

# **SPECIAL COMMITTEE ON COUNTY GOVERNANCE**

**Council of the County of Maui**

## **MINUTES**

**January 28, 2016**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 1:12 p.m.

**PRESENT:** Tony Takitani, Chair  
Madge Schaefer, Vice-Chair  
Pua Canto, Member  
Dave DeLeon, Member  
Paula Friel, Member  
Kimo Haynes, Member  
Kay Okamoto, Member  
Tamara Paltin, Member  
Ray Phillips, Member

**EXCUSED:** Kehau Filimoe`atu, Member  
Jonathan Starr, Member

**FACILITATOR:** Lori Teragawachi

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

Chancy Hopper, Supervising Legislative Analyst

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

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

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

Darlene Ane, Executive Assistant to Councilmember Gladys C. Baisa

**ADMIN.:** James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

*Seated in the gallery:*

David Taylor, Director, Department of Water Supply

**OTHERS:** Marjorie Bonar  
Paul Janes-Brown  
Nell Woods

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Former Mayor Charmaine Tavares  
Mark Hyde, Maui Government Accountability & Improvement  
Now (G.A.I.N.)

(11) additional attendees

*Seated in the gallery:*  
Councilmember Stacy Crivello

**PRESS:** *Akaku: Maui Community Television, Inc.*  
*Colleen Uechi, The Maui News*  
*Matthew Thayer, The Maui News*

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CHAIR TAKITANI: *... (gavel) ...* Good afternoon. It's 1:12. The meeting of the Special Committee on County Governance shall come to order. Please turn off your cell phones. Our Committee Members that are here today: Madge Schaefer Committee Vice-Chair, Pua Canto, Dave DeLeon, Paula Friel, Kay Okamoto, Tamara Paltin, Ray Phillips, Kimo Haynes, and Tony Takitani. Excused today are Renee Kehau Filimoe`atu and Jonathan Starr. Our Facilitator is Lori Teragawachi. Deputy Corporation Counsel is James Giroux. Committee Staff, Kimberley Willenbrink, Legislative Analyst Sharon Brooks, and Clarita Balala is the Committee Secretary. Our District Office Staff, Dawn Lono, are you with us? Hana?

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

CHAIR TAKITANI: Aloha, Dawn. Denise Fernandez, Lanai?

MS. FERNANDEZ: Good afternoon. This is Denise Fernandez at the Lanai Office.

CHAIR TAKITANI: Hi, Denise. And Ella Alcon from Molokai?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR TAKITANI: Okay, thank you. Would like to proceed with public testimony. Ms. Willenbrink?

MS. WILLENBRINK: Proceeding with public testimony. For individuals who will be testifying in the Chamber, please sign up at the desk located in the 8<sup>th</sup> floor lobby just outside the Chamber door. If you will be testifying from one of the remote testimony locations specified on meeting agenda, please sign up with 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. As you see, we have established a connection to the District Offices and to be fair we will rotate between the offices. Hana Office, is there anyone wishing to testify?

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**. . .BEGIN PUBLIC TESTIMONY. . .**

MS. LONO: The Hana Office has no one waiting to testify.

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

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

MS. WILLENBRINK: Thank you, Denise. And, Molokai, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

MS. WILLENBRINK: Thank you, Ella. Chair, right now we have three testifiers here in the Chamber. Our first testifier is Marjorie Bonar.

MS. BONAR: This was if I don't stutter under three minutes. Marjorie Bonar, I am here on my own behalf. The mantra if "it ain't broke, don't fix it" has been evoked. Would you all like your manual typewriters back? They weren't broken, they functioned. Now you can do so much more, more efficiently with your word processing software. You are not looking at making the leap to totally new technology here. You're investing the use of an electric typewriter with correction memories. It's just a fairly small improvement that makes sense. There's been so much misinformation, plain meanness, and cover your backside rhetoric in the past few weeks that I know you are getting doses of it also. The idea is not to just look at the mayoral position but at where the functions will be taken or if they should have been laid on a Mayor's desk at all. In addition to adding a professional manager for implementing policy set by Council, the manager will be in a position having the responsibility for oversight and accountability, to distribute work where it's best completed, separating out any personal ambitions and biases from issues at hand, and every part of the system can use a tune-up. The difficulty in getting effective action is a symptom of the jumble of overlapping and redundant duties. This is systemic. In some instances, micromanagement has been felt necessary, because the department directors are neither being held accountable for delivering reports nor efficiently running their departments. They may not even realize the requirement for these reports or what should be included in them. Simply inserting a goals section in the budget is not fulfilling this Charter requirement, nor does it create a method to evaluate implementation of those goals. It's fixing potholes while the road deteriorates. It's stamping out fires. When a person appointed to head a department needs to seek out a consultant to explain the job and how to do it, we know the skills that person brought to the office are not those the position required. Portable management skills are necessary, but awareness and experience in specific fields is what the taxpayers think they are paying for. And those who may have knowledge of the functional parts may not have the management skills to create an accurate budget projection or scheduling plan. Job descriptions need to incorporate the whole package. I believe the Council meetings would be half as long if *Akaku* were not recording, but that very exposure creates transparency that does not currently exist in the Administrative side.

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A professional manager will be accountable on a non-political level to the Council and through them to the electorate. Systemic change is needed for doing a better job with what we have. To me, the real challenge will be in deciding how to structure the realignment of the duties. A mayor can be elected and serve with the Council, appointed from the Council, elected separately or be an appointed spokesperson, as the statutes don't require any specific job role for a mayor. It is adjusting all job descriptions to avoid any foreseeable future problems based on the abundance of prior experience around the country.

CHAIR TAKITANI: Thank you very much. Any questions? Thank you very much. Kim?

MS. WILLENBRINK: Our next testifier is Paul Janes-Brown.

MR. JANES-BROWN: Aloha, Mr. Chair. Aloha, Members of the Committee. I'm Paul Janes-Brown, I live in Makawao, and I'm here for my, for me and for you, and for everybody. As I go out into the community, I've begun to feel that there is an adversarial tenor that's being taken on about this particular project that we're involved in, and quite frankly I'm perplexed. I'm perplexed by the Mayor's reaction to this effort. I'm perplexed by his defensiveness when he hasn't been attacked. I'm perplexed by the entire thought that this is about him and his Administration when nothing has been mentioned of his Administration nor him. And it makes me think that perhaps the Mayor has some ideas about defeating term limits in the future and being worried about there not being a job for him as it's currently constituted in the future. And that's a little interesting I guess. I just hope that everybody recognizes that what this is about is about the future, not about the present. We're looking into the future and we're saying that there are different ways to manage a complex organization than the way in which it's currently managed, that's more efficient, more effective, and also more cost effective and economical. So I think that going forward I hope that you'll consider that this is a win-win for everybody, that nobody loses except those who have big egos and large ambition. Thank you very much.

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

MS. WILLENBRINK: Thank you, Mr. Chair. The final person signed up to testify in the Chamber is Nell Woods.

MS. WOODS: . . .*(from the gallery)*. . . I'm going to waive time.

CHAIR TAKITANI: We got time. Thank you.

MS. WOODS: . . .*(from the gallery)*. . . Let's get on with the meeting.

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: Would you like me to check with the District Offices?

CHAIR TAKITANI: Yes, please.

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

MS. LONO: The Hana Office has no one waiting to testify.

MS. WILLENBRINK: Lanai Office, is there anyone wishing to testify?

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

MS. WILLENBRINK: And, Molokai Office, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

MS. WILLENBRINK: Thank you. There's no one else signed up to testify.

CHAIR TAKITANI: Okay. If there are no objections, I'll close public testimony at this time.

MEMBERS: No objections.

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

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

CHAIR TAKITANI: Today we have three items on our agenda, as always we start off with the resolution that created this body. We have it there to give us, to be able to discuss matters on a broader, in a broader way. Also note that the Committee now has a document entitled Eighth Edition Model City Charter, dated 2003, published by the National Civic League as a reference for our deliberations. We also, if you look at the Special Committee page on the maucounty.us website, the Staff has uploaded additional reference materials, some of which are mentioned in item number three memos. For now, if there are no objections, I'd like to move on to Item Number 2, our presentations from former Mayor Charmaine Tavares.

MEMBERS: No objections.

**CG-1: COMMITTEE'S PRIORITIES, PROCEDURES, AND PRESENTATIONS**

CHAIR TAKITANI: She's in a kind of unique position as a former Mayor, former Councilmember, and also a department head. I don't think anybody else has done that.

MS. TAVARES: Nobody was out of their minds. Aloha, everyone. My name is Charmaine Tavares and I've been a former a lot of things, except an inmate. So that's a good sign.

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CHAIR TAKITANI: We're working on that.

MS. TAVARES: And I'm testifying or presenting on behalf of myself really, because I think that through the experiences that I've had working in County government for 20 years, that I may be able to give some other insight or things to consider while you're going through this very difficult task that you have been assigned and, or charged to do. It's an undaunting [sic] one and I want to commend each and every one of you for the amount of time and commitment that you are expending to try to make our government better for our community, and that's what this is about, it's about our community. We are a system of laws. The US was founded on laws and we are, we cannot have just free-for-alls, as much as people would like to see. That just does not make for any kind of a community that you want to live in. I wouldn't want to live in one. The questions that were posed, sent to me by Staff, I appreciate the questions that you sent. And on the little handout that I prepared sort of for you...I don't have a fancy PowerPoint and stuff like that, I kind of left my staff when I left office, but I still know how to work a processor so you guys muddle along with me. But the questions that were asked were I think the questions that you folks are trying to seek answers to or input on as you go through this process, and I was happy to hear this process does involve the community because on a number of these where it asked for specific examples of how things aren't working and what do they see are the solutions, et cetera, that should come from the people who have been impacted. And as you go throughout the community or the County, I hope that you will hear some of the stuff that just kind of floats around, these little well, you know I heard this and I heard that. And, you know, we all in any kind of public position, have been subjected to being interrupted while we're shopping for groceries or trying to have a warm cup of coffee and relax. But that's what we're about, once you sign up for being a public figure, you are a public figure and people come to you. I depended a lot in my time as Director of Parks and Recreation for the County, when I was on the County Council for ten years, and when I was Mayor. When people stopped me wherever, I listened because that's, sometimes that's the only time they can see me. You know this is...because of the way we operate, this setting is not friendly to a lot of people. It is at the wrong time of the day, people are working, so I hope that your meetings in the community will recognize a lot of people are working, that you will try to schedule some meetings in the evening. Just like the budget, when the budget goes out for hearings, what the Council holds, they're all in the evening so that many more people can come, and that's what we want, we want input from the community, not just from those who are retired or they don't work in the daytime. So I commend you for reaching out, that's important. What I did send to you was actually just regurgitating the Charter and I worked off of an old version of the Charter 'cause it's been a while. But what I did here was I looked at the Charter and I believe that you folks have started with the Charter and I believe that's where you should start. It's a giant leap to go from our present source...style or function structure of government, to go to one that's being proposed as far as, considered as a County Manager. We may need to get there but let's get there in a very planned and thoughtful way, not in a knee jerk, I heard this and I heard that, and we need to fix it. Okay. And let's really get to what...first step is always identifying what is really the true problem in anything. And you're only going to find that out if you get information from a variety of sources.

