

# **SPECIAL COMMITTEE ON COUNTY GOVERNANCE**

**Council of the County of Maui**

## **MINUTES**

**March 10, 2016**

**University of Hawaii – Maui College  
Pilina Multi-Purpose Room**

**CONVENE:** 5:02 p.m.

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

**EXCUSED:** Kay Okamoto, Member

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Sharon Brooks, Legislative Attorney  
Raynette Yap, Substitute Committee Secretary

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

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

David Raatz, Director, Office of Council Services

Jo-Ann Sato, Supervising Committee Secretary, Office of Council Services

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

**OTHERS:** Tony Ramil  
Buck Joiner  
Joe Fradin  
Dale Bonar  
Gordon Firestein  
Greg Stratton  
Steve Goldsmith  
Dave Taylor (Director of Water Supply)

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

Maile Kekona T.  
John Fitzpatrick  
Dave Taylor  
Tiare Lawrence  
Timothy Lara  
Marjorie Bonar  
Bruce Douglas  
Dick Mayer  
Daniel Kanahele  
Deborah Mader  
Mike Foley  
Randy Wagner  
Nikhilananda  
Linda Berry  
Hana Steel  
Alanna Loehnis  
Carol Lee Kamekona  
(20) additional attendees

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

---

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

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

CHAIR TAKITANI: . . .(*gavel*). . . Will Special Committee on County Governance please come to order? Can you please turn off all your cell phones or anything that you might have? I'd like to introduce the Members. First of all, I'd like to thank all of you for coming out tonight. We appreciate you taking the time and making the effort. So I'd like to introduce the Members of our Committee: Madge Schaefer, Committee Vice-Chair; Pua Canto; Dave DeLeon; Renee Kehau Filimoe`atu; Paula Friel from Molokai—Kay Okamoto from Lanai is excused tonight due to rough waters, she couldn't make it today—Tamara Paltin; Ray Phillips; Jonathan Starr; and Kimo Haynes. My name is Tony Takitani. And I'd also like to introduce our Facilitator this evening, Lori Teragawachi. Deputy Corporation Counsel, James Giroux. The winds kind of screwed up your hair tonight. Our Committee Staff: Kimberley Willenbrink the Legislative Analyst, Sharon Brooks is our Legislative Attorney, Rayna Yap is our Committee Secretary. Is Hana Office here? Are you with us? Kim?

MS. WILLENBRINK: Hana Office, are you here?

MS. LONO: Good evening, this is Dawn Lono at the Hana Office.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MS. WILLENBRINK: Thank you, Dawn. Lanai Office, Denise, are you on?

MS. FERNANDEZ: Good evening, Chair, this is Denise Fernandez on Lanai.

CHAIR TAKITANI: And tonight our Molokai Office is excused. At this time, we'd like to proceed with public testimony. Ms. Willenbrink?

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

MS. WILLENBRINK: Thank you, Chair. Hana Office, do you have anyone wishing to testify?  
Hana Office, do you have anyone wishing to testify?

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

MS. WILLENBRINK: Thank you, Dawn. Would you please send me an e-mail if you do get testifiers?

MS. LONO: Okay. Send an e-mail to Kim Willenbrink?

MS. WILLENBRINK: What was that?

MS. LONO: Send an e-mail to Kim Willenbrink?

MS. WILLENBRINK: Yes.

MS. LONO: Okay. Will do.

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

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

MS. WILLENBRINK: Thank you, Denise. Could you also send me an e-mail if you get testifiers?

MS. FERNANDEZ: Will do.

MS. WILLENBRINK: Thank you. Chair, the first person here in the room to testify is Tony Ramil and Tony is followed by Buck Joiner.

CHAIR TAKITANI: What's our time limits this evening, are they three minutes?

MS. WILLENBRINK: Oh, I forgot to do that part.

CHAIR TAKITANI: You want me do it for you?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MS. WILLENBRINK: I've got it. For individuals who will be testifying here at UH Maui, please sign up at the desk. 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 testifier stand will turn yellow and...oh, we don't have that. I have a stop watch and I will be monitoring that. At three minutes I will kindly ask you to stop. When you begin your testimony, please state your name and the name of any organization you are representing. As you know, we have established a connection to the District Offices. Okay.

CHAIR TAKITANI: Kim, before we start, can we be certain that we thank the people here at the University of Hawaii Maui College that helped us make this happen tonight? I know it wasn't a simple thing, so...I'm not certain who you worked with, but please.

MS. WILLENBRINK: Yes. UH Maui was very helpful in helping us put this meeting together this week. They waived fees for us and our technical support team is right here and he has just been amazing helping us pull all of this together as well as *Akaku*. We'll be live broadcast on Channel 55 this evening.

CHAIR TAKITANI: 'Cause if they did not waive the fees, we'd be passing Buck Joiner's hat around tonight, wouldn't we? So thank you very much to the UH Maui College. Tony Ramil?

MR. RAMIL: Mr. Chairman and Members of the Special Committee, fellow citizens, good evening. This public hearing is a welcome opportunity for us to present ideas and proposals to improve our County government. Thank you for this opportunity. Just changing the form and structure of government would not, by itself, bring about a better and more effective and efficient public service. Better government service depends a lot on the competence, diligence, dedication and integrity of the people who work in government. I personally don't entertain any illusions that there is anything magical in such words as "city manager" or "county manager" or that if we instituted a city manager or county manager form of government, things will be a lot better in Maui County. In 1976, the people of Maui County undertook a process, discussions and public hearings that led to the adoption of a new County Charter. One of the questions discussed and debated in 1976 was whether Maui County should have a city manager or county manager form of government. The people retained the mayor-county council form of government; however, the position of managing director was created. The managing director's job was simply stated, to serve as the mayor's principal management aide. The manager...the first person to hold the title of Managing Director was Shigeto "Mustard" Murayama who had earlier served as County Treasurer; Finance Director; and later, Director of Water Supply. Much have changed since 40 years ago. The present County Charter now provides for a separate Department of Management consisting of a managing director and the necessary staff; and bestowing on the managing director powers, duties, and functions apart from those which the mayor may assign to him or her. I am for retaining the present structure of County government. I strongly believe that the principal responsibility of running our County government should be on one, directly chosen by the people and

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

who is directly answerable to the people and that is the Mayor. However, based on what I have heard and observed concerning the operation of County government and especially the office of the managing director, the following suggestions are proposed. First, that the managing director's appointment be made by the Mayor subject to confirmation by the County Council and that the managing director may be removed from office by the Mayor only with the concurrence of the County Council. Confirmation by the County Council, as the Legislative body of the County, should impress upon the managing director that his or her office has a lot more significance in terms of serving the people and advancing the public good than his or her loyalty to the mayor or any one individual. Second...

MS. WILLENBRINK: Three minutes.

MR. RAMIL: May I continue, Mr. Chairman?

CHAIR TAKITANI: Is his time up?

MS. WILLENBRINK: Three minutes.

CHAIR TAKITANI: Can you like let them know when it's like they got 30 seconds or something --

MS. WILLENBRINK: Okay.

CHAIR TAKITANI: --instead of just...I don't want them to...have to abruptly.

MS. WILLENBRINK: Will do.

MR. RAMIL: May I proceed, Mr. Chair?

CHAIR TAKITANI: If you can finish up please?

MR. RAMIL: That, second, that to be eligible for appointment to the office of managing director, a person must not have been actively, openly, directly, or indirectly, or behind the scenes involved in promoting and advancing the election of the appointing mayor or any of the incumbent County Councilmembers. Actively and openly involved in an election campaign shall include but not limited to serving in a candidate's campaign committee as chair or treasurer or member. Third proposal, that the managing director, while in office, shall not be actively, openly, directly or indirectly, or behind the scenes, involved in promoting and advancing the election of any candidate for public office in the County of Maui.

CHAIR TAKITANI: Tony...

MR. RAMIL: Fourth, that the managing director shall not be eligible for election to any elected public office in the County of Maui sooner --

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Okay. Mr. Ramil...

MR. RAMIL: --than two years after he or she shall have ended --

CHAIR TAKITANI: Mr. Ramil, your time is up. Can we have your...

MR. RAMIL: --hold...the office of...anyway, your honor, I have submitted a written statement.

CHAIR TAKITANI: Can we have a copy of that please?

MR. RAMIL: I did, your honor.

CHAIR TAKITANI: I'm not the judge.

MR. RAMIL: Can I make a conclusion, your honor? Final...

CHAIR TAKITANI: Ten seconds.

MR. RAMIL: I was not told that there is a limit. In conclusion, so-called city manager forms of government obtained in many cities and municipalities in the mainland, and in those places, even as there is a city manager, there remains a mayor apart from a board, council, or legislative body. In the bigger cities, it is not unusual that the city manager receive a higher amount of remuneration than the mayor.

CHAIR TAKITANI: Thank you, Mr. Ramil. Can we have that please? Thank you. Questions? Sorry. Dave followed by Madge.

MR. RAMIL: I hope the questions will allow me to answer. Okay.

MEMBER DeLEON: Hi, Tony.

MR. RAMIL: Okay, Mr. DeLeon.

MEMBER DeLEON: This on, is this on?

UNIDENTIFIED SPEAKER: Yeah.

MEMBER DeLEON: Okay. Tony, I didn't quite get the end of your presentation. What I'm hearing is, sort of like you're installing...you're taking our managing director...current managing director system which is really under the mayor's political guidance and trying to make it more of a, an independent manager, is that correct?

MR. RAMIL: Can you repeat that?

MEMBER DeLEON: I'm trying to understand your proposal. And what I'm hearing is that you're suggesting...what I'm hearing you suggesting is that the...to make the existing

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

Managing Director more of an apolitical position, sort of like a managing, like a county manager.

MR. RAMIL: What I'm saying is this, I think we will retain the mayor's office but also strengthen the office of the managing director's office. That's why I am suggesting that perhaps one way of doing this is maybe having the managing director appointed by the mayor with the confirmation of the County council. So the County managing director would not be only, I think, feel I think some kind of responsibility toward the mayor but also the County council. Of course both bodies are elected by the people. That's what I am...

MEMBER DeLEON: Yeah, thank you.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Thank you very much. You've obviously thought about this a lot. I like to take notes and I lost my place on your Item No. 2. Can you tell me what that was again please?

MR. RAMIL: Which one?

MEMBER DeLEON: Number two.

VICE-CHAIR SCHAEFER: Two.

MR. RAMIL: Oh, two? Alright the second is...

CHAIR TAKITANI: I think it had to do with if you campaign for him.

MR. RAMIL: Tony, my second proposal and the third are related. Maybe I might as well read them because I think the intent of these two proposals is to, I think, I feel that the managing director should not be, the office, the department of management should not be politicized. And I think that the office of the managing director should focus on managing and running the govern instead of I think getting involved in fundraising and campaigns or I mean, planning strategies for electing somebody who is \_\_\_\_\_. Let me, you'd like me to repeat my...

VICE-CHAIR SCHAEFER: I think the item I was missing was No. 2. The first item you gave us was the confirmation by, of the managing director, mayor appointing, we can send to the council and then the second, the item after that was what I'm missing.

MEMBER DeLEON: No. 2, that's No. 2.

MR. RAMIL: You like to me...the second one. Yeah, yeah. You'd like me to read it?

VICE-CHAIR SCHAEFER: Just repeat the second one.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. RAMIL: You'd like me to read it or comment?

VICE-CHAIR SCHAEFER: Read.

MR. RAMIL: Read. That to be eligible for appointment to the office of managing director, a person must not have been actively, openly, directly or indirectly, or behind the scenes involved in promoting and advancing the election of the appointing mayor or any of the incumbent County's councilmember. Actively and openly involved in an election campaign shall include but not limited to serving in a candidate's campaign committee as chair or treasurer or member. The point here is, I think, I do not like to see the mayor appointing his campaign manager as managing director, that's the point.

VICE-CHAIR SCHAEFER: I understand.

MR. RAMIL: Okay, and that's the point. And I think the third proposal is, I think, related to that because it says that while in office, the managing director should not be actively involved in politics either, especially, I think, you know, there is, I really, I mean don't like the idea that the entire department of management becomes the hub of running an election campaign, you know. You know I think that is bad for government, you know. The managing director being the chairman of the campaign committee of the mayor running for re-election and what would else would the staff members do? They become the hub of the campaign for the election of the mayor.

VICE-CHAIR SCHAEFER: Thank you very much. I appreciate your...

CHAIR TAKITANI: Any other questions? Pua?

MEMBER CANTO: Sir, thank you so much for being here. I do want to confirm that we will get a copy of his testimony?

CHAIR TAKITANI: Can we have it?

MR. RAMIL: ...*(inaudible)*...

CHAIR TAKITANI: The testimony?

MR. RAMIL: I submitted...

MEMBER CANTO: You did?

MR. RAMIL: I only prepared three. I called the County Council's --

CHAIR TAKITANI: Okay. We have it.

MR. RAMIL: --Office of Services but they didn't tell me I had to prepare 16 copies.

CHAIR TAKITANI: We have it. Thank you.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. RAMIL: Let me see.

MEMBER CANTO: Thank you.

MR. RAMIL: I think...

CHAIR TAKITANI: Any other questions?

MR. RAMIL: Is that it, your honor?

CHAIR TAKITANI: Thank you. Thank you.

MR. RAMIL: Thank you very much. Thank you for listening.

CHAIR TAKITANI: Who is next?

MS. WILLENBRINK: Buck Joiner, followed by Joe Fradin.

MR. JOINER: Before you start the clock on me, please, I'd like to acknowledge the fact that Tony Ramil is a Maui County historian and has written extensively, done a lot of study and written a lot about the politics here. Okay. Now my...okay. Buck Joiner speaking as an individual. Mahalo kakou. Thank you to everybody both, Committee Members in particular for addressing this issue which is very, very complex and literally a rule-changing situation. I am concerned...and thank you to the audience, you know, for attending and being involved and caring enough about your community to be here. It's very good. I am concerned that many people will address this situation based on whether they like the Mayor or don't like the Mayor, this particular one who's in office. And I would caution that the action taken by this or whatever happens as a result of this will have no impact whatsoever on the current Mayor. This is not about liking or disliking the Mayor or his actions. This is about changing the form of government. And I think it's a very critical issue. Right now, this has been set up over several thousand years that we have arrived at this point where we have a Legislative Branch and an Executive Administrative Branch and these two balance each other. That's the objective. They are not always going to agree. They are not going to always disagree hopefully. But the point is, what is under consideration here is changing it from this into an oligarchy. Changing it into a situation where power is invested in the County Council and specifically, in the Chairman of the County Council and that person in effect becomes emperor of Maui County. You no longer have this. You have one person in control. If you like that, wonderful. If you don't, you are out of luck. There's not much you can do about it. I would ask that this Committee particularly pay attention to Charmaine's comments. I was not a particular fan of Charmaine Tavares, nor was I an enemy. But the point is that this is a lady who was a department head, who was on the County Council, who was Mayor and has seen all of it. And her suggestions that you tweak the system, fine tune it, find out where some of the problems are and make adjustments --

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MS. WILLENBRINK: Thirty seconds.

MR. JOINER: --I believe is superior to changing us from a balanced situation into an oligarchy. Thank you.

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

MEMBER FRIEL: Good evening. Thank you for coming out. Can you clarify the date of that newspaper that you are referring to, please?

MR. JOINER: Yes. This was January 29<sup>th</sup>, Friday, January 29<sup>th</sup>. It's accessible online if you have a paid subscription or you pay, otherwise, the article is not there.

MEMBER FRIEL: Thank you for the clarification.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: You talk about an oligarchy. So how does this differ than the situation today where you have a council who can override any, can veto?

MR. JOINER: Yeah, we have a, you know, this situation that we have it's complex, but it has evolved, you know, with the Mayor and the County Council where there can be vetoes and overrides and what have you. And if you have an oligarchy where you have just one, basically, one group that is in charge, you know, to me, that is terrifying. That is very, very, very frightening. So I would prefer to stick with the system we have, but definitely make some changes and you need people that are way smarter than me to make that.

MEMBER HAYNES: The Council is an elected body, individually elected, not as a group, correct? So you don't have a unified group, you have councilmembers that are all individually elected.

MR. JOINER: I understand that. I've been here 33 years and been politically active since day 1. Yeah. But the point is that, you know, all of the power basically comes down to the person who is in charge of the County Council, is going to have more power and one power and there's not...and another thing that I would like to point out, when I need something done within the government, I tend to go to the department heads or to the Mayor and I get action. When I take something to the County Council, it sits there forever. It just, you know, and that is an important thing. Under the county manager, I don't know if you would be allowed to go see the department heads or if you would even be allowed to see the county manager. Okay. It's quite possible they, that he can just turn around and say, I do not, the county manager says, I do not report to the people. I report to the head of the County council.

MEMBER HAYNES: Sorry, one more follow-up. I'm finding it, I'm having a hard time understanding what your concern is, how that differs from what's actually happening today?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. JOINER: What is happening today is we do have a balanced system. We have, you know, the Mayor draws up the budget and submits it to the Council. The Council fine tunes it, passes it, the Mayor can then veto, they can override it. There is this back and forth and there's, you know, which is what's happening today and I like that. I think that's important. Is it as efficient as it could be? Probably not. That doesn't necessarily mean that going to a single system with the County Council in charge of everything is going to solve the problems. I really don't think it is. I like being able to talk to the department heads, to talk to the Mayor, to be able to put it in the newspaper. If I have a complaint about the county manager, he's not going to listen. Okay. 'Cause he doesn't report to the people. He's not interested. He only reports to the County Council. Thank you.

MEMBER HAYNES: Thanks.

VICE-CHAIR SCHAEFER: Chair?

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: I think you have to hold this button down, is that correct?

CHAIR TAKITANI: I'm uncertain.

MEMBER HAYNES: I don't think so.

CHAIR TAKITANI: I don't have a button.

MR. JOINER: Just slide it.

MEMBER HAYNES: Just get closer, go closer.

