

SPECIAL COMMITTEE ON COUNTY GOVERNANCE

Council of the County of Maui

MINUTES

January 14, 2016

Council Chamber, 8th Floor

CONVENE: 1:06 p.m.

PRESENT: Tony Takitani, Chair
Madge Schaefer, Vice-Chair
Dave DeLeon, Member
Kehau Filimoe`atu, Member
Paula Friel, Member
Kimo Haynes, Member
Kay Okamoto, Member
Tamara Paltin, Member (in 1:17 p.m.)
Ray Phillips, Member (out 2:44 p.m.)
Jonathan Starr, Member

EXCUSED: Pua Canto, Member

FACILITATOR: Lori Teragawachi

STAFF: Kimberley Willenbrink, Legislative Analyst
Sharon Brooks, Legislative Attorney
Clarita Balala, Committee Secretary

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Mayor Alan M. Arakawa
Herman Andaya, Chief of Staff, Office of the Mayor
Keith Regan, Managing Director, Department of Management
Edward S. Kushi, First Deputy Corporation Counsel,
Department of the Corporation Counsel
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Carol Reimann, Director, Department of Housing and Human Concerns

David Taylor, Director, Department of Water Supply

Jock Yamaguchi, Executive Assistant, Office of the Mayor

Anthony Arakaki, CDBG Program Manager, Office of the Mayor

OTHERS: Paul Laub

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Mike Moran, President, Kihei Community Association
Paul Janes-Brown
Mark Hyde
William Crockett, Esq.
Gladys C. Baisa, Council Member
(7) additional attendees

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR TAKITANI: . . .*(gavel)*. . . It is now 1:06. The meeting of the Special Committee on County Governance will please come to order. As a quick reminder, can you remember to turn off your cell phones? I'm glad I reminded myself. I'd like to introduce to you our Committee Members. Committee Vice-Chair, Madge Schaeffer, Pua Canto is excused today, Dave DeLeon, Renee Kehau Filimoe`atu, Paula Friel from Molokai, Kay Okamoto from Lanai, Tamara Paltin is excused for now, Ray Phillips, Jonathan Starr, and Kimo Haynes. My name is Tony Takitani, and I am the Chair of this illustrious Committee. Our Facilitator is Lori Teragawachi. Thank you, Lori. Today we're pleased to have our Mayor with us, our Alan Arakawa. We also have --

MAYOR ARAKAWA: Good afternoon.

CHAIR TAKITANI: --Deputy Corporation Counsel James Giroux, and Deputy Corporation Counsel Junior Kushi.

MR. KUSHI: Good morning.

CHAIR TAKITANI: Presenter today will be William Crockett, as well as the Mayor. Our Committee Staff is Kimberley Willenbrink, our Legislative Analyst.

MS. WILLENBRINK: Good afternoon, Chair.

CHAIR TAKITANI: And Sharon Brooks, our Legislative Attorney, and Clarita Balala, Committee Secretary. Our District Offices, Dawn Lono from Hana. Are you with us, Dawn?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR TAKITANI: All right. Aloha, Dawn. Denise Fernandez from Lanai.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai.

CHAIR TAKITANI: Good afternoon. And Ella Alcon from Molokai Office is excused today. At this point, we'd like to ask if there's any public testimony. Mr. Laub? Oh, Ms. Willenbrink. I'm sorry, I took your job.

MS. WILLENBRINK: That's okay. Could I read the instructions real quickly?

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CHAIR TAKITANI: Please.

MS. WILLENBRINK: Thank you. For individuals who'll be testifying in the Chamber, please sign up at the desk located in the 8th floor lobby, just outside the Chamber door. If you will be testifying from one of the remote testimony locations specified on the meeting agenda, please sign up with the District Office Staff at that location. Testimony is limited to three minutes. At two and a half minutes, the light at the testifier stand will turn yellow, and at three minutes, the light will blink red. If you are talking at the three-minute time limit, I will ask you to kindly stop. When you begin your testimony, please state your name and the name of any organization that you are representing. We have established a connection to the District Offices as you already realize. And to be fair, we will rotate between each office. Our first testifier today is Mr. Paul Laub.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. LAUB: Thank you. I am Paul Laub. I've had a great deal of experience with county or city managers. And I wanted to share that with you, so I brought you three booklets. The first booklet is green, and those are just things I happened to pick up from newspapers that were very, very recent about city and county managers. And they represent news stories from about four or five different newspapers. The second one is two stories in depth, one about a Mr. Stilwell, and another one about a Mr. Guillen. The third booklet is all a story that I wrote in my newspaper. I had a newspaper, and I knew all of the people who asked me to write that story, as well as I knew Guillen and Stilwell, and Schmitz. So I wanted to share that with you so that you get a in-depth perspective over many years, and I thank you very kindly.

CHAIR TAKITANI: Would you...Dave?

MEMBER DeLEON: Could you give us a quick synopsis on what your findings were in your book?

CHAIR TAKITANI: Dave, could you speak into the mic, please?

MEMBER DeLEON: Could you tell us the story you're trying to tell us?

MR. LAUB: Oh, yes.

MEMBER DeLEON: Just summarize it.

MR. LAUB: There's some very interesting things that you'll find. You'll find that it's...transparency disappears. You cannot find out things about previous city managers, county managers. You just can't find them out. They won't tell you. You'll get responses from the councils that hire 'em that say, we have looked into this, and we feel satisfied. But if it's so good, why won't they tell you what is so good? You'll

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see most of these people have been fired, or move on. And they all try to seem to move up to a larger governmental body because they have more prestige and more money as they move up. You'll find that the councils become dominated by the city managers. The city manager's attitude is I'm the doctor so you have to listen to me. And the councils tend to back off and say, oh, okay, he's the doctor. The problem is is you don't know if the doctor got an A in kidneys, or a D in kidneys. And the problem is is that you just don't get the straight story. In the mayor system, it's...you're...the Mayor is responsible to the people. The people hire him. In the county manager position, he's responsible to the council. So his responsibilities and desires are to strengthen the council and strengthen the government, and not take care of the people. The mayor's responsibility is the people, or otherwise he's out. The next thing you'll see is that so many suits are involved. It's just...it's absurd. But you'll see this in these papers. And you'll also see that many of these gentlemen may be skilled, but they certainly didn't get an A in plays well with others. And so I think that you'll find...you know, I didn't want to give you my real analysis. I wanted you to see it yourselves. These are papers...these are stories written by papers, and they are what they are. And I thank you very, very much for your time, effort and energy.

CHAIR TAKITANI: Thank you.

VICE-CHAIR SCHAEFER: Mr. Chairman?

CHAIR TAKITANI: Yes, ma'am?

VICE-CHAIR SCHAEFER: Thank you, Mr. Laub. You've gone through a lot of work here, and it's appreciated. What's the population of Carmel?

MR. LAUB: Well, Carmel's population is actually very small. And I'm glad you brought that up because in one particular case...it's about 4,000.

VICE-CHAIR SCHAEFER: Yes.

MR. LAUB: In one particular case, the city manager said we cannot override the planning commission. We'd have to sue the planning commission. Mr. Eastwood got in and fired everybody, just made it happen, you know. So the city manager was giving the wrong data to the council, and the council was backing off.

VICE-CHAIR SCHAEFER: So your experience is mostly with the city of Carmel?

MR. LAUB: Oh, no. You'll see on here, it also covers the city of Pacific Grove --

VICE-CHAIR SCHAEFER: Yes.

MR. LAUB: --the city of Seaside, and the county of Monterey. And I think the county of Monterey's population, King City and others, is in excess of the County of Maui.

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VICE-CHAIR SCHAEFER: Well, Mr. Laub, I think sometimes you look at the smaller cities as training ground for city managers and county execs in the smaller counties because they have to start somewhere. And so probably the rotation out is higher, as they gain experience, they become more desirable applicants for larger cities that probably pay more. So I think you would find that in any job situation. The apprenticeships are in the smaller companies whether it's, you know, a business, a city, whatever, the same as smaller companies.

CHAIR TAKITANI: Excuse me, Ms. Schaefer, can you put that into a question, or something?

VICE-CHAIR SCHAEFER: I thought I was.

CHAIR TAKITANI: No.

VICE-CHAIR SCHAEFER: Okay. So would you agree that a small city probably doesn't get the pick of the litter?

MR. LAUB: I think that a city deserves the highest quality and not apprentices. I think that if you're gonna apprentice, you should do something other than become a city manager. It's way too important. It's way too critical. And I understand what you're trying to say, but some of these people just do not belong in that particular job. And some of 'em...some are great, like everything else.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Mr. Haynes?

MEMBER HAYNES: I think part of what we're looking at is, you know, possible criterias for selection of these positions. Do you have any information on that on how these individuals were selected? That would be helpful for us.

MR. LAUB: I can tell you that it really looks a lot like to me like if you had a tenant, and you wanted to get rid of that tenant, and let's say that...and we're using tenant in place of a city manager. And you really wanted to get rid of that tenant, and that tenant knew that you wanted him to go. And he checked with somebody, and said listen, I would like to rent your place. And that person called you and said, hey, what do you...how's this guy? Was he good? And you say, yeah, this guy was great, you're gonna love 'em. You know, 'cause you wanna get rid of 'em. And you don't want the lawsuit. So the important thing is, you know, they have companies that specialize in hunting...they're headhunters. And they hunt down these individuals who they think may be suitable for you. I can see in numerous cases, they're not very successful. They hire somebody, but they're not necessarily successful. And they're hired by the council, and the council is doing its best to ascertain the skills and abilities of the individual. And it's really hard to tell what that person did, and what that person didn't do. It's like in the service where you see something written by a colonel, then assisted by a lieutenant, and then finally down here is a little name of a sergeant. You know the

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sergeant did all the work. And so the problem is really finding out how to get this done clearly and properly.

CHAIR TAKITANI: Any more questions? Mr. Phillips?

MEMBER PHILLIPS: Mr. Laub, do you have any idea how many city or county managers there are in the U.S.?

MR. LAUB: No clue, sir.

MEMBER PHILLIPS: Okay, great. And of the people that you provided us information, would you say that that was anything of a decent sampling that would be considered a scientific sampling?

MR. LAUB: Well, the ones I got you in the green one are just all brand new stuff, here in late December, November and December. And this is just a sampling of Monterey County. So I can't testify any farther than Monterey County in that regard.

MEMBER PHILLIPS: And did you...have you found any successful city or county managers?

MR. LAUB: Oh, yeah, yeah. You know, Hugh Bayless was great. And I didn't write 'em up because he was great. And so the good ones, they don't catch your attention.

MEMBER PHILLIPS: Okay. Last question.

MR. LAUB: Sure.

MEMBER PHILLIPS: Some systems have a mayor and a county council, and together they select a city or county manager. Have you run into any of those type of situations?

MR. LAUB: What I've seen is the mayor becomes the head of the council, he's the president of the council. And so he falls into the same situation of getting...he gets information from the city manager, and tries to act on it the best that he can. It doesn't mean that he's particularly skilled in an area. But the council's not necessarily skilled in that particular area, and they defer to that city manager. If the city manager's a strong talking individual, he will, one way or another, he can persuade people through his knowledge and skills.

MEMBER PHILLIPS: And that's a detriment? And that is a detriment?

MR. LAUB: It can be a detriment because the thing is is to really have knowledge and the skills to do all of the functions is not necessarily the skill to be able to relate that. Some of our best politicians are great talkers.

CHAIR TAKITANI: Mr. Haynes?

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MEMBER HAYNES: Just one more question. Do you think the results of these negative examples are a function of the structure, or the individual being selected?

MR. LAUB: The individual's function in the structure. So without the structure, they could not function. And they can only function as far as the councils let them function because they have to answer to the council. The problem is is that the councils often just fold because the city manager tells them something. It's like the doctor tells you something. You say, okay, you're the doctor. So other than that, I don't know how to answer that.

CHAIR TAKITANI: Kehau?

MEMBER FILIMOE`ATU: Aloha, Mr. Laub, and thank you --

MR. LAUB: Aloha.

MEMBER FILIMOE`ATU: --and mahalo for your manao and sharing. So in trying to do our own and my own investigation 'cause I really don't know all about this, the cities that you picked, is there a comparison to our city?

MR. LAUB: The only comparison is that I was there at the time.

MEMBER FILIMOE`ATU: Oh, okay, okay. Thank you.

MR. LAUB: Aole pilikia.

CHAIR TAKITANI: Okay, anyone else? Thank you very much.

MR. LAUB: Mahalo.

CHAIR TAKITANI: May the record reflect that Committee Member Tamara Paltin is present. And Councilmember Gladys Baisa is in the audience. Thank you for joining us. If another Council person shows up, we'll be in violation of Sunshine. Kim?

COUNCILMEMBER BAISA: . . . *(from the gallery)*. . . Two is okay.

MS. WILLENBRINK: Our next testifier is Mike Moran, and he will be followed by Paul Janes-Brown.

CHAIR TAKITANI: Could you repeat his name?

MS. WILLENBRINK: Paul Janes-Brown.

CHAIR TAKITANI: No, no, Mike.

MS. WILLENBRINK: Mike Moran.

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CHAIR TAKITANI: Moran.

MR. MORAN: Aloha, Chair Takitani and Committee...volunteer Committee Members. Thank you very much for stepping up. Your government asked for volunteers to step up, and you all did willingly give your time and effort to an issue that it seems from the Kihei Community Association's point of view that it's good to examine things. You don't have to take a position. You don't...we've been asked what's your position on this? Our position is we wanna learn about it. Unlike the previous testifier, I have no experience whatsoever. So I want to learn. Our community wants to learn. So thank you for stepping up. And I also want to thank Ms. Willenbrink who never gets any credit for doing anything, and she's an extraordinary asset. I think you guys have seen that already. But from a community member who's often lost, she is a voice of reason when you wanna get information. So I wanted to give her a little bit of credit. This is the first meeting that we have been able to attend in person. However, we have observed much on *Akaku* and bless them for educating the community. We did hear, and I believe it was the last meeting, there was some discussion about the need or desire for evening meetings in the community. And it was discussed when it would be prudent to do so. So it's not the same as you guys having a meeting, but I wanted to advise anybody who was interested that the Kihei Community Association is having a meeting just to understand the issue this coming Tuesday, the 19th. And we are very blessed that the gentleman you'll be hearing from once I stop talking, or shortly after that, Mayor Arakawa has agreed to come and talk to us along with a gentleman sitting in the audience today, Mark Hyde, to try and do the same thing, educate the community on the issue, give open perspective. And we're hoping that...we think *Akaku* was gonna cover our meeting as well. So we felt it was worth mentioning to you, and again it might supplement what you guys are doing by having another way of getting the information out to the community. We're just trying to do the same thing that we think you're doing, is educate the community, and our feeling is once you conclude, once the Cost of Government Commission report is out, and community educational meetings in unison can do just that, allow concerned citizens to make informed choices. So I have no advice to give you. Just wanted to express our thanks and encourage the community to listen and be informed and advised. Mahalo for your time.

CHAIR TAKITANI: Thank you very much, Mr. Moran. Are you an actual representative of the Kihei Community Association?

MR. MORAN: Yes, sir. I'm not willingly, but I was elected president, and I speak for the Association.

CHAIR TAKITANI: So you were the last one in the room.

MR. MORAN: When you...oh, you can't step back as fast as those young guys. Oh, you're up front, you're it. You got it.

CHAIR TAKITANI: Thank you very much for your kind words.

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MR. MORAN: Thank you, sir.

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Mr. Starr?

MEMBER STARR: Yes, thank you, Chair. And thank you, Mr. Moran, for coming down. You know, more than someone who got stuck with the job, you're really are doing it with excellence, and Kihei Community Association is probably the most vibrant and energetic community association on the island right now. In that position and having a pretty good feel for the Kihei community, do you think there's some interest in this, and do you think that when this Committee gets into the more deliberative phase, it would be the right thing to do and attract interest and participation for this Committee to have evening meetings in the different communities? Not just Kihei, but possibly Hana and Molokai, and Lanai, and Lahaina, and so on and get to hear what the pulse of the people is?

