

SPECIAL COMMITTEE ON COUNTY GOVERNANCE

Council of the County of Maui

MINUTES

December 10, 2015

Council Chamber, 8th Floor

CONVENE: 1:43 p.m.

PRESENT: Tony Takitani, Chair
Madge Schaefer, Vice-Chair
Pua Canto, Member
Dave DeLeon, Member
Renee Kehau Filimoe`atu, Member
Paula Friel, Member
Kimo Haynes, Member
Kay Okamoto, Member
Tamara Paltin, Member
Ray Phillips, Member
Jonathan Starr, Member

FACILITATOR: Lori Teragawachi

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

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Steve Selee, Legislative Analyst, assisting the Lanai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

Seated in the gallery:

Council Chair Mike White
Councilmember Don Couch
Danny Mateo, County Clerk
Josiah Nishita, Deputy County Clerk

ADMIN.: Linden Joesting, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Kay Ghean
Douglas Ward Mardfin (Hana)
Paul Kailiponi, Vice Chair, Cost of Government Commission
Rosemary Robbins
Dave Mora, ICMA State Liaison, Senior Advisor
(9) additional attendees

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

CG-1: COUNTY GOVERNANCE

MS. TERAGAWACHI: *... (gavel) ...* The meeting of the Special Committee on County Governance will now come to order. Before we proceed, may I ask that you please turn off or silence your cell phones or other noise-making devices. Good afternoon. My name is Lori Teragawachi. I am the facilitator for this Special Committee on County Governance. I've been retained to provide neutral guidance, assistance, and supervision to the Special Committee pursuant to Resolution 15-155, and under the Council Chair's authority as Chief Procurement Officer for the Legislative Branch. I see that we have a quorum--we need six--necessary to conduct the business. I will first ask Special Committee Staff to accept any testimony regarding the selection of a Chair for the Special Committee and then proceed to the election of the Chair. After the Chair is selected, the Special Committee can determine which portions of the meeting will be managed by the facilitator, me, and which will be managed by the Chair. At this time, I will ask Kim Willenbrink to assist. Kim?

MS. WILLENBRINK: Thank you, Madam Facilitator. Proceeding with public testimony. For individuals who will be testifying in the Chamber, please sign up at the desk located in the 8th floor lobby just outside the Chamber door. If you will be testifying from one of the remote testimony locations specified on the meeting agenda, please sign up with the District Office Staff at that location. Testimony is limited to three minutes. At two-and-a-half minutes, the light at the testifier stand will turn yellow, and at three minutes, the light will blink red. If you are talking at the three-minute time limit, I will ask you to kindly stop. When you begin your testimony, please state your name and the name of any organization you are representing. We have established a connection to the District Offices through video conferencing so residents from those sites can testify, and to be fair, we will rotate between the offices. We will first be taking testimony on anyone's preference for the Chair of the Committee, and then we will pause, and then we will resume testimony a little later. Hana Office, is there anyone in Hana Office wishing to testify on their preference for a Committee Chair?

MS. LONO: Yes, I have Mr. Ward Mardfin ready to testify.

MS. WILLENBRINK: Okay. What is his name again?

MR. MARDFIN: My name is Ward Mardfin. M-A-R-D-F-I-N.

MS. WILLENBRINK: Very good. Thank you very much. Okay. You're on.

...BEGIN PUBLIC TESTIMONY...

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MR. MARDFIN: Aloha, everybody. I sent in some testimony by e-mail the other day and I'm assuming that you have that. I was told earlier you've received that. I'm here to speak on behalf of Jonathan Starr for selection as Chair. I've known him for more than several decades, and but more relevant to this decision today is I served with him on the Maui Planning Commission and he was, for his last year there he was the chair and I was the vice-chair. Jonathan is extremely well-qualified to be the Chair. He's one of the most fair people I've ever met. He gives everybody a chance to speak, gives everybody a chance to be heard. He shows respect. He's even-handed. He sees the big picture as well as a very detailed person. We used to get minutes and I'd kind of skip over them, he would read them in detail and know what was going on. I believe that he is, will be even-handed as Chair, and it'll be an efficient and effective operation. That's about it. He...you have my full written testimony, and I just have full confidence that Jonathan would make an excellent Chair for this Committee.

MS. WILLENBRINK: Is that all?

MR. MARDFIN: I'm finished.

MS. WILLENBRINK: Thank you.

MR. MARDFIN: Unless there are questions.

MS. WILLENBRINK: Is there any need to clarify the testifier's testimony? Thank you.

MR. MARDFIN: Thank you very much.

MS. WILLENBRINK: Lanai Office, is there anyone in, from, in Lanai wishing to testify on their preference for a Committee Chair?

MR. SELEE: There is no one waiting in the Lanai Office to testify.

MS. WILLENBRINK: Thank you. Molokai Office, is there anyone in the Molokai Office wishing to testify on their preference for the Committee Chair?

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

MS. WILLENBRINK: Thank you, Molokai. Madam Facilitator, there is no one in the Chamber so far wishing to testify on the selection of a Committee Chair. Is there anyone who would like to do that? They could come up and fill out their form later. There's no one in the Chamber --

MS. TERAGAWACHI: Okay.

MS. WILLENBRINK: --wishing to testify on the Committee Chair.

MS. TERAGAWACHI: There is.

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MS. WILLENBRINK: Oh, sorry.

MS. GHEAN: Good morning, everybody. Or I guess this afternoon. Good afternoon. My name is Kay Ghean and I'm testifying as an individual. I served with Madge Schaefer on the Governor's Advisory Council for several years, and saw her manage a lot of different issues that came before her. Everything from affordable housing, public housing, the wharfs, offshore fishing, and she managed to employ all the resources, get the right people involved, make sure the board was active. Her meetings were always prompt, there were no delays, very efficient board. I think this group would be very fortunate to have her as a Chair move you through the issues quickly. She's very knowledgeable in local government, State, and City, and so I think...I would hope you will look very hard at Madge. Forgive my voice. That's it. Thank you.

MS. TERAGAWACHI: Thank you.

MS. WILLENBRINK: Thank you. Hana Office, did you have any other testifiers wishing to testify on a preference for the Chair?

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

MS. WILLENBRINK: Thank you. Madam Facilitator, it does not appear there is any more testimony on the Chair.

MS. TERAGAWACHI: Thank you. Public testimony on the election of the Chair is now closed.

...END OF PUBLIC TESTIMONY...

MS. TERAGAWACHI: Unless there are any objections, I would like to proceed with the elections of the Chair of this Committee, and I want to start off by, with an open nomination for Chair at this time. Please indicate by raise of your hand if you would like to nominate yourself or a colleague as Chair. When recognized, please state who you would like to nominate. Pua Canto?

MEMBER CANTO: Thank you. I would like to nominate Anthony Takitani.

MS. TERAGAWACHI: Thank you. Anyone else? Yes, Jonathan Starr?

MEMBER STARR: I would like to self-nominate Jonathan Starr.

MS. TERAGAWACHI: Okay, thank you. Anyone else? Ray Phillips?

MEMBER PHILLIPS: I nominate Madge.

MS. TERAGAWACHI: Madge Schaefer. Anyone else? Okay. Now the method of voting is the prerogative of the Committee, but without objection, the Staff could now conduct an

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election by secret ballot. You will receive a ballot with the names of all of the Special Committee Members, and you may indicate your selection of any one of those who has been nominated by marking a line by the nominee's name on the ballot. If you mark a name of a person who has not been nominated, your ballot will be deemed abstention and not be counted. When you have marked your ballot, please fold it in half and it will be collected by the Staff. Staff will tabulate the ballots and return the report results to me. Any nominee receiving six votes will become Chair. Staff, will you please distribute the ballots now? And if you would, mark your ballots, fold it, and then raise your hand indicating that you're finished.

NOTE: Pause

MS. TERAGAWACHI: Okay. At this time, would like to call a ten-minute recess as they tabulate the votes. So we will meet back in ten minutes. Thank you. Gavel. . . .(gavel). . .

RECESS: 1:53 p.m.

RECONVENE: 2:08 p.m.

MS. TERAGAWACHI: . . .(gavel). . . The meeting of the Special Committee on County Governance will now come to order. Thank you for that recess. No nominee received six votes so we will repeat the vote, but, or and if there aren't any objections, we would...would you want, would the Committee want each nominee to say a few words to kind of tell us why they want to be Chair? And that will help you further to decide on who you'd want to vote for for Chair. Is everyone in agreement to that?

UNIDENTIFIED SPEAKER: Yes.

MS. WILLENBRINK: Madam? Do we have a time limit on that? I could turn the limitimer on.

MS. TERAGAWACHI: Three minutes?

MS. WILLENBRINK: Okay.

MS. TERAGAWACHI: No more than three minutes, is that fair?

UNIDENTIFIED SPEAKER: Yes.

MS. TERAGAWACHI: Okay. We'll go in alphabetical order, how's that? So Madge Schaefer.

MEMBER SCHAEFER: Better turn this around and speak into it I've been told. Okay. I think that what I bring to the Chair, being Chair would be a consensus-building ability and I think that's really important. I think that there will be controversy in this. Whether we like it or not, there will be controversy, and I think it's important that we listen and again, work to build consensus and understanding. The Chair...my...the way that I see the Chair is being--Lori, if you'll forgive me--more of a

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facilitator than someone who sets the agenda. I think this Committee, each Member needs to be part of setting the agenda of what we are going to do, and I think that's very important to me. Respecting the public, most of all respecting your time, because you have busy lives and it's important that we stick to it, a timeline. And I think that's it. I'd appreciate your vote and appreciate your consideration.

MS. TERAGAWACHI: Thank you, Madge. Jonathan Starr?

MEMBER STARR: Hello. I'm Jonathan. This process, we've been tasked by resolution of the Council to look into possibilities of altering our government structure in the County, and this is something, it's a great opportunity and it needs to be fun. It needs to be inspiring. It needs to be something that we can all feel proud of that we're doing it in a positive way and in a very thorough and intelligent way without wasting time. And, you know, I look at it as a great opportunity for the greatest process in understanding our government function on Maui that has ever occurred. I love doing this type of thing. I chaired the Water Commission for the State last year. I was kind of uniquely made presiding officer on contested cases when I was Chair of the Planning Commission. And when it goes good, everyone enjoys the process, gets what they have to say, no time is wasted. It's important to work with Staff. The Chair has to work with Staff on agendas, on figuring out what the most efficient way to move the thing through the process is, and respect the process. So if you choose me, I would really work hard to make sure we get it done, we get it done as efficiently and quickly as...and completely as possible. And with that and a bit of aloha, I thank you. And thank you to Staff, who've done a great job in organizing this.

MS. TERAGAWACHI: Thank you, Jonathan. Tony...

MEMBER TAKITANI: Was that pandering just now?

MEMBER STARR: Yes. . . .(laughter). . .

MEMBER TAKITANI: I didn't nominate myself, but I would gladly serve if selected. I can make one promise. I will do the best that I could to make sure that we never have to take a ten-minute break to count 11 votes. . . .(laughter). . . This is...I respect your time. I respect each of you in here. And I think our charge is clear. I think it can be done in a very efficient manner. Thank you very much.

MS. TERAGAWACHI: Thank you, Tony. All right. Without objection, we're going to have a roll-call vote. I will now ask Staff to assist with that roll call.

NOTE: Pause.

MS. TERAGAWACHI: Okay. This is why we have attorneys involved. All right. We will have a ballot vote, but you will indicate your names on the ballot so that we can take record, have record of that. Right?

MEMBER STARR: Madam Chair, I think one of the Members had a hand up.

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MS. TERAGAWACHI: Yes, Renee?

MEMBER FILIMOE`ATU: It was just a question. That I would prefer to, yes, do the secret ballot again. We did it first and then I think we should continue. Now if you're going to get stumped then we figure out how to un-stump that.

MS. TERAGAWACHI: Okay. But is it required that they have their names on the ballots? Linden, would you like to share some words with regards to the names?

MS. JOESTING: Sure. One of the requirements of the Sunshine Law which we'll learn about later is that any vote taken by this body is going to be recorded by individual Member. So the minutes have to reflect how each vote is taken when the body meets in its public session.

MS. TERAGAWACHI: All right. Any other questions?

MEMBER TAKITANI: I have a question. Are you stating that our vote will be public?

MS. JOESTING: Yes.

MEMBER TAKITANI: Then why do we have to do it by secret ballot?

MS. TERAGAWACHI: It's actually not by secret ballot, this time will be through, you can write down your name on the ballot or it can be done by roll call. That's a ministerial thing.

MEMBER TAKITANI: If it's okay with Kehau, I'd just as soon do the roll call and get this done.

MS. TERAGAWACHI: Are there any objections to having a roll-call vote?

MEMBERS VOICED NO OBJECTIONS

MS. WILLENBRINK: Pua Canto?

MEMBER CANTO: I vote for Tony Takitani. I stand by my motion.

MS. WILLENBRINK: A little louder, please.

MEMBER CANTO: I will stand by my nomination. I will support Tony Takitani.

MS. WILLENBRINK: Dave DeLeon?

MEMBER DeLEON: Takitani.

MEMBER FILIMOE`ATU: Starr.

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MS. WILLENBRINK: Paula Friel?

MEMBER FRIEL: Takitani.

MS. WILLENBRINK: Kimo Haynes?

MEMBER HAYNES: Takitani.

MS. WILLENBRINK: Kay Okamoto?

MEMBER OKAMOTO: Takitani.

MS. WILLENBRINK: Tamara Paltin?

MEMBER PALTIN: Schaefer.

MS. WILLENBRINK: Ray Phillips?

MEMBER PHILLIPS: Madge Schaefer.

MS. WILLENBRINK: Into the microphone please.

MEMBER PHILLIPS: Madge Schaefer.

MS. WILLENBRINK: Thank you. Madge Schaefer?

MEMBER SCHAEFER: For Madge Schaefer.

MS. WILLENBRINK: Jonathan Starr?

MEMBER STARR: Starr.

MS. WILLENBRINK: Tony Takitani?

MEMBER TAKITANI: Takitani.

MS. WILLENBRINK: Tony Takitani has six votes.

MS. TERAGAWACHI: So Mr. Takitani has been elected Chair. Congratulations.

CHAIR TAKITANI: Thank you.

