

**2011  
HAWAI‘I COUNTY  
REDISTRICTING COMMISSION**

13<sup>th</sup> Session

Wednesday, December 16, 2011

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

**CALL TO ORDER:**

CHR. SIRACUSA: It is 1:35 p.m., so I am going to call this meeting to order. This is the 13<sup>th</sup> session of the Hawai‘i County Redistricting Commission, and this is a Special Meeting. Do we have anyone in Kona or Waimea; or are we all here? We are all here.

**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, Chair  
Ms. Valerie Poindexter, Commissioner  
Ms. Linda Ugalde, Commissioner

Also Present: Michael Udovic, Deputy Corporation Counsel  
Joseph Kamelamela, Deputy Corporation Counsel  
Charmaine Shigemura, Executive Assistant to Mayor Kenoi  
Jamae K. K. Kawauchi, County Clerk  
Steve "Kawena" Lopez, Deputy County Clerk  
Cori Saiki, Elections Staff  
Shyla Ayau, Elections Staff  
Nora Avenue, Committees Section Staff  
Maile David, Legislative Specialist  
Manu Hanano, Council Aide in Waimea  
Barbara Lively, Legislative Assistant, Pahoā  
Leslie "Lali" Robinson, Deputy Executive Assistant in Kona  
Karen Eoff, Secretary

CHR. SIRACUSA: Okay, we are all present and accounted for. We have no guests, is that correct?

MR. KANUHA: Madam Chair, before we continue, I would like to make a motion to go into Executive Session to talk about what we are actually here for, with our attorney.

Mr. Kanuha moved to go into Executive Session to discuss with Corporation Counsel, the purpose of the Special Meeting. Seconded by Ms. Poindexter.

CHR. SIRACUSA: Is there any discussion? I believe we need a two-thirds vote.

MR. MELROSE: I just want to suggest, that we really don't know why; and I think that more for the community's perspective, I want to get into a conversation that we understand where it's going. The reason why we are here is not all that clear to me from a special purpose perspective. So, I think it's a good idea to have a conversation, because we haven't had a chance to---What is the authority for calling it, and all of those kinds of questions. It would be helpful, useful to me, before we get to the Order of Business.

MS. POINDEXTER: I agree; I totally agree. We are just blindsided here. I feel blindsided by this.

CHR. SIRACUSA: I think we definitely need to have a conversation. But I am wondering if it would be a good idea to have it in Executive Session; as opposed to everything else we have done so far has been totally out in the open. And I think the minute we start going into Executive Session, people are going to start getting suspicious.

MR. KANUHA: That's fine.

MS. POINDEXTER: And I agree with her to some point; but they already are.

CHR. SIRACUSA: But I don't want to make it worse. I am not the be all, end all of this thing; it is a vote. Is it a two-thirds vote? That is what I want to know.

MR. MELROSE: Any other thoughts from any other Commissioners on that?

MR. KAHAWAIOLA'A: Yes, I do. I too, like Commissioner Melrose; it's only what I have read in the paper that has brought me here today. I thought we resolved this when we had the final vote that was done all with the people here, in public. But then there is some question and I don't know who is questioning. I don't know if it's the Chairman who is questioning, I don't know if it's the County Clerk that is questioning, the Chief Elections Officer that's questioning this thing? So, I---But, I said I would serve and serve the public. So, I am here, and it obviously seems like it---Because the accusations, whether they be in the media, or through an email, accuses--one of them--the council person that represents my

district. So, if that is the case, I now know where my councilman lives. That's one thing; I now know. I had to go find out. But, I didn't know when I was doing the deliberations. But, if this is what's got to be, I think it needs to be, with due respect to the Vice Chair, I think it would be, it would serve the public interest, because I wasn't prepared to come here to say I did something wrong, and I'm going to correct it. I believe I did something right when I voted the last time. So, that's all I've got to say. Thank you.

MR. KANUHA: I just want to know what we can and can't do, like with Jamae, and---Like we were saying, we were blindsided by this, and I don't know why we even---I mean everything was out in the public, all our notes, everybody's testimony is here written on paper. I mean we heard from everybody, and we were talking with everybody. Everybody knows exactly why we did what we did. And I don't understand why we even need to be here.

MS. POINDEXTER: And my thing is, I need to ask our attorney how do I---Can I address something somebody is going to come up and say? Or, how do I deal with it? I need some type of clarification because already I feel like I am being on the attack. Once you attack one, you attack all. I feel like I am being on the attack. I feel I need to know. I need some guidance from our attorney. And, is it fair to have it in front of everybody, because I have a question.

JAMAE KAWAUCHI

(At this time Jamae Kawauchi, County Clerk, came forward to address members of the Commission.)

MS. KAWAUCHI: Chair Siracusa.

CHR. SIRACUSA: Okay, I think our County Clerk might be able to lend some clarification to this issue before we take a vote on Executive Session.

MS. KAWAUCHI: Yes, on a procedural issue. Ordinarily, what you would do when you open your meeting is you would take your public testimony, and then when a matter is called on, on the agenda, that is when it would be time to have your Executive Session. Right now, my understanding is your agenda does state the items that you would be taking up, and you can also, obviously, consult with your board attorney, if you have questions, or if there is a question about what I am letting you know now. But, ordinarily, in your process, what you do is you open your meeting, take the roll, you take your public testimony. When an item comes up on the agenda for discussion, motions are taken at that time. If you take a motion now, there will be two problems. One, your public audience and testifiers are ordinarily accustomed to being called up to provide their testimony first. So you might be giving them a little bit of discomfort if you go into Executive Session right now.

MR. KANUHA: I'll take away my motion.

MS. KAWAUCHI: Then the second matter is that in order of your items on the agenda, you wouldn't make a motion for this kind until you have a matter to discuss. I just offer that to you for you to consider. If you have any other questions, I am happy to help you.

CHR. SIRACUSA: Thank you. And I think that procedural point was just one of the things that the Commissioners are confused about, because we haven't gone through this kind of an exercise previously, so obviously we don't have the background.

MR. MELROSE: Can I just ask for confirmation?

MR. KANUHA: I withdraw my motion for Executive Session.

CHR. SIRACUSA: Is there a withdrawal of the second?

MS. POINDEXTER: I withdraw my second.

MR. MELROSE: Before we withdraw the second, can I just ask---Jamae's not our legal attorney, and I'm not sure why we took that in the moment; just procedurally. So I just want to be clear where we are coming from now.

MR. UDOVIC: It makes sense to conduct your meeting in the normal fashion, quite frankly, to have your public comment and then if you have questions after that, when the agenda item is raised, then we can move to go into Executive Session. And if there is a majority vote to move into Executive Session, then we will do so, and you can consult with your attorney in privacy.

CHR. SIRACUSA: Would you clarify for me please; is that a simple majority, or two thirds?

MR. UDOVIC: A simple majority.

CHR. SIRACUSA: Okay. So, that motion, and the second have been withdrawn; we go on to Statements from the Public on Agenda Items.

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

CHR. SIRACUSA: The first person who signed up is Yen Chin, representing himself, and commenting.

YEN CHIN

(At this time Yen Chin came forward to address members of the Commission.)

MR. CHIN: Good afternoon, Commission members. I am confused too. And I have to tell you, I had a prepared statement that I wrote based upon what I read in the newspapers, based upon conversations that I had with people in my group. I have had to revise it in light

of conversations that I have had here in this room. So, your faces are all familiar to me, and I hope mine is familiar to you. But, today, I am appearing as an individual, rather than as a representative of a group. I am doing that for two reasons. One is that I haven't had the time to properly consult with my group. And the other is that I can speak more freely as an individual rather than as a representative of my group. When I left the Commission on November 22<sup>nd</sup>, and I confess that I am ignorant, more ignorant than you people here, because I didn't come on the 30<sup>th</sup>. I was having a good time over on the Kona side; and because I assumed everything was done. When I left that meeting on the 22<sup>nd</sup> I thought the job of redistricting was essentially completed. I thought that the commission had demonstrated a high level of integrity that had resulted in a reasonable draft plan. I thought that the November 30<sup>th</sup> meeting would involve the Commission making a few minor adjustments before finalizing the plan and submitting it to the Elections commission. And I truly believe that we could all trust that nothing unseemly would happen.

Now, I would rather be elsewhere today. I would rather be out in the nice Hilo sunshine, walking through Liliuokalani Park; obviously, that can't happen. I am sure that you all have similar preferences, but we are here nevertheless. I have to say that one of the things that I need to express today is sadness; sadness that we have come to this juncture and this controversy here. And I don't know what to do with it. You know, I would like to dispel it. There will always be people who accuse you of doing the bidding of the powerful. Regardless of how you act, there will always be those people; and I regret that. The mass media rags, who look only for ways to sell their products, will always try to invent controversy, where none exists, to pursue their own selfish interests. The long history of corruption in politics in this county and in this state, incline people to pre-judge your integrity. I regret that; I regret that the culture of violence in which we live pre-disposes people to fight rather than talk. That is just the reality, and I regret that. There is a perception in the community that something corrupt has happened here. What can easily be perceived as being beyond the eleventh hour, exactly the time when something like that would happen; and that is out there. The fact that I came in here with prepared testimony to take you folks to task, somewhat, is an illustration of the fragility of trust. And I apologize for that, and I hope that we can move forward here and dispel what has happened as a consequence of what I consider to be poor journalism.

MR. KAHUI: I have a question, Chair.

CHR. SIRACUSA: Thank you.

MR. KAHUI: Mr. Chin, on the November 22<sup>nd</sup> meeting when we had approved what was the Final Draft Plan; are you still in favor of that Final Draft Plan?

MR. CHIN: I am in favor of this Commission making what it considers to be proper decisions.

MR. KAHUI: I appreciate that, thank you.

CHR. SIRACUSA: Our next testifier is Dean Au, representing the Hawai'i Carpenter's Union, and he wishes to make a comment.

DEAN AU

(At this time Dean Au came forward, representing the Hawai'i Carpenter's Union to address members of the Commission.)

