

**2011  
HAWAI‘I COUNTY  
REDISTRICTING COMMISSION**

14<sup>th</sup> Session

Thursday, December 22, 2011

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

**CALL TO ORDER:**

CHR. SIRACUSA: I will call the meeting to order. This is the 14<sup>th</sup> Session of the Hawai‘i County Redistricting Commission. Today is Thursday, December 22, 2011. I will now call the roll.

**ATTENDANCE:**

Present:

- Mr. Joseph Carvalho, Commissioner
- Mr. Patrick Kahawaiola'a, Commissioner
- Mr. Craig "Bo" Kahui, Commissioner (*Kona*)
- 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  
Shyla Ayau, Elections Staff  
Nora Avenue, Committees Section Staff  
Maile David, Legislative Specialist  
Manu Hanano, Council Aide in Waimea  
Barbara Lively, Legislative Assistant, Pahoa  
Leslie "Lali" Robinson, Deputy Executive Assistant in Kona  
Karen Eoff, Secretary

CHR. SIRACUSA: We have no guests to introduce, and there are no members of the public here in Hilo. Barbara, do you have any members of the public to testify?

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

MS. LIVELY: Yes, good morning; thank you, Madam Chair, we do have two members of the public here this morning. First will be Joyce Folena, representing herself.

CHR. SIRACUSA: Okay, let's start with Joyce.

JOYCE FOLENA

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

MS. FOLENA: Good morning, Madam Chairman, and members of the Redistricting Commission and the public watching these proceedings. I thank you for giving us what we are legally due, which is two Puna districts within the Puna geographical boundaries. My comment is that the attempt for District 3 to come into Puna and call it a second Puna district, which was a map way back there; not too far back.

CHR. SIRACUSA: Excuse me, Joyce; statements can only be items on the agenda. And on the agenda is the Final Report.

MS. FOLENA: This is in the Final Report. The present map that is in existence negated that attempt for District 3 to come into Puna District by giving us two Puna districts within our Puna geographical boundaries. The present map is going to be passed; I doubt if anyone is going to have enough money or time or the energy for any lawsuits against us, because we are pretty small potatoes in the national scale. But I will go on record again as saying I believe that District 3 coming into and taking Kea'au Village and putting it into District 3 with what I call, and definitely is a bizarre shape, is gerrymandering, for the purpose of political and economic gain. That said, I will also say that the meanderings around District 2 and District 3, considering Mr. Onishi and Mr. Yoshimoto, and putting them into separate voting districts, is a tarnish against this Commission. The rest of what happened---

CHR. SIRACUSA: Excuse me, Joyce, you are testifying about maps, and the map has been passed. That is not what is on the agenda today. Please limit your testimony to the Final Report. Do we have any other testifiers?

MS. LIVELY: Yes, Madam Chair, the next testifier is Gregory Smith.

CHR. SIRACUSA: Please limit your testimony to the Final Report. That is the only agenda item. Thank you.

GREGORY SMITH

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

MR. SMITH: All right. From what I have seen of the Final Report, it is very good. The only---All I can say is, thank you for your great work. Overall it is very good, with the exception of the Kea'au commercial center. I think the map is excellent, and it is kind of, to me, a stretch to include Kea'au in to District 3. But, this whole process, in my opinion, I thank you all for; particularly to the representative from Volcano, because that was just gracious beyond expectations. And you know, you guys have done a great job overall. Again, thank you much, and prayerfully don't take anything personally, this is an onerous process at best. You have done well and mahalo; and I hope it is better the next time.

CHR. SIRACUSA: Thank you. We hope it is better next time too, and with that view, we are all adding some recommendations to the Final Report. Do we have anyone in Kona or Waimea?

MR. KAHUI: For Kona, we have no testifiers.

CHR. SIRACUSA: Thank you, Bo. How about Waimea?

MS. HANANO: We have no testifiers from Waimea.

MR. CARVALHO: Is that Pete in the back?

CHR. SIRACUSA: Probably; yep; it is.

### **APPROVAL OF MINUTES**

CHR. SIRACUSA: So, we now have Approval of Minutes of December 16, 2011

Mr. Kanuha moved to approve the minutes of the December 16 2011 Hawai'i County Redistricting Commission meeting. Seconded by Mr. Kahui, and 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: We have none.

