

**COST OF GOVERNMENT COMMISSION  
MINUTES  
Kalana O Maui Building, 9<sup>th</sup> Floor, Mayor's Conference Room  
Thursday, April 14, 2011**

**PRESENT:** Frank De Rego, Jr. Chair  
Jody Yoshida, Member  
Walter Baloalua, Member  
Joseph Kanahuna, Member  
Harold Davis, Vice-Chair  
Ronald Kawahara, Member  
Gregory Evans, Member  
Fred Rohlfing, Member

**STAFF:** John Buck III, Executive Assistant  
Michelle Esteban, Administrative Assistant  
Gary Murai for Jeff Ueoka, Deputy Corporation Counsel

**I. CALL TO ORDER**

The meeting was called to order by Chair De Rego at 9:02 a.m.

**II. PUBLIC TESTIMONY**

No Public Testimony.

Chair De Rego made a unanimous consent motion to move Item V on the agenda forward in order to welcome the new commissioners along with introductions of returning commissioners and support staff. There was no objection from the commissioners.

**V. INTRODUCTION AND WELCOME OF NEW MEMBERS OF THE COMMISSION**

- Chair Frank De Rego is a Program Manager with Maui Economic Development Board, Inc. He originally signed up for another commission, but by request of the previous Mayor, Charmaine Tavares, was asked to serve on the COGC. He has recently been appointed by Mayor Alan Arakawa to serve on the Maui County Charter Commission.
- Vice Chair Harold Davis is a retiree who wanted to be involved in government and was appointed to the COGC.
- Commissioner Walter Baloalua is a pastor of two churches, Maui Evangelical and Paia Hawaiian and also owns his own Tax and Bookkeeping Business. He applied to three commissions and was appointed to the COGC.
- Commissioner Gregory Evans owns a beach services business in Wailea. He wanted to be more involved in government and applied with the Boards and Commissions of the County of Maui and was appointed to the COGC.
- Commissioner Fred Rohlfing is a retiree and former state senator. He worked for the Corporation Counsel and served as Deputy Corporation Counsel for a time. Mr. Rohlfing also wrote his autobiography entitled "Island Son. Over the years he has served on several Boards and Commissions for the County of Maui.
- Commissioner Joseph Kanahuna is retired from the Sheriff's Department. He was appointed to the COGC by Mayor Arakawa on the recommendation from Executive Assistant Mike Molina.
- Gary Murai from Corporation Counsel is substituting for Jeff Ueoka who is normally assigned to the COGC. He will do a presentation on the Sunshine Law and the duties of the COGC later in the meeting.
- Executive Assistant to the Mayor, John Buck, is assigned to the COGC, one of his many duties. Mr. Buck also is also assigned to the Salary Commission.

- Ms. Michelle Esteban provides staff support for the COGC.

### **III. REVIEW AND DISCUSSION ON THE MEETING MINUTES OF FEBRUARY 10 AND MARCH 10, 2011**

Commissioner Kawahara moved to approve the Meeting Minutes of February 10, 2011 and Commissioner Kanahuna seconded the motion. The motion carried unanimously.

Commissioner Kawahara moved to approve the Meeting Minutes of March 10, 2011 and Commissioner Baloaloe seconded the motion. The motion carried unanimously.

### **IV. REVIEW AND DISCUSSION ON CORRESPONDENCE RECEIVED**

#### **A. Letter of Resignation from Commissioner Ivan Lay**

On March 29, 2011 Commissioner Ivan Lay submitted a letter of resignation from the COGC to Executive Assistant Michael Molina and former Chair Ann Moe. The letter stated the effective date of resignation as March 31, 2011. This leaves one vacancy on the commission that will not be filled until June after the county budget is approved.

Vice Chair Davis suggested the possibility that alternate members for Boards and Commissions be selected in case members resign before the end of their terms. Executive Assistant Buck will follow up with Mr. Michael Molina, Executive Assistant to the Mayor in charge of assignments to Boards and Commissions.

### **VI. PRESENTATION BY GARY MURAI, DEPUTY CORPORATION COUNSEL**

#### **A. Sunshine Law**

- Mr. Murai shared a simple explanation of the Sunshine Law, stating that following the law assures the public can have confidence in the openness and transparency of government. He also stated that the Sunshine Law requires an agenda be published for public inspection before all meetings and that public testimony is allowed on all agenda items. The Sunshine Law requires all boards and commissions have a quorum in order for business to be conducted. If there is no quorum, the meeting is cancelled.
- Mr. Murai also stated that board and commission members cannot discuss commission business outside of the regular meetings, unless the members constitute an investigatory committee and the committee is comprised of less than a quorum.
- Mr. Murai commented that Executive Session only deals with certain items that need to be kept confidential, such as financial, personal and legal matters.