MR. AU: Hello Commissioners, my name is Dean Au, and I represent the Hawai'i Carpenters Union. We have about 6,000 members in the State of Hawai'i, of which about 600 of them reside on the Big Island. One comment I want to make is that, you know, I appreciate everything that all of you guys are doing. I, myself, am a Commissioner. I do know exactly what you guys are going through. So, first of all, I appreciate that. Second of all, I want to talk about the process. We have this process in our government that we are going through right now, and the most important part of it is community input. And we believe that is what you guys are doing. The community is coming in, giving you input, and you guys are making changes where it is needed. So, thank you very much for your time, and all of your effort.

CHR. SIRACUSA: Thank you.

MR. KAHUI: Again, madam Chair, I have a question. I don't recall you at the meeting on November 22<sup>nd</sup>. Were you at the meeting on November 22<sup>nd</sup>?

MR. AU: You know, I come to meetings here and there. I pop in here and there. I have been tracking this process for a long time, so I am aware of what is going on. I don't know if I was there or not.

MR. KAHUI: Okay. So we issued a Draft Final Plan. Are you in favor of that Final Draft Plan?

MR. AU: I don't want to say I am in favor or not in favor, I just appreciate everything that you guys are doing, and I just want to make a comment on the process that we are going through, and that it is very important that you guys are taking in community input.

MR. KAHUI: Okay, thank you.

MR. KANUHA: Madam Chair, just a question, real fast. Are we, with these testifiers, supposed to---Is it okay to be engaged with them, or in dialogue with them, or---I want to make sure we get the rules clear before---

CHR. SIRACUSA: Well, it's not good to ask questions during public testimony. We are supposed to keep it to a minimum. Basically, we are only supposed to ask if we need clarification; if we are not sure if somebody is saying they are for something or against something, or if they have sort of wandered off on a tangent and we are not really sure what they are saying and we want to ask them to be a little more clear. We are not supposed to engage.

MS. POINDEXTER: So it's just for clarification on their testimony, right?

CHR. SIRACUSA: Yes.

MS. POINDEXTER: Okay, thank you.

CHR. SIRACUSA: Thank you very much, Dean. The next testifier is Dan Marks, representing himself, and he wrote down here that he is testifying in opposition. I'm not sure what he is opposing, but I'm sure he will tell us.

DAN MARKS

(At this time Dan Marks came forward to address members of the Commission.)

MR. MARKS: Aloha. I am rising in opposition to the redistricting plan. From what I understand, it shouldn't be a consideration of the council who is running for re-election, and when you are drawing those lines, you shouldn't take that into consideration. So, I was hoping that you guys wouldn't do that and just act according to your rules.

CHR. SIRACUSA: I would like to clarify. Are you saying that you are opposed to the changes to the plan that we made at our last meeting, or not?

MR. DEAN: Well, I guess I would be opposed to the consideration of changing your mind, and sticking with the original plan.

CHR. SIRACUSA: Changing it back again?

MR. DEAN: Changing your mind from your original vote.

MS. POINDEXTER: Are we clarifying? That wasn't a clarification though. It's a question. I thought we were going to clarify, if we were confused to what he said.

MR. DEAN: I am rising in opposition.

CHR. SIRACUSA: I am still confused. Okay, thank you. Our next testifier is Tim Rees, commenting on Communication 57, which was the request to call this special meeting; and he is representing himself.

TIM REES

(At this time Tim Rees came forward to address members of the Commission.)

MR. REES: Aloha Commission members. I am going to plead a little bit of ignorance here, and I am guilty of responding because of the media, and of course, I have no clue right now how accurate some of their quotes are, how in depth they went on edit bites and such. But, I am going to say this; I really urge caution to this Commission because of the way that this has all been brought forward. I have got to tell you, from the media, it looks real suspicious.

But then, on the other hand, I am not crazy enough to believe that all of you folks were in on a fix. It would have taken one simple question from any commissioner, had you folks decided to know where all the council members live and that, to say, wait a minute, are we sure we are not realigning this for some un-holy purpose. Now, again, it looks suspicious when you read the press, but honestly, I like politicians to be political, and if I were in a district, a council member, and I liked the way I was representing that district, and then it comes to a redistricting time, and I'm saying, "Hey, I want to still be eligible to run for this district. I think I'm doing better work than anybody ever has in this district." Then, I think our system is actually set up to allow that, and I believe it was up to all the council members to decide, personally, whether they wanted to be engaged on that level, to make sure they didn't get cut out or not. And I think that is exactly what our different council members did do. They made their own personal judgment call on that, regardless of how it may or may not look in the future, or now, as this is deliberated.

However, this is why we have a separate Redistricting Commission; is to eliminate the possibility of something being unfairly drawn on an improper basis. So, you know, I am not ignorant, and I'm just saying that it looks as if something funny went down. But the truth of the matter is, I would be fighting like crazy to stay in my district, and represent the people that I think all council members, if you listen to them when they discuss issues, tend to feel are their people, their district. So, I just urge caution, be careful where the language gets to accusations of actual violations; be real careful about the language in the laws and the ethics rules in everything you are discussing here. I like politicians that mix it up and scrap, and I like a good involved journalism too, and media that investigates and digs it up. So I would say, everybody, hang loose; I think you did a great job. I think there are not any real problems with the maps as is. We have other issues that are more pressing, but thanks for your time.

CHR. SIRACUSA: Thank you. Our next testifier, commenting on the same communication is Moanikeala Akaka, representing Aloha Aina. Moani.

**MOANIKEALA AKAKA**

(At this time Moanikeala Akaka came forward to address members of the Commission.)

MS. AKAKA: Aloha. My name is Moanikeala Akaka, and like others, I am here because of what I read about in the newspaper. And I don't think that it was your fault, or that you have done anything; you yourself, as a body, has done anything intentionally illegal. However, it appears to me as though Fresh Onishi is attempting to gerrymander himself into a fresh district by getting his friends to pressure this body to change the district. I think, myself, as well as others, feel that way. I don't think that you intentionally may have caused any problems. However, I think that you were bullied by Fresh's cohorts. As he says, "I wrote to my friends..." And I think that they helped pressure you into changing the district. So I think that you should just leave the district the way it was, and that way there will be no question. However, I think that the voters should look questionably at Fresh, and his tactics and his motives, trying to eliminate any kind of competition from him from his fellow colleagues. Again, I appreciate the work that you have been doing, and I think you should just change your position, and change it back to the previous redistricting. Mahalo.

CHR. SIRACUSA: Thank you.

MR. KAHUI: Thank you, Moani.

CHR. SIRACUSA: Our next testifier is Robert Petricci commenting on Communication 57, namely the last minute change in the redistricting plan, and he is representing himself.

ROBERT PETRICCI

(At this time Robert Petritri came forward to address members of the Commission.)

MR. PETRICCI: Aloha Commission members. I want to thank you all for calling this meeting to allow us to come in here and talk about this a little bit, because it does appear, at least on the surface, that it could have been---The decision to re-draw the line could have been influenced by one of the council members to help him, to, you know, benefit himself. So, I think it just---I don't believe it was intentional on your part, I just wonder how that was brought forward. You know, how it was brought forward that we should, after all the work that you did all that time. You know, you guys spent a lot of time working on this, and you figured it out, and then right at the last minute, you know, you have got to admit, Fresh sends out an email, and a lot of people send faxes, and all of a sudden, the line gets re-drawn. So, you got to understand how the public sees that, and especially with the history of Hawai'i County. That kind of thing is not unusual here, so I think that you should move the line. If the line was fine before the 11<sup>th</sup> hour, and because you are going to leave a taint on this whole process if you don't. People are going to see this---I know I think that somehow he was able to influence this. It really just looks like that to me; that he was able to get his line moved so that he didn't have to run against J Yoshimoto. So, it is also interesting to me; I believe they said that you are going to call Jamae, call her in here to explain what she did. I don't understand why you are not calling Onishi in here to explain what he did. I think that it would make more sense to bring Mr. Onishi in here as opposed to the whistle blower. You know, Jamae blows the whistle on what is happening, you know, points out what is happening, and she is now going to be put on the hot seat as opposed to Mr. Onishi, who at least gave the appearance of doing something improper. Thank you.

CHR. SIRACUSA: Thank you, Robert. Jamae is not going to be put on the hot seat, by the way, and we don't have subpoena powers.

MR. PETRICCI: I just understood that Mr. Ashida wanted to have her answer some questions.

MR. KANUHA: Madam Chair, clarification real fast. Thanks for testifying. Your basic perception of this whole process came from the newspaper article?

MR. PETRICCI: I have been following it; but I was okay with what was going on. No, not really; I have been talking with a lot of different people, and I saw some stuff that was going on. But, I did read the newspaper articles, but I heard about it before it was in the newspaper.

MR. KANUHA: Thank you.

MR. KAHUI: I have a question. Were you, or had you, reviewed the final draft plan that was adopted on November 22<sup>nd</sup>?

MR. PETRICCI: The one before the changes is what you are saying?

MR. KAHUI: Well, there haven't been any changes since that time that I recall. Oh, excuse me, November 30<sup>th</sup>.

MR. PETRICCI: The plan that had been initially drawn up--that I thought it was a done deal; maybe I didn't understand--was going to have Mr. Onishi running against J Yoshimoto, and I had no problem with the way that was drawn up. The problem I had was just that right at the last minute, the line was moved and it just really seems to benefit Mr. Onishi. Does that answer your question?

MR. KAHUI: Maybe I think that I need to just clarify a few notions with my colleagues. Thank you, I appreciate your comments.

MS. POINDEXTER: I just wanted to make one general comment. I am just hoping that the community who is testifying here stays throughout the day to hear what we have to say also, so that they can feel comfortable about where we are at.

CHR. SIRACUSA: Well, I certainly hope so also. And I do believe that up there at the table---Do we have the transcript of that meeting so that anyone who is interested can see how those last minute changes were made? Because I believe they are on the web site, but not everyone can access that. If they are not there, then we can arrange to have them put up. At this point, I would like to see if we have any testifiers in Kona. Hello, Kona. Is somebody coming in Kona?

