right now; I would imagine by the end of May at the latest.

CHR. SIRACUSA: Okay, so that means we really can’t do anything in May and this is the end of April now, so we are losing more and more time.

MR. ROSENBROCK: We may be able to speed that up.

CHR. SIRACUSA: I hope so.

MR. ROSENBROCK: That’s basically the arrangements on the software. We can have up to 20 users using the software at any one time, and I doubt that would happen very often.

CHR. SIRACUSA: Is there any way that we could get started working on this in a more primitive format?

MR. ROSENBROCK: Yes, yes. Depending on your population base--and this was something I was going to talk about later--the State and Hawai'i County use the same definition for describing their "permanent" resident population base. Now, that may in fact turn out to be true. Our Reapportionment Commission is just now getting into their Rules and has yet to determine how they are going to define the base. But, if they are the same, then we will give you that base to use for Hawai'i County, and you won't have to go through any added expense or anything with that. If it is different, then, Hawai'i County will have to figure out how to identify that population that needs to be extracted, and take care of it on their own. What we will provide on the site will be the entire U.S. Census, because the State has to reapportion the Congressional Districts based on the total number.

MS. POINDEXTER: Can I go back a little bit? You talked about 20 users at one time, so who will be awarded to be a user? We are definitely all going to be users, but who else? Because, say, if that day I would want to get on, and that's the day I have a full eight hours to plug in and look at the data and software, and I can't get on. So, I don't know who will be awarded those 20.

MR. ROSENBROCK: Apparently, you all want nine.

MS. POINDEXTER: Right, but will there be more than 20 people being afforded---

MR. ROSENBROCK: There may be, but I don't think they are going to run concurrently. Our process is a little bit behind your process. The way we have done it in the past with the State is they actually had a technical committee made up of the members of each side. They got together in the evenings and went through moving the lines around. So I would anticipate something similar to that. So there would actually not be eight guys on the Reapportionment Commission each doing their own plan and then coming together to put the plan together, but more of this technical committee building a plan and bringing that plan to the whole Commission. I mean, that's the way we have done it in the past. I wouldn't want to say there isn't going to be a problem, but I would rather deal with the problem. I mean, you will have number, if we run into a bottleneck at some point in time, you can get a hold of me and we will figure something out.

MS. POINDEXTER: So, any technical difficulties, we will have a support number that we can call?

MR. ROSENBROCK: Yes, yes.

MS. POINDEXTER: Thank you.

CHR. SIRACUSA: Anyone else?

MR. KAHAWAIOLA'A: I do, Madam Chair. It's still unclear--just a point of clarification--based on which came first, the chicken or the egg. You are telling me the State has a process. I'm dealing with having to look at who would be permanent residents. And then, if the County comes in, as we are going to do, and finds that it's not compatible with the County, then we are going to have to determine our own permanent residents. That's the kind of language I'm hearing from you.

MR. ROSENBROCK: You will have to build a model to figure out how to make the extraction. So, basically in the process, each census block has a population attached to it. So, to make an extraction out of the Federal base, you must know the count and the location.

MR. KAHAWAIOLA‘A: Then, just for further clarification, if you do this, and say this is your permanent resident, we get to start to look and then it’s not our permanent resident---The point I’m getting back was to Mr. Hoffmann’s original statement, his opening statement spoke about making this not a political issue. It is not a political issue in terms of Democrat and Republican, but I hear Brenda Ford, I heard other people say this is about one man, one vote. I am having a very distinct problem saying the State has one way of saying what a permanent resident is, and then we might come to Hawai‘i County and then we get the job of extrapolating those guys who may not be permanent residents. So, I would truly wish that if the State is going to do something, they tell us who the permanent residents are, and then I don’t think the rest of the people in any of the Counties are going to have a problem putting people in these nine holes that we have got to fill. But, if you are going to say that you have permanent residents here, that’s the definition in the State, but then in the County, they may not be---

MR. ROSENBROCK: I understand the confusion, but each Commission is responsible for determining their rules of operation, so I don’t want to assume that Hawai‘i County, just because we define a permanent resident population base, that you are going to. I just put that out there. It may be, that like the last Reapportionment, you guys used the same one as us.

MR. KAHAWAIOLA‘A: That is why I needed to get clarified. One of my reasons why I’m doing it is because I sat on the last one. I used the State definition, and then find that it may not have been the right way to use it, now, based on the definition you are giving. So, I need to be sure again. I don’t mind putting my head on the chopping block, but I like to be the guy holding the knife. So, the bigger problem is, we are in this State called Hawai‘i, and the State has a definition, and the County has a definition. We need something that is cohesive, so everyone understands; whether you live on Kauai, Maui, Molokai; we all know we are residents, and we got this one man, one vote.

MR. ROSENBROCK: The determination comes in defining whether a non-resident, military personnel is a resident of the State; or if their dependents are a resident of the State. Although, one of the recommendations out of the State Reapportionment Commission last reapportionment was to ask the Legislature to define the permanent resident base, they took no action on that recommendation. I imagine it will be the same recommendation this time. We can only do what we can do.

We have the Federal base, which is given to us by the Census Bureau. We are going to find out from our Reapportionment Commission whether they are going to extract non-resident, military service personnel, if they are going to extract their dependents, if they are going to extract non-resident students, if they are going to extract non-resident felons. That’s what they have to decide; and I don’t know.

CHR. SIRACUSA: I was just looking over Ordinance 11-29, and that is the Redistricting Ordinance amending the Hawai‘i County Code 1983, 2005 Edition as amended, by establishing a new chapter relating to Redistricting. And, under Article 3, Redistricting Criteria, number (2) says, “Nonresident military personnel, non-resident, military dependents, non-resident students and foreign national aliens, shall be excluded from the permanent resident population base used to calculate each proposed Council district’s population and it’s deviations from an ideal council district’s population, if practicable.”

Is this the same thing that the State had in the previous Reapportionment proceedings, and is it what they are going to be looking at, at tomorrow’s meeting?

MR. ROSENBROCK: There were two bases last time, because there were two plans, if you remember. The original base called for the non-resident, student population to be excluded and the service members who were non-resident. So the individual in the service that declared himself a non-resident of Hawai‘i was extracted and the non-resident students were to be extracted. Well, once again we got to this problem; you need a count and you need a location. The schools did not give us the non-resident, student address, so they could not be extracted. So the initial go-around was only non-resident, service personnel. After the plan went out to public hearing, and there was quite an uproar about the canoe districts, the plan was taken back, the population base was revisited, and the final population base for the State last time ended up being the exclusion of non-resident, military personnel and their dependents. Convicted felons were in and the non-resident students were left in. That’s what was used last time. But that doesn’t mean they are going to do the same thing this time. They have to come to that conclusion, and I imagine they are going to start talking about that. I don’t know if this Thursday, but shortly thereafter.

CHR. SIRACUSA: Well, if we have to wait on them, then that is more and more delays. Every time I turn around there are more delays. Mr. Middlesworth.

MR. MIDDLESWORTH: Yes, I have a suggestion. Because of the lawsuit that entailed from the last redistricting, which was based in part on this issue, why don’t we ask the County Council to take the numbers and determine the numbers for us. The reason I say that is they are imposing upon us rules of how we are to proceed; somebody has to make that determination, and I think that the County Council is the appropriate body to do so.

MR. MELROSE: Madam Chair, can I make a procedural suggestion?

CHR. SIRACUSA: Yes.

MR. MELROSE: I think our speaker has a whole program. I don’t want to start solving problems when we bump into them one at a time; we need to solve them when we get a big picture on them. So I would like to proceed with the presentation. I appreciate Mr. Middlesworth’s comments, but I don’t think the solution is germane at the moment. Let’s have the presentation, and then let’s keep that running and see how we solve the problems.

CHR. SIRACUSA: Is that okay with everyone else? Okay, very good; please continue with your presentation.

MR. ROSENBROCK: You will have to excuse me. I had a PowerPoint presentation that was created on a higher version of PowerPoint and in all my scurrying around I had to end up getting it into PDF. So, it contains a few more slides than what we had prepared for you all. So if you will just kind of bear with me we will just kind of go through what we had developed for you all. The ones that aren't supposed to be in here, I'll kind of just go real fast through them.

We are here to talk about Redistricting in Hawai'i County.

CHR. SIRACUSA: Excuse me. I was wondering if there are any of these up at the table for the members of the public who might want to follow along.

MR. ROSENBROCK: I had brought 25 copies.

CHR. SIRACUSA: Okay.

MR. ROSENBROCK: So basically, one person one vote. That equals equal representation. To get that I am going to give you a little background of the 3 C's; The Constitution, Criteria, and Compactness. The whole reason for the census initially, was to do reapportionment and redistricting. It was enhanced then by the 14<sup>th</sup> amendment and there have been several opinions concerning reapportionment since then. Right now, the Senate has 100 members; there is no reapportionment, no redistricting. The House of Representatives, 435 members, apportioned every ten years, based on population. Every State gets at least one member and some get more.

The census is based on the concept of the population in the census block. Census blocks are pretty much like a city block. And attached to that is tabular data which is the count, the race count, and a very small housing. I mean it's very, very minute data that's actually in the first release of Public Law 94-171, which is the Census Release. This is a census block. As we go talk about making compact districts, or districts that don't look funny, this is what we run into when we are creating districts. All of the blocks are not squares, circles. This one, in fact, is the Tantalus census block. It has 119 people in it. Now if we were to break that census block into something better shaped, we would have to go back out and we would have to allocate that 119 people to whatever side of the line we cut it on. So we don't break census blocks. We have to use the census blocks. This is more of a norm that you would believe. This is not a unique shape. So, as you are going forward, I want you to remember that it is nice if everything came out squares, circles and triangles, but it's not the case. We have a lot of valleys and the geography here is what---

Here's another one. Some of these were made for the big presentation last week, so when I lost my file I---A little background on the census; the first census was in 1790. The largest city was New York City; same thing in 1900, same thing in 2010. But you can see how the population has grown tremendously since the first census. The census not only grows, it moves. And that is what our problem is now. The populations don't stay static, they grow and they move. Just to let you know, our Federal population is 1,360, 301. We get two Representatives; seven states

only get one Representative. In 35 states, the state Legislature does the redistricting on their own; which means the majority party goes and does redistricting and brings the redistricting plan out and hands it to the state and that's it. Two states have a Commission where the Legislature approves the Commission's plan, and six states have independent, bi-partisan Commissions. We are one of those states. To get back to the Reapportionment and Redistricting Guidelines; determine the population base is the first thing they will be deciding. Apportioning Representatives per basic island unit and then redrawing the district lines.

