

92-15

4/10 Fax Chair
V Chair
G. M. ...

LINDA CROCKETT LINGLE
Mayor
TELEPHONE 243-7855



OFFICE OF THE MAYOR
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793

February 7, 1992

Mr. Donn J. Takahashi, Chairman
Salary Commission
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Chairman Takahashi:

Thank you for your letter of January 8, 1992, regarding your 1992 review of salaries for department heads and deputies.

There are four items that I wish to bring to your attention:

1. Responsibilities and salary levels of the Director and Deputy Director of the Department of Parks & Recreation;
2. Responsibilities and salary levels of the Chief and Deputy Chief of the Department of Fire Control;
3. The salary levels of the Director and Deputy Director of the Department of Water Supply and the Salary Commission's authority to set those salaries; and
4. Cases where division heads or other civil servants receive salaries in excess of the salaries received by Directors and Deputy Directors.

1. As you review salary levels, we ask that you give particular attention to the degree of responsibility placed on the Director and Deputy Director of the Department of Parks & Recreation. The County of Maui owns approximately 1,100 acres of land. Over 1,000 acres of that land is managed by the Parks & Recreation Department, including 110 parks on three islands. Facilities managed include all community centers, tennis courts, baseball and softball fields, soccer fields, swimming pools, the War Memorial complex, specialized playground equipment and the

Waiehu Golf Course. In addition, in order to meet the increasing demands of an exploding population, the Director and Deputy are responsible for overseeing the planning, design & construction of new parks and facilities. The capital improvements budget for these projects has recently averaged \$10-\$12 million a year.

The department has 174 full-time employees and 235 part-time employees, including those who run the successful Summer PALS program. The administration of those employees involves five different bargaining units from two unions. Employees are spread throughout the County in five districts. In addition to maintaining facilities and running recreation programs, they must be prepared to respond to emergencies and weather-related problems at all County parks. The Director and Deputy are on call 24 hours a day to direct their Department's response to such problems.

2. We also ask that you review the responsibilities and salaries of the Fire Chief and Deputy Chief. The Department of Fire Control employs 200 people in twelve fire control facilities throughout the County of Maui. The Department operates over 50 vehicles, 20 of which are valued at an average of \$150,000 each. The new ladder truck alone is valued at \$300,000.

On call 24 hours a day, the Director and Deputy oversee and coordinate immediate response to major fires throughout the County, such as the one which occurred in June, 1991, on Molokai, damaging approximately 10,000 acres of land. In addition, the Department is responsible for meeting federal mandates for the control of hazardous materials incidents, directing ongoing inspection and prevention programs, coordinating rescue efforts, designing and carrying out initial and ongoing training for firefighters and rescue team members, and overseeing major capital improvement projects such as the new Kahului Fire Station and the proposed stations in Kula and Hana.

3. In 1991, the Board of Water Supply established new salaries for their Director and Deputy: \$72,900 and \$66,420, respectively. The new salary level for the Director is now higher than that of the Managing Director, whose salary for 1991-92 is \$71,810. The salary for the Deputy Director of the Department of Water Supply is higher than five of our department heads.

While these salaries may be in line with the responsibilities carried out by those heading the Department of Water Supply, we ask that you include the information on these new salary levels in your review of all cabinet level salaries and correct the existing anomaly.

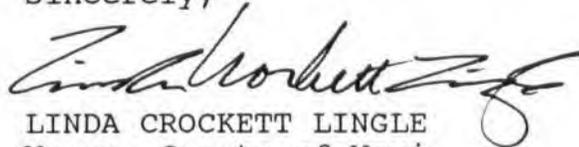
Mr. Donn J. Takahashi, Chairman
February 7, 1992
Page 3

In addition, in order to preclude a similar disparity in the future, we ask that you consider asking the Charter Commission to clarify the powers and duties of the Salary Commission, currently enumerated in Article 3, Section 3-5 in the Charter and expanded in Chapter 2.42 of the Maui County Code, which states that the Salary Commission shall "determine the compensation of the department head and first deputy or first assistant of all county departments enumerated in the Charter". Section 8-11.4 of the County Charter states that the Board of Water Supply shall "fix the director's salary".

4. It has come to our attention that certain division heads and other employees with the County of Maui receive salaries in excess of those salaries received by directors and deputies. We have asked the Department of Personnel Services to prepare a report on this subject for your review (see enclosed). Directors and deputies do not have civil service protection and have many public and legislative demands and responsibilities placed on them that far exceed those held by division heads and other employees. Please consider this information in your review of salary levels.

Your dedication and commitment to carrying out the work of the Salary Commission is very much appreciated. If I can be of assistance to you or provide further information, please feel free to call me.