MR. KANUHA: Is the light green on the microphone in Kona?

SUSAN DURSIN

(At this time Susan Dursin came forward from Kona to address members of the Commission.)

MS. DURSIN: I am Susan Dursin, and I am testifying for myself today because I did not have time, like another testifier, to really survey my organization. I have certainly followed your work throughout, and been present at almost every meeting. I do want to say that I was much encouraged by your work, the homework you did, the number of meetings you had given the restraints on time. You worked together, you certainly were very collegial and it seemed to me that you were a model for how government process should work. However, with this last twist to the plan, I find it very upsetting. It seems to me that the time factor was such that you have been so good about notification and allowing plenty of time for input, and finally, we come down to the deadline, and there is a change made, that with very little time for input. So, while I admire the work that you have done, and feel sure of your

integrity, I do think that there is the appearance of impropriety here and at a time when public concern about government as an abysmal though, it's just not what we needed from you. Thank you.

CHR. SIRACUSA: Thank you. Do we have any other testifiers in Kona?

MS. ROBINSON: No more testifiers here in Kona.

CHR. SIRACUSA: Thank you. Let's go to Waimea. Manu, do you have any testifiers?

MS. HANANO: Good afternoon, Commissioners; we do not have any testifiers here.

CHR. SIRACUSA: Okay, Pāhoa; Barbara.

MS. LIVELY: Thank you, Madam Chair, yes we do have a few testifiers this afternoon. First we have Joyce Folena, she is speaking in opposition and representing herself.

JOYCE FOLENA

(At this time Joyce Folena came forward from Pāhoa to address members of the Commission.)

MS. FOLENA: My opposition is in reference to the fast change that you made putting Mr. Onishi and Mr. Yoshimoto in the same district. The perception to the public is very, very tainted, and very tarnished. I do take offense at people making snide remarks about the newspaper article being in existence the way it is. Newspaper articles are written in our democracy to bring to the public's awareness what the writer feels should be said, whether you agree with the article or disagree with the article. I understand that everyone has worked very hard; no one wants to have to go back and do things over and over and over and over. I do not feel any threat to my Puna district having two voting districts within our Puna boundaries, while at the same time, I am saying to this Commission, it would behoove you--and not being an attorney, I can't say legal grounds--to erase that perception of gerrymandering and again put Mr. Onishi and Mr. Yoshimoto into the same voting district. That is my opinion and I stick by it. Thank you.

CHR. SIRACUSA: Thank you, Joyce. The next testifier in Pāhoa?

MS. LIVELY: Thank you, Madam Chair. Next, we have Gregory Smith; he is also speaking in opposition and representing himself.

GREGORY SMITH

(At this time Gregory Smith came forward from Pāhoa to address members of the Commission.)

MR. SMITH: Good morning everybody.

CHR. SIRACUSA: It's afternoon Gregory, it's after noon.

MR. SMITH: Oh, thank you. I'm just a "Punatick," don't worry. Anyway, the point is; you folks have done a very, very good job, and basically you see the public out here kind of wondering about this situation because of a perception of impropriety. It's unfortunate that we have had a history of impropriety in our local government. You guys have shown great integrity, as far as I'm concerned. Of course, Mr. Onishi is a character, and I don't know, I would say if the boundaries were good with Mr. Onishi and Mr. Yoshimoto in the same district; they are good. I don't see, I don't hear or see of any problem with the numbers either way.

The only real problem that I have with the current plan is the dingle dangle there if Kea'au Town being sucked into District 3. Beyond that, I find that a little odd, but then again, I think the plan in general is excellent. I'm sorry that you folks on the Commission feel put out about this. This is nothing against you at all. I'm glad that you called this meeting because it is here to clear the issue up. I mean, I don't think that the last line drawn is illegal either, but if Fresh had not been stupid, in my opinion, we wouldn't even have this suggested too, that if the line before was good enough, then just re-draw it there and you have eliminated your problem. Again, this has been a long process for you, and I have seen other processes that have been very contentious and caused a lot of heartburn. But again, thank you all, and put the line back the way it was; mahalo.

CHR. SIRACUSA: Thank you, Gregory. Do we have any more testifiers in Pāhoa?

MS. LIVELY: We do, Madam Chair. The last testifier that signed up at this time is Richard Bidleman. He is speaking on Communications 58 and 59, and representing himself.

**RICHARD BIDLEMAN**

(At this time Richard Bidleman came forward from Pāhoa to address members of the Commission.)

MR. BIDLEMAN: Good afternoon. I am only sorry I'm not there today. As you all know, I have had the opportunity to attend most of these meetings. I am going to give my testimony here. Karen has a copy of it. I would like to correct that testimony. I have a word on the second page of the testimony. If you look at the third line from the bottom, it says special interest to, and I meant to say special interest go; the word "to" needs to be changed to "go." I'm sure Karen will note that. I, along with several others, from the Friends of Puna's Future, and interested Puna residents, have followed this redistricting process from the beginning, which has encompassed many months for us citizens' as well. Under the new ground rules, the public could submit plans for consideration. Friends of Puna's Future, as well as other residents of the County, submitted several redistricting plans. I think we can say, in most cases, there was significant public participation. And some of those suggestions were incorporated into the Final Plan.

One of the themes that played successfully at most of the community meetings, was not to divide communities. Pāhoa Town was split right down the middle. It is now in two districts. It did not have to be that way. The committee could have placed Pāhoa Town in one district; but to do so would have required including part of Kea'au Town in one of two Puna districts. It was expressed time and again, that Puna, historically, consisted of three

communities; Pāhoā, Kea‘au, and Volcano. Given the numbers, Volcano could not remain in the Puna district, and went over to Ka‘ū, and we all realize that. However, a good portion of Kea‘au could have been given over to the Puna district. In all of the hearings I attended, which most of them not one person came forward saying they wanted Kea‘au in the Hilo district. In fact, several people expressed an interest in wanting to remain in the Puna district. What I saw at the last meeting I attended was a committee member coming forward with a plan that split Pāhoā down the middle and placed Kea‘au in the Hilo district, with the rationale that Kea‘au relates more to Hilo than Puna. For those of us who live in Puna, we know that is not true. Kea‘au is the gateway to Puna. Most of the people who shop in Kea‘au are from Puna. The majority of the businesses in the Shipman Industrial Park, such as HPM, Puna Rentals, Hawai‘i Catchment, are serving Puna more than Hilo.

CHR. SIRACUSA: That was your time Richard. Would you wrap it up please, because that was the timer that just went off?

MR. BIDLEMAN: Okay, give me another second here. With Puna being the fastest growing area on the island, this is more likely to increase. Puna needs jobs; and when Shipman represented their argument at the final consideration of the Puna Community Development Plan, at a meeting held in Kea‘au, they were talking about a lot of jobs creation.

CHR. SIRACUSA: Richard, we do have your written testimony, and this is in there.

MR. BIDLEMAN: Let me make my one final consideration here. That is that I think some of the Commission members were less than genuine and what I see happening here is that special interests have trumped community input. Thank you.

CHR. SIRACUSA: Thank you. Our next testifier is Andrea Tischler, representing herself.

ANDREA TISCHLER

(At this time Andrea Tischler came forward to address members of the Commission.)

MS. TISCHLER: Good afternoon, Commissioners, my name is Andrea Tischler, and I live in J Yoshimoto’s district. I was quite shocked; I followed the meeting you had on November 22<sup>nd</sup> where the boundaries were divided so that Onishi and Yoshimoto were going to run against each other in my district. I was okay with that; that was fine. And then after November 22<sup>nd</sup> the series of emails came from Mr. Onishi’s friends and so forth; and I think that is inappropriate. And I think it kind of borders a little bit of like attempt to gerrymander the districts. And then when you had that meeting on November 30<sup>th</sup> well, then the district got changed so that wow, now they are not running against each other. I’ve heard it said by a few people, it is kind of a perception of impropriety here that this would be changed like this within that week. What was the advantage to changing that? What was reasoning that the Redistricting Commission had to change those lines right there at that time? Now, I’m not saying that there was any collusion among you or anything, but I’m just---It gives me kind of a bad taste in my mouth to think that there might be some impropriety here. So, what I would like you to do is, from living in that district, I would prefer, and I would ask that you would

change it back to the original lines that you had at that November 22<sup>nd</sup> meeting. That is all that I would have to say. I would like to see these guys running against each other. I think it would be an interesting campaign. So, mahalo nui loa.

CHR. SIRACUSA: Thank you, and if you haven't had a chance to look at it, the reason for drawing the lines is in the transcript which is on the table over there. We have one more testifier in Kona.

MS. ROBINSON: We have Charles Flaherty here representing himself, talking about redistricting.

CHARLES FLAHERTY

(At this time Charles Flaherty came forward from Kona to address members of the Commission.)

MR. FLAHERTY: Aloha members of the Redistricting Commission. I am here---You know I have testified before you on several occasions, I have commended you for your work and have made some suggestions; some of which you listened to and some you haven't, just like with everyone. But I always have been commending your work. For the October 20<sup>th</sup> meeting, I did so as well and had some very nice conversations after that meeting on October 20<sup>th</sup> at Yano Hall, including Commissioner Middlesworth. My conversation with Mr. Middlesworth at that time, I found interesting, because of the---He was comfortable sharing that there was a Plan\_46, that had not yet been made public, but he discussed his reasons for it. He went into detail about the different changes that he made and why he made them. He also shared with me that Mr. Yoshimoto and Mr. Onishi were in the same district with a Margaret Wille map, but he didn't believe that was going to be a problem because it was his understanding that Mr. Yoshimoto was not going to be running for the Council. I didn't ask him why and he said that he didn't know why, but he thought that perhaps he just wanted to start practicing law, and had been on the Council long enough. So, I really didn't think too much of that. I shared with him that I knew that Brenda Ford and Brittany Smart---I had known from before the redistricting even began, that it was very likely, because of the way the population was, and that we would have to start in lower Puna, that they would be running against each other. So that wasn't a surprise; and I found it very interesting that Councilmember Ford came forth with her own map and had her and Brittany Smart running against each other, which I really thought showed a lot of integrity.

