

SPECIAL COMMITTEE ON COUNTY GOVERNANCE
Council of the County of Maui

MINUTES

December 23, 2015

Council Chamber, 8th Floor

CONVENE: 12:32 p.m.

PRESENT: Tony Takitani, Chair
Madge Schaefer, Vice-Chair
Pua Canto, Member
Dave DeLeon, Member (in 12:40 p.m.)
Kehau Filimoe`atu, Member
Paula Friel, Member
Kimo Haynes, Member
Tamara Paltin, Member
Ray Phillips, Member
Jonathan Starr, Member

EXCUSED: Kay Okamoto, Member

FACILITATOR: Lori Teragawachi

STAFF: Kimberley Willenbrink, Legislative Analyst
Clarita Balala, Committee Secretary

Tina Thompson, Executive Assistant, assisting Molokai Council
Office (via telephone conference bridge)

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

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

Morris Haole, Executive Assistant to Councilmember Robert
Carroll

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

Seated in the gallery:

Edward S. Kushi, First Deputy Corporation Counsel,
Department of the Corporation Counsel

OTHERS: Rosemary Robbins (Item 1(5))
Mark Hyde (Item 1(1))
Nell Woods (Item 1(1))
Michael Covich
(3) additional attendees

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

CHAIR TAKITANI: . . .*(gavel)*. . . Good afternoon. It's 12:32 and I'd like to call this meeting to order. Please turn off your cell phones and as I look out there I see you guys have some candles on your desk so be very careful. I'd like to introduce the Committee members again to you. Our Committee Vice-Chair is Madge Schaefer. I'm going to start this way, Pua Canto, Dave DeLeon--who is getting something from his office, he will be here shortly--Renee Kehau Filimoe`atu, Paula Friel, Tamara Paltin, Ray Phillips, Madge Schaefer again, Jonathan Starr, and Kimo Haynes. I am Tony Takitani. We have our facilitator, Lori Teragawachi, on that side.

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

CHAIR TAKITANI: Who's excused?

MS. WILLENBRINK: Kay Okamoto.

CHAIR TAKITANI: Oh. Yeah. Kay Okamoto from Lanai is, couldn't make it, she told us this time around and so she's excused. Our administrator is Linden Joesting, Deputy Corporation Counsel. Our Committee Staff is Kimberly Willenbrink, who is the Legislative Analyst, and Clarita Balala, who is the Committee Secretary. Our District Offices, is Hana connected?

MS. WILLENBRINK: Not yet.

CHAIR TAKITANI: Not yet. Okay. Well, Hana, when they do get connected will be Dawn Lono, and in Lanai is Denise Fernandez, and on Molokai, Tina Thompson. Can you hear us?

MS. THOMPSON: Yes, I hear you. Molokai.

CHAIR TAKITANI: Thank you. Denise, can you hear us?

MS. FERNANDEZ: Yes, we can hear you. I'm from Lanai.

CHAIR TAKITANI: Okay. Thank you. At this time, we'd like to proceed with public testimony. Ms. Willenbrink?

MS. WILLENBRINK: Yes. Thank you, Chair. I'll check in with Hana Office. We haven't heard from them yet but let's try. Hana Office, is there anyone wishing to testify in Hana? Okay. It doesn't appear that Hana has been able to connect today. Lanai Office, is there anyone wishing to testify?

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

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

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MS. THOMPSON: There is no one waiting to testify at the Molokai Office.

MS. WILLENBRINK: Very good. We do have three individuals signed up so far in the Chamber to testify. And let me just say 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 District Office Staff at that location. Testimony is limited to three minutes, at two and a half minutes, the light at the testifiers 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 know we have established a connection. Our first person signed up to testify this morning is Rosemary Robbins, and she will be followed by Mark Hyde.

. . .BEGIN PUBLIC TESTIMONY. . .

MS. ROBBINS: Good afternoon.

CHAIR TAKITANI: Good afternoon.

MS. ROBBINS: Hi, everybody on this Wednesday, December 23rd of 2015. I'm Rosemary Robbins, a concerned citizen, and I'd like to speak about the resolution. I did come down yesterday, went through the binder for that. As always the people on the 7th floor of this building were wonderful about getting the documents that were going to be able to help me to read this and become better informed. So the copy of the resolution, its number is 15-, meaning the year 2015, -155, titled establishing a Special Committee on County Ordinance [sic]. That's the same wording that goes into the notification for today's meeting, and I would like to just let you know of the people who have come up to me in the last couple of weeks and just said, "how come," and then they give what they understand to be the reality now. Pretty far-fetched from what the reality is so I keep telling them how wonderful you are, if they come down then they can read the stuff, you'll give them a desk, you'll give them the papers. So I'm hoping that today is going to be an opportunity for people to become more at peace about this. One of the things that concerned me was that folks were talking about it's an either/or and they seem to feel that this is a done deal. That we're going to wipe out our Mayor, hadn't read that myself in these materials, and just really being unsettled and I think that's probably due to the idea of change. Some people are maybe not so comfortable with change as others, but if we don't take a good look at the past we're doomed to relive it. Whatever the it is, whether or not it's government, whether or not it's our health, whatever it's going to be. If we don't take an honest look at where we're at now, we're on a track going to a future with more of the same. So I'm personally very excited to know that...and thank you, appreciative to you folks, that we're going to take a good look at where we've been, where we're at, and where we're potentially going. Another thing that I think folks need to be at comfort about is that this is not this instead of this. There are a number of models that our folks are

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going to be looking at as to how to better our County government, and it keeps saying in this document whether or not, whether or not, so it's not a done deal. I'm not too sure what the it is, but people aren't necessary comfortable with it. So there is in the binder a whole section on ethics. Anybody's welcome to come and read this. There is a gentleman named Dave Mora, who had come and talked with us, right here, best practices were recommended in 2011 and 2012 as far as taking a look at our County Charter, and as far as looking at the Maui Island Plan. So please, people, be at peace, listen, take a good listen to what's there, you understand who the folks are that are on the Committee. I'm presuming, the folks can be in touch with them?

MS. WILLENBRINK: Three minutes.

CHAIR TAKITANI: I'm sorry. Was that a question?

MS. ROBBINS: Yes.

CHAIR TAKITANI: What is the question?

MS. ROBBINS: If somebody has...if somebody public over here has a question, can they call these people and ask them?

CHAIR TAKITANI: Oh. I guess not, but they can call...can they call me?

MS. ROBBINS: Okay.

CHAIR TAKITANI: What can they do?

MS. WILLENBRINK: For a point of clarification, testifiers cannot address...they address the body, but they cannot ask the body questions.

CHAIR TAKITANI: No, but I think the question was can the public, people that aren't here today, and if Ms. Robbins talks to one of her friends out at the market or something and they seem to be a little confused as to what's happening, can they pick up the phone and call one of us if they know one? I believe they could.

MS. WILLENBRINK: They can or they could e-mail the County Governance Committee e-mail.

MS. ROBBINS: Good. Thank you.

CHAIR TAKITANI: Did I state your question properly?

MS. ROBBINS: Yes. You got it. Thank you.

MS. WILLENBRINK: And for further clarification, when testifiers are finished testifying, the body can feel free to ask --

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CHAIR TAKITANI: Yes.