MR. MORAN: Thank you for your kind words. We do our best, and we do have pretty big mouths so sometimes you get a lot of attention. Say oh, yeah, that's that KCA. But to answer your question, Jonathan, yes, I definitely think so. Now I don't have an unbiased point of view. I think that's always important. And we all know that there's a lot of apathy when we see the...just getting guys to register to vote is such a challenge. But I think you will reach the people who are interested, who do vote, who do wanna make a difference, and do wanna understand. I believe there was a prior testifier...a testifier at a prior meeting was saying about how much misinformation. And we run into that too. When I was trying to get somebody to come to a meeting, he said, oh, this is just an attempt to oust the Mayor. They don't like the Mayor. And I said, well, do you think if this were to happen, that this would affect the current Mayor? And he said, sure, he'd be out of a job. I said, do you realize that it couldn't take effect during Mayor Arakawa's last term? He said, no, you got that wrong. Where did you get your information? Well, he heard it coconut wireless, that kinda thing. So, yeah, there's a lot of misinformation. So the more this can be countered, and yeah, there are a lot of folks who can't get down here in the middle of the day, and even the accolades I give to *Akaku*, well, if they're showing it live, they're missing it too. And they gotta come home and watch the rerun in the evening. Hard to say. But I think it's very important to get out into the community, sir, in the evenings whenever possible.

CHAIR TAKITANI: Thank you, Mr. Moran.

MEMBER STARR: Can I do a quick follow-up?

CHAIR TAKITANI: If it's to clarify his testimony, yes.

MEMBER STARR: Yes. Do you think that this Committee would fill up a room in an evening meeting in Kihei or some of the other communities?

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MR. MORAN: That's a very tough one to answer, Jonathan. We struggle every time we have a meeting in saying what's gonna be the turnout. And, of course, it depends on the size of the room. If it were the Kihei Community Center, no, I don't think you'd get 700, 800 people, whatever that holds. If you were in a relatively small room like ours, where 90 or 100 is considered a full room, I do think that could happen if it was just one meeting. If it was gonna be sequential meetings, no.

CHAIR TAKITANI: Anything else? Thank you very much, Mr. Moran.

MR. MORAN: Thank you, sir, aloha.

CHAIR TAKITANI: Mr. Brown?

MR. JANES-BROWN: Janes-Brown.

CHAIR TAKITANI: Oh, Janes-Brown, sorry. And I should know better.

MR. JANES-BROWN: Aloha, Mr. Chair and Members of the Special Committee on Governance. I wanted to let you know that I have been out in the community having conversation. Perhaps you saw the recent poll in *The Maui News* where 48 percent supported the change of the Charter to allow for professional management where...and 34 opposed, and 18 percent were undecided. This is the prevailing sentiment in the community. But don't take *The Maui News* poll commission for your own. It is important that you know that this question needs to be given to the voters. I have heard horror story after horror story about the lack of professional management in the County management. Just recently we learned Maui County is three years behind deadline for creating a metropolitan planning organization compliant with Federal law so the County can qualify to receive Federal Highway Funds for local projects affecting this community. Due to inaction, the Administration has put millions of dollars of Federal Highway Funding at risk that could otherwise come to Maui. And what about the demise of the Maui Film Studio? Because a friend of and donor to the Administration did not want to have competition, this also resulted in the termination of the former Film Commissioner for doing his job. And now what do we have now for a film industry on Maui? Not much. Let's talk about the Maui County Code and the Charter where it talks about the Planning Director shall issue a report annually providing a detailed explanation of the implementation and enforcement of the General Plan and community plans to the Mayor and Council. Absent benchmarks, milestones, and timelines, meaningful annual reports are a near impossibility. In any event, these provisions of the Charter and Code have been ignored. No annual reports have been given by the Planning Director to the Mayor and the Council in recent years. The community plans are supposed to be updated every ten years. However, no plans have been updated in a timely manner, and in fact, several are more than 20 years old. Think about the changes that have occurred in 20 years. I could go on and on. This inability to provide leadership for a community plan is only one of the reasons why there are no benchmarks, timelines, and accountability for a vision for our community. Absent these basic management tools assessing progress and evaluating the work that is being done is impossible. Please look at the kinds of

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transparency, despite what Mr. Laub said, that you will find in council-manager forms of government. Go to their websites. I have. And a community, please look at other counties our size. See what their administrative budgets and staffs are, and look at what a truly professional management team can do for a community. Please, don't get me wrong. The people who are administering the County are well-meaning, very nice people. However, running a three-quarter-billion-dollar organization with more than 2,500 employers...employees is not a place for on-the-job training. It needs professional, experienced, qualified, educated management that the council-manager form of government provides. Thank you very much.

CHAIR TAKITANI: Thank you. Any questions? Tamara?

UNIDENTIFIED SPEAKER: Oh, Jonathan.

CHAIR TAKITANI: Tamara, go ahead.

MEMBER PALTIN: I noticed in the Charter Section 8-1.3 does say that the managing director is to evaluate the management and performance of each agency. And I was wondering if you ever went to the Administration and asked for copies of these reports?

MR. JANES-BROWN: No, I haven't.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah, it sounds like you've done a bit of research on this --

MR. JANES-BROWN: Yes, I have.

MEMBER STARR: --Mr. Janes-Brown. Do you have any vision of what performance evaluations both for the county management and for the departments would look like? I know not in detail but...

MR. JANES-BROWN: Well, I mean, it's pretty obvious that, you know, what you need is you need to have policies established. Those policies then to have measurements associated with them. They have accountability. They have timelines. They have, you know, goals and objectives. They're specific, and everybody's given those tasks, and then they're evaluated against the ability to be able to perform on the tasks that have been assigned. I mean, it's a pretty simple thing to do. But, I mean, it's just not being done.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: And, Paul, have you ever looked at the County budget and seen how it formats, and then how it sets up exactly --

MR. JANES-BROWN: Yeah, I read the whole thing.

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MEMBER DeLEON: --what you're talking about? Well, then...

MR. JANES-BROWN: I'm probably one of the few people, except for the Mayor and Keith Regan, and, you know, the Budget Director who has.

MEMBER DeLEON: Okay. And that doesn't set up the criteria you're looking for?

MR. JANES-BROWN: No. I think that those criteria are not what a manager would establish for the kind of performance measures that we're talking about. Those are not performance measures, in my opinion.

MEMBER DeLEON: Okay. It's called a performance budget. That's what it's called.

MR. JANES-BROWN: Yeah, I know. You can call a pig a pig, or you can call a duck a duck. But, you know, if it looks like a pig and walks like a duck, you know, it's a turkey.

MEMBER DeLEON: Thank you for that. I'll write that down.

CHAIR TAKITANI: Any other questions? Thank you, Mr. Janes-Brown.

MR. JANES-BROWN: You bet.

MS. WILLENBRINK: Thank you, Chair. Our next testifier is Mark Hyde.

MR. HYDE: . . . *(from the gallery)*. . . I waive my time.

CHAIR TAKITANI: Okay. Thank you.

MS. WILLENBRINK: Mark Hyde is the final testifier signed up to testify in the Chamber.

CHAIR TAKITANI: Do you want to check for Molokai...I mean Lanai and Hana?

MS. WILLENBRINK: Yes. Lanai Office, do you have anyone wishing to testify?

MS. FERNANDEZ: There's no one waiting to testify at the Lanai Office.

MS. WILLENBRINK: Thank you. Hana Office, is there anyone wishing to testify?

MS. LONO: There's no one waiting to testify at the Hana Office.

MS. WILLENBRINK: Thank you. Our final testifier signed up today is Mr. Mark Hyde.

CHAIR TAKITANI: Okay, if there's no objections, I going close the public testimony.

MEMBERS: No objections.

CHAIR TAKITANI: Thank you.

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. . .**END OF PUBLIC TESTIMONY.** . . .

CHAIR TAKITANI: We have four items on our agenda today, and our first one is a presentation and pursuant to Rule 7(B), Rules of the Council. I've invited former Charter Commission Member William Crockett to give us a presentation relating to the historical establishment of the current form of governance for Maui County, from the transition from the Board of Supervisors to where we are today. Mr. Crockett was the Vice-Chair of the Maui County Charter Commission in 1966 and '67 when it recommended these changes. Mr. Crockett is an outstanding member of the Maui County Bar Association, and we welcome you here today.

MEMBER STARR: Mr. Chair, before we get to that item, could we...could I ask and put something out regarding agenda and our agendas moving forward?

CHAIR TAKITANI: Go ahead.

MEMBER STARR: Yes, I'd like to strongly request that as part of our process in upcoming meetings that we have more of a facilitated discussion and presentation on a number of the separate aspects of the tasks where we've been asked to do, and different areas of expertise with that. We do have a facilitator on that, and so I think we need to create a process where Members can get to understand our goals, and create our own goals and objectives for this. And also to possibly prioritize them as one would in any facilitated process, and be able to discuss things like criteria, evaluation, and annual standards on what, if there is a possible pathway toward having management, then how would that manager be selected and implemented. I think these are things...I know we have the TIG process which will be very helpful, but I also think that we need to do that in a facilitated setting.

CHAIR TAKITANI: If I may, this is what you requested at our last meeting. This is what we did, and this is on our agenda today. And the whole idea of what you just stated will be presented by our Facilitator as Item No. 3 on our agenda today.

MEMBER STARR: Okay, so I think there are pieces there, I think maybe we'll need to continue that process.

CHAIR TAKITANI: That's why it's just a proposed plan.

MEMBER STARR: Okay.

CHAIR TAKITANI: Anything else?

VICE-CHAIR SCHAEFER: Just one thing related to the agenda. And I thought we were going to always put the resolution itself on first. So...

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MS. WILLENBRINK: Point of clarification, Chair. The reso is on the agenda as Item No. 4 this...today.

VICE-CHAIR SCHAEFER: All right. I thought it was in the beginning so that if there were any procedural questions or whatever that it could be the first thing --

CHAIR TAKITANI: It doesn't make a difference.

VICE-CHAIR SCHAEFER: --on the agenda.

CHAIR TAKITANI: We'll take 'em up whenever you want to 'cause it's on our agenda, so we'll take 'em up if there's procedural questions.

VICE-CHAIR SCHAEFER: Well, I think in future agendas, maybe put it in the first. There may not be any questions, but it gives an opportunity if the Committee does have a procedural question to ask it, to raise it at the beginning of the meeting.

CHAIR TAKITANI: I won't stop you from asking any questions from the beginning if you want to. Anything else? Mr. Crockett, thank you very much.

CG-1(3): PRESENTATION: FORMS OF COUNTY GOVERNANCE

MR. CROCKETT: Good afternoon, Chairman Takitani, Honorable Members, Mayor Arakawa, Councilperson Baisa. I was on the first Charter Commission, and when I refer to the first Charter Commission, I refer to two separate commissions. Because in fact, in my mind and as a matter of the record, there were two first Charter Commissions. The first Charter Commission was appointed very shortly after the enabling act was passed in 1963. Everybody hearing me? My voice is a little bit kapakahi right now. That Charter Commission proposed a form of government like we have, the mayor-council form of government. That first Charter was defeated because we couldn't get it ratified by the Council...by the community. The second Charter Commission the Chairman referred to, I was also on that, and that Charter Commission was successful. The Charter that we proposed was the first Charter for the County of Maui, and it was enacted by...at the 1968 election, took effect on January 1st of '69. I indicated to the Chairman that I would very briefly outline the form of government that we had prior to the adoption of the first Charter because I think it's important. We had a number of elected officials. We had a Chairman of the Board of Supervisors. We had members of the Board of Supervisors. We had a Treasurer. We had an Auditor, a County Attorney, and a Clerk. Those were all elected officials. And as you can see, a lot of the Administration was spread out among a number of elected officials. There was one very important official who was not elected, and that was the County Engineer. And he headed the Department of Public Works for the County of Maui. Now if we had no Charter, where did the job descriptions, the terms of office, the manner of selection of these officials come from? They came from the Hawaii Revised Statutes. There was no integrated document called the Maui County Charter. In order to figure out what...how the County operated, you had to refer back to the Hawaii Revised Statutes.

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In addition to the Department of Public Works, we had a Water Department which was semiautonomous, or autonomous depending on how you...what kind of language you want to use to characterize it. And we also had within the County, a Parks and Playgrounds Department. The Chairman, Executive Officer, we called him the Chairman of the Board of Supervisors, sat with the Board of Supervisors, managed the meetings, but the crucial question at the time was, who actually managed the County, and this is what...how the Statutes described the work of the Chairman. It says, shall manage County affairs, subject to and at the direction of the Board, meaning the Board of Supervisors. Now if you just ponder that language, you can see the difficulty that was inherent in that type of an arrangement because unlike the present Mayor, the responsibility, the executive responsibility was held concurrently by the Chairman of the Board and the Board itself. I wanna go to the work then of the two Charter Commissions. And I'm going again, simplify things by saying "the Charter Commission," the first Charter Commission because both Charter Commissions came up with the form of government that we now have. Let me say very carefully and clearly that both of those Charter Commissions examined at great length the concept of a council-manager form of government. We spent on each one of those commissions I would say at least six months. That wasn't the only thing that we did during that six months, but during that six-month period, we spent a great deal of time thinking about the basic form of government for the County of Maui. And both of those Charter Commissions opted for the strong...which I hate...I dislike the phrase "strong" but the mayor-council form of government. That is the form of government where you have two independent branches of government that are recognized, and those branches of government work independently, but hopefully cooperatively. There were three reasons why those Charter Commissions adopted that form of government. First of all, during this study period we had recourse, first of all, to the academic resources, Political Science Department at the University of Hawaii. Now I have forgotten the name of the persons, I believe there were two people from the University of Hawaii Political Science Department who talked to us. And when I say us, I not only mean our commission, but concurrently Kauai and Hawaii were also in the process of adopting their independent charters. I can recall very definitely these academics coming to Maui to talk to us, and also going to a joint conference over in Hilo where they talked to all of the commissioners. Independently we did our own independent research by looking at journals. And the gist of the academic thought at the time, I'm not talking about...I am talking about...I'm talking historically as a historian. At the time, the belief of the academics was you don't say that a manager-council form of government is good for this particular type of community, a big community, a small community, this size, or that size. It's the nature of the community that indicates whether or not the council-manager form of government is appropriate. And the gist of the academic thought that was given to us was that if you have a homogeneous community, which you could typify by looking at a Midwest city, if you have a homogeneous community, the council-manager form of government was very good. On the other hand, if you have a heterogeneous community where there a number of different interests in the community, then you wanted a strong mayor because it was through that strong mayor you could have these special interests respond to the leadership of a strong mayor. That was one reason why we went for the mayor-council form of government. The other reason, and there's three of them I'm

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gonna outline for you, the second reason in part goes back to this indefiniteness that existed in the relationship between the Chairman of the Board of Supervisors and the Board. If you look and reflect upon that definition that I gave you, the definition of the...who was going to be responsible for the affairs of the County, it's very ambiguous. And there was a history of members of the Council interfering, and again given the vagueness of that definition, I suppose you can't really say they were interfering because the executive responsibility was vested in the group, not solely in the Chairman. But there was a record of people in the Council...sorry, the Board of Supervisors micromanaging the individual departments. Of course, the most important department was the Department of Public Works, and also the Department of Playgrounds. And we were concerned that that practice...we were concerned about that practice because the idea that the individual members of the Board would attempt to be involved in active management of these individual departments we thought was not the proper way to run the County of Maui. And the third reason goes back to something you've undoubtedly come across when you took your first class in government or political science, it's the concept of a checks and balances in government. And you achieve checks and balances in government when you have two independent branches of government. And I'd like to read to you one...the report of the first Charter Commission said in this regard...

CHAIR TAKITANI: Okay, Mr. Crockett, it's been ten minutes so can you kinda wrap it up?

MR. CROCKETT: I'm just about finished. I got a horse...

CHAIR TAKITANI: Thank you very much.

MR. CROCKETT: I got a horse to take care of this afternoon. And this is what the first Charter Commission said, the American political doctrine that there must be checks and balances between the various branches of government rests on the basic premise that government is in fact composed of several separate branches. There are no checks and balances and government can become inefficient, arbitrary, or even corrupt if the executive and legislative functions are lumped together and performed by one monolithic body. I was the draftsman of the report, and I didn't realize I was so eloquent. But anyway, if you wanna really get some insight into the doctrine of checks and balances, I refer you to the Federalist papers which were written by Madison and Hamilton. The Federalist papers explain very clearly how the system of independent branches being checked and balanced by each other, and how in the...and eventually it's the citizen who's protected by those checks and balances.

CHAIR TAKITANI: Thank you very much.

MR. CROCKETT: One last...

CHAIR TAKITANI: Oh, okay.