I do want to point out to you all that the Big Island Press Club awarded myself and CERG, Citizens for Equitable and Responsible Government, the Torch of Light Award last year. Brenda Ford was a part of that organization, and she really has been a major proponent for the changes that were made. I think this last minute change that was made---I'm not saying that anybody knew where exactly Mr. Yoshimoto and Mr. Onishi lived, however, from the testifiers I have heard, from the conversation that I had with Mr. Middlesworth, it's clear that they knew they were in the same district. But no one said, Mr. Yoshimoto lives here, Mr. Onishi lives here. The fact that this last minute change has come through, even if it inadvertently---Even if it's inadvertent, it still violates the law, because the law says---

CHR. SIRACUSA: Your time is up, will you please finish up quickly; summarize.

MR. FLAHERTY: The summary is that even if you have inadvertently caused incumbents to be favored in this case, with the change, I think it would be in the interest of the Commission, with regard to your excellent integrity and performance to date, to reverse those changes and go back to the original map. Thank you very much.

CHR. SIRACUSA: Thank you. I think we have another testifier in Pāhoa.

MS. LIVELY: Thank you, Madam Chair, we do have one more testifier, and it's Patrice MacDonald and she is commenting and she is representing Upper Puna.

**PATRICE MACDONALD**

(At this time Patrice MacDonald came forward from Pāhoa to address members of the Commission.)

MS. MACDONALD: Hello, Commissioners. I am going to leave that boundary decision up to you. I believe that you can resolve that by yourself. My main concern is that every time that we get a final map, I go home and I find out that we have a different map. My one concern is that what would become District 4, that is now District 6, has no continuity with Kea'au at all. I do believe that one of the Commissioners had said people in Kea'au wanted to stay with Hilo, but the majority of people, that is our regional town center in Kea'au. Going by the population, I noticed that there are a couple of thousand extra in District 2 and 3 and 5 compared to District 4. This is just going on your numbers. I still would try to get part of Kea'au into our Upper Puna district. I think it is extremely important to us. That's it. Thank you.

CHR. SIRACUSA: Thank you. Is there anyone else out there, either in Waimea, Kona, or Pāhoa who wishes to testify? Is there anyone in Hilo who wishes to testify? In that case, I am going to call up the final testifier here in Hilo, Jamae Kawauchi, representing the County Clerk's office.

**JAMAE KAWAUCHI**

(At this time Jamae Kawauchi, County Clerk, came forward to address members of the Commission.)

MS. KAWAUCHI: Good afternoon, Chairperson Siracusa, Commissioners of the Hawai'i County Redistricting Commission. My name is Jamae Kawauchi, Hawai'i County Clerk. As your Clerk, I did request, through a Communication, to respectfully request that the Commission hold a Special Meeting to discuss what was reported on in the Hawai'i Tribune Herald and West Hawai'i Today on December 9, 2011. When I had read the articles, I became concerned that the good work of the Commission would somehow have a unfavorable perception in the public, and that your work and the plan that you had accepted as your Final Plan, would need to be discussed in the open, as to continue with your policy of being above board at all times, and to have a public dialogue to be able to explain perhaps your decisions and also to have continued discussion, deliberation on your Final Plan, should you chose to do that. At no time have I considered that, or stated that any of the

Commissioners have engaged in any misconduct. That is not the role of the Clerk. But, I do believe that with, well, what was reported, and also what had appeared in subsequent newspaper articles to the December 9<sup>th</sup> article, that it was very important for you to have those discussions. As you know, your work is important to the County of Hawai'i and also as Commissioners, you are an extension of, and an integral part of our government process. So it is very important that you have this opportunity to dialogue with the public and also to make whatever decisions you think are necessary to ensure that once the Final Plan is filed, and your Report is filed, that your work has been done properly and well. I will be here with you for the duration of the meeting, and I can further assist you should you need any help from me or the Clerk's office. Thank you.

CHR. SIRACUSA: Thank you. Does anyone have a question of Jamae at this point? Okay, in that case, the time for public testimony is---

MR. KAHAWAIOLA'A: Excuse me, Madam Chair, I do. I have one of Jamae, I'm sorry, I was busy writing. Jamae, you said what troubled you was the articles in the paper. Have you had any---Have you saw any of the communications, the email that was sent from Mr. Onishi, or his friends to this body?

MS. KAWAUCHI: I'm aware of what was reported in the article on December 9<sup>th</sup>. I do not know who they---I don't know more than what was reported.

MR. KAHAWAIOLA'A: You haven't seen the piles of the email that every Commissioner received, and the contents of those emails. We received them here as input, but I'm just wondering if you saw it.

MS. KAWAUCHI: I have received what you would have in your public records. So, the items that have been numbered.

MR. KAHAWAIOLA'A: So you didn't necessarily look at all those emails that we received. We each got copies of.

MS. KAWAUCHI: Are you referring to the testimony that---

MR. KAHAWAIOLA'A: The public testimony that the public gave us.

MS. KAWAUCHI: Was it received on certain dates?

MR. KAHAWAIOLA'A: I think whenever the newspaper is representing that we received those packets of email from, which was erroneously reported from the Laborer's Union, when actually it was from the ILWU Union; because that was what was at the top of the whole packet that we received as Commissioners input from the public.

MS. KAWAUCHI: I have seen 14 public testimony documents that were received by the Commission on or about November 21, 2011. I also saw a stack of public testimony received by the Commission on or about November 22, 2011.

CHR. SIRACUSA: Those were faxed by the way, not emailed. They were faxed.

MR. KANUHA: Madam Chair, I---

MS. POINDEXTER: She did her public testimony already, so I think we should move on from there.

MR. KANUHA: Well, is this still considered her testimony?

MS. POINDEXTER: Or are we moving into---

MR. KANUHA: Because I also have a lot of questions, but I don't want to question her during this public testimony.

MS. POINDEXTER: Right, unless you are going to clarify or want her to clarify her public testimony.

### **APPROVAL OF MINUTES**

CHR. SIRACUSA: Okay. So the next item on the agenda is the approval of the minutes of November 30, 2011. This is the meeting that we have been talking about. Are those minutes up there on the table, by the way? Okay. So, I mentioned this before, and I'll mention it again. Everything that was said during that meeting, and especially when the lines were changed is in the transcript on the table if you want to know how it all came down and what was said and what wasn't said.

CHR. SIRACUSA: Approval of minutes of November 30, 2011.

Mr. Kanuha moved to approve the minutes of the November 30, 2011 Hawai'i County Redistricting Commission meeting. Seconded by Mr. Melrose.

CHR. SIRACUSA: Any discussion?

The motion to approve the minutes of the November 10, 2011 Hawai'i County Redistricting Commission meeting was carried by the following vote:

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

Noes: None.

Absent: None.

## COMMUNICATIONS

CHR. SIRACUSA: Our next item is Communications. We have Communication 57.

### **COMM. 57: REQUEST TO CALL SPECIAL MEETING**

From County Clerk Jamae K.K. Kawauchi, dated December 9, 2011, requesting the Commission hold a Special Meeting to discuss the Final Redistricting Plan approved on November 30, 2011.

CHR. SIRACUSA: Do I have a motion to close file?

Mr. Kahui moved to close file on  
COMM. 57. Seconded by Ms. Ugalde.

CHR. SIRACUSA: Okay, I think at this point that the Commissioners would probably like Jamae to come back up again.

MS. POINDEXTER: At this point can I say something to clarify some things? I would just like to go over a few things with you so you can understand where I know where I was coming from, and hopefully I speak for the Commission as well. And I just want you to get familiar with the process, because I see a lot of new faces that we have not seen throughout the process. So, I just want to bring you up to speed on what has happened.

Whenever we were drawing lines, and doing maps; whenever it affected a specific district, that district representative would contact their constituents and go out to their constituents and say, "Hey, we got to check this out." For example, Pete Hoffmann; when Waikōloa was going to be moved into Kona, they bused people in; he was the cheerleader behind them with all his constituents; because it was going to affect his district. And he has the right to do that because he represents that district. So I respect him for that. He had a right to do that. He brought everybody in, they talked; a lot of people didn't speak, but they wore these badges and stuff, because they kind of, you know, created this, hey, look at all these people. Okay, so that is one County Council district that stood up, right? Okay.

So then we went out to public hearings; our first public hearings. And when we went out to the district that I am sitting for, which is District 1 in Hāmākua, it is a huge district; one person showed up. Nobody showed up, the place was empty. However, it was okay, because at that point on the map it wasn't affecting Hāmākua. Hāmākua was left as it was. So the people didn't feel a need to come out. And the representative from that area didn't feel a need to go out to his constituents because it wasn't being affected, right? The next thing that happened when we met again, for some reason we started looking at different maps, and now Honoka'a got thrown into Waimea, right? Remember that? Then, the representative from that district contacted his constituents, and he has a right to do that. And I respect him for that; because he had to let the community know hey, this is happening; if you don't want this to happen, we better get out there and say something. So

they showed up. And a lot of them sent and faxed in testimony. Okay? So that's what happened. And then the move went back and we satisfied that community and we kind of drew lines.