VICE-CHAIR SCHAEFER: Okay. Does this work?

CHAIR TAKITANI: Just get closer.

VICE-CHAIR SCHAEFER: Okay. Can you hear me now?

MR. JOINER: Yeah. I'll try.

VICE-CHAIR SCHAEFER: Okay. Alright. So, Buck, what you're saying is that you think if there was a county manager that the access to county government would be less?

MR. JOINER: Absolutely. Yes, I think it very well could be.

VICE-CHAIR SCHAEFER: So have you ever been in a government that had a county manager?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. JOINER: No.

VICE-CHAIR SCHAEFER: Okay.

MR. JOINER: Okay.

VICE-CHAIR SCHAEFER: Well, I have. And I can tell you that it works very well. And it's very user friendly.

CHAIR TAKITANI: Madge, tonight we got a lot of people testifying, so ask your question.

VICE-CHAIR SCHAEFER: I understand. I'm gonna ask the question.

CHAIR TAKITANI: Please don't testify.

MR. JOINER: And you are also indicating bias on this Committee.

VICE-CHAIR SCHAEFER: Absolutely. I absolutely am and --

MR. JOINER: Thank you.

VICE-CHAIR SCHAEFER: --let me tell you, that's allowed. So you held up today the newspaper from January and talked about oligarchy. Did you hold up today's paper and talk about oligarchy? That's all.

MR. JOINER: No comment.

CHAIR TAKITANI: Thank you, Buck. Any other questions? Ray?

MEMBER PHILLIPS: Thank you, Mr. Joiner, for coming and testifying in front of us this morning or this afternoon or this evening.

UNIDENTIFIED SPEAKER: We can't hear you. Bring the mic close.

MEMBER PHILLIPS: Thanks for testifying for us. Are you familiar with other forms of governance including county managers, councils and mayors?

MR. JOINER: Only briefly, on...peripherally.

MEMBER PHILLIPS: Peripherally.

MR. JOINER: I wanted to make it very clear that I have not made a deep study of this issue and questioned others in other locales in states and locations. I am not an expert by any stretch of the imagination. I'm speaking only as an individual with my opinion from 33 years of activism on Maui.

MEMBER PHILLIPS: Okay. Thank you very much, appreciate it.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: I just had a question regarding what you were saying. What would be the difference between the Mayor proposing a budget with the input of the department heads and submitting it to the Council and them tweaking it versus a county manager preparing a budget with the input of the department heads and submitting it to the Council and tweaking it? It seems like a similar thing of the checks and balances that you were mentioning?

MR. JOINER: I just don't think that there would be the differences of viewpoints. Right now I believe that the Administration has, you know, a particular viewpoint and the Legislative Branch or the County Council has a different perspective and I like that balance. And whereas if you had a county manager proposing a budget and, you know, I mean, he's giving it to the people that appoint him, so, you know, and he has to do whatever they say and he doesn't have the opportunity, you know, there's...to me, he has less authority, less ability to make adjustments and changes, so I really, I prefer the way it is right now. But I do think the system needs tweaks and changes. I'm not informed well enough to be able to tell you specifically this is what you should do.

MEMBER PALTIN: May I have one follow-up? So, if the tweaks turned out to be sort of a hybrid of the two, the things that you like about a different structure and take out the things that we don't like about the current structure, would that be acceptable as a tweak?

MR. JOINER: Some of the tweaks that, you know, the question is, what tweak would be appropriate? I really like the one where Charmaine suggested an overlap of directors and departments when there's an administrative change. That is genuinely something that is necessary. To have a dramatic one day this person is in charge, the next day somebody else comes in completely green without knowing what's going on. No, need a training period in there. That is a very excellent tweak. There are some other things that you could do. There's no question that, you know, that some people are able to get things done more than others through political connections or what have you. And I have to admit that I'm one, not much, but a little bit.

MEMBER PALTIN: Thank you, sir.

MR. JOINER: Thank you.

CHAIR TAKITANI: Thank you. Next?

MS. WILLENBRINK: Our next testifier is Joe Fradin, followed by Dale Bonar.

CHAIR TAKITANI: Joe, can you repeat your last name?

MR. FRADIN: Fradin, F-r-a-d-i-n.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Thank you.

MR. FRADIN: You're welcome. Aloha --

CHAIR TAKITANI: Aloha.

MR. FRADIN: --Mr. Chairman and Members of the Committee. We really have two things here. One, do we change our form of government and how? First one it's a no-brainer. It's better to have a professional, somebody who is professional at managing a huge enterprise, running our County, versus the most popular guy on campus. Which would you want? So that's a no-brainer. Now, the structure, I don't know, that's up to you folks and that's the toughie. Everything's in the details. So I wish all the best, finding the best guy to run it, not the most popular guy around, and then figure out how to best, give him the power to run the County as best that it can be. Mahalo.

CHAIR TAKITANI: Thank you very much.

MEMBER CANTO: Chair?

CHAIR TAKITANI: Questions? Pua? Joe, would you mind taking a couple of questions?

MEMBER CANTO: Mr. Fradin, how long have you lived on Maui? Over here, sir.

MR. FRADIN: I've lived here 15 years.

MEMBER CANTO: Fifteen years. So you know how the County operates, you know of what our Mayor's done?

MR. FRADIN: As any citizen would. Yeah. I built, had a house built in Kihei so we've been there. We were here about a year until we got it built so. We've been in the same house 14 years.

MEMBER CANTO: Fourteen years. Thank you so much.

MR. FRADIN: You're welcome. Thank you.

CHAIR TAKITANI: Thank you very much.

MS. WILLENBRINK: Mr. Chair, if the Members have questions, could they speak directly into the microphones? The District Offices are having trouble hearing the testifiers and the Members.

CHAIR TAKITANI: Is it possible that there's like too much...

MS. WILLENBRINK: There's an echo.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Is there a way to thin it out or something?

MS. WILLENBRINK: Well, what we are, they are doing right now is watching it live on *Akaku*, so that may be the fix.

CHAIR TAKITANI: Okay. Thank you. Kim?

MS. WILLENBRINK: Our next testifier is Dale Bonar, followed by Gordon Firestein.

MR. BONAR: Aloha, Chair, Members of the Committee. I'm Dale Bonar, speaking as a member of the public, who believes that we need to significantly improve the effectiveness, professionalism and responsiveness of our government services. Although the Committee has received a great deal of testimony and information about the topic of the mayor-council, and a council-manager-mayor types of structure, it's been somewhat disconcerting that you all haven't had time to do any discussion of what you've heard there. You sat there and listened to testimony. More so, it was a surprise when the Committee was asked to vote on the topic a couple of meetings ago and there had not been any more than cursory discussion there. Even more so, that the two questions that you were asked to vote on were not representative of the core issue being addressed by the Committee. I'd like to offer a simple proposal for governance that presents the elements of the county manager type of structure, a council-manager-mayor type of structure and would be very straightforward to use as a basis for you to go ahead and discuss what are the pros and cons of the different bullet points. You've been provided with this one-page outline in your packet and a copy has just been distributed to you again. And so I'm not going to sit here and read it other than just say, basically, we can have an elected mayor, the elected mayor would retain many of the responsibilities that he or she have now, including, you know, representing the County, being the face of the County, retaining a veto, so you have a balance there. But one of the things that's important that I suggested here is vastly better interaction between the Council and the Mayor. One way is just by simply having the Mayor attend Council meetings. One meeting every two weeks, you know, they should be able to handle. If they have a county manager that releases them from a lot of those duties that we've heard testimony before consume much of the Mayor's time, they're going to be able to do that. This increases communication. It increases the ability to negotiate out things ahead of time and to get them done. I firmly believe the positions of senior management staff, your department directors, deputy directors and a county manager should be long-term positions that do not turn over at each mayoral cycle. The inconsistencies that happen, if you talk to people down in the departments, the general tone is, oh, yeah, we got a new person in, it'll take a year --

MS. WILLENBRINK: Thirty seconds.

MR. BONAR: -- or two to get them up to speed. So, I encourage you to take a look at this. Think about using this as a bullet point model you can argue pros and cons with. Thank you.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Thank you very much. Questions? Paula?

MEMBER FRIEL: My simpleminded interpretation of your proposal of the mayor, can you please correct me if I'm wrong. Sounds like he would be elected and become one of the members of the council and be their public relations representative?

MR. BONAR: Well, that's part of it. He would...I'll touch some of the other things in here. Retain the veto, proposing members of board and commissions as they do now and would be participating with the council--this is one of the choices--in the actual identification search for and hiring a professional qualified manager.

MEMBER FRIEL: Yes. So he becomes, he's active with the Council? He becomes one of the councilmembers?

MR. BONAR: Participating.

MEMBER FRIEL: Okay.

MR. BONAR: The decision would be, okay, do they have a vote on Council? You know, one of the suggestion is --

MEMBER FRIEL: Yeah and he has a equal vote?

MR. BONAR: --well, they could be a tie breaker vote on Council, but discussion.

MEMBER FRIEL: Thank you for the clarification.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Thank you. Thank you, Dale, for coming and testifying in front of us this evening. When reviewing the testimony that you provided us, it comes into my mind--please tell me if I'm incorrect--that you're really talking about the responsibility that the mayor would still have, a strong responsibility as the, one of the chief policy managers and creators and directors for the County of Maui, am I correct in that thought?

MR. BONAR: Yes. Yes. I mean, I would see that the council, if we look at how the structure of balance is supposed to work, council comes up with policies, they accept them, they vote on them, they put them into effect. The mayor carries them out or the manager would oversee to make sure those things are carried out as well there. And so, I see that with the mayor and the council kinda participating closer together in the development of policy and the oversight of the manager, who then is going to make sure the departments carry out those policies, you have a much more consistent, efficient professional level of management.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER PHILLIPS: So am I to understand that your thought is that the mayor interacts with the council on a much greater level that he might be doing at the moment?

MR. BONAR: Yes.

MEMBER PHILLIPS: Might he participate as an individual that's part of the Council?

MR. BONAR: Up to discussion.

MEMBER PHILLIPS: Okay.

MR. BONAR: Should they be...I mean, there are structures where the mayor is actually a member of the council and some councils, they just, the mayor gets elected by the council every couple years, just like a council chair would be, so that wouldn't be popularly the elected, he'd be elected by the council who of course are elected by popular. I think what we've heard in talking to people out at community meetings at, you know, Kiwanis and rotary meetings, things like that is that people want to be able to vote for a mayor and so this gives the mayor lots of things to do, lots of responsibility, but it sets that really management side, under a professional person who is not subject, or at least not much subject to the types of pressures from whether it's cronyism or political monies or, you know, having to work to make sure the boss gets reelected again, those kind of things.

MEMBER PHILLIPS: Okay. Thank you, Mr. Bonar.

MR. BONAR: Certainly. Thank you very much.

CHAIR TAKITANI: Thank you, Dale.

MS. WILLENBRINK: Our next testifier is Gordon Firestein, followed by Greg Stratton.

MR. FIRESTEIN: Good afternoon.

CHAIR TAKITANI: You know, I'm having a hard time hearing the names. So...

MR. FIRESTEIN: It's Gordon Firestein.

CHAIR TAKITANI: Thank you.

MR. FIRESTEIN: And I'm coming to this topic only relatively recently. I know all of you have been meeting for quite a while and I haven't followed all of the details from the beginning. It's obviously a very complicated subject and the details are important. I have had a chance to look at some of the previous, you know, videotaped testimony and some of the documents that have been submitted and in particular, I found the testimony that Mark Hyde presented recently in some of the documents that he submitted in support of his testimony to be very compelling. And my focus is really an echo of what the two previous testifiers have emphasized, which is that, you know,

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

obviously the County is facing some very serious long-term challenges in terms of housing and water and infrastructure, regenerative ag. You know there's a very long list and it seems clear to me that what's required are career professionals to, you know, lead the County in addressing these challenges. And my understanding of the proposal for a county manager system of government is that that form of government is more likely to promote that kind of situation. So I am here in support of that idea and I think it would be great if you could get as far as putting a proposal on the ballot for November. I think that would help get citizens sort of up to speed on what the issues are and give them an opportunity to express their voice on that. So thank you.

CHAIR TAKITANI: Any questions for Mr. Firestein? Jonathan?

MEMBER STARR: Yeah. Mr. Firestein, do you think the voters are qualified to make a decision this important?

MR. FIRESTEIN: Not at this point.

MEMBER STARR: No, I mean, if it got on the ballot?

MR. FIRESTEIN: But ultimately, I think it is their, you know, the citizen's right and responsibility to make that decision.

UNIDENTIFIED SPEAKER (from the audience): . . .*(inaudible)*. . .

CHAIR TAKITANI: Excuse me, wait. Who's next?

MS. WILLENBRINK: Our next testifier is Greg Stratton, followed by Steve Goldsmith.

MR. STRATTON: Yes. Greg Stratton. And I want to thank you all for taking time out of your lives to serve on this Committee. This is a unique opportunity that you have to change our form of government and to forever save the taxpayers a significant amount of money. Maui County has a government that looks like the typical of cities, big cities all across the United States; cities with a population of more than a million dollars...more than a million people. I don't know where they got it, probably copied it from Honolulu. And such cities do have, such large cities have elected mayors with large staffs, appointed department heads and a full-time council with all of their staff. It's very expensive. I just counted up the people on your organization charts that are listed as being direct appointees of the, of your, of our elected officials. There's over 50. And most of them as we saw in the paper this morning are very well paid. I estimate you're spending over \$5 million a year on all of those people. That may not be much for the City of Honolulu or Los Angeles, but I think \$5 million is a lot of money to the people here on Maui. Most governments the size of Maui want a lower cost approach and that's where the council-manager structure with professional department's head was invented. That system does work. And how do I know? Because I did it. I was an elected councilman in a city in California, the same size as Maui, about 130,000 people and we had the same services as Maui, police, planning, roads, water, sewer, buses, the whole gamut that we see here. And I was the elected

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

mayor, elected for 12 of the 20 years I served on the council as the elected mayor. And we ran that city with basically a city manager, four deputy city managers and three administrative assistants. Now compare that to \$5 million worth of staff plus the other people that you still have, too. And that model is not unique. It is used all over the country. It is used all over California. And cities don't start to get to this independent elected mayor until they get up over a half a million people and I hope --

MS. WILLENBRINK: Thirty seconds.

MR. STRATTON: --I'm not alive to see that here on Maui. And I would suggest as a second thing that the elected, that you do keep an elected mayor, that's needed to be interfacing with the government on Oahu, you need the elected mayor and they should be chair of the council and they should be the person that runs the, that chairs the meetings. And I will tell you as an elected mayor, you have a lot more clout than just as a chair of the council because you're the person that can talk to the city manager. All of them can talk to them one on one, but you can't discuss things of any significance or you run into the Sunshine Law when you've now talked to more than that.

MS. WILLENBRINK: Three minutes.

MR. STRATTON: So I would suggest that you keep that, that you put this forth to the Council, you ask the people to support it and you save us all that \$5 million.

CHAIR TAKITANI: Thank you.

MR. STRATTON: Thank you. Any questions?

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: So I have a question since you've been involved in this structure. One of the common themes that we hear about, people that are concerned about this is checks and balances, trying to balance, you know, having a council with a mayor to kind of balance things out. What's your interpretation of that or is that a problem?

MR. STRATTON: Well I had a five-member council and I can guarantee you, there were more than enough checks and balances on that for me. And you have nine on your Council here. You have a pretty broad selection of people and there will be checks and balances because ultimately, you have to go back. If you want to do anything significant, you want to reorganize things, you want to build something, you want to pass a law, you got to go back to the council and get five votes and that's just a fact of life and so, I don't think it's ever caught up with anything. The, even the mayor there doesn't have the ability to order the city manager to do something that is not already approved by the council.

MEMBER FRIEL: Chair?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Was it...you have a question?

MEMBER FRIEL: I'm just wondering if you have a, if there's a written copy or of your...

MR. STRATTON: Yeah, I can give my copy.

MEMBER FRIEL: Okay. Thank you.

CHAIR TAKITANI: Pua, followed by Jonathan, followed by Madge.

MEMBER CANTO: Mr. Stratton?

MR. STRATTON: Yes.

MEMBER CANTO: This mic. Can you hear me?

MR. STRATTON: Yes.

MEMBER CANTO: Okay. What was your capacity in Los Angeles? What were you doing there?

MR. STRATTON: I was in a city outside of Los Angeles in California.

MEMBER CANTO: Okay.

MR. STRATTON: I was the, I was on the council for 20 years, 12 of them as the elected mayor.

MEMBER CANTO: The elected mayor?

MR. STRATTON: The elected mayor.

MEMBER CANTO: And when...

MR. STRATTON: And we went to an elected mayor because as everybody knows, everybody wants to elect a new mayor and so we had one.

MEMBER CANTO: So would you say that when you, when did you leave there? What year?

MR. STRATTON: I left, I retired in '98 from 'em.

MEMBER CANTO: Ninety-eight?

MR. STRATTON: Yes.

MEMBER CANTO: Okay. So when you left there, do you believe that you left that city and county in as good a shape as you possibly could?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. STRATTON: Absolutely. And in fact, I watch them. And I would have to say that they probably haven't...they continue along the same path. We, California cities have to be very frugal because they don't have the ability to just raise the property taxes, so you have to do things very efficiently and our city was very efficient and I believe it still continues to be so.

UNIDENTIFIED SPEAKER (from the audience): What city?

MEMBER CANTO: Okay.

MR. STRATTON: This was the City of Simi Valley.

MEMBER CANTO: Thank you. Thank you so much.

MR. STRATTON: Yes.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah. It sounds like the, as mayor, you were a part of the council. Could you talk about the different roles that the mayor performed?