MR. CROCKETT: One last point to make. I've noticed in the lead up to your appointment, a lot of commentary about the conditions, economic conditions in the County of Maui

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back in 1967. I wanna share some economic history with you. A lot of the commentary that I read refers to Maui at that time as being a very small little place dominated by a couple of plantations and, therefore, the Charter that was drafted at that time really was not suitable. Whether or not it is, is not for me to say. That's your job, and I'm certainly not expressing an opinion on that. But I don't think that's a correct reading of Maui's economic history. Late 1960s, Kapalua was on the verge of going. As a matter of fact, I believe the first two hotels had been built. One of the members of our commission was Keith Tester, who was a manager of...if I say Kapalua, I misspoke. I meant Kaanapali. Keith Tester was the manager of Pioneer Mill. He was very involved with getting Kaanapali going. At that time, the development down at Wailea was ongoing, the plans were being prepared, and also at that time the Cameron's had just retaken control of Maui Land and Pine, and Colin was very active in getting Kapalua going. All of the people on the Commissions realized that Maui was on the cusp of a great deal of development. And all of us realized that the Charter that we were drafting was gonna be the basis for the future development here on Maui which, of course, has occurred. And the final thing I'd like to suggest to you, at my age it's delightful to go back and read what you did when you were 40 years old. I drafted the report and I read the report this morning in preparation for this meeting. And I would suggest to you that you read the report, not because I drafted it, but because I think it gives you some good insight into the thinking that went into the preparation of the first Charter. Thank you, Mr. Chairman. If you got any questions --

CHAIR TAKITANI: Thank you.

MR. CROCKETT: --I'd be willing to answer.

CHAIR TAKITANI: Any questions?

VICE-CHAIR SCHAEFER: Yes.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Mr. Crockett, thank you for your historical filling in for this Committee. Regarding the issue of checks and balances, would you say that the mayor's check and balance is his right to veto?

MR. CROCKETT: I didn't pick up the last word in your sentence.

VICE-CHAIR SCHAEFER: Is the Mayor's...in the checks and balances between Mayor and Council, isn't the veto of the Mayor the check, or the balance?

MR. CROCKETT: Well, just as an outline, and again this is based upon the separate branches that we have in the Federal government, in the State government, the Mayor...the budget is prepared by the Council, the Mayor has the power of veto. The Council can override that veto. The Council proposes ordinances, the Mayor can veto. The Council can override the veto. Also, I think if you read the report, we included in

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our financial provisions, which I think pretty much continue, that the Council's power over the preparation of the budget, and the schematic outline for the budget gave the Council a great deal of authority because it did limit the ability of the Mayor to transfer funds around within the department. That's strongly put in the report that I...well, we prepared because everybody signed the report. We made a big, a very big point in the report of pointing out that the Mayor did not have unfettered discretion in moving money around, that once the appropriations had been made by the Council, that in the implementation of the appropriations that had been made, the Mayor did not have the authority to start moving funds around.

VICE-CHAIR SCHAEFER: A follow-up question.

MR. CROCKETT: So there are various provisions in the Charter itself that whereby the Council can limit the authority of the Mayor, and vice versa. That's the concept of checks and balances.

VICE-CHAIR SCHAEFER: I understand. So if the Mayor...if there was a county manager, and there was an elected mayor, and that elected mayor had a veto, right, wouldn't that satisfy the checks and balances that you're describing?

MR. CROCKETT: Well, now you're asking for an opinion, and I'll...if...do you want me answer...

CHAIR TAKITANI: Go ahead, answer it.

MR. CROCKETT: I don't think so. I don't think that that really satisfies the underlying concept of independent branches of government, especially...well, period.

VICE-CHAIR SCHAEFER: Okay, thank you.

MR. CROCKETT: But that's for you to decide.

CHAIR TAKITANI: Thank you.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Thank you. Tamara?

MEMBER PALTIN: Thank you very much for your presentation. It was very informative. I'm not sure if you meant for the checks and balances portion to also encompass accountability. In the recent *Maui News* and also in reference to Mr. Janes-Brown's testimony, *The Maui News* did a article stating that the formation of the metropolitan planning organization is three years behind schedule, and it's supposed to form when the urban core reaches 50,000 residents which happened back in 2010. And, you know, I don't know if it's checks and balances or accountability, but we could stand to lose \$186 million in Federal funding for projects. Now I'm not sure if the checks and balances show who should be accountable. Is it the former Director of Transportation

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who just retired? Would it be the Managing Director? Would it be the Mayor? Does accountability...I guess my question is does accountability play into the checks and balances, like within...I'll definitely read the Charter of '76, but it feels like we don't have enough accountability. Not only with this metropolitan planning organization, also our community plans and General Plans are outdated, and so I'm just wondering about that.

MR. CROCKETT: As I see it, and I think this is the way we should see it, the concept of accountability rests with the people and by their ability to vote people in and out. So if you wanna deal with a general concept of accountability, I believe, expressing an opinion, that when you appoint a council manager, instead of electing a mayor, the people of the County lose a great deal of accountability because as I see it, and I'm not a political scientist if anything, but as I see it, accountability, the concept of accountability in government rests with the vote, the power of people to vote. And I think to the extent that you remove from the power of the people to vote the mayor out, or in, you're losing accountability. And that's my response to this specific question. In regard to the particular situation that you describe, I...again, I think it's...another opinion if I may, we...and doing the...working on the Charter, and I was on another Charter Commission later on, I was appointed by Hannibal Tavares, I think it's very dangerous to start looking at specific anecdotes in order to guide your actions. I think you have to maintain a very broad frame of reference because that's what a charter is. A charter is a framework for government, and to start drafting the charter based upon specific anecdotes that you may be aware of, or other people are aware of, I think it's a very dangerous practice. Also...period. I've said enough

MEMBER PALTIN: Can I have a follow-up?

MR. CROCKETT: And that's . . . *(inaudible)*. . . unless you have some other questions.

CHAIR TAKITANI: One more question.

MEMBER PALTIN: How would you hold a lame duck administration accountable in that case if voting is your way to hold the person accountable in their term limits?

MR. CROCKETT: As long as you have...ultimately as long as the people have the right to vote, they can hold people accountable. Now, I agree you can say that about the present Federal administration. I suppose the Republicans would say, how in the heck are we gonna hold Mr. Obama responsible for things that we disagree with? I guess that you have a difficulty. But I think you come down in a democracy to accountability rests with the people because they have the right to vote. And as soon as you make one of your important officials non-elected, you're losing to that extent a great deal of accountability.

MEMBER PALTIN: Thank you.

VICE-CHAIR SCHAEFER: Mr. Chairman, I have a question.

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CHAIR TAKITANI: Go ahead, Madge.

VICE-CHAIR SCHAEFER: Mr. Crockett, you just said that the accountability goes when a person isn't elected. The Chairman encouraged us all to read the Charter, and gave us the Charter to read, which I did. And your comment brought up the point that I was surprised to read. It says that the Managing Director, in the event that the Mayor is unable to serve, and, Mr. Mayor, I wouldn't wish that on you at all, according from the Charter, that the Managing Director, if it's within a year of the next election, would become the Mayor. How is there accountability there? How is that in the framework? And did that...when was that? Was that in the '70...I think it was the '76 which you said you were on the '76 Charter Commission? That was...

MR. CROCKETT: I was on '76 Charter...no.

VICE-CHAIR SCHAEFER: I know you were on the '67. I thought you said you were on the following.

MR. CROCKETT: Oh, no, not the following. I was on the commission that was appointed by Mayor Tavares. And as I recall, it was '81 --

VICE-CHAIR SCHAEFER: Okay.

MR. CROCKETT: --'82, thereabouts.

VICE-CHAIR SCHAEFER: All right. Well, it leaves that question open of how did the Charter Commissions arrive at appointing...of having a non-elected take over for up to a year as Mayor? And that you may very well not have the answer. I don't know what the answer is --

MR. CROCKETT: Well, I would...

VICE-CHAIR SCHAEFER: --but it raised --

CHAIR TAKITANI: I know what the answer is.

VICE-CHAIR SCHAEFER: -- the flag. What is it?

CHAIR TAKITANI: Sometimes decisions are financial. That way you can't have a special election. It's too close to the next election.

VICE-CHAIR SCHAEFER: But it flies in the face of --

CHAIR TAKITANI: It does. And nothing's perfect.

VICE-CHAIR SCHAEFER: -- the framework that you're not responsible unless you're elected.

MR. CROCKETT: I didn't quite say that. I said...

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VICE-CHAIR SCHAEFER: No, no, no, no, you didn't. You didn't.

CHAIR TAKITANI: Anyway, can we...let's move on.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Thank you very much. Thank you very much, Mr. Crockett. We appreciate it.

MR. CROCKETT: Thank you, Mr. Chairman and Members. I enjoyed discussing this history with you as --

MEMBER DeLEON: Mr. Chair?

CHAIR TAKITANI: Yes.

MR. CROCKETT: --time goes by. Thank you.

MEMBER DeLEON: I'd like to thank Mr. Crockett for his service and his presentation. I thought it was very helpful.

CHAIR TAKITANI: Thank you.

MR. CROCKETT: Thank you.

CHAIR TAKITANI: Thank you. If there are no objections, I'd like to defer Item No. 2...Item No. 1.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: PC)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR TAKITANI: And now pursuant to Rule 7(B) of the Rules of the Council, I've invited the Mayor to join us, and to give a presentation on the current form of government from his perspective. Mr. Mayor?

CG-1(6): PRESENTATION: CURRENT COUNTY GOVERNANCE

MAYOR ARAKAWA: Thank you very much, Mr. Chair. Before we go into the PowerPoint, there's a couple questions that I'd really like to put to you. I was at the Cost of Government Commission meeting this morning, and they were talking about this very topic. And I think it would behoove you to get the minutes of what they were talking about, and the research that they've done because it'll answer quite a few of the questions that you may have. One of the questions that was answered very distinctly

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was, is there a cost savings? And they went through some very extensive research through the national associations on an average. And they found that there's no real cost savings. So but, again, I would refer you to them to see what their research indicated. Now as far as testimony by one of our testifiers, as far as the delays in the County planning process, I would beg to ask you to look at the Council allowed delays in all of the process, and how they postponed and extended one time after the other. That wasn't administrative. That was Council extending the period, even the time that they had to analyze the community plans and the whole planning process. And I know that the...a lot of these speakers were actually part of that system. So they understand very clearly that most of those delays were not administrative. They were Council requested because the various commissions that were looking at it, the citizens' group that was looking at it, requested time delays, and some of you were on the committee so you know what I'm talking about. In going over some of the criteria again from the Cost of Government Commission this morning, they do have a list of ways to analyze what the community is looking for in form of government. And I didn't have time to write it all down, but there are some that they were emphasizing. One was professionalism, the ability to have professionals in the positions. Another was the turnover rate of County officials. Another was whether or not there was an improvement to the provisions of service for people within the community. Fourth was savings due to restructuring of the executive offices. And I think it was kind of interesting in that one they used Napa Valley as an example as something that's very comparable because they did the research on it. Again, I ask you to look at their research. And they actually found that with the same...about the same type of population, the cost increase is tremendously more. There was no real savings. It was a tremendous cost increase. The city manager there was paid about \$250,000. And they had 20-something departments. They were paid at about \$180,000. But, again, look at their research because they went through some very extensive research, and I think that it would help you to be able to do that. Now one of the major issues that I think needs to be looked at when you're doing this, and I am in favor of doing analysis, and looking at different forms of government and trying to see if there's ways to improve the system. And as was pointed out by one of your testifiers, this does not affect my Administration. The Charter amendment does not affect me on a personal level, professional level, so I don't anyone to get the mistaken idea that I'm trying to defend my job. I feel that the community is the judge of whether we're doing a good job or not. I think one of the major issues that really needs to be examined is, why are we doing this at this point? What are we trying to be able to accomplish? We talk about goals. What are the goals? What are we trying to do? Is our government system falling apart? Are we a second-rate community? Where do we rate in the national level, or in the comparison to other communities? And I think that you will find that...and we have and we'll make available to you, the bond rating companies not only this year, we can go back to last year, and their definition, their research into our community to see whether we are dependable, whether we're stable, whether we're working in the right direction or not. We're a AA+ rating. And if you read what they have to say about our community, you're going to find that they grade our Administration as one of the top-rated administrations. They're not finding a whole lot of flaws in what we're doing. And I think that in trying to do analysis, if you have something that's working really well, we're one of the best tourist destination areas.

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Our economy is strong. There's a lot of things that are going on. And in emergency situations, have we handled it well? Have we handled it poorly? If anybody is looking for the perfect county, and I think that's what a lot of the critics try to compare, they say, well, you know, you have this that's going wrong, that's going wrong, this is something you can improve, that...I will tell you, for the record, when we go sit down and we do our budget, there are hundreds of millions of dollars worth of improvements that we would like to implement, that we think should be implemented. However, we are limited by the economy that we have and our budgeting ability to what we can make improvements on and what we can do in a timely manner. If you look at a lot of the departments, you're seeing tremendous changes happening and occurring as we sit. Almost every department that has personnel is having better equipment. They have better capabilities. The computer upgrades are going in. The community is being serviced by different components. Computer, for instance, if you have a traffic jam, now you can get a report on the computer. You can get reports on all kinds of things, and I'll let Keith get into that in his presentation. But you have been seeing a lot improvements in a lot of areas. Do we have it all? Can we cover it all? No. One of the weakest computer systems in the entire County is probably our...what our Administration has to work with, and we've been trying for years to upgrade the systems but we've had to go through the Council who has restricted our ability to do that. In many instances, when we are trying to make improvements to our economic situation, and I'll go back to One Main Plaza, we could've bought One Main Plaza for \$10½ million. And that's even with the ground under it for that half a million. We have spent over \$10 million just in lease for half the building 'cause the Council wouldn't buy it. When we look at the Kihei school, ten years ago we had a proposal from Everett Dowling for \$1 in exchange for property that we're not using as part of a park, that 150 acres above the police station, that will never really be developed into park, we could've for \$1 exchanged that, and he would've created a Kihei high school, and sold it back to us and the State for \$1. That was taken out. When we look at the ability to have a homeless shelter like what we have in Lahaina, Kihei was slated to have one. The Council took it out, and now we have to deal with the homeless problems. When we talk about the homeless situation and all of the challenges we have right now, under the Governor's emergency declaration, we were trying to create homeless situations and solutions. We've been waiting over 50 days for the Council since we had an emergency meeting. I called two emergency meetings with the Council, and to try and expedite the process of us working with the homeless situation. We've sent...when I went down the second time, I told them I would be sending them bills the very next day because that's what they wanted. Over 50 days later, over 50 days later, they haven't had a meeting. They're only now scheduling the meeting. This is the group that is being proposed to manage the manager. Now there are many, many items that have been put into the County budget, and we look at checks and balances, that I do not expend money for. Why? Because I believe they're bad expenditures, and I'll give you examples. The community center was put in by one of the Councilmembers in a piece of property in Kahului, A&B property, and money was appropriated for it, millions of dollars was appropriated for it. We do not have site control of the property. We don't even know where the property is actually going to end up. The project has not gone through the Planning Commission and gotten its approvals. We don't even know if it's gonna actually happen. But they

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wanted us to spend the money to build a community center, start the work there. Is that a good expenditure of County money? No. Our Administration is the check that balances bad proposals. There are pieces of property that were funded in Haiku. When we asked the Councilmembers what are you going to do with the properties? What are your plans for properties? This is like \$7 million. They have no plans for the property. They have no clue what we're gonna do, what it's for. But they wanted us to do this because some community group came in and said they wanted the properties. In actuality, A&B was selling those properties for over \$12 million, so the \$7 million wouldn't have been able to get it. They're disjointed properties, and we still don't have a good justification for why to pick up the properties. Are we expending funds for it? No. So when you talk about checks and balances, the Administration checks and balances to make sure that as the Council is appropriating funds, and they are the ones that create the County budget. They approve every penny in the County budget, okay. Where the check is is that if they put things that are inappropriate in the County budget, we just don't expend it. If it's not possible to do, we don't do it. What can be done and what we have been doing is fixing the roads, and you see the progress there, fixing the parks, you see the progress there. We've been making changes within our computer systems. We've been making plans that we've made public about and buying property for creating baseyards so that we can change the very way that our structure of government is put together. In other words, if we have...right now we have all these different baseyards, all the different mechanics, all the different equipment is all scattered. If we put them in one place, we can have better management of ordering parts, better utilization of the personnel, better utilization of all the equipment that we need to do the operations. If we put together a building that contains all of our information storage, is one of the proposals, then we won't have all the information for the County being stored in cardboard boxes in who knows where. That gets lost many times because the person who put it there leaves service. We're trying to make those improvements, and if you look for the record, on the record as where all the suggestions come from for the major changes of government, you're not gonna find it coming from the County Council. You're gonna find that they're coming from the Administration to make the major changes. Why? Because that's our job. In dealing with the public at large as an elected official, as an elected official to get my position, I have to go into the community and I have to talk to people in all the corners of this County. I have to get to know the people in the County to the level that they will actually vote for me in an election. A county manager doesn't have to do that. He doesn't have to have any kind of connectivity with the general public because he has no responsibility to the general public. As a Mayor, I have an absolute responsibility because not only is it about elections, it's about personal commitments. When I go into the community as Mayor, and as campaigning for the office, I talk to people. They ask me, can you work on this project, or can you work on that project? If I say yes, I'm obligated to do it because these are my friends, these are my neighbors. These are people that I know on a one-to-one basis. And I have to face their wrath and their criticism if I don't perform. Does a county manager if just appointed, would he have that kind of...shall we say...