I'll talk a little bit about compactness, because we want all of these districts, no matter what their odd shapes are to be compact. A circle is good, a square is good, a rectangle isn't bad; the little starburst is not good, and the little gecko looking guy down here you want to avoid, where possible. Once again, there is the perfect district; nice square. You might as well get a look at it now, because it will be the last time you see it. This is more along the lines of what you are going to see with your districts. This district looks nice and compact. Unfortunately, that red line is the ridge line of the mountain, and we usually try to keep communities together, so this would not be considered geographically compact. Your districts have to be connected. You can't have three areas that are not connected. And you must have more than a one point connection. So you see this guy here where you have the two shapes, you cannot make that. We don't want to have any submergence of communities, and basically in Hawai'i that amounts to our socio-economic groups.

The most important thing to remember about this is we do this where practicable. Because I've already shown you these really extreme situations, and they are going to govern how your districts end up looking like. I'm not going to talk too much about the Federal House of Representatives; you don't really care about that. We will take the population base of 1,360,301, divide it into two districts. I think right now, with the districts that we have and the populations inside of those districts, based off the 2010 census, I think right now, there is a 6% between District 1 and District 2. We want to get it down to less than 1%. So that is ½% on this side, and ½% on this side. You guys are a little bit more fortunate, like us, you can go up to 10%. So that's a 10% deviation; 5% each way, 4-6, 3-7, whatever to keep it under the 10.

To kind of show you what reapportionment will look like when you are working with you software, you will have pretty much your existing Council lines, and you will have the population, which is a little box in the center. The population as it exists now, based on the old line. So if you had a target population of 26,673 per district, and you look over here to this first district it's 24,650; what do you have to do? You have to gain some, so the logical place to gain some is to the West; so you move those in. You are also going to have some areas that have grown explosively. In those, you will need to create districts, right? We did some quick numbering for your nine districts. It looks like District 5 went up 47%, District 6 - 39%, 7 - 32%, 6 - 29%, 9 - 26%, 2 - 23%, 2-13.19% and 6 - 1%. So when you look at the software, this is basically what it is going to look like.

You will have a little spread sheet. You will have your districts already identified. You will have your population counts. We are going to move some of District 9 into District 1. So we will grab a portion of District 9 and move it over into 1 and then you get new numbers. It will actually go through and calculate down to the deviation for you. It is almost that easy to use the

tool itself. It is much easier than it was the last time. Of course, I've given you a pretty easy look. As I said, with this software, we will have ESRI representatives if we run into any problems. We will be quick on the draw to get you answers to your questions.

MR. MELROSE: Madam Chair, I have a question; a couple of things. The use of the web-based tool, does it provide a reasonable map representation at the end that can be printed at a scale that we can use to talk with the public about?

MR. ROSENBROCK: No, the web-based version doesn't, but the ESRI GIS software that the office has is where you will actually move from the redistricting platform into the map producing platform.

MR. MELROSE: Okay, that is a good distinction. So we actually do have access to the computer based ESRI, 9.0 or whatever it is, 10, and there is that same software for the redistricting software that is embedded in that as well?

MR. ROSENBROCK: No, you have to move it. The redistricting tool itself is this web-based, web-managed secure site. What you do is you actually just move the data from the web site when you get ready to make your maps, or ready to print stuff. You can print small areas, you just can't do the big maps.

MR. MELROSE: That's been my experience with web-based GIS. It doesn't print well, it doesn't display itself well, and we need to find a tool that will do so, because both our ability to see the whole picture and to see it all at one time, or to isolate it, is something we need in good maps. So my question is, is there redistricting software that we can get that is like the web-based one? I believe there is an ESRI based system that can go on the hardware. Do we need to have to work on both all of the time? Use both in order to get the movement happening, or is there actually something we can put on the computer based software?

MR. ROSENBROCK: The redistricting tool is a separate process from the census tiger-line storage area. It is my understanding that the tiger files are in the web-based redistricting tool. So you can go down as fine as you want and you will see exactly as if it were in the Arc GIS product. But the Arc GIS doesn't have the redistricting tool in it. It doesn't have the ability to move the census blocks and the populations in it. So, it just resides as a stationary platform in which to produce maps or reports.

MR. MELROSE: I would just suggest that we look at some other tools. It may be that this web-based is going to be very interesting and useable and flexible for us all, but I think what we are looking for is a tool that's going to produce good, clear graphic maps that tell us what is underneath there clearly. I think that the web system is not all that strong. So let's look at some options with some of the money we have. I think there is a redistricting tool that can access the tiger files and do that on a regular computer as opposed to being all web-based.

MR. ROSENBROCK: That's what we used last time. It was an Auto-Bound product. It's put out by General Dynamics or something. But, once again, to make any maps you have to move

that data set from the Auto Bound process to the Arc GIS. You are going to be looking at the same things, no matter which way you go.

MR. MELROSE: Okay, we can have some more conversation on how you do that, I have a little experience in that technology, thanks.

CHR. SIRACUSA: Does anyone else have questions?

MR. KAHAWAIOLA‘A: I do, just on the point of clarification. You used the term that there is two that will become available for this commission to use. Your explanation was great until you reached the point of creating new districts. Is that something we are going to be able to do now? Or is just filling up nine holes with the amount of people that live on this island?

MR. ROSENBROCK: You know, my presentation was made for state-wide. The example there at the end was Ewa.

MR. KAHAWAIOLA‘A: Thank-you. I just needed that clarification because there may have been some thinking based on your statement to the public, because the public is present. Creating new districts has been something I’ve been hearing all discussion long, and I just want to be clear that we are going to find permanent residents, put all of those into nine holes.

MR. ROSENBROCK: Yes, that is my understanding.

CHR. SIRACUSA: Any other questions for our presenter?

MR. MELROSE: Last question. On the data that is actually available today, I know the census has been unfolding data over the last several months; is the data available today that we need to do our job, or is there a subsequent roll-out schedule for individual census tracts data?

MR. ROSENBROCK: Because the redistricting is done at the block level, all of us in the United States use Public Law 94-171; that is the release. We got our release in the middle of March; that is what it is. That is the Federal population base, so based on what the definition is going to be--and it may be that you will walk out of here today and say that the permanent resident base is the Federal base--you are good to go, you can start right now.

MR. MELROSE: But, the data is available, we can deal with some of that process, but the data is available. Your estimate on when the software would become available was that you are still in negotiation with the vendor, so you didn’t think we were actually going to touch that tool until the end of May.

MR. ROSENBROCK: We may, if our negotiations go along smooth, we may get access to the software before that.

MR. MELROSE: Because I think we can actually start to play with this number until the other numbers are adjusted. But I think starting to understand what the principals look like, and how it’s going to play out, what issues we will see.

CHR. SIRACUSA: Any other questions?

MR. KAHUI: If I might. On page 5 when you were talking about Redistricting Guidelines, you made mention about keeping under the deviation within 1% but below 10%. Maybe I'm confused, but out of that deviation you could have a 7 – 3 disproportionate deviation under which this commission would approve or submit based upon the available data. Do you understand my logic here? I don't quite understand that if we are required to keep it under 1% but below 10% and we can deviate 7 – 3 split---

MR. ROSENBROCK: Seven and three add up to ten.

MR. KAHUI: I got that.

MR. ROSENBROCK: The Feds have a requirement that the Congressional Districts are less than 1%, because you are dealing with a big number. So, 1% is actually a pretty large population. We have satisfied the court at keeping our deviation at 10%.

MR. KAHUI: When you say, “we” is that the County or the State?

MR. ROSENBROCK: That's the State.

MR. KAHUI: Thank you for that clarification, I appreciate that.

CHR. SIRACUSA: I would like to point out that in the Ordinance that I was quoting before, on page 5, Maximum Council Deviation on the very top. There is no Section number, but there is an (a) and a (b). And it says, “If practicable, documented high-growth areas shall be...” oops, (a); “The maximum council district deviation for a proposed council district shall not exceed plus or minus 4.99%...” So, for the Council Districts, we cannot go 3 & 7. We have to keep it under 5% in either direction. Mr. Middlesworth.

MR. MIDDLESWORTH: I have a question on this issue that I want to address to our attorney. But I can wait until we get to a discussion with him.

CHR. SIRACUSA: Okay, if there is nothing else, then, thank you very much, and we can move along to Mr. Udovic and his presentation, representing the office of the Corporation Counsel, presentation on Sunshine Law, Ethics and Financial Disclosure.

MR. UDOVIC: One of my colleagues, René Schoen will be doing the first presentation. She is the attorney for the County Ethics Board. She is going to do the Ethics presentation and then I'll follow up with the Sunshine Law, the Law and the Timelines.

CHR. SIRACUSA: Very good.

MS. SCHOEN: May I ask for just a short break while I set up my computer and brief PowerPoint presentation please.

CHR. SIRACUSA: Okay, we will take a five minute recess.

RECESS: At 3:10 p.m. the Chair called for a short recess.

RECONVENE: The meeting was reconvened at 3:20 p.m.

CHR. SIRACUSA: Is everybody ready? Okay, I'll call the meeting back to order again for this presentation.

MS. SCHOEN: Good afternoon everyone, my name is René Schoen. I am a Deputy Corporation Counsel and I am here to give you a brief training on the Ethics Code. I am the attorney for our Board of Ethics. I am going to be turning my head away from you. My PowerPoint presentation is not on my screen, but it is on these other screens. So please bear with me. I have provided you a copy of the Ethics Guide for Hawai'i County Employees and Officers. You can take it home, read it, memorize it and I've also provided you a copy of my PowerPoint presentation. I will not be going through all of the slides in the interest of time. I know you have a lot of other matters to attend to this afternoon. I will just be doing a brief overview.

The purpose, as I stated earlier, is to provide you a general overview of our County Code of Ethics. Ordinance 11-29 also provides that this Commission shall have training in the Code of Ethics. Our Code is codified in Article 15 of the County Code. It provides a standard of conduct for all officers and employees. This includes elected officials, administrative heads, members of boards and commissions, civil service employees and also non-civil service employees. All employees are presumed to know the requirements of the Code; that Code is interpreted by our Hawai'i County Board of Ethics. Another important point is that officers and employees may file petitions with the Ethics Board, as well as the public.