## ORDER OF THE DAY / NEW BUSINESS

### **COMM. 60: DISCUSSION REGARDING FINAL REPORT**

From Commission Chair René Siracusa, dated December 15, 2011; regarding the preparation and filing of the Commission's Final Report to the County Clerk.

Ms. Ugalde moved to close file on  
COMM. 60 Seconded by Mr. Carvalho.

CHR. SIRACUSA: Discussion? Who wants to start?

MR. MIDDLESWORTH: I don't have much to say about the report itself, but I must say that Mike did a one hell of a good job of putting it together.

CHR. SIRACUSA: He had a lot of help from staff, so we have to thank them as well, for everything, all along the line.

MR. MELROSE: It's almost as if everybody, whatever work anybody did, always comes back to Karen at some point. I have just a couple of questions about it. I understand that the legal descriptions, which were one of the fundamental pieces of this, were provided by Esri, and approved as to the Clerk, so that that meets their requirement. So, if that is appropriate, without having to go myself and look at the descriptions, I am going to trust that. I'm wondering whether the Commission wants to try and make a more clear statement as a Commission about things that we would like to see changed. As it is now, the only place that shows up is in our personal comments attached at the end. So they reflect kind of a series of individual thoughts. So I am wondering if we want to have a specific set of recommendations that we, as a Commission come up with, understanding that when we do that, we will probably need to have a mechanism to approve it; to put that amended piece on the agenda in another meeting; whether we do that from remotely, or we sign off in some form.

CHR. SIRACUSA: For the record, I believe Karen is showing---

MR. MELROSE: Rather than whisper in my ear, let me just get my question out and then maybe Karen can help answer this with Mike. My understanding is that if we do try and amend this document in some way to emphasize the specific recommendations, that that may require us to come back. And I'm not sure, so I would be interested in some conversation on that topic.

MR. UDOVIC: I don't know if that is entirely true, depending upon---This is a draft of the report, so if you have specific recommendations, aside from the memorandum that was prepared; because we tried to distill the specific recommendations from the Commissioners; of all the Commissioners that actually did submit recommendations in this Communication 60.3. So that is what we tried to do, and we wanted to make sure that we didn't editorialize or diminish the contribution from any of the Commissioners; so we left those pretty much, or exactly the way they were proposed; because I didn't want to be the one who was changing someone's statement. But the four specific statements on Communication 60.3, pretty much reflected the ones that each one of the Commissioners who provided information had done so.

MR. MELROSE: Just to follow up; I didn't have a chance to see COMM. 60.3 so thank you. It looks like you did that, and we can actually amend that Communication as part of this action. The one point that I didn't see, and I think it would be good for the Commission to talk about, is the recommendation that there be some leeway on the individual district variation, of a point or two, as long as it didn't exceed the 10% in total. I think there may be some value in that, but I'd like to hear other people's thoughts on it. That, I think the Chair and a couple of others may have suggested as an option; and it's not in this Communication as I see, or am I not getting it right? I'm done; are there any other thoughts on that?

CHR. SIRACUSA: Hold on; I'm looking at that number 4, which might be it. No, it's not. That is about the Alternate Plan with the better deviations; which might be worse otherwise. I was thinking also, that we would like to make a recommendation along those lines too. Because I think, if we had had some leeway, some discretion, with written justification, of course, to add a percentage point, as long as the whole thing didn't exceed 10%, I think we could have made a lot more people happier all around the island. It seems like we've been given a lot of discretion on almost all of the other criteria, except of course, having to use the census figures. But, other than that---So why can't we have a little discretionary leeway there also? That is my personal feeling, and so if all of us have the same feeling about that, we definitely might want to put it in.

MR. UDOVIC: These are comments that you are making, not comments with the law. Pretty much the status of the law is that 10% is the deviation; it is the model, so I am really kind of reluctant to suggest that you change that at all.

MR. MIDDLESWORTH: No, that wasn't his point. His point was that we stick with 10%, but you might go to 7% and 3%, as opposed to 4.99% being the limit on any one district. Is that in the Ordinance?

MR. UDOVIC: The Ordinance is 4.99%; any district cannot be more than 4.99%.

MR. MIDDLESWORTH: Because a lot of the controversy that ensued--well, not controversy, necessarily, but what went on with Volcano, and what went on with Kea'au, and with some of these other things--might have been avoided had we been able to go to say, 7 ½ % and 2 ½ %. That would have meant some others be smaller and so on.