MS. WILLENBRINK: --questions of the testifier.

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

CHAIR TAKITANI: Yes.

VICE-CHAIR SCHAEFER: Thank you, Ms. Robbins, for your testimony.

MS. ROBBINS: You're welcome.

VICE-CHAIR SCHAEFER: I'm curious as to do you ask people where they've, may...where they've learned the either/or or where they're getting their information from? Because it seems like the articles that have appeared in the paper and certainly the way this Committee was established by the Council, it was very clear that there is no either/or. It's an opportunity to look at the entire situation, the entire...all the options.

MS. ROBBINS: I agree with you, and I'm on that same page. But I'm hearing people...these are not friends of mine. These are total strangers that recognize the older, wrinkled redhead from *Akaku* and spot me--I'm often the only redhead under the ceiling--and come up and say, how come, and I'm thinking, oh, dear God, I don't know the answer to those. So I am recommending that they call the people who do for whatever is holding them in another frame of outlook. It's not what you've published. It's been good.

CHAIR TAKITANI: Thank you very much. Are there any further questions?

MEMBER CANTO: Chair?

CHAIR TAKITANI: Yes, Pua?

MEMBER CANTO: One quick question, so while I can agree with Madge, our Vice-Chair. My question to the testifier is, so the connotation is they don't understand what the process...

MS. ROBBINS: Accurate.

MEMBER CANTO: Is that correct?

MS. ROBBINS: Accurate. Yes.

MEMBER CANTO: They do not understand the process.

MS. ROBBINS: Yes.

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

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

MS. ROBBINS: You're welcome.

CHAIR TAKITANI: What is that noise? Hana, are you on now? Don't know? Okay. Thank you very much.

MS. ROBBINS: You're welcome.

MS. WILLENBRINK: Our next testifier is Mark Hyde, and he will be followed by Nell Woods.

MR. HYDE: Good afternoon, Chair, Committee members. My name is Mark Hyde. I live in Kihei. I've been thinking about this issue for quite a while, and I have some recommendations for you to consider. Stripping away some of the nomenclature of council-manager or strong mayor, instead I would recommend that you consider five key Charter changes that if implemented I believe would transform County government operations into a more efficient, a more effective, transparent, and accountable government for the people. The first step would be to separate the Mayor's current combined chief executive and chief administrative officer roles into two positions and take the operational roles that are currently under the Mayor's jurisdiction and place that under a manager, then retain the executive role in an elected mayor. Number two, take the existing Managing Director's role and enlarge it, retitling it county manager, and have the directors report directly to the manager. Number three, disengage the manager and director's terms of office from the mayoral election cycle. This will depoliticize their roles and will bring professionalism and stability to their work. Number four, create standard professional job descriptions and define minimum criteria for hiring both the manager and each director. And finally, define a concrete manager and director selection process that results in the very best candidates being hired based upon job needs. Now when Maui County adopted the current form of government 50 years ago, our population was 38,000 and Hawaii's Statehood was less than 10 years old, and now the County has over 160,000 residents, and a de facto population of 200,000 people when you take into account the visitors. The County is the largest employer in the County with 2,700 employees and a budget next year of over 700 million. My time is up. I've said enough. Thank you, Chair.

CHAIR TAKITANI: How much more you've got?

MR. HYDE: I have a few more comments.

CHAIR TAKITANI: Make 'em quick.

MR. HYDE: Our local government is responsible for many critical services and the future will not be simpler as the world globalizes, digitizes, climate changes, and our population continues to grow as predicted by the General Plan. So our obligations here are becoming...are going to become much more complex and difficult as the future arrives.

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So as things have changed over the past 50 years and they're bound to change even in at more rapid pace in the future, our County government has not changed. It has changed mildly with some tweaks here and there, but I think making the simple Charter changes that I've outlined will position the County to serve the people's interest now and in the future quite well. Thank you.

CHAIR TAKITANI: Thank you, Mr. Hyde. I understand you submitted public testimony, I mean, written testimony.

MR. HYDE: Same thing I just read.

CHAIR TAKITANI: Excellent. Thank you.

MR. HYDE: It's better in written form.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Thank you, Mr. Chair. Mr. Hyde, it sounds like you've spent some considerable time thinking about this and doing some research, so I have a...if the Chair will allow me, yeah, two questions for you.

CHAIR TAKITANI: Sure.

MEMBER STARR: The first is have you given any thought to mechanisms for creating evaluation, both for the Managing Director or the department heads that, you know, with performance standards, review and that sort of thing? Would that be a part of your suggestion?

MR. HYDE: Oh, absolutely. I think that could be built into, if not the Charter which probably is not where it belongs, into policies and procedures as to how those things are accomplished. I would say at a minimum, the Charter should require the manager to come before the Council annually, if not, quarterly and give a thorough report, public report to the people about his or her goals and objectives, and showing where the manager is in either accomplishing or not accomplishing those things, and that would be, you know, one way of carrying out that evaluation. And in a professional environment, you would expect in the job description for the manager would include that the manager would on a regular basis assess the performance of every director and then retain those who are doing well and counsel those who aren't or terminate those who cannot be salvaged just as it goes on in the outside world.

MEMBER STARR: And my second question, you know, and I hope we are able to discuss this further at a later date. How about those hybrid departments? There are several that are somewhat unique or oddball. I guess a partial list would be Liquor Control, Police, Fire, Budget. Have you given any thought to how those would notch into your suggestions?

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MR. HYDE: I have and I believe that you can only swallow so much at once. And while I think those bear examination, I think if you examine those at the same time, you are trying to make some of the critical and necessary changes now that that would augur against change altogether. But I do think in the future, Charter commissions should examine that and ask whether it's appropriate that these institutions, Police, Fire, and Liquor, basically operate in an independent universe. And that's I think a challenge for another day that would be unwise to tackle at this point.

MEMBER STARR: Thank you.

CHAIR TAKITANI: Thank you. Any other questions for Mr. Hyde?

MEMBER CANTO: Chair?

CHAIR TAKITANI: Pua?

MEMBER CANTO: Just a couple comments actually. May I ask you what your profession is, Mark?

MR. HYDE: Well I'm...I don't have one. I'm retired, but when I was in business, I was a lawyer for 17 years in private practice, and then one of my clients invited me to become the CEO of their company. And so for 11 years, I ran an organization with a budget of \$500 million in revenue, and it was quite a complex and highly regulated nonprofit enterprise. And in that role, I took training from the American Management Association, the American Corporate Directors Association, and went through all kinds of interesting activities, and learned about quality management techniques. And if I may, one of the things that I don't see currently is a comprehensive management plan for Maui County. Maui County manages to a budget, but managing to a budget, and that's a very important activity, is one activity. But a management, comprehensive management plan, where you have goals and objectives, you have review, you have accountabilities, and then you have reimplementation of corrective actions on an ongoing basis, all transparent. It's transformative for an organization and that's the power that I could see that this Committee could release, not only for the people but for the folks that work for the County.

MEMBER CANTO: Thank you, Mr. Hyde. Chair, thank you.

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

MS. WILLENBRINK: Our next testifier is Nell Woods, to be followed by Michael Covich.

MS. WOODS: Aloha and season's greetings, Chair Takitani and members of the Committee.

CHAIR TAKITANI: Aloha.