Now in November--follow me on this--on November 3<sup>rd</sup>, we were drawing the maps before we went out to public hearings on the 21<sup>st</sup> and 22<sup>nd</sup>. This is when---and believe me, I don't know where Fresh, or Brenda lives, I don't know where anybody lives, not even my own County Councilman. I don't know where he lives. I know he lives in Hāmākua and I know who represents us; I know who represents the 9<sup>th</sup> district, because we are close by. But in the Hilo area, seriously, I knew nothing and I didn't want to know. I just wanted to do what was right. I didn't need to play those games, and that's not what I was here for. So, on that November 3<sup>rd</sup> meeting, before we went out to bring our final maps to the public, we drew these lines, and it affected the districts now in question. So, now the person representing that district, which I'm now knowing is Fresh Onishi, goes out and contacts his constituents. So, what makes that any different from what he did than what our councilman did in District 1 and what the 9<sup>th</sup> district, Pete Hoffmann---Public testimony is over, I'm speaking, sorry. Anyway, so that doesn't make it any different. He contacted his constituents. Now--Can they turn off the mic out there in Kona? Can you guys turn off your mic there because we can hear you laughing and making comments back there and I really would appreciate you allowing me to speak; because we allowed you to speak?

From there, what I am saying is, I don't know Fresh personally. I met him because of this Commission, so now I know who is the representative and what they look like. Where they live or whatever, I still don't know. However, he had the right to contact his constituents like everybody else did. Unfortunately, the public perceived it to be a last minute change, when it wasn't a last minute change because what happened is, as you heard Jamae testify, on November 21<sup>st</sup> and 22<sup>nd</sup> we were receiving testimony now because of our November 3<sup>rd</sup> drawing of the maps that we were bringing out to the public. The first time I ever saw that testimony was when I was sitting in Kona on the 21<sup>st</sup>; I think we sat in Kona. I saw all the testimony come in about, oh, this map is not---So, as a Commissioner, I believe I treated everybody fairly, and I listened to the people who had problems when we drew the map. So I needed to listen to these people also. They also had the right to have their voice. So when we came back after the public hearings and all of this happened, we had one more place that we needed to address because of what had happened. So it was not a last minute change that the perception is. And again, remember, I heard a lot of testimony saying it's a perception. And what the papers put out--and I heard a lot of testimony also here about the papers, about what the papers say--and you got to remember, the papers are putting out their perception. And we are here as a Commission, and I promise you, I know I am speaking not only for myself, but we are bridge builders. We want to help build safe and healthy communities. We don't want to cause dissension in communities, and we are trying our best not to.

We are bound by some census blocks that will cut communities down the line because if we move that line where the community says it is right in half, then, boom, the census block goes and it throws all the numbers off again. So the problem of us being tied to the census block, that was some of the problems in some communities that we had that was not by our

choice. If we could, believe me, we would redraw the census lines so that it could be a better County of Hawai'i. And that is why we have this opportunity now to give some written information to put together on what could have happened better or we talk about census blocks and what could happen better. So don't believe this was a last minute change, because it was not a last minute change. What we did the last minute for that district, was on November 3<sup>rd</sup> when they had no clue we were going to come out with that change. And that is when the testimony came in; like Hāmākua. Hāmākua didn't show up until that last minute change and then boom, they came out. Not last minute change, the change we were making. So know that we were working in good faith, and I just felt like it was a slap in the face to read in the paper that they were trying to cast a shadow over our integrity; because I have my values and I know we all share the same thing. So, I hope what I explained can help you understand where and what we did as a Commission. So thank you for allowing me to speak.

CHR. SIRACUSA: Thank you. And I know, I'm pretty sure, that the other Commissioners all have things that they would like to express to the public, and I think this is a good forum for it. So, who wants to be next? Joseph? I'm looking at you.

MR. CARVALHO: Yes, please. I really agree with Val. Well said, well said. Now, it's too bad that the little changes that we made as we were massaging the maps for the last time, gave the impression that we were doing something improper. I really feel bad for that. I assure you guys that we were doing our best to make sure the maps were fine, and that we were listening to the people. If it came out looking improper, it's a bad thing and I am sorry it happened. But we did not do anything out of sorts, thank you.

CHR. SIRACUSA: Thank you, Joseph.

MR. KAHAWAIOLA'A: I would just like to echo the other two Commissioners, but I need to set the record straight. Because those testimony, like the newspaper said, Fresh got his friends to do; I will tell you the content, if you don't know the contents of that testimony, public testimony. The contents were they wanted totally different lines. We drew the lines from the ocean back in. We took three bases of Hilo historically; Hilo Hanakai, Hilo One, and Hilo Paliku. That is the cliffs, the ocean front, beach front, bay front, and back then into Hilo. We took those three. They wanted the lines to remain how it's been for the last 30-40 years. That was the content of that testimony. And obviously the Commissioners from Hilo said, it aint going to work, it can't work with the line that has been around for 30-40 years; which would have kept three Hilo districts. We lost a Hilo district and I will sit here and say I was proud to lose that Hilo district because Puna came forth and said, "We want to be Puna." People in Fern Forest were always a part of District 3. The numbers---I couldn't get away from the numbers. So Puna became those two separate districts. Puna just has too much people, so the overflow had to go somewhere. It couldn't go to---If the public would just---

There is a lady that sits on the end. I want all of you to look at Commissioner Ugalde. Had she not acquiesced, or stayed and fought to stay in Puna, we would have split Waikōloa. We would have been all "hammajang" all over this place. But when she said, "Move me

into Ka‘ū, but I got to take all of this.” So she took all of Volcano into Ka‘ū. When she did that, it freed up Puna, it put Fern Forest, Orchidland, whatever, everybody back; kept Paradise Park as one. We want to be together, because if you take us away, we own the road, we own this, we own that. Waikōloa jumped up and said we are condominium owners, we own this, you are splitting us; we are going to be disenfranchised. That helped us, as Commissioners, to make that.

The process will show---I come from District 4 in Hilo. We made hardly any input in the beginning because we needed to see where the other places were. They were the ones coming out. I will do---As Valerie just said, only one person came out in her community; three in Hilo. But that was before Hilo started to---They assumed that we were going to stay the same way. And when people began to assume, and then find out it’s not going to be the same, that is when we got the faxes. But I want to remind all of you here; the faxes did not deter, did not make me change my vote for the line, because I didn’t agree with the lines that they were putting in here. I would clearly say what the Chairman articulated in the paper. The names were indecipherable; we couldn’t see who they were. They didn’t have any other names, so how did I know that they came from that district? ILWU employs people all over this island. And it is not wrong; it is not wrong for Fresh to be able to round his troops. Yeah, he even asked me; “Was I stupid for doing that?” Well, you are the politician, I’m not. You see, you gotta run for re-election, you gotta get out in that district, whether it is against J or not. But, I would also agree that Mr. Hoffmann made his point, Brenda Ford came out and made her point, Mr. Yagong; but also, Fresh, because he was with the other three and he came here on the 22<sup>nd</sup> when we had it in Hilo, you know, for a point of clarification, but trying to suggest that we keep the lines as it is. So, I want the people to know, Hilo lost a district because the numbers just could not support what it is after Puna said, “Keep us Puna, keep us there.” And their argument was, for me, it stood well. For the purpose of they having this representation, because by sheer virtue of their numbers, made it clear that they got it. So, the last minute changes again, were not that.

The minutes would reflect, the minutes we just approved reflected that. We made a change because 8 ½ Camp was not contiguous. They had no connection. We moved 8 ½ mile Camp, maybe 170 people, to make sure that they can be contiguous, so they are not lost from some road somewhere. When we did that, it overflowed into this, we need to make a little tweak, we tweaked the corner, and low and below, just be the corner that these two Councilmen are in separate districts. But when we left here, when we left here, we did everything over and above board. I had no idea that these guys were now in the same district until several days later. So, we were not here; not myself, and I can only speak for myself, Mr. Melrose and Mr. Middlesworth, because we were the guys that were doing the Hilo. When I defer to the guys from Kona, I didn’t want to get involved about the mountain top, and the way the water flows, because I don’t know nothing about Kona. But I sure wish the people would respect us here. And I was not prepared, I was not prepared. Being a Commissioner ten years ago on this thing, to again be accused of gerrymandering something that I did not even know what gerrymandering was ten years ago, just for the sake of the perception that I have now allowed J Yoshimoto to be in one, and Fresh to stay in his. But to make it clear, Fresh is my representative, I voted for him the last time, and I also would, like someone mentioned, you make assertions about the newspaper; well I would defer, if

Fresh is not your representative, I don't think he should be called stupid. So, let's not get into those divisive things. I think, and I appreciate the fact of having to work here. I appreciate the people---I had people coming to thank me; I didn't know who they were. That's probably one of the best feelings for a Hawaiian; it's one of the best feelings. I am proud to sit on here and have three Hawaiians who, Hawaiians don't make input. We represent communities that Hawaiians don't show up. Look around the room. See if you got Hawaiians give testimony. They don't give testimony. Some believe they don't; I don't believe that they can sit home anymore. So, they don't want to come; I come. That's the way I believe. But I never want any one of you to believe that; the Hawaiians share the aloha spirit, they share their land, they share whatever they have. They teach; our ancestors sailed the ocean before anybody else. So I want that to be sure; that is not my job; I didn't come here to save two Japanese councilmen, so they can get their thing. I voted to make sure that the process was done, 20,462 people in one district; high or low, 4.99% either way. That is what I did. So again, thank you very much for allowing me to rant.

CHR. SIRACUSA: Thank you for your rant, Patrick. Does any other Commissioner want to say something?

MR. KAHAWAIOLA'A: I'm sorry, ma'am, I forgot; Mr. Carvalho is half Hawaiian. There's four of us.

CHR. SIRACUSA: Three and a half? Four? Bo.

MR. KAHUI: Kalami, Bo Kahuia; I represent District 8. For the record, if you go to the minutes, pages 22-25, would clearly state what we did. It doesn't talk about why we did what we did. It specifically says why we did what we did. I remark the point about the 8 ½ mile. I remark about why we chose and made those new lines. It is clearly stated in the record. It had nothing to do with these councilmen. We need to get the record clear. It is not about that; it is about our task. We did our task based upon the law. We are bound by a set of rules. We don't---Up until all this fluff, the article, even 'till today, I still don't know where Onishi lives; I could care less, that is not my job. I never knew Brenda and Brittany Smart are now in the same district. The truth is, is that we don't know those things. It is irrelevant to our task. That is not why we are here. We are here to draw lines based upon population; one vote, one district, one person, make it fair; make the process fair. We, in Kona, along with my colleague in District 7, Dru Kanuha, are faced with a huge, huge urbanization, growth. So we too, have to deal with our numbers in a way in which we had to draw those lines.