MR. UDOVIC: My recommendation then, is if that is something you want to include then draft something here. I think Karen is prepared to make any addition to COMM. 60.3, which is there. I think we can include that in the Final Report.

CHR. SIRACUSA: Actually, it is in my personal communication, and I think it might be in some of the others; in which case we wouldn't have to go for a Special Meeting because it is already on the record.

MR. UDOVIC: No, we would just need to draft specific language.

CHR. SIRACUSA: So, if we all agree on that, then we could put that in with the recommendations of the entire Commission. So, I would like to know how the Commissioners feel about that.

MR. MIDDLESWORTH: My only concern about it would be the issue of fairness in terms of representation. We get into that---That was part of this whole thing.

MR. UDOVIC: Be that as it may; the present Council tried their best to make sure that "one person, one vote" was the criteria, and that is the formula that they used. And we abided by that; the Commission abided by that. If you have a recommendation, you can make your recommendation. They may not agree with you, but you know, you can make the recommendation I think. Karen is here to answer, I think.

CHR. SIRACUSA: And I would also, then, want you to discuss with us how do we go about getting the attention of the Council on the recommendations that we want to make to them. But, let's finish with this first, okay?

MS. EOFF: That is basically what I was going to say. The recommendations that we put in Communication 60.3 were very general. You folks had a little bit more specific comments in your individual recommendations that are in the attached exhibit. So, it is all there. I think, like Mike said, we could amend the recommendations and put them into the report, but to get the actual outcome, you would need to approach an individual councilperson and ask them to amend the Code. At this point, that is the only way to get a change. Just putting it into the recommendations isn't going to accomplish that either. The actual, most proactive thing to do is to ask your individual councilmember to introduce legislation to amend the Code.

MR. MIDDLESWORTH: If we all agree on something, we could, all of us, each individually, communicate to our councilperson, our feelings about an issue and suggest that one, or more of them introduce legislation so that we can then have a discussion at the council level.

MR. UDOVIC: That is certainly your privilege as a citizen of this great State and County, and Country.

CHR. SIRACUSA: One of the things that we did hear consistently on our travels throughout the island was basically the mantra, “people, not numbers.” People were more concerned about not splitting communities, than they were about sticking within the actual numerical deviations. So, I think we should pay attention to that. And there is good reason for it, and a lot of it is historically based.

MR. UDOVIC: Either we can do it together; make a recommendation that we put as number five, or if you want to take a break, I’ll attempt to draft something up. It is up to you however you want to do that.

MR. MELROSE: Can I ask a question?

CHR. SIRACUSA: Yes.

MR. MELROSE: I’m assuming that our Final Report has a distribution; a specific distribution. One is to the Chair of the County Council. So there is a formal process for our Final Report to be submitted to the County Council. Not for their review, or whatever, but there is a transmittal that should place this as a formal statement or a summary of our efforts, which they had to approve, so I assume they are interested in what we did. And we can carry in that a stronger statement than I think we have in this particular COMM. 60.3. So my suggestion is that we use COMM. 60.3 format and we make two recommendations. One is similar to number 4, except more clear. In other words, specifically recommend that the Council consider amending that Bill to extract that issue of an Alternate Plan being able to be accepted based on numbers alone; and two; that we ask the Council to amend the provision about the maximum deviation per council district.

CHR. SIRACUSA: Per council district, not overall.

MR. MELROSE: Right, got it; per district, to not exceed, you could say, 5.99%. I really am not interested in 7% or 8%, because we are losing the one person, one vote thing.

CHR. SIRACUSA: One percentage point would have helped us a lot.

MR. MELROSE: It would have done that, so I think that just that we allow for a maximum deviation of 5.99% with no more than---And then leave the 10% there; with no more than 10%

MR. UDOVIC: A total deviation of no more than 10%.

MR. MELROSE: That is not an easy thing, because it means that you have got to then come back and reduce the deviation on some other one, so it is going to create its own complications, but it gives just a little bit more breathing room, and I think that is useful.

MR. MIDDLESWORTH: I agree, I think that 5.99% would be a good number.

CHR. SIRACUSA: Do we want to have a motion to that respect and ask Mike to go and draft up a point five for us?