CHAIR TAKITANI: Mr. Mayor, you need to kinda...I've been told that you need to stay focused on our current --

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MAYOR ARAKAWA: I am.

CHAIR TAKITANI: --form of government and not compare it.

MAYOR ARAKAWA: Well, I am sticking on our current form of government. I'm trying to explain what the benefits are of what --

CHAIR TAKITANI: We can figure out the --

MAYOR ARAKAWA: --our government is.

CHAIR TAKITANI: -- comparison. Try stay on the current stuff.

MAYOR ARAKAWA: Well, that is the current stuff. This is what we're doing the analysis on, is whether...is there a better form of government than what we have. In selecting my officers to work with me, all my department heads, this is not a random selection. We go through and we screen to find the best people because every one of them is accountable. And if there's complaints, I'm accountable for those complaints. So we go through and we select from our communities and from wherever we have to, the very best people that we possibly can. And I will pit each and every one of my managers against any other community. As a whole, I believe we have the best group of managers, directors and deputies any place. And I think that every award that they have, all the accolades that we have, if you put 'em all together, you're not gonna find very many communities that come close to what we do. The basic question is, what is the reason for trying to change a system that is working very well? And that is what you're looking at, system changes. The difference between a mayor who is elected by the community and who has to have the trust of the community, and has to buy that trust with commitment and hard work, versus a county manager who's just paid to do a job is night and day. A county manager, at any time he doesn't like what's going on, he can pick up, and he can leave. If he's not from this community, just moves back to Texas or wherever he came from. There's no rules or regulations that say the county manager would have to be someone who knows the community and the people in it. And that is a critical issue in deciding whether or not you're gonna hire somebody from outside to come in. Our community is very different from most communities in the entire nation, in how we operate. Yes, there are differences in other communities, but we are a very large small community. And we have a lot of issues that we have to deal with from the Mayor's position that most other communities don't have. We deal with a lot of foreign dignitaries. We deal with the military. We deal with emergencies. If there's a hurricane, or a tsunami, or a chemical spill, or somebody driving their SUV into the terminal, you have to have a mayor that has the ability to make a decision and to get the action going that will resolve the issue. That is appointed by...from the State, gives the mayor that authority. A managing...a hired manager, it would be very, very difficult to see what authority they actually have because lot of the State Statutes very specifically state county mayor. And Keith did a very cursory look, about a 135 of those Statutes, right up front. But lot of 'em specifically say authority to do rests with the county mayor, and the approval must be from the county mayor. So you're gonna

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have to change a lot of the State Statutes. Go to the State Legislature, get all those things changed, only for Maui County. And if any of you had any dealings with the State Legislature, that may take centuries because they have no motivation to change the legislation just for Maui. And they would have to go through hundreds of different Statutes. Now from a technical standpoint, Keith has a presentation. I'm gonna ask him to go through and present his technical presentation.

MR. REGAN: Thank you. Good afternoon, Chair, Members.

CHAIR TAKITANI: Keith, how long is yours?

MR. REGAN: I'll push through it pretty quick.

CHAIR TAKITANI: Quick.

MR. REGAN: Yeah. Thank you, Chair and Members. Good afternoon, Keith Regan, Managing Director for the County of Maui. Kim, do I need to use this to advance? Okay, very good. So there's three topics for discussion this afternoon that I would like to touch on with you. They are continuity, professional management of our Departments, as well as Hawaii Revised Statutes. With regards to continuity, you all understand what continuity means. I don't need to go through that in terms of defining it for you, but at all levels of government, you know, there are contingencies that are built in for continuity. And it's sometimes called the coop, or continuity of operations, continuity of government, and at a Federal, State and even here at our County level, we do have provisions for continuity of government, continuity of operations. And, you know, the organizational charts that you've probably already looked at are a great resource to be able to provide you some information about continuity of operations. And as I stated, there's multiple layers that exist currently within our County operations. The existing structure, and this is just a general, you know, overview of each of the departments. Each of the departments, they have a director, and they have a deputy director, and they may be called chief or deputy chief, but they are in essence the same. And when you really boil it down, the purpose of having the director and the deputy is to carry out the vision of the Mayor as well as the policies of the County Council. So a lot of times, you'll hear or you'll watch budget meetings where the Council's talking about different things and projects that they wanna see done. And, you know, oftentimes the directors of the departments will take that information, go back and use that in their vision, as they're running their departments to move forward and address some of that. But the next layer, which is very important here, is the division heads and these are the management that occurs below the department director or deputies. And these division heads, they are not appointed by the Mayor. These division heads are, in fact, civil servants. But they are responsible for the day-to-day operations of our County government. And you almost...you can almost call them operations managers in essence if you look at it from a private sector standpoint. So when you look at what we currently have in terms of our existing structure, the Mayor currently has the power to appoint 11 department directors, as well as 11 department deputies. We do not...the Mayor does not have the authority to appoint any division heads. All the division heads that exist

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are civil service, and if you look at the total number of division heads that exist throughout our County system, and that's all departments, we have about 45 civil service division heads. Right now, currently four of those positions are vacant and under recruitment due to retirement. So we did a quick analysis of turnover just to kinda see what does the years of service look like for our directors in our current Administration. And from our experience, you can see that the average years of service for a director is about 3 and a quarter, 3.27 years. And primarily it's because we did have some directors who retired and moved on, and so that did impact our years of service. But 7 of the 11 directors that are currently with the Administration have served at least 5 years in their current roles. Our deputy directors, a little bit more. Now we haven't had very much turnover or retirement, you know, in those particular positions. And the average years of service is almost up of about five. But 9 out of 11 of those deputy directors have served with our Administration for 5 years, at least 5 years. And this is just kind of a visualization of what I'm talking about in terms of longevity and continuity. For our directors, and then our deputy directors, again just a visualization. And our division heads, this is a little bit more telling. Again, these are the civil servants. These are the individuals who do not move on when Administration changes. And these division heads, when you look at the average years of service for the division heads, it's almost 20 years, so little more than 19½ years on average. And 37 of the 41 division heads, and I put 41 because 4 are currently vacant and under recruitment, have served at least 10 years or more. So you can see again graphically the depiction of what I'm talking about in terms of the longevity and as it relates to continuity. So when we talk about continuity, you know, what we're looking at is really turnover. And more turnover, generally, you would have more challenges with continuity, right, and experience because you have to get up to speed, you have to understand what it is that you're doing, and what you're working on. But you can see from our analysis and from what we've looked at, statistically, you know, we do have relatively stable director and deputy positions, appointed deputy and director positions in the County, as well as extremely low turnover in some of the most critical areas which is, in fact, in the operational aspects of our County government which is in the division heads of our County. So the continuity of key leadership positions and positions with direct operational responsibilities does not appear to be a concern, at least not from our perspective. Chair, should I just push through this, and then questions at the end? Okay, very good. Thank you. So you've heard a lot about professional management of our County departments. And I really wanna address this because it concerns me a great deal when I hear those messages being put out there by the public as well as from this Committee, and it's a concern because I wanna make sure that we have professional management of our departments. I think that's very, very important. As you know, and Member Schaefer mentioned that the Charter was distributed and was reviewed hopefully by all the members, and it really spells out what the qualifications are for each of the departments. And I think this is very important because this is a key...this is key to making sure that we're putting qualified individuals into these positions. And in each of these different chapters that outline or describe the qualifications for the directors or the departments, it very clearly states what he or she shall have in order to serve. Oh, I used my example up there for a managing director. But we as Administration, or I should say the Mayor as the Chief Executive of the Administrative Branch is really

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required to follow these minimum qualifications. The Mayor, he or she must follow the Charter by law. And so part of that process is, and I think the Mayor discussed this, but vetting applicants who may be applying for these different director and deputy positions. And we have in the past, and we continue, to rely upon some analysis that's conducted by the Department of Personnel Services as part of this process to make sure that if there is something that we have a question about, that in fact that deputy or director is in fact qualified for those positions. And just kind of a quick overview. I did a very quick analysis of the Charter requirements. And you can see that there are currently no...none of the departments have any language in there that identifies the minimum level of education. So this, I think, is an important fact because when you talk about, you know, these types of responsibilities perhaps education is one of the key components to that to making sure that you have a qualified individual serving in those capacities. Seven of the departments do have a...require a minimum of five years of administrative experience. Five of those require a minimum of three years, and three of those departments are absolutely silent on years of administrative service. So again another interesting point with regards to the Charter and how qualifications exist within the Charter. Perhaps something to explore as you go forward. But eight departments identify a type of experience...the type of experience required. So, and as an example you can see here, that they specifically in the Fire Department require that the Chief has fire control experience. I think that makes sense. Law enforcement is the same thing. Police require law enforcement experience. Liquor requires law enforcement experience. So that's just some examples of some of the qualifications that exist in the existing Charter. So I just wanna talk a little bit about our management teams so that you have an understanding of who we are, and what some of our qualifications are. And, again, this is only...I'm only speaking about our existing team, and I can't speak for, you know, other administrations. But all of our directors and deputies meet the minimum qualifications as identified in the Charter. Five of our directors hold Master's Degrees. Five deputies hold Master's Degrees. Eight of those directors...or eight directors hold a Bachelor's Degree, and ten deputies hold Bachelor Degrees. And there are actually ten directors and deputies who hold multiple degrees. So in other words, they have a J.D. and they have a Bachelor's Degree, or they have multiple Master's Degrees, or they have a Master's Degree and a Bachelor's Degree. So just wanna kinda put that out there because I really wanna make sure that the community understands that we're not just putting people into jobs who are not qualified, or do not have the education to back up their experiences and their ability to perform for this community. And just a quick overview of some of our findings. You can see that...well, based on our presentation, that our directors they do meet or exceed the existing Charter requirements, 18 appointed directors and deputies have college degrees. Existing Charter does, in fact, lack a minimum level of education. And the years of administrative capacity, it really varies from department to department. I'm not sure why one department says five years of administrative experience, and another one says three. And why there are some that have absolutely...they're not even talking about administrative experience. I think that's an important thing. If we're gonna have qualified directors who have experience, we wanna make sure we spell it out exactly what that is. And that's part of that process. And it's very inconsistent in

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terms of identifying the type of experience. Only a very few number of departments spell out the type of experience that they'd like to see. I wanna talk a little bit...

CHAIR TAKITANI: Can you wrap up --

MR. REGAN: Yeah.

CHAIR TAKITANI: --the HRS stuff real quickly?

MR. REGAN: Yeah, HRS, actually the Mayor already kind of talked about it. It is a concern. It's something that should be at least looked at through this process. You know, there are a number of Statutes that exist. There's at least 135 Statutes that we were able to identify that have language in there that talks specifically about the "Mayor shall" or the "Mayor must." And these are gonna be areas that if this does move forward, that they're gonna have to be addressed on a State level because you're gonna have to have language in there that talks about the County Manager "shall," the County Manager "must" in addition to having that language above the Mayor. So it's just something to put on your radar as you're going forward, to be aware of it and be concerned. So, again, 135 laws, and that was just a very cursory review. And that's all I have, Chair.

CHAIR TAKITANI: Thank you very much. Do we wanna go through questions and answers, or you need a break?

MEMBER STARR: Break.

MEMBER HAYNES: Take a small break.

MEMBER FILIMOE`ATU: Just ask that he reshow Page 5.

CHAIR TAKITANI: You want to reshow Page 5?

MEMBER FILIMOE`ATU: Yeah.

CHAIR TAKITANI: Wait. Should we take a break first?

MEMBER FILIMOE`ATU: Oh, okay then.

CHAIR TAKITANI: Can we take...is five minutes sufficient?

MEMBERS: Yes.

CHAIR TAKITANI: Okay. Take five. . . .(gavel). . .

RECESS: 2:38 p.m.

RECONVENE: 2:44 p.m.

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CHAIR TAKITANI: . . .*(gavel)*. . . I'll call this meeting back to order. Any questions for the Mayor and his team?

VICE-CHAIR SCHAEFER: I have a question of the Chair, if I...on the proposed plan of action that we received, and I suppose we are a paperless Committee so that's why we all have our computers out in front of us. So who was the author of this Special Committee Proposed Plan of Action? Are you, Tony?

CHAIR TAKITANI: No, Lori.

VICE-CHAIR SCHAEFER: Okay, the Staff, great.

CHAIR TAKITANI: No, the Facilitator.

VICE-CHAIR SCHAEFER: Facilitator, Lori. Okay, great, thank you. So on 1c of Task 1, there are questions to address, and there were four questions. Were those given to the Mayor's Office prior to this meeting?

CHAIR TAKITANI: Not that I know of.

VICE-CHAIR SCHAEFER: Okay, because these four questions, I was reading this, I was under the assumption that these were the questions that the Mayor would answer because it seems appropriate. I think the first question was, what is Maui County's current form of government? I think we all understand --

CHAIR TAKITANI: We have a strong mayor form of government.

VICE-CHAIR SCHAEFER: --what that is, and it was further elaborated. The second one was, what is working and not working in Maui County management and operations? And I was hoping that we would get those answers. So if they didn't have the questions beforehand, maybe we can give them to them now and ask them to answer them in writing at their earliest convenience to fill us in because I think this is important information.

CHAIR TAKITANI: Okay, why don't we address that when we get to it today?

VICE-CHAIR SCHAEFER: Well, that's...it seemed appropriate to raise it now because of the questions to the Mayor.

MAYOR ARAKAWA: And, Mr. Chairman, I'd be more than happy...

CHAIR TAKITANI: Well, Mayor, would you mind responding to some of these questions in writing?

MAYOR ARAKAWA: I'd much rather just tell you real quickly.

CHAIR TAKITANI: Okay.

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VICE-CHAIR SCHAEFER: Well, the problem...

CHAIR TAKITANI: It's question and answer time, so go ahead.

MAYOR ARAKAWA: In looking at what works and what doesn't work, the Administration can come up with a lot of changes and a lot of ideas on how to change it. One of our biggest flaws right now is that the Council takes a huge amount of time to review issues, and many times we never get an answer. Now and I'll give you an example. We had an offer for, to purchase three to five acres right here in Waiale. And there's a 14-acre gift that would've gone with it. The Council chose never to hear it.

VICE-CHAIR SCHAEFER: Mr. Mayor, if I can...if I may interrupt. I think what we're looking for is some concise answers and you're saying part of your problem in the Administration is the Council takes --

MAYOR ARAKAWA: Yes.

VICE-CHAIR SCHAEFER: --too far of time. We have a huge agenda today with the TIGs next.

MAYOR ARAKAWA: Yes.

VICE-CHAIR SCHAEFER: And so that was why I was...I'm sorry that you didn't get these questions 'cause I think they're good questions and they're fair questions. They'll inform all of us, but I'm not sure that we have the time to get...

MAYOR ARAKAWA: In a nutshell, in two minutes.

VICE-CHAIR SCHAEFER: Okay.

MAYOR ARAKAWA: We don't have the financial resources a lot of time. We don't have the proper equipment to do the work, and we're prohibited from getting the personnel we need in a lot of areas. And the Council makes the decision on what we can purchase and not purchase, so many of the changes we wanna make are delayed insufferably so it takes a long time to change systems.

VICE-CHAIR SCHAEFER: Okay.

MAYOR ARAKAWA: Those are our primary real challenges, lack of funding and personnel.

VICE-CHAIR SCHAEFER: Do you want me to ask the next question?

CHAIR TAKITANI: You're going down from the TIG thing?

VICE-CHAIR SCHAEFER: Yeah, the third one.

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CHAIR TAKITANI: Go ahead.

VICE-CHAIR SCHAEFER: What parameters are used to measure effectiveness of County management and operations?

MAYOR ARAKAWA: Currently we have to go before the Council, virtually every one of our departments go before the Council for review. And we are required to put in reports, periodic reports to the Council. Our finances are computerized so that the Council can get access to all of our expenditures in very short order after a thing is spent or charged. So the review is done theoretically by the County Council. They have the ability to request any information, and indeed they do ask us to give them all the documentation and everything else. So the overview of what is happening with the Administration really takes place at the Council level currently. We do our own evaluation, but the Council is the body that is constantly reviewing everything that we do. And any deficit that we have, any changes that we have to make, recommendations, can come from the Council.