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Today I chose to look at the Charter as it exists right now, and what I've done in that handout is I have reorganized the information. This is the Chapter 8 on the departments. Each of the departments, there are 15 of them in the County of Maui, and the first column is the name of the department or the very left side is the chapter reference, 8.1 is the Department of Management which is the first department listed in that title. How it's appointed is the second column, and the minimum qualifications are the third column. I would definitely start with this to look at where it might be beefed up. When the Charter was framed for the County of Maui and I believe Mr. Crockett gave you an excellent history of the switch or the transition from a board of supervisors type of structure to an actual county charter, and that was a very, very difficult time. And they tried to frame the Charter in such a way that it was flexible enough for Administration and departments to function and yet specific enough that it would try to accomplish good management of the County. You know people didn't sit down on a Charter Commission and say how can we mess this up even more, they didn't have that in mind. They wanted to make something truly good. And we're all here because we love where we are, we love Maui and we want it to be the best it can be. So I came out of my hole in the mountain up there in Kula to come down and try to offer some of my experiences to you. So you don't have to read all of that stuff there, it's in the Charter, but if you turn to the last page of what I've put in there, the summary is that there are 15 departments described in the County Charter, and it didn't start with 15 departments. Okay. Departments were added as our County changed and the needs changed. Of those 15, 3 of them are Mayor appointed and Council approved, and that's Corporation Counsel, the Prosecutor, and the Water Director. The Mayor appoints eight department heads: Management...Department of Management, Finance, Public Works, Parks and Recreation, Planning, Housing and Human Concerns, Transportation, and Environmental Management. Commissions appoint four people; Fire and Public Safety, that's the Fire Chief, Personnel Services, Police, and Liquor Control. Those are appointed by somebody else. So that in a nutshell is kind of what the organization is, and it really wasn't always like that. You know I don't need to get into when it happened and how it happened, but this is what it is today. When I began my stint in government, I was appointed as the Director of Parks and Recreation by my father, so you want to talk about nepotism, there it is. Okay. But what it turned out was I told my dad at one time when he first became Mayor, and I said because I am your daughter I am precluded from serving this County, because I at that time felt I was the best qualified person to be the Director of Parks and Recreation. So you look at the minimum qualifications, just about anybody can be Director of Parks and Recreation. Do you know the least requirements for somebody to meet minimally is running for the office of Mayor or Council? You just need to be living, breathing, living here on Maui basically and be a registered voter. There's no qualifications for that. It is left up to the people to decide who they want to have as their representative. Okay. When I was at...when I finally did get appointed to Parks, I had I think 18 or 19 months of my dad's last term to do something at the Parks Department, and we, you know, had a family meeting and all of that and I said yeah, I want to try, I think I could do something in 18 months. So I just said no, I want to do it. So I did and I got in there, and fortunately produced sufficiently enough that the next Mayor, Mayor Linda Lingle kept me on as the Parks Director to continue the work that I was doing and that she wanted to do. So the department heads are

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only as successful as the backing they get from the Mayor and from the Council. If not, everything else stands still or you're just spinning your wheels. So I did have the opportunity to do a number of things while I was there, knowing that I was only going to be there for 18 months, but I said no, I want to be able to make an impact on this County. And my impact was focused on what the community needs were. And we always have to have that as our driving motivation. What I was hearing at the time, lots of stuff about the Parks Department and it sort of pales given the stuff I heard about the Parks Department now. But because at that time, it was a very actually small Department, with the Director and a Deputy having a whole lot of responsibilities that were just impossible to accomplish. We tried our best and I tried to change the structure of the Parks Department while I was there and we did. We put in two different divisions. We created the Division of Water Safety as its own division. It came under...well, let me back up. There were only two divisions in Parks when I came in, Recreation and Maintenance, two divisions. What got added while I was there was Aquatics, Division of Aquatics, because we had a very important role to play in public safety as far as our residents being in pools and at the ocean. And the second one we did was we actually put in a Capital Improvements Projects person, 'cause we're building stuff and we are spending so much money hiring consultants to manage things we should manage ourselves. So it grew and it had to grow, and I was happy it did. Okay. So we'll fast forward to when I was on the Council. Ten years on the Council, we did a lot of things, we accomplished a lot of things in our Council. While...going back to when I was the Parks Director. The budget that we had was an A, B, C budget. You're all familiar with A, B, C now, right? Personnel, operating, supplies/equipment. That was it, A, B, C. Council would get a thing that just had lines and numbers, and that was it for each department. And then they discussed that and passed it. During the transition time when Mayor Lingle was in office, the GFOA and I know you guys love alphabet soup. It took, you know, I had to go look up what a TIG was. But the GFOA is the Government Financial...Finance Officials Association. It was the national association that does a lot of work in the accounting part of government. They were pursuing and done a lot of work pursuing this thing called a program budget. So this was going to be a change from an A, B, C, just lines on a paper with numbers, to a program budget which outlined what it is each department would be responsible for each function of government. That was a huge transition, gigantic, almost as gigantic as moving from a board of supervisors to a charter, but we undertook it. And I was in that transition so I can tell you how difficult that was, but that's, you know, whole nother meeting. The program budget was a way to stress the part that we're all concerned about which is accountability, and in the program budget, there is a lot of verbiage and that verbiage points to the goals and objectives of what each department should be accomplishing during that time, that year. I would strongly urge this Committee to look at a program budget. You don't have to look at the whole thing, pick a department and look at that department. Now the program budget then was once you get these goals and objectives outlined, department figures out what are those activities to accomplish those goals and objectives, and then how much money resources do we need in order to accomplish that. That's the gist of a program budget. The next step in a program budget is a performance budget. Now we had not gotten there and we still haven't gotten there. But in a performance budget which is a more finite version of a program



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budget, you actually identify in there the baseline data for each of the things you want the departments to accomplish and then a projection of what needs to be done in what time and how much it's going to cost. So then you've got the detail of accountability. Okay. So there is, there's still a progression that I think can work for us or needs to be considered while you're deliberating. If I can go back or, to the handout and look, I want you to look at the Department of Management, and that's the first department listed. You look at the Department of Management, okay, besides the qualifications, look at the powers, duties, and functions of the Managing Director. It says No. 1, this is 8-1.3 [sic], No. 1, act as the principal management aid to the Mayor. Two, supervise the administrative functions of those agencies, departments, boards and commissions assigned by the Mayor. No. 3, evaluate the management and performance of each agency. I think you folks talked about this before. Prescribe standards of administrative practice to be followed by all agencies under his or her supervision. Five, supervise and coordinate those functions as described in subsections, et cetera, and those subsections just go more into detail about what it is. Perform all other duties and functions required by this charter [sic] or as assigned by the Mayor. Who in their right mind would take this job? You know fortunately I had a very good Managing Director, but a lot of the functions that were Managing Director functions were taken and the Mayor did it. Now when you look at the Mayor's function, the Mayor has got responsibility for all kinds of crazy things. Okay. Well first of all, the Managing Director has the Budget Office, Civil Defense, GIS, MIS, OED, CDBG. How's that for alphabet soup? Okay. All of these agencies, Civil Defense you know about, GIS is our Geographic Information Systems, MIS is our Management Information Systems or IT, OED is Office of Economic Development, and CDBG is the Community Development Block Grant which is the Federal funds that come into the money for that program to improve our communities. Important programs for our County. When we were looking at all of the things that everybody's responsible for in the Mayor and Managing Director's purview, we had been discussing it during my Administration about forming a new department, and that department would be called . . .(inaudible). . . Department of Administrative Services, DAS or DAS. And those department...that department head would include almost all of the agencies that I listed before. Then that would free up the Managing Director to actually be a managing director. What is described in our Charter worked at a time when the Charter was implemented. There have been changes to the Charter to add more departments. Like Wastewater was broken out from Public Works, Environmental Management was broken out from Public Works, and so there have been changes depending on the need. I think that sometimes when we look at today's requirements and look at the Charter, what established it, we are asking people to do impossible jobs. We need to allow people the time and the resources, and the support in order to do the jobs they're charged with in the Charter. And as Mayor, I kept Office of Economic Development directly under my office, because I felt that was the single most important program for the community, 'cause Office of Economic Development, especially at the time when I was Mayor when the economy was tanking, that was a very important department or agency. So how a mayor can move things around a little bit is fine, the flexibility is great, but just realize what it says and how impossible it is for somebody to do the job. So taking all the personalities out of this equation, I think that there needs to be maybe a look at forming another department such as

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Administrative Services, because I mean, you know, and I would ask the department heads about it too if you're going to bring them in here. I mean Planning Department has its own GIS people because they are specific to planning, that's fine. But GIS, Geographic Information Systems covers all other departments. They help the Parks Department, they help the Human Concerns Department. There's all kinds of things that they do, but it's overreaching [sic] all, a number of departments, it's not just finite, so a lot of that goes on. So I would say to look at the structures as it exists today and see what kind of improvements can be made. Maybe this is a period that we look at saying okay, we want to transition to something that gives us more accountability in what's going on. I also think that your Committee, your commission or Committee is charged with a whole lot of very important consideration to be made in a recommendation. I personally do not think you folks have enough time to do a thorough job in reviewing this whole issue. This probably would take more than a year to do, and even given all the staff and consultants you may, you know, get in here to help you, that's going to take time. The fact that it's a public process, that takes time. So I would caution you about trying to get to a conclusion too quickly. The studies that you folks have been looking at, and I haven't had a chance to look at them, but you've got groups that are looking at different things, when those reports come to you, you gotta make sure that what you're comparing is apples and apples, and oranges and oranges for sure. Please bear in mind our State and our County have very distinct, unique qualities that we want to preserve and not get diluted through a structure that recognizes only those really tangible things that you can count. So when you're comparing Maui County to any other county or city, look at the demographics very carefully. We have actually in Hawaii and this is my own take, I'm no PhD and this kind of stuff, sociology, through our history, we have developed our own culture which is a mixture of other cultures, and there are very few places that I know of in the world that have been able to do that. And underlying all of it now--now recognize now in the last, you know, 20 years--has been the contributions of the Hawaiian culture and what the Hawaiian culture has brought to making us what we are today. We must not forget that. And so kind of with that, I leave you with those little questions. And if you have any questions for me I'd be happy to try to shed some light on it.

CHAIR TAKITANI: Thank you, Mayor Tavares. Any questions for the Mayor?

VICE-CHAIR SCHAEFER: I have a question.

CHAIR TAKITANI: Who was that?

VICE-CHAIR SCHAEFER: That was me.

CHAIR TAKITANI: Oh, Madge.

VICE-CHAIR SCHAEFER: Thank you for being here. I would be interested in hearing what you, what your relationship was with the Council when you were Mayor and were there things that were broken that you would --

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MS. TAVARES: Oh yeah.

VICE-CHAIR SCHAEFER: --like to address?

MS. TAVARES: Yes, there were lots of things that we would call "broken," and, you know, government runs fine and it really depends on relationships. When I was at the Parks Department, I appeared many, many times before the Council, you know, through the Mayor to the Council when it came to budget. And I recall one very difficult thing that I had to do at the time I was Parks Director, and that was to implement what we now call the PALS Program, the Summer PALS Program. We went from an existing Summer Fun Program that was, I think it was eight weeks, 9:00 to 4:00 and during the summer. Well, as I went around and people talked to me about, you know, I still have to hire babysitters, I have to do this, I can't watch my kids, I leave my kids at home, blah, blah, blah. So I said, you know, we've got to change this. I took office April 19<sup>th</sup>, April 17<sup>th</sup>, and Summer Fun was going to start June 12<sup>th</sup> or something. There was no time to change the Summer Fun so we planned for a year what we were going to do the next time. What I ended up presenting to the Council and working with the Administration, this time now it's Linda Lingle's Administration...no it wasn't, it was still my dad's Administration, that next summer. I presented a program that started the day, the half day that school got out and went until the day before school started in the fall. It was a 12½ week program. It went from free to \$5 a day. Okay. Kind of keep that in your mind. So now people were going to pay \$5 a day. I knew what the Council was going to be like. I came up and did this presentation. So I had to go pull out all kinds of things. What would it cost for you to hire a babysitter for eight hours, \$5 a day? Boy, sign me up for that babysitter. I also gave them methods by which they could supplement. The program was designed the first year for 800 kids. The registration was 1,000 the first day. I had to come back to the Council twice to get money for additional staff and additional whatever's. Anyway, that was probably the hardest thing I had to do before the Council as a Parks Director. But because I think the presentation was good. They had questions that I couldn't answer but I got back to them right away and I had the cooperation of the Mayor and the Mayor's staff, and other departments. It's all about how we worked together, and sadly I see that falling apart recently. And that's the, to me important. As a Councilmember, yeah, I mean as a Councilmember it was difficult to work sometimes with the Mayor and with the staff, the departments and things like that, but we found ways to try to work it out. And if we keep our information to actual facts or proposals with backup information to support what it is that we're for or against, then that makes for a good environment that produces a product that's better than the one that was first introduced because of the give and take by the Administration and the Council. So that's kind of what I saw happening. When I was Mayor, I felt, yeah, we argued a lot when I was Mayor and, you know, I came from the Council to become Mayor. Yeah, we had a lot of fights about things, but we always tried to keep in mind that what we were doing was for the good of the people and we worked out our differences, and yeah, sometimes I went home and banged my head on the wall and I'm sure they did the same thing. But it's that give-and-take that makes things better, and not just I'm the Mayor and I want this or I'm the Council and you're never going to get that. I got five votes and you got zero, you know, that kind of stuff. I mean that

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doesn't really help the community. The voters and if there's any voters out there listening or people who could be voting, this stuff is important to you folks because it affects your everyday lives. And while you don't want to come and testify or you don't have time or whatever the reason, you need to make your feelings known to those people who represent you, the Mayor, the Council, Members of this Committee. Anything that's going on, if you feel you want to add something or whatever, it doesn't have to be testifying, you can send an e-mail to somebody, you can call somebody, you can talk story with somebody else who might send it in for you, attend a community meeting, attend a hearing when it's in your district. There's ways to participate. But, you know, quite frankly, those ways to participate are not part of our culture I hate to say. That in our culture in Hawaii, it's been we elect representatives and they're supposed to think for us. My aunty told me that straight out when I asked her about something, and she said why do you think I voted for you? 'Cause I don't want to think about those things, you're going to take care of me, so do it, do your job. So you gotta remember there's a whole ton of people like that too, who are not brought up in the town hall meeting type of governance. So there's all these million things to keep in mind.

CHAIR TAKITANI: Okay. Dave?

MS. TAVARES: Thank you.

VICE-CHAIR SCHAEFER: Thank you.

MEMBER DeLEON: Thank you for coming. It's nice hearing your voice again. And in our conversations with the public, we've been hearing a lot of criticism of the planning process and how for instance the community plans aren't meeting their deadlines and some other documents I've seen recently suggesting that that process is kind of broken. What's your thought about that?

