

**HAWAI'I COUNTY
REDISTRICTING COMMISSION**

**DISTRICT 3 – KEA'AU
PUBLIC HEARING**

Saturday, October 15, 2011, 2:00 p.m.

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

CALL TO ORDER:

CHR. SIRACUSA: Good afternoon everybody. Thank you for taking the time on this rainy Saturday to attend this public hearing of the Hawai'i County Redistricting Commission. The Commission consists of nine volunteer members, one from each Council district, and there are six of us here today.

ATTENDANCE:

Present: Mr. Joseph Carvalho, Commissioner
Mr. Patrick Kahawaiola'a, Commissioner
Mr. Jeffrey Melrose, Commissioner
Mr. Mike Middlesworth, Commissioner
Ms. René Siracusa, Chair
Ms. Valerie Poindexter, Commissioner

Absent: Mr. Craig "Bo" Kahui, Commissioner
Mr. Dru Mamo Kanuha, Commissioner
Ms. Linda Ugalde, Commissioner

Also Present: Kyle Chang, Deputy Corporation Counsel
Stephanie Tsunezumi, Committees Staff
Liz Bonnell, Committees Staff
Karen Eoff, Secretary

CHR. SIRACUSA: We have each shared our district's concerns with each other, so that we are all on the same page. Based on that, plus your input, we will decide the geographic boundaries for each of the nine council districts based upon census data as well as the criteria found in the Hawai'i County Charter and Legislation passed by the Hawai'i County Council. Please note that we are only concerned here with County Council districts, and not State or Federal legislative districts.

Copies of the Hawai'i County Charter and the Laws relating to the Redistricting Commission are available for your review at the sign in table. Also on the table are the close-up insets so that you can see the actual boundary lines. The commission is first and foremost governed by the principal of one person one vote. We are required by law to adopt boundaries which make each of the districts approximately similar in resident population. Both case law and the laws applicable to the Redistricting Commission allow for a deviation of a maximum of 4.99% above or below the ideal resident population of 20,462 residents per council district. This is after extraction of non-resident military, dependants, and students. Therefore the maximum number of residents in any district can be no more than 21,483 and the minimum number of residents is no less than 19,441.

The Commission has reviewed approximately 40 suggested maps showing various configurations of the district boundaries. We have received and reviewed maps submitted by members of the public, staff at the elections office, and those produced at Commission meetings. The maps that remain suggest possible district configurations. Some of the maps contain deviations in resident population which are not acceptable because they are either slightly too high or too low, but the Commission decided to keep these maps for review because it appears that it will not be difficult to remedy the population imbalances. The Commission rejected many maps due to major population imbalances but did keep others which addressed many of the issues required to be considered by the law, such as road connectivity and communities of interest. Some of these maps are more 'friendly' to certain districts than to others. None of them are cast in stone. We may very well end up creating hybrids, combining the best of several.

We welcome your comments about the redistricting process and your suggestions about the adoption of district boundaries. We have 6 maps showing possible configurations. You are free to comment on any or all of these maps or make any other comments you wish relative to redistricting. If you wish to see boundary details not shown in these maps, they are on the table. You will be asked to keep your comments to no more than 5 minutes. The green light on the timer will change to amber to alert you to the upcoming beep. The commissioners may or may not have questions to clarify your testimony at this public hearing, but please do not expect us to answer your questions or engage in dialogue, as our job today is strictly to listen to your mana'o. If you have not done so already and wish to offer testimony to the Commission please fill out one of the sheets at the sign in table. Mahalo for coming out to learn about this process and to share your thoughts. I will now call the meeting officially to order and call up the first testifier.

STATEMENTS FROM THE PUBLIC

CHR. SIRACUSA: Our first testifier is Claudia Zirolì, representing Fern Acres Community Association Board of Directors.

CLAUDIA ZIROLI

(At this time Claudia Zirolì came forward to address members of the Commission.)

MS. ZIROLI: Good afternoon, Commissioners. I want to say much mahalo for your work on this. My name is Claudia Zirolì, and I serve as the Secretary on the Fern Acres Community Association Board of Directors. I am here for a very quick, short and wholehearted support, a unanimous vote this morning at our board meeting to support the revised Plan_40 by Margaret Wille and revised recently by Scott Stoddard, who will be testifying a little bit later. But the bottom line here is Fern Acres Community Association wholeheartedly supports the revised Plan_40, thank you.

CHR. SIRACUSA: Thank you. Our next testifier is Richard Bidleman, representing himself.