MS. WOODS: My name is Nell Woods and I was a member of the West Maui Charter Working Group whose task was to review the existing Maui County Charter to

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determine if there were areas that needed changes or updates. We issued our final report in late 2010, posted it online at westmauicharter.org, and sent it to the Charter Commission formed in 2011. Our proposal number two, was to change the structure of Maui County government to that of a council-manager and ceremonial mayor as a non-voting chairman of the County Council. The formation of your Committee is the long delayed result of the recommendation by that Charter Commission, "that a task force be established to thoroughly review the structure of Maui County government, research other models of county governments, and prepare a report." The first Charter Commission in 1964 that established the current governance also considered changing to a council-manager-mayor. As did the third Charter Commission in 1975 when the change was supported by Mayor Elmer Carvalho who stated, "the adoption of the city manager form of government would ensure high-quality talent for the chief executive position within the County as well as removing the position from undue political influence." Mayor Carvalho stands in history as the only Mayor of Maui County to support this change. This concept has been a topic of discussion for more than 50 years now. And let me give you a perspective of what 50 years ago was like for West Maui 'cause that's my touchstone. Napili Bay had one resort, the Napili Kai Beach Resort; Kaanapali had one hotel, the Royal Lahaina. That's how much Maui has changed in these 50 years. And it's always been the people of Maui County who have continued to push for better government and who are still waiting for those they have elected to provide it to them. That time is now. Per the current Maui County Charter, the goal for government services is to be transparent, effective, efficient, and responsive to the needs of the residents. I would encourage the members of this Committee to schedule additional evening meetings out in the various communities in the weeks that you are not meeting in this Chamber to provide as many residents as possible the opportunity to share with you their frustrations with the current governance structure. Each and every year more of our best and brightest are forced into the realization that to achieve their dreams for the future they must leave Maui for better opportunities elsewhere. The current and future children of Maui deserve to grow up knowing that Maui County can and will provide them with the future that will fulfill their dreams right here on Maui because a more efficient and responsive governance structure will create better jobs and affordable homes for the future. Mahalo to you all for taking this time to carefully consider what the future of Maui County can and should be, and I hope the legacy of this Committee will be that you are the ones to take the first step to give Maui County residents the best future possible. Thank you.

CHAIR TAKITANI: Thank you very much. Dave?

MEMBER DeLEON: Hi, Nell. Correct me if I'm wrong, but didn't the West Maui group also recommend changing to a district form of council?

MS. WOODS: Yes, they did.

MEMBER DeLEON: Given that, given the current form of our County Council, do you think it's appropriate that such a council that's elected at large and hard to remove from office should be the sole elected body representing the people of Maui County?

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MS. WOODS: I'm not saying that there wouldn't be a mayor. I'm just saying that I think a county manager form of governance would be a much more responsive situation because they don't...the county manager and the directors of the departments won't be cycling every time there's an election. There'll be a consistent...you get hired based on your qualifications and as long as you perform to the goals and specifications of your job and that's done by evaluation then, you know, you continue. If you can't meet those goals and show no inclination to do better, you're moving on.

MEMBER DeLEON: One more.

CHAIR TAKITANI: Go ahead.

MEMBER DeLEON: So there is going to be this County Council though that's going to make that determination whether they're moving on or not or --

MS. WOODS: No.

MEMBER DeLEON: --the county manager's moving on which in some counties happens...

MS. WOODS: It would be the Council that would be deciding the county manager's fate, but primarily it would be the county manager hiring, and disciplining, and evaluating the department heads with the approval of the Council if that's how the structure is altered.

MEMBER DeLEON: And in the scheme you're imagining right now or you're projecting, how would you...where would you put the Mayor in this? Is he elected independently of the Council or is he the chair of the Council?

MS. WOODS: He's elected...no. He's elected independently of the Council, but his job responsibilities in the Charter would be less than they are now. The county manager would be the one who would be assuming a good portion of the current Mayor's job description.

MEMBER DeLEON: One more.

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

MEMBER DeLEON: Oh. I'm sorry. So you see him not as an administrator but as a political head?

MS. WOODS: I see him as the face and the representative of Maui County. I don't necessarily see him as a political head.

MEMBER DeLEON: Okay. So it's going to be a weak mayor.

MS. WOODS: Yes.

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MEMBER DeLEON: Okay. Got it.

MS. WOODS: Yeah. I'm talking weak mayor.

MEMBER DeLEON: Okay. I understand now. Thank you.

CHAIR TAKITANI: Any other questions? Yes, Tamara?

MEMBER PALTIN: Are you attached to that version of weak mayor or would you also be okay with the version where the Mayor is the, like the chair of the Council?

MS. WOODS: It's basically once you have done what this Committee is doing which is reviewing because there are an infinite number of models and...

MEMBER PALTIN: And you are not attached to any one in particular at this time?

MS. WOODS: No. No, but what I do...what I am attached to is the knowledge that the majority of Maui County voters and residents are adamant about being able to elect their Mayor, and as long as they can do that it's, shall we say, some kind of a hybrid situation as to exactly how the powers are designated between the county manager and the Mayor.

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Anyone else? Ms. Woods, did you submit testimony?

MS. WOODS: I did not.

CHAIR TAKITANI: Do we want her testimony in writing?

UNIDENTIFIED SPEAKER: I do.

CHAIR TAKITANI: May we have it?

MS. WOODS: Absolutely.

CHAIR TAKITANI: What you just have.

MS. WOODS: Actually, I can give you this or I can e-mail it.

CHAIR TAKITANI: That's perfect. Just give us that.

MS. WOODS: Okay.

CHAIR TAKITANI: Thank you very much. Kim, is it...should I be asking of...should I be asking the testifiers for their testimony if they have? Is that a hassle for you guys or...

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MS. WILLENBRINK: It's not a hassle, and you can ask, but they can also say no.

CHAIR TAKITANI: So if we wanted...I cannot take notes and listen at the same time. So if we wanted a copy and they didn't want to give it to us, you guys could recreate it or something?

MS. WILLENBRINK: What we could do is it will be...we have 30 days to produce the meeting minutes. Our minutes are verbatim, and we will make that available on your website after the 30-day period.

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: If you wanted it sooner, we could go into the DVD.

CHAIR TAKITANI: No. I just wanted to know, I mean, you know, if it's information that we want, you know, and I want them all. I don't want tidbits.

MS. WILLENBRINK: Exactly.

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: Okay.

CHAIR TAKITANI: Thank you.

MEMBER FRIEL: *Akaku* tapes it and they post it. Last meeting posted a week after. You could always...

CHAIR TAKITANI: Yeah, but then I got to watch 'em again and I got to go take notes. I don't want to...

MS. WILLENBRINK: The final person to sign up for testimony in the Chamber is Michael Covich.

MR. COVICH: Good morning, Chair --

CHAIR TAKITANI: Good morning.