Sincerely,



LINDA CROCKETT LINGLE
Mayor, County of Maui

SL:jso
Enclosure
cc: Richard H. Haake, Jr., Managing Director
c:\letter\sалcomm

92-16

February 27, 1992

Ms. Anne Takabuki, Chairperson
and Members of Committee C
Maui Charter Commission
P.O. Box 307
Kahului, Maui Hawaii 96731

Subject: Concerns related to Section 10 - 2 of the Maui
County Charter.

Dear Ms. Takabuki and Members of the Committee,

In December, I expressed to this committee my concerns regarding a serious deficiency in Article 10 of this charter. Namely, that the actions of appointed Boards may by their conduct diminish trust and confidence in the integrity of government, are not subject to the standards expressed in the Article, nor the oversight of the Board of Ethics. And, on December 9, 1991 I send to the Commission several proposed amendments to Article that address the concerns expressed at the meeting.

Today, this committee considers Section 10 - 2 of the Charter and I'm here to reiterate my believe that this Article is crucial for the survival of governance by law created by elected representatives, and the integrity of the democratic process is being devalued by a political idea which holds that the primary function of government is to quickly satisfy "economic" needs, physical needs of the community. In this circumstance trust and confidence, rest on the ability to produce a result, not in the integrity of the process from which the "end" result is a natural consequence. And the very idea of ethics is rendered meaningless.

Some of my friends smile oddly when I speak of the Planning Commission as having integrity. They laugh loudly when I speak of the integrity of our Council and the Administration. They have sound reasons for their cynicism. The most recent example illustrates my point. On February 13, the Board of Variance and Appeal held a public hearing on a request for a variance from the street light requirements for subdivision on agricultural land in Haiku. It was the second phase of a subdivision. The applicant in 1982 received a similar variance from the Board for the first phase. The Board found among other things, that the absence of street lights did not threaten the health of anyone, its approval based upon facts and conclusion of law was sound. Yet, this time the Board ignored their own findings and denied the Variance. The applicant was stunned. The idea of public trust and confidence never entered in their decision.

The burden for preserving trust and confidence in the integrity of government rests on the shoulders of those who oversee the enforcement of law, members of our Boards and Commissions. It is my belief that this idea must find expression in our Charter.

Page 2

Section 10 - 2. Board of Ethics. Paragraph 2 states "The board shall: a. Initiate, receive, hear and investigate complaints of violations of this Article. The Board remained silent throughout the hearings concerning the appointment of Mr Chan to the office of Corporation Counsel when the Mayor admitted to the firing of a employee for political reasons and wrongdoing was publicly alledged.

Did it have a moral and legal obligation to initiate and investigate the matter? If the Declaration of Policy of our Code of Ethics has any meaning, if justifiable trust and confidence in the integrity of government are of vital concern the answer is yes. But, because the Charter is not specific as to the actions of Boards and Commissions, the Board's non-action remains legally defensible.

I hope this committee will act to offer to the citizens of this community the choice to extend the Code of Ethics to Boards and Commissions of this County.

I am submitting for your consideration a proposed amendment to Section 10 -2 Board of Ethics. It is my hope that you consider it with the proposals previously submitted. If the chances of your looking with favor upon any one are greater than please consider it separately.

Sincerely submitted,

A handwritten signature in black ink, appearing to be "J. Smith", written in a cursive style.

February 27, 1991

Hauai Charter Commission
County of Hauai

Introduced by

JIM SMITH

Registered voter

A proposed amendment to the County Charter of
Hauai, Article 10, Section 10 -2 Board of Ethics

Whereas, actions of appointed Boards and Commissions of the County of Hauai reflect standards of ethical conduct which may or may not justify trust and confidence in the integrity of government;

Whereas, Boards and Commissions of the County Hauai should by their actions demonstrate the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government;

BE IT RESOLVED, that the Hauai County Charter Commission Amend Article 10, Section 10 - 2 to read:

Section 10 - 2 - 2 c. publicly censure an appointed Board or Commission found after investigation to have violated this Article.

Section 10 - 2 - 2 d. publicly censure the Corporation Counsel found by the Board after investigation to have violated this Article.

Section 10 - 2 - [c] e, [d] f, [e] g,

Section 10 - 2 - h. Rules necessary for enforcement of Section 10 - 2 - 2 c, and Section 10 - 2 - 2 d, shall be subject to approval of the Mayor. Upon approval by the mayor the proposed rule shall be submitted to the council. Within forty-five (45) days of receipt of a proposed rule, the council may by a two-thirds (2/3) vote of its entire membership disapprove the rule by resolution in which case the rule shall have no force or effect.