

**COST OF GOVERNMENT COMMISSION  
MINUTES  
Kalana O Maui Building, 9<sup>th</sup> Floor, Mayor's Conference Room  
Thursday, May 12, 2011**

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

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

**I. CALL TO ORDER**

The meeting was called to order by Chair De Rego at 9:00 a.m.

**II. PUBLIC TESTIMONY**

No Public Testimony.

**III. REVIEW AND DISCUSSION ON THE MEETING MINUTES OF APRIL 14, 2011**

Commissioner Kawahara moved to approve the Meeting Minutes of April 14, 2011 and Commissioner Baloaloe seconded the motion. The motion carried unanimously.

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

COGC received in draft form correspondence from Joshua A. Stone, Chair of Maui County Charter Commission, on Tuesday, May 10, 2011.

- Chair De Rego explained that Joshua Stone, Chairman of the Charter Commission is asking the COGC and other commissions for amendments and/or recommendations for changes to the Charter.
- Chair De Rego further explained that according to Hawaii's Revised Statutes, the Charter Commission has one year to submit a report.
- Chair De Rego also informed the COGC that the Maui County Charter also has a timeline for the Charter Commission which conflicts with the Hawaii Revised Statutes so the commission is following the schedule outlined in the Hawaii Revised Statutes
- Chair De Rego mentioned two items he has considered introducing to the Charter Commission :
  - Biennial Budget
  - Four year terms for County Council Members

The Original correspondence will be sent via email to the COGC for discussion at the next meeting.

**V. FOLLOW-UP DISCUSSION ON:**

A. Sunshine Law- Regarding Commissioner Kawahara's question for full attendance of the Commission at a County Council Meeting in support of its findings and recommendations.

- Deputy Corporation Counsel Ueoka stated a subcommittee should be formed because a group of COGC members that constitutes a quorum should not attend Maui County Council

meetings to present, discuss, or negotiate any position which the COGC has adopted at a meeting of the COGC.

- Deputy Ueoka also stated that there is a possibility of creating a joint agenda for the COGC as a whole body to meet with the County Council but it would pose difficulties.

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

- Chair De Rego stated that he had put this on the agenda to clarify a question from the last meeting. Deputy Counsel Murai was unsure as to whether the commission had the right to subpoena witnesses. Chair De Rego pointed to Article 13 Section 2-10 that outlines the commission's right to subpoena witnesses and administer oaths on all matters within the authority of the commission. Chair De Rego asked Deputy Ueoka if this was a correct interpretation and would it include the right to subpoena a county employee who refuses to testify before the commission or to provide information the commission has requested.
- Deputy Ueoka stated according to Maui County Charter, Article 13 Section 13-2 Number 10, "All boards and commissions shall have the power to subpoena witnesses and administer oaths to witnesses as to all matters within the authority of such boards or commission."
- After much discussion it was agreed that the Charter provides authority to issue a subpoena; however, Deputy Ueoka stated that although the COGC has that right to issue a subpoena it has no legal power or authority to compel a party to comply with the subpoena. The fact that employees are subordinates and must comply with the request of their superiors or potentially face disciplinary action was also discussed.

When needed, Mr. Buck will compose a formal letter to request information from any department within the County.

**VI. DISCUSSION AND FINALIZE ON SUBCOMMITTEE IDEAS AND ORGANIZATION FOR THE 2011-2012 ANNUAL REPORT.**

Chair De Rego read a list of ideas and the organization for the 2011-2012 COGC Annual Report. He also explained he would like to have two subcommittees. His plan was to have the subcommittees meet after official business portion of the meeting was completed.

Commissioner Kanahuna asked if the Wailuku Campus Space Study was updated. Chair De Rego stated that the Campus Study is about two years old. Chair De Rego told the commission that he understands the importance of the Campus Study.

Commissioner Kanahuna asked about the office space that the County of Maui is leasing in the Maui Mall. Mr. Buck explained this location was the site of the Maui County Business Resource Center (MCBRC).

- MCBRC is an extension project of the County of Maui's Office of Economic Development (OED).
- MCBRC serves as an entrepreneurial resource for new or existing business owners who need business assistance for operations within Maui County.
- MCBRC was established to improve public access to government resources and increase the reach of non-profit partners that provide business assistance and consultation.
- MCBRC holds regular workshops for individuals who want to start a business or for existing business owners who want to improve their business.
- MCBRC has a store front where items such as logo t-shirts, books and other items are sold.