MR. COVICH: --panel members. Happy holidays. As I'm listening, this is going to be turning out to be a very interesting process, and I wish you guys luck because I'm a layperson so I'm kind of tough to educate. So I expect to be educated to what this process is going to be, what these choices are. As I was listening, I heard one little thought about district elections by district and that district applying only. That would take away governance of the whole, and I'll just use the phrase, "that would be idiotic." I don't think you guys even should consider that. A power-centric mayor over the years has brought you problems. There's just too much division. One of the goals you

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should work for is the Mayor should probably be the chair with a couple of co-chairs. An example would be the Council having to consider hiring their own lawyer because in essence, even in my mind, the present Corp. Counsel's work for the Mayor and there's clearly a conflict of interest. Putting the Mayor there would eliminate that so you have the cooperation...Corporation Counsel working for you guys as a whole which would be a reasonably good thing. Oh, by the way, my name is Michael Covich, and I represent concerned American veterans. Another problem I can see if we didn't have a relationship that was so different from the Mayor and the County Council, as an example, I'd be getting a lot better help on solving the problem up at the Veteran Cemetery where there's been some idiotic decisions made that I'm finding particularly frustrating. What I would really like to see and I...this is probably going to make some of the people here feel better than I would like to, but I would like to see a strong business person as manager. That person would report to the...would become ten Councilmembers if you want to include the Mayor. The lack of real business sense running the offices of the County has put the County at a hole in more lawsuits than it should be involved in because it seems to me clearly that two sides are working together. If you look around the room here, you'll find only a few people. One of the main reasons that's happening is...I happen to be 71 years old, I got my pension, my money from the government so I can afford to be here, but the vast majority, the working people of this community, that these decisions are going to be made by cannot be here. From my way of looking at it because these meetings are held when the general public that you guys are supposed to be serving can't be here, this whole thing is irrelevant because the people you are attempting to serve and educate can't be here to do so. Thank you.

CHAIR TAKITANI: Thank you, Mr. Covich. Any questions? Pua?

MEMBER CANTO: No question, just to comment. I would agree with Mr. Covich. I wanted you to hear that from me.

MR. COVICH: Thank you.

MEMBER CANTO: Thank you.

CHAIR TAKITANI: Thank you. Any other questions? Yes, Tamara?

MEMBER PALTIN: What do you think about creating the minimum criteria and standard job descriptions for each of the directors like Mr. Hyde was saying?

MR. COVICH: I think as you guys build this, the County Council and whoever is going to be your business manager is going to have to have some real meetings and write that criteria to what each of those people have to be. For the Fire and Police Department, I think they should be left to basically standalone almost...because those are certain qualifications you have to have as a business. Now as far as Public Works and some of the rest of them, you want to hire people with good managing skills, people with good understanding of what the County needs and how it needs to proceed. I mean, we can go through examples but there's not really time. And by the way, although I do

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appreciate the business people on the Council, I appreciate more the working laypeople on the Council, because they are the ones that the County truly has to serve as a whole.

CHAIR TAKITANI: Any further questions?

VICE-CHAIR SCHAEFER: Yes.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Mr. Covich, thank you for your testimony. I have been reading the past reports from the Charter commissions. Someone put me onto a wonderful website, but...especially if you're a history addict like I am, but it has all the minutes and all the activities of each of the Charter commissions, and the thread that I see running through every one of those commissions is the lament that the public didn't attend, didn't pay attention. So it's regardless of when the meetings were held, and I noticed they were held around the County and also in the evenings. People just didn't show up, so it is a thread that has run through each of these Charter commissions. Whether this Committee would have any kind of different response I have no idea. But I just thought it was worth noting for the record that it is...it's been a common problem.

MR. COVICH: I would agree with you that it has been a common practice, but in this case, we're talking about an actual change of governance, and I have not read that. And I agree that having people here is one of the main issues. I'm just hoping that there's many outside meetings as possible that gives...there are going to be some people particularly if the people are educated to what's really at risk here, the change in what it's going to cost, is it going to save us money, is it not going to save us money, is it going to be a good way to go forward. To tell you the truth, I have no real idea. That's what you guys are here to decide whether you're going to put this resolution on the ballot or not. Now I would like to have the time to go through all the things you were just talking about, but I had enough trouble just going through the proceedings, a file this thick at the courthouse the other day just about the veterans' cemetery issue, and I'm not even going to comment any further. But I do understand your problem but even if there's a few people, you're going to have more than you have here now. And if it's publicized right and people are educated to what's at stake, really at stake, you're going to have more people attend, I would hope, and then, if they don't attend, they deserve what they get.

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

VICE-CHAIR SCHAEFER: Mr. Chair, if it would be appropriate, could I advise the Committee of the website that has all of this Charter history?

CHAIR TAKITANI: Probably when you make your presentation today.

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MR. COVICH: I'd be glad to receive a text on that. I'd be glad to look up the stuff but I rather just...I kind of listen and kind of decide what's happening as I hear it.

VICE-CHAIR SCHAEFER: Okay.

CHAIR TAKITANI: Thank you. And I guarantee you this body won't be messing with the way we elect the County Council.

MR. COVICH: Thank you. 'Cause I think that would be a real tragedy.

CHAIR TAKITANI: You're welcome. Kim?

MS. WILLENBRINK: Excuse me, Chair. There is no one further signed up to testify in the Chamber. I would like to rotate one more time. Hana Office, is there anyone wishing to testify? We still don't have a Hana connection today. Lanai Office, is there anyone else wishing to testify?

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

MS. WILLENBRINK: Molokai Office, is there anyone wishing to testify? Molokai? It appears we may have lost the Molokai connection as well. Is there anyone else in the Chamber wishing to testify? It appears not, Chair.

CHAIR TAKITANI: Kim, how do I handle this written testimony that we received but no one's here? Do I just receive it?

MS. WILLENBRINK: It's just received by the Committee. Yes.

CHAIR TAKITANI: Okay. For the record, we received written testimony from Jim Smith of Haiku, Hawaii and he submitted written testimony.

MS. WILLENBRINK: Chair...

CHAIR TAKITANI: If there are no objections, I'll now close public testimony.

MEMBERS VOICED NO OBJECTIONS

. . .END OF PUBLIC TESTIMONY. . .

CG-1(1): RESOLUTION 15-155

CHAIR TAKITANI: Today, we have four items on our agenda, and I just was to go over each of them. As you recall, Sunshine Law limits our discussion to only agenda items, so I have decided to post Resolution 15-155 on every agenda so that we can ensure that as a body we can have open dialogue on this pretty much at any time. So we are in receipt...this Special Committee is in receipt of correspondence dated December 17,

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2015, from the Chair of the Special Committee, transmitting Resolution 15-155 entitled Establishing a Special Committee on County Governance. The resolution established the Special Committee...pursuant to the resolution, the Special Committee may consider (a) whether establishing a council-manager form of government would improve management and operation of the County; (b) make written recommendations to the Council whether the Charter should be amended to establish a council-manager form of government and recommend a structure; and (c) prepare a proposed Charter amendment if appropriate. You'll notice that I've requested that our scope of duties be placed on the television screen. This is our mission and if we ever need to revisit it we can. If there is no objections, I would like to move to the next item on the agenda.

MEMBERS VOICED NO OBJECTIONS

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Or discussion, go ahead.

MEMBER STARR: Yeah.

CHAIR TAKITANI: Jonathan Starr.

MEMBER STARR: Thank you, sir.

CHAIR TAKITANI: I was told I had to mention your names so that the people on the television know who is asking the question.

MEMBER STARR: Okay.

CHAIR TAKITANI: Sorry.