There are seven main areas of the Ethics Code, but we are only going to touch on four today, because those are the main provisions. If at any time after this meeting you folks have questions, please feel free to call me. Call the Office of the Corporation Counsel. I provided my phone number at the end of the PowerPoint document. So, if you ever have any questions, Mike's also available to answer any questions. So the seven main areas are: Fair Treatment, Conflict of Interest, Contracts, Financial Disclosure, Lobbyists, Confidentiality, and the Gifts provision.

Before we get into the four areas that I am going to touch upon, I will give just a little bit of background on our Board of Ethics. It is a five-member board. They serve five-year terms. They typically hear an average of 13 to 15 petitions per year. I will not go into the procedure. If you want to know about that, call me. They do hear petitions, like I said earlier, from the public or by an officer or an employee. So, you folks are free to petition the Board for an informal advisory opinion about any situation or matter that you need clarification on.

Let's get right into the particular provisions. The first provision is the Fair Treatment provision. The first section states that "All public property and equipment are to be treated as a public trust and are not to be used in a proprietary manner or for personal purposes without proper consent." On the next slide, I have highlighted three operative terms that you should be aware of. The public property, it includes time while you are performing your duties. It doesn't just include equipment; it does include your time. Personal purposes include non-county business purposes. And then, proper consent may be granted by the Board of Ethics. So, once again, you may petition the Board for an opinion. I have provided in your packet several examples; I'm not going to go over them because you guys can read them. Of course I, as legal counsel for the Board of Ethics, I am not the final authority. They make decisions as to whether or not the Code has been violated or not. So, do go through those examples under the Fair Treatment section.

Basically though, under that Fair Treatment provision, when talking about use of County property or time, the Board does look at certain factors, like the purpose of your use of the County equipment or duration of the use, or frequency, to determine whether or not the use was permissible or not. This second example talks about use of your computer. This is probably one we should talk about; example number three says, "I own a private business, I operate concurrently with my County employment. Do I violate the County Code of Ethics if I insert my County telephone number on my personal business card? That would be a violation because it is not consistent with the infrequent type of use or a non private business type of use.

The next provision of the Fair Treatment section says that, "All persons shall be treated in a courteous, fair, and impartial manner. The Board of Ethics receives a majority of complaints which fall under this provision of the Ethics Code. We are the only County that has this provision. There have been allegations in petitions which allege being treated in a rude manner, not applying a policy in a fair manner or even making certain gestures while the public is providing testimony. So you should be mindful of that provision, it's what I like to call our frequent flyer provision; it's used a lot.

Subsection (b) of 2-83 says, "No officer or employee shall use or attempt to use their official position to secure unwarranted privileges, exemptions, advantages, contracts, or treatment for oneself or for others." And then the Code provides certain listings of matters prohibited; seeking employment or contracts for yourself, accepting or receiving compensation for the performance of your duties, using County time, equipment or other county facilities for private business or campaign purposes, and using County property for personal or other public activity or purpose.

This entire section, The Fair Treatment section, it requires a showing of use or attempt to use your official position. Once again, I have provided several examples for you to look at. We will skip through those.

Two of the five examples talk about campaign activity, and as you will see, there can be no campaign activity on County property or use of County equipment conducting any type of campaign business on County property.

The second provision is the Conflict of Interest provision. That section prohibits an officer or an employee from taking any official action directly effecting a business or other undertaking in

which that officer or employee has a substantial financial interest. It also prohibits undertaking in which your advisor or counselor or representative or act in some other agency capacity. The third provision prohibits, if you know or have reason to know that a brother or sister, a parent, or member of your household has a substantial financial interest.

The third provision we are going to talk about real briefly is the Gifts provision. This is a law that prohibits County officials and employees from accepting or soliciting gifts in certain circumstances. This section prohibits a gift to an official if one can reasonably infer that the gift is intended to influence or to reward any discretionary type of action that you folks will undertake. So, it is important to note that some people say, "Well, it was just a gift, it wasn't intended to influence." But the Code provision says that if it can be reasonably inferred that it is intended to influence you. So, that is the operative question; can it be reasonably inferred.

CHR. SIRACUSA: I have a birthday next week, does this mean that I cannot get any presents?

MS. SCHOEN: Some of the factors that the board looks at are; the value of the gift, the nature of the discretionary action that you are about to take or may take. It's kind of a difficult provision in our County because everybody likes to give gifts; Big Island Candies, a lei, flowers. Our Board of Ethics has not come out with an opinion regarding what the State Ethics Commission calls "Gifts of Aloha." Gifts of Aloha have been deemed permissible. Our County has not interpreted that, but since our County Code is patterned largely after the State, our Board would probably do the same and say that Gifts of Aloha, meaning gifts that are nominal in value and clearly not intended to influence, would be permissible. But when in doubt, call or ask and we will do the best we can to help you, should you receive a gift. If the gift is permissible, you are required to report the gift and so there is a section on reporting of that gift. The time period for the reporting of that gift would be the preceding 12 month period, and on that reporting form you would have to give a description of the gift and a good faith estimate as to the value. What you would do is submit your gift reporting to the board and they review it and see whether or not it is permissible or not.

Finally, our Confidentiality provision provides that nor officer or employee shall disclose information which by law or practice is not available to the public, and which officer or employee acquires in the course of their official duties, or use that information for personal gain or for the benefit of any one. There may be situations where you have a confidential communication with your attorney. In those situations, if the matter is confidential, you are prohibited from releasing that information to the public or using it for your own benefit. Confidential information is information protected as private by the law and privileged information is protected as private by the relationship of the attorney and client. So as I gave that example of having an Executive Session say, with your counsel, you are prohibited from disseminating or disclosing any of the communication that occurred in that confidential session.

And finally, my caveat and disclaimer, meaning that if you folks have any questions about the Ethics Code, I encourage you to call. Our office puts on ethics training for all officers and employees. I'm doing one in June, I think it's June 21<sup>st</sup> in Hilo and the 22<sup>nd</sup> in Kona. So, if you are interested in coming, please do. The training goes a lot more in depth that what we have

done today, it covers about two hours. So we have shrunk everything down into about 15 minutes. So, do you folks have any questions for me?

MR. KAHAWAIOLA‘A: Excuse me, it’s for clarification purposes. The Gifts of Aloha, it was represented that the State has made a decision, but the County has not made any decision on Gifts of Aloha, based on what you said.

MS. SCHOEN: Correct, no formal opinion regarding Gifts of Aloha.

MR. KAHAWAIOLA‘A: Are we going to wait for a formal opinion? I only say it because I expect, myself, while we are on this Commission, and I don’t think these Gifts of Aloha while it’s a catch phrase out here, there are some cultural appropriate times when these gifts are cultural protocol. I go back to the lei. There is cultural evidence that these are just not gifts of aloha, but there might be some times when any one of us here can be approached because gifts of leis have many significance. René as the leader may receive a lei for being the chairman. There are others here who, heaven forbid may lose a loved one while we are on this Commission. There are leis for condolences. So I am just asking because I heard you represent that this County has not made a formal decision, however, I would defer to the fact that--and you can correct me if I’m wrong--this County is still beholden to what the State law allows regarding Gifts of Aloha; if the State allows it.

MS. SCHOEN: I think what would happen is the Board, in our case, would look at the factors like I discussed. Can it be reasonably inferred to influence? So in that example that you provided, say somebody died, or you get a lei for speaking somewhere; I think those type of token gifts would be permissible. I see it as a lei is not intended to influence your vote one way or another in the performance of your duties on the Commission.

MR. KAHAWAIOLA‘A: And that’s why I chose culturally appropriate. It is appropriate in the case of someone in the chairperson seat, as Hawaiians, a lei of kukui is just that. It may be an expensive kukui lei, but kukui represents one of enlightenment. So these are the type of culturally appropriate things that has nothing to do with somebody’s vote. So I just need to make sure.

MS. SCHOEN: I think it would be permissible. Now, if it was a Ni‘ihau shell lei, I would say no.

MR. KAHAWAIOLA‘A: Thank you.

CHR. SIRACUSA: To follow up on that, we would have to declare the value of the lei, right?

MS. SCHOEN: Correct.

CHR. SIRACUSA: So we could receive the lei, but we would have to declare it as a gift; not a Ni‘ihau shell one.

MS. SCHOEN: If it's what the Board would call a token of aloha, it's not something that you would need to report. The reporting requirements are only if you are over a certain dollar amount, which is \$100.00 and if it could be reasonable inferred to influence your vote one way or another. I'm sorry if I'm not providing you with a clear cut answer, but it's really difficult in Ethics because the application of the law can turn on one little fact. So I can't give you a broad answer.

CHR. SIRACUSA: There is an assumption then that someone is trying to influence you, however, if the person giving you the gift never mentions anything about what they would like you to vote on, or anything of the nature of what you are doing on the Redistricting Commission, then there is no attempt to influence your vote. Then it is a gift without any attempt to influence. Do you follow me?

MS. SCHOEN: Yes. I think you are fine. We are talking here about cultural leis and things of that nature; and I think those are absolutely fine. It's a cultural thing and it's a small token gift, it's not something very large which can be inferred to influence you in any way.

MS. POINDEXTER: When was your training again? If we want to get more into the intense piece, I think for us that are concerned I think going to your---You said June 21<sup>st</sup> and 22<sup>nd</sup> ?

MS. SCHOEN: I think it's June 25<sup>th</sup>. I'll provide you with the exact date and time for that. If you guys are unable to make that, please call anyway or petition the Board of Ethics. If you were to file a petition today, they would probably hear it at their next meeting; and they meet once a month. So they are pretty quick on their turn around. And that's the safest thing, because I am not the final authority, I just provide legal advice to them, but they decide and interpret the Code.

CHR. SIRACUSA: Okay, are there any other questions? Thank you very much. Now, Mr. Udovic is going to give us a presentation on the Sunshine Law. Is that correct?

MR. UDOVIC: Yes, that is correct. Hopefully we have a PowerPoint, otherwise we can use the slides that I have. Here we are to talk about the Sunshine Law, which is one of the laws that the Legislature, in its infinite wisdom, decided that we need to do. The whole point of the Sunshine Law, quite frankly, is so that meetings are held in the daylight; so nothing is held in the dark. The real interesting thing about the Sunshine Law is that the Legislature exempted themselves from these rules and regulations. We have it, because we are a Commission. As a Commission we have to do everything in the open. That is the whole point behind what we have.