MS. TAVARES: Well, that process...I was Planning Chair for like three terms I believe when I was on the Council, because nobody else wanted that job so I got it. But it's another thing that's in flux, and we did try to fix the planning, general and community plan section. In fact, we broke it up quite a bit, and we spent a year working on it, and we had what we thought was a very much more workable plan. I think part of the general and community plans that's broken, if you want to say, is that the General Plan, if you look at the original General Plan and its subsequent amended plans, the General Plan was only about that thick. Okay. A general plan is supposed to be general, but sometimes when you put it in the hands of consultants, they want to of course do a really good job, and the General Plan came out this thick the last time. The same sort of thing has happened in the community plans I think. There is too much restrictive information in the community plans, and I think that contributes to the length of time that it has to get passed, because it's very complex. I don't know, James, did you work on community plans? Yeah, so I think James has a good idea of what that is. Planning Department went crazy with the community plans. Then the time limits are sort of unreasonable, because it has to go to hearing, then they have so many days, so many...so even though there are deadlines there, they're not realistic deadlines. And

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true, the Council is the body that can, is the only body that can extend those deadlines, so that's why the deadline extensions came to the Council. And so of course it's, you know, like oh well, the Council is the one delaying it. Well, the Council has a lot of work to do, lots. And I know 'cause I was there. And the community plans are very complicated and take up a lot of time, so that whole system probably needs to be looked at again and not so much detail. And you're trying to write something that's going to cover every possible scenario that can come up. And, you know, you just can't do that, you're going to get an encyclopedia when you're done. Oh, they don't have those anymore, right. They just have gigabytes and terabytes and stuff like that, so it's terabytes now instead of just being a ten-page document.

CHAIR TAKITANI: Pua?

MEMBER DeLEON: Thank you.

MEMBER CANTO: Charmaine, it's always nice to see you, and I welcome all your manao. I notice that you've focused your presentation on Article 8, primarily all of it. Is there any part of the Charter that you would give us any advice on or share your thoughts?

MS. TAVARES: Well I think that the Charter itself is a very good document overall, and the Charter Commissions in the past and every ten years, there's a Charter Commission, they work very diligently in looking at the whole Charter. What I wanted to bring attention to was just the departments, because that seems to be where the direct services to the community, where that lies, and to look at those areas perhaps and do that. My, you know, like I said, we were looking at creating another Department of Administrative Services to free up some of the duties and responsibilities currently assigned to the Mayor and the Managing Director so that they could actually manage. One other thing we considered that...I don't know where it belongs but the Budget Office, the Budget Director, it's fine to be appointed and it has, the Budget Director requirements if you're going to make...well it's not a department, it's a program. But the personnel that work in the Budget Office should be civil service workers. They should be people who continue year after year after year and not change out when there's a new Mayor or new Administration, because then you've got people trying to learn the budget while the budget is being submitted, and that's awful. You know the Mayor takes office in January, the budget's due down to the Council, what, April or March? I forget now when it's due.

MS. WILLENBRINK: March 25<sup>th</sup>.

MS. TAVARES: Oh gee, good guess, March 25<sup>th</sup>. So that's how long they have to learn it. So what the first budget is actually the budget of the previous Mayor, 'cause that's already gone through all the stuff and it just happens to get submitted in March or the new Administration. Which brings me to another point which is there is not enough allowance in the Charter for a transition period when one Administration changes and another one comes in, 'cause it's a scramble to get caught up on a whole bunch of things. Your first year, you're scrambling trying to pick up whatever. When I left office, I talked with my department heads and I told them to, as soon as they found

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out who it was that was going to be appointed, to meet with them, to do the orientation, to show them what you were working on. And it's not this stuff, head to the shredder and shred everything. So we left, I thought we left things and I wanted to leave things, because it was valuable to me that these programs continue in these various departments for the community. And that's what it is for, the community.

MEMBER CANTO: Okay, thank you. Thank you, Chair.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Aloha.

MS. TAVARES: Aloha.

MEMBER PALTIN: Thank you for coming. So my question is like that you've been a Director under numerous Administrations and also a Councilperson under various Administrations, and then you came in after two one-term Administrations. It's been suggested by previous presenters that accountability is to the people by the vote, the accountability of the Mayor is held to the people by the vote. Do you agree that that's the best accountability the people have?

MS. TAVARES: It ultimately is through the vote because we are a representative form of government, but through things, instruments like the Charter and like the program budget, the accountabilities and responsibilities are built in there. And maybe that's where...not maybe, that's where it needs to be beefed up. When you look at the minimum qualifications for some of the directors, you can tell when you look at the summary, the, probably the most thoughtful minimum qualifications came from the Department of Personnel Services because they're personnel people. They write job descriptions, they do this, do that, they make tests and whatever. The others were made generally with minimum qualifications so that there would be flexibility on the part of the appointing body to be able to select, you know, whoever they thought could do the job. So, you know, perhaps in some of these cases, it may not matter necessarily that someone has a college degree or not. I think it's helpful but...and that's not mentioned anywhere in any of the qualifications, college degrees. What is mentioned is managerial experience and it doesn't qualify it. Does managing an office of 5 people qualify you to manage a department of 460 people? Is that the kind of management? You want to see people who demonstrate that they have been able to manage groups or supervise groups. So and it is helpful if they have experience in the related field, in a field related to the department they're going to be supervising. And sometimes that, you know, that can be a problem. Maybe not always but sometimes it can be.

MEMBER PALTIN: Can I also follow up that you mentioned about the transition period. Would you recommend that us as a body amend the Charter to more clearly define the transition period if we are to stay with the current structure?

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MS. TAVARES: I think you should look at that. Right now it's accounted for, it's a 60-day transition period that is allowed, and it's stated in the Charter. And then at the end of the 60 days, that transition ends. And for some departments it's more important than others. I think a transition period of 60 days is a good one, but what happens is that there is not anything in the budget that would support paying the newly appointed director and the outgoing director. And because of that budget thing, you know, people are like eh, I'm out of here. You know January 2, noon, I'm done, and the poor director coming in is like you gotta flounder around there for a while. Which is too much of the time the story where it could be a smoother transition, but it does come down to, everything comes down to the budget.

UNIDENTIFIED SPEAKER: Question.

CHAIR TAKITANI: Paula?

MEMBER FRIEL: Good afternoon, Mrs. Tavares, thank you for your time and coming to be here. I'd like to apologize if my question puts you on the spot.

MS. TAVARES: No, no. I just won't answer it if it does.

MEMBER FRIEL: Yeah, you don't have to. But you mentioned the first thing we need to do is look at what needs to be fixed, look at what's the problems, and then our next task is to listen or so we can discover what the problems are.

MS. TAVARES: Yes.

MEMBER FRIEL: With your experience and now being there in the community where you see outside and you hear a lot, in your opinion what do you believe are some things that could be improved if we were to switch to a managerial form of government as we're tasked at examining?

MS. TAVARES: I don't know that it would improve if we switched our structure of government, because what I see on the outside is more the function of each individual department and somebody needs to be held accountable for that department. Now speaking as a citizen because I signed up for those County alert things, the thing that bothers me the most that I see the most is trash pickup. This route is not getting picked up today due to staff shortage or mechanical failure. I see that...that happens, but to see it as often as I do, I'm thinking now what is anybody doing about this? And has anybody asked the Department what are they doing? As the Councilmembers, I mean I'm sure they get all these alerts too, so maybe the Councilmembers need to first maybe somebody can just have an informal discussion with the Mayor and say, you know, could you explain to...and this is the other thing, have an informal discussion first with the Mayor and say these have come to my attention, I mean I see it on my phone, you know, what's happening with that Department? And then the Mayor will say well you know what I'm going to check on it. And so then you give the Mayor time to check on it with Department head. If you don't get any results, the next step is that Councilmember then sends a transmittal through the Mayor to the Department of

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Waste Management or Public Works, I think Solid Waste is still under Public Works. So and then you say, you know, we've noticed this and this and this, what is the problem, and then you schedule it at the Council. You bring in the Department head and the division head of Solid Waste and have them explain to you what is going on with it. And I have a particular irk about this thing, because I was on the Council the time we went from manual pickup to automated. And the twice a week...we had big discussions about two cans, three cans, six cans. We went from six cans to two...one can twice a week, so that was the big deal. But, you know, with all the recycling efforts and blah, blah, blah, anyway that was a whole discussion. So I am mystified that there is not enough personnel. Did they all retire after we went to automated? I mean, you know, it took, what, three guys on a truck to pick up the routes before, one driver and two runners, right. Which is definitely hard work. Now they have an automated truck, one driver, that's it. What happened to the other two? Did they all retire? Did they get fired? Did they move to other jobs? Not necessarily, in the meantime, we've increased routes because people have been building and more people come here. So somebody should be presenting that so the whole community can understand, and not argue in the budget period about well, if we don't have that much money, we cannot produce this program or we cannot enhance or build up the program. It's obvious now to everybody and you're all laughing that this trash pickup thing is a big deal. Now I went so far when I was on the Council to say the trashcan is now 66 gallons or whatever and, you know, for my needs, we only need trash pickup once a week. But no, they have to go twice a week because they have to keep everybody employed, they can't lay people off, and we're going to go to curbside pickup sometime, so we will use that second pickup for the recyclables, and we all know kinda what happened to that. So I would bring them back in and make them justify what they're doing. I mean I'd sure like to know what's happening with that. And now that HC&S is going to be closing or cutting down, we got lots of big equipment operator mechanics that are free. And if it's a matter of not having enough mechanics to maintain our equipment, hey, we've got a pool of people that are skilled that we could draw from, and we should not let that chance pass us by if we have it. Oh, sorry, Chair, I got carried away.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: How you doing?

MS. TAVARES: Good.

MEMBER HAYNES: Talking about this transition, you brought that up, and trying to identify issues that we're trying to fix, this seems to be one of those issues that could be an issue....an issue that could be an issue. And during the transition period, there's some challenges there. And one of the strengths of the County Manager is maybe is being a little bit more consistent during transitions of the Mayors so that there is more consistent management in place. I wanted to get your thoughts on if you had any opinions on that, if you thought that would be something that would help?



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MS. TAVARES: My opinion really is about I'm reluctant to jump from this to a County Manager managed government when we have not given the Charter as it exists with some tweaking, a chance to actually make it so that it is workable. Why did this just come up now? It didn't come up during my dad's time, it didn't come up during Linda Lingle's time, or Kimo's time, or Alan's time, or my time. So it is something where you're...there's a problem, yes, I'd admit that, there is a problem, but let's give what we have existing a chance. Improve that to see what improves. Then you have to hold those people accountable. The accountable people are the ones who are responsible for those reports that they're not getting, and in fact I think some of those directors don't even know they're supposed to be doing reports quarterly I believe. Some of that stuff is outlined in the community plans too. So it's...working for government is not easy. I mean I tell you from being both ends, all parts of it, it is not an easy job, because you've got the community tugging at you constantly, you've got personnel that are having problems and lots of little problems, and then that doesn't go away just by the sheer size of government and those departments. But to lay all your eggs in a basket of a County Manager I think is premature. I'm not saying it's not the answer, it may be, but give what you have already a chance to work, and it's going to be making some hard decisions about that. You know you want to make it so that every department head is confirmed by the Council? I mean that's a possibility too. Is that what you guys want to do? I don't think so. But you could beef up the requirements, and if you relate the requirements to the department then you force the Mayor and whoever he wants to appoint to justify why this person he feels meets those requirements. Right now none of that comes to the Council.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Well, I was trying to summarize what you have said, and it seems like you're saying that first of all as outlined the job description is almost impossible to do for the Mayor and the --

MS. TAVARES: Yes.

VICE-CHAIR SCHAEFER: --administrative director. And that relationships are key for the government to work most efficiently. And that the transition time should be better, should be different. And that the manager qualifications should be expanded in being more definitive for each department. That the Budget Director should be civil service.

MS. TAVARES: No, not the Director, the staff.

VICE-CHAIR SCHAEFER: The staff, okay.

MS. TAVARES: Yeah. The Budget Director should still be appointed by the Mayor, because that Budget Director has to work with the Mayor.

VICE-CHAIR SCHAEFER: Okay. Is there anything else that you would...well no, let me ask you this. You had a relationship with the Council that you were able to work with the Council.

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MS. TAVARES: Not all the time.

VICE-CHAIR SCHAEFER: Not all the time. Not every issue, yes, I understand.

MS. TAVARES: Not every issue, right.

VICE-CHAIR SCHAEFER: And that would be something that probably nobody could --

MS. TAVARES: Right.

VICE-CHAIR SCHAEFER: --accomplish.

MS. TAVARES: And that's the reason why it's set up this way.

VICE-CHAIR SCHAEFER: So what...and you think accountability to the public is really important and you've emphasized that over and over. How do you hold a lame duck accountable?