VICE-CHAIR SCHAEFER: Okay. The last question is, could the current form of government be modified to address what is not working without changing to a county manager form of government? What you're telling me is if you could get rid of the Council, you'd have no problems.

MAYOR ARAKAWA: Well, no, actually the Council's serves a purpose. The checks and balance system is important. However, the attitude that we have to fight on every issue I think is bad, and I've offered to the Council anytime they want me to come down and speak to them, I should...I'm perfectly happy to speak to them. Any issue, any question that they have, any request that they have for personnel, we've sent them down. We've never denied them. But the reciprocal is not true. There's absolutely no checks and...no checks of the Council action. And that by Charter, if you look at the Charter, there's no check of the Council action. So there is no prevailing body that can go in and say, okay, Council I want you to speed up this process. Why aren't you meeting on this process? Why aren't you, whatever? There is no ability to check and balance it.

VICE-CHAIR SCHAEFER: Well, Mr. Mayor, I think we should...we'd be happy to provide you with a copy of these questions. You may want to elaborate on some of your answers --

CHAIR TAKITANI: May I make a correction?

VICE-CHAIR SCHAEFER: --or reconsider, yeah.

CHAIR TAKITANI: He did receive these. I apologize.

VICE-CHAIR SCHAEFER: He did?

CHAIR TAKITANI: Yes, he did.

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VICE-CHAIR SCHAEFER: Okay.

CHAIR TAKITANI: His office did. I don't know if he did, but his office did.

MAYOR ARAKAWA: I didn't see those.

VICE-CHAIR SCHAEFER: Okay. Well, and so that opportunity is certainly open.

UNIDENTIFIED SPEAKER: Okay.

VICE-CHAIR SCHAEFER: I'm sure the Committee Chair and the Committee would agree.
Thank you.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Can I ask the Mayor and the Managing Director, either or both, are there systemic problems in the current Charter that you see need to be addressed in order to improve the efficiency of Maui County government? I mean, not, you know, the Council has an open-ended way of doing things. But I mean, is there something we can fix? I mean, logically that we can propose?

MAYOR ARAKAWA: City and County of Honolulu has one council meeting a month, and they're taking the entire City and County of Honolulu. Ours meets two weeks out of the month, okay. The biggest waste of taxpayer dollars, in my opinion, is the fact that I have directors, deputy directors that sit all day in these Chambers, and many times get asked one or two questions, or none at all. And yet, sometimes I'll have three, four, five directors, deputy directors requested by Council. Our directors, when they're requested, usually is less than a week before the meeting. And they have to change their entire schedules to be able to go to the Council meeting, and they have to do all the research for the Council. Council Service does not do most of the research for the Councilmembers. They formulate questions to the Administration. The Administration is the one that's charged to do most of the research. And many times we're duplicating a lot of that research. But it takes an enormous amount of time and energy from our staff to be able to prepare all this information. And it takes it away from their normal jobs because not one of our positions, not one of our positions within the County is do research for the Council. So a lot of our administrators' times, lot of the staff times are taken up in doing research. And sometimes these are literally books that we have to send back to them in documentation for answering one question, or two questions that may never have a decision. So if I'm looking at a correction that needs to be made, it's to somehow correct that so that we're not wasting a lot of our directors' time, and we can actually have...they're generally the highest paid people in our departments. Have them actually do the work that we hire them for.

MR. REGAN: Chairman?

CHAIR TAKITANI: Jonathan? Oh, I'm sorry.

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MR. REGAN: Oh, I'm sorry, Chair, may I add --

CHAIR TAKITANI: Oh, okay. Go ahead, please.

MR. REGAN: --to the Mayor's response? Mayor, do you mind?

MAYOR ARAKAWA: Go ahead.

MR. REGAN: Thank you. You know, Member DeLeon, I would have to say also that, you know, just in my cursory review of the Charter and looking at the minimum qualifications for department directors, that it just seems that it's kind of a hodgepodge of, you know, administrative experience. And I think if you can, you know, somehow standardize the minimum level of administrative experience, and perhaps for some of the key departments, if maybe some or all departments should have a very clear expectation of the minimum level of education that's required to hold those director positions. I would also state, or like to state that when you look at the deputy positions, there's really very little discussion about deputies in the Charter. And I think it would be a good place to look at improving the Charter by having language about our deputies because in the event that the director is not there, you need to make sure that the deputy is able to take on that role and responsibility, and will have similar qualifications so that the job will continue to get done to its highest possibilities. So if you were to ask me, I mean, that...those would be areas where I think could use some additional assistance. Thank you.

MEMBER DeLEON: Thank you.

MAYOR ARAKAWA: But I would caution, common sense and experience is even more important in my mind than formal education in a lot of cases. So there needs to be some allowance for common sense and practical experience, field work.

CHAIR TAKITANI: Can I have the wording for that Charter amendment, please? Jonathan?

MR. REGAN: Oh, I'm sorry.

MEMBER STARR: Yes. Thank you very much, and I have three questions. First of all, I wanna...I really wanna thank you, Mayor and Managing Director, for being here and being so open. And I do consider that we have a good government in Maui County, and I appreciate it for what it does. But I also, coming from a professional corporate management background, I know that it's our duty to look at how to possibly do it better and learn from it. So, you know, I ask...have some, three questions, and they're asked with aloha, not...

MAYOR ARAKAWA: Okay.

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MEMBER STARR: So the first one, is the Executive Branch, is it managed using goals and objectives, and if there are goals and objectives for County government, where can we find those goals and objectives for 2015 and 2016?

MAYOR ARAKAWA: You wanna answer it?

MR. REGAN: First and foremost, Member Starr, yes, there are goals and objectives, and you can find those in our performance-based budget which is submitted to the Council, and reviewed by the Council on an annual basis. So that is available online. You can go to our County website at maucounty.gov and find that information. It's public, it's transparent. We do have that as part of our budget process when we come down here on the floor. So I hope I've answered your question, Member Starr.

MEMBER STARR: Okay, I've never seen it in there. It's 700 pages.

MAYOR ARAKAWA: Yeah.

MEMBER STARR: Perhaps we could get it.

MAYOR ARAKAWA: Under the department, each one has a section where it lists what are the goals and objectives, and there's...it's built into the budget. And, yeah, it was a Council requirement. The other thing, too, is we do have generic goals that we have set. We're trying to find and run the most efficient County that we can, so we're always looking for ways to be able to cut unnecessary costs, and to be able to build efficiencies into our system, hence the proposals that I told you about, all the baseyards. Hence the proposal in trying to build our own building instead of renting. A lot of those kinds of things are to cut costs, and we've been very successful in a lot of it, refinancing a lot our bonds. We've saved millions. So one of the generic goals is to find, for each of the department, find ways to economize and become more efficient.

MEMBER STARR: Yeah, I'd like them specifically documented to us. Now looking at Section 7-5.8 of the Charter, the Mayor shall, and then, conduct a systematic and continual review of finances, organizations, methods of each department, et cetera, et cetera. And assuming that you assess departmental performance, you know, and it's not up to the Council, it's up to the Mayor.

MAYOR ARAKAWA: Yes.

MEMBER STARR: In a systematic way with departmental goals, objectives and performance standards, could you please provide the Committee with copies of departmental performance report cards for the past two years?

MAYOR ARAKAWA: We'll provide you what we have.

MEMBER STARR: Okay, thank you. And the last one is, does Administration manage the departmental performance against Implementation Chapter of the General Plan in

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accordance with Charter Section 8-8.5-3? And may we please see the most management report card in accordance with that?

MAYOR ARAKAWA: Could you repeat that?

MEMBER STARR: Yes. Does the Administration manage executive departmental performance against the Implementation Chapter of Maui's General Plan which is laid out in Section 8-8.5-3 of the Charter? And we're looking for the most recent management report card in accordance with that. Not at this moment but...

MR. REGAN: Chairman?

CHAIR TAKITANI: Yes.

MR. REGAN: You know, I think these are excellent questions that are being posed by Member Starr and I would think that if you could provide that to us in writing --

MEMBER STARR: Okay.

MR. REGAN: --that we would be more than happy to provide you an answer in writing, so thank you very much.

MEMBER STARR: Perfect, and thank you for being here, and thank you for doing a good job.

MAYOR ARAKAWA: I will tell you that on the...a lot of the finances, our Budget Director goes over the finances, and our Finance Department goes over the finances of each department on a continuous basis. So we'll probably be providing you some of the charts on how they do it. I'm not sure to what level is proprietary, but to what is public information we'll share some of that with you. I'm not gonna print it all out because it'll be pages and pages and pages, but just so you get the idea.

MEMBER STARR: Okay, thank you.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: My question's short and sweet. Regarding the turnover information that you provided, you gave some tenure, like 3.27 years. Are there benchmarks or comparables that we can use to kinda put it into context what that means or how that compares?

MR. REGAN: Chair? There may be. I just do not have those available with me right now. But we'd be happy to do some additional research and provide that to the Committee.

MEMBER HAYNES: Or point us in the right direction, either one.

CHAIR TAKITANI: You wanna compare it to whom? The other city and counties of Hawaii, or...

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MEMBER HAYNES: Whatever would be a comparable for a government. I don't have very much government experience so --

MAYOR ARAKAWA: What ...

MEMBER HAYNES: --I would like to see when we're talking about turnover and longevity.

MAYOR ARAKAWA: What I'd like to recommend is the...what the Salary Commission...not Salary...

VICE-CHAIR SCHAEFER: Cost of Government.

MEMBER DeLEON: Cost of Government.

MAYOR ARAKAWA: Cost of Government Commission actually did research on that. So they were presenting it this morning. It might be a good idea to get it from them directly because they actually did some national research.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Thank you for being here. I have a few questions, just touching off what Member Starr said. I know that you folks are familiar with the Implementation Chapter of the General Plan, and I noticed that there's 20 pages of action items. My question...my first question is do you track the performance of each item, the 20 pages of action items?

MAYOR ARAKAWA: From our office, no. Planning Department probably does some of it. As the different projects come up and different things come up, then it's discussed and looked at. But quite frankly, a lot of the things in the General Plan are not implementable. There is no timeline on a lot of things. There is no finance capability of it. There's no funding capability of it. There's a lot of the issues that were in the General Plan are not trackable or implementable.

MEMBER PALTIN: Okay. So my final question would be, do you have any problem with the people voting on the form of county government they'd like to see through an electoral process?

MAYOR ARAKAWA: I think that it's good to look at different forms of government. And if there's a basis for it, if there's a reason to put something before the public, then I see no reason not to put it before the public. If there is sufficient evidence that things are going really bad, and that the...bad form of government, that makes sense. But I think that should be universal as well, and I think the council system is something that also should be evaluated. I would propose that, like Honolulu, community boards should be formed so that each of the communities would actually have members of the community represented on those boards and elected. And that the community board should elect the councilmember to represent that community so we would have

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absolute community participation on the Council. They were people that were active within those communities on the Council, and that would be guaranteed. People that are taking the time out to keep track on what's happening within their community on almost a daily basis. I think that would be much more efficient.

MEMBER PALTIN: Can I have a follow-up question?

CHAIR TAKITANI: Yes.

MEMBER PALTIN: How would the community board members be selected in your opinion?

MAYOR ARAKAWA: Elected.

MEMBER PALTIN: From the?

MAYOR ARAKAWA: From the community in their district. We have nine districts right now. Each of the districts should elect members much like the Council is elected, but elect seven or nine community board members, similar to Oahu. Oahu has already established a lot of those rules. But in that, you know, in our community the main thing that most people want is they wanna know that they're being heard. Every place we go the people have this feeling that government does not hear what people have to say. And it's very important in my mind that the community be represented from the very core of the people within the community. Kihei Community Association and all of the different associations there should form a community board and get people elected in that community 'cause they're the most active people. They know what's going on in the community. And selecting a member of that board to be a representative on the Council would guarantee that the members of the Council are actually paying attention to what's going on within their community. Right now there's no guarantee at all that the Councilmembers are even, you know, they're technically part-time. So if we're gonna have good governance, we need to be looking at all of the aspects of government, not just the mayor situation.

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Paula?

MEMBER FRIEL: You've been a mayor for a number of years.

MAYOR ARAKAWA: Yes.

MEMBER FRIEL: And it's a position that you believe in. If not, you would not be serving in that realm.

MAYOR ARAKAWA: That's correct.

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MEMBER FRIEL: And thank you, by the way, for your time and for coming. In a nutshell, could you summarize what you see as the top, up to five, advantages of having this system and style of government?

MAYOR ARAKAWA: The top advantage that I see is that the mayor is forced to go out into the community and meet most of the people in the community, at least the majority, to get their support for his ideas and concepts to get elected. And he has to continuously do that throughout the entire term because it's not just for election. There is a legal requirement for the mayor to be representing the community. And I think that's something that even the paperwork and everything that has to be done, that's really critical. Now just the sheer ability to understand all of the different departments and to be able to manage all of the different departments, if anybody thinks one manager can manage all of our departments, then you really need to understand that our system of government I have Keith as my Managing Director who manages the County departments, that area. Herman has to manage the public side, the foreign government side, the State, Federal and all of those other contingencies, and whatever complaints come in from the community. And when you get below that, each director has to be able to manage their specific areas. But it's coordinated up through Keith in the government side, up through Herman, and we make sure that everything is handled. But we have literally hundreds of questions brought to us every month. And it takes an enormous network to be able to address most of those, the community requirements and requests. So it's not...that's the strength of the mayor's position is that we have a very strong network, and we can create that strong network. Trust is another very, very key component. I have to have absolute trust in every one of my directors and deputies, my Managing Director, my Chief of Staff. They're out there representing me and making sure things get done within the community. I have to be able to know that I can trust them. If I did not appoint them, and I did not have control over the situation, then if I'm hiring someone just because I have to fill a position, they may or may not do a good job. And I will always get the blame for it as Mayor. That's another key component. You have someone that you can say is responsible. In a system where you have a county manager and they're beholden to the Council, because the Council appoints them, who is responsible? Right now whenever you have an organization, and this is not just the Council, this is true for almost all organizations, if it's an organization, you can just say, oh, the organization said. But there's no person that is held responsible to the community. In our system, the mayor is always responsible no matter where in the hierarchy it happens. So if somebody as a janitor is creating a problem, we have to go and look at it, we have to make the correction. The complaints all work their way up to my office. I have to handle situations with Federal, State, foreign governments. To sit at the table to just get openings, to sit at the table with a lot of these people, you have to have the prestige of the Office of Mayor. Otherwise, you don't even get the appointments. And that's a critical component of being mayor, the recognition at that level that you are a decision maker, because when you're meeting with people of prominence and positions, they wanna be able to talk to a decision maker. A county manager, again, is at the beck and call of the Council. He may make a decision, Council can cancel it out. My word is gold when I'm speaking to foreign dignitaries, or people at the State or Federal level. This is why we're able to get so many things done,

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and so many cooperative ventures. With the State we exchange properties. If they do MOUs, we, you know, memorandums of understanding, we can exchange things. But that cooperation between entities emanates from the ability of the Mayor's Office to be able to have those meetings. With big corporations like A&B, I get to meet with the top executives. They want to meet with me because I can make a decision. I can put them in the right direction, or I can just tell them no, don't do it, and it's done. But my position is one of a decision maker. Manager may or may not have that ability, and there's no guarantee of the longevity. So if you didn't know somebody was gonna be there and if they were presenting a position that may be counter to what the Council would approve, he might be fired tomorrow. As with his staff if there's no real emotional ties to their leader, then the money is, you know, it's a very poor way to have trust and to build a firm relationship. So the mayor's position, why is this system of government better? It's because we, the County of Maui, has someone that they can look to, that they selected, that they can trust, that they know is gonna be here and is living here, that has roots and families within this community that are not gonna move. So they know that the decisions, they can go directly to the person and be confident that they will do what they need to do.

MEMBER FRIEL: Thank you.

CHAIR TAKITANI: Kay? No. Any other questions? Seeing none, thank you very, very much, Mayor and staff. We appreciate your time. And if there's no objections, I'll defer this matter as well. Oh, you know what? I have a question. I recently have seen proposed amendments to the Charter that basically allow confirmation by the Council of all of your appointments, all of your directors. Any comment on that? Not the deputies, I think it's just the directors.