MEMBER STARR: Part of the resolution was that the Committee would have a special professional facilitator, and we do have one and from what I understand an excellent one. And I was wondering how Chair intends to integrate the use and actions of the facilitator in creating a process that'll help us narrow our thoughts and options and try to keep things moving along in the coming months?

CHAIR TAKITANI: That's a really good question and let me try and respond to it. I had a separate meeting few...last week with our...I don't know her, I don't know her work so I wanted to know what she's able to do and stuff like that. So we had a discussion, I think going forward, we'll be using her...I'm thinking it might be in the TIGs if we go that way. We only have X amount of hours, and I thought it's kind of unnecessary to use her in these meetings. I think it'd be in our smaller meetings when we need a little bit more focus, or I've also asked her to possibly look at giving us parameters in which...so that we can make sure we're comparing apples to apples and help us to find similar type communities whether they be municipalities or cities that have something at least that it would make sense to compare them to Maui, so I think we'll be using her in that way

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MEMBER STARR: At a future meeting, maybe the next meeting or the meeting after, would it be possible to have her given a little bit of time and address us and maybe between now and then she might make some suggestions and options for process that she feels might be useful for all of us to consider? Perhaps that'll open up a door that hasn't occurred to us so far.

CHAIR TAKITANI: That'd be fine. I have no problems with that. You know, and I...in reading over the resolution as well, and I may be going a little bit off on this, but I don't think I am. The resolution states that this Commission recommend that...well, the County recommended that a taskforce be established to thoroughly review the structure of County of Maui government, to research other models of county governments and prepare a report. And it says that the Council would benefit from our guidance of this similar taskforce or committee in the nature of a blue-ribbon body composed of, I don't know where they got esteemed community leaders from, but that's what we are apparently, on the question of whether or not the Council should initiate a Charter amendment to establish a county-manager of government, and if so, come up with one. The way I read this, they're telling us to do the work. They're not asking us to go out there and get a whole bunch of testimony and go all over the County, that's their job, that's the Maui County Council's job. So we're supposed to look at it somewhat independently as community members and come up with something or nothing. It's our choice, and I'd kind of like to move...I mean, does anybody disagree with that or do you have thoughts on that? Go ahead, Jonathan.

MEMBER STARR: Yeah. I feel that part of what we're being asked to do is to educate the community through these meetings, and it would, we'd be able to do a much better job of it if we did take it out to the communities and especially those areas that kind of have a different constituency.

CHAIR TAKITANI: I don't see that anywhere in the resolution that our job is to educate the community.

MEMBER STARR: I think that unless we make what the process is about and what the options are available to community knowledge, it becomes almost impossible for us to make a true recommendation that tracks along with what the community is feeling. And I also do feel, and it may just be me, that part of our purview has to be to listen to what the people say and most people, as we've heard in several testimonies today, cannot physically do that in this room during working hours. So if we do believe that that's part of our duty, and I do so believe, then I think we must go out to the different communities in the evening. I know that's not convenient and good government is often not convenient, but I do believe that's part of our responsibility to help understand...help people understand what this is about and in doing so gain a deeper understanding ourselves. And then to hear what they have to say about it, not just in Wailuku but also in West Maui as we've been asked to do today and, you know, maybe even Hana and Molokai and Lanai, and try our best to make people aware of it. I...that may be a minority opinion but that is mine.

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CHAIR TAKITANI: I don't know. Kimo Haynes?

MEMBER HAYNES: I agree with you on the concept of getting input from the community so we understand what their interests are, and I think we need to look at the processes that we have in place, and if they're not sufficient maybe we look at, you know, there's opportunity for people to give oral testimony, to give written testimony, so maybe we start there. I do know there's also a number of individuals and, I guess, groups that are out there doing the education part with the community and they're talking to different people, so from the education standpoint there are other groups that are helping with that.

CHAIR TAKITANI: Any...Tamara?

MEMBER PALTIN: I just wanted to say that, you know, going off of what Madge had said about people not coming to meetings even if they're held at night and in their area, and I spoke with Linden, nowadays social media is heavy but we're not allowed to discuss it on Facebook and things like that. But she said it would be okay if people on this Committee who are our friends, we block them from that conversation. And in my experiences of getting the word out whether it's through...for a nonprofit or whatever reason, social media is kind of the way things are going. So, I mean, we can maybe have discussions on Facebook or whatever, Snapchat, whatever you want to use but just block everybody else that happens to be linked with us through social media, or also partner with existing organizations. Maybe...it's good because each of us come from a different district, and I know I've had people within my district ask me to explain to them. So if one of us just goes to each organization within our district and try to explain what we're doing and then get them interested, then maybe they'll come here or watch on *Akaku* or come to a meeting in our own district. I had someone from West Maui Taxpayers Association approach me that they wanted to talk about what's going on, so maybe all of us don't need to be there to start off with it at least, maybe we can just reach out to our own communities and start there as a suggestion.

CHAIR TAKITANI: Any other...Paula?

MEMBER FRIEL: Before we do any of that, could we start with the part that it addresses for us to do the research, so we have something concrete to present? 'Cause that does seem, I mean, that was my understanding and I may be very wrong, but my understanding was we were the research team. And we're the research committee to look at the history, the experience, and the possibility, so we have something for them to grasp to as what was stated earlier by I think Mary [sic], our first person that spoke was that there's a lot of confusion and there are so many possibilities that it's our job, I think, to make it a little tidy and to do the leg work so that everyone else doesn't have to.

CHAIR TAKITANI: Okay. Anybody else?

MS. WILLENBRINK: Excuse me, Chair?

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CHAIR TAKITANI: Pua?

MS. WILLENBRINK: I think Ms. Joesting --

CHAIR TAKITANI: Oh, I'm sorry.

MS. WILLENBRINK: --had a response.

CHAIR TAKITANI: Mister who?

MS. WILLENBRINK: Ms. Joesting.

CHAIR TAKITANI: Oh, you. Okay.

VICE-CHAIR SCHAEFER: Hello.

MS. JOESTING: Mr. Chair, I just wanted to note that the resolution at paragraph five states that the Special Committee shall regularly meet at public locations throughout the County. That doesn't necessarily contradict what other members are saying that you do research and provide a recommendation.

CHAIR TAKITANI: Okay.

VICE-CHAIR SCHAEFER: Mr. Chair?

CHAIR TAKITANI: Who was that? Madge?

VICE-CHAIR SCHAEFER: So my version of this was, or my understanding of this was, that our job was to research the various forms of governance in the mayor, council, county-manager system of governance, and I saw eventually building a matrix that compared all three with that sidebar of the 20 versions of...that the Mayor can be. And then take that out to the public to...after we've done our research I suppose in the, using the TIGs or whatever that we would come together, reach a consensus on what was...what should go into that matrix of comparison, and then go out to the community. That gives an understanding to the...gives an opportunity for the community to benefit from our research and there would be...it would be awkward, I think, at this point early in the game without any research for us to talk to anybody until we're up to speed ourselves.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: I agree with the Chair in that this doesn't seem to be an educational operation and that's the challenge for this thing, six months and then right to the voters. Wow. I'm not seeing a lot of voters getting that right away, getting what even the topic is let alone what the choices are. And I don't see us having, in six months having the opportunity to go cruise around and go to the different communities. It's going to be very difficult. As my experience on the Charter Commission was we had a

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lot of empty rooms when we did that and we did that twice. The only places where we really got an outstanding response was within Lanai and Molokai, because the proposal on the table was to change the Council arrangement and they were steadfastly opposed to that. They would really not have supported and they were outnumbered for that, but we don't have nothing like that on the table that people are going to be able to grasp or respond to. This is much more nuanced than I think what the average voter is going to have a clue about.