MS. TAVARES: Well, you do it through the budget. I mean there's ways to do it. And you say okay, we didn't get these reports so obviously you got, you know, blah, blah, blah, so we'll cut your budget by so much. I mean the County, the Council still has the power through the budget, and even if the Mayor vetoes the budget, you got the override sitting over here and then it becomes law. So there's a lot of power that the Council has. The Mayor doesn't have that much power, it's the Council. And even though some people think it's different, it really isn't. When it comes to the nitty-gritties, it lies in the Council, and that's why the Council themselves as Members, the Councilmembers themselves have to among themselves figure out what it is that is important to take a stand on. You can't be fighting on every single issue, sometimes you gotta compromise, let that one go. You know that's just a minnow, we want to get the whale.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: I had a question. It's a little embarrassing for me, but I called...I had a conversation with Director Hiromoto about three years ago, just I had read the County Charter and the minimum qualifications for the director, and I was trying to find out if I would be qualified for the Parks and Recreation Director position. And he had said that, you know, it's totally up to the Mayor's vetting committee to decide if, you know, being a nonprofit director for five years fit the criteria of administrative capacity. Now if you were to beef up the criteria or the minimum qualifications, would it still be the Mayor's committee that vets it or would the Director of Personnel then do the background checks and see --

MS. TAVARES: No.

MEMBER PALTIN: --that they got...

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MS. TAVARES: Yeah, on the Mayor's appointments nothing goes to Personnel, it comes directly to the Mayor, and I can tell you when I did my, when I became Mayor, I had 374 applications for the appointed positions for the different departments. And it was a much surprise to a number of people that a lot of the, oh I could go back and count but a lot of the directors and deputies, the first time I met them was at their interview. And that, you're doing this at the beginning of the year when you're trying to set up so more stuff that goes on. But I had a committee that went through the, all of the applications for certain positions, and some applied for more than one, and then they would come in with a list of maybe 15. And then we would meet and then I would narrow that list down to say how many are we going to interview. The problem that I had that I didn't foresee when I was Mayor and I said, you know, I want to open this up to the community, I advertised with the *Advertiser* not knowing that the *Advertiser* puts their classifieds online. So I got numbers of applications from the East Coast where it was snowing and cold, and everybody wanted to leave. Oh God, I can come to Maui and work. So I didn't think about that at the time but, you know, so that's why the number was so high, about 374. If I had just limited it to Hawaii which I didn't want to do, because we have people from Hawaii who have gone to the mainland because there weren't jobs here and would like to come back, so I didn't want to preclude anyone who was interested in coming forward. But it's a process and it's a very long and time consuming process, but I think, you know, we ended up with some really good directors and deputies. And the ones that rise to the top are the ones who have experience that not just the five years, longer than that, but what did they supervise? What was their area that, where they did supervision?

MEMBER PALTIN: So you're saying is it up to you for the Director of Personnel to be involved or not? Because the presentation given by the current Administration says that the Director of Personnel had helped him.

MS. TAVARES: Oh yeah, the...oh I'm sorry, I take it back, the Personnel Director or the Department of Personnel Services does review them all to see if they meet the minimum qualifications. So they say five years this, four years that, then they say okay, that person has it. They don't go any further really than that. They check if...I don't know if they do background checks or not, it's not a requirement I think except for police and fire, and some of those. But no, it's a process and but it, they do one layer and then it goes to the Mayor.

MEMBER PALTIN: Oh. May I ask one more question?

MS. TAVARES: Sure. Oh, to the Chair.

MEMBER PALTIN: The other thing in the current Administration's presentation was that the division chiefs, there's currently 45 in the 49 positions, manage the day-to-day operations, and then the directors are appointed and they oversee the bigger picture. In your experience as director and Councilmember and Mayor, what would you characterize the relationship between the division chiefs and the directors?

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MS. TAVARES: Well, they have to have at least a good relationship. They have to be able to provide the information that's needed in order to make those reports, 'cause when you get a big department let's say like Public Works, your division chiefs are very, very important in there because they have an area they're responsible for, they have some goals and objectives that they're responsible for, that they're supposed to turn over. And the Mayor meets with division...not division heads but with, the Mayor meets with the directors, the directors meet with the division heads, and sometimes they'll bring the division heads to the directors' meetings to explain a particular, you know, issue that has come up. So the hierarchy is important. The relationship, once again it is important. Your division head makes the world go...that's what keeps the County going while we're going through all these transitions of new Administrations.

MEMBER PALTIN: But the director cannot fire the division heads?

MS. TAVARES: Not for, not without cause and it's very difficult to fire anybody, because you've got the unions involved and you then also have Personnel Services has to be involved with your firing. And you can't just fire somebody, it takes about two years to fire someone, because you have...if they're not performing, you have to give them counseling and a specific program of what they're supposed to do with reports like weekly sometimes. You know it's quite a process, you can't just fire people because you want to. I mean I went through that in Parks too. I thought somebody drunk, sleeping at the golf course who was supposed to be working was good grounds to fire somebody and it was the fifth time, but it wasn't. I had to go through this, all these loops and scoops or whatever before I finally could make a case, and that involved lawyers and Personnel and union, and whatever. It's not easy to do but it's not impossible, but it takes a lot of time.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Aloha, Mayor. Thank you for coming. What we're trying to do here is we're trying to approach County governance in a way that provides us more efficiency, effectivity, and transparency. So in looking at all these different forms including the existing form, what you bring up today about relationships and when relationships are good and when relationships are not so good between a legislator and the administrative aspect of the government, it's very difficult for the County and for the populace to have to depend on the relationship areas. If it doesn't happen properly, we've got problems. If it happens properly, everything goes exactly well. We see it in Washington, we see it here, we see it all over the place. When we take a look at a County Manager type of person, in a business environment, that person might be a chief operating officer. He's usually hired and can be fired by the board of directors and the chief executive officer. Relationship is important in, for him to prosecute his job to attempt to get it done, but it isn't the thing that makes things happen exactly, and it isn't the thing that will bring the whole company to loggerheads, if it does...if it's not performed properly. So for me in particular, I'm very concerned about relationship issues that can make things work or not work.

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MS. TAVARES: It's not...the relationships are good, but the real accountability comes in the details, and the details are expressed in those so-called measurable objectives, and those measureable objectives, they take a long time to develop. Now, you know, I went to the National Association of County [sic] meetings and blah, blah, all those workshop and things, but it boils down to you've got to sit down with your people and say what is your job supposed to be. According to the Charter, it's this; according to your budget, it's this. Now how do you measure if you're achieving what you're supposed to with the money that you have? That's the question. Okay. At one point, several...well, some Administrations back, I think it was during the Lingle Administration that we were having a directors' meeting and something like that, and we were presenting our, what we've accomplished for that quarter or whatever thing. And one of the things came up and it was written out, and I remember it clearly because I just thought it was yeah, you can make numbers say anything kind of thing. It was statistics on the Meals on Wheels Program. You all know what that is, right? They take meals to homebound people. And they were saying they increased their service by 28 percent in one quarter or whatever the percent was. Oh, that's great, what a great thing. So is that effectiveness? Is that efficiency? Not necessarily. And I just asked a dumb question at that meeting, and I said how many people was that? And they gave me the number, I said okay. And the last number was whatever, that's how they got to the 28 percent. And then I asked how many people need that service? Silence. So they were effective because they met their goal, exceeded their goal. They were efficient 'cause they did it within the money that they had, but did they serve what they're supposed to serve? Okay. If they had 300 people they were delivering meals to and it increased it by whatever that 28 percent was and it did it for the same amount of money, yet there are 1,200 people that still don't have meals, is that serving our community? No. So a lot of nitty-gritty work needs to be done. It's like other statistics, you have to know what questions actually meet the needs of the community. So just having figures and percentages and increases and statistics don't do you any good. Like I said, it comes to a baseline, a projection of what it's going to be in the future, what that cost is going to be between now and the future and beyond, and then how do you measure it. And those of you that have worked in private sector, and some of us that have worked on this on the side know that it is in those details. And you want to get details, you go work for the Federal government, and that's the ones that put us through training to run the Upward Bound program at Maui Community College at the time, it was a Federal program. We were required to attend training on writing goals, objectives, making budgets, measurements, and we got our funding depending upon how well we did in our measurements and reaching our goals and objectives. That was, I mean I hated those sessions, but my God I learned a lot through that. But it does boil down to that. And you have that simple case of Meals on Wheels. Or the summer program, you got 800 kids, you're designed for 800 kids, have you met your goal? Yes. Have you done it effectively? Yeah, you got 800 kids. Have you met your budget? Yes. What's the need out there? We found out on registration day, 1,200 kids and a waitlist after that. So that's the, the whole trick is what's the baseline and what is the need and how are you going to get there to serve that. You know I'm not saying the County Manager is not the right way to go, we may end up that way, but what we're dealing with I think today is the accountability for what is or isn't going on, and I can't provide you all that stuff, that's gotta come from

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the community. I gave you one, the trash pickup, but there's others. My other pet peeve is why is the sign at Papohaku softball park in the condition that it's in and it's been that way for six years? 'Cause I go past there every time I go to the post office. Okay. I mean little things like that.

VICE-CHAIR SCHAEFER: Have you complained to your Councilmember?

MS. TAVARES: As a matter of fact I have.

CHAIR TAKITANI: Okay.

MEMBER PHILLIPS: Thank you, Mayor.

CHAIR TAKITANI: Thank you very much.

MS. TAVARES: Thank you.

CHAIR TAKITANI: We appreciate you sharing your thoughts and your experiences with us.

MS. TAVARES: And, Mr. Chair, if questions come up later that you can just send it to me in e-mail. Kim knows how to reach me. And I'll try my best to provide other information for you.

MEMBER FRIEL: You've got one more question.

CHAIR TAKITANI: I'm sorry?

MEMBER DeLEON: Thank you.

MEMBER FRIEL: You have one more question.

CHAIR TAKITANI: Oh, one more question.

MEMBER FRIEL: Sorry. I'm so sorry, Ms. Tavares.

MS. TAVARES: Oh no, that's okay.

MEMBER FRIEL: I'm dumbfounded that there are no goals and objectives that are required.

MS. TAVARES: No, there are.

MEMBER FRIEL: Well, it seems to be one of the big problems that it's not as clear or as...

MS. TAVARES: Well, you haven't seen them yet. Have you folks gone over the program budget at all?

UNIDENTIFIED SPEAKER: No.

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MS. TAVARES: No. If you haven't seen the program...that's why I'm saying you should be looking at that program budget, because there are goals and objectives, you know, listed in there, though they're not detailed the way they should be.

MEMBER FRIEL: That's what I mean.

MS. TAVARES: Yeah, they're not detailed but at least it's a starting point. Because remember I said from the program budget, the next step is a performance budget which then gives more specific information about how you measure the success or failure of a particular department.

MEMBER FRIEL: Yes. And everywhere else that I've worked, you always have that as the number one thing, including starting with the training like you keep repeating and that is very important. And although I do understand, I hear what you're saying about changing our government structure isn't necessarily going to address our problems, do you believe having someone who is appointed and serving long term, do you think that will make government more transparent or less transparent?

MS. TAVARES: If this person as you're setting it up is accountable to the Council, it'll be very transparent. You will not be able to have any secret meetings with your County Manager. That all has to be done in public, so it makes it transparent just as government has to be.

MEMBER FRIEL: Thank you.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Sorry, one more question. So I recently looked at the goals for my section, and the goals in comparison to what actually is done is kind of at the opposition to each other. We're supposed to be providing high-quality lifeguard service at our designated County beach parks, but we actually respond on the 911 system which takes us away from our designated County beach parks. And there's no goals or objectives that state that that's what our goal or objective is. And I've brought it up to some people, but it, nothing seems to happen. So just wondering, like, I mean is this something that's...what do you suggest to do like when the goals and objectives aren't what's actually being done? And it...I haven't...I mean I've been working for 15 years and I just recently looked at the goals and objectives, and there's a big disconnect there. And although I brought it up to supervisors and budget directors, and nobody really seems to care.

MS. TAVARES: Yeah, and I understand that and I am just as frustrated as you are about these goals and...we worked very hard on goals and objectives, but like with all goals and objectives they change, they morph over time. But there is not even a training for the directors as a whole for them to know that hey, your program budget by the way is a document, it's law, it gets passed by the Council. If there's something, some things that need to be changed, clarified, or the situation has changed, we need to do it

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through the instrument. You don't have a County Code and say I don't like that law so I'm not going to enforce it, which happens too often. And I happen to be very respectful of the law. And I spent many hours over here in the Council taking things that were outdated, unnecessary, or whatever and deleting them from the County Code in some cases or reworking them from the beginning of the section to the end so that it's relevant for today. We have so many outdated laws on the books, nobody wants to attack it because it's not glamorous, it doesn't make the headlines. You know who cares? Except I guess a lot of people cared when we got rid of the hitchhiking law. Yeah, but did they care that we changed the Kula Ag Park qualifications for farmers to apply? Nobody cared about that, only the farmers who were trying to get into the Ag Park that couldn't, they were the only ones, so it was very narrow. But there are things you have to do to make the organization successful and that does mean looking at the thing like the County Code. But those all take time, and you gotta remember that when Administration comes in, they've got 50 million things hitting them all at once. Somebody...I mean they need to go through a training, and so does the Council, they need to go through a training also about the program budget. They want to go...well is there a program budget anymore?

UNIDENTIFIED SPEAKER: Yes.