RICHARD BIDLEMAN

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

MR. BIDLEMAN: Some of you saw me at the Pāhoa meeting, and I just want to re-emphasize the fact that Puna is really made up of three towns: Pāhoa, Kea‘au and Volcano. I hope that we keep that in mind as you go forward. Thank you.

CHR. SIRACUSA: Thank you, Richard. Next is June Conant, representing Hawaiian Paradise Park.

JUNE CONANT

(At this time June Conant came forward to address members of the Commission.)

MS. CONANT: I did testify Tuesday night, but afterwards I had a chance to talk to Jeff and he was trying to convince me that if we got split up, how it wasn't going to be so bad. I would have two representatives on the County Council. But, we are talking apples and oranges. Downtown is an infrastructure type situation. Hawaiian Paradise Park has basically no infrastructure. As you well know, fifty years ago, the County Council at that time, or the Board of Supervisors, didn't hold developers feet to the fire, and we are still stuck with some of that legacy today. In the last year and a half, we have had a couple of issues come up that have created some real problems for our association and for HPP. Two of which are not going to go away tomorrow; one of which could totally shut us down. We are working with the AG's office, the Department of Health and the Department of Transportation to come to solutions. I have been at some of the Council meetings; I've read things in the paper. You are going to have council person A over here, council person B over here, if we are split. If they have differing opinions to help us, that is not going to help us. We need a united front on the County Council that will support us going forward. I am totally in favor of the new map that Ms. Wille has pointed out. I hope that whatever you do, keep HPP together.

CHR. SIRACUSA: Thank you, June. Our next testifier is Zendo Kern, representing himself.

ZENDO KERN

(At this time Zendo Kern came forward to address members of the Commission.)

MR. KERN: Aloha Commissioners, my name is Zendo Kern, I live in Hawaiian Acres; born and raised here on the Big Island and I've spent most of my life in Puna. I went to Kea'au School, Montessori School, Malamalama School and the School Of Hard Knocks. I wanted to thank you all for your commitment, this is no easy task. It's no easy task showing up at these meetings. I was at the Pāhoa meeting, at 6:00 p.m. and here you are doing two meetings in one day. So, I wish you the best of luck on that. The task before you as Commissioners is paramount and will affect our districts for the next ten years, as you know. To me, the most important thing to consider is community continuity; continuity before population numbers. I know the Charter mandates a plus or minus 4.99% population for each of the nine districts; and that is a tight margin to work with, especially when community continuity is on the line.

The current law and Ordinance 11-29 is too ambitious, and I think it has the potential to hurt our communities by putting a greater value on minimum deviation than on community continuity. I see the intent of the Ordinance is for fairness to population representation; which is a good thing, just not at the cost of splitting our communities. There is a psychological issue at hand as well in making our voting districts. The person representing a part of a district should also live in that same district. To have a representative who lives outside of our district does not support a positive morale in the community and a positive attitude when it comes to voting. Puna is currently represented by three different council members and only one of which actually lives in the actual Puna district; and that is wrong.

I will only be commenting on the boundaries for the Puna district, because that is where I live and last time I commented on Map 10. I liked the essence of Map 10, not where those lines are exactly drawn, but I like the essence of Map 10 and how that splits basically a Puna Mauka and a Puna Makai. Growing up here in Puna, there has always been a Puna Mauka and a Puna Makai. I think Map 10 best depicts that with some work. The common sense divide of one of the largest districts in our state. For the sake of being very clear, Puna, as a whole is a community and we should have two representatives; one representing Puna Makai, and one representing Puna Mauka. I urge you, as Commissioners, to push the plus or minus 4.99%, push it as hard as you can to keep our communities voting together which in turn will create stronger communities around our entire Hawai'i island.

In closing, I humbly ask that each one of you do your best to have our communities vote together and keep our communities strong. Mahalo for your time, and I wish you all the best and the clarity in your decision making process. Thank you.

CHR. SIRACUSA: Thank you Zendo. Our next testifier is Ken McGilvray

KEN MCGILVRAY

(At this time Ken McGilvray came forward to address members of the Commission.)

MR. MCGILVRAY: I want to welcome the Commissioners here to Kea‘au for this meeting. I know it was just pointed out that this is your second meeting today, and you were down in Puna on Tuesday, and we thank you very much for coming to visit us. My concern here is to try and keep the subdivisions together. I live in Hawaiian Paradise Park. The original Plan_40 that is on the board now splits Hawaiian Paradise Park down the middle, down Paradise Drive. This is inappropriate. Another plan up on the board splits Hawaiian Paradise Park on Highway 130. A lot of people don’t realize that we do have some of our subdivision that is up on Pohaku Circle. We are trying to keep it all together. It was pointed out that there are three major towns in the Puna district. That would be Volcano, Pāhoa and Kea‘au. So, that is very simple to split into two representative districts in the Puna area, and that is what I would urge you to do. I am here to support the revised Plan_40 that actually does that and keeps these three towns in the same area. So please consider the revised Plan_40. Thank you.