Mr. Middlesworth moved to amend COMM. 60.3 by adding an additional recommendation to make 5.99% the maximum deviation allowed in any one Council district. Seconded by Ms. Ugalde and carried by the following vote:

Ayes: Commissioners Carvalho, Kahawaiolaa, Kahui, Kanuha, Melrose, Middlesworth, Poindexter, Ugalde, and Chair Siracusa.  
Noes: None.  
Absent: None.

MR. UDOVIC: I would like to have Mr. Melrose; maybe you can assist me in doing that if that is all right with you.

CHR. SIRACUSA: Do we need to take a little break?

MR. UDOVIC: Are there any others?

MR. MIDDLESWORTH: One other; I'm not sure this has anything to do with the legal part of it, but when we went through the hearing process, we sat and listened to a lot of people in our districts talk about the plans, and we were not able to respond to them. I would, somewhere in here, suggest that the Commissioners have some kind of a mechanism for community discussions, as opposed to hearings. In other words, maybe a Commissioner in that Commissioner's district to be able to discuss with people so that they could respond to people's concerns and explain the process. Because so many of these people did not understand the process when they came to testify, and if we could do community meetings, that might make some of this stuff a lot more pleasant to people.

MR. UDOVIC: I don't think there was any restriction on having a community meeting; we just couldn't have it with board business.

MR. MIDDLESWORTH: But we never thought of it.

CHR. SIRACUSA: There was a lot of mis-information out there, and some of it was just because people just didn't want to read everything that we put out on the table. Maybe it was intimidating in its quantity. But, also there were just a lot of people who were deliberately spreading information. It would have been nice if we could have been able at least to clarify points of fact; sort of an educational process. When someone said something about, I would really like you to go up to 9.00% so that we could have this or that and then we would have to say, "By the way, we are governed by the County Charter and the Ordinance says," bla, bla, bla, and explain why we couldn't do what they were asking us to

do, which would be an educational component, rather than engaging in arguments or getting into discussion back and forth; just to correct misconceptions of fact.

MS. POINDEXTER: I think that would be really difficult because then the other challenge is having the media involved also. You are still coming up against a brick wall because they are going to have their own perception and put it out there.

CHR. SIRACUSA: They do anyway.

MS. POINDEXTER: Yeah, so what I am saying is that it's just going to be out there anyway, and we can't deal with all of that. But, I think what Mike said earlier, and you confirmed, is that we can go out to our community meetings to help clarify what our role is as---

MR. UDOVIC: I don't think there is anything stopping you from doing that.

MS. POINDEXTER: So I think that the Commission, knowing that when you come in for Commission orientation, that what can we do to make the process go smoother. The papers are going to write what they want, so it's going to be our duty to get out to our community to say what is really happening and if there is some negative things coming out in the paper and trying to persuade somebody's perception to believe that. I think it is our duty as Commissioners to get out into our community, and our community meetings to let them know, I mean---

CHR. SIRACUSA: It's not only in the newspaper; it's on blogs too.

MS. POINDEXTER: Yeah, it's on blogs.

MR. UDOVIC: Excuse me. By and large, in all honesty, until we had this last little bit of things, everybody complimented you on the wonderful job you did; so I don't know if their perception was that anything was wrong anywhere. They were really confused. My sense of this was that they were really pleased with the work that Commission did.

MS. POINDEXTER: And there were just a few who wanted to stir up something for their own benefit. So, we had to deal with that, unfortunately.

MR. MELROSE: Let me get back to the point. We have a motion about the Bill or about Mike's recommendations. I am on Mike's comment, which is trying to put an additional thought into the motion, so that is where I am coming from.

CHR. SIRACUSA: Okay. Mike Udovic, the constraint--and I think you were the one to bring it to us and remind us of it--was about, I'm not sure it was the lack of our ability to have a conversation or to intervene, or the lack of advisability that we enter into that process. Is there a legal basis for that constraint on our interaction with people at the mic, or is it a matter of kind of practical history that says that when you do this you go long, you could end up off track, etc.?

MR. UDOVIC: I don't know, I mean, quite frankly, when we even talked about having the Commissioners respond at Public Hearings for points of clarification and that kind of thing, even some of the other Council members talked to me and said they wish that they had that ability in their meetings. I think you have to set up your own rules. But, you know, you run the danger of alienating people if you get into dialogues and arguments with them. And that is the danger, I think.