CHAIR TAKITANI: Thank you.

VICE-CHAIR SCHAEFER: Mr. Chair, I think maybe the difference is it...my understanding of research is education and I think that they're synonymous.

CHAIR TAKITANI: Paula Friel?

MEMBER FRIEL: I have a question. Okay. So last, we heard from one Committee member last week, they're analyzing the cost effectiveness of switching governments or having a government change. Someone mentioned there is a separate education committee on the same topic.

VICE-CHAIR SCHAEFER: The Cost of Government Committee.

MEMBER FRIEL: No, separate from that. Is there a third committee that's also...

CHAIR TAKITANI: I don't recall the third committee.

MEMBER FRIEL: Okay. So just us and the Cost Committee? I'm just trying to find out if there's more committees that have been formed on the same topic.

VICE-CHAIR SCHAEFER: Oh, I think the reference was to the West Maui and there are some community groups that have done some research in this, but they're not formal --

MEMBER FRIEL: Council.

VICE-CHAIR SCHAEFER: --council committees. Yeah.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: They'd be referred to as advocacy groups.

CHAIR TAKITANI: Okay.

MEMBER FRIEL: Okay.

MEMBER DeLEON: You know, people who are supporting one position or another.

MEMBER FRIEL: Okay.

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CHAIR TAKITANI: Ray Phillips?

MEMBER PHILLIPS: Hi, Chair. I think that we're a little premature in looking at the situation right now. I think what we're charged with basically is going through, I like the idea of the matrix, I think it's a great idea if we can get the information together. Put it down, all of us agree on how that information is presented, then I think in a month or two, we start talking about how we're going to be presenting and communicating with the community. So I think we're just a little premature in talking about these two issues at the same time.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah. And I agree with that. When I suggested that part of our function should be to go out in the community as set out in the resolution. I would also feel that we would be premature at this point to do it, but looking at the entire process I think that stage will come, and we should be starting to figure out how to do that. I know that for Staff that is a very difficult function to try to arrange community meetings in the evening in the districts. I also believe that this is a very different process in function than what the Charter commissions have done in the past where for the most they're doing...they're looking at a whole list of kind of small, mostly wonkish, technical tweaks, where this is a sea change in the way Maui County would be governed and operated. And I do believe it will gather...and has also gathered quite a bit of excitement. And feel that we might be remiss if we don't start to look ahead and plan how to take it out to the communities and communicate it and listen to the manao of different sides of our community, 'cause I'm sure we'll hear a lot of things that we won't think of, so I just want to look ahead to that and not go out next week or anything, but.

VICE-CHAIR SCHAEFER: Mr. Chair?

CHAIR TAKITANI: Yes, Madge?

VICE-CHAIR SCHAEFER: Tamara had an interesting point, and I'm not very Facebook savvy. So I'm wondering, first of all, if communicating on Facebook you're saying...can you give me an example? And can you also tell me why you would have to exclude your friends on your Facebook?

CHAIR TAKITANI: She meant the friends that are within this body.

MEMBER PALTIN: Because of the Sunshine Law.

VICE-CHAIR SCHAEFER: Oh. So you meant the Committee?

MEMBER PALTIN: Yeah.

VICE-CHAIR SCHAEFER: Okay. 'Cause I'm thinking why would it hurt for my friends.

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MEMBER PALTIN: Committee members that are also your friends I meant.

VICE-CHAIR SCHAEFER: So it would be legal and it would just require that we not...any communication that we had on this on Facebook would not include...it would have to go in your news or whatever, and you would...how...you're going to have to explain that to me.

MEMBER PALTIN: When you post something you can block certain people, so you can post to the public and then say except County of Maui, or except Madge Schaefer, things like that. So when you post it, you post it to like to the public except Jonathan Starr, Madge Schaefer, Ray Phillips.

VICE-CHAIR SCHAEFER: Gotcha. Thank you.

CHAIR TAKITANI: Any further comment? Jonathan?

MEMBER STARR: Yeah. I just want to chime in on the social media 'cause that's something I do participate in. And whether it's in social media or whether it's in personal communication with individuals or community groups, I know I feel very comfortable talking about the process, and making people aware of what the process is, and where the meetings are, and who, you know, the names of people on the Committee or how they can contact staff. I don't feel comfortable with expressing a opinion or a value judgment on the actual subject matter until the Committee has a chance to do its work. So, you know, I do feel kind of the...maybe the best way we can service our function is not to be very public about our personal opinions, but the process itself is something we can all be proponents of and help to give people the tools to know what's going on and what it's basically about without saying, oh, I'm for that or I'm against it or anything like that.

MEMBER CANTO: Chair?

CHAIR TAKITANI: Mr. Phillips?

MEMBER PHILLIPS: Around the County, we have several associations like KCA, and to arrange a get-together with KCA is not that difficult and they pull in quite a group out of Kihei for instance. So for a member of this Committee or Chair, to go and make a presentation there at this particular...at a community association meeting might be of benefit and might get people more involved and more interested in the process.

CHAIR TAKITANI: Thank you.

MEMBER CANTO: Chair?

CHAIR TAKITANI: Pua?

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MEMBER CANTO: Just a comment. The problem that I would think would occur or could occur going that route, do we have legal representation at these meetings? Is, you know, you're going there singlehandedly and it gets very powerful and then you get hit with a question that you can't answer. You might get a response like, what's the purpose, and I'm going to leave that one right there. But another comment I want to make regarding social media, we need to give it a rest, I mean, we don't need a 101 at this point. We are on time restraints and I can't utilize social media for this kind of work that we're tasked to do.

CHAIR TAKITANI: Thank you. Kimo?

MEMBER HAYNES: Yeah. I think if we start going out on our own we risk possibly saying something that the Committee doesn't agree on, and I think the Committee's gotta speak as a whole. So I agree with you, Pua.

CHAIR TAKITANI: So I think, if I may, it's probably time to use our facilitator at our next meeting and come up with some method to go forward. I do think we're absolutely premature to be going out to the communities at this point. And if it's okay with you, I'd like to use our facilitator at our next meeting to come up...to help us at least to come up with a methodology or a plan on how best to either come up with some type of an amendment or not, 'cause we do have that option as well. So if we do need a matrix, if we do need to compare apples to apples and oranges to oranges if she can assist us with that in our next meeting.

MEMBER DeLEON: Mr. Chair, amendment to what?

CHAIR TAKITANI: I'm sorry?

MEMBER DeLEON: Amendment to what?

CHAIR TAKITANI: Well, one of our charges is to consider --

MEMBER FILIMOE`ATU: An amendment to the Charter. Charter amendment.

CHAIR TAKITANI: --whether we should actually come up with a proposed Charter amendment and to come up with the amendment.

MEMBER DeLEON: So you mean amending the resolution?

CHAIR TAKITANI: No. One of the...

MEMBER DeLEON: Oh, I see. I'm sorry. I'm way out there.