MR. STRATTON: Well, the mayor is, obviously is chair of the council, chaired the meetings and had a vote on the council. I also reviewed the agenda before it went to the council and tried to make sure that everything was all put together before it got there. And of course, the mayors all have their wonderful things of all the things they get to go to and proclamations they get to give and all that stuff. In addition to that, the mayor is the representative to all the governmental bodies, so you're the one that talks to the legislatures, you're the one that talks to the county, you're...and in California, there are 12,000 different layers of government that float around. There's associations of governments, there's...anyway, you talk to all those. And in addition to that, you're the person that the city manager calls when he says, gee, I've got this problem and I don't know what to do about it and I can't go and ask the whole council, what do you think? And so, you have to have a sense of what you believe your council would agree to and manage it in that sense.

MEMBER STARR: Can I do a follow-up? What was the selection process for the manager and what was the evaluation process for the manager and for the administrative side of government?

MR. STRATTON: We did, I hired 2 city managers during my 20 years and we did searches, national searches for city managers and then selected the best applicant from that group. And we used Korn Ferry, I think for one and I don't remember who we used for other, but we did a national-wide search for city managers. And city managers are, there's a number of people that do 'em. And what was the second part?

MEMBER STARR: And did you have an annual evaluation process?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. STRATTON: Yes, we had an annual evaluation of the city manager and of all the department heads. And all of the department heads, the council only employed the city manager and the city attorney, but the department heads all worked sort of at the, I guess I would say, worked for the city manager under contract and it could be terminated at his whim, I guess, is what you'd have to say, but basically under a contract. So we evaluated them and gave feedback to the city manager on how all the department heads were doing their job.

CHAIR TAKITANI: Madge, followed by Kimo, followed by Dave.

VICE-CHAIR SCHAEFER: Well, actually, my question got asked, so, I pass.

CHAIR TAKITANI: Thank you. Kimo?

MEMBER HAYNES: Sorry. Just clarification here. We've heard testimony and people have come in and talked about how to, they made recommendations on how they would have the mayor elected and how, what their role would be on the council. It's been, they would have two votes, they would have tie-breaker votes, there would be an additional one. I just want to understand, just real simple, how you guys did it and how that elected mayor was determined?

MR. STRATTON: Well, the elected mayor was determined by an election so, you know, oh, how did we get to having an elected mayor?

MEMBER HAYNES: Did you run for mayor versus councilman?

MR. STRATTON: You ran for mayor.

MEMBER HAYNES: Okay.

MR. STRATTON: You ran for mayor. And that's a long story about why we ended up with that, but it was something that I do feel the people believe that they need an elected mayor and from what I've seen here on Maui in the 15 years I've been here, I believe that an elected mayor is a good thing to have. And as the chair of the council, you now know what your fellow councilmembers feel and I think they should, he should be put on the, he or she should be put on the council. You know, and then you get into that question of well you do have 9 or 10 or 11 or 12, you know, how many people do you have to have and it is good to have an odd number, obviously. So you either need to scrunch the council down to eight or boost it up to ten, the rest of 'em, you know.

MEMBER HAYNES: And you as a mayor had one vote, right?

MR. STRATTON: Just one vote.

MEMBER HAYNES: Okay.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. STRATTON: But you got to vote last. See, and so that was, you know, okay. You got to do it.

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

MR. STRATTON: No veto.

CHAIR TAKITANI: Okay. Dave?

MEMBER DeLEON: How was your council selected?

MR. STRATTON: The council?

MEMBER DeLEON: Yeah. Was it by district?

MR. STRATTON: No, they were elected at-large.

MEMBER DeLEON: At-large?

MR. STRATTON: You know, in, so there was no regulations at all. There is a wave slashing through the nation about whether or not that's legal. And there's a lot of argument that council-matic districts have to be elected by little districts rather than at-large. But ours were elected at-large.

MEMBER DeLEON: Physically, how big was your community?

MR. STRATTON: A hundred and thirty thousand.

MEMBER DeLEON: No, no, physically, how many square miles?

MR. STRATTON: Physically?

MEMBER DeLEON: Yes, how many square miles?

MR. STRATTON: I could count the mountains that we annexed. We go from the Reagan Library to the...

MEMBER DeLEON: You can't do square miles?

MR. STRATTON: No, but it was probably --

MEMBER DeLEON: Okay, never mind.

MR. STRATTON: --ten miles long and eight miles wide.

MEMBER DeLEON: Okay.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. STRATTON: How's that?

MEMBER DeLEON: Okay.

MR. STRATTON: That's 80.

MEMBER DeLEON: I'm just comparing it to Maui size and diversity. And the rap about the government's run and this progressive movement, county managers is it has lower turnouts, it has less community participation in the government. What was your voter turnout like in your community?

MR. STRATTON: Oh, very high. I mean, it was up in the 70 and 80 percents.

MEMBER DeLEON: Okay. That's different than the research.

MR. STRATTON: Yeah, I don't know why that would lead to lower turnouts because there...

MEMBER DeLEON: Well, the sense is that the community doesn't know where to go. So where, when a citizen had a complaint in your community, where would they go?

MR. STRATTON: They would go to, they would generally go to their councilman. Whoever councilman they thought was closest to their feelings or something and I would expect here in Maui, although I can't say I see it all, that people would go to their councilman here. But I did have a friend of mine who was a councilman in LA and in LA, you don't go to the mayor. I mean, that's just, you don't. You go to the council.

MEMBER DeLEON: Okay.

MR. STRATTON: And the councilman runs his district and he's kind of the little mayor of the district. But they've got 250,000 people of a district so --

MEMBER DeLEON: Thank you.

MR. STRATTON: --different world.

CHAIR TAKITANI: Tamara, followed by Ray.

MEMBER PALTIN: I just, I know Kimo asked it, but I wanted to clarify. The people elected you as mayor --

MR. STRATTON: Yes.

MEMBER PALTIN: --not the council?

MR. STRATTON: Yes, that's right.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER PALTIN: And if you didn't get the mayor seat, then you wouldn't be on the council at all?

MR. STRATTON: You were out, yeah.

MEMBER PALTIN: Okay, thanks. Just clarifying.

MR. STRATTON: But I ran six times, never got beat.

MEMBER PHILLIPS: Thank you for coming and testifying. What was the pay range that you paid your manager?

MR. STRATTON: I didn't pay him a lot, but it's been a few years. City managers for that size city in California are running 250 a year.

MEMBER PHILLIPS: Did you have a turnover? I mean, did he stay? Or she?

MR. STRATTON: They all stayed. Well, I lost one. The county stole the city manager and made him the county manager, but then I, we replaced him, so other than that, no, we didn't have any turnover.

MEMBER PHILLIPS: Average ten years, what?

MR. STRATTON: Two guys, 24 years, I don't know, 12 years apiece, I guess. No we had had some turnover early on, but that was because the council turned over. And sometimes when the council turns over, the city manager turns over, too.

MEMBER PHILLIPS: If you were to look at the demographics of Simi Valley, can you give us possibly a profile of what those demographics might be?

MR. STRATTON: Simi Valley is a typical suburban community, you know. On the edge of Los Angeles and people commuted to Los Angeles. Probably, well, this is California, 30 percent Hispanic and then the rest white, maybe 5 or 10 percent Asian, of that like.

MEMBER PHILLIPS: I lived next to Simi Valley. I remembered it years and years ago.

MR. STRATTON: Yes. Where'd you live?

MEMBER PHILLIPS: I lived in right in the Malibu area.

MR. STRATTON: Oh.

CHAIR TAKITANI: Jonathan?

MR. STRATTON: That's not quite the same, no.

CHAIR TAKITANI: Jonathan?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER PHILLIPS: We were close.

MR. STRATTON: That's like Wailea, you know.

CHAIR TAKITANI: Go ahead, Jonathan.

MEMBER STARR: If this Committee moves, head to a point to where we're trying to write an ordinance, a Charter change, would you be willing to help serve as a resource?

MR. STRATTON: Sure.

MEMBER STARR: Then could you give your information to our Staff, to Kim --

MR. STRATTON: Okay.

MEMBER STARR: --Willenbrink?

MR. STRATTON: I will.

MEMBER STARR: And if we get to that point, we'd love your help.

MR. STRATTON: Sure. Appreciate it.

MEMBER STARR: Thank you.

CHAIR TAKITANI: Any other questions?

VICE-CHAIR SCHAEFER: One last.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: So how is...

MEMBER DeLEON: Right into your mic.

VICE-CHAIR SCHAEFER: How is the crime rate in your city?

MR. STRATTON: Well, when I was there, we were the safest city in America four years in a row, of the size of 100,000 or greater. I think they're down to second now, but it's pretty low, yes. It's one of the safest cities of that size in the nation.

VICE-CHAIR SCHAEFER: Thank you.

MR. STRATTON: Anything else?

CHAIR TAKITANI: Are you attributing that to the county manager?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. STRATTON: No, it's to the mayor, of course.

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

MR. STRATTON: Thank you.

CHAIR TAKITANI: Who's next?

MS. WILLENBRINK: Thank you, Chair. Our next testifier is Steve Goldsmith, followed by and this is interesting, we have two Dave Taylor's here tonight. The first Dave Taylor is the Director of Water Supply speaking as an individual.

MR. GOLDSMITH: Good evening. My name is Steve Goldsmith. I've been here on Maui 15 years, speaking here as an individual. And thank you for volunteering. I, too, was asked to volunteer once and that's what I want to speak about tonight. And thank you, Mr. Mayor, for giving firsthand and I hope to give you firsthand what it's like when an administration changes over. I was asked by the Mayor Arakawa during his first-first Administration to join the Cost of Government Commission. He had found out I have an MBA in Finance, Masters in Psychology. I used to teach conflict resolution. He said, perfect. So, I mistakenly said, yes, I'll join the Cost of Government Commission and that was right when Charmaine Tavares was taking over. And I heard some of her testimony and I'd like to set the record straight what really happened. Let me, that's about as nice as I can say it. Her, we were an advisory committee, so we chose to choose energy or housing. Those were the two things she said in her election that she wanted to focus on, so we chose energy. We got her Energy Commissioner in front of us. We started asking questions. He was clearly unqualified. He had no goals, but we tried to help with what was. So we tried to work with him, set some goals. By the second meeting, we got the word from the Administration, do not talk to the Energy Commissioner ever again. So then we switched over to the, we said, you know, there's no auditing department, which there is now. It would really be nice to have an auditing department. So we spoke to her County manager, her manager, who told us, I'm running around like a chicken with my head cut off, do not even talk to me for one year. I mean literally, this is what she said, for anything more than just day-to-day operations, putting out fires. I'm drowning here. I mean, that's what it's like when administration changes over from mayor to mayor. We then thought, there's all this State money, shouldn't there be Maui lobbyists? So we asked and the answer was, oh, yeah, there used to be lobbyists. Again, what happens when administration changes over? So without us ever saying anything again, within two weeks, there was a lobbyist for the Mayor and there was a lobbyist for the County Council. And then we later learned they were actually lobbying separately, differently for the same Maui County. It was another disaster when you talk about separation power. This is for 160,000 people, you just need a good group of people with the same direction, focusing on where they're going and setting goals. To me, personally, the ideal, which I don't think will happen, just have the nine councilmembers, have a mayor elected from those nine, from the nine councilmembers, one or two-year term. They're just a leader of the council and they

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

also do ceremonial like the mayor spoke of. I don't think that's going to happen. I think we're gonna still want to elect a mayor, but to me, that's the compromise, not just tweaking the system like Mayor Tavares was talking about. We're so beyond that. And I just want to emphasize the power that all of you have. I know it can be boring sometimes being a volunteer, but you have the impact, the possibility to change Maui County for hundreds of years here, for at least our children and grandchildren. As far as cost savings, it always blows me away that people are talking about whether it's 150 grand or 400 grand for a county manager, it's just having that conversation is insane. Typically, throughout the country, the savings were approximately 10 percent, 10 percent of 600 million is 60 million. My calculations are closer to 12 to 16 percent. I think we're gonna save almost 100 million a year when we switch, not the first year obviously, when we switch over to goal-oriented professional management. I am so tired of getting e-mails, no trash pick-up this week in Paia. No...like council versus mayor. It's just happening everywhere. And again, I have no, even though I said a couple of things, I'll have to apologize to Charmaine, too, for.

MS. WILLENBRINK: Three minutes, I apologize.

CHAIR TAKITANI: Ten seconds.

MR. GOLDSMITH: That it's not about people. To me, it's about the system. All these people, including the current Mayor, are trying their hardest to do their best, but when money has an influence, when there aren't professionals leading, this is what we're faced with, this is what happens, the arguments that ensue. Thank you.

CHAIR TAKITANI: Thank you very much, Mr. Goldsmith. Jonathan?

MEMBER STARR: Yeah. Just to be clear, it sounds like what I'm hearing is that you're saying that a professional, non-political administrator would be a preferable situation working in tandem with council and...elected council and elected mayor?

MR. GOLDSMITH: Yes.

CHAIR TAKITANI: It was pretty clear to me that's what you said.

MR. GOLDSMITH: Okay, great. And if I could just respond to the, I forgot the voter turnout thing. If you're ever on a committee and people don't show up, it's usually 'cause you're doing a good job, usually. And the State is talking about doing, eliminating district voting and going direct mail and that will also help.

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

MR. GOLDSMITH: Thank you.

MS. WILLENBRINK: Our next testifier is Dave Taylor, followed by Maile Kekona T.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. TAYLOR: Good afternoon. Thanks for the opportunity to testify. My name is Dave Taylor. I'm the Director of Water Supply. I am testifying as an individual and my comments are my own and don't represent the Department or the Administration. So I've worked for the County for about 24 years. I have been a civil servant. I'm an appointee now. I was a manager of a division. I did a stint as Deputy Managing Director a decade ago. I've been in the department as elections have happened. We've split off departments. New directors have come, I have moved, et cetera, et cetera. So I've, all the things you've talked about, I've experienced for the last 24 years. I've watched a lot of your deliberations, not every word, and I just wanted to share a couple of observations, comments, suggestions. I've seen a lot of people debate different types of governance, and yet, I haven't really seen too many people put their finger on the problem we're trying to solve. And everyone's saying, you know, this is the right way to do it, but I haven't really heard too many people say, this is the problem we're trying to solve. For example, if we're saying that there's not enough roads being paved, well, that's probably a resource problem, not a governance problem. If the problem is that the only roads that get paved are in front of the Mayor's friend's house, that's probably a governance problem. So I think if there was a little more discussion from the public about what are the problems. When we look back in ten years, how will we know if we were successful? You can say, is this change, is a change of governance likely to achieve that? So that's my first just observation/recommendation. Second, I want to point out that there are four different ways that managers/directors are chosen. About a dozen, the Mayor appoints directly. There's another three of us where the Mayor appoints, the Council approves. There's four that are chosen by committees or commissions, Fire, Police, Liquor and Personnel Services and three that are chosen directly by the Council, Director of Council Services, chosen directly by the Council; County Auditor and the County Clerk. So we have four different ways we chose managers. I wonder if the Committee wants to look at, well, are some better than the others? Do some have these problems? Do some not? The other counties do these in different ways. My counterparts on all three islands are chosen by commissions or boards in that case and they are sort of semi-permanent managers until something changes. Are those water departments run better than ours? Are they worse? Do they have the same problems? I think just a comparison of what we have might shed some light on will this solve these problems. The last thing I want to talk about is friction. Friction has to happen in democracy. Somebody mentioned the newspaper this morning. The newspaper this morning basically is saying, the Mayor is saying we should do something different.

MS. WILLENBRINK: Thirty seconds.

MR. TAYLOR: Some Members of the Council are saying, well, maybe not. You have to have that friction in democracy. So, if we're not gonna have a mayor, whose job is it to say we should do something different? If we have a city manager or county manager, they're supposed to follow the council. Are they supposed to say we should do something different and have friction there or is it the Council Chair's job to say, hey, we should do something different? Then the friction's there. There has to be friction or there can be no movement. So I think the other thing I think the Committee should

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

think about, where do you want the friction? What are the problems? Where have we seen the problems, not had the problems, and where do you want to put the friction? Who's job is it to say, we should do it differently? And I think if you compare what you're looking for with what people are saying, you might find that leads you to a solution, whatever that solution is. Thank you.

CHAIR TAKITANI: Thank you.

MEMBER CANTO: Chair?

CHAIR TAKITANI: Pua?

MEMBER CANTO: So, Dave, it wouldn't be apropos to ask you what is your position?

MR. TAYLOR: You know, I'll be more than happy to answer that. My current job is Director of Water Supply. I'm running the County water utility. It's about a \$80-million-a-year operation. My last job--and that's an appointed job--my last job in the County was running the County wastewater recycled water utility, which is just a little bit less, probably \$60-70 million a year and that was a civil service manager, division chief job, which was not appointed. My job's almost the same as it was in that job and there's really no difference to me about how I manage being an appointee or being in that job. So, my counterparts on the other islands as I mentioned are sort of appointed by their boards, they run things the same way I do. So I haven't heard any problems talked about that are so large that I've seen any reason to change governance to solve them. I've seen a reason to change maybe little parts of the Charter, different laws or how things are done, but I haven't heard anything so grand as a problem that I think the solution has to be a change in governance. And I'm, I don't understand why we would change governance unless we can find a problem that we can recognize that is so large, that we say it's worth the effort and this is the only way to solve it. So if we can identify that, you know, my mind might change, but I haven't yet heard a problem so big that it leads to a governance change.

MEMBER CANTO: Okay. I appreciate your response. Thank you, Chair.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Thank you, Dave, for coming to testify for us. I think we have expressed a problem as far as the testimony that we've heard as part of the Committee. From testimony, we've heard that people are looking for more transparency, more efficiency, more effectivity in our government. So they are expressing a problem. Now, it's, may be a generalized problem, but it's a problem that people certainly are experiencing. And you know, one of the reasons, in fact, the big reason we're all here is to take a look at a different form of government which may or may not include a governor, excuse me, a mayor, I think we're all sort of bias towards having an elected mayor, getting to that point where we have a more efficiently running government by a professional individual. So I think we have had those expressed.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Is there a question, Ray?