#### **B. Duties, rights and obligations of the Cost of Government Commission as defined in the Maui County Charter.**

- Mr. Murai explained that one of the main duties of the COGC was to promote reduction in County spending while not sacrificing quality and efficiency. As outlined in the County Charter, it is the duty of the COGC to make recommendations that *"promote economy, efficiency and improved service in the transaction of the public business in the legislative and executive branches by limiting expenditures to the lowest amount, eliminating duplication and overlapping of services, activities, and functions, consolidating those services, activities and functions, and abolishing any services, activities, and functions not necessary to the efficient conduct of government."* (Chapter 16) For this policy to be carried out, the COGC writes an annual report, which is then submitted to the Mayor and

the County Council. The commissioners are appointed by the Mayor and approved by County Council.

Commissioner Kawahara inquired whether the entire commission is allowed to attend a meeting with the County Council to explain the commission's recommendations contained in the annual report. Mr. Murai responded that the Sunshine Law states that any group meeting with the Council would have to be comprised of less than a quorum; although he also shared he was not sure if there were special circumstances that would allow the entire commission to be present. A legal opinion by the deputy corporation counsel on this question will be presented at the next meeting after further consideration of the issue.

Chair De Rego asked Mr. Murai about the rights of the commission if any county employee refuses to provide information to the commission.

Mr. Murai replied that he was not certain if the COGC had subpoena powers.

Executive Assistant Buck suggested that he be contacted if any employee refuses to provide information to the commission.

## **VII. DISCUSSION ON SUBCOMMITTEE IDEAS AND ORGANIZATION FOR THE 2011-2012 ANNUAL REPORT.**

Chair De Rego explained to the commissioners that the COGC needed to make a decision on which issues would be the subject of the commission's 2011-2012 Annual Report. He explained that past practice had the commissioners dividing into investigatory subcommittees that constituted less than a quorum. He suggested the commissioners choose topics that would allow the commission's work to be completed in a reasonable time with the report being submitted to the Mayor and then to County Council before the end of January, 2012. He then explained the processes through which the report is prepared and presented. Chair De Rego also commented that last year the commission started the practice of two commissioners meeting with each member of the County Council to explain the commission's findings and recommendations. The Chair and Vice Chair of COGC would meet specifically with the County Council Budget Chair and the Mayor.

Chair De Rego presented several topics that the commission may want to consider for the upcoming year:

1. County Space Management
2. Biennial Budget
3. County Paperwork Reduction
4. Universal Trash Pick-Up
5. Street Lights and Cost Sharing

Chair De Rego requested the COGC members read and review the suggested topics and bring questions, comments or additional recommendations to the next meeting. He stated that the commission needed to decide which topics would be the subject of the subcommittee's investigations for the 2011-2011 Annual Report by the May 12, 2011 meeting of the commission.

Vice Chair Davis agreed with Chair De Rego that the commission needed to finalize the subcommittee topics for investigation at the next meeting.

Commissioner Rohlfing suggested that the Biennial Budget topic be expanded to include investigating the efficiency and cost effectiveness of four year County Council member terms.

Commission Kawahara suggested that a list be prepared that would outline the disposition of each of the commissions past recommendations to the Mayor and the County Council as contained in both the 2009-2010 and 2010-2011 annual reports. Chair De Rego replied he would work on creating such a list.

**VIII. DISCUSSION ON CORRESPONDENCE TO MS. AGNES HAYASHI, EXECUTIVE ASSISTANT TO THE MANAGING DIRECTOR, OFFICE OF THE MAYOR, MR. MICHAEL MIYAMOTO, DEPUTY DIRECTOR, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, AND MR. TRACY TAKAMINE, DIVISION CHIEF, SOLID WASTE DIVISION, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.**

Commissioner Yoshida moved to approve the three items of correspondence and Commissioner Kawahara seconded the motion. The motion carried unanimously.

**IX. DISCUSSION ON SOLID WASTE DIVISION *TOUR DA TRASH***

Mr. Murai suggested the commissioners attend the tour as private citizens at their convenience during the times provided by the Department of Environmental Management. In the information provided by the COGC support staff; there was the option of arranging a special tour of not more than four individuals but Mr. Murai cautioned that such a group must be established as an official investigatory committee of the Commission.

**X. DETERMINE NEXT MEETING DATE AND AGENDA**

Next meeting, Thursday, May 12, 2011. The agenda will include a discussion regarding the *Wailuku Campus Study*, the Boards and Commissions Awareness Letter, a legal opinion by the deputy corporation counsel on the entire Commission appearing before the County Council, and finalizing topics for the 2011-2012 Annual Report.

**XI. ADJOURNED**

A motion to adjourn the meeting was made by Commissioner Rohlfing and seconded by Commissioner Evans. The motion carried unanimously. The meeting adjourned at 11:23 A.M.