Now, we had to listen to Waikōloa; I did. They wanted to be in their district; their historical District 9. I agree with that because they are more in line with that community of interest. That is one of our tasks, to keep communities of interest together; to make sure that there is connectivity, to make sure that the populations are right. It had nothing to do with addresses, had nothing to do with councilmen. Even 'till today, I still don't know where anybody lives. I could care less, because my job is to make sure that the process is done right according to the law and according to our rules. So we follow the rules, we listen to the testimony; we did what we had to do looking at communities of interest, the numbers

and stuff. And I believe we did our job. Now, the papers can say one thing; they can say anything they like. People are going to believe that, they can believe that; or people can come to the meetings and begin to understand that there was nothing improper done by this Commission. Nothing that we have done in our conduct, in any way fashion or form, that would have misled this process or misled the public. So it is interesting now we are at this special session to defend ourselves what would be from this media concern that we have. And certainly the concerns that now has generated throughout the community. So it is my testimony to you, my stated facts, that we did our job. And honestly, while accepting these minutes, you ought to look at the record. The record is there. So, with that said, I want to thank you all for being here so that you can go home, tell your friends and family that there was nothing improper about what we did. I stand here clearly supporting all my colleagues in our decisions that we have made through this whole process. And thank you for your support.

CHR. SIRACUSA: Thank you, Bo. Linda, did you want to say something?

MS. UGALDE: I support all the Commissioners that have spoken so far. I want to also say that I don't even know where my Councilperson lives. I thought she lived in HOVE, and I understand she lives in Na'alehu; I'm still not sure, and nor do care. I made it a point when I was appointed to this Commission to not look up anybody's address. I still don't know where Fresh lives. I don't know where any of them live. And I'm going to leave it that way. We did nothing improper. I stand by our map.

CHR. SIRACUSA: Thank you, Linda. Jeff, do you want to say something?

MR. MELROSE: Yes, let me just add a couple of things. In the process of thinking about the island wide, how you draw districts, one of the things I was an advocate for from the beginning was that we use kind of a mauka/makai orientation; that we find a way to move, you know, have council people represent whole systems, as opposed to portions of systems. So, we had several designs that had an urban little pocket in Kailua, or we did a couple times in Hilo. But I consistently tried to get that concept that if we want to represent, let's represent on a terrain, on a geography that is both traditionally recognized in an ahupua'a and a moku system, but also it just seems to me the way we need to be grounded in a mauka/makai environment. So when we got into the Hilo districts and that was important to me, that we went mauka/makai. I think Pat and I saw the kauna of Hilo Paliku, Hilo One, Hilo Hanakahi connection. That was something we agreed to and thought would be a good way to go. So, that mauka/makai connection was really where it was an important thing to me. There are about 30 or 50 ways to draw lines with the number of census tracts that come up through our districts, so there were many, many options. We drew one and drew them a couple of times over a period of time. So, it isn't like we reached out in a far distance. I too, do not know where these two gentlemen live. I tried to make that a habit; I mean I know that well. I think at some point, somebody told me they live near by each other, but I couldn't tell you any more than that. So, when the line was drawn; that wasn't the line that I---We weren't drawing the line for that purpose. So, I don't want to belabor it. I think we have all said what we basically believe, but I stand on the lines, and stand on what we did. Thank you.

CHR. SIRACUSA: Dru, did you want to say anything?

MR. KANUHA: Just again, to echo all the Commissioners that spoke sentiments. It is the exact same thing. The proof is in the pudding; it is in the minutes. If everybody---If they wrote the minutes in the paper, it would have been a whole different story. It says it right here why we changed what we changed; who said it, why we did it; there is a connectivity issue, we put 100 people here, 100 people needed to go someplace else. I stand up for this plan that we made 100%; no doubts about it. I think nodding our heads the same thing. I wanted to say more, but you guys said so much already, yes it's a great plan.

CHR. SIRACUSA: Mike.

MR. MIDDLESWORTH: I agree with everything that has been said. I would point out that in that last meeting, that we had, that was not the only change that was made. We changed the Saddle Road alignment, we changed the Kealakekua Bay alignment, we made a change between 7 and 8; there was a Mauna Lani change. There were a bunch of changes made to straighten out things where it had become clear that the map would have been better if we changed a few things. This was just one of a bunch of things that got changed. Now, theoretically, we could go back today and change some things, if somebody felt that there was a need to. But I think all of us feel that this map that we have done, is a good map, and probably is about as good as anybody could do. We worked very hard at this process for a long time, gone through someone said map 46. We have gone through stacks and stacks of maps; ones we did, ones Margaret Wille did, ones other people did. This was a collaborative effort between us and the community and I don't have anything to feel unhappy about at this point.

MS. POINDEXTER: And I just want to say one thing for those of you who stayed and all; thank you for allowing us to clarify what had happened. And I respect you for staying and even respect you for coming up and speaking your mind. Everybody had their own opinion, and perception. Because your perception becomes your reality and so I thank you for staying and allowing us to clarify our point.

CHR. SIRACUSA: Thank you. It's my turn. I'm not going to repeat what other people said because it's been said already. I want to point out a couple of things. When you go to look at the transcript of that meeting, I will save you a lot of time. You don't have to read anything before page 22; that is where the whole thing starts and you will start seeing why, what our discussion was with 8 ½ Camp, it had to do with there was no road connectivity. Sometimes we looked at something and we thought we had it, and all of a sudden somebody noticed, wait a second, these people, their road doesn't go anywhere. You know, we have to make some changes. In Hilo, there was a little piece like this that came down. It was like a fish hook. And one of the things we are supposed to do was work for compactness. And so we removed the fish hook. Well, oops, that's when things started happening, and we had no idea that by removing that fish hook we would be shifting incumbents around. And it just made a neater line, and that is what one of the criteria we are supposed to go for. We have a whole lot of criteria to balance here folks. Not only do we have the numerical deviations,

which we cannot, we have no leeway to go above 4.99%. That is the drop dead figure. So we have no leeway there. With other things we have some leeway. So if we are looking at a road connectivity, or compactness, or keeping communities together, you know, sometimes we have to make unpopular decisions. We had all; everyone of us in our district, different districts, have to make, not sacrifices necessarily, but we certainly had to compromise. We had to make compromises; every one of us did make some compromises so that the whole thing could go through; so not everybody got 100% of their wish list. Well guess what folks, this is life. You never get everything you ask for. You try to do the best you can, you strive for the best you can, and I think we did that.

When we got those emails---Some were emails and some were faxed. They came in three batches. The first one, I went back and looked at them afterwards, but at first I really didn't pay much attention because they all started out with saying Chair Siracusa, and spelling my name wrong. So right away they lost me, right? And then they went on and asked; the first fax that was 51.30 to 51.44, so 14. The first 14 messages; of those, only one, two, three, four, five, six, seven, only seven of them, half of them, had intelligible signatures. None of them had addresses; none of them had their names written out. Some of them you could tell a little bit, it looked like Juanita P, or somebody like that, but you couldn't really tell who these people were. Those first batches, they were all asking first that Hilo not be changed at all, that all three Hilo districts stay the same. Well, guess what, Hilo didn't grow to the extent that Puna grew. If we kept Hilo with three districts, Puna would not have gotten its two districts; it would have been stuck with only one district, the way we have always been. So the minute I saw that, I said forget this, and as soon as I saw that all the other letters were pretty much saying the same thing, they were form letters, so I pretty much, in my own mind, disregarded them. I didn't pay much attention, if at all, until the rest of what they were saying. Because the basic premise of keeping three districts in Hilo, was untenable.

When I went back later on and started analyzing these emails, I realized they were all saying Wailuku River is the top boundary, and use Komohana or Kapiolani to go across. The next batch of communications, 51.49 to 51.56, so that is seven more, there were only two people whose names were intelligible, and they also misspelled my last name, which is not hard to do. They were asking for the same thing as the first batch. But then we get to the next batch of testimonies, and there were nine, and only three were totally recognizable, although one of them, it was her second letter, and she had also been in the second batch. And this time, they didn't mention about keeping District 4 in Hilo, and I guess someone figured out what their mistake was the first time around, and they started referring to Haihai Street. So, you know, we didn't do what they asked because they were all asking for a north/south orientation, and what we did was a mauka/makai, which is basically and east/west. So we did not do what they were asking us to do. And that was the most important thing. Anything else would have been a question of where you would draw the boundaries of a north/south orientation. But we did not do that. And I think that the maps will show that.

As far as dividing Pāhoa; it could not be avoided. The area between Pāhoa Village Road and the Pāhoa Bypass contains 178 people. The minute we moved that line to the Bypass, as a dividing line between the new Districts 4 and District 5, we would have had to find, we would have been moving those 178 people over to District 5. And in doing so, District 5

would then have had (*inaudible*) people too many, and we would have had to find another place to move them from. So it's sort of like a game of dominos, where you stand all the dominos real close to each other on end and in a circle and then you just flick one and it goes ....all around the island, and they all come tumbling down. And that is the effect it has.

I want to also share with you that one of the problems that we had that really tied our hands a lot was that we are bound to use the census numbers and the census districts. What we all know is that this island has been under counted. I'm sure every one of you out here knows somebody who refused to get counted; refused to fill out the census forms. We have no way of knowing by how much, obviously, we have no way of knowing which districts had how many that were under counted, and certainly not which census blocks were under counted. So right away, before anything, we start out being hampered by the fact that we know that our numbers are not accurate. We have to go and carry on, regardless. Some of these census blocks look like a gerrymander unto themselves, and it is absolutely amazing---There is one near Keauhou that has arms sticking out all over the place. It looks like an octopus. There is another one, also in the Kea'au area, that is one large, more or less oval census block with 12 smaller census blocks embedded inside it. It's almost like a Danish with twelve cherries in the middle. And all of those census blocks inside it have no road connectivity unless you include them with people on the outside.