MEMBER PHILLIPS: Yes. Those, have you heard that type of thing in the testimony?

MR. TAYLOR: I have been listening to that and my point was, that's a problem we all recognize at every level of government. It's not efficient, but to say it's not efficient, well, what isn't efficient? Are your water bills too high? You know if you're gonna say, well, that's the problem, the water bills are too high, okay, you can dig into that and say, would governance change that? So, just saying we want more efficiency, we want better government, more transparency, there are some discussions about, you know, reports that people didn't have access to. If you could put your finger, if we could put our finger on well, we want to see these things every year, maybe those can just be solved simply as documents that are put on a website, you know. And I don't know that transparency needs governance change. Maybe it does, but, you know, I'm an engineer and so we're trained in engineering school to start really putting our, 50 percent of our effort into identifying the problem and then the solutions become obvious. When I go to a lot of public meetings and people start advocating for solutions, and I sit in the back and say, well, what exactly is the problem? The hair on the back of my neck sort of stands up because I'm wondering how are we gonna recognize the solution if we haven't really clearly stated the problem and that's what I'm saying. Not a general problem, be more efficient, but a specific problem, what's inefficient, what's the measurement, what would we see ten years later that will tell us, hey, we nailed this. And I think if we define that a little better, we'll be able to compare change of governance to see if it might solve that.

MEMBER PHILLIPS: Okay. Thank you very much. Going along with that, is there, because it is very difficult to define what is the level of efficiency, I agree with you, and what needs to be, I think people can give you a general summation on what needs to be improved, overall generally. Is there a difference between a professional manager running a government and a political-appointed individual running a government in terms of generating efficiency and effectivity?

MR. TAYLOR: You know I know this issue's come up a lot and I don't know that any one person can answer that. All I can say is what I shared. I've essentially had almost, a very similar job as a professional manager where I was a division head, that's a civil service career position where I was running the wastewater utility and now I'm a political appointee where I'm running the water utility. I can tell you and most people who know me would say, I'm doing exactly the same type of management I did in that job. So to me, I don't see any difference. The public are really the ones talking to you, not me, maybe they see a difference. But I can tell you in either job, I have never been asked, pressured to do anything differently because I was a political appointee than when I was a civil service manager.

MEMBER PHILLIPS: I'm not--thank you very much--I'm not really talking about Maui County only. I'm talking about nationwide.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. TAYLOR: My adult life, I moved here when I was 22. I've worked at Maui County most of my career. I know the people on the other islands. I don't have any professional experience, though I know people in those other places. All I can say is in my business, water/wastewater utility management, there's all sorts of different models, whether it's private ownership, public models like ours with political appointees, public models run by boards, long-term managers. I meet and know these people for years and we all manage the same way. I feel like I could switch places with any of them in any of those models and what I do day to day wouldn't change at all. Maybe that's water/wastewater utility management and not other things. This is where my experience is and I can tell you in water/wastewater utility management, I don't see the managers doing anything different in any of the different models.

MEMBER PHILLIPS: Thank you.

CHAIR TAKITANI: Any other questions? Dave?

MEMBER DeLEON: Hi, Dave. Thank you for coming tonight. So in your position now, your position requires Council approval, doesn't it?

MR. TAYLOR: Mine does, yes.

MEMBER DeLEON: There's a current proposal--they're talking about the tweaking rather than doing the full change--there's a proposal right now in front of the County Council that required all department heads appointed by the Mayor to receive approval of the Council. You have any thoughts on that?

MR. TAYLOR: You know, it hasn't been, you know, I've probably watched...see, so there's three of us that are approved by the Council. I'm sort of paying attention to this for at least, you know, 15 years. I've probably watched half of the confirmation hearings between Water directors and Corporation Counsel and prosecutors. Most of them have been very professional. A few I've seen sort of turn political in my view. Mine, I had two confirmations that were both very professional. As long as they're professional, they're fine. When they turn political, they can be problematic.

MEMBER DeLEON: Thank you.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: So one of the issues that I've heard repeatedly from people that have been brought up is the idea of continuity and that I think the Mayor actually told us when he came in I think he's responsible to elect 24 and he ended up switching out 23 and it's not an issue of quality of manager or person, but I think there's a real continuity issue. He, you know, gave us statistics that his, under Maui County, the average tenure is the same as nationally, so we should be thankful of that. But the issue that isn't being addressed in the statistics is that all the changes happen at once and it all happens because of the change of one individual. So just want to get your idea on, ideas if you were to tweak it under this current setup, what tweaks? How

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

would you get around that? Even if you have a situation where a mayor appoints and the council confirms, you're still in the same position where you have a complete turnover every time there's a mayor.

MR. TAYLOR: I don't know if there's any perfect answer to that. I can tell you, I know you've heard this before, I've seen it discussed at this Committee, the division heads are sort of like the sergeants in the army. They're supposed to keep things running. So when I was a division head, not only did I get a new director, but we split off and became a new department. My job was to keep the wastewater system operating, you know, as the new director got up to speed, learned about policy issues. And I always look at it this way. Directors are supposed to come in and direct policy, not operations. Operations are supposed to go on regardless of whether or not there is a director or not. And so if that's how it's set up, where the division heads are keeping the trains running on time and the directors and deputies are really policy people, well, then, there shouldn't be a huge problem with switching. If on the other hand you're not running the department correctly and you've got directors doing daily task management, that is gonna be a real problem. So I can tell you that in the two departments that I've been in management of, you know, we've made sure that management is done at the division level, policy is really done at the director level and you can deal without any changes of policy for a couple months while somebody comes up to speed.

MEMBER HAYNES: Thanks.

CHAIR TAKITANI: One quick clarification. I think you said there's four ways that department heads are selected? Commission, by the Council, by the Mayor...

MR. TAYLOR: So there's about a dozen that the Mayor appoints --

CHAIR TAKITANI: The Mayor.

MR. TAYLOR: --and that, you know, that includes a couple...

CHAIR TAKITANI: I just missing one of them. There's commission, Council, Mayor...

MR. TAYLOR: Oh. Okay. There's people like me who are appointed and confirmed. Independent commissions, Fire, Police, Liquor and Personnel Services. And then, direct appointments by the Council, Council Services, County Clerk and Auditor.

CHAIR TAKITANI: Thank you.

MR. TAYLOR: Thank you.

CHAIR TAKITANI: Thank you very much.

MS. WILLENBRINK: Our next testifier...

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Kim, when we reach about the middle of the sign-up sheet, maybe we can take a few minutes?

MS. WILLENBRINK: I'll keep that in mind, Chair. Maile Kekona T., followed by John Fitzpatrick.

CHAIR TAKITANI: Maile, I didn't get your last name. Maile Kekona...

MS. KEKONA: My last name is Tsurusato, but I go by Maile Kekona --

CHAIR TAKITANI: Okay.

MS. KEKONA: --for obvious reasons.

CHAIR TAKITANI: Okay.

MS. KEKONA: Good evening. Thank you so much for letting me be here. I do not take for granted what it means to be able to stand here and have a voice and for that I truly do thank you. You all have received testimony, just like kick that to the side 'cause I've been listening to a lot of things and I don't want to spend any more time sort of repeating and rehashing what's been said, but I wanted to back up a little bit because some of the other testimonies have sort of given me rise to want to talk about how we got here. The previous testifier was mentioning, not really understanding what the problems were and I think there's a very logical, empirically-based research method available for why that happened. Very simply, we have two opposite ends of the spectrum, absolutely correct. All things being equal, they produce very different results, different results. They can only create what they were molded to make. When you have a mayor-council form of government, he leads economic development, he champions political responsiveness, he's accountable to the community and he influences engagement. That's the job, that's the guy you hire, that's the guy you vote for. If he's successful in those initiatives, you have what we have now. And what we have now is explosive population growth, issues with immigration and severely lagging infrastructure, which sounds exactly like the United States did during the reform. So now go back there. That's when they decided to do the manager-council. The reason they wanted a manager is for all the reasons we've discussed ad nauseam. But just to recap, they are utilized to specifically, and again, you're right, this is not about the current Administration. Historically speaking, they mitigate potential corruption, they resolve inefficiencies, they oversee management and they allow for equitable enforcement. And I need to be very clear, that's one of the issues that people are so passionate tonight. It's an issue of equity. The reality of that, though, is a hundred years of research since then tells us again and again, if we do this, this is what we create. If we do this, this is what we create. So if we put in and if we switch over to this county form, the manager form of government, we are looking in a place that economic development stagnates. Political responsiveness --

MS. WILLENBRINK: Thirty seconds.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MS. KEKONA: --not so much. No one's really accountable. So, in short, my solution like everyone else's is it has to change, it has to be both. I just don't feel like we gotta keep flying all the way to Honolulu before we get to Big Island. Let's just go to Big Island. Stop somewhere in the middle. Thanks so much.

CHAIR TAKITANI: Thank you. Questions? Somebody better ask a question.

MEMBER HAYNES: What is your position on the issue?

MS. KEKONA: My position would be to absolutely not change the form of government. I believe it can be done through policy and Charter revisions and I don't think it should be an executive task. I think it should be a legislative task. I think that there should be a county manager absolutely. I think it could be a very...we gotta get the egos out of the way. This is not about a division of power. It is not about who gets to control what. It is a delegation of power. You hire the guy that's the great politician because he influences engagement, even if he makes people furious, they show up to vote. Right? But on the other hand, you have to have someone who's walking out enforcement. It cannot be the mayor. Right now, enforcement is not happening because in his defense, the Mayor should not be focusing on that. It's not what this model is designed for him to do. Enforcement needs to go to an enforcer who then is able to do, keep performance indicators and ask more questions. Stop asking how many permits did we do, ask how long the process took, ask how the outcome was. How many appeals did they have to do? How long did the response time take? A manager, regardless of the industry, takes those outcomes and that's how they jointly and separately, that's the answer to the power and control model. They're jointly and separately responsible to the legislature by remaining executives, but they're partners in it, but they each individually have a responsibility. Sorry.

MEMBER HAYNES: Is that similar to the structure where the mayor is on the council and they collaborate that way?

MS. KEKONA: Sure. So glad you asked. I attached an article and it's about sort of if we have two ends of the spectrum, if they dissolve together in the most perfect way, what does that look like. And so it's ultimately this sort of amalgamation. It's literally we start walking towards a Type 3 city that we in Maui get to identify. We get to define it. With all due respect to Simi Valley, we have way more diversity than that. We're not rich white people. We just aren't. So, we're over a thousand square miles. It's two different animals. Let's keep it apple to apples. There's a table in here, very simple, but it shows sort of as they diffuse how they mesh together and if you go from one end of the spectrum and it identifies about 10 or 11 different components. And you guys can just kinda pick and choose. I'm not an expert how the County works. I am not an expert of politics. I'm in business and regardless of the industry, management principles remain the same. The CEO's job is not to walk out management. The CEO's job is to remain visionary. If nobody's creating vision, there's no job for the manager.

MEMBER CANTO: Chair?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Pua, followed by Tamara.

MEMBER CANTO: Maile, thank you for your submittal. I would say that if in fact the vote should sway towards change, I would like to see your presentation submitted to the full Council as they deliberate for decision.

MS. KEKONA: I'd be honored.

MEMBER CANTO: Just, I like this.

MS. KEKONA: Whatever I can do, of course. I don't pretend to know everything, but I will absolutely help to figure it out.

MEMBER CANTO: Thank you, Maile.

MS. KEKONA: Yeah.

MEMBER PALTIN: I just had a question in the way that you envision how we are to change, did you envision the managing director or the professional manager to be appointed by the mayor or to be hired? How did you envision that?

MS. KEKONA: On a surface, I think my gut reaction would be to follow a lot of the other testimony and it would be through the council. That's though where the back and forth of delegation comes so that there still is sort of that two-party...I don't know what the right answer is. I feel like the, even if it were, say, the managing director, and we just take that office and, \_\_\_\_\_, throw the money out for a minute. All things being equal, let's say that if the mayor is involved and maybe the mayor has three recommendations or something like that or maybe there's a vetting process that the council gets to go through and maybe it's just an open panel that there are three people or they get to at least, I don't know, review the resumes. But I think a lot of this, and a lot of the concerns with transition can be answered because when you have better performance indicators, people are coming into their position with at least an annual, if not bi-annual, very clear expectation of what their measurable outcomes are, what their benchmarks are because the council already figured that out. The manager's job is to walk it out. If that person is at, above or below those benchmarks, we know it coming into transition, so if the transition and the downtime is truly an issue, until there's money to make up for it, the solution in that is better qualifications and better experience. If it took me six months to get acclimated to my new job, I would no longer be employable. You get about three weeks. You guys know. You figure it out and you go. If you're qualified, if you're experienced, and if that needs to be rewritten into the Charter to make some of those tweaks, maybe that's where you pull in some of those ICMA standards and the code of conduct and rewrite it that way. But again, I would caution, we don't want to get too bullet pointy about the qualifications because there are times that common sense and compensating factors trump what's on the paper.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER PALTIN: So you kind of talked about tightening up the minimum qualifications and things like that, whether or not that is done, do you envision the managing director then selecting the directors or would it stay as it is currently with the mayor selecting them with a tightened up qualifications? Or if the qualifications don't get tightened up, do you think it would be better for the hired managing director to select the department heads? And would you have a problem with them staying on past the mayor's tenure?

MS. KEKONA: I have the privilege of having no idea. But what my best guess would be is I think that if the standards were tightened up, from my perspective, it's six one, half a dozen of the other, so tighten the standards. That's, those again, those are policy changes. Those are Charter amendments, and it, again because we're not talking about the current administration, it just changes who we look for at the election. It's a different kind of guy. It's a different kind of girl. It's a who's gonna work together? Who's gonna do this correctly? You guys know, if you've got someone who's an incredible salesperson and someone who's an incredible accountant being equally and credible, they cannot switch places. So you don't hire someone that's an accountant salesman. You bring it down and divide it out and that's exactly what has to happen with the staff. And I think a lot of the findings will see that for every argument on one side, there's an argument to the opposite of that, so we're just gonna have to bring it into the middle.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: I don't.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: So I've listened very carefully and you said you were not for change, yet, you are suggesting a lot of changes. So the way that I understand and I'm getting to the question before he starts scolding me, there is a, we can't suggest policy changes for things that are in the Charter. In order to change the Charter, we have to have a Charter amendment. So understand, with the understanding that you would support a Charter amendment say for changing the qualifications for department heads, which some of them just say, five years' experience, that's the only qualification?

MS. KEKONA: Are you asking if I would recommend the qualifications get changed? Yes.

VICE-CHAIR SCHAEFER: Okay. So, in order for qualifications to get changed requires the Charter amendment.

MS. KEKONA: Okay.

VICE-CHAIR SCHAEFER: So you would be in favor of that?

MS. KEKONA: If that's what needs to get done to make it effective, absolutely.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

VICE-CHAIR SCHAEFER: Okay.

MS. KEKONA: That's the job. I mean...

VICE-CHAIR SCHAEFER: Yeah. So, what I was pointing out was in essence, you're saying, yes, I am for change. I wish there was a better way to do it and policy would be ideal, but if it's gotta be Charter, it's gotta be a Charter change.

MS. KEKONA: Fair, and I guess what I'm saying is from a management perspective, what I am saying is without having to understand the loops and the committees, I certainly don't, don't pretend to, but what I know for sure is, if we're going to go all the way and come back somewhere and meet in the middle, is that perhaps the most effective, incremental first step to gain public support, to not lose voter participation, to continue with economic development while someone steps in and says, this is the policy, we're walking it out and now we can show you why that policy's broken, let's take it back to the top and fix it. It doesn't matter to me which paper needs to be moved, as long as the process moves.

VICE-CHAIR SCHAEFER: Okay. Thank you.

CHAIR TAKITANI: Kimo, followed by Dave.

MEMBER HAYNES: One more question. Would you consider a compromise being an elected mayor that sits on the council, is that the compromise you're talking of?

MS. KEKONA: Absolutely.

MEMBER HAYNES: Okay.

MS. KEKONA: My compromise is, my argument is it has to be both. How you get there, you know, that's all debatable, and as far as a weak mayor versus a strong mayor, I just don't see that happening. The mayor is the mayor and a mayor as a figure head is strong and an advocate for policy and change and reform. Those things are measurable. If the weak or the strong comes from enforcement, then, we've gotta shift our priorities.

MEMBER HAYNES: Thanks.

CHAIR TAKITANI: Thank you very much.

MS. KEKONA: Thank you.

MS. WILLENBRINK: John Fitzpatrick? Mr. Chair, after that, one more person would meet the halfway mark.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Okay. So we'll take one more and then, we'll take Mr. Fitzpatrick, one more and can we take ten minutes?

MS. WILLENBRINK: Okay. John Fitzpatrick, followed by Dave Taylor.

MR. FITZPATRICK: Aloha kakou. First, I'd like to really thank you all for holding this meeting in the evening so we didn't have to take off work in order to come and testify. So I really appreciate you letting us have a voice tonight. I'm here to testify in support of a Maui County manager and I believe, I like Mark Hyde's idea where the County Council will elect a county manager, but the people will still elect the County Council and the Mayor and the Mayor will have veto power over the County Council. So that's the, or what I would support. And I support this because I think we can be way more efficient and we can hold our elected officials and the county manager more accountable. One of the efficiencies apparently in this county manager type of government, you save about 10 percent of the money, so if we could save \$70 million every year, that would be a benefit. That's Dave Taylor's entire operational budget in the water, so if we can give him an entire operation budget by saving that money, that'll be really amazing. Also, I think what Tamara Paltin pointed out when she ran for Mayor, I think it's ridiculous that the Mayor has 52 people in his office and Honolulu has, I think, 22, if I'm correct, so, you can ask her about that when you're in deliberation.

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

MR. FITZPATRICK: Oh, 53.