We talk about the open government process, to public scrutiny and public participation. It is the policy of this State that the formation and conduct of public policy, the discussions, the deliberations, decisions and actions of governmental agencies shall be conducted as openly as possible. So we talk about discussions, deliberations, and decisions must be at a meeting, so everything must happen in open deliberations. Every meeting must be open, unless Executive meeting is allowed. Boards must accept testimony; and that's something we provided for in our Rules. Members of the public have the right to provide testimony. When we have Public Hearings, they have the right to have testimony as well. I'll talk a little bit later on about some of

the requirements that we have with this Commission; some of the Public Hearings that we are going to have to be following.

One of the things that we also have to do is provide proper notice of our meetings, which requires that the agenda be posted six days prior to the meeting taking place. The board must keep minutes. If you will take a look behind you at Ms. Eoff, she is the Executive Assistant for the Board here, and she is taking the minutes, and she will produce minutes so we can take a look at them later on. That is one of her jobs.

We talk about board business; and board business is matters over which the board has supervision, control, jurisdiction, or advisory powers that are before the board, or are reasonably anticipated to come before the board in a foreseeable future. Board business is that which is within the board's authority on a current or future agenda item. One of the things we have to do with respect to this board business is, we can't have caucuses, you can't sit together and have four or five beers with one another and decide how you are going to do this kind of thing. You can't poll one another, call each other up and say, "How are you going to vote on this?" It has to be here in the open so that people can see what we are doing. You can't talk on the telephone, just because it's a telephone communication, it still counts, it's a communication. You can't send emails and no memos. You can have permitted interactions. Those permitted interactions are those situations where two members can talk to one another. You can talk to one other person and have a discussion about an incident, but you can't make a decision during your discussion, it has to be during a meeting that the decision is made. So, if two of you have a discussion with one another, you can't have serial communications where somebody talks to a friend, and you talk to this person, there was only two, but that two becomes all nine, and so we can't do that kind of thing. Two members can communicate privately, they can't commit to vote, they can't seek a commitment to vote, and they can't do serial communications.

Permitted interactions; investigations can occur if there is less than a quorum. The scope of the investigation is defined at a meeting, findings and recommendations are presented at the second meeting of the investigation which took place, and deliberations and decision-making are at a third meeting. But, in terms of what I've seen here, and my discussions with Ms. Nakamoto who is the Elections person here about the kinds of things you are going to be doing; a lot of what you are going to be doing with respect to these matters will be on your own. You will be looking at specific provisions, using the computer software to provide these models that you can possibly have as potential plans that you can use for redistricting. Permitted interactions or confidential interviews, I don't know if that is going to take place in this particular case. Site inspections and product demonstrations; some of you may go to a product demonstration if it is necessary. Probably most of your training with the software needed will be at the Department of Elections. So we will provide that and Ms. Nakamoto will be happy to do that. As a matter of fact, she is still here today and I have asked her to make some comments to you about how other boards have gotten started so you get an idea of where to go as well.

You may receive confidential information. Discussions and deliberations, once again, must be conducted at a meeting. Every meeting must be open, unless an Executive meeting is allowed. We will talk about Executive meetings in a little bit. That is the time when you get a chance to ask your attorney or some specific person questions specifically about a topic of law. That may

not be often here, but for example, we meet with the Council when we are talking about settling lawsuits against the County, because it is necessary for us to give them our advice about what the ramifications are. That may happen in this particular case. If so, there are specific provisions about how to get the Executive Session to take place.

An Executive meeting is closed to the public. Two thirds vote of the board members must vote to go into Executive Session. You have to announce the reasons for the closed meeting; we are going to discuss, you know, matters regarding x, y, and z, for example. The vote is recorded about who voted to go into Executive Session and then you go into Executive Session. The purposes behind Executive meetings is to talk about professional or vocational license applicants; personnel matters, which probably wouldn't involve this particular board; the authority of labor negotiators, because those labor negotiations are conducted in private so that we know what the position of the parties are; legal matters with the board's attorney, which is the one that may come up in this particular commission; criminal misconduct, not likely; sensitive matters relating to public safety, not likely; private donations, not likely; or matters confidential by law or court order.

Most of our meetings are going to be available by videoconferencing too. So, one of the things we have to make sure of if we have videoconferencing going on is the videoconferencing is still working. The last Council session, as a matter of fact, we were ready to provide some assistance to the Council, but the video system went down and we had to close the whole thing up. All of the agenda went to the next meeting. So, there are some good things and some bad things about having videoconferencing. The good thing is that it provides resources for people to participate without having to be physically present at the meeting. The bad thing is that if there is an issue about the technology, then we have to close the whole thing down.

Notice of where Board members will be; if Board members are going to be present in Hilo and other locations, we have to notify that. Karen will take care of that. The public can attend at any location. Today we have testimony from some participants in the Kona office as well. Once again, the meeting would end if the audio interaction is not maintained at all locations. The Sunshine Law requires that discussions, deliberations, and decisions must be conducted at a meeting. Every meeting must be open, unless it is an Executive meeting. Boards must accept testimony. Boards must provide notice. Boards must keep minutes. The testimony that is being offered is with respect to items on the agenda. Persons may submit written testimony. Someone may submit a letter or an email and it would be considered as testimony and made part of the actual minutes of the meeting. Once again, all interested parties may present oral testimony on any agenda item.

We keep talking about the same things over and over again. The discussions, the deliberations, and decisions must be conducted at a meeting. That is because those are very, very critical to making sure the Sunshine Law is followed. Written notice requirements; we post the notices on the web site of the Redistricting Commission. If you go on the [co.hawaii.hi.us](http://co.hawaii.hi.us) web site, you can go to the Redistricting Commission and see about the agenda items; the date, time and place of the meetings and the agenda. For Executive meetings, it must state the purpose and why you are going into the Executive meeting.

This is the slide about the Lieutenant Governor's office; they are the ones that handle all the open meeting things. It requires six calendar days notice prior to a meeting and copies would be mailed to ones so requesting. We talk about the agenda items that the board must consider; so if you consider any item, it has to be on the agenda or reasonable related to the agenda. You just can't make up new things to talk about; we have to agendize things. The whole purpose behind that is to inform the public of matters so they can comment, if they so choose, about matter which are before the Commission. You can amend the agenda, if two-thirds of a vote of all members, not just those present. And it can't be added if it's or reasonably major importance and will significantly affect a number of people. I think that, quite frankly, what we are doing here will be significant to a whole bunch of people.

Emergency meetings can take place if it's eminent to public health, safety and welfare; an unanticipated event, for example a tsunami or earthquake situation. Discussions, once again, must be in public. We have got to accept testimony. The minutes; I think Karen is going to try to have verbatim minutes if at all possible. So I think we are very lucky. She does very good work, so I think we are lucky to have her as our assistant in this particular case.

So that's just about it with Sunshine Law. Once again, everything is done here. Board business is conducted as a board. Keep everything above board, and we'll be in decent shape.

MR. MELROSE: Can I ask a quick question on the Sunshine Law?

MR. UDOVIC: Sure, go ahead.

MR. MELROSE: Just to make sure, if other people communicate to us by email or whatever, there is no reason or need to disclose that? People are writing; friends, neighbors who may have a thought they want to share with us individually. If they want to communicate with the board specifically, they would, I presume, send it to Karen to a specific email address where they would submit testimony or share a thought that would go to the whole commission, right?

MR. UDOVIC: Right, as written testimony on an agenda item.

MR. MELROSE: Well, on an agenda item or not. Suppose someone want to fire us a thought.

MR. UDOVIC: As a communication?

MR. MELROSE: Right, a communication. Then if they just send it to one of us individually because they want you to think about it or whatever, that is different. That is not something that we would have to put on the table for everybody to see.

MR. UDOVIC: Yes, because that is not board business.

MR. MELROSE: It's not board business; it's just somebody wanting to communicate.

MR. UDOVIC: It's just when you guys start doing it among yourselves, it becomes an issue. For instance, "I got this email, what does everybody think about it?" Don't do that.

MR. MELROSE: And how specific does the agenda need to be, relative to the topic that is going to be discussed? It is hard, sometimes, to tack that “bugga” down.

MR. UDOVIC: They have to be pretty specific, quite frankly, just so that the public really understands what is going on. So when you have something like Unfinished Business; that really doesn't tell the public what we are talking about. So if there is an Unfinished Business item, it has to be regarding, for instance, The Plan proposed by Mr. Kanuha with respect to---That kind of thing. We have also provided you a copy of the booklet prepared by the Office of Information Practices. It's in this white binder. It talks about the Sunshine Law.

MR. CARVALHO: I have one more question. Along the same lines as what Jeff was talking about. What if people from the public want to meet with us personally? Is that okay?

MR. UDOVIC: If it's not board business. Obviously they may tell you their concern and say, “I think we should do this....,” and that kind of thing. You cannot isolate yourself. One of the reasons you were probably chosen as representatives is because you have some standing in the community and people want you to know what their feelings and things are. People contact their legislators all the time. It's just the business of the board and decision-making have to take place in this meeting. And you can't make side deals with everybody outside of this meeting.

MS. POINDEXTER: The main thing is that they don't buy you lunch and bring you a lei, a Ni'ihau shell lei.

MR. KAHUI: I have a question.

MR. UDOVIC: Sure.

MR. KAHUI: Generally the Commission would meet in the presence of all the members. But, I see that we have provisions for videoconferencing; is that just for the purpose of the public?

MR. UDOVIC: No, a member of the Commission---If the Commission decides to hold a meeting in Kona, and you are here in Hilo and you want to participate from Hilo, let Karen know that you will participate from Hilo, and you will have that ability to interact with one another.

MR. KAHUI: Alright, thank you. I appreciate that.

MR. UDOVIC: So that's wonderful, so we don't have to spend the time driving back and forth and can still conduct the Board's business.

CHR. SIRACUSA: Are there any other questions?

MR. KAHUI: I have one more question. I have an invitation, I am supposed to be presenting something at a Community Association meeting in a couple of weeks from now on a professional topic. They noticed I was on the Redistricting Commission, and she say, “Will you talk a little bit about that while you are here?” I said, I'll ask. My question is, as we go out and

we are seen as a Redistricting member, your ability to give a summary or give a pep talk to a community about what you are doing or just describing that; one, is that acceptable? Is there a process that we should go through to let people know we are going to do that? What is the process there?