MS. TERAGAWACHI: Okay, now that the Committee has elected a Chair, I would like to hear from the Members as to what your role for me would be for today. The Chair can take this position and I can continue facilitating the agenda, or the Chair can take this position and facilitate the agenda for the day. Question, Jonathan?

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MEMBER STARR: I think that the Chair should take the podium and the --

MS. TERAGAWACHI: Agenda.

MEMBER STARR: --control of the meeting.

UNIDENTIFIED SPEAKER: Recess. Brief recess.

MS. TERAGAWACHI: Okay. Can we call...I'm calling for a brief recess to make that transition. Can I go like three minutes? Two? Two?

MS. WILLENBRINK: Two minutes is fine.

MS. TERAGAWACHI: Two-minute recess.

UNIDENTIFIED SPEAKER: Vice-Chair.

MS. TERAGAWACHI: That's coming.

UNIDENTIFIED SPEAKER: Okay.

UNIDENTIFIED SPEAKER: Oh, that's coming.

UNIDENTIFIED SPEAKER: All right. Thank you.

MS. TERAGAWACHI: Okay. Two minutes. . . .(gavel). . .

RECESS: 2:18 p.m.

RECONVENE: 2:20 p.m.

CHAIR TAKITANI: . . .(gavel). . . Can we call the meeting back to order? It's a different view from up here. It's my pleasure to introduce each of our Special Committee Members today. Pua Canto, Dave DeLeon, Renee Kehau Filimoe`atu, Paula Friel, Kimo Haynes, Kay Okamoto, Tamara Paltin, Ray Phillips, Madge Schaefer, Jonathan Starr, and myself, Tony Takitani. I'd also like to introduce Staff. Special Committee Staff Kimberley Willenbrink --

MS. WILLENBRINK: Good afternoon, Chair.

CHAIR TAKITANI: --is the Legislative Analyst. Sharon Brooks --

MS. BROOKS: Good afternoon, Chair.

CHAIR TAKITANI: --Legislative Attorney. Clarita Balala, Committee Secretary. District Office Staff is Dawn Lono in Hana. Are you with us, Dawn?

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MS. LONO: Yes. Dawn Lono is at the Hana Office.

CHAIR TAKITANI: Mahalo, Dawn. Steve Selee from Lanai.

MR. SELEE: Yes, I'm here. Thank you.

CHAIR TAKITANI: Did I pronounce your name correctly, Steve?

MR. SELEE: Selee, yes.

CHAIR TAKITANI: Thank you. Ella Alcon in the Molokai Office.

MS. ALCON: Good afternoon, Chair.

CHAIR TAKITANI: Good afternoon. I'd like to now open the floor for public testimony on all the other agenda items. Any public testimony?

MS. WILLENBRINK: Thank you, Mr. Chair. We have two people signed up to testify. Our first testifier is Pie...no it isn't, it's Paul Kailiponi.

CHAIR TAKITANI: My favorite science teacher was Kailiponi.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. KAILIPONI: That would be my grandmother.

CHAIR TAKITANI: Right on.

MR. KAILIPONI: Chairman Takitani, Special Committee Members. My name is Dr. Paul Kailiponi, I am the Vice-Chair of the Cost of Government Commission here in our County. And I am testifying as part of that Commission, the work that we are currently doing on the same topic that you will be looking at here as a Special Committee. During our time, we were first tasked with this back in August as a request from both the County Council as well as from the Mayor's Office. We unwittingly accepted the task and have been working since then to try to put together a report. We've been active in both this body as well as in the Policy and Intergovernmental Affairs Committee in trying to understand this topic, give it the importance that it has for the citizens of Maui, and provide an objective and as complete an analysis as we possibly can. We are very heartened by your commitment and your time to work on this as well, because we felt that as per our Charter call and duty that we were asked to look at issues that are specific to the efficiency and economy of a proposed change towards a council-manager system. As such, during, within our meetings we've made it a key important role for our Commission to take a look at topics that are specific to the idea of economy and efficiency coming from a change towards a council-manager role as opposed to a strong mayor system which is what we are currently under. We've done some basic work on that already, and we are

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more than happy to share any findings as they come along with this Committee, as well as any other resources or information that we have received during any of the interviews that we've already had or any of the other information that we've currently gotten. You will of course look at your own sources, and we encourage you to do so and to not limit yourselves at all to anything that we've done. The topics that we've chosen within this, specifically look at the issues of turnover from moving from a strong mayor to a council-manager system; efficiency and economy between those issues; changes in executive costs within executive offices and personnel between a council-manager and executive; and issues stemming to the professionalism or rather professional qualifications of specifically the Managing Director as a proxy to the council-manager. Those are topics that we are currently looking at. We have other topics that we had identified earlier in our analysis but decided not to take because we are scared of them. And they are ones that we would expect you to take a look at. If you'd like to know what those topics were, I'd be more than happy to share with you those things. As a last issue, we are very happy that you chose the second Thursdays of every month, because that's when we have our meeting as well, and we would appreciate it greatly if you were to keep your meetings on the second Thursday so that we could report to you on a regular basis of the things that we go over in ours. I would like our committees to work together as much as possible. Thank you, Chair.

CHAIR TAKITANI: Any questions for Dr. Kailiponi? Yes, Tamara.

MEMBER PALTIN: I'd like to hear the items that you're afraid of.

MR. KAILIPONI: The two main topics that we felt would be better served not by our body stem primarily from the assertion that a council-manager system would limit the concept of politics affecting issues and policies within the County. A second issue that we felt would be better served by this body would be issues of accountability of a council-manager versus a mayoral system. We were on the fence to a degree of looking at the professional qualifications of those as well, but we ultimately decided that we'd take at least a small portion of that and take a look at that. If there are other topics that you have, by all means, they are all yours.

CHAIR TAKITANI: Any other questions?

MEMBER CANTO: Chair?

CHAIR TAKITANI: Pua.

MEMBER CANTO: Thank you, Chair. So you've been meeting quite frequently and have been discussing what's going on today. Is it possible to get minutes of those meetings without having to wait for them?

MR. KAILIPONI: All of our meetings are currently recorded by *Akaku* and are online. You have full everything that we've discussed thus far, according to Sunshine Law is available to you. Documents are not completely up online, but we'd be more than happy to share with you any of the documentation that we've gathered so far as long

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as they are not under current copyright issues. Because we do have some issues especially with academic papers on sharing of purchased academic research and the results of that research to share for different purposes. But we have our Counsel, our Corporation Counsel helping us out with those issues. We would be more than happy to share with you anything and everything that we've gathered so far.

MEMBER CANTO: Okay. Dr. Kailiponi, is that your name?

MR. KAILIPONI: Yes.

MEMBER CANTO: Thank you for your support, for supporting us. Thank you.

MR. KAILIPONI: Absolutely.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Could you repeat, what is your schedule? So you're actually meeting in tandem with us at the same time, twice a week? Twice a month?

MR. KAILIPONI: We meet on the second Thursday of every month at 10 o'clock to 12 o'clock, so I mean you're more than welcome to come to our meetings as well. That's absolutely fine as long as it doesn't overlap.

MEMBER DeLEON: Oh, once a month?

MR. KAILIPONI: Once a month. That is correct.

MEMBER DeLEON: Okay. That's what I'm trying to get to. Thank you.

MR. KAILIPONI: Yes. We meet once a month currently, and that is all that we are meeting is that once a month. We, like you, are a volunteer organization. Yeah.

CHAIR TAKITANI: Any other questions? Paula?

MEMBER FRIEL: So you folks began in August. My question is do you have a deadline and what is your purpose for this task? Your committee's...

MR. KAILIPONI: The...by Charter, by the Charter we are asked to produce a report, an annual report which we produce every year. The usual time when we produce that report is between April...around April, April and May is what we're looking at doing, and we are sticking to that timeline. We'll start deliberating recommendations from our report, we're aiming for March. It'll take us March/April to finalize all of those kinds of things that we look at, preparing and presenting our report, or at least a version of our report in May, around May.

MEMBER FRIEL: Is there any chance...so this is midterm right now between from when you started in March. Is there any synopsis or overview that can be provided to be more

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efficient instead of going back and looking at all of the documents that you've already reviewed?

MR. KAILIPONI: If you would like our participation to go over what it was, we'd be more than happy to if we could schedule it. You just have to schedule it and we'll get somebody in here to discuss very specifically what we've done so far. What we would like to avoid is us presenting any kind of recommendation, because we are very clear and very careful. Our Corporation Counsel, Mr. Kushi makes it very clear to us that we are not to talk about explicitly our recommendations, but what we can share with you is method of how we're trying to figure out what it is that we're trying to figure out, and share with you all of the documentation, all the evidence that we've gathered so far. Similarly I think that it's important that we don't bias your viewpoints at all either. So if we could avoid giving you any kind of recommendation at this point, I would prefer to do that as well.

MEMBER FRIEL: Thank you.

CHAIR TAKITANI: Any other questions? Kim, would you be the one that we would ask to follow up and make sure that we have all of their reports?

MR. KAILIPONI: I would, I suggest that you ask Garrett Evans who is our Chair, our Commission Chair.

CHAIR TAKITANI: Thank you very much, Doctor. Next.

MS. WILLENBRINK: Yes, Chair. Our final person signed up for testimony today is Rosemary Robbins.

CHAIR TAKITANI: The last name again? Robbins or Robinson?

MS. WILLENBRINK: Robbins.

MS. ROBBINS: Good afternoon, everybody.

CHAIR TAKITANI: Good afternoon.

MS. ROBBINS: And thank you so much for being willing to take this on. Yay. Just a couple of points on here. I've been around for a while on Maui, the last 33 years but began teaching on Oahu 3 years after Statehood so I've had an opportunity to see lots of change, some of it for the better, some of it still with even more room to improve. First of all, I would like to note some of the changes that have come within the last ten years or so. There are folks who are uncomfortable with change, and we know that not all change is progress, but it at least opens the door for improvement. So I hope we'll think of it that way. We did get the pono into the Maui County Charter thanks to the folks who worked on the Charter Commission at that point. We have had voter initiative for the first time here on Maui, that was voted into law then by the constituency. We're still waiting to see that come to more fruition than it has so far,

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but it was the first time we've had that kind of a voter initiative. And thirdly, more of our high school students have registered to vote and have worked at the polls in the last election. And the last point on this is for the seniors who are watching on *Akaku* which for a long time didn't exist with that avenue of communication. So those four major points I'm seeing in a relatively short period of time within the last ten or so years as being change that are I think very positive in their potential application. So thank you all so much.

CHAIR TAKITANI: Thank you very much, Rosemary. Any questions for Rosemary Robbins? Thank you. Kim?

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

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

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

MR. SELEE: The Lanai Office has no one waiting to testify.

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

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

MS. WILLENBRINK: Mr. Chair, it appears that there is no one else wishing to testify.

CHAIR TAKITANI: Thank you. Public testimony is now closed.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR TAKITANI: If it's okay with the Members, I'd like to proceed with the election of Vice-Chair, and at this time, we'll accept nominations for Vice-Chair.

MEMBER CANTO: I'd like to nominate Madge Schaefer.

CHAIR TAKITANI: Okay. Any other nominations, self-nominated or otherwise? Any motion to close nominations?

MEMBER STARR: Mr. Chair, I move to close nominations.

CHAIR TAKITANI: Is there a second?

MEMBER CANTO: Second.

CHAIR TAKITANI: All in favor?

MEMBERS: Aye.

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CHAIR TAKITANI: Any opposed? Motion carries. Can we accept this vote unanimously?

MEMBERS: Yes.

CHAIR TAKITANI: Any objections to that?

VOTE: AYES: Chair Takitani and Members Canto, DeLeon, Filimoe`atu, Friel, Haynes, Okamoto, Paltin, Phillips, Schaefer, and Starr.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: MADGE SCHAEFER ELECTED AS VICE-CHAIR.

CHAIR TAKITANI: Thank you. Congratulations, Madge. Come sit up here by me.
..(laughter) ..

VICE-CHAIR SCHAEFER: Don't tempt me ..(laughter) .. Thank you.

CHAIR TAKITANI: Okay. Now at this time I'd like to introduce our Facilitator, and I'd like to formally introduce Ms. Lori Teragawachi, the Facilitator for our Special Committee. She has over 25 years of experience in training and people development, organizational effectiveness and public policy in leadership roles in a variety of business cultures. She was hired through a bid process by the Council Chair for use by this Special Committee. She'll be present at all of our Special Committee meetings, and we may call upon her expertise as we choose. So without further ado, Lori Teragawachi.

MS. TERAGAWACHI: Thank you, Chair.

CHAIR TAKITANI: Are you going to present now or we just use you?

MS. TERAGAWACHI: You just use me.

CHAIR TAKITANI: Okay. Next we'd like to go item four on the agenda. It is a review of the Council resolution. I'd like to review the Council resolution establishing this Special Committee. Staff, may I request the resolution be read in its entirety?

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MS. WILLENBRINK: Yes, Mr. Chair. As you see on the television screen, I have the resolution up and I will do my best to read and not make mistakes.

CHAIR TAKITANI: If you make a mistake, does that make it null and void or something?

MS. WILLENBRINK: I think we'll be okay.

CHAIR TAKITANI: Okay. I just want to know.

VICE-CHAIR SCHAEFER: Mr. Chairman?

CHAIR TAKITANI: Yes, Madge?

VICE-CHAIR SCHAEFER: Can the reading of the resolution in full be waived?

CHAIR TAKITANI: Yes, it can. Do we have a motion?

VICE-CHAIR SCHAEFER: Yes.

CHAIR TAKITANI: Do we have a second?

MEMBER CANTO: Second.

CHAIR TAKITANI: Any discussion? All in favor, say "aye."

MEMBERS: Aye.

CHAIR TAKITANI: Any opposed? Motion carries. It is waived.

VOTE: AYES: Chair Takitani, Vice-Chair Schaefer, and Members Canto, DeLeon, Filimoe`atu, Friel, Haynes, Okamoto, Paltin, Phillips, and Starr.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: WAIVED READING OF RESOLUTION 15-155.

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CHAIR TAKITANI: Stop it, you guys. You're being so efficient. Let's see...where do I go from here? Now this cannot be waived. We have an overview of the Code of Ethics and the Sunshine Law. Deputy Corporation Counsel Linden Joesting from the Department of Corporation Counsel has joined us today to provide an overview of the Code of Ethics and Sunshine Law, Part 1, Chapter 92 of the HRS.