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

MR. FITZPATRICK: Oh, 28. But anyways, you can ask her about that in your deliberations. So it's a grotesque amount of money being spent in the Mayor's Office and we could be far more efficient like the mayor from California said so. And then, the last thing, I think, when the county manager actually appoints these directors and hires these directors, he's hiring them based on their qualifications and not whether they got \$300,000 in super PAC money in the last election or whether they worked for Monsanto. So I think there's actually accountability and there's a process to hiring really good, talented people to be the directors of these departments. So in closing, I do support the county manager position and I really hope that you guys give us the opportunity to debate this as a community and vote for it next November. So I ask you to support this amendment and give us the opportunity to vote and support our democracy. Mahalo.

CHAIR TAKITANI: Thank you. Questions? Thank you very much.

MR. FITZPATRICK: Thank you.

CHAIR TAKITANI: One more and break.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MS. WILLENBRINK: Our next testifier is Dave Taylor.

MR. TAYLOR: Good evening. Thank you for the opportunity to speak with you. I do not handle water except in glasses. First of all, the gentleman with the great Hawaiian shirt said it all for me, but I want to do a little bit of clarifying. With God's willingness, couple of days, I'll turn 76 years old. I have been here 16 years and prior to that, I spent 60 years in county city management communities and I can tell you that the world does not come to an end by switching to that. I believe that the county or city, whichever one, with a manager, does a much better job of efficiency. I believe that it removes some politics, not all politics, but some politics. I believe that my experiences in all these communities, I worked for a company that transferred me a lot. The manager was hired by the council. There was no elected mayor from community every year. And I, coincidence, but every year, at the start of the year when they opened a new year, they took the opportunity to elect one of the people from the council, the council elected that person to be mayor, let them go to all the meetings that were needed to be, let them run the meeting, but not control everything, had one vote. And it seems much more efficient. It makes a lot more sense. And when people say there's no opportunity for the people to have a say in anything, we elected the council. We have a lot of say. We could recall, and it may not be easy to here, but it is easy in the mainland. And is the mainland always right? No. But there was very effective government. It was much smoother and there was much more squabbling over taking the garbage in. So I would encourage you to think about that. Again, thank you for the opportunity. Have a great evening.

CHAIR TAKITANI: Thank you, Mr. Taylor. Questions? Jonathan?

MEMBER STARR: What kind of longevity of service did you experience with the managers?

MR. TAYLOR: Generally speaking, they outlived the council. You know, there were always councilmembers get reelected over and over, but I don't think in my remembrance in probably the last two cities, there was more than one turnover in eight years.

MEMBER STARR: And what was the selection process and evaluation process?

MR. TAYLOR: Basically, the selection process is the county council or city council hired a search operation group to find them candidates that fit within the parameters that they wanted and they would recommend, I don't know the number...anywhere from three to five candidates...bring them in, do a standard evaluation and every year they evaluated the city managers and in my opinion, they were pretty strict with them.

MEMBER STARR: Can you think of any downside to having professional merit-based management?

MR. TAYLOR: Convincing people that not having an elected mayor is not a bad thing.

CHAIR TAKITANI: Thank you. Oh, Tamara?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER PALTIN: Were you aware of any statistics regarding voter turnout in those types of government structure?

MR. TAYLOR: In the Northwest states it stayed the same or actually went up a little bit. I don't really know the reason, but it went up a little bit in places like Arizona and others it dropped a little bit, but not substantially. And, you know, we can't go down very far.

MEMBER PALTIN: Thank you.

MR. TAYLOR: You bet.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Thank you for coming. Can you tell us the cities you're talking about?

MR. TAYLOR: Sure. Salem, Oregon; Bend, Oregon; Deschutes County; Marion County in Oregon; Phoenix, Arizona; Tri-City area in Washington.

MEMBER DeLEON: Okay. Thank you.

MR. TAYLOR: Again, thank you.

CHAIR TAKITANI: Thank you very much. It is 6:44. We will start promptly at 6:54. Thank you. . . .(gavel). . .

**RECESS: 6:44 p.m.**

**RECONVENE: 6:54 p.m.**

CHAIR TAKITANI: . . .(gavel). . . Okay. Can we come back to order, please? Is two hits on and one hit off?

MS. WILLENBRINK: I think that's fine.

CHAIR TAKITANI: Okay, our next testifier is?

MS. WILLENBRINK: Our next testifier is Tiare Lawrence, followed by Timothy Lara.

CHAIR TAKITANI: Thank you.

MS. LAWRENCE: Aloha, Committee Members. Mahalo for volunteering to this Committee and thank you for scheduling a night meeting. I was a little bummed out because we do have two other big meetings that a lot of people are attending that wanted to be here, too, so, but, anyways, you know, I'm here again in strong support for a county manager model. And as mentioned before, I believe it is a critical time for Maui County to take a more progressive approach at how things are handled. And I think

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

the people of Maui deserve a system where there is someone held accountable for County operations. It is extremely difficult to impeach a mayor when he or she is doing a poor job. Therefore, a county manager just seems like the right solution because now we have the ability to adequately assess his or her performance and if the manager fails at doing a good job, then the Council has the ability to terminate their contract like a regular job, like a regular business. If your employee's not performing, then, you know, we'll bring someone more qualified, more experienced. You know, I wanna just reiterate what, I don't know her name, but she pretty much nailed it and so she did a killer job, but on top of that, I'm pretty distraught at how much funding is being, or our tax dollar is being spent in the Mayor's Office currently. It's pretty disturbing considering there's a lot of other entities that could, are in desperate need of funding. So therefore, again, I am in strong support of a county manager model. I want us to be more progressive and I think you as the Committee Members don't really have anything to lose by putting it on the ballot and letting the people of Maui, our community, have a voice and have the opportunity to decide how we're gonna move forward. You know, the last meeting, Dave DeLeon had mentioned about low voter turnout and I want to tell him that I did a lot of my own personal research after that meeting and quite frankly, a lot of the districts that I looked in, or counties that I looked into, they average about 70 to 80 percent, which is far more better than Maui, not saying that that's going to solve the issue, but I know a lot of people don't vote because they don't believe in the system. They think the system has failed. They don't like the way it's being operated, so --

MS. WILLENBRINK: Thirty seconds.

MS. LAWRENCE: --I think by having a county manager, again, I will reiterate that I hope it will help voter turnout in the future. So, mahalo and strong support of a county manager.

CHAIR TAKITANI: Thank you. Thank you very much.

MS. LAWRENCE: Mahalo.

MS. WILLENBRINK: Yes. Timothy Lara, followed by Marjorie Bonar.

MR. LARA: Thank you. First, I want to thank you guys for all volunteering to be on this Committee and take the time out of your days and now, nights to come to this. I am also in support of a change and moving towards a manager. The big push for me, as I mentioned last time I testified, is the appointments. One of the earlier testifiers mentioned that the things that you're upset with this current Administration that this isn't gonna change those things, but what I think what's happened is this current Administration has highlighted some areas that the system's broken. And when you can use appointments to springboard political careers or pay back favors, that's a broken system. You know, and this is where we live, this is a community, it's much more important than political careers and paying back favors. We need people in that, you know, that are right for the job. He's also made some great appointments, I mean, hearing David's credentials and how long he's been working in Water Supply and

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

being an engineer and now he's running, so maybe that's a good appointment. You know, maybe, if we could find people like that that are actually meant for the job, not just, you know, like I said, giving favors, then, that's where I see this being broken. Somebody mentioned earlier, too, that we need to find out what we don't like or what the, Dave, actually, that we need to find the problem so we can address the solution, that is a problem to me. Another problem is that the person who's running the County, the political aspect of that, you know, needing to be reelected every four years and therefore, as we've heard, you know, earlier this year, that your sole job as a department head is to help that person get reelected. No, that's not your sole job. Your sole job is to run that department and it should have nothing to do with somebody getting reelected. And so I think that's another area that's broken that we can look at fixing and so this will fix those areas. So I think that speaks directly to what Dave was mentioning is finding a problem so that we can find a solution. And there is two or three really big problems that could be fixed by this. Thanks.

CHAIR TAKITANI: Paula?

MEMBER FRIEL: Thank you. You did that quick and to the point.

MR. LARA: You're welcome.

MEMBER FRIEL: Do you believe the problems you identified could also be fixed under the current system?

MR. LARA: Well, under the current system is why we have the problems.

MEMBER FRIEL: Yes, so we could rewrite the Charters and re-change the structure in that sense instead of the other sense that we're looking at. There's different ways to approach the problems that are being identified. So could it be solved if we changed...instead of changing the entire thing, what I'm asking is could it also be resolved if we changed the way in which we did things under the current structure?

MR. LARA: I'm sure there probably are other solutions that could come up and maybe there's another task force that's formed to look at those, but what we're talking, the one that you guys are tasked with now is looking...and I think that that will solve that problem. And so I think what the purpose of this task force was is do we move this forward? You guys were asked by the County to take a look at this and say, okay, should we move this forward? And what I'm saying is yes. I think this is valid enough that we can move this forward, put it to the people to see what they have to say about it.

MEMBER FRIEL: Thank you.

MR. LARA: Thank you.

CHAIR TAKITANI: Jonathan?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER STARR: Yeah. Thank you, Tim. If we were to try to institute these changes, could you elaborate on some of the technical aspects in the way you would see fit? In other words, would there be a mayor, what would the mayor's function be, what would the process for appointing the manager or and review of agencies?

MR. LARA: I think people have spoken to that quite extensively both in this meeting and in the one prior. I think some of the suggestions that came out of still having a mayor, you know, showing up and ribbon cuttings, doing things like that. As far as vetting and finding qualified people for the positions for the department heads, that's again what my major concern is that we don't have, you know, the right people running these departments that are operational, you know, the bare operations of our County. And I think those can come through a hiring board whether that's the County Council or not. You know, we heard our Mayor speak to this exact thing as the last testifier at the last meeting where he said, I didn't choose these appointments, but I did choose the people who chose them and I won't tell you who those people are. So, you know what I mean, it's like let me be really transparent, but at the same time, not be transparent at all, you know. I didn't appoint these people. I appointed people to appoint them and I won't tell you who appointed them, you know, who these people are. I mean, come on, you know what I mean? So, I think that there's, that we got to do better than that. We've gotta have qualified people running our County.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Just wondering, you're aware right, that the Charter Commission meets every ten years to review the Charter and suggest changes?

MR. LARA: Ten years?

MEMBER PALTIN: I believe it's ten years.

MR. LARA: Okay. So, when is the, do you know, I wasn't aware of that, no. When is the next ten-year period that, where we can...

MEMBER PALTIN: Twenty twenty-two, I believe.

MR. LARA: Okay.

MEMBER PALTIN: So my question is, the last one was 2012, do you think that they adequately tweaked the Charter to solve the problems?

MR. LARA: It wouldn't appear so and knowing that now that it's every ten years it can meet to take a look at the Charter, I would go back to Paula's question that she had earlier if we can make this through a Charter change and that sounds like that's not an adequate way to handle this if the next Charter change or next time they're even going to look at the Charter is going to be in another, what, six more years. So I would change my answer earlier and say, no, that doesn't seem like that's an adequate way to handle that.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER PALTIN: Okay. Thank you.

CHAIR TAKITANI: Thank you, Tim.

MR. LARA: Thanks, Tony.

MS. WILLENBRINK: Our next testifier is Marjorie Bonar, followed by Kate...oh, excuse me, this testifier had to leave, Bruce Douglas.

MS. BONAR: Marjorie Bonar. Everything's been said and I've said a lot. There's no question about where I stand on this. I'm wondering whether it isn't time to start. You've heard it and heard it and heard it and time to let the Facilitator do the job she's getting paid to do and run the discussion amongst all of you, and that's all I have to say.

CHAIR TAKITANI: Thank you.

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: You have a question?

MEMBER STARR: Yeah. Marge, could you lay out what a facilitated discussion might look like? Because we really haven't had a chance to discuss any of this.

MS. BONAR: Well, a facilitated discussion is one that doesn't get out of hand and everyone has a chance to work within the parameters and answer the question or try to answer the question that's been given to you. It's not changing the whole Charter. You're looking at one very small section of it and you're looking at a way just to improve or give the electorate a chance to vote on improving the way that we run this County. And I would like to see a time when you can all start putting in what you have gleaned from all this testimony at this point, which has only been about 95 percent in favor of changing this system, but at this point, being able to air and look for what the differences are. There are obviously going to be different opinions. There are this many Members, there are going to be this many different opinions on how this should go, but ultimately, it's got to be up to you to hash out how this should work. And I think we're getting in the way at this point. Okay.

CHAIR TAKITANI: Thank you. Next?

MS. WILLENBRINK: Yes. Our next testifier is Bruce Douglas, followed by Dick Mayer.

MR. DOUGLAS: Thank you and I'm proud of this process, just going through the intelligent questions being asked, so it's great to see this process working. Are we tired of crony politics? Yes, we all are very tired of that and that's what this is really about. We've seen that for too many years and too many administrations and the cronyism going through. Do I feel that a appointed, that the Council appointing a city manager is a

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

better way of doing that to avoid that? Yes, I definitely do. My question is the way that we are voting for our County Councilmembers. In order to do that, we're investing all of the power in the Councilmembers, right? We don't have the checks and balance, so is the way that we're electing our Councilmembers correct? The current method of at-large voting where basically the population center of the island is deciding who is going to be our County Councilmembers. So we have the concentration of the voting basically coming from Wailuku-Kahului District, basically, voting all of our Councilmembers in. So our Council does not represent the interests of the other parts of the island. They basically represent the interest of the main population center. And we all know that district voting is the way to go. The problem is, district voting has been proposed many times by different committees over the years and I looked, it dates back to the '80s when various commissions have been going through, trying to get district voting. But the County Council has never gone for allowing district voting to be put before the people as a Charter amendment change. Again, understand how the County Council would want to have a appointed city manager, county manager, because that vests the power back in the County Council, it's to their advantage to eliminate the Office of the Mayor and the friction that that causes. But it has not been to the County Council's advantage to decide to put a district voting measure before the people and change the way it's been done. There were polling done in 2010 by a West Maui group, which showed like 75 percent of the people in favor of district voting. Yet, this has not happened. So for me, the red flag is do we really have a representational district, do we really have representative, the Councilmembers representing the districts they're from? This idea that okay, well, they reside in an area, but they're elected by the whole, by the County at-large doesn't mean that say --

MS. WILLENBRINK: Thirty seconds.

MR. DOUGLAS: --a person who lives in Upcountry Maui represents the Upcountry values before the County Council. So, I would put us to really think about this before we vest all the power into County Council, that we need to fix the way that we're voting for them and get district voting. Thank you.

CHAIR TAKITANI: So, Kimo?

MEMBER HAYNES: So this is my opinion that changing the way the County's elected is probably outside the scope of this group and we're here to look at county manager. And I understand your frustration with the electing of the Council, but given those two things, do you think, would you, since we're not gonna do anything with election of how the Council's elected, do you think that this is something we should be addressing at this time, a county manager?

MR. DOUGLAS: I think it's something that, yes, the county manager, I believe, is a better, fairer way to do it and it takes the cronyism out of it. Some of the discussion I've heard here today of keeping a more figurehead, a mayor system could be a good compromise to keep that mayor type of piece, but to put the professionalism into the

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

system with a county manager is definitely the way to go, so we eliminate the crony politics.

CHAIR TAKITANI: Madge, followed by Dave.

VICE-CHAIR SCHAEFER: He just answered my question.

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

MEMBER DeLEON: ...(inaudible)... quick comment. There was a proposal in front of the Charter Commission. I couldn't get a second to do district. So --

CHAIR TAKITANI: Thank you, Dave.

MEMBER DeLEON: --if you could have a conversation with me after, I can give you a dissertation on that whole district voting situation.

MR. DOUGLAS: You got it.

CHAIR TAKITANI: Thank you very much, Mr. Douglas.

MS. WILLENBRINK: Dick Mayer, followed by Daniel Kanahale.

MR. MAYER: Thank you very much and thank you for listening when I testified last time and holding a meeting in the evening. I think you've gotten a wider...

CHAIR TAKITANI: We did this because of you.

MR. MAYER: Hmm?

CHAIR TAKITANI: We did this just because of you.

MR. MAYER: I appreciate that, Tony. Thank you. And what I want to do, you asked several questions about what are the problems that are trying to be solved. Let me try to go through some of these issues. One thing is that various departments in the County have, are operating right now in silos and there's not a good way to bring these departments together. I believe a county manager would be a person who could call the chairs or the department chairs together, department directors together and begin working to improve the linkages between the various departments. Another problem, right now, the political head of the County, the Mayor, and I'm not speaking against Alan or previous mayors, but they depend on political contributions. And if you look, for example, at the present Administration, you will find that many, many of the department directors, executive assistants, deputy department directors have given political contributions to the Mayor's campaign, not only initially before they got elected, but afterwards for the second election to keep their jobs. I would like to see that problem gotten rid of. I think what I'm really gonna ask you to do...and there are many other problems out there, there's a separation, for example, of the

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

Councilmembers, they're not allowed to speak to the departments directly unless they want to go all the way up to the Mayor and come down, rather than trying to get a quick answer from some, from the departments. I want to break down those barriers and so what I'm asking you is, that's the green sheet that I handed out to you, has a bit of a framework. What I'm urging is that you give this paper to your Facilitator and have her after she's listened to all the discussions that have gone, add some other items perhaps to this list of things that could be considered so that you next time at your meeting, can have a facilitated discussion on what might go on a ballot, what proposal you could make. You've heard enough to say from the public at these meetings, that there should be a change and at least the public should be given an opportunity to vote on this as a Charter and you should see what that recommendation could be to the Council. I would urge that you make a recommendation that it be put on the ballot. There are various things that are in this little list that I've given you here. For one thing, one job the mayor would have would be to pass, work with the county manager to prepare draft of the budget --

MS. WILLENBRINK: Thirty seconds.