MR. MELROSE: So that is a decorum that is a Chair's kind of role in doing that. So the constraint on us doing it; is it in our Rules and Procedures that says specifically you can't.

MR. UDOVIC: No, I don't think, it's not in there.

MR. MELROSE: So if it is not in the Rules and Procedures, and if it not---It is really a matter of practice.

MR. UDOVIC: Right.

MR. MELROSE: And it is a matter of the decorum managed by the Chair. Then it is probably not an action item, although it is a good recommendation or thought for a future Commission. But it is not necessarily something we can physically change.

MR. UDOVIC: Right.

MR. MELROSE: Does that meet your thought, Mike?

CHR. SIRACUSA: And you know, when we talk about asking if we can ask people questions for clarification, it seems to me that the Commission should also be able to do a little clarifying without getting confrontational or entering into dialogue; just to correct misconceptions of fact.

MR. CARVALHO: If I can add and get back to what Mike was talking about in our interaction with the public. Truthfully, we--like Val had mentioned--should be out in our communities and talking to people; however, this was a learning process too, especially for me. It was a learning process; it took me about two to three months before I finally had some grasp on what we were supposed to be doing. So, after that point, or when you are already doing this kind of stuff, it behooves the Commissioners to go out into the community and try their best to explain what is going on and how things work.

CHR. SIRACUSA: Totally, I totally agree with you. Of course, one of the things that made that almost impossible was the time constraint. If you go have nine public hearings and two meetings in one month, that really doesn't give you much time to go out and interface with your community at meetings. So we get back to one of the other recommendations. But I think we should take these recommendations one at a time. Or, do you think we should sort of lump them all together under this one motion?

MR. KANUHA: I just wanted to---I'm trying to figure out what our motion was in the beginning, because I think I had a comment about it, but I don't really know if it was on the original motion or not.

MR. UDOVIC: We look at the four recommendations on COMM.60.3; we have a fifth recommendation regarding the deviations, right? And a sixth recommendation is that the Council--I would phrase it this way, if I possibly can--that the Commission members be encouraged to discuss the Redistricting Plan among their constituents outside of a board hearing; which might just kind of---

MR. MELROSE: Isn't that part of our job already? I don't see a value in that.

MR. UDOVIC: That's what I think the discussion is now.

MR. KANUHA: Yeah, I think it turned to that from the original discussion about the deviation, which I kind of had a question about. I understand the reason to think of raising it to a higher deviation which would have considerably helped in our case, for this redistricting. But we try and imagine our community ten years from now, and the 5.99% might not help at all. It might do the same exact thing we are doing; it might split---For recommendations of this past redistricting, I agree, yes, the deviations should have been higher. It should have been a little bit higher than 4.99%. The total deviation wasn't totally what the communities wanted.

CHR. SIRACUSA: We could have done a better plan, if we would have had that leeway.

MR. KANUHA: Absolutely.

MR. UDOVIC: I don't know, I think your plan is pretty decent.

MR. KANUHA: I do agree; we have a great plan.

MR. UDOVIC: I don't think you should castigate yourselves, quite frankly.

CHR. SIRACUSA: We wouldn't have had to make as many compromises as we did.

MS. POINDEXTER: However, I think it was a great opportunity for the public to see and learn about compromises and what we had to go through in compromising and like a lot of the public has testified, I hope the County Council has learned from this and work as a team and know that there is compromises that needs to take place and everybody can agree to disagree at some point. But we work as a team, and we had to compromise. And that was a good learning experience, I think, for everybody.

CHR. SIRACUSA: I have a question. We have this motion on the floor about adding possibly two more points---

MR. UDOVIC: It was a motion to amend, I think, COMM. 60.3

CHR. SIRACUSA: Yes, right, by adding two more points. And there was another point that I was considering throwing into the pot as well. So I was wondering if we should just do one at a time to make it less confusing. It had to do with actually amending point number two which talks about the redistricting software be made available as soon as possible to allow Commissioners more time to become familiar with the program. In that regard the County might consider purchasing its own redistricting software tailored specifically to Hawai'i County. I was thinking about throwing in another possible way of dealing with that and that is any of us individually or as a unit contacting the Lieutenant Governor and the State Office of Elections asking them, telling them how it really tied our hands and put a significant amount of strain on Commissioners and staff because we didn't have much time; and asking them to do what they could to expedite, to begin way ahead of time in their negotiations with the software company, whoever it may be at that time; and to expedite the process.