MS. JOESTING: Am I supposed to use the microphone?

CHAIR TAKITANI: I believe so. Please.

MS. WILLENBRINK: Okay.

MS. JOESTING: Okay.

MS. WILLENBRINK: It's ethics first?

MS. JOESTING: Yes, please. So my name is Linden Joesting, I work for the Department of the Corporation Counsel, and I give training and guidance on the Maui County Code of Ethics.

CHAIR TAKITANI: I think you...you need to get closer to the mic.

MS. JOESTING: Okay. And with your materials I have handouts for you. There should be about five different things for today. The first which is going to be important during your deliberations is the green Charter. Then you have a handout that's going to look like this on the first page which is going to be about the Maui County Code of Ethics. So I say this is kind of old school and new school. Old school is you see these cartoons by Harry Lyons, we'll have some of them throughout the presentation. Oops. I understand this was kind of acting up today. Can you go to the next screen, Kim? Thanks. This is what I call new school which is pono which is doing what's right. There's another. Or another way of saying it, live aloha, stay pono. So the policy underlying the Code is that elected and appointed officers and employees are to demonstrate by their conduct and by their example the highest standards of ethical conduct so that the public can have trust and confidence in their, in the integrity of government. There's lots of studies about how the integrity of government is gauged by how the public perceives government. Also that has an impact on things like GDP and the growth of an economy, because the less transparent governments are around worldwide you'll see that the level of corruption goes up which then drags down a whole country and country's economy. The Code of Ethics applies to all County employees, also elected, appointed officials, all board and commission members. There is a Board of Ethics which is tasked with hearing allegations of violations of the Code. They also issue advisory opinions to employees and to people who ask for advisory opinions. Any person can file a complaint; any County officer or employee may also request an advisory opinion. There is forms and instructions on how to do this on the County's webpage specifically under the Department of the Corporation Counsel. Next slide. There are eight major prohibitions. The first which is kind of big, is the larger one is the prohibition on the solicitation or acceptance of gifts.

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Second is the use of confidential information. Outside business activities; representing other people back to the County. Next slide. Use of County property and personnel. Financial interest disclosure requirements and voting restrictions on matters that appear before you. County contracts; and post-employment service. Now you folks are sort of an unusual combination because you're not an elected official. As much as you look like you're sitting in the positions of elected officials, you're appointed to your position, but at the same time, you are going to be doing County business. Next slide. The first area, gifts. There is a prohibition on soliciting or accepting gifts. I know this is kind of dense language, but depending on the circumstances, it cannot be inferred or it's not to be inferred that you can accept a gift whether it's financial, service, a loan, travel, entertainment, a thing or a promise of future gift, if it can be reasonably inferred that it's meant to influence you in the performance of your duties or it's meant as a reward for what you're doing. So soliciting, receiving a gift in all those different forms is a prohibited action under the Code of Ethics. Next slide. There is an exception for what's called gifts of aloha. The Board of Ethics has ruled that if you meet these conditions that you can accept a small or nominal gift. If the gift is given freely in the traditional spirit of aloha; if there's no solicitation on your part for the gift; it's of a nominal value; and there's no other circumstances suggesting an apparent intent to reward or to influence your conduct. There's another type of gift which is hospitality. You can accept moderate hospitality if it's not offered to you personally but if it's offered to a general group as part of say an event. And this picture I think is a good description of it. If you go to a conference and at the conference, there's a table that offers coffee and pastries to everybody at the conference and not if there's a separate breakout session just for, you know, Members of the Council on this County governance, then that's a gift of hospitality that you can receive. If it's something that's targeted specifically for you folks, then no, then that's not a gift that you're able to receive. The second area is the disclosure or use of confidential information. Again, you're prohibited from using or disclosing confidential information that you acquire during the course of your official duties. Prohibits the use of that information not only for your personal gain but also for the benefit of others. I've seen this sometimes for example with employees of departments who may learn for example that there's a certain contract going to be coming up that's not yet advertised. They're prohibited from releasing that information to friends or family before that information is made public. This is also meant to prohibit the use of using your position to gain an unwarranted advantage for yourself or for others. The...also restriction number three is on your outside business activities and financial interests. You're not to engage in a business transaction or activity or have a financial interest which is incompatible with the proper discharge of your official duties or which may tend to impair your independence of judgment in the performance of your official duties. So notice you're not to take, undertake financial jobs or other kinds of positions that might impair your judgment in the performance of this job. Can you go back for a sec? Relating to this, with outside business activities, they're often reviewed together by the Board of Ethics since in reality, you know, your business activities and your financial interests need to be evaluated together. For example, in one of the departments, there was a Building Inspector who had an outside contracting business. He came to the Board of Ethics and asked for an advisory opinion on whether he can pursue his outside contracting business while at

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the same time being a Building Inspector for the County. Because there was a possibility that he might be sent out to an area where he was doing renovations or that one of his good friends who's also one of his peers could be influenced by him to go out and review his work more favorably, the Board of Ethics say no, that's not compatible with your official duties. So they told him he's not to undergo and have this outside business that conflicted with his work as a County Inspector. Next item. If there's a financial interest in a matter that comes up before you, if for example you have ownership of stock or a building in which it might be affected by a decision of this body, then you would have to disclose that matter before you took any action on that issue. Representing others back to the County. No officer or employee of the County shall represent or appear on behalf of private interests against the interests of the County or appear before any County agency. However, so long as it, if it applies to their personal rights, then they can represent themselves personally back to the County to try to resolve a problem. An example came up in this in which a County employee was having an issue with a water meter Upcountry, and as you can imagine, that was an issue they wanted to resolve. So what they did is they came to the Board of Ethics to ask if they could represent their personal interests to the Department of Water Supply to try to resolve that issue. And in that situation, the Board said yes, because it was a personal right that was involved. This one should be also clear. You're not to use County property or people for personal business. There is a County computer usage policy that I'm sure you folks can obtain from Staff if you want to get that. You're not to do personal business on County property or time, and you're not to allow County personnel to do your personal business on County time. There is a certain de minimis, in other words, if you want to call someone like, you know, I gotta call my spouse to...can you pick up the kids today 'cause I gotta work a little later. That's not a problem 'cause it's what would be considered a de minimis use of County property. However, that issue is still subject open....somewhat to open to interpretation, the Board of Ethics hasn't been definitive about that. Financial disclosure statements. I understand that you folks will not be filing financial disclosure statements so this will not apply to you. But in general financial disclosure statements are required of elected County officers, candidates for County office, appointed officers such as the heads of departments and certain heads like the County Clerk and the Deputy Clerk. Also there are members of certain boards and commissions that are required to file financial disclosure reports, but those disclosure reports are kept confidential, they're not open to the public. Number seven out of the eight prohibitions, contracts with the County. In general, award of a contract in excess of \$500 cannot be made to an officer or employee of the County unless it's been made after competitive bidding. So if someone who is a County employee or officer has a company that's competing for County business, they can receive that award of the contract but only if it's done after competitive bidding. There's some situations where there's sole-source contracts in which you have to follow another procurement process. So if a sole-source contract is awarded through again the same procurement process, then that is something that can be accepted by a County employee. And number eight. The last one is restrictions after your service with the County. There's a one-year restriction on limitation on what you can do back to the County. But in general, you cannot receive compensation for work done on behalf of a private interest after you leave County employment in relation to any case, proceeding or application

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in which you were directly concerned or which was under your active consideration. That's a flat-out prohibition. However, after a year, then this relaxes. And that's the basic presentation on ethics. A real quick summary. Any questions?

VICE-CHAIR SCHAEFER: Yes.

CHAIR TAKITANI: Go ahead.

VICE-CHAIR SCHAEFER: On the eight major prohibitions, the solicitation or acceptance of gifts. That doesn't include my husband because Christmas would be off, right?

MS. JOESTING: The gifts are related to your official duties, but yes, you're right.

VICE-CHAIR SCHAEFER: Okay, good. And, Mr. Chair, may I remind you that about 3 o'clock or a little after 3:00 --

CHAIR TAKITANI: We're going to take a recess.

VICE-CHAIR SCHAEFER: --we're going to need to run like lemmings to move our cars.

CHAIR TAKITANI: Yes. Dave?

MEMBER DeLEON: Are we or are we not officers of the County in this position?

MS. JOESTING: In this position, I'm not sure that question has been asked to our office. I know for the Board of Ethics' purpose, you are not considered an officer of the County.

MEMBER DeLEON: Okay, thank you.

CHAIR TAKITANI: I don't consider you an officer of the County either.

MEMBER DeLEON: I'm an enlisted man.

CHAIR TAKITANI: Any other questions? Thank you very much. We'll take a short recess now. How long you need for, to take care of the parking?

VICE-CHAIR SCHAEFER: Well, can we just go down and --

CHAIR TAKITANI: Yeah.

VICE-CHAIR SCHAEFER: --put these in the window?

CHAIR TAKITANI: Yes.

VICE-CHAIR SCHAEFER: Does that, will that buy us a...

CHAIR TAKITANI: Is that...

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UNIDENTIFIED SPEAKER: Is that a get-out-of-jail-free card?

MS. WILLENBRINK: Perhaps a ten-minute recess until 3:00.

CHAIR TAKITANI: For real? How's about seven minutes? . . .*(laughter)*. . . Seven-minute recess. . .*(gavel)*. . .

RECESS: 2:50 p.m.

RECONVENE: 3:03 p.m.

CHAIR TAKITANI: . . .*(gavel)*. . . Can we get started please.

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

CHAIR TAKITANI: Who did?

MEMBER FILIMOE`ATU: Try again. Okay.

UNIDENTIFIED SPEAKER: Paula went to lock her car.

CHAIR TAKITANI: Let's go back into—until Paula gets back—recess. . . .*(gavel)*. . .

RECESS: 3:03 p.m.

RECONVENE: 3:05 p.m.

CHAIR TAKITANI: . . .*(gavel)*. . . Oh. Okay, Ms. Joesting.

MS. JOESTING: Okay. We're back on the next topic which is Sunshine Law. And on the materials that you should have on your paper is something called a Sunshine Law Quiz. I put together kind of a pop quiz. It's nothing you have to answer out loud. But I say this is something...my grandmother was a school teacher. She taught at Wailuku Elementary and so I think a pop quiz would be okay in her book, but probably rewarding people with candy for, you know, asking, that's probably not okay. She's old school. So the first question is a board can require members of the public attending or testifying to sign in or identify themselves. That's actually false. The Sunshine Law requires that you shall accept testimony from people either verbal or written. It does not, however, require that they identify themselves. Second question, board members can. . .

CHAIR TAKITANI: Does it specify that we have to listen if they don't want to tell us who they are? . . .*(laughter)*. . .

MS. JOESTING: The Sunshine Law is silent on that, Mr. Chair. Board members can e-mail each other about board business so long as less than a quorum is copied on each

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e-mail. That is false. I don't encourage e-mail at all, period, between board members. Third question, a board member wants to talk about an issue on the board's agenda to several members of the public, including a lobbyist. Yes, that's true. You're permitted to do so. Number four, a board must mail its notice and agenda at least six days ahead of every meeting to any individual member of the public who has asked to be notified by mail. That's true. There's still a snail mail requirement in the Sunshine Law. And the fifth question, a board wants to hold an all-day workshop with presentations, breakout discussions on an issue that's pending before the board. Can a board do this in compliance with the Sunshine Law? It can if it notices the workshop--answer A--as a meeting, follows the requirements for notice, agenda, public attendance and testimony. You have any questions about that? Okay, let's go with the slide show. So the Sunshine Law. I generally start by saying it's counter-intuitive. It's a set of rules and regulations that you just need to know in order to follow meetings requirements that are, that meet certain legal criteria. So the Sunshine Law is something that's...Chapter 92 of the Hawaii Revised Statutes. And it's Hawaii's open meetings law. It imposes requirements and restrictions on how you conduct your business. The purpose of the Sunshine Law is to open up the government process to public scrutiny, provides for public participation. Your board is to be, conduct its business openly. The preference under the law is always for open meetings. And unless there's a specific statutory exception, board business cannot be discussed in private. Why does it matter? It matters because what you do can be voided by a court. And there's two general areas where if there's a problem, your actions and your decisions can be voided. That's in what I call open meetings problems, and the second area is if there's a notice problem. In other words, if there's a problem with the agenda. Examples of open meeting problems are when you don't let people testify, when you close a meeting improperly or it's not handled properly. And closing meetings can be an executive session or what are sometimes called temporary interaction groups or TIGs. Or if you talk about board business outside of a Sunshine Law noticed meeting. Well, what is board business? Board business is matters over which you have supervision, control, jurisdiction, advisory power, and that are before you presently or that are reasonably expected to come before you. So if what your kid is going to play on soccer and who they're playing or who the Green Bay Packers are going to be playing on Sunday is not going to be before the board, then that is not board business. So you can talk with one another about the Packers' game without any limitation, but when it comes to matters over which you have supervisory control or advisory power then all the restrictions fall into play. So this is what constitutes your board business. I took this out of the resolution. There's at least...there's these three areas: if the County Manager is going to improve County government; your recommendations on Charter amendments, including the form of government, if you do have any recommendations; and a proposed Charter amendment.

VICE-CHAIR SCHAEFER: Excuse me?

MS. JOESTING: Yes?

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VICE-CHAIR SCHAEFER: Mr. Chair? On the proposed Charter amendment is singular, is the option available for us to come up with more than one?

MS. JOESTING: Yes.

VICE-CHAIR SCHAEFER: Okay, thank you.

MS. JOESTING: Questions equal candy. When not to discuss board business. More than two members of a board cannot gather together to discuss board business. And you can't have what's called a serial communication, in other words A talks to B, B talks to C, C talks to D, D talks to E. There's a specific Hawaii Supreme Court case on that called *Right to Know* that prohibits that kind of conversation as being an attempt to circumvent the Sunshine Law. When I say discuss, it also means by e-mail, not just face, fax, telephone, or even social media, texting. Because if you have a number of the other board members on your Facebook page and you post something on your Facebook page, that has been construed as a conversation in other jurisdictions. It's not something that's come to a court here at this point, but in some other places that could be considered a discussion. There is something called a temporary interaction group, and I have a handout that follows this one that talks about how to set up and establish an temporary interaction group. In which two or more, but less than a quorum, so in other words less than six. So between two to five people can investigate a certain topic. So that's a benefit because you can meet outside of these noticed Sunshine Law meetings and investigate certain things, but it comes with different restrictions. It requires three meetings of this body. The first would be to establish the temporary interaction group. The second is when the group comes back to report its findings and recommendations, and at that second meeting, you can only receive the report, you can't deliberate, you can't discuss. And then at the third noticed meeting is when this board can deliberate, discuss, and make a decision on the TIG's recommendations. Yes? Yes, ma'am?