MR. MAYER: --which the Council would eventually adopt. The Mayor would not make the budget but would as he presently does, with the help of a county manager who has been in day-to-day touch with all of his departments. That the county manager would be given a job description in the Charter as to what qualifications would be needed as would be the department directors, would have an actual job description defining what their qualifications should be, the professionally or experience wise, those are criteria would be used to select department, we don't have that now in several of the departments adequately. My own experience and I've worked a lot with various county governances that a number of the department directors are excellent and I'm sorry, David Taylor left because he's one department director, he and I disagree on many issues, but I believe he's professionally competent, has done a good job with the Water Department on many, many accounts. I don't think that standard is held up by all of the department directors, many of whom have been picked politically and I think that's unfortunate and I think that we can do much better by having a county manager hired on professional qualifications and giving her or him the opportunity to pick the best people possible to run each of our County departments. In some cases, they may go to a board like the Police Commission or the Fire Department or whatever might, the commission might be to get recommendations from them, but in the end, it should be the county manager knowing what is needed to run a budget, run all the various aspects --

MS. WILLENBRINK: Four minutes.

MR. MAYER: --to actually make the position, get the person eligible.

CHAIR TAKITANI: Thank you.

VICE-SCHAEFER: Question.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Jonathan, followed by Madge.

MEMBER STARR: Yeah. Dick, there's a lot that could be done and much of it might improve County government. I think that there is a realistic limit to what this Committee can do, just as there's a limit to what a Charter Commission can do in a, every ten years and, you know, that kinda preempts doing everything that one might wish and maybe that wouldn't be the best thing to do anyway. But do you think that if we are able to institute a ability for the voters to decide whether to have a council-mayor-manager system and to get that in place, that those things that may not be perfect about it could be tweaked, you know, in two years hence and then again, two years hence of it. Maybe over the next decade we could really refine it or do you think it's necessary to wait until everything can be done and it's agreed by enough people to implement a whole slew 'cause, I mean, you've got a pretty good laundry list here, you know, but it may make it more difficult to institute what --

MR. MAYER: Right and I think...

MEMBER STARR: --our purview is.

MR. MAYER: And I think if you can put the statement, A, whether we should have a county manager-mayor form or should we keep the present system, that's the first thing, and then to make some effort to define it. When the Charter Commission, as I understand it every ten years, does its job, it has several levels. One is the actual wording that's on the ballot. The second is the actual law that will be done and the third may even be really what they're intending to do and why they did the various things that the Charter Commission puts out in their report that helps give substance to that. And you may want to consider, that you don't have to write or the Council when it puts it on the ballot will not put the exact wording of everything that has to be done. But does that general thing, A, that we would like to do this, and whatever the other parameters are that you think are absolutely critical in making a change would be on the ballot, but you do not have to go into every detail, how the department directors are defined, that the...you may need to reference the fact that the department directors will have adequate, professional and experienced qualifications and those will be drawn up by a separate committee at some point in the future. Your Committee doesn't have to define all of those type of things.

MEMBER STARR: And one other question. I know you Chair the Association of Maui Community Association --

MR. MAYER: Yes.

MEMBER STARR: --where the chairs of board members from all, from many of the community associations come together. Do you have any feel for the depth of support of the change to what management that we're talking about that may exist throughout the associations and is there a mechanism for where you're kind of plumbing that depth of feeling --

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. MAYER: Right.

MEMBER STARR: --in the associations? We haven't heard from any of them.

MR. MAYER: Yeah, that was one reason why last time you may remember I suggested that there be several meetings out in the communities to get exactly that. But since that probably will not happen, you don't have time to do it all, I get from all of our meetings, we've been meeting monthly for three years now, that there is a lot of frustration with the present situation. And there's a feeling, I think, among many of the community associations that it takes so long or it's so difficult or et cetera and they would like...now, what that change would be, we have not sat down and examined, is it a county manager, is it a mayor this, is a, how long, how often, those things have not been discussed and I can't give you any feedback on that part. But there is a feeling that changes should be made somehow or other because it's not working well right now.

CHAIR TAKITANI: Madge, followed by Dave.

VICE-CHAIR SCHAEFER: Two questions. The first is regarding the job qualifications in the Charter. I think that really creates a problem for flexibility and change and I don't think job descriptions, department head qualifications should be in the Charter. Is there a reason why you think that it should be in the Charter?

MR. MAYER: I don't feel strongly that it has to be in the Charter, but I think a reference perhaps in the Charter that department directors will be picked based on professional qualifications and experience. That would leave it open to the County Code, then, to actually define what those would be.

VICE-CHAIR SCHAEFER: Okay. Thank you. The second question is regarding the directors and campaign money and cronyism. Do you think that that could be addressed by a change in the ethics rules?

MR. MAYER: It's certainly an ethics question and I wish the Ethics Board would handle that kind of a question perhaps by again in its own rules or its own or even into the County Code that no political contributions can be given by somebody who's appointed to the County government as a director, executive assistant, those kind of...or as a deputy director, those things should just not be around. Even the secretary of the Mayor has given contributions if you look at the list of contributors and, I mean, I, she may like the Mayor, she may...but I just don't think that's an ethical thing. And I think we should not allow that kind of thing to go on. And I have nothing, she's a lovely lady and I don't mean to cast any aspersions on her, but I just think that practice, whether it be this Mayor or the next mayor; and she's served under several mayors, so it's not like she's kept her job by just giving to Alan.

VICE-CHAIR SCHAEFER: The ethics if I understand, remember correctly from the Charter that Tony made us read, the ethics portion, there's an ethics portion of the Charter.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

So, would that be a place rather than...which would you rather see, the Board of Ethics come up with their own rule or have it changed in the Charter?

MR. MAYER: I think that's beyond your purview in terms of recommendations you're making. You may decide that that it is part of your purview and go ahead and make a, I don't have a, I don't have the mechanics worked out myself.

VICE-CHAIR SCHAEFER: Okay. You just want it addressed?

MR. MAYER: I want to stress that that it is a problem right now. I don't think department directors before an election and while they are in office should be giving money to their boss as political contributions. And there may be even a blackmail there, I don't know there is, that says, if you want to keep your job there, you better give me \$1,000 for my next campaign. I mean that's always the threat that's there or implied. If five directors have done it and the sixth director says, I really don't want to have to give \$1,000. I need that for my kid's education.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: I noticed that your mayor does not have the veto power that other people are suggesting, is that an omission of purpose or you just forgot to put it on the list?

MR. MAYER: No, I know that Dale, when he gave you a list, somewhat similar to this one, had on there that the mayor would have both, a veto, a tie vote capability and a veto vote capability. I don't think the mayor should have two cracks at it. Either be the deciding vote on a thing or a veto. And I think the veto one would be a better one.

MEMBER DeLEON: So your mayor is on the County Council as a voting member?

MR. MAYER: Excuse me, one second, let me go back over my thing here.

MEMBER DeLEON: I don't see that on your list.

MR. MAYER: Yeah, no, no, let me just go back over my thing, what I said here. Where was it? I'm trying to think. What number? One...

MEMBER DeLEON: This is the green sheet, right?

MR. MAYER: Yeah. Mine's white, but that's the only difference. What number is that? I forgot.

MEMBER DeLEON: One.

MR. MAYER: B...oh, no, A, yeah. Yeah, he may cast the tie breaker, he does not have the veto.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER DeLEON: So, he's a voting member of the Council?

MR. MAYER: He's a voting member of the Council, only when there's a tie vote.

MEMBER DeLEON: Okay.

MR. MAYER: Just like the Vice President of the United States can break a tie, but he's not a member of the Senate, per se.

MEMBER DeLEON: So there's no veto power anywhere?

MR. MAYER: No veto power.

MEMBER DeLEON: Got it. Thank you.

MEMBER CANTO: Chair?

CHAIR TAKITANI: Pua?

MEMBER CANTO: I have a question. Dick, thank you for the color-coded paper here. I want to refer to Item No. 3 --

MR. MAYER: Okay.

MEMBER CANTO: --under B as in boy, be non-union positions that would not automatically turnover with each mayoral or council election approval, what prompted you to list that as a modification?

MR. MAYER: Listed as what?

MEMBER CANTO: As one of your modifications to the current system?

MR. MAYER: I just want to make sure that these positions, these senior positions would not automatically turnover, in other words, when a new mayor comes in or new council comes in, that does not automatically mean that the department directors or the managing directors get fired or have to resign, that they would just continue. And it would be up to the Council to put in a new managing director in, county manager in, or and the county manager then would recommend when the time comes that we need a new Water Director or Police Chief or whatever it might be.

MEMBER CANTO: Okay. And so that would, you would refer that to a non-union position?

MR. MAYER: All those positions are now non-union.

MEMBER CANTO: They're all non-union positions?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. MAYER: And they should continue. The directors and managers of departments, I would think, would continue, just as they are through State and County government, should continue as non-union positions. Because once you have the union in, then they have certain job protections that would make it difficult to remove people who perhaps aren't doing their job well and I think at the executive level, you want to have that flexibility that they can be removed without having to go through a three-year civil service --

MEMBER CANTO: Sure.

MR. MAYER: --process with the unions.

MEMBER CANTO: Okay. Well, thank you for that clarification, Dick. Thank you, Chair.

MS. TAMARA:: Hello, Mr. Mayer, thank you for coming.

MR. MAYER: Jonathan?

MEMBER STARR: Yeah ....

CHAIR TAKITANI: No, Tamara.

MR. MAYER: Oh. I'm sorry. I'm sorry, Tamara.

MEMBER PALTIN: Hello, Mr. Mayer, thank you for coming and I appreciate you pointing out the specific problems and modifications to the current system. My question is, do you see this as a tweak of the current system or do you see this as a change in structure?

MR. MAYER: Well, if you were to go to a county manager, it certainly would change all of the relationships at the highest levels of the County, so, that would change. It would, it, potentially could also change the culture 'cause rather than having a political leader running everything, you would now be saying, what we want is professionalism. And why that's important is that unlike let's say at the Federal level where they're making really policy decisions on birth, on marriage things, go to war and all kinds of high level policy, the County is basically to serve the needs of residents, fire, police, get rid of their wastewater, get rid of their rubbish, security, those kind of issues are ones that are done at the local level and they're really providing services. We want professional people delivering services and not necessarily make it a political thing. I don't think those are political...it's not a question of Republican or right wing over left wing or and those kinds of things. And so I think professionalism should trump all of these other political considerations.

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Jonathan?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER STARR: Yeah, I was just looking at the language about they be non-union positions and I agree they shouldn't be a union-designated position, but I would assume that if someone who holds a union card, is a member of a union were to be appointed by the managing director to one of these positions or become the managing director or even run for office because I believe we've had political people who hold a card but then the card is kind of on the shelf while they serve. I mean I assume that that would be okay. I know I wouldn't have a problem with that.

MR. MAYER: That's the present...for example, I, as a faculty member here at college was a union member. But if I had become, let's say, a dean or a person and ...(inaudible)... I still keep my rights to go back as a faculty member and become a union member again.

MEMBER STARR: You have rights of return?

MR. MAYER: I have the right to return and a person who is a...but at the same time, if I'm being incompetent as that dean or high administrator, they can fire me from that position and I'll go become a faculty member again.

MEMBER STARR: Okay. So you're not saying they should not be union members?

MR. MAYER: No.

MEMBER STARR: You're saying that in that position?

MR. MAYER: While in position, in that position they would be non-union. That way you have the flexibility of removing incompetence if it happens. Thank you all and I wish you well.

MEMBER HAYNES: Tony, one question.

CHAIR TAKITANI: Okay.

MEMBER HAYNES: Just so we're clear so there's no question of union and non-union. You are just putting in there to simply state that status quo, that those positions would remain as they are today?

MR. MAYER: Yes. And I gave, and I tried to give a reason why I think that's important. It helps manage the system better.

CHAIR TAKITANI: Thank you.

MR. MAYER: Thank you all.

MS. WILLENBRINK: Our next testifier is Daniel Kanahale, followed by Deborah Mader.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MR. KANAHELE: Aloha kakou. My name is Daniel Kanahele. Thank you for holding this meeting in the evening so I don't have to take off work. Mahalo for, you know, volunteering to be on this Committee. I know some of you personally and I don't know the others, but I think this is a great Committee and I wish you all the best. Hi, James, good to see you, brother. Long time. I love Maui and its people. I have a deep love for this place and I just want to see the very best for our community. That's the only reason why I'm here tonight. And so I'm not an expert in government by any means. I'm here to learn and become educated, but I'm an expert in my own kuleana. I live in South Maui. I work in South Maui. I go to church in South Maui. I teach scouts in South Maui. I volunteer in various committees in South Maui. South Maui, that's my kuleana. And based on my kuleana, I hope I will see a county manager in our future here on Maui. Change is upon us. Great tides of change are sweeping over our island. And you know, change can be simple or it can be complex. Big change is always emotional. I think we're having this discussion because this is a very important and emotional issue that has come at a very important time. Why else are we here talking about changing the form of government we currently have? Change is going to manage us or we're gonna manage change, one or the other. And I have my concerns about whether the current form of government can manage the change that we have, are experiencing now and will experience in the near future. My reason for being here is my concern for how Kihei, South Maui has developed. If that is a reflection of our current form of government, then, I think we need to make some changes because South Maui has developed and grown in such a haphazard manner. I mean, it's like crazy. I remember South Maui when it was just a rural community, ag community. You know, just that one dusty road going out to La Perouse Keoneoio Bay and now it's a thriving urban community. It's changed so much. And we have problems there. And I think one of the problems we have is --

MS. WILLENBRINK: Thirty seconds.

MR. KANAHELE: --changing, getting good policy and implementing it by putting them into plans of action. We have so many good policies that have to do with land use, that have to do with education, with housing, culture, environment, but it's not being implemented. That's what I see as a community member out there. These plans aren't being implemented or actions are not being taken on critical policies. And so, based on that, my experience with that, something has to change and maybe it's the form of government. Maybe we should take a leap of faith and try something different. You know, you folks that's what you gotta discuss and come up with. I just give you my manao as a community member, my two cents, pau. Thank you. Mahalo.

CHAIR TAKITANI: Thank you. Questions? Tamara?

MEMBER PALTIN: Do you feel that a professional county manager would be able to stand up to the Council to enforce the, or implement the policies if the Council hires the manager? And we have a good policy document in the General Plan and say...

MR. KANAHELE: And the community plan.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER PALTIN: And the community plan. Say the Council hires a manager and we all know what the makeup of the Council is currently and the manager has the policies, do you feel that a hired county manager would be able to stand up to the Council and implement the good policies we have?

MR. KANAHELE: Gosh, you're asking me do I know or how do I feel, I would hope, you know, what can, the best I could, I would hope that would happen. You have someone who is a professional, has a background in training and management experience and working with councilmembers or knows how to set goals and have benchmarks and timelines and produces some kind of report on a regular basis. Yeah, I would like to see that kind of government that is accountable and transparent. So I would hope that a professional manager, that we would go out and find someone that would bring home the bacon, so to speak, for our people, you know, for our island, for our environment. You know, we have a lot of needs here and I have hope, you know, I have hope in this process. I have hope in what you're doing that this will create a better future for us. Whatever you folks decide and come up with, based upon what you hear and your discussion, I hope this will result in a better future. Because the way we're heading right now, I'm not too confident in our future right now. Living here on Maui, I am very concerned about what's happening today. So that's my --

CHAIR TAKITANI: Jonathan?

MR. KANAHELE: --that's like my twenty-five cent answer, sorry.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: So, Mr. Taylor, number one, the Water Director, said we should ask what is the problem --

MR. KANAHELE: Yeah.

VICE-CHAIR SCHAEFER: --and your answer is the failure of policy to be implemented is your biggest concern?

MR. KANAHELE: Yes. Yes, Madge, that is. Thank you.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Thank you very much, Mr. Kanahele.

MR. KANAHELE: Thank you, Chair. Mahalo.

MS. WILLENBRINK: The next testifier is Deborah Mader, followed by Mike Foley.

CHAIR TAKITANI: How come the guys that testified earlier didn't get hands and claps and stuff like that?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

UNIDENTIFIED SPEAKER (from the audience): We're trying to keep warm.

CHAIR TAKITANI: Sorry, don't start her clock, yet. Okay now.

MS. MADER: Mahalo to all of you. This is an important process and mahalo to everybody staying late. I definitely feel that we need to change something in this government. I've lived in a lot of places. Maui for six, had my children here, three, they're young. And I've always tried to participate in the political process and tried to serve the communities that I've lived in the best way that I could. When I went to a recent State of the County address, I was really hoping to hear about wastewater management, the injection wells, you know, which affects Kihei where I live, as well as my friends in Lahaina. I wanted to hear about the curbside recycling and is there a way that we could do that more efficiently. I wanted to hear about affordable housing. Some of the issues that really affects me, my community that I live in. Instead, I heard jokes about potholes and some other stuff, which is no judgment on the speech, but I wanted substance. I wanted facts, figures, ideas, plans, kind of like a report I would get from a manager, one of my managers. I run three companies. I started a non-profit, so I'm kind of an organizer and a business type person. I also lived in a town that had a city manager, no mayor. I didn't even miss the mayor. We actually voted more when we lived in that town, than when we lived in New York City, which had a mayor, for various reasons. But the reason I mentioned this example of Long Beach, New York where we spent a little bit of time was because they happened to have a city manager not, wasn't doing a good job. They were able to replace that person with a well-vetted, highly qualified person right before super storm Sandy hit, which destroyed the town. And I have a brother-in-law there and his home was destroyed, so what...because of the person they had selected, that town, to see it now, they're more renewable. They've like updated all their infrastructures to manage with the bay and the high tide and a new boardwalk and new facilities for the community, just to the credit of this person. And forbid that if it was an election year, my gosh, what would have happened to that town because all of these people would be scurrying around to see can I get elected during this time. It's not doom and gloom. I'm just using the example that I know from my family and from our life of how this plan worked. So I, from all the ideas that's been brought up, I'm here because I'm in favor of this one. I think it's a conversation we should have, whether it's put on the ballot or whatever you guys decide, I appreciate having the conversation. I think that in terms of a business structure, the manager seems like a great idea to me. I would like the community to have, you know, a say in it and I think the community is well informed and can be if given the opportunity to have a say on this. Completely irrelevant because it's a *Maui News* poll, but today they said, what do you think of the idea of a county manager form of government and I just refreshed this, 45 percent in favor, 37 opposed, 18 don't know and no opinion. This could be 5 people, it could be 5,000, I don't know. But the conversation's happening and I think it's a good thing because at the end of the day, we need better wastewater management. We need more affordable housing. We need, you know, protect our small farmers, more ag land, all of these things, the zone, rezoning to protect that and so these are the issues that are my concern that I'm hoping a county manager would be able to facilitate in a better way than our current system. Mahalo.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER FILIMOE`ATU: Can you give me your name?