MS. TAVARES: There still is? Okay. They want to go directly to the line items, A, B, and C, and that's the comfort level is to go through those. You and I both, that's comfort, but you look at your...let me give you an example. You have a checking account, okay, you get your statement, you check against your ledger, this check for that check, that check. Are you looking to see man, I spent a lot of money on this or this category, I gotta cut down here, so you make a conscious effort to, oh, you know, I'm not going to go have Starbucks coffee...oh, gourmet coffee every day. I'm not supposed to mention trade names. But, you know, that's the difference, I mean in sort of a nutshell. Yeah you, you're balanced, you're efficient, you have balance at the end, positive, yay, you are successful for that month. But when you look at what your expenditures are, have you paid all the bills you were supposed to pay during that month? No, maybe not. Have you spent...my gosh, I spent this much money on such and such. I mean I'm such an anal person that I actually keep my mileage every time I fill up, and I have it broken down to the cents per mile it costs me. So I allow myself so much money for gas in a month. If I'm getting close to whatever, I cut those trips out, the unnecessary ones. I'm not going joy riding today 'cause I'm going to be over my mileage budget. Okay. Anyway, there's a lot to it, but I think it comes down to information and training. But I just ask you to look at everything.

CHAIR TAKITANI: Thank you. Any other questions? Now that we have a definition for anal.

MS. TAVARES: And I had the definition for TIG.

CHAIR TAKITANI: Okay, thank you very much.

MS. TAVARES: Thank you.



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CHAIR TAKITANI: I suggest we take a short break right now about...can we do five minutes?  
... *(gavel)*...

**RECESS: 2:30 p.m.**

**RECONVENE: 2:45 p.m.**

CHAIR TAKITANI: ... *(gavel)*... Meeting come back to order. We're very pleased to invite Mark Hyde to the rostrum.

MR. HYDE: Thank you very much for inviting me to speak to you. I have written what some have described and I'll describe as a tome to you. It's 27 to 29 pages in length and broken up into chapters with some brief summaries, and I know all of you aren't going to read that, you might read some of it. I hope it's helpful because I do like to express myself in writing, it helps me to crystallize my thinking. And I also submitted some references to you that I think you'll find extremely interesting, and I highly commend to you the Williamsburg, Virginia website which I think has the most elegant display of transparent and accountable government that exists in America. It's a city of 15,000 people and what they've accomplished is just mind blowing. They use a citizen survey that is a nationally based tool to get to the customer, and the customer is us. How are we doing on a whole host of criteria? And they use that information year after year to see how they're doing on a number of criteria. And they have a benchmark which is national data. How are we doing compared to everybody else? And then they take that information back in to their strategic planning process, and they look at what is working and what isn't working in combination with departmental level things, and build a strategic plan that gets translated into a budget. The budget doesn't live on its own, the budget is a tool for implementing the strategic plan that then translates down into action plans in the departments, with goals and objectives that are based not on process so much as they are outcomes. So let's take the feed-the-people example, seniors who need to be fed that the Mayor just talked about. It is difficult, it's a management job to create effective goals so that you can drive the work where it needs to go. So the first thing you do is you'd say how many people need to be fed? And you, that would be where you'd start. Then you might say how many people are being fed? And so if it's 50 and there's 1,000, the next thing you would say is okay, where do we need to be next year? And if the goal is to feed 1,000 people, how we will get there and when can we get there? What are the milestones along the way to achieve that laudable end? And so you then come back in the budgeting process and say how much money do we need to do that? Because you have to organize your resources around the work to be done. And then that comes into action plans. If you get the money, you can...if you don't get the money, you can't go there. That's a policy decision. The legislature might say, you know what, we want to do that, we just can't afford it. Okay. What can we do? What's acceptable? That gets fed through. So take a look at that city's website and it's just absolutely amazing. Another thing I would ask you to take a look at is the document that was prepared by the auditor of King County, Washington, and it talks about best practices in municipal and county strategic planning. And it went through 12 different jurisdictions and how they go about this process. And the thing that I took away and in one of the e-mails I sent to

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you, one of the organizations that they used was the State of Virginia. And there's a flow chart that you have in the e-mail from me showing how that process flows. And it is a, this is a continual process, it's always flowing around like this, to see where you want to go, do a situational analysis, what's happening, what's the world look like. Again, take it down into the budget, take it down into the action plans. Have the metrics, the goals and so forth, carry all that information back into and start the process all over again. Now I'll step back and talk for a moment about where we are. The Countywide Policy Plan set the tone for how we're to go forward. That was adopted in 2010. The General Plan or the Maui Island Plan was adopted in 2012, 22 years after the previous plan was in place. Now one question you have to ask yourself and it was a frustration I think for all involved, not just the community but everybody else involved with it, it's just taking so darn long. And so one question is well, what is the right timeframe for planning? Is it 25 years? I don't think so. If you managed your retirement account that way and let's say you re-up'd it every 25 years or 22 years, you might be surprised, you know, as to how things turned out. So you would begin that and say well, wait a minute, this process is broken. I think everybody would agree the planning process is broken, whether it's community plans or the General Plan. And guess what, that's the foundation upon which we do our work. And so if your planning process is broken, everything falls apart. And so how do you get to a better planning process? It's called leadership. You identify the problem, and you lead and build consensus around that, and you start defining what does that look like, what do best practices look like, what do other cities and towns do, how might we learn from that and bring that in and do a better job. Now I'll tell you what, the things I just heard from former Mayor Tavares were just, I mean this was the most amazing conversation I have ever participated in, in my lifetime on Maui County. That was just amazing. And there are so many things in what she said that we could build upon and resonate with me. I also believe that relationships in doing anything are important. The fellow that was in business with me who was a medical director used to show this goofy chart to the employees that was really told the story. It was a picture of a canoe and one picture showed the front half of the boat was going this way and the back half of the boat was rowing that way, and the boat was just kind of in the water spinning around. And then he showed another picture and everybody's in the canoe and they're all paddling in the same direction. And guess who got further? You know it's the one where everybody is working together to get the work done. And so I agree that relationships are important. And I also observe and I think it's apparent that relationships between the Executive and the Legislative Branch of this County are dysfunctional and broken in a way that does not serve the people. And we are what counts. Government is here for one purpose, not for government's sake, to serve the people. That has to get fixed. So if you will go to a short video on the website of the city of Nogales, Arizona, you'll see...it's a four-minute video, you'll see Maui County's situation played out in cartoon fashion. And what it says is they have, they had an elected mayor, they had an elected council, and they didn't get along. And they played to, each to their constituencies, the voters, and they did this and they did that. No, they did it. No, they did it. They won't let us do...then they describe that they went to council-manager government which is a collaborative form of government, and how structurally it drives people together. Now there are various ways to bring a mayor into council-manager government. They all have mayors by the

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way, you know, it doesn't mean you do away with the mayor. The question is how do you define an appropriate role for the mayor? Because we heard Mayor Arakawa and Mayor Tavares say it's so important to be in the supermarket and have somebody come up and say hey, I gotta talk to you about something, and we want that connection here. But we also want our operations to work well and efficiently, and deliver great service to the people. And that's where I think we have problems. And I believe the solution is, Mayor Tavares said, you know, running a large organization is very difficult, you got that right. This is...what this government was like when our Charter was created 50 years ago, is entirely different than what it's like today. It's very, very complex, and quite frankly we need to separate the role of the chief executive officer and chief operating officer which are currently married together in an elected mayor. We need to separate that, create an effective role for the chief executive officer to be an oracle for the people, a voice of the people, and then we need to take the operations which is kind of blocking and tackling work over here, separate it from politics, and then hire the best person for the job to do that based upon a job description that takes into account the current situation, the job description needs, and the minimum requirements that we want. And I think it's really important to do a situational analysis. Because I think what Maui County needs is to bring in the concept of quality management, and that's not to say...there are tools and techniques to quality management, they're actually quite simple. They are to plan, to do, to measure, to reassess. Plan, to do, to measure, to reassess, and these all have goals and objectives tied to outcomes. And then they're transparent and accountable. Now when we elect our mayors, quite frankly the level of dialogue that goes on in the election campaigns is not really based on outcomes, it's more based upon name recognition and incumbency and that sort of thing. That's not just a problem here, it's a problem everywhere. But I think we would be well advised if it's not just departmental accountability although we definitely want that, but it's accountability for the entire government structure. And that can be done through transparency. Now I learned in school that when you're given an exam which I've been given by you to answer the questions. All right. And I got these questions on Monday, I read them on Tuesday, and I really was stunned. They're very good by the way, but take the first question. In what areas are the County not efficient in providing efficient...essential services? And please state specific examples. That's the first question, and that's really tough. And I think that's a great question for the Mayor. Because our chief executive officer who runs a \$700 million operation should be able to appear before you and answer that question in spades. He would provide benchmarks for you, he would provide the critical indicators, and he would say this is what counts, this is tied to the success of our local government, these key things. And here are the benchmarks we want to achieve. And here's what we are achieving. We did it last year, it was this, and this year it's this, here's the trend line or there's the trend line, we gotta make improvement. So you should have that information. I should have that information. That's one of the reasons why I got started on this entire journey about looking at government structure is because I don't see the transparency, I don't see the accountability, and really, you know, we should demand that. So I tried to answer your question, and I'll just walk you through. I'm a citizen like you, I'm not an insider, I don't work for the government. So here's what I did, I called the Clerk's Office Tuesday afternoon, and I said, you know, I've got this assignment, I've got to speak to

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this group and I want to come into your office and see the 2015 director, departmental director reports that are required by the Charter to be filed with you in the 90 days following the end of the fiscal year. Oh, we don't have those. I said well, can you get them because, you know, I really want to come in, I'll drive in to your office in Wailuku and take a look at them. I've seen the ones for 2013 and '14 by the way, they're paperbound, they're not on the Internet, they're filed in an accordion file, and I don't think anybody ever looks at them. She said well, you might call the Mayor and Mayor's Office and see if he has them. I said, you know, I'm not going to do that. Okay. In the 2013-'14 director reports, they're really aren't tied to the General Plan, the strategic plan, any of the budget goals and objectives. I think the Police Department does a pretty good job of data and metrics, but the rest of it, you know, it's just floating, there's nothing there. So I couldn't answer it by going to those things. So I then looked at the General Plan, because that's our County's strategic plan. I went to the monitoring and evaluation and implementation chapters where I would find the meat, and, you know, it's pretty neat what it says. This was again, past \_\_\_\_\_, 2012, three years ago. Here's what it says. "We need predesigned and designated measurement tools. We need prearranged benchmarks to test the effectiveness of our actions." Absolutely, that's the way business is done, but I didn't see any of that information on the Internet. So I e-mailed--this is again Tuesday afternoon--the Planning Department and asked if there are benchmarks and would they please provide them to me, and may I see the monitoring report. In fact I think one of you asked that of the Mayor the other day. And I got an e-mail back that neither exists. Now that's the plan that should be driving the budgets. Okay. So we heard a lot about the budget. So, you know, the budget is over 800 pages long, and I have to tell you I did not read the whole budget, but I did delve into it because apparently that's where the stuff is. But it's not there either. I mean there are some goals and objectives, many of them are process-based goals, not outcome-based goals. There's no metrics, there's no tying together of trends, there's no measurement, and quite frankly I can't answer your questions. I went to the goals and objectives specific for the Mayor, because that's where you really should see the big stuff, and I've recommended in my e-mail what would that big stuff look like. And I think, you know, big stuff would look like bring quality management technique to Maui County, and that would be a huge winner. Or maybe it'd be improve the planning process, and then you start delving into that, you know, having that conversation. Another one I think is really important, a big-picture goal would be make the County easy to do business with. Wow. You know where would you begin with that? Well, you might start talking to developers and other people that do business with the County, and say are we easy to do business with? I mean that would be an interesting question, and I know the answer to that one. We are not easy to do business with. Okay. Well, you know what, what are we going to do about it? Who's going to lead that? And then of course that would drive all kinds of activity underneath, but, you know, that's just not happening. And so what happens with the planning process, I sat in this very room two weeks ago, and they were agonizing over the Lanai Community Plan. That's the easiest one. And people were throwing up their hands and what are we going to do? You know this is the first, what do we do when we get around to Kihei? Well, that's going to be a lot of work. And we're already...they're already 18 years old on average. Eighteen years old. So I wrote to one of the Councilmembers who was exasperated,

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after that meeting, and I said here's what I would do if I was in a County Manager form of government. I would call the manager who incidentally would attend all Council meetings and work directly with the Council, and I would say to the County Manager, you know, this thing is broken, we gotta fix this. And I want you to go back and come back with an action plan or some recommendations with best practices as to how other jurisdictions deal with this and how will we deal with this. And that would be the beginning of a journey. But in our current structure which some people call it balance of power, I don't think so, I think it's just fractiousness. In our current structure they're not talking to each other, you know, they just can't. You know you saw the presentation by the Mayor two weeks ago, and he spent probably a third of his time blaming the Council. And I spoke at the Kihei Community Association last week with the Mayor and he did the same thing. And, you know, that's just not working for us. The beauty of council-manager government besides bringing in a professional manager to run management operations is that you marry up and you'll see this in the Nogales video, you marry up the executive and legislative branches into what's called a collaborative form of government where people actually work together. So my solution is that I think it is time to make that leap. I think we've ridden this horse long enough. It's 50 years, and quite frankly taking incremental steps, I don't think is what's needed, I think we need to take the big leap and recognize that we're a big County with big responsibilities and a lot of money, and a lot at stake. And to the extent that we have inefficient government here, it doesn't just stay here, it bleeds out into the community. So developments perhaps don't happen, other things don't happen, and great steps that we can take are delayed. And it doesn't have to be that way. I would absolutely separate the manager, the Council...the County Manager and all of the directors from the electoral process. I don't think anybody thinks that's a good thing. Because you lose the continuity and everybody like the Mayor was saying, everybody goes out the door all at once and then everybody has to come in and they all have to learn their jobs. I mean that's just not thoughtful. And I think they all ought to be hired based upon solid job descriptions and minimum criteria. I think that's a given. We've suffered with that, and I think it's too bad we even have to talk about it, because even if it's not baked into the Charter, what those job descriptions are, I mean prudence just dictates you hire great people to do the work. And they need to have knowledge about the areas they're to lead. I mean that just is common sense. So those are some changes that I would make. And I thank you for your time.