VICE-CHAIR SCHAEFER: So at the second meeting, will the report be available to the membership?

MS. JOESTING: Yes.

VICE-CHAIR SCHAEFER: Okay. And then it will be discussed at the third meeting?

MS. JOESTING: Correct.

VICE-CHAIR SCHAEFER: Okay, thank you.

MS. JOESTING: Yes, ma'am?

MEMBER PALTIN: This part about when not to discuss board business, it starts from today forward, right?

MS. JOESTING: Yes, that's right.

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MEMBER PALTIN: So anything previous to today, it doesn't count?

MS. JOESTING: I think you're being noticed...you're being informed today about what the Sunshine Law is and how it applies. I mean if you have any concerns, we can talk about that afterwards, but yes, it applies from now on. Any questions up on that side? No. To go further on the temporary interaction group, you can have two but less than a quorum, and when you meet you can talk amongst themselves about the selection of officers. A TIG is meant for a short-term interaction, it's not meant to be a long-term committee and it's not meant to be a standing committee. Standing committees fall under different kinds of rules. There are certain other specific exceptions in the Sunshine Law that have come about just in the last three years or so that allow a little more efficiency in terms of board meetings. For example, if there are five of you that come to a meeting but there's a number of people who've come to testify, you can receive the presentations of everyone who's come here to testify without actually having a meeting called. So you'd have to cancel that meeting because there's no quorum. You'd have to have six members in order to have a quorum. But because people have made the effort to come here, the Sunshine Law allows them to present their testimony. But then there's other things that have to be done afterwards. At the next meeting you have, that's when you can deliberate about the testimony. You create a record about the, of the cancelled meeting. What was done at the cancelled meeting is then summarized for the people who show up at the next meeting. And the members who were present at the cancelled meeting have to present a report at the second meeting or at the subsequent meeting about what happened. So if you do go ahead and proceed at a cancelled meeting, there are other requirements that have to be followed. So what we just talked about are open-meeting problems. Yes, Mr. DeLeon?

MEMBER DeLEON: I want candy. So let me get this straight, is if...say we have public testimony but beyond that if we, we can actually discuss and deliberate at a cancelled meeting?

MS. JOESTING: No, you cannot. You essentially just...

MEMBER DeLEON: So you're only talking about the testimony?

MS. JOESTING: That's right, you just receive the testimony and then the deliberation happens at the next meeting.

MEMBER DeLEON: And then in the next meeting we have to say, somebody has to report what that is?

MS. JOESTING: Exactly.

MEMBER DeLEON: Does Staff do that?

MS. JOESTING: I believe so.

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MS. WILLENBRINK: I don't understand the question.

MS. JOESTING: He's asking if Staff makes a summary from a cancelled meeting, and from my understanding, that is what happens.

MEMBER DeLEON: Okay, thank you.

MS. WILLENBRINK: Oh, if we're just receiving testimony.

MS. JOESTING: Exactly. Any other questions? Permitted interactions, there is a conference exception where if several of you, less than a quorum, so in other words up to five want to attend an information meeting or presentation on something relating to board business, including the meeting of another board or the County Council, you can attend. But like with other exceptions, there are concurrent or following requirements. When you're at this meeting, you cannot participate in the discussions. You cannot make a commitment to a vote at the other meeting, and you must report back at the subsequent meeting. So let's say for example if a number of you wanted to go to a Cost of Government Commission meeting, it happens on the same day, you want to show up and see what they're talking about. If you do that and there's a presentation or a briefing, you certainly can attend, so long as that briefing is not targeted just for you. It has to be made to the general public. So if you attend, that's fine, has to be less than a quorum, then you have to come back and you report at the next meeting what happened at the meeting that you attended. Yes? Yes, ma'am? Paltin?

MEMBER PALTIN: So if one person attends that meeting, they gotta come and tell everyone or...

MS. JOESTING: No. If one person attends, they don't have to come back and report it, it's just when you have more than two and less than a quorum.

UNIDENTIFIED SPEAKER: What happens...sorry.

MS. JOESTING: Sorry?

UNIDENTIFIED SPEAKER: What happens if you have a quorum?

MS. JOESTING: If you have a quorum, then someone's going to have to leave, 'cause then that's a violation of the Sunshine Law.

UNIDENTIFIED SPEAKER: Sounds like . . . *(inaudible)* . . . is good.

MS. JOESTING: Yeah, it's definitely a numbers thing.

MEMBER FILIMOE`ATU: Yes, so I just...

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MS. WILLENBRINK: Just a reminder --

MEMBER FILIMOE`ATU: I'm sorry.

MS. WILLENBRINK: --to speak into the microphone so that the recording can pick it up.

MEMBER FILIMOE`ATU: So just to make clear 'cause right now we're into that TIG, right? We're looking at that sort of a group coming together.

MS. JOESTING: Okay. I didn't know you were thinking about that.

MEMBER FILIMOE`ATU: 'Cause, well, 'cause we were talking about that and then we said if you wanted to go do this and we're all concerned about Sunshine and not being more than two and how can you go and no can go. And we talked about your TIGs said that you had, you could have and for semantics we are the board I guess on this. You have your first meeting, you do whatever you gotta do. This TIG does not go with a notification, Sunshine, et cetera?

MS. JOESTING: That's correct.

MEMBER FILIMOE`ATU: So it's like an internal-affair group?

MS. JOESTING: Correct.

MEMBER FILIMOE`ATU: And then you bring back to the greater group just to submit but you don't discuss?

MS. JOESTING: Yes.

MEMBER FILIMOE`ATU: That's meeting two?

MS. JOESTING: Yes.

MEMBER FILIMOE`ATU: Okay. That could also be the cancelled meeting you said --

MS. JOESTING: Yeah.

MEMBER FILIMOE`ATU: --and then people would show up and testify to everybody. And then you come back on the third meeting of the TIG and then you discuss with a committee of the whole?

MS. JOESTING: That's it, you got it.

MEMBER FILIMOE`ATU: Okay. All right. No, I'm just recognizing that, you know, these little TIGs are possibly going to be the way we're going to be able to push it out faster.

MS. JOESTING: It can possibly be. It sometimes, it requires more meetings on the part --

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MEMBER FILIMOE`ATU: Right.

MS. JOESTING: --of the full board, but that is a way you can send people out to look into an issue, then they come back and bring information.

MEMBER FILIMOE`ATU: Right. And you don't have to be on television.

MS. JOESTING: Thank you.

MEMBER PALTIN: But for that purpose what is --

MS. JOESTING: Yeah.

MEMBER PALTIN: --the parent board? Is all of us?

MS. JOESTING: This is...yes, this whole Special Committee.

MEMBER PALTIN: So I don't understand it requiring three meetings of a parent board, because aren't we going to meet more than three times?

MS. JOESTING: I'm sure you will. In fact, there might be meetings in between different...but at a minimum it requires three meetings. The first to set up the TIG, the second is, you know, and then you could have a bunch of other meetings but then at another meeting is when the TIG comes back and gives its report. And then you have some more meetings. And then you discuss and deliberate, so that's right.

CHAIR TAKITANI: Are the Members clear, the difference between the TIG and permitted interactions? That's just two separate animals we're talking about, right?

MS. JOESTING: Yes, you're right.

CHAIR TAKITANI: Okay.

MS. JOESTING: Mr. Chair.

CHAIR TAKITANI: Thank you. Does anyone have questions trying to clarify that or is that all good? Okay, thanks.

MS. JOESTING: Okay, thank you. Okay, next slide, so meeting agendas. That's the second one I call a problem area that can lead to your decisions being voided. If the notice or the agenda is faulty, then the meeting must be cancelled. If for example the notice says you're going to meet on Wednesday, you know, December 10th, then that's a problem with the meeting notice, because some people might show up on Wednesday but they can't come on Thursday. So the meeting notice has to be accurate and complete, and there are certain minimums that have to be met. There's no...

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MEMBER STARR: What...

MS. JOESTING: I'm sorry, yes?

MEMBER STARR: What's the timeframe for the meeting notice being filed? And what is the mechanics in the County for filing the meeting notice?

MS. JOESTING: The meeting notice has to be filed six days before the meeting. The mechanics is that it's done at the Clerk's Office.

MEMBER STARR: So our Committee Staff would --

MS. JOESTING: Would do the...

MEMBER STARR: --go to the Clerk's Office and put it in or e-mail it?

MS. JOESTING: I understand they might also do it by electronically. Yeah. Is that good? Okay. You can't add items to the agenda unless there's a two-thirds vote, so that's more than a basic quorum of all the members to which the board is entitled. And it can't be...now this is a real mouthful, of reasonably major importance and affect a significant number of people. So in your instance because your actions will likely affect a significant number of people, it would be difficult to add something to the agenda that's going to be un-substantive board business. Yes?

MEMBER STARR: Further question on filing of the meeting notice.

MS. JOESTING: Yes, Mr. Starr?

MEMBER STARR: What time? Because the State just changed the time from end of business to noon for filing of meetings, and it made a few meetings cancelled because filings were deemed defective.

MS. JOESTING: I don't think the County follows that requirement, so as long as it's during business hours.

MEMBER STARR: So it's...

MS. JOESTING: But if you need to, I'd be happy to follow up on that and get back to you.

MEMBER STARR: Yeah, I would like to clarify --

MS. JOESTING: Okay.

MEMBER STARR: --'cause I know that would, kind of caused that bit of a disaster recently.

MS. WILLENBRINK: I can clarify that for you. We post our agenda six days in advance. Sometimes things happen at the last minute, Councilmembers change their minds at

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the very last minute, and we have to rush to the Post Office by 4:30 p.m. to get the mailed portion out, and posting happens earlier during the day.

MEMBER STARR: Okay. But it can be 4:30 p.m.?

MS. JOESTING: It can be, yeah, afternoon and before 4:30. Thank you, Kim. All items on the agenda have to be sufficiently detailed, in other words they have to be described well enough. And there's a change that was in the 2014 Legislature, was that rules can be generally described, they don't have to be described specifically, every one. The standard for sufficiency is that there's certain minimums in the statute. The minimums is that you have the date, time, and place, and you might notice they don't require the day. So I usually recommend that you leave the day of the week off. And the agenda has to list all of the items to be considered. If you know there's going to be an executive session on the agenda, you need to state the purpose for which it will be. And like Mr. Starr just mentioned, it has to be filed six days before. There were some changes in 2015 just this past session in which they added a new definition to the significant privacy interest. It means information where release might be of substantial and demonstrable risk of physical harm, then that information doesn't have to be released. That's really what I call the judge's exception, because judges were concerned about their home addresses getting out because people would want to come after them. So this is an exception that was written into the law to help protect them. And then there's an Office of Information Practices or OIP, and they're going to be moving from the LG's Office, Lieutenant Governor's Office to the Department of Accounting and General Services. So that's the basic presentation. Are there any questions or things that I can help with?

CHAIR TAKITANI: Thank you very much, Ms. Joesting.

MEMBER STARR: Mahalo.

MS. JOESTING: Thank you.

CHAIR TAKITANI: If we have questions along the way in the next few months, we can reach out to you. Thank you very much. Okay, our next agenda item, we have Mr. Dave Mora. He's the State Liaison and Senior Advisor for the International City/County Manager Association. Mr. Mora is a past ICMA President and West Coast Regional Director, as well as retired City Manager of Salinas, California. He has 35-years' experience in California local government, and you can review his resume as well as his presentation today at [MauiCounty.us\governance](http://MauiCounty.us/governance) [sic]. And in fact, you can, pretty much everything we do today and we will do, you can get it online.

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Yes, sir?

MEMBER STARR: Please, if I might, I have a question on the previous item, a quick question.

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CHAIR TAKITANI: Sure. If that's okay?

MEMBER STARR: Will we have a Corp. Counsel representative at our meetings?

MS. JOESTING: I believe so. I'm not 100 percent certain but I believe so.

MEMBER STARR: That's good.

CHAIR TAKITANI: Can we request one?

MS. WILLENBRINK: I was not paying attention.

CHAIR TAKITANI: Can you get me a ham and cheese sandwich? We're wondering if we're going to have Corp. Counsel at all of our meetings.

MS. WILLENBRINK: Yes.

CHAIR TAKITANI: Okay. Mr. Mora?