MR. UDOVIC: I think, in all honesty, we are talking about the business of this board, making decisions. Somebody is going to ask you what are you doing? Well, we had a meeting, we have a set of rules and regulations, and you can find a copy of those rules if you want to read them. We are entirely open, we are just starting our process, we have got to wait for some maps to come in, some census data, then we are going to start looking at the census data and then we're going to see how we can move this to make it as equal as possible. Sure, you should be doing this kind of thing. I think that's what you do as board members, quite frankly, because you guys care. So that's why we are all here.

MR. KAHUI: Well, that was going to be my point. I think that as members of the community, if I had a model, I want my constituents somehow to accept that model, or kind of understand it, in its infancy before we bring it to the Commission, so we get a better grasp about what we are doing. Otherwise, it's an uphill battle all the way.

MR. UDOVIC: Yes, we don't want to keep everybody in the dark. We just want to make sure we do things above board.

CHR. SIRACUSA: And there is also the point that when you are consulting with your constituents, then they feel they have an ownership to that; because they do. Okay, do you want to go on?

MR. UDOVIC: I would be happy to. What I have prepared here also is a little thing about Redistricting and Reapportionment. It talks about what the law is. This was supposed to be a red stripe that had some stuff through it that talks about what is the law about redistricting. When we start talking about redistricting, if you take a look at the State Board of Elections, it has a web site. The very first part of their web site says that Redistricting and Reapportionment are the processes used to ensure that each political district has been created equally. And that is really what the foundation is of what we are doing here; talking about equality, making sure that the districts are created equally. Quite frankly, having districts that are created equally is really the bedrock and one of the Constitutional principals of a free government. In terms of the fairness in one man one vote concept, it talks about government accountability. It has been said that fair and representative government is the basis for political struggles over governmental accountability, federalism, majority rule vs. minority rights, and much more. So that's kind of what we are talking about here.

What are we really dealing with from a substantial and a philosophical concept? And when you think about the question of equality of representation, denial of representation actually became one of the cornerstones of the American Revolution. Everybody remembers that no taxation without representation. I teach Constitutional Law courses at the University, and so we talk about what was really going on at that time. What kinds of horrendous activities took place when they closed down the legislatures and they did all these kinds of things? Because people

didn't have a right to have their votes heard. We want to make sure that people have trust in their government, that they are being represented properly by their representative. John Locke, who was one of the 18<sup>th</sup> century political philosophers, talked about this. He strongly advocated for fair and equitable representation in his 2<sup>nd</sup> Treatise on Government. And his statement in this regard says this, "Whenever the people shall choose their Representatives upon just and undeniable equal measures, suitable to the original frame of government, it cannot be doubted to be the will and the act of the Society, whoever permitted or caused them to do so."

So early on we talk about that kind of thing; about the fact that we had this philosophy of fairness coming into play. And Thomas Paine, who wrote the famous pamphlet, "Common Sense," which was one of the bellwethers of the American Revolution, says that, "True and only true basis of representative government is equality of rights. Every man has the right to one vote, and no more in the choice of representatives. No group has the right to exclude another group. When this is done, it becomes a question of force and not of right." And that is kind of where we are going here.

The Supreme Court of the United States kind of kept out of this for a long, long time. And finally in 1962 in the case of *Baker v. Carr*, they talk specifically about mal-apportionment; having districts which are disproportionate. The Supreme Court found that mal-apportionment questions can be decided by the courts. Prior to that time, they didn't even want to hear those kinds of things. They said those were political questions, and as a political question we don't get involved in that. But in 1962 they got rid of that "hands off" approach. Earl Warren, who was the Chief Justice of the Supreme Court in the middle of the 1950's through the 60's, commented that *Baker vs. Carr* is the parent case of the "one man, one vote" doctrine which guarantees to every American citizen participating in government an equal value of his vote to that of any other case in a particular election. Later on that same year in 1962 Justice Douglas announced the principle of "one man, one vote," and it was formally adopted. One man, one vote became the principle for elections and reapportionment. In 1964 the Supreme advanced the principle that one man, one vote was the essence of self-government when dealing with mal-apportioned congressional districts and state legislative districts. And that is the case of *Reynolds v. Simms*. In 1970, the one man, one vote was held to apply to local elections as well.

So one of the biggest bugaboos we have about one man, one vote is the situation of gerrymandering. They talk about gerrymandering, and describe the efforts to draw political district lines to preserve partisan power. That's kind of how it came into play. Actually, it originated in 1812 with the Governor of the State of Massachusetts, Eldridge Gerry. The Legislature, in order to preserve political power, created a salamander shape district in order to preserve the political constituency. So it was really a bizarre kind of a situation. Later on, the 14<sup>th</sup> Amendment was used to decide that racial gerrymandering was considered to be improper. But there were some situations where the Supreme Court said that it's possible that racial gerrymandering would be appropriate, if there was a compelling reason that it would be acceptable. For example, if there was no representation by Hispanics at all, and they were trying to disperse Hispanics and they wouldn't have the possibility of a vote. They could do that, so that there was some representation.

But those situations where we have these things, where there is great numbers of disparity in the percentages are looked at on a case by case basis. If a justification can be made for a particular provision, then it may be appropriate. But they also said that the greater threat--they called it the greater threat--in *Karcher v. Dagget* the Supreme Court found that political gerrymandering may be a greater threat to fair representation than even population variations among districts. So, when they look at population variations, they have to be able to justify as practicable. There may be some practicable reasons why you are going to have some variations, but in our particular county, we have a couple of different things we have to look at. We have to look at Section 3-17 of the Hawai'i County Code. You were provided with a copy of that. Take a look at that. It talks about the provisions of what is required for the Redistricting Commission. But also Bill (Ordinance) 11-29. Quite frankly, our County Council did yeomen duty when they adopted this particular provision. What they did when looking at 11-29, they went through and they named all of the possible issues that can cause problems with elections. We have a set of guidelines; we have a set of definitions, which tell us what these particular subjects mean and then in the additional criteria, we have 17 additional criteria that this Commission has to follow in order to make sure that the one man, one vote is followed. That is what these criteria are all about; to make sure we have equality of representation, and that we adhere to the principle of one man, one vote.

They talk about maximum deviation. The maximum deviation they talk about can be no more than 10%, and that is 4.99% down, and 4.99% up. So each district can't vary from the ideal; from 4.99%. It's going to be tough, guys. I mean, it's going to be tough for you to do that. I think if we look at the principles of fairness as an example, I think it can be done. Ms. Siracusa, you wanted to say something?

CHR. SIRACUSA: I'm sort of thinking ahead in terms of the timeline, so I'll wait until you get to that.

MR. UDOVIC: There are all kinds of things on timelines, I agree. And some of the provisions of 11-29 talk about timeline and what we have to do. This is probably as good a time as any to talk about timeline.

MR. MIDDLESWORTH: I have some serious questions about 11-29. It appears to me that there is an internal inconsistency in 11-29. That is, if you look at the third section of Article 5, it says, "If there is an alternate plan having a lower total deviation than the commission's plan, while not exceeding plus or minus 4.99% in any council district, nor having a total deviation in excess of ten percent, shall--and that's my emphasis--be selected for the final plan, unless the commission can alter its plan to achieve an equal, or lower total deviation than the alternate plan offered." This "shall" is an imperative. Then, if we are forced to make these deviations as small as possible, we would be unable to comply with the section dealing with maximum Council District deviation which says, "If practicable, documented high growth areas shall be drawn to receive the most negative council district deviation percentage in the final plan, so that as a high growth area, or district continues to increase in population between census years, the council districts deviation may be equalized." So, let's suppose that we adopt a plan that in our view meets the goal of providing for growth, but has deviations of 4.8% and 9.9%, okay. But then, if a plan which the Commission views as inferior in other respects, is submitted, and has deviations

of 4.2%, and 8.9%, the Ordinance requires adoption of that plan, or what could be major modifications of the plan that we favored. The imperative to reduce deviation, clearly conflicts with the goal of providing for growth.

I'm going to read the rest of this. I've read the news reports of the challenge to the current district boundaries on the basis of excessive deviations, which went on for several years, and was rejected by the Hawai'i Supreme Court, and was turned down for a hearing by the U.S. Supreme Court. It seems to me that by imposing the minimal deviation requirement on the Commission, there is an attempt to achieve, by legislation, what could not be achieved in the last Redistricting through normal consideration by the Commission or through Court challenges. The Ordinance appears to pay lip service to the goal of achieving equity, while at the same time seeking to tie the hands of the Commission. If that is true, and logic tells me it is, the Ordinance puts the Commission in a very difficult position, facing several months of intense work with the prospect of seeing it go for naught over the difference of a few tenths of a percentage point in district population deviations, or to face another round of Court challenges should it decide to substitute its judgment as the Charter and as its Rules provide for the imperative. Now, how are we to proceed?

MR. UDOVIC: I think you are to proceed, quite frankly, with the prospect that you are going to do the right job, and that you are going to be able to based on the use of the maps and the available data and make the best possible decision you possibly can. I'm not trying to play Pollyanna here, quite frankly. But in all honesty, I think you ought to give it a chance before you decide that it's wrong. This is the law of the County of Hawai'i; whether I agree or disagree with this law. There are going to be some difficult choices to make. And nobody can stop a lawsuit, as we know.

MR. MIDDLESWORTH: Which of those provisions are you going to suggest as our attorney that we follow?

MR. UDOVIC: I am not going to suggest how you do your business. In all honesty, my philosophy of this thing is to provide legal advice to you, not tell you how to do your job. I think that is why you were chosen to do this. And it is very, very difficult, and it's going to be arduous. You are going to have to sit down and try to put all of these things, weigh them all, and make your own decisions. I'll give you my best advice that I possibly can, but I'm not going to make the decisions for you. Otherwise, I would be on the Commission, and not you.

CHR. SIRACUSA: I had a question when reviewing that same section. Then I went back and started reading the other stuff, and I realized that there are a lot of different criteria that we are going to be looking at. It's going to be probably in all cases regarding every single district, never will we receive 100% satisfaction that every single criteria has been met to its utmost. We are going to have to make some choices here, and do some prioritizing on what we think is more important. Is it more important to preserve a community, instead of chopping it in half, or is it more important to keep our numbers within a certain decimal point guidelines? This gives us actually some play, because there are so many criteria. It says, "When practicable," and that's our wiggle room. Not only is it our wiggle room, but it also allows us to say why we chose this method or this particular layout of districting as opposed to that layout; because we felt that these

criteria, which are met in this situation are more important in terms of fairness than some other. I'm willing to not be the squeaky wheel until we see that we have some real problems. Then, I'm sure we can, altogether, look at them I think everyone on this Commission--it's my feeling from hearing you all talk about yourselves--that everyone here wants to do the right thing. I'm sure that if we run into any glitches, we can work it out.