MR. UDOVIC: I don't disagree that that's probably not a wise idea, but I don't know if its--I'm sorry, I'm imposing my views now.

MR. MIDDLESWORTH: Based on my experience with software, which is part of the way I made my living. Ten years from now the software and the hardware are going to be incredibly different; nothing is going to be on your own computer; it's all going to be on a cloud someplace, and all this sort of thing. The software will be much better. The issue is the one of acquisition and availability. And I think we pressed that point. I think where we made a mistake early on, was in our decision not to pay Royce Jones for the support, and to get the training we should have had. It took me several months to figure out how to put the census block information on the maps. It took a while to be able to really be able to understand that software, and if we had had a couple of really good sessions with Royce, explaining all that software stuff, we would have been a whole lot better off even under the time constraints that we had. The training stuff ought to be stressed strongly.

MR. UDOVIC: Are you making a suggestion that we make an additional comment that---Or is this just general discussion?

MR. MIDDLESWORTH: It's just general discussion; if anybody pays any attention to what we have done.

CHR. SIRACUSA: It could be added to number two.

MR. MIDDLESWORTH: Yeah. The training is important.

MR. UDOVIC: We need a motion to do that, because I need to know we are doing.

MR. KAHUI: Madam Chair, this is Kona; Bo from Kona.

CHR. SIRACUSA: Go ahead, Bo.

MR. KAHUI: I would like to make a comment. You know, we have a motion on the floor. I would like to get to the point of order. I think that we wanted to---We are in discussion, or we were in discussion on item number four with respect to the deviation. Quite frankly, all of these new amendments to the four recommendations is clouding a lot of my understanding about what we should immediately. I think maybe what we do is, obviously, there are more recommendations that this Commission wants to consider, and maybe taking a ten minute recess to outline that, get back here to attend to the point of order to the motion regarding the deviation and that amendment, and deal with that; because quite frankly, we are jumping all over the place, and it is really getting me confused. Thank you

CHR. SIRACUSA: Thank you, Bo. And I agree, we are jumping all over the place. So, let's get back to the basic motion. And could someone read that for us again; just to remind us where we went off on tangent? Karen is coming forward.

MS. EOFF: My understanding was that the original motion was to discuss COMM. 60, which transmits the Final Report. And then we started to address COMM. 60.3, and there was a motion to amend the four recommendations that COMM. 60.3 contained with additional recommendations. I think we have language for one of the additional recommendations, and that is to increase the deviation for each individual district to 5.99% without changing the total deviation of the plan from staying at 10%.

CHR. SIRACUSA: It was that the Commission---Not that it would be a standard 5.99%, as I understand it, but that the Commission would have the leeway to, you know, if they could justify it, of course, to go an extra 1% point.

MS. EOFF: The Code, right now, is clear that you don't exceed 4.99% for any one district.

CHR. SIRACUSA: Right. So it would be a recommendation that that Code be changed. Is that the way everyone else here understood it?

MS. EOFF: That was the one clear amendment to COMM. 60.3; would be to add that as the number.

MR. UDOVIC: No greater than 5.99% for the total deviation of no greater than 10%.

MR. MELROSE: And the wording that I was trying to get into number four, was that the Council recommends that the Council consider.

MS. EOFF: The Commission recommends that the Council---

MR. MELROSE: The Commission recommends that the County Council consider revising the Ordinance ta-da---

MS. EOFF: It is now in the County Code, so we would cite the Code, Chapter 36.

MR. MELROSE: The other one was that specific piece of the Code that allows an Alternative Plan that is less flexible; I mean less deviant; has a deviation less than---

MS. EOFF: Is the language for that already contained in COMM. 60.3?

MR. MELROSE: What it doesn't say is that the Commission is recommending to the County Council that they consider doing such.

MS. EOFF: Okay. Then maybe number four could have a couple of bullet points under number four and those would be that the Commission recommends that the County Council consider addressing Chapter 36 of the County Code to make these recommended changes.

MR. MELROSE: Right, and just identify the place in the Code.

MS. EOFF: Then maybe we won't have any more than four recommendations, but number four would be more detailed to include the motion that we are discussing.