MR. MORA: Thank you, Mr. Chairman. The good or bad news is I have no candy, and the good or bad news is I don't have anything that can potentially get you in trouble in terms of what you do or do not do, so take it that way. Before I begin the presentation which on PowerPoint and you have available, I just want to cover perhaps just some basics. As the Chairperson indicated, I served, it was my privilege to serve in California local government for 35 years, and I worked in a variety of jurisdictions with directly-elected mayors, with mayors elected from the council. I worked in a government jurisdiction where I had full authority for appointing department directors. I worked in a government jurisdiction where the administrator appointed department directors subject to confirmation by the council. I worked in jurisdictions where we had other elected department heads. And I stress that from the beginning because what I'm going to give you in the way of an overview is perhaps a menu of things you might want to consider. There are no perfect solutions to every problem. There are unique solutions that can be developed to meet local needs, and I think that is perhaps the journey that you're on. There is a common framework though in terms of what you're about and what your County is about. You are dedicated to serve the residents of Maui County, that's what local government is about, and I stress that and I'm not teaching anything and I'm really not preaching, but I think that's fundamental to everything I'm going to talk about and why you're doing what you're doing, because you're interested in your community. And it's frankly why all of you are elected officials currently, your Mayor, your Councilmembers, everyone who's elected has an interest in the community; otherwise, they wouldn't do it. So this is not a presentation to say something is not the right way, it is not a presentation to throw stones. It is a presentation to get you thinking about what all you might want to consider. So one more point that is critical. When I speak of working with residents in the local community, what local government is all about is the delivery of services to those residents, that's the bottom line. Every community is charged with providing

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services to its residents as efficiently, as effectively as possible, regardless the form of government. But the bottom line is your residents are looking for services to be provided, and in Maui County you know what the services are in terms of what your government provides. Okay. And let's take another slide and see where we go from here. We can pass this one up because we already had a little bit about me and my past experience. And I did work in three jurisdictions as manager. I ended my career in Salinas, California after 18 years. And I can comment a little bit about that later on in terms of how does a manager actually manage for 18 years in 1 community. Because I know one of the issues that is a common concern when people talk about a manager in terms of a City or a County Manager, it's well, will this individual stick around and what are the parameters associated with that? ICMA is a professional association, it's 100-years-old. The focus of ICMA is on local government professional management, and I stress it, it is not about mayor-council form of government, it is not about council-manager form of government, it is about local government professional management. Every jurisdiction needs local government professional managers. You want to hire the best and the brightest. You may have them onboard already, I'm not making a judgment there. But what I advocate, what the association advocates is strong professional local government management. The association is biased because we do think there is a form that seems to work well in many jurisdictions, and I'll talk a little bit about that. But it is not something that appears universally. To the next one, please. Pass that one. Okay. One of the fundamental elements I do want to touch on is that embedded within ICMA is a code of ethics and every member of ICMA has to subscribe to that. And why it's critical is that it deliberately is structured in such a way to remove the membership of ICMA 100 percent out of the political environment...national, state, local. So ICMA members, professional managers who belong to ICMA basically take out of the picture relative to what they can do is advocating in an election. Can I vote on my own? Yes. But I do not contribute to elections in terms of elected office, and that's a fundamental item in the code of ethics. And if you do, you are thrown out of ICMA, so that's just kind of an obvious thing, but there is a threshold argument in terms of absolute removal from anything that looks like a political process. I would prefer if I can to get through the entire presentation, it'll go quicker then. There was a hand up here, that's why I said that, Mr. Chairman. If that's okay?

CHAIR TAKITANI: Yeah, go ahead.

MR. MORA: All right, thank you. You're the Maui Special Committee on County Governance. Your current form is a council-mayor form of government which vests legislative power in the Council and executive power in the Mayor. As I understand your resolution, the Committee is to consider the merits of a county-manager form of government. I will state emphatically there is no such thing as a county-manager form of government, it doesn't exist. I suggest what you are looking at as one alternative is a council-manager form of government. It is not semantical, it is critical. The elected officials in a jurisdiction are in charge, period, end of discussion. If I use the term or if you use the term county-manager form of government, people will think that the County Manager is in charge, that is absolutely not the case. The manager works for elected officials. Next slide please. Okay. Somewhat unique to counties in

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Hawaii, counties in Hawaii offer a lot of services that are offered by municipalities on the mainland. The distinctions between counties and cities on the mainland are significant, but you've got a variety of services that mirror mainland county services and mainland city services. And I bring that up because as part of your review, you may want to look at not only county-manager jurisdictions on the mainland if you look at any, you may want to look at cities with mayor-council or council-manager forms of government. Because the variety of services that you provide include things that are traditionally done on the mainland with cities. And let me state since I used the term mainland, the mainland does not have all the answers. Okay. I just happened to live in California. Next slide please. We have some statistics which even with my eyesight I can read if I get closer. This is for US counties with populations of 100,000 or more, and there are 3 different types of governance models. Council-elected executive, that's in 26 percent of the jurisdictions, and that's what I believe all the counties in Hawaii have. There is another form of government which is county commission, so you have an elected commission that is in charge. And then finally a council-manager or administrator form of government. Of the US counties with populations of 100,000 or more, 45 percent are council-manager, 29 percent county commission, 26 percent the council-elected executive. Next one. Same thing, only in writing so even I could read it. Next. There are a couple of slides here where we've listed counties and cities, and if this works when you're at home or wherever and is okay in terms of research and you don't violate any laws, we have provided a link to each of those communities. So hopefully if a link works, it'll take you into those various counties--next slide--into those various cities, and we've identified them by population size. So this is not the extent of research you may want to do, but this will give you an idea. And each of those links should give you then a snapshot of their charter, their form of government, and, you know, some background on them. It's not something I'm saying you have to use, but one of the things I think you'll want to do is explore what other communities have in place. And this gives you a start in terms of some suggestions. We did try to make them something other than the West Coast, so we have in this case a Florida jurisdiction and a Virginia jurisdiction. And cities and then the counties in the prior slide, we've got some non-California ones. Next one please. We were asked or ICMA was asked to identify where have there been somewhat recently changes in the form of government? And frankly it doesn't happen very often, at least in jurisdictions of substantial size like Maui County. So there are four examples, and one is a true change. In 2010, Luzerne County, Pennsylvania adopted the city...county...I'm sorry, City Manager/CAO form or council-manager form of government. There's another jurisdiction not listed here that may be of some value, but I think it was a little bit earlier. City of El Paso, Texas, substantial city, went to a council-manager form of government I think about eight or nine years ago, and again, that's a larger jurisdiction. Next one please. Also was asked to provide some quick statistics in terms of salaries because, you know, compensation is always an issue. The average base salary in all US cities for CAOs is 125,000; for counties, it's a little bit more. The average base salary for CAOs in the Maui population range and for cities of size in terms of Maui population are also listed. So that just gives you a snapshot of what's out there right now.

UNIDENTIFIED SPEAKER: What is CAO?

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MR. MORA: I'm sorry, Chief Administrative Officer. Somewhat of an interchangeable term, manager and CAO. Where you'll see a distinction is...best description, if it's titled manager, there's a little bit more authority in that position. If it's titled CAO, a little bit less authority. The best example I can give you, when I worked in Santa Barbara, I was not the manager but I was the Deputy City Manager. The city administrator, Chief Administrative Officer hired department heads subject to approval of the City Council. When I was a City Manager myself, manager, I had the authority to hire department heads. A side note, I don't think there is a City Manager or a County Manager in the business who doesn't consult with elected officials in the appointment of senior staff. I made it a practice to do so only because the elected officials represent the community, and I always wanted to make sure that the police chief I hired, the planning director I hired, the library director I hired, I wanted to make sure that that individual and the council could talk to each other and they could develop some working relationship. That basically is a method that, you know, I used, as an example. Next one please. I want to quickly go through some benefits, some best practices, and this is basically a key element that I want to stress today. The distinction that I would suggest you focus on is that there are two substantial roles in local government. One is the policy development/policy approval focus. The other is the specific delivery of services on a daily basis. Those are two roles. In my opinion, elected officials already have a full-time job representing their communities, and I mean that almost regardless of size. I worked in jurisdictions of 30,000, I worked in jurisdictions of 160,000. Those council members were always interacting with the community, and it may have been the grocery store, it may have been church, it may have been formal council meetings, but it was practically a full-time job. And at least in the jurisdictions I worked for, by the way, they weren't compensated. But there is a full-time aspect of the policymaking role, if you're going to focus on that. And I believe that the elected officials who devote their time, full time to engaging the community and dealing with policy review, policy development, and policy adoption, general plan, budget, land use plans, strategic plan for the community, that sets the vision for the community. I submit that it is easier to hire someone to then implement, especially when you deal with the specific responsibilities of the day-to-day implementation. So those are basically the two distinctions, but I will point out as I do in the bottom bullet there, there is flexibility. There is no cut and paste. There is flexibility in forms of government that can focus on professional management and also focus on have the elected officials deal with policy, and then have the staff on a routine, consistent basis implement that policy. The ideal situation is that there can be a change in the elected leadership--ideal situation, best practice--there can be a change in the elected leadership and a continuity of service delivery. There shouldn't in best practices have to be a change. Would you go to the next one? You may be familiar with the National Civic League, they have a *Model City Charter*. They also focus on the distinction between policy and execution of policy. Next. Best practices, is there some repetition in this conversation? Yes, but it is really fundamental I think to how communities are best served, the distinctions that I've been trying to point. Power and policymaking is concentrated in the entire elected body, and the elected officials are free to devote time to policy visioning and development. The manager/administrator carries out policies established by the elected officials. Next one. I want to talk a little bit about roles:

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the chief elected officer traditionally known as mayor, then the mayor and council, the full elected body, and then the manager/CAO in any council-manager form of government. The mayor has an incredibly important role, especially as communities are larger in size and what they represent. The best example I can give you there is that in many smaller communities in California where I worked, town of Los Gatos where I worked, it was a general law city. The five council members were elected at large, and they elected the mayor from that body, they rotated it. Community of 30,000, you know, significant to some extent. An important community, I'm not downplaying the community, but do you need a directly-elected mayor with such a small population? I would submit the answer is probably not. Could they have had one? Yeah, but didn't need one. Basically the larger I think you get the community-- in Santa Barbara, in Salinas, in Oxnard we had directly-elected mayors and council members that they worked with, the mayors were part of the council--it is really critical to have that chief elected official. That chief elected official serves as the recognized head of the jurisdiction, not only in ceremonial purposes. That person is a spokesperson, the face of the community. Ideally in best practices that mayor is a player with the other elected officials. They work together so that collectively all of the elected officials in the jurisdiction chart the vision and approve the vision. Best practice, okay, is what I'm focusing on here, not only practice. Primary role for any mayor is to represent the city or the county intergovernmental relations. Most mayors have authority to appoint advisory boards and commissions, sometimes with or without the consent of the council, and presiding at an annual state of the city or county message. The role of the full-elected body...next slide. The full body establishes policy direction for the community. All of them are engaged in the policy discussion. They're all engaged in the development and adoption of a strategic plan, of the general plan, of your capital improvement plan. They don't do that in isolation and no one does that in isolation. You work with staff and staff gives you recommendations. The community very importantly is engaged in the process. So as elected officials develop policies, they do not do so in isolation, they're doing it with the community and with support from staff. The mayor and council adopt the various policy documents. The mayor and council hire the manager/administrator, and very importantly hold that individual accountable for policy implementation. Next one. And then the role of the manager then, he or she is responsible for budget preparation and presentation to the governing body; responsible for the direct administration of the budget that is approved by the governing body; has full appointment authority for department heads, at least the most critical department heads; attends all the council meetings and can be a player. But the distinction again is policy and administration, and there are some strict lines. The easiest example if you will is the manager doesn't need a vote, he or she shouldn't have a vote, that it's not part of any rules. Next one. Again best practices, the manager/administrator is appointed based on professional experience, managerial qualifications, and education. If you look at job descriptions for most County or City Manager types, you will see specific requirements in terms of education, numbers of years of experience, and what a specific council may be looking for when they are hiring. Is there an example of active community participation for instance? Is the individual continuing his or her professional development? Does he or she ascribe to a code of ethics? Those types of items. Political affiliations do not influence appointments, and a critical part of this and I alluded to it before, if the

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management staff is responsible for continuing delivery of services, the delivery of services do not change with changes in the elected leadership, it doesn't. The streets are still paved, the police are still out there, the fire department is still out there, water is still turned on and off. The policy directions can change when there are new elected officials. There may be a reemphasis with a new council, a new mayor, and let's redo the general plan. Let's do a new strategic plan to see where we want to take the community. The manager's role is to implement the policy of the elected officials. If a manager has a problem with a policy of the elected officials, that is not the elected officials' problem, that is the manager's problem. During my career I had more than a couple of changes in city councils. Sometimes they were not dramatic but changes in terms of policy directions, and one of my jobs was to work with the council and the mayor and work them through that change. Because no one can be elected overnight and change things, no system works that way. There are rules, there are procedures that govern any changes, and the best resource that is available to help in facilitating those changes are the folks that are onboard, the staff that know how things are done. There may be differences of opinion, but I'm submitting to you best practice is there is continuity in service delivery. There may be changes in policy. Policy does not change overnight, and the job of the manager is to implement the policy of the council. Next one please. Had a little bit about this already, 94 percent of US counties and 72 percent of US cities report the presiding officer is a member of the commission or council. Eighty-seven percent of counties and 86 percent of cities with Chief Administrative Officer report that commission/council or commission/council and presiding officer appoint that position. Only 1 percent of counties and 4 percent of cities report that the presiding officer alone appoints the CAO. Best practice. That doesn't mean that the 1 percent is wrong, okay? Best practice is that the vast majority do it the other way. And only 4 percent of counties and 27 percent of cities report that the presiding officer has a veto authority. Again it doesn't say that the 4 percent are wrong or the 27 percent are wrong. Best practices is just that, you can do things different ways. Next one please. Wanted to point out a little bit in terms of flexibility. We talked a little bit about these examples already. You know the best practice situation is that the manager is appointed by the elected body. Well, there is an alternative. The manager may be appointed by the elected mayor subject to the approval of the elected body, so that's a variation. The manager in best practice is solely responsible for the hiring and firing of non-elected department heads. An alternative, the appointment is made subject to the approval of the elected officials. Next one please. I had a question on going through a recruitment process, and I don't know if you really want to get into that now. So these slides are going to be available. But generally on a recruitment process, the policy body sits down many times with community engagement to talk about okay, what is it they want to see in the Chief Administrative Officer or the City Manager. Engaging the community is something that we're seeing more and more. You know there was a time when I began my career and it was more than a few decades ago, when the council sat in a room and said okay, here's what we're going to do. There was a recruitment but there was no community engagement. Now the norm is community engagement. In hiring somebody, you can basically take that on yourself. You can hire a headhunting firm. Number of ways to do it. And then finally you do have to make as an elected body the appointment process. Before you do that, you have to deal with compensation and