CHAIR TAKITANI: Okay.

MEMBER DeLEON: Okay, got it. Sorry.

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CHAIR TAKITANI: Is that okay? And the other thing on the agenda the next time is we're going to have a presentation from the sitting Mayor. We wanted to get him here today but he couldn't make it today. Are we good on going forward?

MEMBER HAYNES: Can I ask one more question?

CHAIR TAKITANI: Mr. Haynes?

MEMBER HAYNES: In the resolution it refers to this form of county-manager form of government --

CHAIR TAKITANI: Yes.

MEMBER HAYNES: --or governance. And in the last, in our last meeting, they talked about the term being council-manager. Are we...

CHAIR TAKITANI: I don't think we have the power to change the term.

MEMBER HAYNES: Yeah.

CHAIR TAKITANI: And I think what county-manager does is it gives us flexibility as to how we proceed. It can be some kind of a hybrid or something. Jonathan?

MEMBER STARR: Yeah. I think the term council-manager is a correct term, but it's council/manager, in other words, those are right now it's council-mayor. You know, it might be council/manager/mayor or something like that, but, you know, it's not...they're not one term.

CHAIR TAKITANI: Any other thoughts? I'm just reading, it says county-manager, so I'm assuming the County Council knows what they're talking about.

VICE-CHAIR SCHAEFER: I think it's the semantics question that we went back to --

CHAIR TAKITANI: Yes.

VICE-CHAIR SCHAEFER: --when we had the ICMA.

CHAIR TAKITANI: Yeah. So I don't want to mess with that. I thought we got pass that already.

VICE-CHAIR SCHAEFER: But I think it is slash.

MEMBER STARR: Yeah. We want to be clear that we're not getting rid of the Council in any shape or form.

CHAIR TAKITANI: No, we're not. No, we're not. Okay. Very good.

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

CHAIR TAKITANI: Next item, I think I already mentioned that I was going to ask Bill Crockett and the Mayor to make a presentation, but I'm going to defer that to the 14th if that's okay with you.

MEMBERS VOICED NO OBJECTIONS. (Excused: KO)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR TAKITANI: Thank you.

CG-1(4): COUNTY AND CITY GOVERNMENT ORGANIZATIONAL STRUCTURES

CHAIR TAKITANI: Our third item, the Special Committee is in receipt of correspondence, dated December 17, 2015, from your Chair attaching three models of county and city government organization structures. I received these structures from Ms. Schaefer, and I'd like to turn the floor to her at this point.

VICE-CHAIR SCHAEFER: Well this came about because of a question that Tamara raised with the gentleman from ICMA about what's the difference between county and city. And whether we did that legally or not, but afterwards I pointed out to her that I thought that her question was different than what the answer that she got from the gentleman from ICMA. And I thought it was important to maybe provide an organizational chart that very quickly you all will understand what the difference is in county governments and city governments in terms of their operations. So this is the County's organizational chart, and if you can go down, a lot of these functions are standalone, but a lot of them, if you look at the lines...if I can...

CHAIR TAKITANI: Is there a mic that she can walk around with?

MS. WILLENBRINK: Yes.

VICE-CHAIR SCHAEFER: Okay. Is this...is it work?

CHAIR TAKITANI: Yes.

VICE-CHAIR SCHAEFER: Okay. So some of these services would fall under a department and if we can go to the next chart which I think will be the city...no, this is county. Yeah. So like they have...the city clerk would have other responsibilities, other sub-departments under the cultural affairs, finance would have other things. This is pretty straight forward as to what the responsibilities are of this city government. So then, if you can go back quickly to the council organization, I mean, the county

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organizational chart, if you can move up. In this case the electorate, these round circles are...they're elected officials, but that's just incidental. So here are all the departments that they have, if you can roll that up, so there are...the responsibilities are significantly more for a county than they are for a city. And if you compared the charts, the city responsibilities are very similar to what this County's responsibilities are. So the...there is a substantial difference even though the name of this is the, truly a county in Hawaii, but just the function of government is more like a city in other places throughout the country. That's all. I just wanted to make that point. Yeah.

MEMBER DeLEON: Mr. Chair?

CHAIR TAKITANI: Dave.

MEMBER DeLEON: Isn't there another form, a commissioner form that we don't have in front of us?

VICE-CHAIR SCHAEFER: Well, this is -

MEMBER DeLEON: I understand Portland's, they're a commissioner form.

VICE-CHAIR SCHAEFER: This is the commission, some places, board of supervisors is called county commission.

MEMBER DeLEON: And in some places the commission actually it acts like our old Board of Supervisors where the commissioners are actually to oversee individual departments. Like Portland?

VICE-CHAIR SCHAEFER: I'm not familiar with that model.

MEMBER DeLEON: Yeah. I think there's more models than we can imagine.

VICE-CHAIR SCHAEFER: Well, but just from the point of view of the comparison of responsibilities, and hopefully that answers your question, Tamara, about what is the difference.

MEMBER DeLEON: And one other thought is the City and County of Honolulu is city and county.

VICE-CHAIR SCHAEFER: Yes.

MEMBER DeLEON: They put it under one form.

VICE-CHAIR SCHAEFER: Yes, and they're usually...well, I can't say that because again the name changes, county commission, board of supervisors, council.

CHAIR TAKITANI: Tamara?

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MEMBER PALTIN: So looking at our County of Maui structure and all these commissions that they have like the Public Works Commission, Police Commission, Civil Service Commission, under the current setup majority of the members of those commissions are appointed by the Mayor, is that correct?

VICE-CHAIR SCHAEFER: Yes.

MEMBER PALTIN: So we're going to be having to look at...if we separate the administrative and the operations, who will be the ones appointing those members to those commissions?

VICE-CHAIR SCHAEFER: Well, that's way beyond the scope of what I was trying to show here which was just basically the responsibilities are...what the responsibilities are, and they're greater for county governments than they are for city governments. And because the way the State operates here, the State...in many states across the country, the states have delegated responsibilities that are to the counties that, in Hawaii, the State still operates. So I think the...

CHAIR TAKITANI: If I may attempt to answer that, I think if you're asking does somebody still have to appoint all of these groups, the answer is yes. I don't know who.

MEMBER PALTIN: So that is part of our task of determining...

CHAIR TAKITANI: I think if we make a change, I think we have to give that some thought. Dave?

MEMBER DeLEON: As the person who used to be in charge of boards and commissions in the Mayor's Office, I can tell you that 35 or so boards and commissions, and there's some major power in there. And, I mean, the Fire Commissioner oversees the Fire Department, the Police Commissioner oversees the...and hires and fires the Police Chief, they're pretty significant powers, and they emanated originally from the Mayor with the Council's approval. So we're going to have a council doing that?

VICE-CHAIR SCHAEFER: Well some places that's exactly what happens is the board of supervisors selects...each board member has the right to a position to appoint a committee member.

MEMBER PALTIN: So as it is right now, the entire commission like is appointed entirely by the Mayor?

CHAIR TAKITANI: Some of them, I believe the Council has some say over it. No?

MEMBER PALTIN: They can approve or deny.

CHAIR TAKITANI: Yeah, on some of the commissions. Dave?

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MEMBER DeLEON: The Council has _____ and consent on almost all of the commissions.