Chair De Rego opened the floor to the other commissioners to ask for ideas the commission could use for the 2011-2012 Annual Report.

- He reminded the commission of the extent of work within their subcommittees.
- He gave examples of how the subcommittees worked to put together the 2010-2011 COGC Annual Report. The report includes as exhibits the interviews and all research undertaken by the subcommittees (e.g. internet articles, cost formulas, spreadsheets, suggested ordinances or administrative rules.).The narrative section of the report includes the recommendations and findings of each subcommittee.

Commissioner Baloalua asked if the people they are interviewing will know that they are from the COGC. Chair De Rego explained to the commission there is a standard procedure that is followed. The commissioner in setting up the interview would introduce herself/himself, explain to the individual that you represent the COGC, and outline the purpose of the meeting and the issue that you are researching.

Commissioner Kanahuna stated he had concerns regarding the existence of the resource center in the Maui Mall. He commented that the County is paying rent for space that is being utilized and the general public not knowing it was a place where they can receive valuable information.

- Chair De Rego stated that the Campus Study is a good place to start.
- Commissioner Evans explained his use of the resource center.
- If there are questions regarding the current location of the MCBRC or it's functionality, Mr. Buck recommended adding the questions to the research
- Chair De Rego also suggested having it researched and added as part of the County Space Management study.

Commissioner Kawahara suggested the commission look into Universal Trash Pick Up and Real Property Tax. He recommended that the commission get a report from the County Council regarding the status of the commission's previous recommendations. Chair De Rego assured Commissioner Kawahara that he was working on his recommendation.

Commissioner Rohlfing stated he liked the idea of looking into space management. He would also like the commission to link the Biennial Budget issue with a look at the term of office for County Council members.

- He suggested the term of office be extended from two to four years.
- He stated he felt there was not enough time to really work on other items besides the budget.
- He added that council members have one year to work on council business and the next year they had their minds focused on campaigning.

Commissioner Kawahara stated it was not the responsibility of the COGC to determine the terms of Council members but the Charter Commission.

Chair De Rego added that COGC could look at not only at the cost but also the continuity of business, efficiency, and the quality of work provided by the Council and the departments.

Commissioner Rohlfing suggested cost and efficiency were important in linking the two issues.

Commissioner Baloalua asked about the suggested item regarding street lights and cost sharing. Chair De Rego stated there are jurisdictional issues between MECO and the County of Maui.

Commissioner Yoshida liked the idea of going paperless, looking into the campus space and Universal Trash Pick Up.

Commissioner Evans stated he liked the campus space study and the biennial budget.

- He did question if there was any efficiency achieved with adopting a biennial budget.

- He questioned how the commission would calculate cost savings and demonstrate those savings on charts and graphs that would be easy to understand.
- Commissioner Yoshida explained it isn't the actual dollar cost but more of a soft dollar cost.
- Chair De Rego also added that the soft costs add up quickly with staff time along with overtime costs.

Deputy Ueoka emphasized that the council does take the COGC Annual Report seriously.

Vice-Chair Davis added his interest in the County going paperless and Universal Trash Pick Up for next year's report.

Vice-Chair Davis questioned the seriousness of the County Council regarding the COGC Annual Report because he hasn't seen any progress regarding the annual reports. He would like to see something regarding the progress being made.

- Chair De Rego added that recommendations are being responded to in a reasonable and logical fashion.
- Chair De Rego reminded the commissioners that the work is timely.
- Deputy Ueoka stated that you could request a response from the Council as per the Charter but they are not required to respond.

Commissioner Davis stated that the COGC's report on the Waihehu Golf Course made numerous recommendations that would provide some hard savings to the County.

- Mr. Buck stated by reading the report the one thing that stood out was the current conditions of the course. The report also stated instead of doing another study on how to improve the course, the COGC suggested following the USGA recommendations to get the course up to par.
- Vice-Chair interjected by saying the commission was told the condition of the course is due to the lack of appropriate funding. He continued to state that 70% of the players said they were okay if the fees were raised if it meant an improvement to the course.
- Mr. Buck suggested the commission revisit the Waihehu Golf Course for the County Council in its latest budget deliberations commented that they would like to see the Golf Course become self sufficient.
- Deputy Ueoka reminded the commissioners that the fees are in the budget.