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what elements of any employment agreement you may want to have with the individual if that's part of the package. But let's slide over the next four or five, why don't you run through 'em, keep going. Again. Again. Oh okay, stop there. Want to close a bit. Not close a bit, want to close with the value proposition which my association and based on my experience, my work in local government, frankly I'm an advocate for. That doesn't mean there's other ways to do it, but I am an advocate for it. The council-manager/administrator form encompasses a set of professional values, skills, and practices that can ensure success of cities and counties that use it. It's not an overnight solution. And the next slide. Okay, the next slide. Elected officials collectively...no. One more back. Elected officials collectively focus on public policy and community priorities. And elected officials appoint a professional manager. The next one. There are some studies out. And I think you can look at the studies, but any study can be critiqued for very valid reasons. It depends on the sample that's being looked at. It depends on the time and place folks did the analysis. But what we do know is that there is this thing called the All-American City Award. I'm told that at least between 2008 and 2012, 73 percent of the communities receiving that award had local government professional managers, council-manager form of government. Well guess what, there were 27 percent that didn't. So but the assumption is there a distinction there, and I would advocate that yeah, there...yeah, when three quarters get it, there's maybe a message there. There is a February 2011 study by IBM Global Businesses [sic] looking at very large cities that found that there is nearly a 10 percent more efficient use of resources in those cities than in comparing them to mayor-council jurisdictions. I will offer one item of advice. You should not be looking at any guarantees in terms of overnight efficiencies or economies in any change. It is not possible. I think if you have a core of local government professional managers trained and experienced throughout the organization, and there is a continuity of that service, you will see results. The policy aspects are critical to any community, but a more...but just as critical in my opinion is continuity of delivery of services to your residents. That's the primary role that I played in terms of being a local government manager. Let's get the work done for our residents. Next one please. There's a little bit more information that you can get. I'm the stand-in by the way. The West Coast Director is Kevin Duggan. I fill a volunteer role as an ICMA state liaison and senior advisor for ICMA in retirement. I have thoroughly enjoyed this trip. Unfortunately it's only been a three-day trip with two presentations, but I really do have a passion for local government professional management. And I do think that elected officials in every jurisdiction that I worked with, had that same passion just as yours do here. I think what you're potentially looking at is okay, how are things working now? What are some elements that may not be working that might have to change? Is a change to a different structure part of that? It could be. But your focus I think is going to be on the provision of quality services to your residents. I will tell you I am convinced that a council-manager form of government with a specific distinction between the policy role and the implementation role can be successful over time, it is not immediate. Is it perfect? No, because there are literally thousands of council-manager jurisdictions throughout the United States. We have bankruptcies. You know Detroit is strong mayor, it went through bankruptcy. City of San Bernardino with other unfortunate things right now, went through a bankruptcy, they're getting through it. So does any form of government guarantee success? No. There is a higher success rate though

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when you've got the distinction between the policy and the management. And I will continue to stress and I apologize for the repetition, continuity of service delivery through the background, the professional experience of seasoned managers is key to that. No city on the mainland, no county on the mainland can provide the level of service it should be providing if the manager leaves every two or four years. You can't do it. You, you're not going to fail, there'll still be a provision of services, but you won't have the continuity and the professionalism. So I sped this up a bit. I apologize if I went too fast. If there are any questions, I'll take them. And the Chairman said I had at least till 4 o'clock, I think. No? Sorry, sir.

VICE-CHAIR SCHAEFER: Mr. Chair?

CHAIR TAKITANI: Go ahead. Go ahead, Madge.

VICE-CHAIR SCHAEFER: There is a semantics problem I believe that maybe you could make a recommendation. Because...

CHAIR TAKITANI: Can you speak into the mic?

VICE-CHAIR SCHAEFER: Because the counties, the County of Maui operates services more like a city, should the title be city...should they...should the manager be focused on the City Manager type of management instead of the county type of management? And you see the semantics that I...

MR. MORA: Yeah, I see the semantics. I don't think you need to make that distinction. You're going to find City Managers more involved, traditional City Managers more involved in the variety of services that the counties in Hawaii serve, you all provide. But there are some counties on the mainland that do the same thing. I think you should use it interchangeably, and that's why I offered some jurisdictions, both counties and cities that you might want to look at. You don't have to limit yourself to counties, you don't have to limit yourself to cities. That would be my suggestion. What I would suggest is this Committee is not looking at a county-manager form of government, you are looking at a council-manager form of government or a mayor-council form of government. Please put those elected officials first, because that's the wrong message to send to the community if you're saying County Manager. Yes, I sound like a preacher.

CHAIR TAKITANI: Good job. You can go ahead and field them as you...

MR. MORA: Okay, okay.

MEMBER STARR: Yeah.

MR. MORA: Let me go left to right? You had your hand up longer.

MEMBER STARR: Yeah, I have a number of them but let me ask one or two.

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MR. MORA: One at a time. Okay.

MEMBER STARR: First of all about ICMA, is a manager typically a member of ICMA or would a city or a county be a member of ICMA? And do we have any membership now?

MR. MORA: Membership in ICMA is for an individual. Part of that is when an individual becomes a member of ICMA, he or she signs that code of ethics and says he or she will abide by them. Code of ethics is available on the website by the way. I believe there are one or two members of ICMA in the State of Hawaii. I couldn't name who they are.

MEMBER STARR: So anyone could join or a councilperson could join --

MR. MORA: Oh, I'm sorry.

MEMBER STARR: --a citizen could join --

MR. MORA: No, it's gotta be a manager.

MEMBER STARR: --or just a manager?

MR. MORA: It's gotta be someone working on a regular basis in local government professional management. It can be a department head. Okay. We have a growing number of younger professionals beginning their careers that we're working with in ICMA. For instance, I work primarily with two organizations in California of mid-management professionals. We have a group of about 600 in Southern California. They work in cities, counties, and special districts, and about 500 in Northern California. Local government management is their career. They don't all want to be County or City Managers, but they want to be local government managers working in various departments. So we work with anyone who aspires to be a manager in a local government environment. Yes? Over here.

MEMBER FILIMOE`ATU: I guess it's back to semantics again. You were talking about mainland cities and municipalities, and then you told us just now don't use county management, you said use city. So what is the difference for, what is, what's the difference besides the words?

MR. MORA: The distinction I was trying to make...and I apologize because I've been using city and county interchangeably. Your resolution says that you're going to look at a County Manager form of government. What I am saying is there is no such thing as a County Manager form of government, there is no such thing as a City Manager form of government. The forms of government have the elected officials in the primary position. So you currently have a strong mayor form of government and then you have a managing director. The alternative that you may want to look at is a mayor and council-manager or CAO form of government. Okay?

MEMBER FILIMOE`ATU: Thank you.

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MEMBER PALTIN: So I also had question on semantics, couple. For those of us that aren't from the mainland, when you say mainland cities and mainland counties, I don't understand what that means. And then the other one was when you talk about appointment or when you talk about hiring, I don't understand the difference of that either.

MR. MORA: Okay. I'm just trying to basically say--first question--cities and counties that are not in the State of Hawaii, so I'm just saying the mainland cities and the mainland counties, and I have examples of that. And maybe it's the wrong description but I'm just trying to make a distinction that unfortunately the only examples I can give you...none of the examples I can give you are in Hawaii, they're all on the mainland. Because you have similar structures among all your counties here. So that was the first attempt. Appointment and hiring, interchangeable words. In the best practices, the entire elected body--all five, seven, nine, you know, whatever the jurisdiction has--appoints/hires the manager.

MEMBER PALTIN: So it's interchangeable?

MR. MORA: Hiring and appointment are interchangeable for the manager or the Chief Administrative Officer.

MEMBER PALTIN: And for like director/department heads as well?

MR. MORA: Same thing. In best practices, the manager or CAO is directly responsible for appointing/hiring. There are other ways to do that, but best practice would be the manager/CAO has sole authority.

MEMBER STARR: It was a great presentation, Dave, thank you. Maui County currently and in the past has no type of evaluation process or metrics either for County government as a whole or for its management or for the departmental management. What are some of the systems that you might want to talk about for doing evaluation both overall in departments and also how do, how are metrics created and processed?

MR. MORA: There is a lot of work done with metrics in terms of service delivery by the private sector. ICMA has a tool that's in partnership with a private sector company, I couldn't name it for you. Those types of evaluation mechanisms can be used in any jurisdiction. Okay. They're not evaluation mechanisms set up for council-manager forms of government. They're evaluation mechanisms set up for local government services, and I can get the specific reference to you in terms of what ICMA uses. But there are a number of models out there. I would stress though that there is universal application. You know any form of government can use those evaluation models. The key is once you use them, what are you going to do with the results? Here, sir. Tamara, please, Ray has it.

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MEMBER PHILLIPS: If our elected officials whether it's a Mayor, Councilor, or the Council itself decides to go out and source for this type of individual, how does it go about doing the sourcing?

MR. MORA: Okay. There are a series of slides, I didn't get into 'em at all, but the appointment process is there's gotta be a collective decision among the elected officials as to what they're looking for in that individual. You know what is the background, what is the professional experience, how many years of experience? It may be a matter of what size of jurisdiction would they prefer that person come from? So all of those qualities or those items would have to be enumerated. In developing those, that could be done with the local government human resource department, or there are consulting firms that could be brought in that work with that and then handle the recruitment. One of the decisions the group would have to make is okay, what is the source of applicants going to be? Do you want to limit your source of applicants to the State of Hawaii? And I'd suggest that would be the minimum. If you limit it just to one county, you're...you're not going to get many candidates, I think. But do you want to limit it to the State or do you want to limit it to the country? But those are decisions that they could be made. You get the applications to come in, and there'd be an evaluation of those applications, and, you know, hopefully you get folks that meet your minimum requirements. Someone does background on those individuals before the elected even see them. It could be the human resources department, it could be a consultant. But okay, here's Dave Mora's resume, you know, it says he worked in Salinas and these were the number of years and he did this. Okay. Somebody calls Salinas and says who is this yahoo? And hopefully they say here's who he is. It could be a matter of verifying what I've claimed to have as an education. So somebody does the background. That's not something the Council would get involved with, somebody does that. After that screening, then the full Council or a subcommittee of the Council could work on trying to narrow the group of applicants down to five-to-seven for interview. The full Council would be involved in those interviews, and hopefully from that, they would make a selection. That's a very quick rundown, just four or five slides in there that deal with that recruitment and appointment process. Yes, sir?

MEMBER PHILLIPS: If we were to, as this group was to desire to look for a job description and scope of activities for this type of person, where would we go about to find it?

MR. MORA: I would suggest the best place to look, there are a number of headhunting firms that are currently recruiting for County and City Managers. They're on websites. If somebody will remind me, I'll get you a list of them, Ralph Andersen, Mercer and Associates, and the beauty is they have websites, and for the most part, they will have those recruitment announcements on the websites. So that'll give you a quick ability to get a picture of what jurisdictions are looking for in the way of qualifications. But okay, list of recruitment firms.

UNIDENTIFIED SPEAKER: Chair?

MR. MORA: Let me write that one down.

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MEMBER PHILLIPS: Okay, thank you.

MR. MORA: Any list I give you is not promoting any of them, it's just a matter of here's the list of folks that do the business.

CHAIR TAKITANI: Next question will be from Kay, followed by Pua.

MEMBER OKAMOTO: Okay. Thank you so much for the overview. And I think obviously we all have tons of questions and are getting into much more specifics than maybe the first meeting we wanted to. Is there...as we work and come up with additional questions, is there going to be a mechanism where we can get back to you or to find the answers to those questions? Maybe a question for both of you.

CHAIR TAKITANI: Good question. Are you available...if we have written questions, will you respond to them?

MR. MORA: To the extent possible, I and my associates would. The primary contact is Kevin, but I think the best way to handle it, I would suggest if you have questions, can we identify one source of those questions.

CHAIR TAKITANI: Absolutely.

MR. MORA: Yeah. And then in essence --

CHAIR TAKITANI: It won't come from individuals, it'll come from...

MR. MORA: --yeah--one person then would send them and then that would be the channel for information.

CHAIR TAKITANI: Sure.

MR. MORA: So I can speak for myself, as I have time, I will respond to them, and I'm sure the other ICMA paid staff would want to also.

CHAIR TAKITANI: Do you bill for those?

MEMBER OKAMOTO: Thank you.

CHAIR TAKITANI: Is it...

MR. MORA: No.

CHAIR TAKITANI: Oh, okay.

MR. MORA: My time is...

CHAIR TAKITANI: I don't know if we can spend County money.

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MR. MORA: No, well and I say that because no, and, you know, what we're talking about now, I was asked to come here by ICMA, they're paying up the expenses, but I enjoy doing this. And it's because, you know, I'm a local government junkie. I really think, you know, I started with, I think what you all are doing is really critical to your residents, and what your policymakers do on a regular basis is critical to your residents.

CHAIR TAKITANI: Okay, Pua?

MR. MORA: Yeah.

MEMBER CANTO: Thank you. First of all thank you for your presentation, I appreciate it. I think my questions are premature still. You know we've been three hours into this meeting, and I'm sure we all have very important questions for you. But what may work for you may not work for us so I look forward to meeting others in your capacity as well. So thank you for being here. I thank you.

MR. MORA: Thank you.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: I guess I'm more familiar with the private sector when you talk about best practices and you mention that a lot. Where would you say the biggest distinction is with the private sector and public sector? Where do they go the farthest apart?

MR. MORA: Oh, the difference between public and private?

MEMBER HAYNES: In terms of best practices. I mean when I look at it, there's, you're implementing policy and you're doing that on both sides. Is there anywhere we'd see there'd be a difference?

MR. MORA: In my mind --

MEMBER HAYNES: Yeah.

MR. MORA: --there is a significant difference, because in the private sector, the critical decisions are made in private. Seriously. In the public sector, the Council, the Mayor and Council, the elected body has to make its decisions in public. They have to deal directly with community engagement and community demands, and it comes down to in my personal belief, the public sector cannot be as efficient as the private sector, because the services that are provided by the public sector are services that the private sector would never provide because there's a cost associated to them. So that's a distinction I made. That may be not responsive directly to your question.

MEMBER HAYNES: Yeah. I think that's more on a policy level.

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MR. MORA: Okay.

MEMBER HAYNES: But from the administrator level, the best practices that they're using in accomplishing what they're doing, is it...you talked about metrics and...

MR. MORA: I think you could find some metrics in terms of private sector.

MEMBER HAYNES: But in terms of administration. I mean you're --

MR. MORA: Yeah.

MEMBER HAYNES: --looking at best practices. Is there a real...when...in getting the policies implemented, do you see much distinction between the two?

MR. MORA: This may not be directly responsive but there is an accountability aspect to it from this perspective. The advantage of I think the private sector manager is that he or she is responsible to final decision makers, his or her board of directors. Yes, the mayor and city council are decision makers, they're not the final decision makers because they're accountable to the electorate, and I think that is very different. Private sector, yeah, you can make the argument that the shareholders, a person is accountable to shareholders but the same interaction isn't there. And I may not be understanding your question but that's the best answer I can give right now. You or me, sir.

CHAIR TAKITANI: Did you have a question?

MEMBER FRIEL: I do have a question.