In lower Puna, off to the west of Opihikau, there is a humongous census block, that has one teeny little census block right in the middle, like the hole in a bagel. This is what we had to deal with, and Kaohe Homestead, I see some people here from Kaohe Homesteads. Kaohe Homesteads is in a huge census block that goes all the way from Kalapana all the way up to Aina Loa. And we should really be separated out as a community and have our own census block. But the U.S. Census Bureau, in its infinite wisdom, did not see fit to do that.

One of the things that this Commission is doing in our Final Report is submitting a list of the census blocks and their identifying numbers and say what is wrong with them and where they are. And we are submitting that as part of our Final Report and we will be asking the administration to petition the U.S. Census Bureau to fix them so that the next time around, the next Commission doesn't have to go through that same very frustrating exercise. And not only the Commission, but the people who took part and tried to make maps. You know, those of you who did that will recognize that problem because you ran into it head on too. And Shyla, who is our Elections Office person who was working the computer here; she saw them all. So with all those things considered, I certainly did not know where the councilpersons lived. I knew, and still do, that Fred Blas lives in Hawaiian Shores. But I have no idea where in Hawaiian Shores he lives. And all along I said I don't want to know where anyone lives, because if I know, then even subliminally, maybe I would be tempted to tweak a line. Not knowing, for all of us, helped to keep us honest.

So, I think all of us have now had our little testimony to you, and I would like to call up Jamae Kawauchi. All of this has been discussion on the Communication from Jamae, so let's just finish this and then we can take a little break. So, Jamae, you had indicated with your Communication, that you wanted us to hold this Special Meeting to clear the air.

MR. MELROSE: Have we done that?

MS. KAWAUCHI: I couldn't tell you one way or the other, it would be up to you to decide for yourselves if you are satisfied with your discussion. The Communication was to do with what you have always done; which is to be above board and to be open and transparent in your discussion, and to address what was discussed in the newspaper article. But it is up to you to be satisfied with your discussion. I have no further comments.

MS. POINDEXTER: I know I am satisfied, so I don't know about---

CHR. SIRACUSA: We all got a chance to rant.

MR. CARVALHO: I'm satisfied, and I want everybody to know I stand by the map we did.

MR. MELROSE: I think everybody has had their chance; can I call the question?

The motion to close file on COMM. 57  
was carried by the following vote:

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

Noes: None.

Absent: None.

CHR. SIRACUSA: The motion carries, now we are going to take a little break.

MR. MELROSE: Before we jump off for the break; I think the next item has to do with the Final Report, and because---

CHR. SIRACUSA: This was all about the Special Meeting. The next item is the Final Plan; Redistricting Commission's Final Plan.

MR. MELROSE: Does that include the Final Report?

CHR. SIRACUSA: No, that is the next item after that.

MR. MELROSE: I just wanted to make the point that since Mike Udovic is here, I just checked with his stand-in that he is not really prepared to have that conversation on the Final Report.

CHR. SIRACUSA: Actually there are some conversations we can have. We are going to recess right now.

RECESS: At 3:15 p.m. the Chair called for a short recess.

RECONVENE: The meeting was reconvened at 3:33 p.m.

### **ORDER OF THE DAY / NEW BUSINESS**

#### **COMM. 58: REDISTRICTING COMMISSION'S FINAL PLAN**

From Commission Chair René Siracusa, dated December 10, 2011, requesting the Commission's review and discussion of Final Redistricting Plan/Map.

Mr. Melrose moved to close file on COMM. 58  
Seconded by Mr. Middlesworth.

CHR. SIRACUSA: Any discussion?

MR. MIDDLESWORTH: Yes.

CHR. SIRACUSA: Go ahead.

MR. MIDDLESWORTH: I would just like to point out that if we want to make a last minute change to the plan without anybody knowing about it, except the press; now is a good time because all of the people have gone home.

*Laughter*

MS. POINDEXTER: Now, that is a joke you know, by the way. We need some humor. We can't go without humor.

CHR. SIRACUSA: Are we ready for a vote then, to close file?

The motion to close file on COMM. 59  
was 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. Let's move on to Communication 59, Discussion Regarding Final Report.

MR. KAHUI: I so move to close file on COMM. 59.

CHR. SIRACUSA: Oh, before I even read it? Just for the record, let me read it anyway.

MR. KAHUI: Okay.

MR. MELROSE: She only has a couple more times to do this.

**COMM. 59: DISCUSSION REGARDING FINAL REPORT**

From Commission Chair René Siracusa, dated December 10, 2011, regarding the preparation and filing of the Commission's Final Report to the County Clerk.

CHR. SIRACUSA: Mike isn't here right now, but as you know, Mike is putting---

MS. POINDEXTER: We need a motion.

CHR. SIRACUSA: Oh, sorry, sorry, sorry.

Mr. Kahui moved to close file on COMM. 59  
Seconded by Ms. Ugalde.

CHR. SIRACUSA: However, Mike is doing the part, writing the part of the Final Report that is the part that is required by law. Karen and Maile have already done the whole chart listing all of the maps that we reviewed and the reasons why they were accepted or declined or tweaked, or whatever; and Mike's part is going through the entire reasoning for every line that we drew and every change that we drew, so that's on the record. That is the basic thing that is required in the Final Report. But, above and beyond that, as you know, you Commissioners have all made comments during the course of this process about things that we would like to see changed in the future, so that God forbid, if we end up on the Commission again in ten year's time, we don't have to deal with some of the same problems.

So, I would like especially, if those of you who haven't done so already, remind you to please write out your comments and your suggestions, especially, you know, talk about things that you felt were rather obstacles to our ability to do our job; and make suggestions as to how they can be resolved so it can be better next time. And, it would really help a lot, I think if you could identify, at least within your own districts, those bizarre census blocks. All you have to do is put your cursor on the "identify" and then click on the census block in question and a box pops down with a very long string of numbers, and that is the identifying number for that census block. So that if your report includes the problematic census block, just state where it is and what the problem is with it, then hopefully, if the administration follows our recommendations, and asks the Census Bureau to go back and fix or reconfigure some of these, the Census Bureau will know which ones to look at and what is wrong with them and why we want them fixed. And we might get a better response from them, because I understand that last time they were asked to fix them but they weren't given details

and so they might have figured it was a little too much work for public employees to do so I think we can make it a little easier for them if we specify exactly---

MS. POINDEXTER: But if I would say in mine for them to look at the entire County of Hawai'i, would that be okay too?

CHR. SIRACUSA: Well, if each one of us does our own district, then when they have all of our reports together, they will have the whole County of Hawai'i.

MR. MIDDLESWORTH: One of the things that I think we need to suggest as a general thing, is that they try to follow roads and various natural boundaries, rather than just drawing lines willy nilly.

CHR. SIRACUSA: Is that in your report? Did you submit your report already?

MR. MIDDLESWORTH: Not yet.

CHR. SIRACUSA: Don't forget to put it in. And if you see something, like Cheryl King submitted some comments, and if you haven't submitted yours, and you agree with some of the comments that she submitted, you might steal them from her and put them in the Final Report.

MR. KAHUI: I think, for Mike, you might need a definition for willy nilly, but for me---

CHR. SIRACUSA: Whatever.

MR. KAHUI: Whatever works. There have been several defining moments as we went through this process that skewed our efforts, particularly the Mauna Lani district and that whole hotel; I would like to see that. Then, of course, our District 7 re-boundary for that--- And I'm okay with that; but again, I think the census block has made it more difficult to guide what would be a fair understanding about how we come up with those boundaries, that make it fair. So, it should have been fair for Mauna Lani to encumber, I think, some of that property which is theirs, and so on, and so we couldn't make everybody happy. And in the end, even when we look at what has happened or transpired through the media, we can't make everybody happy. But we did our duty. With that said, I think those are the only comments I would have for the Final Report. My only question is, will there be a draft for our review before we accept this report?

CHR. SIRACUSA: Yes.

MR. KAHUI: And when is the date for the draft?

CHR. SIRACUSA: Our next meeting--this should come under announcements, but I can say it now and answer your question--is the 22<sup>nd</sup>, and it has already been noticed. And that is where we approve the Final Report.

MR. KAHUI: Okay.

CHR. SIRACUSA: And that is basically, the agenda item. Jamae, did you want to come up? By the way, did you submit your comments to Michael yet?

MR. KAHUI: No.

CHR. SIRACUSA: Please do so. I know you are busy, but please do.

MR. KAHUI: I thought, for the record, I was stating my comments.

CHR. SIRACUSA: No, it has to be a special attachment.

MR. MELROSE: Can I just ask a question, because you asked something, Bo, about do we get to see it in advance, and what is the timing for the draft? Do we have to get this on the agenda? Does that report have to be circulated to us five days ahead of time?

CHR. SIRACUSA: It is already done.

MR. MELROSE: Has it already been circulated to us?

CHR. SIRACUSA: Not to us, but it has already been noticed.

MR. MELROSE: I get that, but what he asked is will we have a chance to review it before we have to come to a---

CHR. SIRACUSA: It will be circulated to us before the 22<sup>nd</sup> so that we can review it and it will be on the agenda for that meeting.

MS. KAWAUCHI: I'm sorry to interrupt; this is, sorry, Jamae Kawauchi, County Clerk. I think that what Commissioner Kahui had asked was what date you can expect it by. Do you want Mr. Kamelamela to let you know; because he is standing in for Mr. Udovic. You may want a date; would you like a date?

MR. KAHUI: Well, it would be helpful so we could try, if we still have time, to prep our statement to this initial draft, if we know what kind of timing I have. I'm guessing that it will come several days before the meeting on the 22<sup>nd</sup>.

MS. POINDEXTER: Our meeting is on the 22<sup>nd</sup>, and that will be addressing what we submitted, so we would be addressing what we submitted. Or, we want to read it before?