MS. MADER: Deborah Mader.

MEMBER FILIMOE`ATU: Thank you.

MS. MADER: From Kihei, mama of three. Okay. Thank you.

CHAIR TAKITANI: Thank you.

MS. WILLENBRINK: Mike Foley, followed by Randy Wagner.

MR. FOLEY: Hi. My name is Mike Foley. I am speaking as an individual, not representing any of the organizations that I volunteer for. I am here to support the concept of having a county manager. Like a few other people in the room, I have worked for county managers and city managers. Before I moved to Maui 18 years ago, I worked in California for 36 years and I was the planning director for 6 or 7 or 8 cities, depending on how you count. I, my experience is that Maui County is actually very complicated. It's a very large area. It deserves a professional county manager and the county manager should be hiring department heads who are qualified. You probably know that several of our department heads currently have no qualifications whatsoever. They are totally unqualified. Departments are run in chaos. I know this from experience. When I came here, I couldn't believe that a County this complicated had to be managed by a politician who basically is elected on a popularity contest, but has no training or experience running a complicated government with thousands of employees and millions of dollars. The County Charter has qualifications for a few of the department heads and in case you think that's a solution, those qualifications are ignored completely. The qualifications are very minimal. They're very brief. They're very vague, but the qualifications that do exist are ignored. The department heads are, some of them are required to have a relevant degree and some supervisorial experience, some of the department heads don't have either one. Anyway, so I think a county manager can help to solve some of these problems. It won't solve all of the problems. I favor district zoning, our district voting, but that's not in your kuleana.

MS. WILLENBRINK: Thirty seconds.

MR. FOLEY: The main thing is I think that we need a professional county manager with both training and experience and we need department heads with both training and experience.

CHAIR TAKITANI: Ray, followed by Jonathan.

MEMBER PHILLIPS: Thank you, Michael, for testifying. And as I recall, you were a Department Director for Planning in Maui County?

MR. FOLEY: Four years, right.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER PHILLIPS: Four years. So you have intimate knowledge about the way County government works?

MR. FOLEY: Yeah. Basically, I worked for county managers and city managers for 36 years and only here, worked for a Mayor that wasn't a professional manager.

MEMBER PHILLIPS: Listening to all the different testimonies and I'm sure you've had an opportunity to see it on TV, what would you recommend to be a proper structure for Maui County?

MR. FOLEY: Well, I favor the, I favor having the mayor be a member of the council. My experience has been with councils that have anywhere from 5 to 11 members and the mayor is a voting member. He has a more ceremonial responsibilities and he breaks the tie in the vote, but is not the, he's elected by the councilmembers, not elected by the populous as a mayor. I mean, that's been my experience. I've seen it work. That's what I'd recommend.

MEMBER PHILLIPS: Okay. Thank you, Michael.

MEMBER STARR: Mike, could you describe the experience of being evaluated and hired in a manager type of system compared with the experience of being hired and evaluated if you ever were and then, I guess, terminated at a change of administration?

MR. FOLEY: Jonathan, I was afraid somebody would ask me that question. When I was hired as the planning director of Sausalito, there were 208 candidates and they, the city manager took two months to decide, made a great decision. I was highly qualified and others were highly qualified, and we went through all kinds of exercises to indicate what we would do in various types of crises, including really upset councilmembers. And when I was hired by other city managers, it was a case of reviewing my education and my training, and, also, what I would do in various different situations. When I came here, I was hired by Mayor Arakawa without really, we really didn't talk about any issues. He had reviewed my resume. It had been given to him by a couple people and I was selling art on Front Street at the time. Thought I retired. I have never, I was never evaluated. My performance was never reviewed in the four years. I basically did what I thought was right and fortunately, we had very few altercations.

MEMBER STARR: Okay. Thanks. And I would, I really appreciated working with you. I thought you did a good job as Planning Director.

MR. FOLEY: Thank you.

MEMBER STARR: Even though maybe you didn't deserve it because you weren't evaluated.

MR. FOLEY: Thanks, Jonathan.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Mr. Foley, the, you said the current qualifications are ignored. We're talking, one of the things we're considering is tweaking. Do you think that if we put in more rigid qualifications that they would be ignored?

MR. FOLEY: Unless you have a county manager, I think they would be.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: So there's a proposal in front of the County Council right now to give the Council authority to approve mayoral appointees, the department head appointees. What do you think about that?

MR. FOLEY: Well, I think that someone needs to look over, if the mayor has sole opportunity to hire the department heads, some... people should be looking over his shoulder to see that the department heads who are hired are actually qualified for the job and that's not happening now. And that's why I think a professional county manager is more likely to pay attention to the Charter and pay attention to the qualifications than a politician.

MEMBER DeLEON: The Council's made up of politicians.

MR. FOLEY: Yeah, but at least there's nine of 'em, instead of one.

CHAIR TAKITANI: Nine times as bad. Kimo?

MEMBER HAYNES: So you were Planning Director for four years, correct?

MR. FOLEY: Here, yes.

MEMBER HAYNES: Here, right and then, when the administrations changed, did the new Administration, did you apply for it or did they consider you for that position when they took over?

MR. FOLEY: As far as I know, I wasn't considered. I mean, I was never, it was never came up. I just left.

MEMBER HAYNES: And there was no discussion with you?

MR. FOLEY: There was no discussion. Someone was appointed and I think I read about it in the paper.

MEMBER HAYNES: Thank you.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: The Administration after when you were Planning Director was Tavares?

MR. FOLEY: Yes.

MEMBER PALTIN: She said that she had put out a, kind of like a nationwide recruitment. You didn't want to stay on?

MR. FOLEY: Yeah, I would have loved to have stayed on. I wasn't asked to. I wasn't asked to apply. I've never heard about any nationwide recruitment. She appointed one of my staff members, who, incidentally, was qualified. I mean, he is unique, pretty unique and he and I both had been planning directors before. Several of the planning directors since then have not been qualified.

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Thank you. Appreciate it.

MS. WILLENBRINK: Our next testifier is Randy Wagner, followed by Nikhilananda.

CHAIR TAKITANI: I have been asked to request of all of us in here tonight that when we leave, can you help put away the chairs, if you can, if you're able to, please. Thank you.

MS. WAGNER: Ready?

CHAIR TAKITANI: Go ahead.

MS. WAGNER: Aloha. I'm Randy Wagner and I live in South Maui. I've lived on Maui for 25 years and I'm an architect, so I deal with all the departments, Fire, Wastewater, Public Works, all...Planning, a lot with Planning and I believe if we go to a county manager, we will be able to preserve the character that we love of Maui in a much better way. I echo what Daniel Kanahale said about South Maui being a random hodgepodge and I want to say that the community plan that was written in 1998 is an excellent plan, hasn't been updated yet; however, it is not implemented. And it's my opinion that if we had a county manager, that would be one of the things they would look to to guide their job and their numerous community plans. Our small towns don't have governments to protect them. The community plan is really the only voice of the community, except for the Councilmember who is elected at-large. I'd like to give you an example of how I see that being a big problem. Right now, I live in South Maui and Walgreens wants to put a big box store adjacent to the oldest neighborhood in Kihei and it says in the community plan that business development adjacent to residential shall be of a residential character and scale, so a 15,000-foot store with twice the required parking. I feel like the Planning Department when that project came in should be in a position to say, oh, that doesn't fit our community plan. That description is not legal here, so you need to find another lot or you need to adjust your

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

program. So far, I've testified at the Planning Commission numerous times on this issue. The Commissioners seem to hear our position, but the Planning Director sits there and looks like it doesn't matter what the community plan says. And I feel like if a county manager hired a professional planning director, who's directive was to implement the administrative policies of the community plans, the character of all the individual places would be able to be preserved through the vision of the community members that are create, they created in their plans. So I want to give you one more example while I have time. Okay. I'm trying to --

MS. WILLENBRINK: Thirty seconds.

MS. WAGNER: -- a project in Paia to make it a little bigger than the original plan we had, which took two-and-a-half years to get the permit for. And I went back to the Planning Department yesterday to get an okay on what I saw as something that made sense and the person that I met with said, well, we have to look at that all over again. And I said, well, the person who signed this letter, could we talk to that person? And she said, maybe if I see him in the hall, I can talk story with him. And I said, well, can I get an appointment with him? And it was not possible. The secretary told me, I'll try. He's very busy. You probably can't get, you know, I'll call you and I just see that as major dysfunction. I could get a building permit in Baltimore City in a fifth of the time. And I feel like our communities deserve the right policy implementation and I think that a county manager will have that as a guiding goal. That's all.

VICE-CHAIR SCHAEFER: Question.

CHAIR TAKITANI: Thank you. Madge?

VICE-CHAIR SCHAEFER: So, would you say back to Mr. Taylor's question, can you succinctly say what you see is the problem?

MS. WAGNER: I see the problem is that the policies we have in place are not being administered and a manager is an administrator. A mayor is not an administrator. A mayor is an elected official.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Pass.

CHAIR TAKITANI: Thank you. Thank you very much.

MS. WILLENBRINK: Our next testifier is Nikhilananda, followed by Linda Berry.

MR. NIKHILANANDA: Good evening. Thank you for the opportunity to testify tonight. One of the benefits of listening to other testimonies, it's changed a bit of what I wanted to say. One of my suggestions for the Council is that they actually have testimony. You

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

have 10 or 15 minutes or an hour of testimony at the beginning, then, that's it and you can't make comments to what people have said, especially the Councilmembers. And sitting here is *Akaku* and when I was on the board of *Akaku*, I proposed that. And at their board meetings, you testify, they talk about things and then people can come and testify again. So the benefit I have is listening to what people have said, so I'll try not to duplicate what's been said. But we're talking about efficiency, transparency and accountability. We don't have that now. We're talking about the continuity of management in these various departments and qualified people, educated people and, in the...professional department heads and senior management. Now, I'm glad something that Dave DeLeon said, 'cause I went to the Charter Commission in, twice in 2000, 2010 and here's people sitting on the Charter Commission basically ignoring suggestions that people put out. You can't even get a second on different issues. This was one having a manager system, changing a way we do government. The other one that is really important that sort of has been mentioned that it's not part of the purview here, but it's all interrelated, is the way we elect our Council. And I'm glad other people mentioned that because for example, if Paia, Haiku and Hana were a Northshore District, there would be a different representative on the County Council now. I'm not gonna say who that would be. So if we had district voting, it makes a difference. Otherwise, the nine people on the Council are basically similar. And if they were coming from different places and they hired a professional and that's again what we're talking about, a professional individual to run this County. I'm glad someone else mentioned something about the community plans. Our Charter says we're supposed to have community plans every 10 years and I just heard Kihei, 18 years. So right away, our current Mayor and the last mayor, the mayor before, just ignore what's in the Charter. So it's important to have yes, we don't have to spell out every, cross every T and dot every I, but we're talking about professionalism. Who can say that the last few people have been running this County are professionals? And I'm glad other people brought up the department heads because yes, some of them, without being too derogatory, are just political payoffs, they're not qualified to be in there. But one person in particular, who wasn't qualified did a superb job.

MS. WILLENBRINK: Thirty seconds.

MR. NIKHILANANDA: So it's not the only criteria. Yeah. Okay. So, the other one that was pointed at is our County, 160,000 on three islands, just Maui County is 720 square miles. We're large enough now to have the communities being a lot more independent. And you hear about Kihei. Kihei was just a hodgepodge. I'm glad that someone just talked about that. We built buildings on top of floodplains and then every year it floods and then you have to do something about it. Because there's this lack of professionalism in our, the departments, especially there with Planning. So, for example, on Oahu, they have neighborhood boards. Maybe we can have towns, Kihei, Lahaina could be actually with some kind of administration. Molokai having a little bit more independence. And we're large enough now to incorporate those areas. So, remember, there was a question that earlier or a statement and could we really do that and could the community actually choose people. Please remember that the people who are elected, representatives, the people who are elected mayor, administration,

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

they work for the people. It's actually, they're servants, like you are serving the community. And I've served on a couple of boards and commissions, so, it's the community that chooses and sadly, when I hear some of the stories where you go in and I've had that also happen to me, where you just are basically ignored. And the worst that I found and I'm again, I'm deluding, deferring to what Dave had said, the Charter Commission. This is something that should have been presented to the community like district voting. They do a survey. They find out that --

MS. WILLENBRINK: Four minutes.

MR. NIKHILANANDA: --a majority of the community wants that district voting and the Charter Commission decides, we're not even going to give a second so people can talk about it. So the question was asked earlier, no, we don't have to have every T crossed and I dotted, but then you appoint people if the community wants to have a different structure. And it could be some kind of hybrid. It doesn't have to be what ...

CHAIR TAKITANI: Will you take some questions?

MR. NIKHILANANDA: Will I take some questions?

CHAIR TAKITANI: Yes.

MR. NIKHILANANDA: I'll always take some questions. Is that it?

CHAIR TAKITANI: Are there any questions?

MR. NIKHILANANDA: Are you finished with my...

CHAIR TAKITANI: Are there any questions?

MR. NIKHILANANDA: I don't know what, oh, yeah I don't know what...

CHAIR TAKITANI: No, your time was up.

MR. NIKHILANANDA: Oh, my time is up.

CHAIR TAKITANI: Yeah. A minute ago.

MR. NIKHILANANDA: I just trying to get it...well, even that, we're given three or four minutes to testify, right? And yet, that's the only opportunity we have and then you guys will deliberate. Please present it to the community and let the community decide. It doesn't have to be a specific...just that we prefer to have a professional and not the structure that we have now. Thank you guys for the opportunity.

CHAIR TAKITANI: Thank you very much, Nik.

MS. WILLENBRINK: Our next testifier is Linda Berry, followed by Dr. Hana Steel.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MS. BERRY: Aloha. Thank you for hearing us this evening. I'm Linda Berry. I live in Kihei and I'd like to answer David Taylor's question. I do volunteer work for the Kihei Community Association on the Board of Directors and I'm the Chair of the Design-Review Committee. Our bible in the KCA is this, the Kihei-Makena Community Plan from 1998 and even though some people will say that there's a problem that this hasn't been updated, this is a brilliant plan. The people that did this in 1998 did an amazing job of foreseeing what life would be like 20 years later. The problem is that nothing in this plan has been implemented. The plan's very specific. If you look at a section like transportation, it lays out nine different things that should be implemented and it prioritizes them. And if we look at those, No. 1 is what is now Piikea Avenue that runs from Long's to Safeway, that was done. If we look at No. 2, it's the North-South Collector Road and everyone knows what the status of that is. The thing that's really disturbing about it is that not only has it not been implemented, but there are no plans to do so. And that's over the course of more than 18 years under different administrations, so I don't believe that it's any specific mayor that's at fault, I think it's the system itself. And I think that we need department heads who are interested in getting our community plans implemented, rather than figuring out what they can do in four years to make a name for themselves and get reelected. Thank you.

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

MS. WILLENBRINK: Our next testifier is Dr. Hana Steel, followed by Alanna Loehnis.

MS. STEEL: Good evening. Thank you very much for the opportunity. I am speaking for myself as a 25-year government employee here for the County of Maui. I'm strongly in favor of the council-mayor and professional manager system. And Mr. Taylor, one of my colleagues, said what is the problem? From being a line employee working for the County, I see the problem as the loss of knowledge, intelligence, continuity, time, affinity with staff and it all translates out to money. In the 25 years I've worked for the County, I've worked under 10 directors and deputy directors. The amount of people that have been appointed in those position, that had previous experience in my field, zero. I've had ten division chiefs or deputies, the amount of, number of people that have had previous experience in this field from other municipalities, one. Every election cycle, and I've been through six of them, I had it down to a science in terms of months. It would take me about 18 months to get the concepts, the vernacular, the vocabulary and the information transmitted to the people that would be actually approving the budget and projects that I would be working on. So, if you've got somebody for 4 years and it takes 18 months to get 'em up to speed, then you've got like 2½ years. Then there's another change and you've got your team and you're already going in this direction and then, whoa, everything stops, we want to go in another direction. Okay. So then you work on that. But the point here is that I think that we can do better and I do not think that the election system that we have in place right now serves us now, nor with the increasing population, I do not think that it will serve us in the future. I do think we need to change because we are Maui no ka oi.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Madge, followed by Jonathan, followed by Tamara.

VICE-CHAIR SCHAEFER: I think I'm in a state of shock over here when you said you had ten directors, zero, with zero experience.

MS. STEEL: Deputies and directors of the departments I was in that had previous experience in solid waste or recycling.

VICE-CHAIR SCHAEFER: It just leaves me speechless. I'm sorry.

CHAIR TAKITANI: Congratulations! You got her speechless. Jonathan?

MS. STEEL: Yes, I am the right girl to do that job.

MEMBER STARR: You haven't gotten me speechless, yet, but. So, could you describe the evaluation process that went on in the departments and, with the directors and deputies that you worked under?

MS. STEEL: I am not privy to that because the directors and the deputy directors were appointed by the mayors. And the Solid Waste division chiefs and the deputies were vetted, of course, but solid waste and recycling is a specialized field.

MEMBER STARR: But I'm going to just say, to assume there was no evaluation process?