CHAIR TAKITANI: Go ahead.

MEMBER FRIEL: I'm sorry. Since you're here, you kept repeating and made the point that we need seasoned managers, that would be the recommendation. And I'm not sure what all the dates were but I know the first one that you showed the dates were as, were in the 2000s, so that's not a lot of, that's not a long establishment. My question is what is your average longest seasoned manager that we have? And how long has this program been in place that has been effective?

MR. MORA: I believe that ICMA is stating that the average tenure of managers now is about seven years. Okay. The field is up and down. You can have long-tenured managers. I served in one community for 18 years. I served in another community for five and another one before that for five. It really is a matter of the interaction of the elected body with that manager. That's why the selection process is so critical. And to find a person who is committed to professional management...and a significant element in that, that I would stress is that the manager is responsible and accountable to the elected body to implement policy. Policies can change. Where you see turnover in City or County Managers, many times it happens because the elected officials coming

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in quite frankly don't understand the form of government. If they come in with an agenda of changing policy, they think automatically that in order to change policy you have to change management. I submit to you that is not necessarily the case. If you have folks dedicated to the implementation of the policy, then they could continue.

MEMBER FRIEL: So if I can summarize what you said correctly, so the average is seven years?

MR. MORA: That's what the current average as stated.

MEMBER FRIEL: And the success is isolated, case-to-case basis?

MR. MORA: They have to be looked at individually, they do.

MEMBER FRIEL: So the material that we'll be looking at is still fairly new and it's all relative depending on the basis. And it sounds like if there's high turnover, that means something's not working, so the process to get this working right could be a very long and costly one.

MR. MORA: There is...there can be significant turnover. There doesn't have to be.

MEMBER FRIEL: Okay.

MR. MORA: And you can, you're going to find examples where there isn't turnover and where there is turnover. Generally, politically stable environments...meaning that they're not divisive elections, there's a stable political environment within a community, generally there's a continuity of managers. Cities and counties have reputations in terms of keeping managers. Probably get into too much detail, but --

MEMBER FRIEL: No, that's okay.

MR. MORA: --I said in Salinas I was there for 18 years. I had a predecessor who was there for 16 years and another one who was there for 15 years. Salinas has a good reputation.

MEMBER FRIEL: Is there a correlation between economic success and success of this program?

MR. MORA: No.

MEMBER FRIEL: No, okay.

MR. MORA: And I'll say...and I say that very quickly because every city, every county had to go through the recession.

MEMBER FRIEL: Okay.

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MR. MORA: All right. And everybody suffered, some more than others.

MEMBER FRIEL: Thank you.

CHAIR TAKITANI: Okay. Jonathan, then Kehau.

MEMBER STARR: It's really a great resource for us to have you here with us, Dave. And I know moving forward, I certainly have lots and lots more deeper questions that are not going to get asked or answered today. I know there's not too many organizations that can really help us gain a deep understanding of this through experience. I see ICMA, NACo, National Civic League.

MR. MORA: National League of Cities.

MEMBER STARR: Yeah. But with ICMA is there...I know we cannot become a member as County government or even as non-professionals in management, but is there a mechanism that this entity can create a relationship with ICMA and be able to use ICMA resources over the next few months? Maybe that's something you might want to take back and talk with the western region.

MR. MORA: Let me ask the question. There's an easy way, the easy way is ICMA membership, seriously.

MEMBER STARR: Who though?

MR. MORA: Any ICMA member can access all the information, and...

UNIDENTIFIED SPEAKER: The individual.

MR. MORA: The individual. There's a due structure and off the top of my head I'm trying to figure out, I don't...it's individual membership. Let me see. Frankly, yeah, maybe there's somebody on the County staff who wants to become a member of ICMA, he or she could look at the membership requirements. The significant thing being okay, you're signing up and you got this code of ethics thing, are you going to be okay. I'm not saying that there are people that can't do that, I'm just saying an individual membership gives that individual access and that allows people to share it. But let me check on other elements of membership. Just side note, you know, Kauai's doing the same thing and by chance one of their, one or two of their councilmembers I think went to a recent ICMA conference, so it can be a resource. But let me check on the membership issue. I need to write that one down unless anybody else had a question.

CHAIR TAKITANI: Kehau?

MEMBER FILIMOE`ATU: So I caught the fact that you said the name that would be on top there would be your elected officials. They would have the onus or their loyalty is to their constituency base.

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MR. MORA: Yes.

MEMBER FILIMOE`ATU: So now these people are then going to pick this one person who we are going to seem or hope he's a community-minded person but his loyalty is going to be to the nine of them?

MR. MORA: Yes. With...

MEMBER FILIMOE`ATU: So we're looking at contractual?

MR. MORA: That probably would end up with a contract, yeah.

MEMBER FILIMOE`ATU: And the...okay. So but the County or our government would be liable for any of his, liable for this contractee...contractor?

MR. MORA: Not being a lawyer, you are...the County is liable for the legitimate actions of any County employee, I believe. You know so and this would be a County employee.

MEMBER FILIMOE`ATU: This would be a County employee...

MR. MORA: Yes. He or she would be working for the County.

MEMBER FILIMOE`ATU: He would be working for the County of Maui as a contractor?

MR. MORA: I'm sorry.

MEMBER FILIMOE`ATU: He's not a public sector worker.

MR. MORA: The...

MEMBER FILIMOE`ATU: He works in the public sector.

MR. MORA: My reference and again, I apologize if I misspoke, what we are seeing is that there are employment agreements between the --

MEMBER FILIMOE`ATU: Individual.

MR. MORA: --individual and the jurisdiction. I had an employment agreement in Salinas. I was a city employee. Okay. Is there...yeah, could you find somebody that would be an individual contractor? Maybe. There may be somebody out there that'd be willing to do that.

MEMBER FILIMOE`ATU: Oh you have an employee agreement you said?

MR. MORA: Yeah, an employee agreement.

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MEMBER FILIMOE`ATU: Which is like a contract with an employer?

MR. MORA: It basically cites...lays out the terms and conditions of employment.

MEMBER FILIMOE`ATU: Yeah. Also your balloons if you get or whatever, and your bonuses and/or benchmarks.

MR. MORA: Compensation could be part of it. Ongoing evaluations should be part of it. Benchmarks should be part of it. So yeah, those elements could be in there and we're seeing more of that, if you will, in employment agreements.

MEMBER FILIMOE`ATU: Thank you. See 'cause we know you seeing stuff whereas I haven't seen any of that.

MR. MORA: Understood. And some of those websites may have current employment agreements of their City or County Managers. Can't guarantee that but sometimes that information is also put on the web.

VICE-CHAIR SCHAEFER: Point of information.

CHAIR TAKITANI Yes.

VICE-CHAIR SCHAEFER: I have been told that Chairman Mike White is a member of ICMA.

MR. MORA: I don't know.

CHAIR TAKITANI: Mr. White, will you care to comment?

UNIDENTIFIED SPEAKER: He's not in . . .*(inaudible)*. . .

COUNCIL CHAIR WHITE: I am.

CHAIR TAKITANI: Oh, congratulations.

MR. MORA: You have access to ICMA information.

CHAIR TAKITANI: So he can get whatever we need. Thank you.

VICE-CHAIR SCHAEFER: We know people.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: I just had a question if you were familiar, those, that one slide with the cities that tried to change the form. Were you aware of the process that they went through to change the form? Was it by vote and how did it get on the ballot and things like that?

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MR. MORA: Any of the jurisdictions had to go through some voting process. So it is a vote. When there are change of government elections, that can be put on by citizen petition, an initiative process. It can be something the governing body does. Generally those parameters are subject to your local Charter or State law is what it comes down to, so you've got the rules there.

CHAIR TAKITANI: Go ahead, Paula.

MEMBER FRIEL: May we request a copy of his slide?

CHAIR TAKITANI: It's all online.

MEMBER FRIEL: It is? Okay.

MR. MORA: Yeah, they're all online.

MEMBER FRIEL: Thank you.

MR. MORA: Including my resume and I insisted the personal information regarding my family life be removed. Nothing to hide *but*.

CHAIR TAKITANI: Any further questions? Mr. Mora, thank you very, very much. We appreciate it.

MR. MORA: Thank all of you very much for the opportunity. I wish you the best of luck. And you're on a very critical mission. And I mean it, you're dealing with the lives of people in your community. And best practices are best practices, there is no perfect form, there are alternatives, you'll see that. I don't have one right answer for you, no one does. Thank you.

CHAIR TAKITANI: Thank you very much. Our final agenda item tonight is...or this afternoon is to, is our meeting schedule. We have 180 days to complete this task which takes us as I understand it, to June 1, 2016. And the, you know, the numbers don't lie, 6/1/16. That's it. So it's my understanding that Council committees generally meet twice each month, beginning at either 9:00 or 1:30 on a given day. Is that correct?

MS. WILLENBRINK: That is correct.

CHAIR TAKITANI: So is it, are you suggesting that that's what we have to do?

MS. WILLENBRINK: No. You have full ability to decide whatever --

CHAIR TAKITANI: Do what we need...

MS. WILLENBRINK: --schedule --

CHAIR TAKITANI: Okay.

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MS. WILLENBRINK: --you want; however, be it known that Council generally meets on the first and third weeks of the month and the Council Chamber is not available during those weeks.

CHAIR TAKITANI: Is Thursday a good day for us?

MS. WILLENBRINK: Are you asking me?

CHAIR TAKITANI: Yeah. As far as a conflict goes with the County, with the Council.

MS. WILLENBRINK: I think any day of the week is good as long as it's on the off-meeting weeks so that we have...

UNIDENTIFIED SPEAKER: The second and fourth weeks.

CHAIR TAKITANI: Oh.

MS. WILLENBRINK: Yeah, so as long we have availability.

CHAIR TAKITANI: So if we looked at January, for instance, for old-fashioned people that has, they have calendars, when would the Council be meeting in January?

UNIDENTIFIED SPEAKER: Seven and 21st.

CHAIR TAKITANI: Twice each month.

MS. WILLENBRINK: Council meeting week in January begins January 4th, the Council meeting itself is January 8th, and then they meet again...

CHAIR TAKITANI: On the 18th, the week of the 18th?

MS. WILLENBRINK: The week of the 18th except --

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: --the 18th is a holiday.

CHAIR TAKITANI: Okay. So we would, we should meet on the opposite weeks of them?

MS. WILLENBRINK: Yes.

CHAIR TAKITANI: Okay. And Thursdays are good? Is...yes, Jonathan?

MEMBER STARR: I would like to see us meet much sooner than that. Perhaps...

CHAIR TAKITANI: No, no, I'm --

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MEMBER STARR: Yeah.

CHAIR TAKITANI: --just, just generally speaking right now. I don't think we have to wait till January. First of all, is Thursdays a good...go ahead.

MEMBER OKAMOTO: The day of the week doesn't matter, time does maybe with Molokai and myself --

CHAIR TAKITANI: I got you.

MEMBER OKAMOTO: --getting here or --

CHAIR TAKITANI: What's the...

MEMBER OKAMOTO: --getting back home.

CHAIR TAKITANI: You don't want it too early and you don't want it too late.

MEMBER OKAMOTO: Right. Like today both of us are staying over, we can't get back home.

CHAIR TAKITANI: What is the latest to get home?

MEMBER OKAMOTO: For me going out of Lahaina, it's like 5:00-something but you have --

CHAIR TAKITANI: Okay.

MEMBER OKAMOTO: --to get back there. So --

CHAIR TAKITANI: Is there...okay. And yours is...

MEMBER OKAMOTO: --I don't know.

MEMBER FRIEL: I got late flights, just that it was last minute so I couldn't get on them, I couldn't make it early enough.

CHAIR TAKITANI: Okay. So we'll try to set 'em all out today so you can make 'em, so that's not an issue. But the time might be an issue?

MEMBER OKAMOTO: Yes. If we could meet a little earlier, for me it would be better.

CHAIR TAKITANI: Would Staff be okay with a little earlier or is that a problem for you all?

MS. WILLENBRINK: I had been thinking about this myself, Chair, and if you wanted to meet in the mornings rather than meeting at 9:00 as the other committees do, meet a little later, say 10:00 or 10:30, and then travel would not be as much of an interference.

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CHAIR TAKITANI: Then we sort of run into lunch though, yeah?

MS. WILLENBRINK: We would break for lunch.

CHAIR TAKITANI: So I mean or do you want to start at like...

MEMBER OKAMOTO: Well, afternoon works better for her.

CHAIR TAKITANI: Okay.

MEMBER OKAMOTO: I probably can be more flexible.

CHAIR TAKITANI: What's the latest you can start?

MEMBER FRIEL: Honestly the only reason I said afternoon is 'cause I have a full-time job, I'm a teacher, and I have someone who's agreed to be my sub even on a half-day basis. So I'm just being very honest, I do have a full-time job. So that's the only reason why it works better for me.

CHAIR TAKITANI: Okay. So if we scheduled right now every other Thursday at like 12:30.

MEMBER HAYNES: Tony, you're talking about the second and fourth Thursdays, yeah?

CHAIR TAKITANI: Yeah. The...yeah. The ones that the Council's not meeting at.

MEMBER DeLEON: I can't do the first Thursdays.

MEMBER PHILLIPS: Can we do one?

CHAIR TAKITANI: The what? I'm sorry.

MEMBER DeLEON: Second and fourth will work for me, the first won't.

CHAIR TAKITANI: That's what we're talking about though, right?

MEMBER DeLEON: Yeah, yeah. I'm just saying, I'm confirming that I can do second and fourth but not the first.

CHAIR TAKITANI: Oh. Oh, so you're good. Anybody not good? I don't want to hear the guys that's good, who's not good?

MEMBER PALTIN: Just if they're all Thursdays or if some of them could be like Monday or Tuesdays?

CHAIR TAKITANI: Why don't we like try start with a day and then some of them we can, I assume we can move some if we have to.

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MS. WILLENBRINK: Chair?

CHAIR TAKITANI: The only thing, we have the 6-day thing. Jon?

MEMBER STARR: My fourth Thursday in January the 28th is a State Water Commission I need to be at.

CHAIR TAKITANI: Okay. So that's, you know, if we said something like let's try and set Thursdays, second and fourth Thursdays, and then we can try clean 'em up a little bit. Would that be okay? Oh, and by the way it seems like the A/C goes off at 4:35.