CHR. SIRACUSA: Thank you, Ken; and now Jerry Carr, representing himself and also Hawaiian Paradise Park Neighborhood Watch.

JERRY CARR

(At this time Jerry Carr came forward to address members of the Commission.)

MR. CARR: Hello, I’m Jerry Carr and I am the Chairman of the Hawaiian Paradise Park Neighborhood Watch. I want to add my own voice to the thanks. I think we are blessed to have two opportunities. I wasn’t able to make the first meeting; I am here today and thank you so much for that. One of the main reasons I am here is because as the Chairman of the Hawaiian Paradise Park Neighborhood watch, we have struggles with crime. For years, burglary and theft, and all kinds of things have been out of control at one point. We have, by cooperating, building neighborhood watch and cooperating with the police, we have brought burglary down. We were averaging 36 per month at one point two years ago, for the last six months we have averaged between three and four. We have done this by pressing the police department for more effective law enforcement and they have responded in a positive way. We have also done that by lobbying our council person. I am here to ask you to please not split our community. We need access to a central political avenue that we can approach our issues on, get things done, go to one person and say we have a problem, can you help us with it. It makes it much harder to do our job as a basic grassroots community organization if we have to go in two different directions to do that.

I would also point out, and I’m going on a more personal level; this is not related to Neighborhood Watch. There are three towns. This has been mentioned twice before. There are three towns in the Puna district. They are significant, they are historical locations. I have very valuable connections and relationships with people in all three of those places. I would just like to point out to you that HPP’s current population of 11,400, as per the census, is probably more than those three towns combined. You wouldn’t dream of splitting Kea‘au, you wouldn’t dream of splitting Pāhoa; at least I hope you wouldn’t, or Volcano. But it has been proposed to do that with Hawaiian Paradise Park. Please don’t do it. We are a community. We are working together; we are beginning to see some progress and cohesion. We need to maintain that progress and move forward. I thank you very much for your consideration.

CHR. SIRACUSA: Thank you, Jerry. Our next testifier is James Weatherford, representing himself.

JAMES WEATHERFORD

(At this time James Weatherford came forward to address members of the Commission.)

MR. WEATHERFORD: Thanks a lot Jerry; that is a hard act to follow. But sincerely, thank you. Welcome to all the Commissioners, we are very glad to see you here today, we appreciate your work. I just want to briefly respond to an issue that came up the last time and it was asked; how do we respond to anticipated rapid development growth? Historically this has been an issue considered in the equitable redrawing of lines, such as you are doing. If you have too much variation, it is not equitable. One response then, is to manipulate the council district boundaries so as to under populate one or more districts. This year, for the first time, the law ensures that we have this narrow margin of 4.99% within the average. I think that is enough. For this commission to manipulate boundaries for the sole purpose of under populating a council district in Puna could, and almost certainly would, have negative consequence of substantial magnitude. Negative consequences such as splitting communities with common material interests and diluting community cohesiveness achieved through the Puna Community Development Plan.

In the Puna context, in the year 2011, it is most important to keep as much of Puna as possible together and to keep communities together with common material interests. Specifically, this means two entire council districts created within the boundary of Puna. This recognizes that at least 5% of the Puna population would not be in those two districts. Number two, each of the incorporated subdivisions in Puna kept together in entirety in one or the other of the two council districts. Three; each of the three villages in Puna should be located in one or the other of the two council districts. The ongoing cross island collaborative effort resulting in Plan_40 being revised with what was in Plan_27 etcetera. That hybrid is really taking us where we need to go. Thank you again for your service. Aloha.

CHR. SIRACUSA: Thank you, James. Commissioner Melrose has a question.

MR. MELROSE: You used the term “incorporated” subdivision; can you expound on that a little bit, so I understand what you mean. There are so many subdivisions; not only in the old ahupua‘a of Kea‘au, but on either side of the road, or Black Sands. Are all of these what you would call “incorporated” subdivisions?

MR. WEATHERFORD: I wouldn’t be able to go down the list from Black Sands to Orchidland and Leilani and all, but I do know that Hawaiian Paradise Park, where I live, is incorporated. I am pretty sure that you would find the same for ‘Āina Loa, Leilani, Nanawale, Fern Forest. But I do know that Hawaiian Paradise Park is, and I’m reasonably certain that Leilani is.