MAYOR ARAKAWA: Right now there are four directors that are put in by commission, Personnel Service, Liquor Commission, Police, and Fire. I don't get to appoint those directors and deputy directors. There are three directors that are considered critical that the Council has to approve. But quite frankly, most of the Councilmembers have no clue what's going on within the departments. And they don't know what the qualifications that we need to be able to have to manage the departments. We have...I guess the best example, and best way to send this, we have a lot of boards and commissions. And those boards and commissions, many of them actually have the ability to make decisions and to direct their various areas. Many times when we send members down to be looked at and reviewed by the Council, many are dismissed for personal reasons. And we cannot have a government that's run by the whims of personal reasons. Even our Corporation Counsel and our Prosecuting Attorney, the Council ran them over hell and back in the appointment and review process. And we know why that was done, and it was...a lot of it was personal reasons and politics. So, no, I don't think it's necessary unless the...that it's a critical department. Lot of the departments, the Council would have no clue as to what their department requirements really need. And the mayor has to have confidence in his appointees. He has to be able to have a relationship with his employees. That's something that the Council may try and break.

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CHAIR TAKITANI: Thank you. Okay, with no objections, we'll defer this matter.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: PC and RP)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR TAKITANI: Thank you very much.

VICE-CHAIR SCHAEFER: Mr. Chairman? I'm not sure it's a point of personal privilege, but as a member of the electorate, all of us elected all of the Council, and the Mayor. And I think that the Mayor just took a pretty cheap shot at all of the Council. And I don't think this is the forum for that, and I don't appreciate it. And as a voter, I don't appreciate it.

CHAIR TAKITANI: Okay, thank you.

VICE-CHAIR SCHAEFER: I think...

CHAIR TAKITANI: Thank you.

VICE-CHAIR SCHAEFER: We're at the top of the chart...

CHAIR TAKITANI: Thank you.

CG-1(7): PLAN OF ACTION

CHAIR TAKITANI: Okay, this is...we're gonna go to Item No. 3, our Plan of Action. Special Committee's in receipt of correspondence dated January 8, 2016, from the Chair of the Special Committee, transmitting a document entitled "Special Committee on County Governance Proposed Action [sic] of Plan" [sic]. The purpose of the document is to provide the Special Committee with a plan of action to accomplish the Special Committee's goals. And as you know, this is per your request of this body, and even though it was transmitted by the Chair, this was not written by the Chair. I would like to turn the floor over to Lori at this point to explain the possible plan of action for us to consider.

MS. TERAGAWACHI: Okay. Should I go to the podium or...

CHAIR TAKITANI: Wherever you are comfortable.

MS. TERAGAWACHI: 'Cause I need a microphone of some sort.

MAYOR ARAKAWA: You want here? I'm...we're leaving.

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MS. TERAGAWACHI: No, no, that's okay. Stay, Mayor. You can stay. Thank you, Chair. Okay, so --

CHAIR TAKITANI: Thank you, Mr. Mayor.

MS. TERAGAWACHI: --let me be a little bit clear now. As your Facilitator, it is described that my role is to provide neutral assistance and guidance, and to aid the Committee with achieving its objectives. Right? All agree? All right, so here's my proposal, my proposed plan of action. Now a copy of it was posted on the website, but you also got a copy, a hard copy today, right? Am I correct? No, you did not. So you printed your hard copy? Okay, that's good. All right, so in the plan of action I've indicated three tasks, those specific tasks that you were given. So take a look at the handout right now. I think it's also on screen. Thank you, Kim. The first task, consider whether establishing a County Manager form of government would improve management and operations for Maui County. In order to do that, we needed to examine the current structure which is what we just heard today from Mr. William Crockett and Mayor Arakawa. And he did address the majority of those questions, and we know that he will be giving us some other written documentation with regards to more specifics to those questions. The second...

MEMBER STARR: Excuse me. Can I ask you a question, Lori?

MS. TERAGAWACHI: Sure.

MEMBER STARR: On this? I mean I do agree that that's a first step, but I also feel that what we were presented in that analysis was filtered, and it was maybe two possible points of view. But there were...there are other points of view. And I think we need to open a process for that. For example, one of the community members who has extensive experience as someone in corporate law and structure wrote us a 25-page paper, you know, a treatise. It is in depth and, you know, I'd like to have a presentation in that area by that person who's actually in the audience, Mr. Hyde. And maybe there are other points of view that we need to examine. So I don't wanna say we've checked that off and now we're passed that.

MS. TERAGAWACHI: Okay, so what you're saying, let me clarify. What I'm hearing you say is that you're wanting to hear some specific presentations from those that testified this morning, but given more time to elaborate on what their expertise area or research has been about?

MEMBER STARR: Well, maybe they testified this morning, maybe they didn't. But I think there are other resource people that we need to hear from. I mean, you know, I don't think that we've gotten the full, you know, we've heard the story, but now let's hear the rest of the story.

MS. TERAGAWACHI: With regards to the current...you've heard the story with regards to one point of view from the current Administration. And what you're looking at is getting more information from other resources.

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MEMBER STARR: Yes.

MS. TERAGAWACHI: Okay, did you get a chance to take a look at the plan of action and the TIG's responsibilities?

MEMBER STARR: Yes, I did, but I also feel we need to have a parallel process in this Committee. And, you know, I'm hoping that we can have these functions as time goes on in a facilitated manner where we can look at what exists, we can look at our goals and objectives, we can organize them as we feel are important. I mean you're a professional at doing that. I want to see that process. And my understanding is that, you know, we're lucky that you're here, but that's really what you're here for. So, you know, we need to go deeper.

MS. TERAGAWACHI: Okay.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Yeah. I'm...I think that Jonathan is on to something, but I don't think we need to leave it to one individual or a few individuals to be hearing from. I think we need to be doing what the Charter Commission did in the last session, was go out to the public and hear what the problem is. We're supposed to be addressing a problem. And if we're not addressing a problem, then what are we fixing? So what is that problem? And let's hear from the community and find out what the problem is as defined by the general community, not one or two individuals. And then take a broader look, and see if there's something there, you know, and find out what this...what the primary issues are, and secondary issues are. If it's just about paving roads, then that's not a structure problem. If it's, you know, I never can get the government to respond to me, then there might be a structural problems, you know. But we need to take a broader look at this than just, you know, just assume that there's an issue because something was raised and it came through a political structure. So to me, I don't know how we can proceed without defining the problem.

CHAIR TAKITANI: Kay?

MEMBER OKAMOTO: I agree we have to define the problem. However, I don't know that going out to the community because from Charter Commission you get a handful of people who come to testify. Don't know that that really tells you what the community is feeling. I was a little uncomfortable with some of our questions today. We seem to be arguing with the testifiers instead of, okay, here's what they say, take it with a grain of salt and move on. It's factual for us, and that's what we need. Then we evaluate it as a group. It seems like we're trying to evaluate it through our questions, and I think that's wasting our time.

CHAIR TAKITANI: Okay.

VICE-CHAIR SCHAEFER: Mr. Chair?

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CHAIR TAKITANI: Paula?

VICE-CHAIR SCHAEFER: Oh, go ahead, Paula.

MEMBER FRIEL: Just a clarification. And I don't mean to get off task of what you're supposed to be doing, Lori, 'cause I'm sorry, that's important. Something that was brought up today that I thought was valuable is...so they talked about the report and how we had the recommendation to formulate this Special Committee. Why? And I know it's to research, but it's...like he was saying as well. What's the purpose? Is there a specific issue, or is it just to examine if we could be doing this better?

VICE-CHAIR SCHAEFER: Yes.

MEMBER FRIEL: Any of you can help me.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Well, along these lines, and somehow I was going to have to break it up. I wasn't sure where, but I got a call from Charmaine Tavares, Mayor Tavares, and she said...expressed an interest in doing a brief presentation before the Committee. She has some very practical suggestions, and I think that's what I was looking for today. And that was why I asked about...I was disappointed that these questions weren't answered...they weren't aware of it, or they didn't get answered. They didn't get answered. So where this...Charmaine said that she had some specific thoughts about things that she would change if she had the ability to when she was Mayor. And I think, isn't that what we were looking for today from Mayor Arakawa? What would you change? What would you do different?

UNIDENTIFIED SPEAKER: . . . *(Inaudible)* . . .

VICE-CHAIR SCHAEFER: Yeah, he'd get rid of the Council. We know that. That was abundantly clear. But so, I...and I think what Jonathan's saying, and not to put words in your mouth, but I think what Jonathan's saying is, we need to get a balance of this side and this side, and the middle. And the only way that you can do that is to hear from various sides. And now we've heard from the Mayor, and hopefully we'll hear more from the Mayor as he goes back and looks at these questions and answers them in a cooler manner perhaps. And you know what I'm saying? And then give an opportunity for...how long did it take today? Half an hour? Forty minutes? An hour? There are groups out in the community that have done a lot of research on this. What we wanted most of all was to fairly evaluate the current system, possible changes to the current system, no changes to the current system...

CHAIR TAKITANI: So to do that, are we gonna do equal time or something? Is that...

VICE-CHAIR SCHAEFER: Well, I'm just saying you want to...we wanna be fair and balanced, right?

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CHAIR TAKITANI: Correct. So equal time...

VICE-CHAIR SCHAEFER: And I'm not sure that we have people that could speak in equal time. You know what I mean? But I think we ought to give that opportunity so we can say --

CHAIR TAKITANI: So we should...

VICE-CHAIR SCHAEFER: --and with the end, we heard from as many people who were willing to contribute.

CHAIR TAKITANI: So is the Committee suggesting we just have public hearings?

VICE-CHAIR SCHAEFER: No, that's not what I'm suggesting at all. I'm suggesting just like we did today. We have the TIGs, but we also continue to have an education cycle every meeting.

MS. TERAGAWACHI: Okay.

MEMBER DeLEON: Mr. Chair? That's what I'm recommending.

CHAIR TAKITANI: What?

MEMBER DeLEON: At least one public hearing, maybe in this room. But I mean at least basically open the door and say, okay, everybody who has a thought on this, come on in and tell us whether you got a problem or not.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah, you know, I think we need a number of public hearings, and I think they need to be also in Kihei and Kula, and Hana, and on Lanai, and Molokai. But I don't wanna see this get kinda dumb down to either pro, con, or, you know...I really dislike the definition of, well, first we have to decide how broken it is, and then if it's broken, then we can do something because, you know, I feel that's a recipe for, you know, let's criticize and fight. And I'm sure all of us can sit here all day long and say what's wrong with this Administration or say what's great about this Administration, and throw rocks and complain. But I don't like to go there because I don't think that's productive. It just creates more animosity, and maybe that kind of animosity and that kind of divisiveness is part of our biggest problem at this time. Instead, I want to use what skills and what science there is in management, and there's a lot of it across the nation that applies both to corporate and to government. I wanna have more resource people who served as managers. I mean we have one guy who worked for 20 years who's in, you know, one of our Planners, Jeff Dack, who would like to present, who worked for 20 years in a council-manager form of government, and has a lot to say on it. There are many people. I think we have a lot of work to do. I think we need to

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meet more often, and have parallel paths with the TIGs, and with some more intensive presentation...

CHAIR TAKITANI: Okay, I gotta ask one question here because I've been cautioned on numerous occasions about parallel paths with the TIGs. What does that mean, and is that allowable?

MS. BROOKS: If I may, Chair?

CHAIR TAKITANI: Yes, please.

MS. BROOKS: It's my understanding that under the Sunshine Law, HRS 92-2.5, that a TIG...

CHAIR TAKITANI: Can you speak up little bit louder, please?

MS. BROOKS: A TIG is an exception, a permitted exception to the restrictions of the Sunshine Law on members talking with each other outside an open meeting. I understand that that means, in the context of a TIG and its relationship to discussions by the main body, which would be this Special Committee, that the two may not concurrently discuss the same subject matters. In other words, if a TIG is tasked with a subject matter, while the TIG is exploring that subject matter and until it is no longer constituted that is at the time it gives its report, the main body may not explore the same subject matter because it might be a Sunshine Law violation.

MEMBER STARR: I've served on about a half dozen...we never called them TIGs, but half of them with Mr. Kushi and half of them with Mr. Giroux on Planning over the years. And we never had that as a consideration, you know, either on the Water Board when we would do rules, and the Upcountry rule. We would still have...

CHAIR TAKITANI: Are you disagreeing with what she's saying? 'Cause I don't know what to do.

MEMBER STARR: I don't think...I mean I think --

CHAIR TAKITANI: I mean...

MEMBER STARR: --you don't wanna have the same discussion or the same testimony. But I don't think...we never had the experience of saying we cannot function on our general purpose while a TIG is doing an investigation.

CHAIR TAKITANI: All I'm telling you is that's what one of the attorneys assigned to us is telling me. And it's uncomfortable. I think it's ridiculous, but I've never had to work under these kinds of rules before. I disagree with it. But I'm not going to violate it if that's what our experts are telling us.

VICE-CHAIR SCHAEFER: Tony, could...

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MEMBER STARR: Can we have that ruling in writing and we can have it examined?

CHAIR TAKITANI: Can we do that?

MS. BROOKS: Yes, we can. But, Chair, if I may, I put this question to Carlotta Amaratti of...Amerino, I believe, of Office of Information Practices Act, and she was very clear that the two subject matters may not overlap. And it is also my understanding that with regard to TIG work, previously in this Council, one with respect to the County Auditor, and another with respect to disparity in real property tax rates, that while the TIGs were doing their work, the main body did not meet.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: So my issue is when you talk about examining the current structure, and we brought in the Mayor Arakawa, I don't...I think that's more like examining the current Administration rather than the current structure because I know a few of us have worked under the government through transitions and, you know, I started under Apana, then Arakawa, Tavares, Arakawa. And that's the structure, like the structure is when you transition from one administration to another. And what we did here felt like we were just examining the Arakawa Administration as it is currently, instead of the structure. Whereas, you know, if Arakawa were to lose and Tavares had won a second time, to me as a County employee, I don't know if I'm allowed to say that I am, or what, but as a County employee would say, it was not efficient. It was, you know, like, okay, we're going this direction. Okay, now we're going this direction, and now we're going this direction. And that had nothing to do with the Arakawa Administration or the Tavares Administration. It had to do with the structure of government being allowed to change directions. And the lack of understanding of the people, you know, when one administration left, and they took all their directors and everything with them, I know a lot of people were confused as to, like, why is Rob Parsons out now, or things like that, you know. So I think what we were doing today was not examining the structure. We were examining Arakawa's Administration, which I don't have a problem with, but I think it's mislabeled here.

CHAIR TAKITANI: Okay. Kay?

MEMBER OKAMOTO: Well, I kinda have a problem with the TIGs. If the TIG is getting to be a problem, and it's really a research group, can Staff do the research and present the research to all of us? Because as the TIG group works, they've gotta come back and present it back to the rest of us. It seems a little waste of time for the four or five people who are...because it's research. Well, let's have a researcher do it, and bring it back to all of us. I'm a paper person, I admit. I have my computer, but I don't like it. But it's much easier for me to look at and compare than to listen to somebody come and tell me only their side. But if it's been researched and this one works here, and this one doesn't, and this...then we can, on our own, our own time, look at it and put it together.

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CHAIR TAKITANI: Okay. Kehau, did you have your hand up, Kehau? Dave?

MEMBER DeLEON: Just briefly, I think that the last speaker is correct. It's really not this body's business to do original research on this kind of, you know, academic research. That should be coming to us from some other source.

CHAIR TAKITANI: Okay.

MEMBER DeLEON: And Staff or wherever that's gonna come from, but the Cost of Government Commission sounds like they've done half of it already anyway.

CHAIR TAKITANI: Also I...recently the Kauai...Kauai has a similar group like this, and they finished theirs.

MEMBER DeLEON: Oh, okay.

CHAIR TAKITANI: So they have a report out if we wanna take a look at that.

MEMBER DeLEON: That'd be great.

CHAIR TAKITANI: I don't have a problem with not having...so it's a consensus. My gut feeling, from what I'm hearing, is that we should probably just do the work ourselves as a group?

MEMBER STARR: That's not my opinion.

CHAIR TAKITANI: Okay.

VICE-CHAIR SCHAEFER: No.

CHAIR TAKITANI: Who's...so...

VICE-CHAIR SCHAEFER: Mr. Chair?

CHAIR TAKITANI: Okay, go ahead.

VICE-CHAIR SCHAEFER: So I understand correctly. Looking at what Lori has put together for the two TIGs, they don't have anything to do with us hearing further about different types of administration.

MS. TERAGAWACHI: Yes, it does.

VICE-CHAIR SCHAEFER: Well, if you look it, it says we're looking at specifics. Look at at least ten counties or cities that have recently changed their form of government. What prompted the change? What did they do in transition? It doesn't talk about different styles of governing.

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MS. TERAGAWACHI: We can add that specific question.

VICE-CHAIR SCHAEFER: But I'm saying if it doesn't in the TIGs, we can talk about it as a group. Correct? If the TIGs aren't talking about it, we can talk about it as a group.