MR. MELROSE: Right; so if you want to take a quick break, as I think that is what Commissioner Bo was suggesting, that we could write that up. And I think if there is some interest in addressing number two in kind of changing the words to place a little bit more specific to it, or more thought to it, then let's bring that back as soon as we do this and do this all one time.

CHR. SIRACUSA: With that in mind, we are not going to take the vote on this motion at this point, we are going to take a little break to allow Corporation Counsel to draw up some language and then we will return and finish that part and then work on any other recommendations one at a time.

MS. EOFF: We can take a minute to type that out for you.

RECESS: At 11:00 a.m. the Chair called for a short recess.

RECONVENE: The meeting was reconvened at 11:15 a.m.

CHR. SIRACUSA: We have the wording of the change and then, I don't know, we may have to do that motion over again based on that wording. But, this is to replace number four in the Commission recommendations for Final Report. So number four, "The 2011 Redistricting Commission found that overwhelming public input supported keeping 'communities of interest' together which proved to be far more important than the lowest numerical deviation. Accordingly, the Commission recommends that the Hawai'i County Council consider amending Chapter 36, Hawai'i County Code (2005 Edition, as amended), as follows:

- Delete Section 36-9(2), Alternate Plan Requirements, in its entirety as it places too much emphasis on the numerical deviations without consideration for other equally important criteria.
- The Maximum Council District Deviation provided for in Section 36-6(a) be increased to 5.99% without changing the total deviation for the entire plan, to allow the Commission flexibility to accommodate perceived community boundaries.”

So, is this the motion that everybody wanted Mike to draft the wording for? In that case, let's---I need a motion to accept this amended version of number four.

Mr. Middlesworth moved to use the agreed upon language stated above to amend COMM. 60.3  
 Seconded by Ms. Ugalde and carried by the following vote:

Ayes: Commissioners Carvalho, Kahawaiolaa, Kahui, Kanuha, Melrose, Middlesworth, Poindexter, Ugalde, and Chair Siracusa.  
 Noes: None.  
 Absent: None.

CHR. SIRACUSA: Motion carries. Okay. Does anyone want to make any other amendments to the Commission's recommendations? No; very good. Does anybody want to make any comments about anything else in the Final Plan?

MR. KANUHA: Yes.

MR. UDOVIC: I think you may have to have a motion to have this---the provisions in this memorandum numbered one through four, as amended, included in the Final Plan. This now is a memorandum to the Commissioners and if you make a motion to have it included in the Final Plan we can do that.

Mr. Kahui moved to include the contents of COMM. 60.3, as amended, to Section (11) of the Final Report. Seconded by Mr. Kanuha and carried by the following vote:

Ayes: Commissioners Carvalho, Kahawaiolaa, Kahui, Kanuha, Melrose, Middlesworth, Poindexter, Ugalde, and Chair Siracusa.  
 Noes: None.  
 Absent: None.

CHR. SIRACUSA: This memorandum, Commission recommendations for Final Report, and these are recommendations by the entire Commission; it will now be included as what? An extra exhibit?

MR. UDOVIC: No. It's going to be a portion of the Final Report.

CHR. SIRACUSA: Very good. Thank you. Okay. Yeah, number (11), Redistricting Commission Recommendations. It will be slipped in there. Very good.

MR. KANUHA: I have a question about the financials. Was that put in the report? How much we spent and how much we didn't spend?

MR. UDOVIC: No, that wasn't put in the report because that wasn't part of the requirements of the Code and also we don't have all the bills in yet so it's kinda hard for us to do that so, actually René---We had a series of emails yesterday about that. We have, you each have submitted mileage reports and things now. I think at some point in time we can ask the Clerk to make an accounting and have them attach it as an attachment but I don't think it is to be a part of the Final Report.

MR. KANUHA: That's fine. I just wanted to know.

CHR. SIRACUSA: I think it would be helpful for the future Council when they're trying to figure out you know how much to appropriate. Even though we know everything's going to change in ten years time, but they would have at least a ballpark figure about say percentages. What percentage of the budget goes towards maps and what goes towards staff overtime and that sort of thing?

MR. UDOVIC: That's a good idea, but I mean quite frankly we were a very frugal Commission anyway, compared to some, so that may not be entirely you know, accurate. But I think that the expenditures would be necessary to show what the expenditures were for as well as the amounts. So I think I would just make a recommendation that when the final accounting is done that it be attached as an exhibit or filed with the report.