MR. MELROSE: So clarify for me what “incorporated” means.

MR. WEATHERFORD: One of the things that it does is the membership of the owners of the corporation, share in the ownership of real property; not only the roads, but other property within the park that is shared or common ownership. And more to the point, it means that they also can

and have taken on shared indebtedness, bond indebtedness for road repair; just like any incorporated company or town might do. That is what it means. They have shared interest, shared ownership, shared indebtedness and acts as if they have actual shared interest.

MR. MELROSE: One last question; and I appreciate that distinction. Is there a way for us to understand--I mean there are many subdivisions, and I'm not asking to provide it right now--if you are saying that all incorporated subdivisions need to be kept together, is there a list of subdivisions that are incorporated that we ought to keep that in our minds. There are some hard lines to draw, so if we can make a difference about that, is there a source that can help us understand what you would call an incorporated subdivision?

MR. WEATHERFORD: I don't know that there is. Let me say two things to that. One, is one way is before you divide a subdivision, check on that particular one would be one approach. Clearly, it is unlikely you will divide Black Sands or Leilani. The other is I do know there was a recent effort that the Hawaiian Paradise Park Office can inform you about in terms of organizing all of the subdivisions in Puna into a common group. They may have a list that would help you.

MR. KAHAWAIOLA'A: You mentioned that according to the figures you have, 5% of the Puna residents would not be in Puna.

MR. WEATHERFORD: They would not be within those two districts that you would create within Puna. It is a numerical fact.

MR. KAHAWAIOLA'A: So, there would be some Puna residents that would need to migrate outside of these two districts. That's all I needed to hear, thank you.

CHR. SIRACUSA: Just to further clarify the business about incorporation, I know with non-profits, we have to file as a domestic non-profit with the State Department of Commerce and Consumer Affairs, Business Registration Division. You fill out an application for a domestic non-profit corporation, it is a legal document; you have to submit your bylaws, and have a board of directors that meet certain criteria, and that sort of thing. Does Hawaiian Paradise Park have a domestic non-profit corporation designation from the State Business Registration Division?

MR. WEATHERFORD: For that detailed question, I would prefer to defer to June Conant, the Vice President of the association.

CHR. SIRACUSA: Where did June go?

MS. CONANT: We are a 501(c)4 and we do have bylaws. We are chartered, we are incorporated.

CHR. SIRACUSA: Thank you.

MR. MELROSE: I want to follow up on that question of whether or not in the effort that James was talking about where you were looking for other incorporated subdivisions and trying to bring a conversation amongst you together; which I think is a great idea. Do you have a list? Is there

any inventory of areas that are incorporated subdivisions? Maybe this lady here in the back can talk about it later. If there is, that would be helpful to us so we can at least try to do what you are asking us to do.

MS. CONANT: I know we have a list of the various ones in Puna and we were attempting to create an organization together to talk about common interests and common problems to see if we could help each other out. Leilani, in the office, would have that information for you.

CHR. SIRACUSA: Maybe Fred Blas's office has that information. Barbara Lively, do you know if Fred Blas's office has that? Thank you. Did you sign up to testify? Next is Sherri Carden.

SHERRI CARDEN

(At this time Sherri Carden came forward to address members of the Commission.)

MS. CARDEN: I am from Orchidland and we are incorporated. As a member of Orchidland, I would like to support the plan from Friends for Puna's Future and thank you for all your work.

CHR. SIRACUSA: Thank you for your testimony. Our next testifier is Scott Stoddard, representing Friends of Puna's Future.

SCOTT STODDARD

(At this time Scott Stoddard came forward to address members of the Commission.)

MR. STODDARD: I am Scott Stoddard, I am one of the directors of Friends of Puna's Future and I am going to quickly read this public testimony, which you all have received.

We thank the commission for their continued hard work and for giving us this opportunity to provide a revision to the plan we jointly submitted with Margaret Wille on October 11, 2011 in Pāhoa. At that meeting, Jeffrey Melrose pointed out correctly that, while our Puna boundaries were viable, the boundaries that were to serve proposed District 6 did not satisfy the internal roads rule, as residents of Glenwood and its environs could not travel to the lower portion of proposed District 6 on roads internal to the district. Given the rugged nature of the terrain in this area and the lack of adequate roadways in all of Puna due to the abdication of responsibility by the county government in the 1960s, satisfying this criteria is a real challenge in Puna. As an example, the proposed District 5 solution to the internal roads rule demands the use of the Pahoia Emergency Access Route which relies on private roadways, and many of the residential locations in Puna makai are also accessible only by private roadways. However, we understand that this commission does not have the authority to waive this criteria. As such, we submit today a revision to Adjusted Plan 40, with Margaret Wille's support, that satisfies the internal roads rule for proposed District 6 by allowing District 6 residents north of Hwy. 11 access to the lower portion of District 6 by roads internal to or bordering the proposed district.