MS. WILLENBRINK: That is correct. If a TIG is formed and they have specific parameters, the Committee-at-large cannot speak about those, but they can speak about other things.

VICE-CHAIR SCHAEFER: Right. So what you could do is, if we adopt the TIGs, or we adopt the concept of the TIGs, and if we adopt these particular things, in our regular meetings which the TIGs according to the schedule that I see set up it's pretty quick with the TIGs. That we can have other people do presentations about different forms of government.

MS. TERAGAWACHI: That is correct.

MEMBER STARR: And I'd like a clarification on one point. In this prohibition on kind of double-dipping on the same issue between a TIG and the body, doesn't that relate to decision making, not to being able to have a presentation?

MS. BROOKS: No, it relates to discussing the matters. So if the matters overlap at all, they would...there's a potential of Sunshine Law violation.

MEMBER STARR: So that means we have to close our ears when...if there's a TIG happening?

CHAIR TAKITANI: No, we can't do it, is what it means.

MS. BROOKS: It means it would violate the Sunshine Law if both bodies, the TIG and the main body, are addressing the same subject during the same period of time.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: What about public hearings? Can a body hold public hearings while the TIGs are in function?

MS. BROOKS: Yes, as a matter of fact, I also addressed a question along those lines to OIP today, and the answer is yes. But again, they should not overlap in subject areas.

MEMBER DeLEON: Well, I mean it's open to the public. I mean how are you gonna control what the public's gonna say?

MS. BROOKS: Well, by what is on the agenda.

MEMBER DeLEON: Well, the question would be whether we change to a county manager form of government. I mean...it's gotta be broad. That's the point. You can't go out

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with, you know, really narrow perspectives to general public and expect to get more than three people in the room.

CHAIR TAKITANI: Kehau?

MEMBER FILIMOE`ATU: So point of information, Chair. I can see where what's happening is we all need to get the information one way or another altogether, the same information. So if you're talking one side like this, and half of us don't hear it, we wanna make sure that when, after you talk here, you come talk to us, and we all going hear the same thing. Do we have to do TIGs? I mean that's cool with me, but I can't be on too many TIGs. And why can't Services do the research and just bring 'em back to us?

CHAIR TAKITANI: I was gonna ask that question now. Can Services do the research that's requested in TIG-1?

MS. WILLENBRINK: Thank you, Mr. Chair. Yes, that is Office of Council Services' position and job.

CHAIR TAKITANI: Okay. Paula?

MEMBER FRIEL: Can we add one more stipulation to that first TIG? When we...for qualifications for the ten counties and cities that we examine...

CHAIR TAKITANI: Before we get into the specifics, let's try to...right now we look like we're moving some place on form here, and let's talk little bit...and I apologize for interrupting.

MEMBER FRIEL: That's okay. We are all over the place right now.

CHAIR TAKITANI: Yeah, we kinda...we seem to have some movement here on form. And I'm not sure how...I hate to take votes and stuff like that. But is there a consensus on letting Staff, Office of Council Services get the information for us?

MEMBERS: Yes.

CHAIR TAKITANI: Yes or no?

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Yes, go ahead, Jonathan.

MEMBER STARR: To the question of whether there's consensus, no.

CHAIR TAKITANI: Okay.

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MEMBER STARR: Because I feel that that's our job to gain...to research and gain knowledge. We do need input from the Staff, but we have to be able to hear it from the source and discuss it.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: I disagree. I think our job is to, going back to the resolution, is to consider whether this is...this form of government or not is gonna be better for the operations, and come up with a recommendation. It doesn't specify research, I think. What we wanna gather is as much unbiased information, neutral information that we can form an opinion upon. And I don't...the structure thing we're talking about is getting really confusing. I don't know how to get the information. And I think that's the first point we need to start figuring out, is how do we get information.

CHAIR TAKITANI: Paula?

MEMBER FRIEL: Could we at least agree...I mean there's so much information out there and in so many...it's just vast. Could we agree to start with what the Staff has to offer, and then look what more direction we need? Where then, what you're asking, may very well be part of our kuleana for the examination based on what we receive. Because to say what we need now...I mean even in retrospect with the guest that we invited today, and now we're saying we didn't get our clear purpose. Were we very clear with what the purpose was for the invitation? And did we have a paper to look at to go, yes, this was fulfilled, or not, so that we could help keep everything on track instead of going all over the place like we kind of did? And still doing.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Point of information, I just was wondering if...I had heard from Lori before that the Staff had like about 14 different cities already compiled with similar demographics. When...are they able to transmit that to us through e-mail to like go over it before the meeting and then come to the meeting ready to discuss it, or is that against the Sunshine Law?

MS. TERAGAWACHI: No, they were ready and prepared to give us that list of cities and counties that you would be researching in that TIG, and then, with contact information so that they made it easier for you with similar...and those cities and counties had similar demographics as us.

VICE-CHAIR SCHAEFER: Mr. Chair, would it be easier if I made a motion that was very specific?

CHAIR TAKITANI: Let's try.

VICE-CHAIR SCHAEFER: Okay.

CHAIR TAKITANI: I'm game.

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VICE-CHAIR SCHAEFER: Okay. So I would move that the questions as outlined in the proposed plan of action for the two TIGs, 1 and 2, the Staff prepare the answers to those questions in a draft form and that be...those...that information be conveyed to the Committee for further research and discussion. After we have received the documents, the determination will be made whether there needs to be further information or whatever.

MEMBER FRIEL: Can we go simpler first? Just yes or no for the research? 'Cause it just feels like this is just going all over.

VICE-CHAIR SCHAEFER: Okay, so the research would be done by the Staff.

MEMBER FRIEL: Can we vote on that first?

CHAIR TAKITANI: Do we have a motion.

MEMBER DeLEON: Second.

VICE-CHAIR SCHAEFER: So you'd like to have the motion modified to say only research?

MEMBER FRIEL: No, I just wanna start and get somewhere.

VICE-CHAIR SCHAEFER: Well, what I was doing was all encompassing, was saying the Staff --

MEMBER FRIEL: That's too much I think.

VICE-CHAIR SCHAEFER: --prepare the answers.

CHAIR TAKITANI: Just to understand, I think where we are, a motion to direct the Staff to do research, to my way of understanding would be, we will not be proceeding with the TIG today.

MEMBER FILIMOE`ATU: Correct, correct.

MEMBER FRIEL: Okay.

VICE-CHAIR SCHAEFER: Yes, the TIG would be formed --

CHAIR TAKITANI: Okay, so can I...

VICE-CHAIR SCHAEFER: --if necessary at a later date.

CHAIR TAKITANI: At some other point. So may I have that motion restated please?

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VICE-CHAIR SCHAEFER: Okay. That the Staff will be directed to research the questions as outlined in the...then I have to go back look at the title again.

CHAIR TAKITANI: No, you wanna take a crack at it, Paula?

VICE-CHAIR SCHAEFER: The proposed plan of action.

MEMBER FRIEL: Okay, let me try. Correct me if I'm wrong. Sorry, Madge.

VICE-CHAIR SCHAEFER: Okay.

MEMBER FRIEL: Can we make a motion to take a vote if we can direct the Staff to do the research? Is that how you guys say it?

MEMBER PALTIN: Answer the question.

MEMBER FRIEL: And remove the TIG temporarily?

CHAIR TAKITANI: You know what --

VICE-CHAIR SCHAEFER: Defer the TIG.

MEMBER FRIEL: Defer.

CHAIR TAKITANI: --let me have a two-minute recess. . . .(gavel). . .

RECESS: 3:46 p.m.

RECONVENE: 3:49 p.m.

CHAIR TAKITANI: . . .(gavel). . . Calling our Committee back to order. Office of Council Services staff will do the research, but not to draw conclusions. So the research that's required in TIG-1 and TIG-2, but not to draw any conclusions. I think the last part of TIG-2 asks for conclusive information.

VICE-CHAIR SCHAEFER: Okay.

CHAIR TAKITANI: Okay, so can somebody say what I just said simply?

VICE-CHAIR SCHAEFER: Well, I thought they were doing the...

CHAIR TAKITANI: Oh, that's right. I said that. Well, take a crack at it. I mean we got time while they're writing.

VICE-CHAIR SCHAEFER: So, well, I'd like to take a crack at something that isn't in here, and that's the word "mayor" is not in any of this. When are we gonna look at the different forms of mayor?

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CHAIR TAKITANI: Anytime.

VICE-CHAIR SCHAEFER: So there is nothing in any of these that says...it's all about city manager. It doesn't say anything about different forms of mayor. Initially...

MS. WILLENBRINK: Point of clarification.

CHAIR TAKITANI: Yes, go ahead, Kim.

MS. WILLENBRINK: I have the scope listed up there, and that's not a part of the scope.

VICE-CHAIR SCHAEFER: Well, how can you...

MEMBER HAYNES: We're starting with using the wrong term, right?

UNIDENTIFIED SPEAKER: Mr. Chair?

MEMBER HAYNES: But I think what we're asking to do is gather examples of this form, and for the Staff to collect it. So can I make a motion that the Staff collects the information for TIG-1 and prepare it for the Committee so we can evaluate it?

MEMBER OKAMOTO: Second.

MEMBER FRIEL: Thank you.

MEMBER HAYNES: Is that what we're asking?

CHAIR TAKITANI: Can you restate your motion? I'm sorry. I really apologize, I was...can somebody reread it?

MEMBER STARR: I can...maybe they've...they got it for us, Tony.

CHAIR TAKITANI: Wait, hang on a second. Yeah, okay. We'll do it this way. And I apologize 'cause you made a second. Can you withdraw that?

MEMBER OKAMOTO: I withdraw.

CHAIR TAKITANI: Can...and you withdraw your motion?

VICE-CHAIR SCHAEFER: And I'll withdraw mine.

CHAIR TAKITANI: Yours didn't have a second. Okay, anyway, we'll try this. At this time, I'd like to entertain a motion for the Office of Council Services staff to research questions posed for TIG-1 and TIG-2, but not to draw conclusions for posting on the next Special Committee agenda.

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MEMBER OKAMOTO: Yeah, but I mean no, I'm talking about the actual city or county --

CHAIR TAKITANI: Oh.

MEMBER OKAMOTO: --that they would...

CHAIR TAKITANI: How should they transmit specific recommendations?

MS. TERAGAWACHI: No, how they selected those cities to research, or investigate? They took a look at cities...they did a balance, okay. They gave you a balanced look at cities that went from one form of government to the other. So council-mayor form of government to council-manager form of government. And they also took a look at those counties and cities that went from council-manager back to council-mayor. So a balanced look at...those are the examples, or those are the names of the cities and counties that they were gonna give you, along with matching similar demographics.

MEMBER OKAMOTO: Okay, that's fine.

MEMBER STARR: Mr. Chair?

MS. TERAGAWACHI: Okay?

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Jonathan?

MEMBER STARR: I would also like them to add in several that have functioned successfully with a council-manager form of government for decades. Fairfax County, Virginia would be one good example. And, you know, we know the deputy manager for the last 20 years. But we...so we want some that also have just functioned and functioned...

CHAIR TAKITANI: Successfully.

MEMBER STARR: Yeah. Or even some that functioned and functioned badly.

CHAIR TAKITANI: Okay, so not having to go through motions for specific places, will the Office of Council Services please take that into consideration?

MS. WILLENBRINK: Yes, Chair.

CHAIR TAKITANI: Thank you.

MS. TERAGAWACHI: Okay, the second part to that TIG-1 was to take a look at...ICMA gives an excellence award to counties every year. So why not take a look at that list and learn from the counties that get awards of excellence, right. So they're gonna take a look at the counties, that's the second...Part 2 of TIG-1. Take a look at the counties that have received that award this last year, and match up those counties with similar

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demographics that we have. Okay, that's the second part. That's the B part where it says examine counties and cities that are demographically similar to Maui County and that have won the 2015 International City/County Management Association's Local Government of Excellence Award. And those are the questions that they'll look into.

VICE-CHAIR SCHAEFER: And those were...that was included in the motion, wasn't it? That both TIGs' questions.

CHAIR TAKITANI: That's TIG-1.

MS. TERAGAWACHI: That's TIG-1.

CHAIR TAKITANI: That's still part of TIG-1.

VICE-CHAIR SCHAEFER: Okay.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Point of information, are we gonna have this information that they researched in advance of the next meeting so that we can digest it?

CHAIR TAKITANI: Should have it by tomorrow morning, I think.

MS. WILLENBRINK: If I can explain the process. Factual information that we come up with for posting, we can provide it on the day of posting. And if it doesn't...if we aren't ready exactly for posting, we can provide it to you two days before the meeting. Well, we can compile it two days before the meeting, but I believe we have to hand it out at the meeting. But we will certainly make our effort for posting as we always do because that's the cleanest way.

VICE-CHAIR SCHAEFER: Yeah.

MEMBER HAYNES: But all kidding aside, this is to be prepared for us for the next meeting? Is that the goal?

MS. WILLENBRINK: That is the goal.

VICE-CHAIR SCHAEFER: Beautiful.

MS. TERAGAWACHI: And posted six days before that meeting.

MEMBER PALTIN: So you cannot e-mail it to us. You have to post it.

MS. WILLENBRINK: Right, it has to be posted and then we can.

MEMBER PALTIN: Okay.

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MEMBER FILIMOE`ATU: Oh, so that's the 28th.

CHAIR TAKITANI: Yeah, next meeting is the 28th. Go ahead, Lori.

MS. TERAGAWACHI: Okay, clarification, though. And this is with...my heart going out to Council Services, you're doing both, questions for both TIGs, or do you wanna limit it to just the first set of questions for TIG-1?

MS. WILLENBRINK: The motion was for both TIGs.

MEMBER DeLEON: For the next meeting --

MS. TERAGAWACHI: Okay.

MEMBER DeLEON: --just do one. I mean research time, it's not gonna be that easy, I mean.

CHAIR TAKITANI: Well, we already have received the commitment from the Office of Council Services --

MS. TERAGAWACHI: Okay, just clarify...

CHAIR TAKITANI: --that they think they can do it.

MS. TERAGAWACHI: All right.

CHAIR TAKITANI: So let's see what they do.

MS. WILLENBRINK: And what...and we will...

CHAIR TAKITANI: But please, you know, please keep in mind that's a tremendous amount of work. Jonathan?

MEMBER STARR: I appreciate that commitment. I'd be surprised if it's realistic, and I'm just looking for a, you know, kind of a plan B. If it...

CHAIR TAKITANI: Okay.

MEMBER STARR: And one would be a possibility that they could furnish a partial report to the next meeting, and the other would be that the date could move if necessary. I just wanna leave a possibility open so they don't end up running into a wall.

MEMBER FILIMOE`ATU: I don't.

MS. TERAGAWACHI: They're super people.

CHAIR TAKITANI: I'm sorry, Kehau?

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MEMBER FILIMOE`ATU: I don't agree. I think they've gotten their walking papers. That's what they're supposed to be do. That's the obligation they have, and our kuleana is to make sure we keep rolling as fast as we can.

VICE-CHAIR SCHAEFER: Yes, that's true.

MEMBER HAYNES: Agreed.

CHAIR TAKITANI: Rough buggah, eh, you. . . .(laughter). . .

VICE-CHAIR SCHAEFER: Somebody comes down with the flu, or the flu goes through the office, we'll let 'em off the hook, right? But otherwise, pedal to the metal.

CHAIR TAKITANI: I...you know, the office is...they're an office, they're competent, you know. I wish you all good luck and good health.

MS. WILLENBRINK: Thank you, and we'll try our best.

CHAIR TAKITANI: Lori?

MS. TERAGAWACHI: Okay, so that was task one. Task two would be then to make written recommendations to the Council on whether the Charter should be amended. And if so, how the form of government should be structured. Timeline for that would be somewhere around March to April, yeah?

VICE-CHAIR SCHAEFER: So that's...doing anything on that is kinda premature, isn't it, until we...

MS. TERAGAWACHI: That is correct. I'm just giving you the...

CHAIR TAKITANI: That's why the timeline is like March or April.

VICE-CHAIR SCHAEFER: Yeah, yeah.

MS. TERAGAWACHI: Just giving you the big picture plan of action, yeah.

VICE-CHAIR SCHAEFER: So could...should we put this Item 3 on the agenda, the next agenda? If we get the information and we wanna move ahead to the next stage, should we put the TIG on because this requires a TIG too? Should we put it on just in case?

CHAIR TAKITANI: I don't think anything requires a TIG. I think we can do it as a body at this point if we get all this information.

MS. TERAGAWACHI: And this would be where...

CHAIR TAKITANI: I think this is where we start doing public hearings probably.