CHAIR TAKITANI: Any questions for Mark? Kay?

MEMBER OKAMOTO: I've been silent so far. So when I think about, you know, a manager and I think about some of the fiascos that have gone on at the University of Hawaii in the last few years. Nobody's elected, they are appointed, they do nationwide searches, and then when they don't work out, it costs the university lots of money to get rid of them. And that's my big fear. Yes, you can write a contract so that, you know, it's performance based and so forth, but we know in reality whenever you have to get rid of somebody at a high pay, it seems to cost a lot of money. How do you see, foresee not having that happen? And many of the people they're hiring come in not knowing anything about Hawaii or especially with Maui having such a wide variety of areas and so forth. How do you get through that?

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MR. HYDE: Well, I think a lot of the mistakes that the University of Hawaii have made are in their top positions and sports positions, and in those fields, I think it's common for longer-term contracts because they, that's just what the beast is and more money. And they often have termination clauses and that sort of thing. In the...with county and city managers that's not necessarily the way it's done. Number one, it's less money, and number two, they are typically at-will contracts. So their tenure is based on performance, and if they don't do the job, they're gone, typically without any contractual penalty. Now on the front end, let's talk about the front end of this process 'cause that's important too 'cause it adds...this has come up in different community meetings where people have said, in fact the Mayor has said it, that people wonder whether the Council is able to hire a good manager. Can they do it? And I think the answer to that is yes, they can do it, but there's an art even to that. And one of the things that I submitted to you in the last couple of days was a rather lengthy tract by the ICMA about how to hire a manager and there are ways of doing it. And I've hired CEOs when I've been on boards, I've hired vice presidents and so forth. And there is a process you go...there it is, there's a process you go through. And I've always for top positions used a recruiter for one thing. And then they help the organization define what it is you're looking for, the job description, that sort of thing, and then scan the field. And then create criteria for evaluation. And one of the criteria for Maui would be cultural fit because everybody talks about that. We all know that that's going to be important, and so it may be that there is somebody from Iowa that might fit here, I don't know, maybe not. And so you'd have to look at that clearly. And given the sensitivity towards these big payouts, you say, you know, we're not going to do that. And you know what, coming to work for a County like this in a beautiful place like this, you know, a lot of us are here because the benefit of a job here is wonderful weather and beautiful people, and great scenery. And so there's that too, you don't necessarily have to say we're going to pay you a ton of money. I don't know if that answers your question, Kay, but that's, does that help?

MEMBER OKAMOTO: Yes, it does, and yet I come from Arizona where it is a lot of managers, and in fact my father was the mayor of a small town which was a dollar-a-year job. And, you know, it was whoever got the most votes in the council election became the mayor.

MR. HYDE: Yeah.

MEMBER OKAMOTO: And they were totally run by a City Manager. It is an area that's probably geographically one of the largest cities which is not really a city, but so I have some, you know, knowledge there.

MR. HYDE: Yes.

CHAIR TAKITANI: Pua?

MEMBER CANTO: Thank you, Mark. Your question a minute ago was can the Council hire a City Manager? I get your response as being a little cautious.

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MR. HYDE: Yes. Hiring a good manager is a skill in and of itself.

MEMBER CANTO: Okay. You did indicate that you felt that they could but --

MR. HYDE: Yes.

MEMBER CANTO: --I see that as an open-ended response.

MR. HYDE: Oh, yes. No, I think the hiring of a manager and how you go about it is really, really, really important, and of course this Council has never had to do that. And that is a skill set that would have to be developed, number one. And I think baked, I would bake in the Charter to make sure that this got done right, I would bake in the procedures in the Charter, which is quite unusual in a way, as a here's what you have to do. And as part of that I would probably want to nest some community involvement in the selection process. Not in the final selection but in the vetting process, 'cause one of the things that would be a travesty too is if the County Manager became a political hire. 'Cause that would sort of defeat a lot of what is being, you know, we're trying to accomplish. And I would also put in--quite honestly it probably doesn't belong in a charter, maybe it's an administrative procedure if there is such a thing--where a recruiter should be brought in to help with the process to educate. Yeah.

MEMBER CANTO: Okay. Thank you, Chair.

CHAIR TAKITANI: Paula?

MEMBER FRIEL: First of all, thank you very much for your time, your energy, and your commitment to providing good information to us and educating us about this. In your opinion, it seems like the common problem that everyone's been sharing is the accountability, transparency, lack of benchmarks and goals, and lack of regular evaluation with regular reports for assessment. Do you believe that can be implemented with our current structure of government? And would it be more cost efficient to do it that way?

MR. HYDE: You see I believe that structure drives performance, so I think you should structure yourself in a way that's designed to most likely achieve what you want to achieve. So I'm going to say I don't think the current model will do that, and I'll give you a reason why. Because the...every term of office we get a new mayor, we get a new managing director, we get a new set of directors, and we start all over, and you're only as good as the people that come in the door and your structure doesn't help you. And that's why I think structural change is so important. Yeah. Now...yeah, that's what I have to say about it. I just think, you know, that's why we have...that's why there is the discipline called management; otherwise, you could just bring in a lot of good people, you know, and have them do good work. Right? Come in every day and do good work, but that's not the way it works. You have management and structure for a reason. I mean the military is highly structured to get things done. So I think we

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have to have that intelligent structure and we have to have a separate manager, in my humble opinion.

MEMBER FRIEL: And I agree. And I appreciate what you provide for us when you do come and present. I also like the fact that you showed a different model where you have coexisting mayor and manager with very clear job descriptions and accountability with examples of goals that we could look into if we do look into this.

MR. HYDE: Yeah, you know, it's fascinating, if I can just add on to that. One of the keys I think if you decide that professional management is something that would serve Maui well at this point in its life, then you need to decide what is the appropriate role, and it's not easy, what's the appropriate role for a mayor. Now when I first started this journey, I was thinking along the lines of what Kay was describing where from among the city council you would pick the mayor, and that would rotate. A lot of jurisdictions do that. It would rotate year after year after year. But then I started listening to the community and the concerns they had about the Council, and I thought you know what, that's not going to work. It's too much of a change and maybe it won't work for us. So if you look at the Nogales video, that's way over here where the mayor, they have an elected mayor, they have a county or city, County Manager...City Manager, and the mayor--I don't support this--is the chair of the council. Wow. I think that's too much power. But so figuring out an appropriate role for an elected mayor who can be an influencer and a voice of the people, and what I've come around to is that I think the mayor should sit with the council kinda ala the Nogales model and have a vote, and have veto power. And the conundrum there is we have nine Councilmembers so if you add a tenth, now what do you do? Well, that was, that stumped me for months, and I said you know what, in the corporate world, they have different classes of voters. So the Mayor could have 1.5 votes and, you know, you'd never have a tie. And if he is the one who's, has that 1.5 vote, you see, he's the ultimate...I say he or she is the ultimate voice of the people and should cast that vote. So, you know, it's doable.

CHAIR TAKITANI: Pua?

MEMBER CANTO: I have a question. You know it's not a secret that Maui has become a retirement community, you know, everybody wants to live on Maui. And this is a loaded question and it comes to me often by our community. Do you think that this position if that vote should go that route to hire a City Manager, do you think that this person be it a he or a she be a resident of Hawaii?

MR. HYDE: I think that's probable but I wouldn't close the door. And one reason which somebody's already talked about is there are a lot of great people from Hawaii who have gone to the mainland.

MEMBER CANTO: Right, right.



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MR. HYDE: Like a lot of kids say, you know what, in my 20s and 30s I'm going to go do something else, but then a lot of them want to come back. And they're not residents of Hawaii, but I say hey, bring it on, you know, apply for the job.

MEMBER CANTO: Okay.

MR. HYDE: Yeah. But cultural fit, everybody's going to be looking, you know, can this person work here?

MEMBER CANTO: Thank you.

MR. HYDE: Yeah, it has to be a successful hire.

MEMBER CANTO: Thanks, Mark.

CHAIR TAKITANI: Kay, go.

MEMBER CANTO: Thanks, Chair.

MEMBER OKAMOTO: One other question. You were talking about a very, a professional manager. How do you see that different than supposedly our current Managing Director? Are you saying that it's not strong enough, or because if this hired manager is at-will, they could change every year or two. I mean it's not like it is guaranteed that it would be continuity. So how do you see the difference in our current Managing Director versus a professional manager?

MR. HYDE: Yeah, I think if you go back to the history of the Managing Director, it was a position created out of the 1976 Charter Commission, and in that notes from the Charter Commission, they said, you know, this is a complex organization and the Mayor needs some operational help. It's too big a job they said, so we'll give the Mayor an aide. So but the aide, that is the Managing Director is just that, and he or she does not hire or fire the directors, the Mayor does that. Now they might cooperate or they might not, I guess it depends on the choice of the Mayor at the time, you know, but I don't think that's right. You need that direct line of authority and accountability to drive results. And the other problem with the current position I think came out in an article in *The Maui News* that was quite devastating talking about the Maui Film Studio. You know the article I'm talking about and the comments that he made. And, you know, I know, have met the Managing Director, I think he's a wonderful guy. I believe the structure causes that behavior, and it's survival instinct, you know. Because your...like he said, my job, my family, my kids all depend on getting the Mayor reelected, and so there's a certain kind of behavior that gets warped not necessarily to do the people's business the way it should, but how do we manage this problem politically. And so I think the problem is sort of multifaceted. We need to take the politics out of management, and we need to free the manager to have some independence and clear line of authority with the job to be done without maybe inter, political interference.

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MEMBER OKAMOTO: Thank you.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Aloha, Mark. Thanks for coming today. I had a couple questions that came to my mind. The first one was, you know, when you talk about the people's business during the last election and the time since then, I'm sure many people have felt that there's a divisiveness in the community amongst different factions of people. People would say that, you know, some people say grown here, not flown here, or things like that. And so when you talk about the people's business and there already is an existing big divide, how would one hired manager work for the people when the people are divided?

MR. HYDE: Well, management is not a political thing. What managers do is...what do we do here, I mean in County government? We pave roads and we supply water, and we...and that sort of thing. It's kind of, you know, nuts and bolts work. It's everybody benefits, everybody wins or everybody loses in that, so I don't really see it as us versus them. Everybody, I think, if you said, you know, take every population you want out there, do you want good and effective government? I bet there isn't a person--I don't care who they are--who'd say...whether you're from the, flew here or you grew here, I want good and effective government. You want transparent government? Oh yeah, I'd like to have that. So I mean if you go down what we're talking about here it's just, it's kind straight-forward stuff. Now when it comes to policy up here and, you know, cultural heritage and our sensitivity to it, and our sensitivity to the environment and all the things up here that are policy driven, fine, politics, you know, have at it, figure it out. Have everybody testify and do their thing, but then once the decisions are made, they're handed down to the manager and say now you go do this stuff. So that's where all that fire occurs. And then it's nuts and bolts, git-r-done.

MEMBER PALTIN: So my second question that kind of just raised a red flag to me. You know if you ask the developers are we easy to do business with, many of the developers in our community are not...they're off-island firms, come here to develop and they don't, not all of them want to develop what the people want to be developed, they have their own ideas of what they want to develop. So I don't want to ask those developers are we easy to do business with? I want to ask them will you develop what the people want you to develop?

MR. HYDE: Well, you know, they're going to develop what is commercially advantageous to them, you know, they don't do it for eleemosynary reasons. That's again up here at policy and planning. It's in the plans and it's in the policies. But should we manage development by being difficult to do business with, tortuous in the permitting process? I would say no, that doesn't serve anybody's interest, it just makes it harder to do things. It makes housing more costly. It makes affordable housing maybe extremely difficult. So you really want to do, be easy to...and a level playing field. I mean that's...yeah.

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MEMBER PALTIN: So the policies that you are talking about that we're developing, it would be the existing Countywide Policy Plan that we're going off of? Or would a city or County Manager...who would develop those policies and how? Is it the existing Countywide Policy Plan that we're going off of?