I also want to point out that we are not withdrawing our support for the previous plan that we submitted, Friends of Puna's Future merely wishes to reiterate that any plan that creates two distinct districts in Puna and does not divide any subdivisions has our complete support. I apologize for my nervousness, and thank you very much.

CHR. SIRACUSA: Thank you, Scott. Thank you for all your hard work.

MR. MELROSE: Thank you, Scott. You can answer this one off the top of your head. I just want to make sure, because I haven't driven the Emergency Road, is that emergency road open all the time? I remember there was some pilikia at one point about whether it would be or wouldn't be, and how often it is. Is it open at all points? It's not like the one in Waikōloa that is only an emergency road out if there is a fire and somebody has to unlock it.

MR. STODDARD: No, it is open all the time. The only issue with it is it is a private road. Likewise, a lot of the access roads that qualify in the lower district are private as well. Most of the roads in Puna are private.

MR. MELROSE: Yes, I understand, thank you; that was appreciated.

CHR. SIRACUSA: I just received a note that the name of that group is the Coalition of Puna Subdivision Associations, COPSA, and I have contact information here. Did you want that, Jeff, to follow up on? It was your question. Okay, moving right along, we have Patrice McDonald.

PATRICE McDONALD

(At this time Patrice McDonald came forward to address members of the Commission.)

MS. McDONALD: I am representing myself. I am also a board member and Vice President of Hawaiian Acres Corporation. All subdivisions in Puna are 501(c)4's, they are all incorporated, they all own their charters. Internal roads are not relevant to me in redistricting. HPP is the most crowded subdivision, but the largest land owner in Puna is actually Hawaiian Acres. I have had the pleasure of Karen emailing me all the maps, as we still do not have any of the redistricting software available to us. We don't have any wifi up there. So Puna is still, on all the maps, in four districts. Puna goes from Kea'au to Steinbeck Highway and to Volcano. We feel that putting the district into Hilo would really fracture our unity and divide our upper Puna subdivisions. Hawaiian Acres presently is surrounded by three different districts. We would like to actually go into a two district Puna area of which I have seen no maps that would incorporate two districts. There are still four districts for upper Puna. Thank you.

CHR. SIRACUSA: Thank you for your testimony. The next testifier is Alita Warner.

ALITA WARNER

(At this time Alita Warner came forward to address members of the Commission.)

MS. WARNER: Good afternoon. I wanted to thank all of you for all your time and effort through all those meetings and crunching all those numbers and looking at all the data. I am a resident of Hawaiian Acres, I only come here representing myself. I would like to see the boundaries of Puna be held contiguous within the redistricting. I feel the concerns of this community are very different than the developed concerns of Kea'au comparatively to Hawaiian Acres and Hilo compared to the rest of Puna. For that reason, the best plan that I have seen is the revised Plan_40 that I support. So, I just want to speak in support of that. Thank you very much.

CHR. SIRACUSA: Thank you. The last testifier I have here is Oshi Simsarian.

OSHI SIMSARIAN

(At this time Oshi Simsarian came forward to address members of the Commission.)

MS. SIMSARIAN: My name is Oshi Simsarian. I live off of the Pāhoa-Kapoho Road, halfway between Pāhoa and Kapoho. I just want to briefly voice my support for the revised Plan_40 for all the reasons delineated, to keep Puna together as much as possible; keeping Kea‘au, Pāhoa, Volcano, Kapoho, Kalapana; keeping them within those two districts. I just want to voice my support. Thank you.

CHR. SIRACUSA: Thank you very much. If we have no other testifiers, do any of the Commissioners wish to make a statement before I accept a motion to adjourn?

ADJOURNMENT

There being no further business, at 2:40 p.m.,
Ms. Poindexter moved to adjourn the meeting.
Seconded by Mr. Carvalho and carried by
the following vote:

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

Noes: None.

Absent: Commissioners Kahui, Kanuha and Ugalde.

CHR. SIRACUSA: Motion carries. Thank you.

Respectfully Submitted,

Karen Eoff, Secretary

Approved on November 3, 2011:

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