MR. KANUHA: When is the deadline for our---I know the deadline for the submissions was yesterday, wasn't it?

CHR. SIRACUSA: Yes, it was.

MR. KANUHA: I know I did mine at 10:00 p.m. last night.

MS. POINDEXTER: I didn't do mine. I've got to do mine.

MR. MIDDLESWORTH: Monday. Nobody works on the weekend, so get it to him on Monday.

MS. KAWAUCHI: Maybe another way to do it, since I don't see Mr. Kamelamela coming up, is to ask for the draft date. So, your meeting is scheduled for December 22<sup>nd</sup>, which is next Thursday; would you like to request that you receive it no later than Monday?

MS. UGALDE: Tuesday.

MS. KAWAUCHI: Tuesday?

MS. UGALDE: Tuesday or Wednesday.

CHR. SIRACUSA: Tuesday or Wednesday; that gives us enough time. We certainly want Mike to be able to do a proper job, and he has got a lot of detail work. Joseph is running up here to say something about that. Joseph Kamelamela, Corporation Counsel Office, sitting in for Mike Udovic.

JOSEPH KAMELAMELA

(At this time, Joseph Kamelamela, Deputy Corporation Counsel, came forward to address members of the Commission.)

MR. KAMELAMELA: I think you guys have passed the deadline, but, anyways, just send it in right away. I mean it's not like we don't work on weekends; we do, surprisingly. And I will talk to Mike later. We actually would prefer to have it as soon as possible because Mike is they type of Deputy that wants to make sure that the Final Report gets out when it's supposed to get out. That way people would have a lot of opportunity to do so. So, if Mike wasn't in the medical condition that he is now, he probably would have done it today. But I will talk to him to try and do it by Monday.

MS. POINDEXTER: And you would get us to be able to review that draft by---

MR. KAMELAMELA: That is our deadline. You guys get it in by today; it's better.

MS. POINDEXTER: Okay.

MS. KAWAUCHI: It sounds like what Mr. Kamelamela is saying is please have all comments in to their office, and to send it to Mike by end of day today. I would say midnight, right, and then Mr. Kamelamela is saying the draft would come from Mike on December 19<sup>th</sup> end of day.

MR. KAMELAMELA: That I have got to check with Mike. But I will talk to him.

MS. POINDEXTER: The main thing is before our meeting. Before our meeting; I'm satisfied with that. Main thing is it's before our meeting.

MS. KAWAUCHI: What would happen is that the draft would then---

CHR. SIRACUSA: We also would like that draft to get posted on the site so that the public can review it as well. We have to be transparent folks, so the sooner---How long does it take you, Karen, once you get a copy, to put it up on the site?

MS. POINDEXTER: Ten minutes. I'm just joking.

KAREN EOFF

(At this time, Karen Eoff, Commission Secretary, came forward to address members of the Commission.)

MS. EOFF: Just to clear up. Mr. Udovic has given us a kind of a rough outline for the narrative, which is several pages. We are going to include the transcripts of all the meetings, a log of what transpired with each Alternate Plan; the front of the Report will have an Index, so you will you know which are the attachments, and the Commissioner's comments are going to come as an attachment. So actually we have most of the components already. I'm just waiting for the rest of the comments and there is just a little bit of fine tuning with the narrative. So I would say by Tuesday we could send it to you for your review and post it as a Communication number. So when we come back on the 22<sup>nd</sup> we can either adopt it, or approve it, or whatever the proper terminology is.

CHR. SIRACUSA: Right, so any changes we make on the 22<sup>nd</sup> then, if they are non-substantive, then we can just pass it right away. However, if they are substantive, we are in trouble right? Then we have to have another meeting. Now, how are we going to define substantive in this case?

MR. MELROSE: Can I just ask a quick question, Karen, before you leave? Did I understand you to say that they were going to attach our comments as an addendum to the report?

MS. EOFF: Yes, we are not going to edit them at all.

MR. MELROSE: That's fine, but I am hoping that he uses them to write the report. In other words, some of the recommendations should be in the report and not just individual comments at the end. So fine, if you want to include them; I don't care. I gave them to you for the purpose of integrating them into recommendations that we make. So it should be the---To the extent that he feels comfortable making a clear recommendation on something in that report; it doesn't just show up at the end, that it is part of the context. Is that your sense that he is going to build the comments using our comments and attach them, or he is just going to attach them?

MS. EOFF: My sense was that he just wanted to attach them; that he was going to address--  
-The narrative part of the report was just going to address the criteria set out in the Code,  
which lists specific items that have to be addressed.

MR. MELROSE: I think that what you are going to find to avoid a repeat, you know  
amendments to his report, is that there are going to be issues that the Commission feels  
collectively strong enough about that need to be in the report, and not attached at the end.

MS. EOFF: I can discuss that with him next week.

MR. MELROSE: That's good, let him know that. But I have a feeling things like; just  
generally the re-make of the census tracts, or I think there was some suggestions that we  
might want to amend the Bill that was attached here. There was a piece of it particularly I  
think that was problematic for us. So, but that shouldn't just run at the end; oh, by the way,  
get to appendix eight and look for our suggestions. It should come as a recommendation  
from all of us.

MS. EOFF: So, you are actually asking that there would be a section in the narrative that  
addresses recommendations.

MR. MIDDLESWORTH: We could adopt those at the next meeting.

MS. KAWAUCHI: Another thing that I wanted to let you know is if, for example, on the  
22<sup>nd</sup>, you decide that there should be further amendments, and those amendments are ones  
which you would give the public notice of; what we would refer to as substantive changes.  
Non substantive changes would be things such as typographical errors; substantive changes  
are ones that are modifying what you have written in your report to such an extent that it  
changes a representation made in your report. Your due date for filing your report and plan  
is December 31, 2011. The last opportunity you would have to have a meeting, should you  
need it, is on December 29, 2011. And you could use that date as a place holder if you need  
to close file on your report, should you make substantive changes on December 22, 2011. I  
know that is cutting it very close to the holidays and to the end of the year, but I did want to  
let you know that you do have an opportunity to have a place holder date. The date of the  
public notice for that meeting would be December 23, 2011. December 23<sup>rd</sup> would be the  
last time that you would have an opportunity to post an agenda and to provide public notice  
of a December 29, 2011 meeting. So when you get to the 22<sup>nd</sup>, you may want to keep that in  
mind, just in case you need to make changes.

CHR. SIRACUSA: It's my understanding that we already had December 29, 2011 set up as  
a "just in case" date. Hopefully we won't need it, but if all of our recommendations are  
already attached, and included in the final, what Mike sends out to all of us, then even if we  
adopt them as recommendations to be in the final plan, it won't be substantive because we  
will just be transferring them from an attachment to the main body. Is that correct?

MS. KAWAUCHI: I can't anticipate what will come up on the 22<sup>nd</sup>.

CHR. SIRACUSA: No, nobody can, but if that should be the case, say, Jeffrey makes a recommendation about amending Ordinance 11-29 and maybe some of the others of us might have made the same recommendation and Mike puts it in the body of the narrative that he is working on, then it is not a substantive change because it is going from one part of the entire document, namely going from an attachment, which is going to be considered a part of the final report to another part, internal to the final report. So, it's not really making a substantive change there, is it?

MS. KAWAUCHI: It depends. It is hard to anticipate. It is better to look at it and make a decision at that time. I couldn't tell you right now. Typographical errors are clearly ones in which you would not have to notice a meeting to close file. The purpose of holding it over to a subsequent meeting is to comply with Sunshine Laws, Chapter 92 of the Hawai'i Revised Statutes which requires that all items that are taken up as board business be noticed to the public. You have got an additional problem right now, which is your draft plan, which should have been circulated much sooner, is not going to be. So, I would just caution the Commission in going forward, not to assume too early what might be substantive or typographical. You just want to leave that for the 22<sup>nd</sup>.

CHR. SIRACUSA: I do want to then remind the Commissioners about the urgency of their getting their comments in to Mike. Because the sooner you get the comments in to Mike, the sooner he can do any incorporation that he is going to do. It would be very nice to avoid having a meeting on the 29<sup>th</sup>. Don't we all agree on that?

MR. MELROSE: I need to excuse myself, I will defer my vote on adjournment to Val, who will carry my vote. Again, thank you. Good to see all of you guys.

MR. KAHAWAIOLA'A: Madam Chair, I don't want Mike waiting for my input into the draft. I think I have articulated that in several minutes, those that you have brought up were my sentiments also. So whatever you have turned in---

CHR. SIRACUSA: Then they are already in there, okay. Except, I didn't do the census blocks in your area.

MR. KANUHA: Did you do my Kealakekua census blocks?

MR. MIDDLESWORTH: Can we---What I wonder is if we can, as a body, now direct our counsel to include in the report a section that says "The Commission Recommends?" And then we can fill that out at the next meeting. It may require us to have another meeting, but it is important enough that there ought to be a section that says, the Commission as a body recommends these things.

MR. KAMELAMELA: And actually, you really don't need a vote, because I'm just going to talk to Mike about it, to include it.

CHR. SIRACUSA: Okay, if there is nothing else.

MS. KAWAUCHI: Just one last thing, just so Corporation Counsel is clear. All comments will be due by twelve midnight tonight, anything not received will not make it into their draft, which they are planning on completing and transmitting to the Commission Secretary by December 19, 2011. So, that takes care of Commissioner Kahawaiola'a's representation on his comment.

CHR. SIRACUSA: Okay.

The motion to close file on COMM. 59 was 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.

## **ANNOUNCEMENTS**

## **ADJOURNMENT**

CHR. SIRACUSA: Now, the motion to adjourn.

There being no further business, at 3:55 p.m., Ms. Ugalde moved to adjourn the meeting. Seconded by Mr Kahui and carried by the following vote:

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

Noes: None.

Absent: Commissioner Melrose.

CHR. SIRACUSA: Motion carries; that's it folks.

Respectfully Submitted,

Karen Eoff, Secretary

Approved on, December 22, 2011:

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