The commissioner then voted on each of the recommended topics for the 2011-2012 Annual Report:

Commissioner Kawahara moved and Commissioner Baloalua seconded the motion to have County Space Management as a topic to be considered by the commission for inclusion in the 2011-2012 Annual Report. Motion carried 7 yeas, 1 nay.

Commissioner Rohlfing moved and Commissioner Evans seconded the motion to approve a Biennial Budget and 4 year terms for Council Members as a topic to be considered by the commission for inclusion in the 2011-2012 Annual Report. Motion failed 4 yeas, 4 nays.

Commissioner Baloalua moved and Commissioner Yoshida seconded the motion to approve County Paperwork Reduction as a topic to be considered by the commission for inclusion in the 2011-2012 Annual Report. Motion failed 1 yea, 7 nays.

Commissioner Yoshida moved and Commissioner Rohlfing seconded the motion to approve Universal Trash Pick-up as a topic to be considered by the commission for inclusion for the 2011-2012 Annual Report. Motion carried 7 yeas to 1 nay.

Commissioner Kanahuna moved and Commissioner Evans seconded the motion to approve Street Lights and Cost Sharing as a topic to be considered by the commission for inclusion in the 2011-2012 Annual Report. Motion failed 0 yeas, 8 nays.

Commissioner Kawahara moved and Commissioner Rohlfing seconded the motion to approve County Space Management as a topic for investigation by the commission to be included in the 2011-2012 Annual Report. The motion carried unanimously.

Commissioner Yoshida moved and Commissioner Davis seconded the motion to approve Universal Trash Pick-up as a topic for investigation by the commission to be included in the 2011-2012 Annual Report. The motion carried unanimously.

Subcommittees will be divided accordingly:

- Universal Trash Pick Up
  - Commissioners Yoshida, Rohlfing, and Baloaloe
- County Space Management
  - Commissioners Kawahara, Evans and Kanahuna
- Commissioner Davis suspended making a choice in deference to the newly nominated commissioner Sunny Gutierrez once she is approved by the Council.

Commissioner Rohlfing mentioned that his participation with his subcommittee and the COGC will be limited in the near future due to his appointment to the State Reapportionment Advisory Council.

Chair De Rego stated he will share information with new commission member Sunny Gutierrez along with the *E Komo Mai* package.

Chair De Rego asked that the subcommittees meet outside of the regular commission meetings to do their investigations and to discuss their findings. He also reminded the commissioners that time is limited and the goal is to produce the annual report before the 2012-2013 Budget Session discussion begins.

Deputy Corporation Counsel Ueoka asked if the commission was planning on hiring extra staff support for the compilation of the annual report. If it is in the commission's plan, it needs to be under \$25K.

- Vice-Chair Davis requested to have Ms. Shelley Pellegrino as staff support.
- Mr. Buck stated he will follow up with Mr. Michael Molina and with the administration.
- Chair De Rego will assist Mr. Buck with the cost figures and on how to contact Ms. Pellegrino.
- Deputy Ueoka mentioned authorization is needed to have Ms. Pellegrino to be hired as extra staff support.
- Mr. Buck suggested we have authorization first and then we can ask for a concrete figure.

Chair De Rego reminded commissioners to keep records of their investigations and research.

- Mr. Buck also reminded the commission that all exhibits and research should be included in the annual report.
- Chair De Rego added that the narrative section of the report needs to correspond with the exhibits.

## **VII. DISCUSSION ON CORRESPONDENCE TO MAYOR ALAN M. ARAKAWA**

Commissioner Kanahuna motion to approve the letter as written and Commissioner Evans seconded the motion. The motion carried unanimously.

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

1. Welcoming new commissioner Sunny Gutierrez.
2. Submittal of Proposed Charter amendments and/or recommendations.
3. Discuss objectives, work plan, and timelines for the County Space Management and Universal Trash Pickup subcommittees.

**IX. ADJOURNED**

Vice-Chair Davis moved to adjourn the meeting and seconded by Commissioner Evans. The Motion carried unanimously.

The meeting adjourned at 10:39am.