MR. MIDDLESWORTH: I certainly want to do the right thing. What I'm concerned about is getting down to the end and having to accept another plan, or to have to go back at the very end and re-do our plan. That is my concern; it's not about that we won't do a good job. I'm concerned about that word, "shall," which is an imperative. The Council has decreed that we will accept somebody else's plan solely on the basis of the deviation of the numbers. I think that is wrong.

CHR. SIRACUSA: My interpretation was that it's not solely. That is just one of the factors that we have to look at. That's one of the reasons that I wanted to get to timeline, because we have an awful lot of work to do, and we were all chosen on the very last possible legal day and time that we could have been voted in. And finally, here is our first meeting, and we still don't have all of the software and everything we need to do our work. What I would like to ask you is would it be possible for us to decide when we get to the part about setting the dates for the next meetings, for example, that we want to double up for the next four months, and have two meetings a month. Would that be allowed according to the rules?

MR. UDOVIC: Absolutely. Your choice is to decide how you are going to conduct your meetings, how many meetings you are going to conduct. If you take a look at the statutes themselves, the Charter requires that there be nine public hearings before filing of the draft plan, and two public hearings, one in East Hawai'i and one in West Hawai'i, after the draft plan has been proposed. I would think you are going to have to have a meeting to adopt the final plan at some point in time; you are going to have to have a meeting to approve the report that's going to have to be submitted with the County Clerk. So, right there you already have 13 meetings that are pretty much mandated. Then, in the meantime, you are going to have the working meetings about what you've got going on. Quite frankly, it's an ominous task, and we have 35 weeks to complete it. I went and counted it this morning at 4:00 a.m. I started counting weeks. You can set the meetings as you want them. You can decide when you are going to have your meetings, you are the board, you are the commission; you can decide that. As a matter of fact, Ms. Nakamoto is present here and I asked her, if that would be alright with the board, to give you some ideas--she has been around here for awhile--of some of the things that were done that maybe we can start working on before the computer program comes about; so we can start getting the business of this commission in order.

CHR. SIRACUSA: There is one more part here that is the timeline.

MR. UDOVIC: I pretty much talked about the timeline, if you want to take a look at these matters, from my interpretation of this, under the timeline it talks about the draft plan. It seems to me that is kind of like the controlling date. What is the timeline that we have for the draft plan? Because once we determine what the draft plan is, any alternate plan has to be submitted 8 weeks prior to that. Okay, so that could even be before the public hearings. There are some

anomalies in this, but we are going to try to work with it as much as possible. The draft plan controls the completion date for the public hearings, because they have to be conducted in each of the districts prior to the draft plan being submitted. Then there are other meetings involved as well. I think once we decide, or once you decide, not we, once you decide when the draft plan would be completed, then we kind of have to work backwards and forwards from that point. That's just a thought that I had with respect to this issue.

MS. NAKAMOTO: Hi, my name is Patricia Nakamoto, I am the Elections Program Administrator. Based on the County Charter, the County Clerk's office provides the Redistricting Commission with technical support. In the past, the Elections Division has been the agency that has provided the technical to the Commission. So we plan on doing that again for this Redistricting Commission. I have some information, and this is not a suggestion. I know everyone is excited, I know you want to get going with your plan. But just to give you a little background on the previous commission, which was in 2001. They had their first meeting scheduled on May 3<sup>rd</sup> of 2001. That's when they got sworn in. Their 2<sup>nd</sup> meeting was scheduled on June 22<sup>nd</sup> and it was at that meeting that they decided to select different starting points around the island. Based on these starting points, they told us, the technical support. For example, using Wailuku River, that was one starting point; and to go clockwise, and draw a plan using the numbers, the population base and just draw a map. So that's what we did. That's how we got started. They had nine different starting points around the island: Wailuku River, South Point, I don't remember all of them, it was ten years ago. So we drew those nine plans and then they had another meeting. Their next meeting was in August, and we had the maps drawn and we provided them with the information and they asked us to revise some of the plans. So we went back and we tweaked the maps.

Our office also, when we draw these draft plans, we also provide boundary descriptions. That is to give the Commissioners an idea of where some of these boundary lines are located. Okay, their first meeting was on May 3<sup>rd</sup>, then they had a meeting on June 22<sup>nd</sup>, August 30<sup>th</sup>.

CHR. SIRACUSA: They didn't have a July meeting then?

MS. NAKAMOTO: No. They did have public hearings, but all of their public hearings were scheduled in October. They had six public hearings. At that time they weren't required to have the nine. After the draft plan, they narrowed it down to three plans. Out of the nine, they selected three. And those were three plans that we worked on for them. They would give us suggestions on where to move populations and we would do that. They selected their map for the final plan on November 21<sup>st</sup>. They adopted the final plan on their December 18<sup>th</sup> meeting. After that, we asked Corporation Counsel to review the map. Then, on December 28<sup>th</sup> the final plan was submitted to the County Clerk. So that was really pushed back to the deadline.

I guess the difference I see, which will take up a lot of our time is now we are required to go out for more public hearings. So that's like about eleven meetings versus six public hearings, now we'll have eleven.\

CHR. SIRACUSA: If we have more public hearings, that means we have a lot more work to get ready for those hearings before that time comes up.

MS. NAKAMOTO: When they selected their maps, before the final plan was selected, we went out and we put the maps out in public places within different districts around the island. So people who did not have computers could also view the maps at public libraries and places like that.

MR. MIDDLESWORTH: In reading the minutes from the Commission meetings in 2001, I recall that there was some discussion from you about the time required to prepare the final map. You had a date in December and you had concerns about whether you would be able to meet the December 31<sup>st</sup> deadline. How late do you feel that you can get the information to prepare all of that for the final submission?

MS. NAKAMOTO: You know, we will do everything we need to do to get that. If we can step back a little, in addition to doing the district lines for our County Council districts, we need to do legal description for the nine Council Districts. That is a huge undertaking.

CHR. SIRACUSA: And in those days you didn't have furlough Fridays.

MS. NAKAMOTO: That's right. In all honesty, I had concerns about the starting date, which the first meeting was on May 3<sup>rd</sup>. We were already behind schedule. But we did get it done, we did make the deadline. But it was very, very close and we did have to put in a lot of overtime.

MR. MIDDLESWORTH: I guess what I'm asking is whether we should not work backwards from the time that you need to have everything in your hands to prepare the final papers that you have to present as the final plan. I think you should make it a date that is reasonably comfortable for you and your staff. We shouldn't be in a position of asking you to work fourteen hour days as they did ten years ago. So, can you give us a target date that we can work backwards from?

MS. NAKAMOTO: I don't have the information here, but I would like to have the plan ready and be able to submit it at least a month before the date that it is due. That would give us an opportunity to do our proofing, do all of the necessary checks that we would need to do.

MR. MIDDLESWORTH: So that would be some time at the end of November?

MS. NAKAMOTO: Right.

MR. UDOVIC: May I comment just briefly, if that is alright with the commission? One of the things that we have to do also, is prepare a final report that has to be submitted with the final plan, so that is going to take a little bit more effort as well, not just the plan. That is going to have to be approved by the board as well.

MR. KAHUI: If I may. I like the idea of working backwards and looking at a timeline under which it would give you that latitude, that comfort zone, the time you need to prepare the report; allow enough time for deliberation by this Commission to deliver what would be a plan. So, my sense is that we move forward, starting backwards.

MS. NAKAMOTO: When we worked with the 2001 Redistricting Commission, this new Ordinance was not part of the County Code. This creates the need for more time, not just the more public hearings. I would like to try to work on a timeline working backwards and maybe at the next meeting I can present something to the Commission.

CHR. SIRACUSA: So, do you think that it would be even more comfortable to place that date at mid-November instead of end of November?

MS. NAKAMOTO: That would be nice, but realistically, I don't think we are going to have that luxury.

MR. KAHUI: I would agree that we should at least give you that ability to establish some kind of timeline for us so that we know exactly when our duty is due, when are we supposed to submit our plan to give you a reasonable expectation and time to come up with a plan to go public, so we can make those changes when necessary. And then allow for it to come back for the final report. I have no experience so I really rely on those that have been here before. You have, and I think you know, based on your experience you can give us that information.

MS. NAKAMOTO: I think if you can decide on what population base you are going to be using. That would be real helpful because that will determine what numbers we will be working with when the software becomes available.

MR. MIDDLESWORTH: That goes back to what I was suggesting earlier, is that we ask the Council to determine for us what those numbers are. Because, one of the people who was involved in the lawsuit, and very vociferous about the numbers, is now on the Council. I think that we would be foolish to ignore that situation. Since the Council is setting all these rules, let's ask them to determine that number. They are going to get the census numbers as soon as we are, and they can decide who are we going to exclude.

CHR. SIRACUSA: I think that is already in the Ordinance 11-29, who is going to be excluded. But, we don't know at this point if it tallies with the State.

MR. KAHAWAIOLA'A: And, that is why I would agree with what Mr. Middlesworth is saying. We don't know, and we need to know. They would know the numbers, they would know who the permanent residents are, who the State is going to eliminate or accept, and then we can make that decision. But, I also wanted to ask Ms. Nakamoto, based on this new software, ten years ago the software was a heck of a lot different. Now I see him pressing and lines are switching all over now. So, will the new software that has been contemplated, help you once you know the numbers that we need to use to get a quicker configuration?

CHR. SIRACUSA: Ms. Nakamoto is off mic.

MS. NAKAMOTO: From what I've heard, from 2001 to 2011 what we will be working with is a lot easier than 2001. But I think the basic commands are very similar.

MR. KAHAWAIOLA‘A: Then I would then want this body to at least follow some of the recommendations made by some of the board members here, that we ask the Council to give us guidance about what numbers we are going to use. They are going to get the numbers at the same time or before we do and for us to move forward with that guidance, based on the Ordinance that you need to work with too.

CHR. SIRACUSA: Mr. Udovic, do we have the legal authority to make that request to the Council?

MR. UDOVIC: I think we can ask the Council for a Resolution deciding which numbers they want us to use. We would have to be very specific about what we are asking for though,

CHR. SIRACUSA: What is the process for doing that?