MS. STEEL: I cannot say, I wasn't a part of that.

CHAIR TAKITANI: Tamara, followed by Dave, followed by Kimo, followed by Pua.

MS. STEEL: Thank you.

MEMBER PALTIN: I have a couple questions. How about you? Were you evaluated regularly?

MS. STEEL: I have not received an employee evaluation for many years, a formal employee evaluation for many years.

MEMBER PALTIN: And since 2012, that was supposed to be an annual process, right?

MS. STEEL: It's always supposed to be an annual process.

MEMBER PALTIN: So, seeing that you don't believe in the current structure, a lot of issue has been brought up with the separation of power, the checks and balances and accountability, what checks and balances have you witnessed in the current structure?

MS. STEEL: Not much.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER PALTIN: Accountability?

MS. STEEL: I'm sorry, what?

MEMBER PALTIN: Have you witnessed much accountability from the mayor?

MS. STEEL: I can't really speak to that. I've had so many of them.

MEMBER PALTIN: Any of them?

MS. STEEL: Any of them? They are accountable to the public, of course, and they do what they think is best. I don't think that any...I think, I really have a strong admiration for anybody who goes in public service. I just think that maybe perhaps they're missing skills in an area that would make them exemplary and I think that a professional manager would do a better job because those skills would be with that job.

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Hi, Hana, I haven't seen you for a while.

MS. STEEL: Hi.

MEMBER DeLEON: So the, your tenure in the Council, in the County, you were in, you were the recycling specialist in waste management side. How would you describe your position?

MS. STEEL: I was a recycling, I was hired in 1991 as the County Recycling Coordinator.

MEMBER DeLEON: Okay. Right.

MS. STEEL: Yeah.

MEMBER DeLEON: So the majority of the time you were in the County government, you were in the Public Works Department, is that correct?

MS. STEEL: Public Works and then, Department of Environmental Management, yes.

MEMBER DeLEON: In the Public Works Department, would it be surprising that a waste management specialist is not the director?

MS. STEEL: I didn't hear the question, what?

MEMBER DeLEON: Would it be surprising that the, in Public Works --

MS. STEEL: Yes.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER DeLEON: --which was also included building permits and road management and a variety of other services, including engineering, is it surprising that your director was not a waste management specialist?

MS. STEEL: It was surprising that there was so little.

MEMBER DeLEON: Okay. Thank you.

MS. STEEL: Yeah.

CHAIR TAKITANI: Kimo? Pua?

MEMBER CANTO: Dr. Alanna [sic], can I get your last name again?

UNIDENTIFIED SPEAKER: Steel.

MEMBER CANTO: Steel. Your last name again?

MS. STEEL: Steel.

MEMBER CANTO: Steel.

MS. STEEL: S-t-e-e-l.

MEMBER CANTO: Okay. Thank you. Have you ever taken it upon yourself to question why you are not approached by higher-ups to go through that process of being evaluated, et cetera, et cetera? Have you not...it just appears that it's been a long time that you've gone through this or felt this way, so, I would kind of beg to differ why you wouldn't question someone about an appraisal or an evaluation of what you do for all that period of time? It's a long time.

MS. STEEL: It is. And I've had many bosses.

MEMBER CANTO: And you've never taken it upon yourself to question why or why not?

MS. STEEL: I don't think we're here to discuss my personal --

MEMBER CANTO: No, I agree. I agree, but...

MS. STEEL: --employment history.

MEMBER CANTO: I totally agree with you, but you stand here before us and...

MS. STEEL: I answered the question.

MEMBER CANTO: And I...

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER STARR: Mr. Chair, we should not be attacking the testifiers.

MEMBER CANTO: No, no, I agree with that, Jonathan.

CHAIR TAKITANI: I don't think, I don't...

MEMBER CANTO: My question is, you've never...

MS. STEEL: Did I question or asked --

MEMBER CANTO: Yeah. Yeah. Did you ask?

MS. STEEL: --at any time in the 25 years?

MEMBER CANTO: Yes.

MS. STEEL: When it would be? Yes, I did.

MEMBER CANTO: You did? Okay. Then, that answers my question. Thank you, Jonathan.  
Thank you, Chair.

MS. STEEL: Is that it?

CHAIR TAKITANI: Any other questions? No. Thank you.

MS. STEEL: Okay. You're welcome.

MS. WILLENBRINK: Our next testifier is Alanna Loehnis. And the final person signed up to testify in the chamber is Carol Lee Kamekona.

MS. LOEHNIS: Aloha, you guys. My name is Alanna Loehnis and I represent the students here at the Maui College and I'm on student government. So I would like to say that you guys are an inspiration for me to possibly have one of your seats in the future. But I just want to say that I do support this measure and I...

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

MS. LOEHNIS: Yeah. I moved to Maui three years ago with \$2,500 in my pocket and a 1-way ticket and I do find that student government is my passion, but I love to hear from the people. I really want to know what's on their mind if we're doing a good job or if we're not. I talk to the chancellors, I talk to the vice-chancellors and I talk to my teachers and I get extra credit for being here today. But I just want to say at the end of the day that we need to engage everybody and get them involved. I may be the youngest person in this room because I care and I want to see this island grow. And the rest of the islands are watching us, so I just hope that you guys realize that you have to own it. You guys have the power and you guys have to do what's best for the

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

future, for my baby because I'm three months pregnant. And to see how things are, have been for the last 3 years, I can only imagine what it's going to be like in the next 20 years. So I just want to say, thank you for your time and it's past my bedtime, so I'm going home now.

CHAIR TAKITANI: Thank you very much, Alanna. I think she specifically requested no questions.

MS. LOEHNIS: Well, I have to take the County bus, which we don't know when that will be here. Go for it, Jonathan.

MEMBER STARR: Very quickly, in, if we move forward with this discussion, what would be a way to get the pulse of the feeling of the student body?

MS. LOEHNIS: Oh, maybe bring pupus and drinks. We had the Young Democrats here and we do a float the vote to try to get students involved and most of them don't even know what student government is or what advocacy is and I think, how do I tell the students that, tell me what's on your mind? You pay a student fee. We all pay taxes and at the end of the day, it always comes down to our time and our money and we're all in meetings. I was in a meeting this morning at eight o'clock, but it's because I care and I take the time and I kinda feel like we need to stop sitting behind our desks and shuffling the paper and we need to get out there and talk to the people and see what's really going on. So thank you for your time, you guys.

CHAIR TAKITANI: Thank you, Alanna.

MS. LOEHNIS: Have a good evening --

CHAIR TAKITANI: Bye.

MS. LOEHNIS: --and get home safe, aloha. And I'll be here tomorrow at eight o'clock. Oh, put the chairs up.

CHAIR TAKITANI: Put the chairs up.

MS. WILLENBRINK: State your name if you'd like to testify and you can fill out a form after.

MS. KAMEKONA: I did.

MS. WILLENBRINK: I don't...

CHAIR TAKITANI: No, she's the final one?

MS. WILLENBRINK: Oh, you're Kamekona, I'm sorry. I gave my...your form back already.

MS. KAMEKONA: Okay.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Kim's had a long day.

MS. KAMEKONA: Aloha, Chair and Members of the Special Committee. Mahalo for allowing me to come and testify this evening on my behalf. As I have heard the testimony this evening, I have surmised the following. I would like to preface my surmise by saying this. Money shall not govern politics, nor should politics govern money. In the business world, we have board of directors. They choose the CEO or ED of a business or an organization. By doing that choosing, it is upon education, professional experience and professionalism. The tenure of that CEO or ED is dependent upon the success of the organization or the hui in which that CEO is governed. I analogized the county council-mayoral and county manager framework in this way. Your mayor, whatever title, role, position he or she holds, along with the county council would collaboratively vet county manager, dependent upon education, professional experience and professionalism. In turn, that county manager will then vet department heads, also again, dependent on education, professional experience and professionalism. Their tenures should be dependent upon the success of the government. Upon the success of the government, not upon political contributions or the good old boy network, which currently exists in our government. Mahalo.

MEMBER DeLEON: Can you give us your name?

MS. KAMEKONA: Carol Lee Kamekona.

MEMBER DeLEON: Okay. Thank you.

MS. KAMEKONA: Mahalo.

MS. WILLENBRINK: Thank you, and again I apologize for the...

CHAIR TAKITANI: Is there anyone else wishing to testify? You really don't have to.

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

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: Chair?

CHAIR TAKITANI: Yes?

MS. WILLENBRINK: Should I check with the District Offices one more time?

CHAIR TAKITANI: Please, and thank them.

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

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

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

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

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

MS. WILLENBRINK: Thank you, Denise.

CHAIR TAKITANI: Thank you all for bearing with us on Lanai and Hana. At this time I guess if there's no objections, I'd like to close the public testimony.

MEMBERS VOICED NO OBJECTIONS.

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

CHAIR TAKITANI: We don't have any more meetings scheduled. We need to schedule one. I don't know if people have...I'm only...yes?

MEMBER DeLEON: I'm going to be out of state from the 17<sup>th</sup> to the 29<sup>th</sup>.

CHAIR TAKITANI: Okay. So am I. So is it possible, we've checked a couple of dates. Are people available on Thursday, March 31<sup>st</sup>?

MEMBER HAYNES: Yes.

MEMBER STARR: Yes.

CHAIR TAKITANI: Thursday, March 31<sup>st</sup>.

MEMBER FILIMOE`ATU: Chair?

CHAIR TAKITANI: I'm sorry?

MEMBER FILIMOE`ATU: There wasn't one scheduled for the 24<sup>th</sup>?

CHAIR TAKITANI: No. We haven't scheduled any more. This is our last scheduled meeting.

MEMBER PHILLIPS: Does that allow us enough time to get things done?

CHAIR TAKITANI: I'm sorry?

MEMBER PHILLIPS: Does it allow us enough time to get things done?

CHAIR TAKITANI: I think so. Yeah 'cause there's going to be several Members that cannot make it anyway on the 24<sup>th</sup>.

MEMBER FILIMOE`ATU: Oh, okay.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: So, so far, is anyone not available on March 31<sup>st</sup> at about...what are we doing during...is it one o'clock or...

MEMBER DeLEON: One o'clock.

CHAIR TAKITANI: At one o'clock. Anyone not available? And, Kay, we haven't asked Kay yet; but she's retired right?

MS. WILLENBRINK: We only need a quorum to have a meeting; so if Kay cannot come, that would not be what...the worst thing. But we could...I have learned that if we put on the agenda that the Molokai Member and the Lanai Member can go to their district office and participate in the meetings, that will be an option.

CHAIR TAKITANI: Okay. I want the next meeting everyone to be here. So if somebody cannot make it, we need to look for another date. And Tamara is saying...I'm not clear what she's...

MEMBER PALTIN: April 7<sup>th</sup> works better.

CHAIR TAKITANI: Is April 7<sup>th</sup> available?

MS. WILLENBRINK: April 6<sup>th</sup>.

MEMBER DeLEON: Not for me.

CHAIR TAKITANI: What about April 6<sup>th</sup>?

MS. WILLENBRINK: Chair, if I may make a clarification?

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: As of March 24<sup>th</sup>, we will not have access to the Council Chamber --

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: --so we did check with the Planning Department, and March 31<sup>st</sup> and April 6<sup>th</sup> are available for a meeting.

CHAIR TAKITANI: This is in the Planning Department? Tamara, can you check March 31<sup>st</sup>? You know what, why don't we go ahead and set it for March 31<sup>st</sup> and if we all gotta chip in so she can take the day off, we going collect from you guys.

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Yes?

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

MEMBER STARR: Mr. Chair, 24<sup>th</sup> of March is when we had a meeting scheduled. I'd hate to put a...

CHAIR TAKITANI: We have no meetings scheduled on March 24<sup>th</sup>.

MEMBER FILIMOEO`ATU: I had that, too.

CHAIR TAKITANI: Yeah, we don't have it. No, and several of us cannot make it. And I think, you know, I agree with some of the testifiers tonight that it's time for us to talk about this. So we'll work with Lori and see how we proceed on the 31<sup>st</sup>, but be prepared, do your homework, be ready to go wherever this discussion goes.

MEMBER STARR: Yeah, Mr. Chair, I'm hoping that we will have a real facilitated discussion.

CHAIR TAKITANI: We will have a discussion, and Lori will work with us to have this...

MEMBER STARR: I'm hoping that you will allow Lori to do a proper facilitated discussion where we can actually state our ideas and discuss what we're looking at doing and try to get lists of what we think may or may not work.

CHAIR TAKITANI: I don't think there's been a single time when anybody disallowed you from sharing your ideas and you're not going to stop.

MEMBER STARR: The only opportunity we have to talk is to question testifiers. We have not had the opportunity to have a discussion. If we don't have it at the next meeting, I'm going to --

CHAIR TAKITANI: We will...

MEMBER STARR: --really be upset.

CHAIR TAKITANI: What are you going to do, stomp your feet? We will have it on March 31<sup>st</sup>.

MEMBER STARR: Thank you.

MEMBER FRIEL: I have a question.

CHAIR TAKITANI: Yes?

MEMBER FRIEL: Lori, if we have questions about some of the research...there's like just a few questions I have, I just want a little bit more clarification. May I e-mail you in regards to just clarification on some of the...

MS. TERAGAWACHI: Okay. Ask your question again.

MEMBER FRIEL: May I e-mail you for clarification just on like one or two points of all the different documents that we've had? Thank you.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: While it's admirable and ...*(inaudible)*...

MEMBER STARR: Yeah, cannot.

CHAIR TAKITANI: Let me check with the attorneys.

VICE-CHAIR SCHAEFER: Okay. So what I'm suggesting is that we have this meeting . . .*(inaudible)*. . . until March 31<sup>st</sup>. I think there would be more...

CHAIR TAKITANI: Let me see. I don't know if we can do that. Well...

VICE-CHAIR SCHAEFER: Okay. So Council does it all the time.

MEMBER STARR: No, we can only do it within I think seven or eight days or something like that.

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

VICE-CHAIR SCHAEFER: Okay. Well I was trying to --

CHAIR TAKITANI: Wait.

VICE-CHAIR SCHAEFER: --get this moved . . .*(inaudible)*. . .

CHAIR TAKITANI: Okay, go ahead.

MR. GIROUX: Thank you, Chair. Is this on? Now that we cleaned the...cleared out the room...no. I discussed with Dave. Basically, what you are talking about is having a recess. And, you know, we've...and Daniel just left, Kanahale. And that's what rose the last problem with the Kanahale case was recesses. But, yeah, we're looking at that if we can keep this recess under 30 days we should be fine. So March 31<sup>st</sup> should be within that timeframe.

CHAIR TAKITANI: And what is the purpose of this, so that we don't have to take testimony?

VICE-CHAIR SCHAEFER: Yes. So that we have discussion. And what it does is get...there's no requirements . . .*(inaudible)*. . . you can do it at the end if we wanted. So it probably should be said on the agenda so that should we wish to have...allow public testimony and end the meeting, that's up to the Chair. So we'll blame it all on you . . .*(inaudible)*. . . modify the agenda . . .*(inaudible)*. . . --

CHAIR TAKITANI: Yes?

VICE-CHAIR SCHAEFFER: --public testimony...

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Hang on, hang on.

MS. WILLENBRINK: The way a recessed meeting works is like Mr. Giroux explained, can recess for up to 30 days. All that can happen is at the top of the agenda we'll put, this meeting has been recessed to such and such a date.

CHAIR TAKITANI: Is the agenda...

MS. WILLENBRINK: Testimony is closed.

CHAIR TAKITANI: So is the agenda for today's meeting does it allow us to...

MS. WILLENBRINK: To recess.

CHAIR TAKITANI: No. Does it allow us to --

MS. WILLENBRINK: Actually, no.

CHAIR TAKITANI: --to have discussion?

MS. WILLENBRINK: Actually, it does allow us to have a discussion today; but we could not recess this meeting because the location would have to be here again.

CHAIR TAKITANI: I have no problem with taking testimony if we have to.

VICE-CHAIR SCHAEFER: Well, the point is...

CHAIR TAKITANI: We'll just...we'll limit it to a minute or something or...

VICE-CHAIR SCHAEFER: Yeah, the point was not to say that you didn't want to hear from the public, the point that we're or that I was trying to make was --

CHAIR TAKITANI: I understand.

VICE-CHAIR SCHAEFER: --that we have listened to a lot of testimony and we've had no time for us to discuss among ourselves. And I think the public pointed that out tonight, when are we going to get on it so...

CHAIR TAKITANI: Well, they're here so, you know, maybe they won't testify, but...

MEMBER HAYNES: I'm confident the Chair can handle this.

CHAIR TAKITANI: We'll figure it out.

MEMBER HAYNES: Okay.

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

**March 10, 2016**

---

CHAIR TAKITANI: Okay. We are adjourned then, right?

VICE-CHAIR SCHAEFER: No, no, we're not adjourned, Tony.

CHAIR TAKITANI: I don't know, I nevah hit 'em yet. What do we need?

VICE-CHAIR SCHAEFER: We're recessed.

CHAIR TAKITANI: No.

MS. WILLENBRINK: We cannot.

CHAIR TAKITANI: We're adjourned. . . .*(gavel)*. . .

**ADJOURN:** 8:26 p.m.

APPROVED:



---

TONY TAKITANI, CHAIR  
Special Committee on County  
Governance

cg:min:160310:jb

Transcribed by: Joanne Bista

**SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES**  
Council of the County of Maui

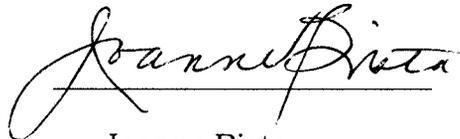
**March 10, 2016**

---

CERTIFICATE

I, Joanne Bista, 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 7<sup>th</sup> day of April, 2016, in Kahului, Hawaii

A handwritten signature in cursive script that reads "Joanne Bista". The signature is written in black ink and is positioned above a horizontal line.

Joanne Bista