MR. HYDE: Yes, that's supposed to carry us through for the next 15 years, and, you know, it took us 22 years to get to this point. I don't think we're going to be amending it anytime soon. You know, let's hope that in 15 years we'll have a new one or thereabouts. But we have a community planning process that really gets down a little bit closer to the land, and the community gets more involved because there are, you know, advisory groups that are formed that can provide that input, and they can provide specifics as to even each parcel of land. Now it's a very difficult thing, but I think, you know, that's where the nuts and bolts has to occur where the community decides what they want and what they don't want. But what we do want is once we have those rules and things, and once we have those orders in place, we want the Administration to follow them, we want them to follow the law. You know one the reasons I'm here is because of the megamall case and just being flabbergasted by the Administration's unwillingness to abide by a Land Use Commission order, the community plan which is very specific about that piece of property. And I stepped back and said what is going on here? And that's when I realized that, you know, we need a structural change to take the politics away so that those sorts of things don't happen anymore.

MEMBER PALTIN: One more question. So currently many of the boards and commission members are appointed by the Mayor. Have you...would you...have you looked into that, and if you have, would you like to share that with us? If we do change over and there still is an elected mayor, would you believe that, that elected mayor should appoint all of the boards and commissions? And I don't know if we're allowed to but amend the Charter to put, you know, like how for the State Commission on Water Resource Management, there has to be a cultural seat at the table. What about putting a cultural seat at the table for like say the Planning Commission or an environmental seat at the table or a historic seat at the table and things like that?

MR. HYDE: Well, you know, when I testified before, Jonathan Starr said do you think we should, you know, tinker with the Liquor Commission and some of the other things? And I said I really don't think so because you'll create so much change that people will be afraid. And if we could just get this one thing done I think it would lead in the right direction where other good things could happen. Now specific to boards and commissions, I think there's some that quite frankly there are so many of them and not only the ones that are in the Charter, but then there are other ones that are created offline that are in, managed by the Mayor, and I just think that that's an awful lot of busy work that doesn't really produce...some of them very good, don't misunderstand me, but some of them really should go away. But as to appointment to those things, I think the Mayor, a mayor should continue to appoint to boards and commissions because he or she is in touch with the people. However, what I'd like to see is what you're describing, just like with a job description, what is the...what are

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the demographics and things we might want to see like in a planning commission, and how do we achieve some kind of a balance there. That would be marvelous.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Yeah, thank you.

CHAIR TAKITANI: Oh, I'm sorry. I wrote it down, Kimo is next.

MEMBER HAYNES: Thank you.

CHAIR TAKITANI: And then Ray, and then Paula.

MEMBER HAYNES: So the discussion's been primarily about the County Manager position and if we're looking at a structure that's going to let us be the most successful, what are your thoughts on the roles and responsibilities of the Council and if there were specific changes that you would recommend? Could you talk about that?

MR. HYDE: Well, the way I think the Council would be impacted in a County Manager form of government is that...and this is typical and it would be baked in the Charter, I would hope and expect, that the County Manager would sit with the Council at every general Council meeting. So twice a month they're in dialogue with each other. That's one change. And there's an exchange of ideas. I think Mr. Phillips brought up where people were working together. Even the Mayor said, you know, on the parks when we talked together, we worked it out and got a better solution. I think that is one change. Some people have strongly suggested that they want to see district voting and that would perhaps be a good change, and I know that that was debated in the last Charter Commission and wasn't acted on. That's one more of those things that I think is a bridge too far. I think it's worthy of a discussion at a later time and probably will come up at the next Charter Commission. But by merging together structurally the manager and the Council, and the Mayor potentially as in the Nogales model, I think you will see dynamic change occur just by virtue of the structure. Now if the question is should we have minimum criteria for Councilmembers? You know, I agree with the Mayor, no. It's what, you know, whoever wants to step up at the plate and gets elected, they get the job. And then we get to throw 'em out after two years if they're not doing the job. And I think there might be a little bit more of that. When we had transparency and the goals and objectives out there and seeing how it's going, you know, now you got something to talk about.

MEMBER HAYNES: Do you feel that a two-year term is, would be best in this case or a longer term for a Councilmember?

MR. HYDE: Well, I think two years is actually a good idea because it creates greater accountability in a shorter period of time, particularly as you're transitioning to a new model, you want to have that chain and hold your Councilmember accountable. I don't think four years would be appropriate.

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CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: First of all, thank you for coming and testifying for us this morning or this afternoon. One of the things you brought up, an important item was it's difficult to deal with the County, and going along with what Tamara said, it is difficult to deal with the County because the County really doesn't give you any guidelines in many instances. She brought up the instance of the developer, and if in let's say the Planning Department or in the policy statement of the Mayor or from the County Council, that there would be statements as to what type of projects Maui County is looking for in terms of governance. Then the developers who wish to step forward could step forward and meet those particular criteria. I think, you know, from personal situations, you walk into a great deal of confusion, and you just really don't know what's going to be thrown at you from day to day working with each one of the departments. And I think that is a particular problem and why things don't get done in Maui County.

MR. HYDE: I think you're right about that. We certainly know that we want affordable housing, we're crying for it, and I don't know that we really have a good pathway to get there and we're struggling with that. I agree with the principle of guidelines absolutely, and gosh, what was it the other day, oh, I was at the Association of Community Association meetings, and they were talking about HC&S land and where, what's going to happen. And one gentleman said and I thought it was a really salient point, he hoped that it wouldn't be done hodgepodge without a plan, you know, for all that land, wouldn't it be great. And I said you've just described Kihei. You know we don't want more Kihei's. You know so if you had guidelines and a big plan for that, you know, that would be really wise and then you could have the right things in the right places and encourage the right kind of development. And developers could step forward and say look, you want those things, I'm gonna...I'm your man, you know. Yeah.

CHAIR TAKITANI: Paula?

MEMBER FRIEL: I Google'd it so I have some of my answer but just to make sure. You represent at this time when you talk about your meetings and your community, you're talking about Kihei council...Kihei public meetings in the district of Kihei?

MR. HYDE: Well, the Lanai Community Plan discussion that I mentioned was here in this Chamber.

MEMBER FRIEL: Yes. No, I mean when you have public meetings, are you here from the public? I thought you were part of a community.

MR. HYDE: Yes. Yeah. I've been a past board member and officer of the Kihei Community Association. I talk to those folks regularly. I just attended...I did a presentation on this subject matter to the Association of Community Associations of Maui.

MEMBER FRIEL: That's the one I'm talking about.

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MR. HYDE: Yeah. It's a great group of all the community associations who come together monthly and talk about issues of commonality.

MEMBER FRIEL: Okay. My question is the composition of the members that attend those meetings, are they retired people?

MR. HYDE: Yes.

MEMBER FRIEL: Are they...so their age bracket is older. Are they born and raised in Hawaii? Are they of Hawaiian ancestry? See, I represent the district and the island of Molokai and our demographic is very different, so I have a very different seat. And I'm listening to everyone, but I have to be sure that with the feedback that we're getting saying that we want the change, which part, 'cause our population is very diverse. You know even on Molokai, we have a very...we're having an increase in our growing retired people from other states that are coming, and I see the struggles there 'cause we're really trying hard to preserve and sustain and honor our island culture and not lose that. So I need to make sure that when we're getting this feedback, 'cause I really appreciate what you have to share with us and I think it's really important that our feedback from what the public is saying that they want is coming from all facets of our population, all age groups, all cultures, everyone that lives here.

MR. HYDE: Well, I've spoken to the Pukalani Community Association, and there were young people and old people and all kinds of people in that crowd. The Kihei Community Association is largely gray hairs, retired people, and that does characterize that group. The Association of Community Associations' people are a variety of people from, some from Waihee, Waiehu, even Hana. We've had representatives from Hana come. So it's a little bit more varied. On the Kihei Community Association Board I have a, I talk frequently with Danny Kanahale, and he's been a great cultural impact to me here. So you're absolutely right, you know. I spoke to the KCA last week with the Mayor and by the way that's showing again--you'll be delighted to hear--Saturday morning, 9:00 to 10:30 with a cup of coffee and a scone on Channel 55. I've...I don't know where I was going with that, I'm sorry.

UNIDENTIFIED SPEAKER: Good advertising.

MR. HYDE: Yeah. I don't know where I was going with that. I'm sorry.

MEMBER FRIEL: Thank you.

VICE-CHAIR SCHAEFER: Mr. Chair?

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: So a couple of questions. We talked to or Kimo asked you about the term, changing the term of Councilmembers. In this, if this new plan was adopted, would you change the term of the Mayor?

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MR. HYDE: No, I don't think so.

VICE-CHAIR SCHAEFER: So you'd leave it at four years?

MR. HYDE: I would. I think that's what people are used to and that they...yeah, I would. It's a matter of personal choice I think, but I think change as few things as you need to change. And also have a mayor that can outlive, you know, the Council too, so he's going to be around or she's going to be around for a little bit longer maybe than some of those Members. And so they better, you know, get along.

VICE-CHAIR SCHAEFER: The second question was raised by Paula, and that is regards to the age group that you've talked to and that you've had feedback from. And what came to mind was it really doesn't matter how old or how young or where you're from, if you just want good government, you just want good government. And I think that's what you're talking about, isn't it, Mark, more effective, responsive government?

MR. HYDE: Yes but you also want the cultural sensitivity, and part of the currency of government aside from, you know, fulfilling goals and objectives, you know, which is kind of mechanical is you have to have trust and you have to have faith, and you have to believe that the people that come here to do the people's business are sensitive to you.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Hi, Mark. You know to congratulate you, I mean we're all sitting here mainly because of you and your friends and your efforts you've made, so it's an interesting conversation and one that was due, one the Charter Commission tried to wrestle with but we really never had any time for it so we passed the buck on to this group, and this probably wouldn't have happened if you weren't driving it. Congratulations on that. And I kind of agree with you that our long-term planning process is broken. It's, you know, those community plans go on forever and they get really dated, and I don't know. But my question is are you conscious of the fact that our County Council really has two seats that are unelected for most of their terms? The Molokai in Council and the Lanai seats are essentially unelected because once the folks get elected one time then they get, become incumbents. They don't get challengers because of the structure. I mean it is structure that causes that.

MR. HYDE: Yeah.

MEMBER DeLEON: And so that kind of, like, a little bit unnerving to me that we have at least...we're removing a Mayor and we have a Council with at least two Members, and I'm not speaking about the individuals here, I'm just speaking about the structure, that don't really have to listen to the public. I mean you got two out of your nine that are kind of in fixed positions because of the structure.

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MR. HYDE: Well, I would put it to you this way, you're not losing a mayor, you're gaining a manager. It's a little different concept. And I think what you're really speaking to is the frustration that many people have that the people that are supposed to represent their area really aren't elected by them, they're elected by Central Maui. Or it could be anywhere. And so it is a problem. But again, I just feel that that's a problem that I would prefer to defer to the next Charter Commission to chew on and have the public come. It's a separate issue that I just think is huge, and I would say take that off the table and get one thing done.

MEMBER DeLEON: Okay. A second question. Could you color out a little more detail that mayor position you were talking about? So it's sort of like a member of the Council but not. And do they have any kind of...I mean he does the appointments on boards and commissions, what else would that mayor do?

MR. HYDE: Have a veto.

MEMBER DeLEON: Have a veto, okay.

MR. HYDE: Yeah, I think that's important because people...if I go out in the community, one of the biggest arguments we get, well, what about balance of power? I say well tell me what is balance of power. Well, balance of power comes down to the veto. Now, you know, the Mayor came here and testified that, you know, I have the veto, but they always override it so maybe it's not that important. But I still think it's important to have it there. The other thing he said is that...and I don't think this is a good thing, he said well, sometimes I just don't do what they tell me to do. And that's a veto power, it's like a pocket veto. That's what I heard him say, I mean.

MEMBER DeLEON: Well, he definitely said that, and that's considered a power. I mean that's a way of...there's sometimes that the Council acts and you go like, really?

MR. HYDE: Yeah.

MEMBER DeLEON: And I mean but he wasn't talking, he was talking about spending money.

MR. HYDE: Yes.

MEMBER DeLEON: So I mean that's a functional budget power.

MR. HYDE: Right. But when you get down, if you think about balance of power, it is the veto power, and I would recommend that the Mayor retain that. It's really important for people to know that there is that governor there, and maybe you'd even step it up and say you know what, given that we're making a structural change, maybe the number of votes that we need to overturn a veto needs to come up one. I don't know. But that could be a way of providing just a little bit more power over here to keep these guys over here in line with this kind of a change. But I think the flavor of mayor



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comes in, you know, chocolate, vanilla, and strawberry in this model, and I think it's important to the people of this County, the Mayor still be a real entity in the government structure. But I also think it's equally important to bring in professional management and start marrying these people up so that they are getting along and doing the people's business in our favor rather than fighting with each other and pointing the finger.

MEMBER DeLEON: Thank you.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: Yeah. There's been kind of a lot of discussion about policy versus I think what we're talking about is process, and the process of operating in more efficiently and effectively. I don't necessarily think we're talking about change of policy, and I think that's, probably more of a Council's responsibility and a community's responsibility. But I think what we're looking at is best practices so that we can execute the policies and the plans that were, that have been developed by the electorate I guess in the planning process and also the Council. But, you know, I think we want to be careful of where we're, what we're grouping together here.

MR. HYDE: I completely agree with what you just said. Again, policy takes place up here and then once the policy and decisions are made, you hand it off to the manager, and the manager's responsibility is to implement and to do it well.