MR. UDOVIC: Well, if you tell me what numbers we are, we can draft something up and then perhaps we should schedule another meeting to look at the resolution to---

MR. MELROSE: I think that what I heard earlier from the guy from the State Elections Office was that some of the numbers that you adjust with, whether they are military numbers that might have been a self accounted number, student numbers which are not something that we necessarily have and that may be one particularly on the East side. So where we don't have them, there is some kind of programming to be done. So this is not something that the Council is going to give us. I think the Ordinance, like the Chair says, is pretty clear as to what is in this and what is out. Is it not clear that there is a Redistricting, that the number is permanent residents and permanent resident is defined as---So we know what that is, but actually asking them for numbers, frankly, I don't think they are any better at this than we are. We might confirm it early on to meet the need that Mike's talking about, about not running over our tail. But, it sounded to me like there was a programming question there that had to determine what that number was. And just as a final thought, frankly, it's a small number, it's a small variation, the total number of residents or students relative to the 20,000 ideal number in each district; it will move a couple of digits at the most. I'm not sure how much we have to chase that tail.

MR. MIDDLESWORTH: I agree with your logic; however, in the suit, part of the basis for the suit was the counting of 824 people in the Hilo district. Hilo was over-counted by 824 people because they counted students at the University, and there were some full time military personnel. The number that sticks in my mind for military was like 52 people. The issue at the time, again, as I recall from reading the minutes--and you can go and read those minutes because they are online--there is apparently a difficulty in getting from the University a number of non-resident students. You may have a better idea---

MS. NAKAMOTO: You can get the number of non-resident students, but what you can't get is the address and where they live. So that is the problem. With the military members and the military dependents, because the military members are provided with a W-2 Form, you can get an address and you know where they are residing here in our County. But with the students, we are unable to get that information.

MR. KAHUI: Am I to conclude then, that those students were not included in the numbers then?

MS. NAKAMOTO: The last Commission used total population.

MR. MIDDLESWORTH: And that was what the lawsuit was about.

MS. NAKAMOTO: I have the numbers here, very similar to what Mr. Middlesworth had said. Non-resident students, there were 738, active military non-residents, there were 62, and military dependents, there were 71, for a total of 871.

MR. MIDDLESWORTH: My concern, principally in this is that we need to do everything we can possible do to avoid another one of these lawsuits. I have asked our attorney to try to find out for us what that lawsuit cost the County last time. Because, I don't want to see us having to spend thousands and thousands of dollars for attorney fees to defend what we end up doing. I think we need to know ahead of time as much as we possibly can about what will keep us out of trouble.

MS. NAKAMOTO: Going back to what Mr. Melrose was talking about, which Mr. Rosenbrock had mentioned, was that the County is not spending money purchasing software. We are spending the \$7,000; we are using that to buy hardware. After they are done with their Redistricting, we at the County level, provide them with re-precincting. We draw the precinct lines, we do the precinct descriptions, we place all registered voters in their correct precinct. Because we do that, they are providing us with the software at no cost. If we are going to be using a different population base than the State will be using, and we need to extract information, you know, resident population; then we will need to go out and contract someone to do this for us. Then the County will incur costs. The estimates we have gotten so far to do that is between \$20,000 and \$30,000.

CHR. SIRACUSA: It seems to me that it would be the Elections Office responsibility to provide us with the numbers that we need to work with. Is that correct?

MS. NAKAMOTO: No.

CHR. SIRACUSA: We shouldn't have to go out and beat on doors ourselves.

MS. NAKAMOTO: Maybe I don't understand your question. What information do you want to get?

CHR. SIRACUSA: To get the population figures with the correct numbers stakeholders extracted; that sort of thing. That's not our kuleana to go try to find out what the numbers should be, that's something that should be provided for us so that we can do our job.

MS. NAKAMOTO: And that is provided by the census. The census provides the Elections Office with that information. If you are going to use a---And then, if we need to go out and purchase the software, my understanding is that software costs about \$75,000. And so the County is not spending that money to purchase the software. So depending on the population

base, if you are going to use the same population base, then that's one thing. This is not a suggestion; I am not suggesting that you do. If you decide to use a different population base, then we would have to find out how---

CHR. SIRACUSA: What I'm saying is I'm not sure it is our decision. I think it is pretty much stated in the Rules what the population base is that we should be using. So therefore, those numbers should be provided to us. We are not going to go knocking on doors saying okay, how many people in your household and are there any military dependents.

MS. NAKAMOTO: It says, "...if practicable...."

MR. MELROSE: My suggestion is that there is a variation; the reason the variation became an issue was because of the way the overall piece came down was politically sensitive. And set off some rockets. Therefore, you go back in and dig hard on those individual numbers and you try to make your case in the legal format. I appreciate the desire to try and avoid that particular issue, but I really think that particularly as part of the University number, that is always going to be a hard one. Do they live in Puna, do they live in Hamakua; where do they live? And the same issue is going to happen in north and south Kona. So how much of that are we going to do. I think that you are saying that we can get a number adjusted for military, but relatively it's 70 or so people which is less than 10 people per district. So assume that there is some variation, some wobble in this, there is no reason to get too concerned about that number, unless you are trying to make a political fight. So, last time they used the whole number. I think we have to consider that as an option today. And if they are saying it's going to take us some time to get the adjusted number, right, it would take some to get an adjustment; the census would give us that number? Or the State would give us that adjusted number? If we use whatever the State decides they are going to use, would they then provide us an adjusted number?

MS. NAKAMOTO: Yes.

MR. MELROSE: So, I kinda go with where Pat was at earlier, was that let's find a way to use the State number and stay, as a group, on that definition. They are going to have the same problem with the University and where do they live, and where do people live, in what district. The same kind of stuff is going to happen.

CHR. SIRACUSA: Well, we have one final item of business on our agenda. And I understand that we had to pretty much be finished by 4:30 p.m. because some of us have to have our Oath of Office notarized. So we have to look at our next meetings, or maybe do a couple of meetings ahead of time. I had made a suggestion earlier about doubling up for awhile, so that we're not pushed up against the wall at the final hour, and forced into maybe something that we don't feel comfortable with. So what I would like the Commission to entertain is the possibility of having two meetings a month, say on the first and third Thursdays--Thursday seems to work for everyone here--from now until August, and then take it from there. How do the rest of you feel about something like that?

MR. MELROSE: But that means we would meet next week, that's what you're saying.

CHR. SIRACUSA: I'm not even sure we can—

MR. MELROSE: I don't there would be time to notice the meeting. I think maybe we ought to think about the second Thursday.

CHR. SIRACUSA: We would have to, say, start that in June and do June, July, August.

MR. MELROSE: Start that in June?

CHR. SIRACUSA: What if our next meeting was the third Thursday in May, and then in June, July, and August, we did first and third. Then we would have sufficient notice.

MR. MIDDLESWORTH: We can have sufficient notice for a week from now; because it only requires six days.

CHR. SIRACUSA: But we wouldn't be ready.

MR. MIDDLESWORTH: What we might be ready to do, is, if we can get some dates on when these reports have to be done, then we could work backwards and set a schedule. I think that's the most important thing we need to do right now; and I think we should do that as quickly as possible.

MR. UDOVIC: I would just remind the Commission, if I may, that Bill 11-29 requires that the date for the alternate plan has to be set by the fourth meeting. So you have to be really kind of concerned to make sure that you do that by the fourth meeting.

MR. MIDDLESWORTH: Yes, I understand that, but I think what we can do quickly is set a schedule; set the timeline. If we can know when we have to have the final report in, then we can work backwards, set the dates for the public hearing, set the date for the filing of the draft plan, and then set the earlier public hearings that we have to have. We have to have two public hearings after we submit the draft plan, which means that we have to go to Kona and then we have to have one here. So the quicker we can set the schedule, the better off we are going to be. Now we could meet in a week or ten days and set the schedule and at that time determine where we are going to go from there.

CHR. SIRACUSA: Okay, how do the rest of you feel about that suggestion?

MR. MELROSE: My immediate reaction is I don't have my calendar in front of me, so it's hard to really interpret that, except to say yes or no. I need to get into a meeting where I have a full sense of what's in front of me to be able to know whether I can do that or not. You suggested a third Thursday of May and then shifting to a system of the first and third Thursdays. If we ask for some material to be prepared before that next meeting, including the last report, for instance; I would be very interested to know what the final report looks like, so we know what the target is. That would be helpful and Pat has an opportunity to prepare a sense of walking backward. We're not going to get the software in our hands until such a time at the end of May and that material is not going to be available to us. So we could spin our wheels and conceptualize "what

ifs” but I don’t know that that’s that useful until probably the end portion of May. I could work on the third Thursday and then the first and third Thursdays conceptually, but I need to come back with my calendar.

MR. KAHUI: Is that okay with you, Pat, if we have a meeting on the 19<sup>th</sup> and then from there look at a schedule? If that’s too far away, then we need to look at another date.

MR. MIDDLESWORTH: We have roughly seven months, less than seven months now to complete our task. If we wait another month before we even start, we are going to be in deep kim chee. We have to have all those public hearings; and they don’t count as meetings, they are not meetings of the Commission. Those are just public hearings where we go and sit and listen to people, and we can’t even respond. So we really need to get moving. And one of the things we can do is get structured for it. The quicker we can work backwards and work out a timeline, the better off we are going to be. That’s all I am contending. And I don’t think we should wait nearly a month to have our next meeting. That’s how the other Commission got in trouble in 2001. If you read their minutes, and look at what went on---Patrick, you were there.

MR. KAHAWAIOLA‘A: The format that was available then, and based on how the Ordinance was written, that’s absolutely what transpired. I’m anticipating the new software is going to help, and the Elections Office will be able to feed the information quickly to this body. And this body could be fooling with it at home trying to see what can be done and then bring it back to the meetings. I think your suggestion of maybe doubling up the meetings just as quick as can organizational wise. I would stick with the idea that Mike had that if Pat can come back with a timeline to take us backwards. Because backwards will make us move forward faster. Mr. Udovic mentioned that there is some language in the Ordinance that we have to abide by, so using that as the statutory end date. I would be really wanting to know how the Elections committee feels because they are going to be the ones compiling these things. We are going to draw districts, but they are going to have to supply us with that. I think the key was what population are we going to use.