CHAIR TAKITANI: Oh, okay.

VICE-CHAIR SCHAEFER: I think Pua had a question.

MEMBER CANTO: Well, I forgot my question. I think, you know, thank you for that presentation, Madge. So Thousand Oaks as versus city and county and our County of Maui obviously because of the population is, you know, we can see where...do we look like we have more employees under that organizational chart as versus Thousand Oaks?

VICE-CHAIR SCHAEFER: Well in the county, which is the chart that we threw up here, if you can put it back up again. The county has 7,000 employees and the city has about 2,000. So again it goes to the responsibility and the greater responsibility. The counties...not here, counties operate a hospital, a county hospital. They operate a social...it's called a general welfare system which means people who are not eligible for welfare, for the first 60 days they can get general relief from the county. So there's all these social services, all the environmental, all the flood controls, a lot of different responsibilities. And the point is not to compare Maui, the point is that I was trying to show here is simply that when you hear the generic term county and the responsibilities of the county, they're different, and that the way this County happens to operate is more like the way cities operate and nothing more. No, you know, no comparison, it was just a clarification and, you know, my experience has been as an elected official as both the city official and as a county official, so I have some firsthand knowledge about that and that was why I wanted to be sure there was a clear understanding.

MEMBER CANTO: I appreciate that. Thank you. Thank you, Chair.

CHAIR TAKITANI: Kimo Haynes?

MEMBER HAYNES: I'm fine. Never mind. You said it enough.

CHAIR TAKITANI: Dave DeLeon?

MEMBER DeLEON: So just to pick your mind for a moment, Madge, so if you were...what was the name of the county involved here?

VICE-CHAIR SCHAEFER: Ventura County.

MEMBER DeLEON: Ventura County. And how many municipalities fell under Ventura County?

VICE-CHAIR SCHAEFER: Well cities, they were independent cities.

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MEMBER DeLEON: Well how many municipalities generally came under the territory of Ventura County?

VICE-CHAIR SCHAEFER: There were nine cities.

MEMBER DeLEON: And any townships?

VICE-CHAIR SCHAEFER: No.

MEMBER DeLEON: No townships or smaller entities, just nine cities?

VICE-CHAIR SCHAEFER: Uh-huh.

MEMBER DeLEON: Okay. So that's a significant difference for us because we don't have, you know, municipalities underneath this structure.

VICE-CHAIR SCHAEFER: Right. That's true. That's very true.

MEMBER DeLEON: That's why ours looks more like a county government, or I mean a local government. Thank you.

VICE-CHAIR SCHAEFER: Okay. So there was one other thing that I was trying to...

CHAIR TAKITANI: Wait. Kimo Haynes?

VICE-CHAIR SCHAEFER: Oh, sorry.

MEMBER HAYNES: I think we can agree there's differences, there's going to be unique situations all over the place and we keep talking about this and that. I think we all agree there's different situations, we need to go forward and figure out what's best for Maui County.

CHAIR TAKITANI: So I think we can agree we're not going to find any apple that matches this apple.

VICE-CHAIR SCHAEFER: No. I think that...

CHAIR TAKITANI: 'Cause this is the best apple.

MEMBER FILIMOE`ATU: Amen.

VICE-CHAIR SCHAEFER: So there was one other thing and I wanted to share with you all and it's a website that I was put on to, it's just in quotations, Maui County Charter, if you Google that, you will get the history of every Charter Commission, all the minutes. It will keep, it can keep you busy for days but their reports are there too. So it's a great resource for us if you have questions about...

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MEMBER CANTO: Did you say Google or giggle?

VICE-CHAIR SCHAEFER: Google. Google.

CHAIR TAKITANI: You can giggle it if you want to. Any further questions?

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Thank you very much, Madge. We have...we normally would take a break at this time, but I kind of, you know, we got some people who want to go do their Christmas parties. I'm not going to mention any names, Ray, so why don't we...can we power through a little bit?

MEMBER HAYNES: Five minutes.

CHAIR TAKITANI: Five minutes?

MEMBER HAYNES: Nature's calling.

CHAIR TAKITANI: Okay. Can we do like a three-minute recess?

MS. WILLENBRINK: Sure.

CHAIR TAKITANI: Okay. Three-minute recess. . . .(gavel). . .

RECESS: 1:48 p.m.

RECONVENE: 1:52 p.m.

CHAIR TAKITANI: . . .(gavel). . . Okay. Calling our meeting back to order.

CG-1(5): TEMPORARY INVESTIGATIVE GROUP

CHAIR TAKITANI: We are on our item number four. I had wanted to, for us to just sort of discuss TIGs a little bit just to sort of get a feel for it, but being that we're going to do, our next meeting we're going to have our focus, our focused facilitator help us out. Would it be okay if we deferred that discussion until the next time?

MEMBER STARR: Mr. Chair, I move to defer that item.

CHAIR TAKITANI: Do I have a second? I don't know.

VICE-CHAIR SCHAEFER: Yeah. Second.

CHAIR TAKITANI: Okay. All in favor...oh, any discussion? Anybody want to talk about this?

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VICE-CHAIR SCHAEFER: Just one point, we're going to have a very busy agenda then next month. So the Mayor's...

CHAIR TAKITANI: Well it's time, you know. We have a time limit, so --

VICE-CHAIR SCHAEFER: No, no, that's...

CHAIR TAKITANI: --we're going to have to crank.

VICE-CHAIR SCHAEFER: That's right. I'm just saying for the point of personal planning, if you have a party to go to, no.

CHAIR TAKITANI: No, but that's January so all the parties will be done. Okay. Okay. So all in favor...

MS. WILLENBRINK: Chair? Point of clarification, no motion is needed to defer an item.

CHAIR TAKITANI: Okay. That was fun. I was kind of having a good time doing that. Okay. So we're going to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KO)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR TAKITANI: I think we're done.

VICE-CHAIR SCHAEFER: Okay. Move adjournment.

CHAIR TAKITANI: That was it, right? We have any other items?

MS. WILLENBRINK: If there's no further discussions.

CHAIR TAKITANI: Is there any other things that we formally have to do here?

MS. WILLENBRINK: Just adjourn.

CHAIR TAKITANI: Okay. Special Committee is adjourned. You all have a very happy, happy, happy holiday season and we'll see you next year.

MEMBER STARR: Merry Christmas

CHAIR TAKITANI: Merry Christmas. Aloha.

UNIDENTIFIED SPEAKER: Merry Christmas.

VICE-CHAIR SCHAEFER: So, Tony, the presentations will be first and then the work with Lori --

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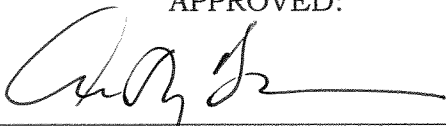
MS. WILLENBRINK: Did you hit the gavel?

VICE-CHAIR SCHAEFER: --will be second? Okay, good.

CHAIR TAKITANI: . . .*(gavel)*. . .

ADJOURN: 1:54 p.m.

APPROVED:



TONY TAKITANI, CHAIR
Special Committee on County
Governance

cg:min:151223:mb

Transcribed by: Michelle Balala

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CERTIFICATE

I, Michelle Balala, 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 11th day of January, 2016, in Makawao, Hawaii



Michelle Balala