CHAIR TAKITANI: Kay?

MEMBER OKAMOTO: Well, I hope as a group we can stick to that one...I mean it seems like we're, we get off to a lot of other things, but we're talking about a manager. I have two comments or questions. I'm, because I'm not really familiar, what is your background?

MR. HYDE: I practiced law in San Jose for 17 years. I went to Stanford University as an undergrad. I went to law school at Santa Clara University. And my first year out of law school, I was a law clerk to the Santa Clara County Superior Court. And then I went into private practice and did appellate real estate litigation, commercial litigation. I did family law. And I also became, I helped some doctors found an HMO in Santa Clara County in the '70s. And I was their outside general counsel doing their corporate stuff and getting them licensed. And then I had a serendipitous event in my career where the HMO gained a certain amount of wind and then did quite well and, but the people that I assisted in founding the company wanted to retire so they asked me kind of out of the blue if I'd leave my practice and become the CEO and chair of the board of the company, and so I did. And to be honest with you, Kay, when I did that, I had no management experience, it was really weird. And so I went on a journey of learning. And I learned in part from the employees but then training from, as I mentioned before, the American Management Association and brought in quality management through consultants who helped...we completely reformed the company into the kind of thing that I know that we could have here. So it was OJT.

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MEMBER OKAMOTO: I find that very interesting because I think a lot of really good managers it does start that way. My other question has to do with the Kihei Community Association. You said that the association, the people who come to meetings are mostly the gray hair. And yet isn't Kihei a strong, young, local community or a portion of it?

MR. HYDE: Yes, but...

MEMBER OKAMOTO: How do you get them involved I guess...

MR. HYDE: Well, we tried...when I was the vice president in charge of membership, you know, I struggled with that because...but the fact of the matter is that young people here are just working so darn hard, they don't have time to go to community meetings at night quite honestly. So it's hard to get them involved, yeah.

MEMBER OKAMOTO: Okay. Thank you.

MR. HYDE: Yeah.

CHAIR TAKITANI: Are we good? Thank you very much, Mark. Appreciate it.

MR. HYDE: Thanks for your indulgence, I appreciate it. I really do. Thank you.

CHAIR TAKITANI: It's almost four o'clock.

MEMBER PHILLIPS: It is.

MEMBER OKAMOTO: It is, yes.

CHAIR TAKITANI: Can we take two minutes to see how we should proceed? Real quick.  
...*(gavel)*...

**RECESS: 3:49 p.m.**

**RECONVENE: 3:52 p.m.**

CHAIR TAKITANI: ...*(gavel)*... Can we call the meeting back to order? It's been a long day and it's also come to our attention that not everybody is getting everything on the website apparently.

MEMBER OKAMOTO: Well, we didn't know about the website.

CHAIR TAKITANI: Oh, some people...some of us, and I'll say us so that we can't point fingers, some of us don't even know how that, what is on the website or how to get on it. So we need, for those that do not know, can we do a quick thing right now when we adjourn?

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MS. WILLENBRINK: Yes, we could.

CHAIR TAKITANI: Okay. Stick around a little bit and we'll make sure that you know how to get on and view everything. There's a lot of stuff out there. And before we kind of...we're at a point where we gotta start kind of figuring out where we're going.

MEMBER OKAMOTO: Yes, yes.

CHAIR TAKITANI: So I'm going to ask that we look at everything. Be...when's our next meeting?

MS. WILLENBRINK: Chair? Would you mind deferring the last item --

CHAIR TAKITANI: In time I will.

MS. WILLENBRINK: --and the first item?

CHAIR TAKITANI: In time. And the third item. We'll defer the whole day, what the heck.

MEMBER OKAMOTO: Can we ask that if there are...some of the e-mails have attachments, and then some things are going on the website. If we could just get an e-mail saying we put new attachments onto the...so we kind of have one way to focus. And if I see an e-mail that says go check the web, because if I'm seeing an e-mail that has attachments I think that's it. So if we just have an e-mail that says oh, the attachments were too big for...they're on the website.

CHAIR TAKITANI: Kim, did you get that?

MS. WILLENBRINK: Yes. . . .*(inaudible)*. . .

MEMBER OKAMOTO: That would be helpful.

CHAIR TAKITANI: Okay. So we can do that? Kim, we can do that?

MS. WILLENBRINK: Yes, we can.

CHAIR TAKITANI: Okay.

MEMBER OKAMOTO: Thank you.

CHAIR TAKITANI: For the record. Okay. Can we defer Item 1 today? And no objections? Item 2 as well.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: KF, JS)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

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

CHAIR TAKITANI: And we would, you know, we were going to have a long session with Lori this afternoon; instead, we opted for a long session with Mark and Charmaine, and I thought they were great sessions. So why don't...and I want, Lori is supposed to move us to the next page. So we're going to let her move us right now.

MS. TERAGAWACHI: No, because...can I just make a few comments?

CHAIR TAKITANI: Is her mic on?

MS. TERAGAWACHI: Can I make a few comments that there's a lot of research materials that you have to read, and so as you're reading it, come up with some type of a form, a piece of paper, split it down the middle, strong Mayor, County Manager and just state the pros as you're reading it. Because if you just read it all it just, you know, and then you gotta read it again and you forget. So keep track of why you would support a strong Mayor and why you would support a County Manager. That way when you come back next time, you can talk about what was on that list and have a discussion. Because I also want you to remember that we've got a lot of ideas today, a lot of great ideas on how to modify the structure, you know, and but we gotta make the decision as whether we want to change the form of government first. You gotta decide on whether you want to change the form of government first, and then after that, you can talk about the structure and the specifics of the structure. Does that make sense? Yeah. And know that we can still have a strong Mayor, but modify the structure to incorporate a lot of what was shared today. You know like Charmaine said, don't just change it all, maybe we can modify it, and maybe we can still have a Mayor, but modify the structure.

CHAIR TAKITANI: Okay. Anything else?

MS. TERAGAWACHI: Yes, couple things, before you go. All right. So on document...the one entitled subject Forms of County Governance (Structure and Performance). I was going to drive you to answering the question should the County of Maui's Chief Executive remain an elected position or become an appointed position? That's the question that we're going to drive to answering next time. And then I'm going to...this is just a thought, you can modify it if you want, but if everyone would state the answer to that question and why and how it would impact the effectiveness of the organization, and then we can have a discussion. Because like Madge had stated earlier, sometimes when you hear someone else with a comment, you may go oh, I didn't think about that and yeah, that makes sense, and that may change your thoughts or ideas.

VICE-CHAIR SCHAEFER: So do it in pencil.

CHAIR TAKITANI: Lori, we're going...I going let you finish before I...you have anything else?

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MS. TERAGAWACHI: I'm done. Thank you.

CHAIR TAKITANI: Okay. Tamara? Oh wait, James?

MR. GIROUX: Could I just add something? Just from, you know, to try to keep this evidence based. I think when you're doing, you split down the middle, and you put your pros and cons, also note what reports you're looking at that are most influential to you. Because somebody will probably have the same conclusion but looked at a different report or a had a different conclusion but looked at the same report. So try to keep it evidence based and try to refer to that. Or if you see a city that seems to be amazing, let us know that's what you're looking at and that's what's, that's influencing your decision making. Because that's going to keep the discussion vibrant and I think relative. And at the end of the day, we might have to write a report so we want to say that, you know, this city was the one that caught our eye, or this report was the one with more influential information that seemed to draw us to this conclusion. So that's the kind of discussion I'd like to see as your attorney.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: I just was wondering if Lori could e-mail everything she just said or through somebody to us. You know there's a couple guys not here today and if, by having it in paper or on a computer, I can check it off and I'm like yeah, I did that, I did that.

CHAIR TAKITANI: Kim, can we do those kind of communications?

MS. WILLENBRINK: The website I'm going to direct you to will have the agenda, all of the attachments that you're supposed to be getting, and it will have a video that they can, that you can all see.

CHAIR TAKITANI: A video of what?

MS. WILLENBRINK: It's...today's meeting.

CHAIR TAKITANI: Oh.

VICE-CHAIR SCHAEFER: So we can't just...

CHAIR TAKITANI: Is there a way that you can, that Lori can digest her directions? I think it's like a...well Lori's and James' directions. I don't see why they can't digest that and put it in there as part of something.

MS. WILLENBRINK: I will check on that.

CHAIR TAKITANI: Okay.

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VICE-CHAIR SCHAEFER: Well, if not, then we have....maybe Lori should restate it again and we should take the time to write it down if it's going to be an iffy situation.

CHAIR TAKITANI: I think we can do this. We gotta be able to communicate. I mean I don't think that's spirit of Sunshine, doesn't allow us to repeat what we said at a meeting.

MEMBER CANTO: Chair?

CHAIR TAKITANI: I hope not.

MEMBER CANTO: Chair, I have a question please.

CHAIR TAKITANI: Pua?

MEMBER CANTO: So and given what Lori just stated, so had we had this information on the front end of today, it would have alleviated a lot of what we just went through, I think. So in the future, might it be possible to agendize, Lori, further up on the agenda?

CHAIR TAKITANI: I'm not understanding what you just asked.

MEMBER CANTO: Well basically, you know, I just took what she just stated regarding our, you know, you've indicated the question, okay, Mayor versus County Manager, et cetera, et cetera. I just think that a lot of what was presented to us today, the questions that came up during today's discussion, I would have reacted to Lori's request. I just think we were in so much detail today about other things that we failed to realize what's expected of us in the scope of what we're --

CHAIR TAKITANI: I understand.

MEMBER CANTO: --here for.

CHAIR TAKITANI: I think the way to remember that and I kind of think that's why we start off all our meetings with the resolution that formed this group, it states in there fairly clearly what our charge is.

MEMBER CANTO: Right.

CHAIR TAKITANI: And the first charge is should we change the form of government? That's the first question, and I think that's where she's trying to get us. And because we have a time limit, we gotta start forging forward.

MEMBER CANTO: I just believe that we've deviated from that.

CHAIR TAKITANI: Yeah.

MEMBER CANTO: Sorry.

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CHAIR TAKITANI: Little bit. We'll find our way.

MEMBER CANTO: Thank you.

MS. TERAGAWACHI: Well, the request was to get information, you wanted to hear the research, and, you know, we have to thank the Council Services for all the research that they did, 'cause they really busted their butt doing the reports that you have. So thank you, thank you, thank you. I mean they've worked long hours and really put in a lot of effort. I feel bad that we're not covering it today, but they're going to read it for homework.

CHAIR TAKITANI: Okay. I've also been slipped a note that says that Lori and James can write to the Committee as independent agents, not as what? Not as actors or not as agents of the Chair. Not as agents of the Chair, independent agents. Independent contract. So they can write, send us something. So, James, can you do it? She'll send you something and then you get it out.

MR. GIROUX: I'll talk to Kim about how we can get that information --

CHAIR TAKITANI: Okay.

MR. GIROUX: --as far as what I talked about, evidence-based discussion.

CHAIR TAKITANI: Anything else?

VICE-CHAIR SCHAEFER: Yes.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: So I think that we can talk about this under this issue. I was interested in what provoked the changes in government, in governance, and so I went on the web and read the local newspapers about what led up to it. And that's the synopsis that I provided. Some of it a little more, enhanced a little more because it talks about twists that the government took, you know, the governance change took. But some of it was like Peyton Place, so I thought that you all might be interested in what...see, the young people don't know what Peyton Place is.

MEMBER OKAMOTO: When we get something like this, could it have...I didn't know who it came from.

VICE-CHAIR SCHAEFER: It came from me. That's why I said something.

MEMBER OKAMOTO: Okay, thanks.

CHAIR TAKITANI: Yeah, and I okayed the distribution of it today.

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VICE-CHAIR SCHAEFER: So it was just further, you know, further info and I was...and like I said, it pulled from newspaper stories mostly.

CHAIR TAKITANI: Okay. Thank you, Madge. Paula, did you want to say something? No.

MS. FRIEL: That's alright.

CHAIR TAKITANI: Okay. Do I have to do anything with Item 3? Defer it or should I...

MS. WILLENBRINK: Defer Item --

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: --3 and Item 1.

CHAIR TAKITANI: Without...if there's no objection, I'll be...I already did 1 and 2. If there's no objection, I'll defer Item 3 as well.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: KF, JS)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

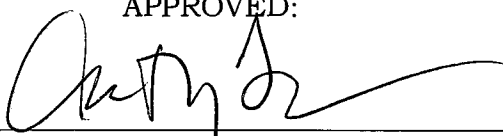
CHAIR TAKITANI: Okay. Can I adjourn?

MS. WILLENBRINK: Yes.

CHAIR TAKITANI: Thank you very, very much for your patience and your hard work.  
Meeting adjourned until February 11<sup>th</sup>. . . .(gavel). . .

**ADJOURN:** 4:06 p.m.

APPROVED:



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TONY TAKITANI, CHAIR  
Special Committee on County  
Governance

cg:min:160128:ds

Transcribed by: Daniel Schoenbeck



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CERTIFICATE

I, Daniel Schoenbeck, 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 the 5<sup>th</sup> day of February, 2016, in Kula, Hawaii

  
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Daniel Schoenbeck