CHR. SIRACUSA: If we set our next meeting for the first Thursday---

MS. POINDEXTER: What about the 12<sup>th</sup>? Because the first Thursday is next week.

CHR. SIRACUSA: I was thinking of the first Thursday in May.

MS. POINDEXTER: What about in two weeks?

CHR. SIRACUSA: First of all, are Thursdays okay for everybody?

MS. POINDEXTER: Thursday is a good day for me.

MR. KANUHA: It’s not the most ideal for myself, but I can work around it. The third Thursday of every month will be hard for me because I have Burial Council meetings on the third Thursdays.

CHR. SIRACUSA: What about the second and fourth Thursdays?

MR. KANUHA: That would be fine.

MR. MELROSE: Can I make a motion?

Mr. Melrose moved that the 2011 Redistricting Commission schedule its meetings to be held on the second and fourth Thursdays of the month at 1:30 p.m. The next meeting will be held on May 12, 2011. This schedule can be adjusted as needed. Seconded by Ms. Ugalde.

CHR. SIRACUSA: Is there any discussion?

MR. KAHUI: I would like to point out that depending on the time. I have a Board of Directors meeting set every second Thursday of the month. Currently it is in the morning, and we usually get out by about 1:30 p.m. So I raise that as a concern for myself. I could get to the videoconference site.

MR. MIDDLESWORTH: What about Tuesdays?

MR. KAHUI: Tuesday is my best day.

MS. POINDEXTER: But Tuesdays are not good for County Council.

CHR. SIRACUSA: We might not have the room, right?

MR. MELROSE: Or the video facilities.

MS. POINDEXTER: What about Friday? Furlough Fridays are a problem.

MR. MELROSE: Bo, if we have our meetings in the afternoons, would that work for you?

MR. CARVALHO: It just so happens that Thursday, the 12<sup>th</sup> I just might not be available. But I may be able to go to Waimea.

CHR. SIRACUSA: Well, if it's only this one time, that's not a biggie.

MR. MIDDLESWORTH: I would like to suggest that we meet alternately in Hilo and Kona. We got a new County office building in Kona with---

CHR. SIRACUSA: True, but we have one motion on the floor right now and we should decide that first before we decide venues. Are we ready to vote on the motion to hold meetings on the second and fourth Thursdays at 1:30 p.m.?

The motion was carried by the following vote:

Ayes: Commissioners Carvalho, Kahawaiola'a, Kahui, Kanuha, Melrose, Middlesworth, Poindexter, Ugalde, and Chair Siracusa.

Noes: None.

Absent: None.

CHR. SIRACUSA: Okay, we will instruct the Secretary to make sure that the meetings are noticed, you have ample notices. The next suggestion was that we alternate between Hilo and Kona for our meetings. The rest of us can videoconference from various sites.

MS. FORD: I apologize for interrupting, but we have a problem with the videoconferencing in Kona.

CHR. SIRACUSA: You mean a technical difficulty?

MS. FORD: No, the problem is, the videoconferencing in the Council Chambers in Kona is not yet up to par, which means your Commissioners would have to sit in this conference room that we are in. I think you will find it very difficult. You might want to consider keeping your meetings in Hilo until we can confirm that the videoconferencing in the Kona Council Chambers is working.

CHR. SIRACUSA: Thank you for that input, Brenda. Shall we consider the meetings be held in Hilo and once we have word that videoconferencing is glitch free in Kona, then we can readjust our schedule to do alternate. Is that okay with everyone? Do we need to vote on that?

MS. POINDEXTER: I think I would like to hear from the two Kona Commissioners.

MR. KAHUI: I've been at the current location where Brenda is at and that should suffice; also a notice to public that we are going to be doing it at that location, we're okay. Even the timeline, I have a board meeting in the morning, and I cannot possibly get here in the afternoon on the 12<sup>th</sup>.

CHR. SIRACUSA: Right, you would have to be at the videoconference site.

MR. KAHUI: As I said, I think that videoconference would suffice. It can take up to about ten members of the public and myself, and save the County money for travel.

MR. MELROSE: I believe there are also multiple places in the County Building that you can do videoconferencing from; there is a Planning Conference Room, there is a Mayor's Conference Room. So, if one doesn't work, maybe another one does. Just a logistical question, but it's real important. I don't think holding a meeting here is really what we are talking about. This one was held here because we all had to raise our right hands, right?

CHR. SIRACUSA: Right.

MR. MELROSE: I think that in the future, the idea of you guys having to drive every time, or us having to drive every other time. At five dollars a gallon, that's not a fair thing. So I think we really need to think about always having our meeting in the most efficient place to have it, and with Brenda's comment--which I appreciate her warning--we ought to find the right location that we can do that for you guys, each time.

CHR. SIRACUSA: Can we ask Karen if she would take that on?

MS. EOFF: Thank you. I just wanted to clarify what Ms. Ford said. We currently can host videoconferencing at the site that you see in Kona; and it's fine that Commissioners be present at that location; and we can notice the agenda that way, if you let me know before the deadline that you will be present at the Kona site. But I think that what she was trying to differentiate is that if we originate a meeting from Kona, which would normally be from our Council Chambers, we are not quite ready to do that yet. But we should be in several weeks or a month from now. But for now, if you originate the meetings from Hilo, but Commissioners are present at Waimea, or Kona, that's fine. But later on, we will let you know when the Chambers is actually ready, and that is a setting like this where we can conduct a meeting and officially originate it from Kona. Is that clear?

CHR. SIRACUSA: Okay, yes. Thank you for that clarification. Let's see, where were we at here? We have decided on the second and fourth Thursdays for the time being at 1:30 p.m.

MR. MELROSE: Can we put some thoughts on the table about agenda items? This is what I think the next thing to do is.

CHR. SIRACUSA: For myself, usually what happens with me is after I leave the meeting, then I think, "Oh, I should have said that." Basically, what we should consider doing is contacting Karen with our thoughts for agenda items for the next meeting.

MR. UDOVIC: Ms. Nakamoto maybe has a suggestion.

MS. NAKAMOTO: I wanted to suggest that maybe you want to start thinking about starting points. Where you want to start; whether you want to go clockwise, or counter clockwise. Also, as far as you working individually on your plan; are you going to be turning in nine different plans? Will everyone be working on their own plan?

CHR. SIRACUSA: Well, that has to be agendaized for the next meeting. We cannot discuss it at this meeting because it wasn't on the agenda.

MS. NAKAMOTO: These are just some thoughts.

MR. MELROSE: The question of where you start; I guess it is a fundamental question, but until you have the data, it doesn't make much difference. You would just be drawing lines around the island. Is that really question you can have independently of data? I think you have to look at a lot of things with that one.

MR. MIDDLESWORTH: I think we need to save that discussion for another day; that would be my suggestion.

MR. MELROSE: I would like to be able to review the last report, so we know what the target looks like. That's the goal, what does that report look like. So, if we could have prepared for us the Final Report from the last Commission; that would give us a sense of what the issue is and what the form looks like. Also, I would like to get a little bit of a briefing on the legal case so we understand what the precedents were from that last case, and what the court said about them. I appreciate that Pat is ma'a about that, but I don't know that the rest of us have that much sense about it. Those would be two things I would like to see on the table.

CHR. SIRACUSA: Very good. I like that; I think that would give us a good grounding that we would need to prepare for the next meeting. Karen, did you make note of that? We just need the judge's findings of that legal case, we don't need the whole transcript. And the Final Report of the last Commission.

MR. KAHUI: Madam Chair, if I might. I think we can get back to the critical issue which is how to move backwards to move forward. And that is this schedule. For Ms. Nakamoto, I would ask that a schedule that meets your requirement and that meets our mandate is important, and I would like to see that; at least a draft, so we can move forward and at least come up with a schedule of our own for meetings and so on.

MR. MIDDLESWORTH: I think we also ought to put on the agenda the next time, the determination of the numbers, so that we can then begin, as you say, doing nine different plans, or however many we want to do.

CHR. SIRACUSA: Then possibly scheduling a mini-workshop on how to use the software, once we have that software. I don't we will have it at the next one. I'm not one of these computer wizards, I need someone to stand over me and take me step by step with the new kind of software. I don't know how difficult it is, he said it was easier, but he works with that kind of software all the time. So, what might be easier for him might blow my mind. So I think we would want to look at scheduling some training.

MS. NAKAMOTO: Once we our staff gets trained, then we would be able to train you. I'm not certain when that's going to happen. But, based on what Mr. Rosenbrock had mentioned, I'm sure it will be before the end of the month of May.

MR. MIDDLESWORTH: Can we participate in your staff training?

MS. NAKAMOTO: This training would take place on Oahu. It is part of the State contract and it is part of the State contract and they are going to include the Elections staff. So we would come back and train you.

CHR. SIRACUSA: Why don't we put it this way; that when you are ready to train us, you let us know, or let Karen know to put it on the agenda for the next meeting after that point.

MR. MELROSE: Can I make a suggestion in the training part of this? Being taught how to use it as non GIS practitioners will bump you into a lot of questions. You will get as much as you are trained for, but that is all you will get. My suggestion is that there are practitioners of the Geographic Information System Technology in the County, right at the end of the hall, they are in the County; Lisa Nahoopii in Kona. They are all computer WONKS on this. I would encourage you to find the back up of that kind of technology person, and even bring them to your training. Because I think that if we run into a problem; rather than call to Honolulu, I want to go to a computer WONK who is right down the hall. And they are right across the street, I know.

MS. NAKAMOTO: Right, and we've already been in contact with them. We are working with them already. They have given us information on the hardware, and so we have already started that process.

## **ADJOURNMENT**

CHR. SIRACUSA: If there is no other business, or no other discussion, then I will entertain a motion. Did I hear a motion to adjourn?

There being no further business, at 5:30 p.m.,  
Mr. Kahui moved to adjourn the meeting.  
Seconded by Mr. Kahawaiola'a and carried  
by the following vote:

Ayes: Commissioners Carvalho, Kahawaiola'a,  
Kahui, Kanuha, Melrose, Middlesworth,  
Poindexter, Ugalde, and Chair Siracusa.

Noes: None.

Absent: None.

CHR. SIRACUSA: Meeting is adjourned. Thank you all very much. I think we are going to be a good group. I think we are going to work well together. I think we all want something really fair and pono.

Respectfully Submitted,

Karen Eoff, Secretary

Approved on May 12, 2011:

Ms. René Siracusa, Chair  
Hawai'i County Redistricting Commission