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MS. TERAGAWACHI: Right, right. See, no, No. 2, obtain public input on the proposed recommendation. This is where we could probably go out into the community and get input and feedback.

MEMBER DeLEON: You'd need a recommendation first then.

CHAIR TAKITANI: If there's a recommendation.

MS. TERAGAWACHI: Yes, if there's a recommendation, yeah.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah, can we ask them to slowly begin researching the availability of going out into the communities, the evening meetings? Because it's really tough to be able to book venues without a few weeks or a month.

CHAIR TAKITANI: Who does that, Kim?

MEMBER HAYNES: Well...excuse me. Shouldn't we actually decide what we're gonna do before we start looking into venues?

VICE-CHAIR SCHAEFER: Right. What if we decide not to do...

MEMBER HAYNES: I mean let's start with step one.

CHAIR TAKITANI: No, no, I think Jonathan's point is that if you wait to when you have something, it might too late to get a place.

MEMBER STARR: Yeah, let them at least get the list of what's available when so if we're ready for it, we can...

MEMBER HAYNES: Aren't we talking about next meeting in two weeks?

CHAIR TAKITANI: No, but that's not when we'll have a decision on what we're gonna propose to the public, if anything.

MS. WILLENBRINK: When are you thinking the meetings would be?

CHAIR TAKITANI: I'm sorry.

MS. WILLENBRINK: When are you thinking the meetings would be?

MEMBER STARR: March, April.

MS. WILLENBRINK: That's plenty of time.

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UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MS. WILLENBRINK: That is true but...

MS. TERAGAWACHI: Okay, all right. So I'm just giving you the big picture, the plan of action kinda thing, you know, Task 1, Task 2, Task 3. Those are our tasks as stated in the resolution. And then the last task would be No. 3, prepare a proposed Charter amendment if this is the recommendation.

CHAIR TAKITANI: Okay.

MS. TERAGAWACHI: Pau.

CHAIR TAKITANI: You're awesome. Thank you.

VICE-CHAIR SCHAEFER: Thanks, Lori.

MEMBER FRIEL: Thank you, Lori.

CHAIR TAKITANI: Kehau?

MEMBER FILIMOE`ATU: Just a comment. And so if you know, Charmaine wants to come and talk to us. She should be here. I mean, so we're open to public testimony every time we meet, correct?

VICE-CHAIR SCHAEFER: Well, I suggested that and she suggested that she'd like more than three minutes.

CHAIR TAKITANI: I guess what we end up with, you know, we're going to do public hearings.

MEMBER FILIMOE`ATU: Right. No matter what.

CHAIR TAKITANI: Yeah, we're gonna do all this stuff. We have other people that wanna testify for more than three minutes. And, you know, if we're all, as a body, wanna do this, then we can do it. But if...I mean I don't know how many of these you wanna go through.

VICE-CHAIR SCHAEFER: Mr. Chair?

CHAIR TAKITANI: Wait. Kay?

MEMBER OKAMOTO: So we just have to invite someone to present and that gives 'em ten minutes.

CHAIR TAKITANI: Yeah.

MEMBER OKAMOTO: Or whatever.

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CHAIR TAKITANI: That's what happens.

MEMBER STARR: I think we should have a presentation or two every meeting, along with our own process.

CHAIR TAKITANI: And who decides what kind of presentation it is --

VICE-CHAIR SCHAEFER: So I'd like to...

CHAIR TAKITANI: --so that it's fair and balanced?

VICE-CHAIR SCHAEFER: I'd like to suggest that since we heard from the current Administration, that we invite Charmaine Tavares to speak for ten minutes. That we...there is a group that is in the community that has been looking at this whole government...governance thing for more than a year. And I think that we should give them an opportunity to say how they...why they came to the decision, what information they found, and some of it we've already gotten. But it's good when you get the opportunity for the exchange of information.

CHAIR TAKITANI: Okay, so when we start doing these groups that we're gonna take testimony from that's beyond three minutes, are we gonna limit it to ten?

MEMBER DeLEON: Yes.

CHAIR TAKITANI: Okay. And can...and we're gonna take like two of these, or how many you wanna take per meeting?

VICE-CHAIR SCHAEFER: Three.

CHAIR TAKITANI: Two or three per meeting?

VICE-CHAIR SCHAEFER: Three. And that gives us an opportunity...

CHAIR TAKITANI: Can I have your word that you guys won't use the question and answer period to extend their testimony?

VICE-CHAIR SCHAEFER: No, absolutely not. I mean, if there is something, that's the whole point. And...of today...

CHAIR TAKITANI: Thank you.

VICE-CHAIR SCHAEFER: That is the whole point. Today there were issues that were raised that...yeah.

CHAIR TAKITANI: Okay, how's this? Can I have your word that you won't use it for testifying purposes?

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VICE-CHAIR SCHAEFER: No, because...

CHAIR TAKITANI: That it can be question and answer, period. 'Cause that's the rules, and I don't wanna play the rules. But that's the rules.

VICE-CHAIR SCHAEFER: Mr. Chair, I apologize if I overstepped today.

CHAIR TAKITANI: I didn't...I wasn't talking about you.

VICE-CHAIR SCHAEFER: My problem...

CHAIR TAKITANI: I was talking about Dave.

VICE-CHAIR SCHAEFER: My problem is that I have been in this system and it's --

MEMBER DeLEON: Hey, I resemble that.

VICE-CHAIR SCHAEFER: --very difficult to hear the system misrepresented.

CHAIR TAKITANI: Okay. Lori?

MS. TERAGAWACHI: Chair, we can alleviate that if we give the speakers specific questions to answer and address, okay. Then they have to stay focused. Can we do that?

MEMBER FILIMOE`ATU: Point of information, Chair.

CHAIR TAKITANI: Yes, Kehau?

MEMBER FILIMOE`ATU: So these people who may want to come, the only way to get the ten minutes is we have to ask...invite them? Or are you...or can they just...

CHAIR TAKITANI: Otherwise they're just --

MEMBER FILIMOE`ATU: Okay, so they can't...

CHAIR TAKITANI: --regular public testimony.

MEMBER FILIMOE`ATU: --write in to the Committee per se and ask for time?

CHAIR TAKITANI: 'Cause we gotta...somehow we gotta get some control over this.

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Yeah.

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MEMBER STARR: I'd be happy if the Chair and Vice-Chair work on deciding who it has to present.

CHAIR TAKITANI: Okay.

MEMBER STARR: I would prefer if it were 15 minutes if we're gonna be limiting our questions. And I also look to the future where we have a facilitated ability to discuss and prioritize so . . . *(inaudible)* . . .

CHAIR TAKITANI: Every time we use the Facilitator she gets cut off. Poor thing.

MEMBER STARR: I mean I don't think it's gonna happen today. The clock's ticking but...

CHAIR TAKITANI: Yeah, okay. We're gonna stick with the ten minutes. I think that would be sufficient. We'll, Chair and the Vice-Chair will figure out who we're gonna invite. I'm fine with Mark and --

VICE-CHAIR SCHAEFER: Well the group.

CHAIR TAKITANI: --Mayor Tavares --

VICE-CHAIR SCHAEFER: Yeah.

CHAIR TAKITANI: --making a ten-minute presentation at our next meeting.

VICE-CHAIR SCHAEFER: Well, there's a group so not only...maybe that Mr. Hyde wants to make his own presentation. But there is also a study group...

CHAIR TAKITANI: See now you're just kinda...

VICE-CHAIR SCHAEFER: No, I'm saying there's a study group. So what if Mr. Hyde doesn't wanna make the presentation for the group.

CHAIR TAKITANI: Then somebody else can.

VICE-CHAIR SCHAEFER: Okay, that's my point.

MEMBER STARR: I know that Jeff Dack who's one of our senior planners...

CHAIR TAKITANI: Correct. We can get 'em at a separate time.

MEMBER STARR: And I have no idea what his point of view is, but I know he's got a lot of experience.

CHAIR TAKITANI: Okay.. Kimo?

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MEMBER HAYNES: Real quick. Going back to making these things as short but as beneficial as possible, and going back to the idea of having specific questions. Do we have to do that here as a group now?

CHAIR TAKITANI: No.

MEMBER HAYNES: Or what is that process?

CHAIR TAKITANI: I'm not sold on the specific questions. Sometimes their testimony will elicit, you know, other types of questions, not testimony.

MEMBER FRIEL: But can we at least agree on a minimum basics, like guideline and purpose of what we want, and the purpose that we're bringing that guest speaker in for? Like what Lori suggested, a predetermined...just a minimal guide so that at least it stays on target, and we get what we asking to get out of it.

CHAIR TAKITANI: I don't know. Can we agree on that? Can you come up with a minimum guide for us?

MS. TERAGAWACHI: Area of focus.

CHAIR TAKITANI: Okay.

MEMBER STARR: So that would be like our resolution and the subject of our TIGs kinda stuff.

CHAIR TAKITANI: Yeah. An area of focus.

MEMBER FRIEL: Yeah, just simple.

VICE-CHAIR SCHAEFER: So we...we're talking...we have three for next meeting, right? Correct? Charmaine.

CHAIR TAKITANI: Charmaine. The group.

VICE-CHAIR SCHAEFER: The group?

CHAIR TAKITANI: Someone from the group.

VICE-CHAIR SCHAEFER: The group, yes.

CHAIR TAKITANI: And? I thought Mark was somebody from the group, or somebody else.

MEMBER OKAMOTO: Who's the group?

CHAIR TAKITANI: I think the group are the people who are sitting in the back.

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VICE-CHAIR SCHAEFER: There's a group that has been working on this question about a year.

CHAIR TAKITANI: Maybe I'll ask the unions to come.

VICE-CHAIR SCHAEFER: Ask who?

CHAIR TAKITANI: I'm thinking ILWU or some public employee union.

MEMBER STARR: Yeah, HGEA maybe.

CHAIR TAKITANI: We'll have somebody.

MEMBER DeLEON: HGEA, yeah.

MEMBER STARR: Or why don't you get HGEA and UPW together?

CHAIR TAKITANI: Okay.

MEMBER STARR: Let them be a group.

CHAIR TAKITANI: Mr. Kushi?

MR. KUSHI: I really don't wanna say anything, but you know, if you're gonna make exceptions to testimony, more than three minutes, you gotta...and you're gonna invite people here, they gotta be called resource people. They cannot be any kind of group, or whatever.

CHAIR TAKITANI: Okay.

MR. KUSHI: And they gotta be related to the topic. And then you can invite 'em and you can spend as much time as you want. But aside from that, if you invite any Tom, Dick and Harry, the other Mary, Jane, and John, is gonna come by and say, I wanna be resource too, okay. So again, it's at the option of the Chair, with no objections from the Committee.

MS. WILLENBRINK: Point of...

VICE-CHAIR SCHAEFER: That's what we did with Mr. Crockett.

MS. WILLENBRINK: Point of clarification, Chair. Rule 7(B) of the Council Rules does allow for presentations, overarching presentations as long as it falls within the priorities of the Committee. And that's how the agenda would read.

MR. KUSHI: At the discretion of the Chair.

MS. WILLENBRINK: Yes.

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CHAIR TAKITANI: Okay, the Chair will use good discretion.

VICE-CHAIR SCHAEFER: So then what we end up with, we're going to have...we'll have the presentations first, and then this Committee is gonna get down to the nitty-gritty --

CHAIR TAKITANI: We'll have public testimony...

VICE-CHAIR SCHAEFER: --'cause we're gonna have the research back from Council...

CHAIR TAKITANI: Public testimony first, presentations, and the report. Is that our next agenda?

MS. TERAGAWACHI: Yes.

VICE-CHAIR SCHAEFER: And the resolution on just in case.

CHAIR TAKITANI: The what?

VICE-CHAIR SCHAEFER: You know, the resolution like I asked.

MS. WILLENBRINK: Always.

CHAIR TAKITANI: Oh, yeah, it's on. And you can talk about it any time you want to.

VICE-CHAIR SCHAEFER: All right, who's doing the invitations to the group?

CHAIR TAKITANI: I will.

VICE-CHAIR SCHAEFER: Will you call Charmaine and...

CHAIR TAKITANI: Yes.

VICE-CHAIR SCHAEFER: And they're here so...

CHAIR TAKITANI: Is this the group?

VICE-CHAIR SCHAEFER: The group has been notified.

MR. HYDE: . . .*(from the gallery)*. . . I would be happy to do it.

CHAIR TAKITANI: Thank you, Mark. Okay, can we defer this? We have to say defer, yeah?
Can we defer this?

MEMBERS: Yes.

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COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: PC and RP)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR TAKITANI: Thank you.

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Yes.

MEMBER STARR: Can we see if Lori has something more 'cause...

MEMBER OKAMOTO: We cut her off.

MEMBER STARR: Yeah, I felt like we keep just cutting her off.

CHAIR TAKITANI: No, she...we didn't cut her off. She said she was done.

MS. TERAGAWACHI: You just deferred it so it's done, pau, yeah?

CHAIR TAKITANI: Yeah, and we asked her or assigned her to come up with a...what is the term we used for the questions?

UNIDENTIFIED SPEAKER: Area of focus.

CHAIR TAKITANI: Area of focus questions.

VICE-CHAIR SCHAEFER: So, Mr. Chair --

CHAIR TAKITANI: Yes.

VICE-CHAIR SCHAEFER: --on the agenda next time, do we need to put, in an abundance of caution, put the possibility of a TIG?

CHAIR TAKITANI: No.

VICE-CHAIR SCHAEFER: Okay, so we're going to just not do the TIGs?

MEMBER STARR: At this time.

VICE-CHAIR SCHAEFER: Okay. And the Cost of Government Committee has had a presentation today that if it's possible for us to get...if they had handouts, or whatever, because they discussed the efficiencies of government.

CHAIR TAKITANI: The Cost of...the...Kailiponi, that first time we met, that's the Cost of Government Committee?

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VICE-CHAIR SCHAEFER: Yes.

CHAIR TAKITANI: Okay.

VICE-CHAIR SCHAEFER: So can we get that, and can we get that without it having to be on the agenda? Can we just get it e-mailed to us?

CHAIR TAKITANI: I think if we ask...if I ask for it, can we get it and post it?

MS. WILLENBRINK: If...

UNIDENTIFIED SPEAKER: It's online.

CHAIR TAKITANI: Oh, it's online.

MS. WILLENBRINK: It's available online on their website, and I think Shelly Pellegrino does let us know when things have been handed out. And it would be good for you to do that research. We have maucounty.us. We have maucounty.gov. And we have our Legistar website as well.

VICE-CHAIR SCHAEFER: Okay, so it will be on there? 'Cause I got the notice of the meeting this morning.

MS. WILLENBRINK: I think that was forwarded to you, but all meetings are posted six days in advance, or seven days.

VICE-CHAIR SCHAEFER: I thought we were going to get that information. I don't know why, but I'll sign up for it.

MS. WILLENBRINK: Yes, you can sign up to receive those agendas, any agenda for a board or commission.

VICE-CHAIR SCHAEFER: Okay.

CHAIR TAKITANI: Okay.

VICE-CHAIR SCHAEFER: Thank you.

MS. WILLENBRINK: You're welcome.

CHAIR TAKITANI: Is there any further business today?

CG-1(1): RESOLUTION 15-155: ESTABLISHING A SPECIAL COMMITTEE ON COUNTY GOVERNANCE

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MS. WILLENBRINK: Chair, I think --

CHAIR TAKITANI: Can I defer...

MS. WILLENBRINK: --would you like to defer Item 4?

CHAIR TAKITANI: Do I want, no, I want to just defer everything. . . .(laughter). . . Item 4 is TIG-2, right, yeah? So we going defer Item No. 4, as well.

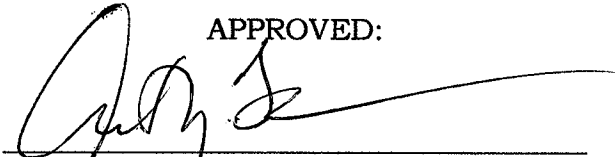
COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: PC and RP)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR TAKITANI: And without...if everything's all good, I would...I will adjourn today's meeting. Thank you. Thank you very, very much. . . .(gavel). . .

ADJOURN: 4:13 p.m.

APPROVED:



TONY TAKITANI, CHAIR
Special Committee on County
Governance

cg:min:160114:rk

Transcribed by: Reinette Kutz

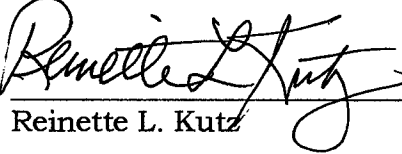
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CERTIFICATE

I, Reinette Kutz, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 5th day of February 2016, in Wailuku, Hawaii.


Reinette L. Kutz