VICE-CHAIR SCHAEFER: Well, Mr. Chair?

CHAIR TAKITANI: Yes?

VICE-CHAIR SCHAEFER: We do have an alternative meeting room too.

CHAIR TAKITANI: Where is that?

VICE-CHAIR SCHAEFER: It's the Planning, I understand it's the Planning Commission room, and the necessity to have *Akaku* be able to tape it, that's available there too. So if the Chambers aren't available, we can --

CHAIR TAKITANI: Okay.

VICE-CHAIR SCHAEFER: --switch locations with proper notice.

MS. WILLENBRINK: And we would need advanced notice --

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: --to reserve that.

CHAIR TAKITANI: So we should try to do it all here and when we cannot, we should go there.

MS. WILLENBRINK: That's correct.

CHAIR TAKITANI: Okay. Okay, so...

MEMBER HAYNES: Can I make one more comment?

CHAIR TAKITANI: Yes.

MEMBER HAYNES: So if you guys have to go back earlier, we started at 1:30 today, is it possible to move that up?

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CHAIR TAKITANI: That's why I was thinking 12:30 would...can you make, can you be here at 12:30?

MEMBER FRIEL: I'm trying to check the flights right now. Sorry.

CHAIR TAKITANI: Okay. Well, check 'em, we'll talk about the December calendar. Today is the 10th so should we meet on the 24th?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR TAKITANI: No way. I'm not coming here on Christmas Eve. You know but I could come on the 23rd.

MEMBER DeLEON: Yeah.

VICE-CHAIR SCHAEFER: Twenty-third is good.

MEMBER FILIMOE`ATU: Twenty third of what?

MEMBER DeLEON: December.

MEMBER OKAMOTO: I cannot but that's all right.

MS. WILLENBRINK: As long as there's quorum --

CHAIR TAKITANI: Yeah but, you know.

MS. WILLENBRINK: --we can meet.

MEMBER DeLEON: Yeah we can't get all the people all the time, that's not going to work.

MS. WILLENBRINK: That's true. And that's true --

CHAIR TAKITANI: Yeah.

MS. WILLENBRINK: --with Council as well.

CHAIR TAKITANI: Yeah but, Kay, it's going to be our second meeting. If you don't want us to do it, I won't do it.

MEMBER OKAMOTO: Yeah. I'm doing gift wrapping all day for the Angel Tree Project on Lanai all day.

VICE-CHAIR SCHAEFER: You know I think it's really important that we keep in mind that we have a very specific deadline.

CHAIR TAKITANI: Yeah well, we do.

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VICE-CHAIR SCHAEFER: And it may be that everybody can't make it at times but as long as we have a quorum especially in this formative time where we're deciding where we're going.

CHAIR TAKITANI: Yeah.

MEMBER OKAMOTO: Could we do it the end of next week? Does that give you time for notice?

CHAIR TAKITANI: Okay. Let's...

MEMBER DeLEON: No, because you would have to notice it already.

MS. WILLENBRINK: I think next week is a meeting week.

CHAIR TAKITANI: Yeah. It'd be tough.

VICE-CHAIR SCHAEFER: Again, is the Planning room --

CHAIR TAKITANI: 'Cause we still gotta come up with an agenda.

VICE-CHAIR SCHAEFER: --available?

CHAIR TAKITANI: I'm sorry?

VICE-CHAIR SCHAEFER: Is the Planning Commission room available?

CHAIR TAKITANI: No, it's not the matter of the room on that one.

VICE-CHAIR SCHAEFER: Oh. I thought you said the Council Chambers weren't...

CHAIR TAKITANI: No, it's matter of notice and...

MS. WILLENBRINK: The Council Chambers aren't available next week --

CHAIR TAKITANI: But it's also a matter of notice and agenda.

MS. WILLENBRINK: --but also the six-day notice.

MEMBER OKAMOTO: How about the 28th?

CHAIR TAKITANI: Yeah.

MEMBER PALTIN: How about the 28th?

MS. WILLENBRINK: The 28th is a meeting week, is that correct?

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CHAIR TAKITANI: Yes.

MEMBER FILIMOE`ATU: It's a Monday.

MEMBER PALTIN: Is the Planning Commission room available?

CHAIR TAKITANI: The...

MEMBER DeLEON: I can do the 23rd.

MEMBER PHILLIPS: Yeah, let's do the 23rd.

MEMBER STARR: Yeah, 23rd.

MEMBER FILIMOE`ATU: Twenty third, yeah.

CHAIR TAKITANI: Well the 29th this place is available. No?

MEMBER HAYNES: I'm not here on the 29th.

CHAIR TAKITANI: Oh, too many people gone on the 29th.

MEMBER STARR: Twenty-third.

MEMBER DeLEON: Once you get into the holidays, forget about it.

VICE-CHAIR SCHAEFER: Maybe a show of who's available on the 23rd, see if we have a quorum.

MEMBER CANTO: Chair, how many people are here on the 23rd?

CHAIR TAKITANI: Everybody except one.

MEMBER PALTIN: I just need to find childcare.

CHAIR TAKITANI: Kay, are you avail...can you get to that room for a while?

MEMBER OKAMOTO: No, I'm tied up all day.

MEMBER FILIMOE`ATU: Yeah, she's gift wrapping.

MEMBER OKAMOTO: Yeah, all day.

CHAIR TAKITANI: Can you take the gift wrap to the Lanai room and --

MEMBER OKAMOTO: No.

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CHAIR TAKITANI: --have them help you?

MEMBER OKAMOTO: Yeah, that'd be a good idea.

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

CHAIR TAKITANI: I'm sorry? Yeah, that's what I was suggesting.

MEMBER STARR: Oh, what time?

CHAIR TAKITANI: Okay. Paula, can you make 12:30?

MEMBER FRIEL: Yeah, I'm on vacation.

UNIDENTIFIED SPEAKER That's right, she can do that one.

MEMBER FRIEL: We're on leave.

CHAIR TAKITANI: Okay. So our next meeting will be on the 23rd.

MEMBER DeLEON: At what time?

CHAIR TAKITANI: Of December at 12:30.

VICE-CHAIR SCHAEFER: Here?

CHAIR TAKITANI: Here.

MEMBER STARR: Can we set a couple more?

CHAIR TAKITANI: Yeah. So now, so then it would be second...what did we said? Second and fourth, right? Or first and third?

MS. WILLENBRINK: Yes, if you want to do Thursday, January 14th.

CHAIR TAKITANI: Okay. We can do that. At...is 12...so 12:30 would be a better time for you, correct?

MEMBER FRIEL: Kim, when government makes hours, do we fly with Ohana? 'Cause I don't get the flexibility to make my own reservations. Who do we have to fly with? What's the carrier?

MS. WILLENBRINK: We can speak with Wendy about that, she makes travel arrangements because it's --

MEMBER FRIEL: I'm sorry, everybody. Yeah, that makes a big difference.

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MS. WILLENBRINK: --a government account.

MEMBER FRIEL: Because I don't have the flexibility of playing the flights.

UNIDENTIFIED SPEAKER: Yeah, stick to 1:30 then.

MS. WILLENBRINK: You do have flexibility what you do and we can speak a little more after the meeting. You send Wendy your time preferences and then she makes your travel arrangements for you.

CHAIR TAKITANI: So the 14th at what time?

MEMBER FRIEL: Is 1:00-1:30 okay?

CHAIR TAKITANI: Why don't we split the difference and say 1 o'clock.

MEMBER DeLEON: One o'clock.

UNIDENTIFIED SPEAKER: One o'clock is a good time.

CHAIR TAKITANI: Okay.

MEMBER STARR: So for clarity, the first meeting's going...the next meeting's going to be at 12:30, and then on the January it's gonna be at 1 o'clock?

CHAIR TAKITANI: Let's go, let's shoot for 1 o'clock. And then what about January 28th at 1 o'clock?

MEMBER FILIMOE`ATU: Yeah.

MEMBER STARR: Yeah, I won't be able to be here.

CHAIR TAKITANI: Is that your water one?

MEMBER STARR: Yeah.

CHAIR TAKITANI: Is any...are we available on the 27th? Oh wait, yeah.

MEMBER STARR: Yeah, I'm good any other day.

UNIDENTIFIED SPEAKER: Wait.

MS. WILLENBRINK: I believe that's a meeting week, what's going on. Oh, that's right.

CHAIR TAKITANI: Oh, just the 27th, the Council...

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MS. WILLENBRINK: It's because of the Martin Luther King holiday we've had to relocate.

CHAIR TAKITANI: Yeah. It's not available on the 27th. Everybody else can make the 28th?

MEMBERS: Yes.

CHAIR TAKITANI: Okay. One o'clock.

MEMBER FRIEL: I'd like to thank everybody for taking me into consideration, I really appreciate it. Sorry. Why you looking?

CHAIR TAKITANI: That was, wait, that was serious, that wasn't sarcasm, right?

MEMBER FRIEL: No, I was serious. Thank you.

CHAIR TAKITANI: I wasn't sure.

MEMBER FRIEL: Mahalo nui loa.

CHAIR TAKITANI: Yeah. And then February 11th?

MEMBER HAYNES: Yes.

MEMBER STARR: At 1 o'clock?

CHAIR TAKITANI: Yeah. And February 25th?

UNIDENTIFIED SPEAKER: Yes.

CHAIR TAKITANI: And we can hold, can we kind of...you guys see the pattern, so if we can kind of, you know, we'll stick, we'll just leave it at that for now. And as we get through January, we'll start looking into March.

MEMBER HAYNES: Perfect.

CHAIR TAKITANI: Okay?

VICE-CHAIR SCHAEFER: And, Mr. Chair?

CHAIR TAKITANI: Yes?

VICE-CHAIR SCHAEFER: Is it possible once we get rolling on, I presume we're probably going to end up doing the TIGs. Once we get rolling on those, is it possible for us to have a special meeting just to drop those reports in? For instance, if there are three or four TIGs working on reports and they report them all at the same time, then can we hold a special meeting so that we can then discuss them? In other words, instead of

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the extended three meetings that we would have a schedule, a special meeting just for receiving the TIGs.

CHAIR TAKITANI: Well, let me ask the Molokai and Lanai people. You're okay with that extra meetings so that we don't have to have extra-long meetings?

UNIDENTIFIED SPEAKER: Uh-huh.

CHAIR TAKITANI: Okay.

MEMBER FRIEL: Yes, I believe so.

CHAIR TAKITANI: So anything is possible.

VICE-CHAIR SCHAEFER: And the other thing is too for those, especially if it was just to receive the TIGs, there's no discussion so you all could even do it...

CHAIR TAKITANI: Oh okay.

MEMBER FRIEL: Satellite.

VICE-CHAIR SCHAEFER: Satellite, yeah.

MEMBER OKAMOTO: When you receive the report, you could still do other business, you just can't discuss that, correct?

MS. WILLENBRINK: That's correct.

MEMBER OKAMOTO: Right.

VICE-CHAIR SCHAEFER: Right. But you would have it just to expedite that process rather than extending it out for three meetings or a month and a half. You would drop it in so that it would get it going faster.

MEMBER FRIEL: Great idea.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: So if you're going to do a special meeting for that, then the Molokai and Lanai guys aren't, don't have to be here, we just need a bare quorum just to be able to collect the documents and then don't take any other business and move along.

VICE-CHAIR SCHAEFER: If they're video conferencing, aren't they part of the quorum?

CHAIR TAKITANI: Yes.

MS. JOESTING: Yes.

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UNIDENTIFIED SPEAKER: Yeah, they could do it...

CHAIR TAKITANI: No, but we don't...

MEMBER DeLEON: But I mean it's a special meeting --

CHAIR TAKITANI: Yeah, yeah.

MEMBER DeLEON: --just to receive documents, you know, the six of us that are closest can just show up and take care of it.

VICE-CHAIR SCHAEFER: Right.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah, I've done a whole bunch of TIGs in water board and Planning Commission, and I mean you just make that as one of the, a number of agenda items and then you do your decision making at the subsequent meeting. So I mean it really is kind of, would be unusual to have a special meeting just to receive it.

VICE-CHAIR SCHAEFER: We're talking about expediting it.

CHAIR TAKITANI: Yeah.

VICE-CHAIR SCHAEFER: To expedite the process rather than taking --

CHAIR TAKITANI: Yeah.

VICE-CHAIR SCHAEFER: --a month and a half, it would take maybe a month.

MEMBER OKAMOTO: I think we could cross that bridge when we came to it.

CHAIR TAKITANI: Yeah, I think we're okay.

VICE-CHAIR SCHAEFER: Well, I was asking the question for legal counsel to ensure that we're doing it...well, doing that would be legal.

CHAIR TAKITANI: Yeah, and she said yes.

MEMBER STARR: Just for clarification, all of our future meetings that we've set up, they're all at 1 o'clock except the one on December 23rd is at 12:30?

CHAIR TAKITANI: That's correct. Are we good? Anything else? Open forum now. Oh, no such thing?

MS. JOESTING: No. It's not on the agenda.

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CHAIR TAKITANI: New business, no. Old business. Thank you very much. Meeting...

MEMBER DeLEON: Mr. Chair?

CHAIR TAKITANI: Yes?

MEMBER DeLEON: Kehau.

MEMBER FILIMOE`ATU: Can I just confirm that we can get the PowerPoint from Mr. Mora?

CHAIR TAKITANI: Yes. It's on the MauiCounty --

MEMBER FILIMOE`ATU: Oh, it is on there.

CHAIR TAKITANI: --\governance [sic].

MEMBER FILIMOE`ATU: Oh, okay.

CHAIR TAKITANI: It's there.

MEMBER FILIMOE`ATU: Including the slides we weren't able to see?

CHAIR TAKITANI: Yeah.

MEMBER FILIMOE`ATU: Okay.

CHAIR TAKITANI: Yeah. Okay, meeting adjourned. . . .(gavel). . .

ACTION: DEFER PENDING FURTHER DISCUSSION.

ADJOURN: 4:45 p.m.

APPROVED:



TONY TAKITANI, CHAIR
Special Committee on County
Governance

cg:min:151210:ds

Transcribed by: Daniel Schoenbeck

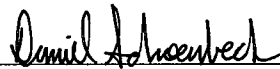
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CERTIFICATE

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 3rd day of January, 2016, in Kula, Hawaii



Daniel Schoenbeck