MR. KANUHA: We don't need a motion for that, do we?

MR. UDOVIC: It wouldn't be part of the report; it just would be filed with the report. So make a recommendation to the Clerk's Office that they file it with the report.

MR. MIDDLESWORTH: You could put in there that we bought our own lunches.

MR. MELROSE: Do we have anything else on Communication 60? Can I just call the question then? We just need to call the question on that please.

CHR. SIRACUSA: Sorry. The question is called then. We have completed our work and therefore is that a motion to? No. Now we need to vote on closing that communication.

MR. KAHUI: So moved.

MR. MELROSE: Already moved Bo.

The motion to close file on COMM. 60.3  
and all related Communications 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: Next we need a motion to adjourn?

MS. UGALDE: I so move.

CHR. SIRACUSA: Hold on, hold on. We need a motion to approve the Final Report and transfer it, as amended, to the County Clerk; and I do believe we need a roll call vote? It would be wise, so let's be wise. Okay.

Mr. Kahui moved to approve the Final Report  
as amended to file with the County Clerk.  
Seconded by Ms. Ugalde and carried by the  
following vote:

Ayes: Commissioners Carvalho, Kahawaiolaa,  
Kahui, Kanuha, Melrose, Middlesworth,  
Poindexter, Ugalde, and Chair Siracusa.  
Noes: None.  
Absent: None.

CHR. SIRACUSA: All present and accounted for. One more thing from Mr. Udovic here.

## ANNOUNCEMENTS

MR. UDOVIC: We want to get the signatures of the Commissioners on the approval of the Final Report so I think Karen may have a signature page for everyone to sign. I think she'll bring it over to Kona.

MR. KAHUI: Understood that.

MR. UDOVIC: If we get that done, then we can file the Final Report.

CHR. SIRACUSA: Don't leave yet Bo. Hold on. I have one announcement before we do the---Linda wants to take a picture of everybody. We're going to include Bo. Bo, Nora is going to blow you up on the screen to larger than life size and we're going to stand

underneath the screen and Linda will take the picture so you can be included. So don't go away.

MR. KANUHA: I have an announcement too. Just want to thank everybody involved in this whole process and a big round of applause to our Chairperson Ms. René Siracusa. Thank you for being a great leader on this Commission.

MS. POINDEXTER: I just want to say you just held it to transparency and I really appreciate that because I think the public appreciated that, so thank you for being our Chairwoman.

CHR. SIRACUSA: Thank you. I think we're all committed to transparency and I want to thank my fellow Commissioners and all the staff that went really above board, above and beyond the call of duty many, many times over. We can now have a motion to adjourn.

MR. KAHUI: From Kona, e kala mai. You know I haven't been at those meetings there with you all but know that we in Kona appreciate the work of all of what you've done to make this process, to get this far, so we thank all of you and we wish you all a Mele Kalikimaka.

CHR. SIRACUSA: And to you Bo and to everybody else out there, and Happy New Year too.

MR. UDOVIC: One more thing. You know the statute, Chapter 36, requires that the report be transmitted to the County Clerk. Did you want also a copy transmitted to the Chairman of the County Council?

CHR. SIRACUSA: Yes.

MR. UDOVIC: And how about the Mayor?

CHR. SIRACUSA: Yes.

MR. UDOVIC: Okay.

MR. MIDDLESWORTH: Why not all of the Council?

MR. UDOVIC: I'm just asking. I'm not---It's your Commission.

CHR. SIRACUSA: Do you think that we should submit it also to State Elections? Because some of our recommendations, you know.

MR. UDOVIC: No. I think that should stay here.

CHR. SIRACUSA: Okay. All right. Never mind.

MR. MIDDLESWORTH: Let's do the entire Council and the Clerk and the Mayor.

CHR. SIRACUSA: Okay.

MR. UDOVIC: Just make sure that you instruct Karen to do that.

## **ADJOURNMENT**

CHR. SIRACUSA: Do we have a motion to adjourn?

There being no further business, at 11:36 a.m.  
Ms. Ugalde moved to adjourn the meeting.  
Seconded by Mr. Kahui and carried by the  
following vote:

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

Noes: None.

Absent: None.

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

Respectfully Submitted,

Karen Eoff, Secretary

Approved on, 2011:

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